

On Living in Reconciliation: Hannah Arendt, Agonism, and the Transformation of
Indigenous–non-Indigenous Relations in Canada

by

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B.A. (Honours), Carleton University, 2011

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Supervisory Committee

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Abstract

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This thesis considers the limitations of redress measures for injustices against Indigenous peoples in Canada and seeks to provide an alternative account of reconciliation that aims towards addressing these limitations. Current reconciliation and treaty processes designed to address Indigenous claims have resulted in a disconnect between material and symbolic or affective harms and are insufficiently reciprocal and receptive to the multiplicity of conflicting accounts of history to meaningfully effect a transformation of Indigenous-non-Indigenous relations. Furthermore, current processes aim towards closure with respect to past injustices instead of establishing lasting political relationships through grappling with diverse perspectives on those injustices. This thesis engages with these challenges by exploring Indigenous-non-Indigenous relations in Canada through the lens of Hannah Arendt's relational, non-instrumental account of politics and recent literature on agonistic reconciliation in order to propose an alternative account of living in reconciliation through treaty relations.

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Introduction

Power is actualized only where word and deed have not parted company, where words are not empty and deeds not brutal, where words are not used to veil intentions but to disclose realities, and deeds are not used to violate and destroy but to establish relations and create new realities.

*- Hannah Arendt
(1959, 178-179)*

Just over six years ago, the Prime Minister of Canada stood in the House of Commons and issued an apology to the Indigenous peoples who were removed from their communities and sent to residential schools whose purpose was to wipe them of their own languages, cultures and ways of life and to assimilate them into Canadian society. The apology coincided with the settlement of a major class-action lawsuit launched by the survivors of residential schools, and the establishment of the Truth and Reconciliation Commission of Canada (TRC), which is mandated through that settlement to gather the stories of survivors and to investigate the history of the residential schools policy and its legacies. Over the course of those six years, the government has frequently proclaimed its commitment to truth and reconciliation and to fulfilling the terms of the settlement agreement. During that time, however, many political developments have taken place that contradict this spirit of establishing a new relationship between the state and Indigenous peoples. Despite having committed to fulfil the terms of the settlement agreement, the government has proved to be uncooperative with respect to its duty to release millions of archival documents relating to residential schools to the TRC, even after having been taken to court by the TRC and ordered by a judge to do so (Truth and Reconciliation Commission of Canada 2012a, 16; Canadian Press 2013a). In the winter of 2012-2013,

resistance to an omnibus bill that included major changes to several pieces of legislation regarding Indigenous lands and environmental protection measures and frustration over a lack of consultation with Indigenous peoples about these changes spurred the development of the Idle No More movement (CBC News 2013). The recent release of a report by the RCMP revealed that the alarming number of cases of missing and murdered Indigenous women and girls is even higher than initially projected, but the government has refused to call a national inquiry, even though there is widespread support for one (CBC News 2014a; Mas 2014). Indigenous groups across the country have decried a lack of meaningful consultation with regards to resource development projects on their territories, including the Northern Gateway pipeline, chromite mines in the Ring of Fire in Northern Ontario, seismic testing in Nunavut, and shale gas exploration in New Brunswick, as well as with respect to legislation regarding Indigenous peoples' autonomy in governing their own communities such as the First Nations Control of First Nations Education Act (Union of BC Indian Chiefs 2013; Canadian Press 2013b; CBC News 2014b; Schwartz and Gollom 2013; Canadian Press 2014). Shortly after the TRC got underway, the government decided not to renew funding to the Aboriginal Healing Foundation, which supported community-based healing initiatives in Indigenous communities (CBC News 2010). In addition to these events, processes established to address historical injustice claims regarding forced assimilation (in the form of the Indian Residential Schools Settlement Agreement (IRSSA)) and land and treaty rights (in the form of the specific and comprehensive land claims processes) have also been widely criticized on various counts.

This sampling of political decisions and events that have developed concurrently with the establishment and implementation of an official process of reconciliation reveals a dissonance between the words of official reconciliation discourses and the deeds that shape Indigenous-state relations in practice. In this thesis, I seek to engage with that disconnect between words and deeds and to inquire into the critiques of processes aimed at addressing historical injustices in order to explore an alternative orientation towards reconciliation than that expressed in the state's approach that is better equipped to meaningfully engage in transforming relationships between Indigenous and non-Indigenous peoples in Canada. How this can be done is a critical question facing Canadians as the TRC nears the end of its mandate. Faced with the legacies of a politics of domination, embodied in individual and communal direct and intergenerational trauma and a stark disparity in living conditions and socio-economic indicators, it seems clear that if this approach to politics leads to such harm, then it is time to rethink the meaning and purview of political relationships and how we engage with each other politically. This requires a critical interrogation of our history and political traditions to try and understand the patterns of thinking that shaped past interactions and the ways in which these patterns continue to emerge in our interactions in the present.

In order to reflect on this, I turn to the work of a political theorist who dedicated her life to considering how to build a common world in the face of terrible wrongs and to emphasizing the importance of the connection between thought, word and deed in political action. Unlike much political theory which conceives of politics as the exercise of power by some people over others, Hannah Arendt presents an unconventional account of politics that is rooted in relationships of respect between unique yet equal people who

sustain their interactions through promise making and forgiveness, and that emphasizes the importance of connecting words and deeds to a meaningful engagement with the perspectives of others who their actions will affect. Through Arendt's conception of politics, an alternative approach to reconciliation that mirrors the characteristics of political action emerges, which I suggest provides a better way for thinking about how to engage in reconciliation in the Canadian context.

As we grapple with questions about how to think about politics in a context marked by epistemological differences, there is something that does seem a bit dissonant in once again invoking the work of a Western theorist to address political relationships with Indigenous peoples. There are two things that I would like to clarify on this point. Firstly, I think it is important to note that the work of a prominent thinker in the Western tradition itself points towards the need for a reorientation in our approach to politics and enables a reconceptualisation of political relationships. It should thus not be entirely strange and unthinkable to imagine approaching thinking and acting differently. Secondly, my aim here is not to comment on Indigenous politics, but rather to offer some thoughts on a theoretical lens through which non-Indigenous peoples might come to see themselves and their own political traditions differently, which might allow us to meet the challenges we are facing in Canada by shifting or expanding our perspective on the project of reconciliation with Indigenous peoples. My focus in exploring the idea of reconciliation as a political relationship between Indigenous and non-Indigenous people in Canada is to reflect on what responsibilities non-Indigenous people bear for establishing or renewing and maintaining this relationship, and what kinds of considerations it is important to have in mind as we approach that task.

In order to engage with these questions, this thesis is comprised of three broad avenues of exploration. In the first chapter, I begin by examining the official state approach to reconciliation as consisting of the implementation of the IRSSA and presenting some of the main critiques of this approach to reconciliation. From these critiques, I draw out a series of characteristics that a more meaningful and potentially transformative approach to reconciliation would embody, and I suggest that such an approach mirrors many aspects of Arendt's theory of political action. In the second chapter, I take up Arendt's work in greater detail and explore the main themes in her thought that are particularly relevant to the consideration of historical injustice and reconciliation. I also explore the work of a series of contemporary political theorists whose work on reconciliation in divided societies reflects an Arendtian conception of politics, and suggest that the agonistic approaches to reconciliation they present serves to illuminate a vision of reconciliation as a political relationship that is shaped by each of the characteristics identified in the previous chapter. In the third chapter, I ask what the enactment of such a relationship might look like in the Canadian context, and observe a number of parallels between agonistic theories of reconciliation and Indigenous peoples' accounts of treaty relations. The chapter then presents an initial exploration of the possibilities of thinking treaty relations and reconciliation together, which is an important avenue of investigation given the centrality of treaty making in the initial establishment of relationships between Indigenous peoples and European settlers and given the consistent calls by Indigenous peoples in their claims for justice for Canadians to honour treaties. It distinguishes between Indigenous visions of treaty relations and contemporary treaty processes, and presents a series of critiques of these processes in order to

demonstrate that they are beset by many of the same limitations as the state's approach to reconciliation. By using Arendt's work to explore practices of treaty making and the official project of reconciliation, I seek to shed light on how they might both be understood as components of a process of "living in reconciliation" (see Van der Walt in Schaap 2008, 259), as well as on the ways in which both sets of processes suffer from predetermined limits, a dearth of reciprocal receptivity, and disconnection between words and deeds. In presenting an alternative vision of reconciliation as a reciprocal, receptive relationship of ongoing and open-ended political negotiation, I hope to suggest a different mode of approaching these processes and understanding the ways in which they are interrelated that will open up new possibilities for transforming relationships between Indigenous and non-Indigenous people in Canada.

Chapter I: Truth and Reconciliation in Canada

Introduction

In a recent piece published following the conclusion of the TRC's final national event, Justice Murray Sinclair, the chair of the Commission, argues that the work of reconciliation needs to be understood as a process that includes all of Canadians and is not simply the purview of Indigenous people. He writes,

A commitment to change will also call upon Canadians to realize that reconciliation is not a new opportunity to convince aboriginal people to 'get over it' and become like 'everyone else.' ... It is an opportunity for everyone to see that change is needed on both sides and that common ground must be found. We are, after all, talking about forging a new relationship, and both sides have to have a say in how that relationship develops or it isn't going to be new. (2014)

This statement contains within it indications of many concerns about and criticisms of the current mainstream orientation towards reconciliation in Canada. While the advent of the apology for residential schools and the establishment of the TRC ostensibly heralded the beginning of a new and better relationship between Indigenous and non-Indigenous people in Canada, many fear that the result of this reconciliation project will in fact be greater assimilation as Indigenous people are welcomed into mainstream society such that all Canadians can then "move forward" together. This is regarded as an imposed vision of reconciliation, and furthermore as one that ignores the many other historical injustices that accompanied the residential schools policy as part of colonization, as well as the enduring injustices that persist today in the form of legal subjugation and socioeconomic marginalization. This runs counter to Sinclair's vision of reconciliation

and a new relationship, in which it is critical to move away from “Canada’s unilateral use of law to define and limit that relationship” (2014). While he acknowledges that institutional change will certainly be a necessary component of transforming the relationship, he argues that ultimately reconciliation is a process that needs to occur between people in their daily interactions. In both spheres, the vision of reconciliation presented by Sinclair is one that entails reciprocal engagement. This addresses another concern, which is that the Canadian state’s approach to reconciliation thus far has not been one that has drawn Canadian citizens into the process or expressed a vision of reconciliation as an active and engaged relationship between Indigenous and non-Indigenous people in Canada. Instead, many people have criticized the state’s approach for fixating on achieving closure and concluding legal liability. This begs the question: what is needed in order to transform the current approach into the type of commitment to change called for by Sinclair?

This chapter explores a range of critiques of the dominant approach to reconciliation in Canada in order to determine what components an alternative approach better suited to the collective establishment of a new relationship founded on reciprocal engagement might include. It begins by providing a bit of context regarding the implementation of the official truth and reconciliation project, and then presents a series of accounts that critique this approach on the basis of its overly narrow focus on the residential schools policy to the exclusion of a host of other historical and continuing colonial injustices, its orientation towards the relevance of history, and its uncompromising stance on state sovereignty and authority with respect to the relationship between Indigenous peoples and the Crown. I argue that these critiques point to the need

for a reorientation towards a form of reconciliation that is relational, reciprocal, receptive, ongoing and open-ended, and open to multiple conceptions of history and temporality.

Truth and Reconciliation in Canada

Over the last six years, Canada has joined the growing list of countries that have implemented transitional justice measures as a means to try and bring together a divided society. While typically these mechanisms are employed in conjunction with transitions to democracy in countries that have experienced civil wars or authoritarian regimes, transitional justice measures such as truth commissions, political apologies, and reparation payments are increasingly being employed or contemplated in non-transitional consolidated democracies that are seeking to address issues of historical injustice and colonial violence that have accompanied their foundation and consolidation. In Canada, these measures have been implemented in response to legal challenges against the Canadian government by Indigenous peoples who were subjected to its Indian Residential Schools (IRS) policy, through the IRSSA. Under the IRS policy, approximately 150, 000 Indigenous children were sent to government-funded, church-run boarding schools to be “civilized” and Christianized as part of a plan to assimilate them into the settler society and economy. These children were separated from their families and home communities, and forced to abandon their own languages and spiritual and cultural beliefs in favour of English or French and a rigid adherence to Christianity under the strict guidance of the priests and nuns who ran the schools. The hope was that they would lose their ties to their homelands and ways of life, and acquire the mentality and skills necessary to enable the further settlement of Canada and have them participate in

the new economy that settlement brought (see Truth and Reconciliation Commission of Canada 2012b, 6, 10; Haig-Brown 1988; Miller 1996; Milloy 1999). Indigenous peoples and particularly residential school survivors struggled for a long time to publicize their experiences at the schools and the ways in which this had affected their lives and communities, in the face of persistent denial and silence on the part of the Canadian government and mainstream society. In 2006, a major class-action lawsuit launched by residential school survivors culminated in the IRSSA, which was negotiated between representatives of the Assembly of First Nations, the federal government, and the churches that were responsible for running the residential schools. This settlement agreement is comprised of a Common Experience Payment to be distributed to former students based on the number of years they attended residential school, an Independent Assessment Process through which students who experienced psychological, physical or sexual abuse can seek additional compensation, funding for commemoration projects, support for community healing projects in the form of funding for the Aboriginal Healing Foundation, and the establishment of the TRC.

The approach to reconciliation that has been implemented in Canada through the IRSSA is distinct from approaches in other countries also grappling with redressing historical injustice in a variety of ways, many of which have drawn criticism from Indigenous people as well as scholars of transitional justice and Indigenous politics. While the notion of “reconciliation” is fairly ubiquitous in discussions about Indigenous-non-Indigenous relations in Canada nowadays, the concept itself remains somewhat nebulous and seems to mean many different things to different people, and is used quite differently in different settings. Mark Walters discusses some of these uses in his

investigation of the connection between reconciliation in Canadian Aboriginal rights jurisprudence and reconciliation in political theory, suggesting that the many different uses of the word reconciliation might be divided into three broad forms: reconciliation as resignation, reconciliation as consistency, and reconciliation as relationship (2008, 167). The first is necessarily one-sided or asymmetrical, as in when a person must come to accept circumstances that are unwelcome but beyond his or her control; the second might be symmetrical or asymmetrical depending on whether adjustments are made to one or both sides, as occurs with the reconciliation of financial documents; and the last must always be reciprocal to a certain extent because, for instance, two people reconciling after a falling out requires the agreement of both to restore amicable relations. Walters notes that while reconciliation as consistency can be imposed without the consent of the people it affects, “[r]econciliation as either resignation or relationship cannot be imposed from without; it is a condition at which people arrive themselves” (168). Becoming resigned to an undesirable situation requires choosing to do so, as does choosing to resolve your differences through apology, atonement or forgiveness. Of the three forms, it is reconciliation as relationship that is a “morally rich sense of reconciliation” (168). However, the latter form is not always necessarily that which manifests or even that which is pursued by all parties to the reconciliation process, as is made clear by the many disputes between Indigenous groups and the state over the scope, meaning and form of reconciliation in Canada. This ambiguity points to the need for a clearer understanding of the issues facing the conceptualization of reconciliation in the Canadian context, and a theoretical framework that is capable of addressing these challenges.

Critiques of the Canadian Approach to Reconciliation

In her investigation of the use of transitional justice mechanisms in the nontransitional Canadian setting, Courtney Jung points to three broad areas of tension between governments and Indigenous peoples with regards to what transitional justice measures are meant to address and how: the scope of the injustices in question, the orientation towards history and how it relates to present-day circumstances and responsibilities, and the nature and legitimacy of state sovereignty and authority (2011, 217-218). These sources of tension encapsulate a variety of critiques of the government's vision of reconciliation in Canada and the way it has been implemented, and point to numerous sites of contestation that complicate the meaning of notions of "reconciliation," "healing," and "moving forward" with respect to Indigenous-non-Indigenous relations, raising important questions about the political nature of reconciliation and the responsibilities such a process might place upon non-Indigenous people.

Limits of the Scope of Injustice

Although the IRS policy was a key component of colonial policy and historical injustices perpetrated against Indigenous peoples, it was only one part of a broader colonial project. As Jung writes,

The residential school system was not an aberration in Canadian government policy toward First Nations. The system was of a piece with other racist and discriminatory practices that have structured aboriginal life and life chances for the past three hundred years, mostly under the sheltering umbrella of the Indian Act. (2011, 230)

However, the state-sanctioned project of reconciliation implemented through the IRSSA addresses only the IRS policy and its legacies of direct and intergenerational

psychological, physical, sexual, spiritual, and cultural trauma, with a particular victim-centred focus on the experiences of residential school survivors to the exclusion of a more forensic investigation of individual and institutional perpetrators (James 2012). To a degree this focus can be attributed to the fact that transitional justice was introduced in Canada as part of a negotiated settlement to a major class-action lawsuit that dealt particularly with the abuses suffered by Indigenous people in residential schools. Several scholars have pointed out that the agreement developed at least in part as a result of the demands of survivors and reflects their priorities, particularly with respect to having the opportunity, through a truth and reconciliation commission, to share their stories with a Canadian public that had long refused to acknowledge their experiences of suffering (Henderson and Wakeham 2009, 13; James 2012, 184; Nagy 2012, 3). However, as Jennifer Henderson and Pauline Wakeham note, although the IRSSA reflects the demands of residential school survivors for a process of reconciliation through a truth commission and as such should not be dismissed as merely ideological, “that demand for reconciliation has been subject to some significant translation” (2009, 13). This translation, in terms of the particular vision of reconciliation reflected in state rhetoric and policy choices, focuses narrowly on the IRS policy as a “discrete historical problem of educational malpractice rather than one devastating prong of an overarching and multifaceted system of colonial oppression that persists in the present” (2009, 2; see James 2014, 4). As such, while Indigenous peoples’ calls for reconciliation and stories of their time in residential schools have explicitly made connections between the IRS policy and their broader experiences of colonization and have appealed to the need for political change to decolonize the relationship between Indigenous peoples and the Canadian state,

the state has indicated that its commitment to reconciliation is embodied solely in the apology and the TRC and its other obligations under IRSSA (Nagy 2012, 13-14).

Many Indigenous peoples and both Indigenous and non-Indigenous scholars have decried the failure to draw connections between the residential schools and other colonial injustices committed against Indigenous peoples in both the apology and the state's commitment to a carefully delimited form of redress, arguing that neither the residential schools nor the project of reconciliation can be understood without due consideration of other injustices of colonization such as the dispossession of land and the paternalistic control of Indigenous peoples' lives through the *Indian Act* (Nagy 2012, 2; Alfred 2010, 7; Rice and Snyder 2008, 49-53). This is not only to say that the residential schools were just one among many injustices committed against Indigenous peoples, but that the schools were in fact deeply connected to the broader colonial project in that they were designed as an instrument of assimilation and dispossession. As the TRC's report on the history of residential schools describes, the Crown signed treaties with Indigenous peoples on the understanding, contrary to Indigenous visions of treaty relationships, that they constituted land transfer agreements through which they would extinguish Indigenous title to the land, and its policy "was one of assimilation under which it sought to remove any First Nations legal interest in the land, while reducing and ignoring its own treaty obligations. Schooling was expected to play a central role in achieving that goal" (Truth and Reconciliation Commission 2012b, 7). By assimilating the Indigenous population through residential schooling, in conjunction with the legislation around Indian status and enfranchisement laid out in the *Indian Act*, the government sought to

end “the economic and social responsibilities the government took on through the treaty process” (11, 12).

By focusing on the IRS policy as the only harm to be repaired, as Dakota scholar Waziyatawin describes, Canada avoids taking responsibility for the harms of this broader project of colonization. She writes,

Because of the extensive violence of the residential school experience, we have been trained to forget that the schools were used as a tool to disconnect us from one another, from our spirituality and cultures, and from our lands. They were designed to compel our complete subjugation to the colonial state. Thus, the schools had served a larger colonial project. (2009, 193)

One example of this avoidance is the way the government’s 2008 apology might be seen as discursively distilling the entirety of Indigenous-non-Indigenous relations into the IRS policy, delimiting it as a discrete problem by choosing not to address the issue of colonialism (Henderson and Wakeham 2009, 2; Miyagawa 2011, 362). Tsalagi scholar Jeff Corntassel and Cindy Holder draw on Andrew Woolford’s concept of “affirmative repair” to describe the way in which the state employs a “politics of distraction” by focusing on only the residential schools in order to avoid addressing Indigenous peoples’ claims to their cultural and physical homelands, which a more transformative approach to repairing past harms would require (Corntassel and Holder 2008, 468, 471; Woolford 2004). According to Woolford, affirmative approaches to reparation tend to be oriented towards the pursuit of certainty rather than justice:

Affirmative repair goes beyond placing limits on justice for purposes of promoting immediate social, economic and political stability. Affirmative repair is instead *constitutive* in that it seeks to predetermine the reparative settlement and to assimilate the claimant group to the existing social order. It does this through attempts to bracket discussions of justice in the reparative process so as to restrict the process to issues deemed economically and legally feasible. Moreover, when reaching settlements,

affirmative repair offers only surface forms of recognition and redistribution that do not threaten to radically transform society; rather, these symbolic and material disbursements are directed toward affirming the prevailing social order. (2004, 432)

While Henderson and Wakeham concur that the state has struggled to contain the scope of the injustices acknowledged in Canada's commitment to reconciliation within the bounds of a project of affirmative repair, they note that this ought not to be interpreted as a necessarily successful containment, nor as a reason to be entirely cynical about the apology and the reconciliation process (2009, 4, 6). They suggest that the struggle to narrow the scope of the injustices acknowledged itself "points to colonialism's uneasy status as a purportedly finished project," noting that the persistence of unaddressed injustices and claims of Indigenous peoples with respect to land and self-determination "threaten to take the open secret of ongoing colonial oppression and reconstitute it as an outright scandal for a self-proclaimed liberal democracy" (4). Although the government may seek to limit the scope of reconciliation to the issue of residential schools, Indigenous leaders are persistent in challenging this narrow focus and drawing connections between the schools and other aspects of colonialism. Through this contestation a public space is opened wherein the dominant conception of colonial injustice may be deconstructed or broadened to include issues beyond the physical and sexual abuse at residential schools that is the most frequent focus of public conversation (Nagy 2012, 9). An example of such broadening occurred with the recent release of historian Ian Mosby's (2013) report "Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942-1952," which revealed that the Canadian state had supported scientific experiments performed on Indigenous people without their knowledge or consent. While

many people reacted with shock to these revelations, James Daschuk (2013a) notes that they were not particularly surprising as the state had employed starvation and malnutrition in its dealings with Indigenous people on previous occasions as well. In his recent book *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life*, Daschuk details the ways in which the Canadian state employed techniques of forced malnutrition and starvation to coerce Indigenous groups on the prairies to sign treaties in order to open up the west for European settlement which, in combination with the rapid spread of diseases such as tuberculosis resulting from the relocation of Indigenous people onto overcrowded reserves, had devastating effects on the peoples of the plains (2013b, 100).

Although revelations such as these – which draw explicit connections between the government role in administering residential schools and other colonial policies enacted both in and outside of the schools – lend support to accounts that situate the IRS policy within the broader experience of colonization rather than conceptualizing it as an isolated harm, they risk being subject to the other rhetorical gesture that has been used to try and contain the scope of injustice in question. This is a temporal delimitation as opposed to a spatial one that materializes in frequently invoked notions of a “sad” or “dark chapter in our history,” which portray incidents such as the IRS policy or the nutritional experiments as being regrettable moments in Indigenous-non-Indigenous relations that belong to a previous time when Canadians were not as progressive as they are now. The invocation of these sorts of notions draws attention to important questions about the relationship between temporality and responsibility, as well as the role that history plays

in present relations. How these are conceived of is also a source of contention between the government and Indigenous groups and their allies.

Divergent Understandings of History and Temporality

Though they have agreed, through the IRSSA, to use transitional justice mechanisms to address a discrete set of wrongs focused on the IRS policy, Indigenous peoples and the Crown both have different reasons for doing so and different visions of what reconciliation could and should look like (Jung 2011, 218, 226). In addition to the spatial issues of scope raised above, this also affects the way different groups invoke the idea of history. The state, on the one hand, seeks to use discourses of reconciliation and mechanisms of transitional justice to draw a line between the past and the present in order to make a distinction between the policies of the past that they are accepting responsibility for and present policy, and to try to reach a conclusive resolution to their responsibility for the past. In this sense, as Jung describes, the transition sought by the government is to “an even playing field in which the government can no longer be held accountable for past wrongs” and will no longer be subject to “recriminations that keep it morally on the defensive” (2011, 231). For Indigenous groups, on the other hand, the purpose of transitional justice is quite the opposite – to serve as “not a wall but a bridge” that brings history into the present by demonstrating the ways in which past wrongs are often reinscribed as ongoing oppression through contemporary government policies (231). On this account, “the ‘transition’ is to a relationship in which connections between past and present are firmly acknowledged, and in which the past guides present conceptions of obligation” (231).

This latter approach faces obstacles to gaining traction as dominant tropes in the reconciliation discourse emphasize “closing a dark chapter in our history” and “moving on” or “forward.” The focus on closure and healing serves to relegate injustices to the past and disconnect them from experiences of continuing injustice or continuing privilege in the present. As Henderson and Wakeham suggest, the problem in contemporary Indigenous-non-Indigenous relations in Canada is not one of inadequate closure, but rather “one of repeated, pre-emptive attempts at reaching closure and ‘cure’” that do not recognise the ways in which history continues to shape experiences in the present and as such do not lend themselves to “justice-seeking and the kind of profound political changes that national ‘reconciliation’ could be made to mean” (2009, 7). Drawing on Jung’s description of Canada as a site of non-transition, Robyn Green suggests that the Canadian state’s approach to transitional justice might be understood as “redress as *therapy*” (2012, 129; emphasis in original). Here reconciliation is understood as a “cure” for past wrongs, where closure is sought through therapeutic and legal strategies rather than transformative political change, and Western ideas of “curing” are erroneously conflated with Indigenous discourses of “healing” when in fact the conceptions are at odds in a number of ways (130, 138). Green argues that “reconciliation as cure functions as a means to foreclose on the colonial past without investing in structural and epistemological ‘transition’ to a decolonized relationship between Indigenous people and non-Indigenous people” (129). While Indigenous conceptions of healing may focus on methodologies such as decolonization, restoration of land, and language revitalization that are tied to justice seeking and self-determination, and may understand healing as a process that does not necessarily have an end point, Western therapeutic approaches to

healing tend to fixate on pathologies to which particular forms of treatment can be applied in order to arrive at a moment of recovery or cure (136, 138).

Green suggests that the tendency to view these different visions of healing as the same “robs the concept of healing of its radical potential,” and warns against conceptualizing reconciliation as a process by which the national body politic can be cured of the ills of past trauma (136). She acknowledges that the steps that have been taken under the IRSSA are necessary components of a reconciliation process, but emphasizes that they must be understood as preliminary steps in a process of transformative structural change, and not as a cure for trauma or the achievement of reconciliation (146). In part, this requires an adjustment in how the past is understood in relation to the present, and resistance to a depoliticizing conception of healing that involves “adhering to a normative timeline of the modern” that is oriented towards curing the disease of Indigenous peoples’ trauma and the pathologies that have resulted from it such that they may become functioning members of society who contribute to the mainstream economy (Henderson and Wakeham 2009, 16-17; Green 2012, 137). Rather than rooting a commitment to structural change in active remembrance of past injustice, such depoliticizing approaches link therapeutic visions of individual healing with broader understandings of reconciliation as closure in the aftermath of injustice, and contain within them a “teleological drive toward forgetting” (Henderson and Wakeham 2009, 21).

Mitch Miyagawa, in an essay reflecting on the various apologies issued by the Canadian state over the past couple of decades, argues that the apology issued by Prime Minister Stephen Harper to residential school survivors serves as a prime example of this

drive to forget. He suggests that such political apologies “seem to break our link with history, separating us from who we were and promoting the notion of our moral advancement. They also whitewash the ways in which Canadians still benefit from that past” (2011, 360). In the case of the IRS apology, the fixation on redress for the residential schools policy – a harm located firmly in the past – allowed for the forgetting of “all the other ways the system had deprived – and continued to deprive – aboriginal people of their lives and land” (362). Susan Crean suggests that the de-personalization of history and disconnection between the ways in which the family histories of non-Indigenous Canadians are bound up in a national history of settlement, dispossession and assimilation, and the ways in which our present socioeconomic and political positionalities are rooted in those histories, make this easy to forget (2009, 62).

Addressing these connections between historical relations of oppression and injustice and the massive disparity in socioeconomic well-being between Indigenous peoples and non-Indigenous Canadians that persists today, along with working to overcome racism and colonial attitudes, is key to a project of reconciliation as decolonization (Nagy 2012, 11-12). In the face of all this forgetting, Kanien’kehaka scholar Taiaiake Alfred argues that real change in the relationship between Indigenous peoples and non-Indigenous Canadians requires a reckoning on the part of non-Indigenous people about “who they are, what they have done, and what they have inherited” (2009, 184). Conversely, if redress measures are designed in such a way that they aim to “neutralize a history” of wrongs rather than seeking to create such transformational change, it is inevitable that they will fail Indigenous peoples (Corntassel and Holder 2008, 466-467). This means that a systematic examination of the past is

required in order to hold both institutions and individuals accountable for their actions, as well as restitution for other colonial injustices such as the dispossession of land (487).

Contested Sovereignty and Authority

The impulse to restrict the spatial and temporal scope of injustices acknowledged to a discrete set of harms and to strive for closure instead of transformative structural change might be understood as a reassertion of Crown sovereignty and legal authority on the part of the government. The mobilization of transitional justice measures and discourses of reconciliation to this end can be seen as consistent with the current government's attempts to employ a human rights model in addressing Indigenous politics as a means to minimize state obligation towards Indigenous peoples and to undermine a push for collective rights to self-determination as well as social and economic rights (Jung 2011, 217-219, 226). The state's motivation to negotiate a settlement agreement stemmed from the desire to put an end to the huge wave of lawsuits being launched by residential school survivors, which also shaped its orientation towards transitional justice mechanisms as a tool for concluding legal liability for the residential schools policy (232). As indicated by Henderson and Wakeham's discussion of the "uneasy" status of the colonial project, the admission of legal liability for injustices committed against Indigenous peoples by the Canadian state, and particularly the acknowledgment that the scope of these injustices extends beyond the issue of residential schools to matters of land and resources, poses a risk for settler society as it raises with it questions about the legitimacy of Crown sovereignty and the possibility of competing Indigenous sovereignties that might threaten the status quo (2009, 4). In the face of such a threat, the

discourse of reconciliation is mobilized to “reinscribe a common national identity, legitimate the government, and to re-establish the moral authority of state sovereignty,” thus seeking to limit Indigenous claims to land and self-determination while using mechanisms such as apology and the TRC to highlight regret for past wrongs and fold Indigenous stories and experiences into the Canadian narrative (Jung 2011, 241).

Many scholars note that while processes such as the TRC may play an important role in the healing of some individual residential school survivors and their family members, as well as creating an important historical record, the particular orientation towards reconciliation that has been adopted in Canada threatens to perpetuate injustice if it is used to further entrench colonial relations with Indigenous peoples instead of fostering structural change (see Alfred 2009; de Costa and Clark 2011; James 2012; Jung 2011; Nagy 2012). Seeking to end injustice would require addressing those questions that have currently been left out of the discussion about reconciliation, pertaining to land, self-determination, and structural violence that continues to affect the daily lives of Indigenous peoples in the form of disproportionate underfunding of education and child welfare for Indigenous children, violence against Indigenous women, disproportionately high rates of incarceration, and subtle and overt racism, to name a few examples (Blackstock 2008; Nagy 2012, 19; Jung 2011, 246). Alfred writes, “without massive restitution... reconciliation will permanently absolve colonial injustices and is itself a further injustice” (2009, 181). This further injustice is manifest when the notion of reconciliation is mobilized “to ignore or even to normalize numerous other injustices of colonization” (de Costa and Clark 2011, 329).

Trying to find a more just way for Indigenous and non-Indigenous peoples to coexist in this land will require a more robust conversation about the restitution of land, political accountability for past and contemporary injustices, and the coexistence of Indigenous laws, customs, languages, and governance systems with those of the Canadian state than the state has been willing to entertain thus far. While many of these issues have in an official sense been left out of the reconciliation process, they have been raised in other arenas: the bulk of the discussion around Aboriginal rights and title, particularly following the entrenchment of Aboriginal rights in the *Constitution Act, 1982*, has taken place in the courts, while the comprehensive and specific claims processes have been established to address unresolved land claims issues and the British Columbia Treaty Commission has been tasked with overseeing treaty making with Indigenous groups in a province that is largely uncovered by historical treaties. While these processes are discrete from the state-sanctioned truth and reconciliation project, the word “reconciliation” does occasionally make an appearance in these other spheres as well; however, it often tends to mean something quite different from the affective implications the word holds in relation to the TRC.

Recalling Walters’s distinction between the three different forms of the word reconciliation, it would seem that the TRC is directed at pursuing reconciliation as relationship, but the word also appears in its other forms with respect to Indigenous-non-Indigenous relations in Canada. As Kiera Ladner and Michael McCrossan (2009) have shown, despite the opening provided by the entrenchment of Aboriginal rights in the Constitution in 1982, the approach to reconciliation that has dominated Aboriginal rights jurisprudence in the last thirty years has been reconciliation as consistency, in the sense

of reconciling whatever degree of Indigenous sovereignty is recognized *to* the dominance of Crown sovereignty. They suggest that while Sections 25 and 35 of the Constitution seemed at the time to create an opportunity for decolonization, Supreme Court decisions issued in the decades following 1982 have situated Indigenous peoples

firmly under the territorial control of the Crown. The Court has continued to ignore Aboriginal visions of both separate constitutional orders and co-existing sovereignties. Through its interpretation, the Court has continuously dealt with contestations of sovereignty by situating Aboriginal people as part of the Canadian collective and by creating a unified vision of sovereignty that subsumes Aboriginal nations under the Crown. (2009, 178)

Here, reconciliation may be understood as an asymmetrical process of rendering whatever degree of Indigenous sovereignty is recognized in the preexistence of Indigenous peoples prior to European settlement consistent with the unquestioned supremacy of Crown sovereignty. The Supreme Court may issue this interpretation regardless of the objections of Indigenous groups.

The work of negotiators and scholars of treaties and self-government agreements demonstrates that while political relationships between Indigenous and non-Indigenous peoples in Canada may have been negotiated and implemented on more equal footing during earlier periods in our shared history, the power relations that structure contemporary treaty and self-government negotiations and implementation mean that what might be considered reconciliation as resignation tends to prevail over reconciliation as relationships (Asch 2014; Blackburn 2007; Egan 2012, 2013; Irlbacher-Fox 2009; Penikett 2006; Woolford 2005). While these negotiations purportedly aim to establish fairer and more honourable relationships with Indigenous peoples, they are hampered by bureaucratic constraints that draw out negotiations and further cement power and

resource imbalances as Indigenous communities are faced with mounting debt and a lack of receptivity to their divergent visions of justice (First Nations Summit 2012; Woolford 2005). Paul Nadasdy has noted that while those negotiations that do result in a treaty or agreement may seem to be a positive change from the explicitly assimilationist policies of the past and can afford Indigenous peoples some increased control over their own lives, the negotiation processes have required the bureaucratization of Indigenous communities themselves, and thus the pursuit of self-determination has had the opposite effect of altering the distinct cultures and modes of organization that those communities are seeking to protect (2003, 2-3). The negotiations favour priorities and processes based on government interests that are imposed through the constrained mandates of government negotiators, which aim to establish certainty rather than to be receptive to Indigenous peoples' stories of social suffering and visions of justice and to seek to establish mutually agreed relationships based on changed perspectives (Irlbacher-Fox 2009; Regan 2010, 35, 87; Woolford 2005). In several respects, these negotiations are subject to many of the same critiques as the Canadian state's approach to reconciliation. These critiques, as they relate to treaty processes, will be discussed in greater detail in Chapter III.

Challenges in Reimagining Reconciliation

The critiques outlined above demonstrate the need for a theory of reconciliation that is capable of addressing a spatially and temporally broader scope of injustices. This broader understanding of reconciliation would involve taking into consideration questions of land, sovereignty, and the many ways in which history endures in the present. It would acknowledge that a transformative renegotiation of the relationship between Indigenous

and non-Indigenous Canadians would require more than discourses of reconciliation and would match rhetoric with action in a manner that is receptive and responsive to claims of injustice when current approaches fail or are not capable of addressing further harms that are revealed. It would aim towards reconciliation as relationship rather than reconciliation as consistency. This approach would understand that reconciliation is “necessarily political,” and requires empowering Indigenous nations in a way that would include addressing the non-negotiability of state sovereignty (Turner 2013, 110). As Anishinaabe scholar Dale Turner notes, it is erroneous to assume that “questioning the legitimacy of the unilateral assertion of state sovereignty is to question the legitimacy of the Canadian state” (110). Part of the problem when it comes to trying to have a more constructive conversation about what a Canadian state without colonial relations of imposed sovereignty might look like though, is that current approaches to grappling with Indigenous-non-Indigenous relations are trapped within the language of a dominant political discourse that in certain regards hampers both Indigenous and non-Indigenous peoples from conceiving of and pursuing alternative modes of engaging with each other that transcend assimilatory impulses, leading to a situation in which even exchanges that have certain concrete benefits for Indigenous communities continue to perpetuate forms of injustice.

Political theorist Nikolas Kompridis addresses this conundrum when he notes that the possibilities that exist for political action are functions of what he calls “vocabularies of intelligibility,” which shape understandings of what is intelligible and, therefore, what is possible (2011). While some vocabularies may be open to new possibilities, others disclose intelligibility and possibility

in a way that makes the very possibility of other genuine (not merely notional) possibilities seem unintelligible. They are vocabularies whose successful adoption requires ‘masking’ their own contingent status as sense-making, possibility-disclosing vocabularies. It requires that they assume a stance of closure and finality: the limits of their language are the limits of our world, the limits beyond which reasonable sense-making cannot go. (2011, 256)

These limits are visible in the state’s approach to reconciliation in all of the spheres where the concept is raised, whether in the attempts to establish a break with history in order to limit the scope of the injustices for which it must claim responsibility in the present, or in the circumscription of the terms of negotiation of treaties in the pursuit of economic certainty, or in the reassertion of the supremacy of Crown sovereignty.

This challenge is faced at multiple levels in society. While in many respects the political relationship between Indigenous peoples and Canada is a matter for negotiation between governments, it is also a set of relationships between citizens, and as such political reconciliation is a process that must occur at these various levels. Indeed, governments are not likely to engage in transformative reconciliatory politics without pressure from citizens. As Nagy writes, “it is likely that personal and community acts of settler decolonization will be needed to pressure the state to do likewise. Thus far, the government has signalled that the apology, TRC and IRSSA are *the* instantiation of reconciliation, rather than steps towards it” (2012, 17). She points out that to date, community reconciliation events have largely taken place within Indigenous communities rather than between Indigenous and non-Indigenous communities, and that with respect to the TRC non-Indigenous Canadians appear generally to be indifferent, lack knowledge or believe that it is only for Indigenous peoples, and suggests that the state’s limited commitment reconciliation reinforces these tendencies (18-19). Perhaps this is in part

because most non-Indigenous Canadians have little knowledge of and/or few interactions with Indigenous people in their daily lives and as such the nature of and need for reconciliation hold little meaning for them (Chambers 2009, 285-286). This has led some scholars to suggest that there is a need for reconciliation to be conceptualized in a way that is more grounded in the everyday lives of citizens (de Costa and Clark 2011, 330). Certainly this degree of non-engagement on the part of non-Indigenous Canadians poses a serious obstacle to the possibilities for political reconciliation in Canada when, as Matt James suggests, “if the weight of colonial wrongdoing is duly considered, it is difficult to conceive of any route to better relationships between Aboriginal and non-Aboriginal people that would not place the burden of introspection on the latter” (196). This point about the need for introspective reflection and a transformation in thinking on the part of non-Indigenous Canadians has been emphasized by a number of other scholars as well, both Indigenous and non-Indigenous, including Alfred, Nagy, Natalie Chambers, and the TRC’s director of research, Paulette Regan, who has penned a book on the subject entitled *Unsettling the Settler Within* (2010).

Conclusion

It is clear from the host of critiques described in this chapter, which are but a sampling, that there are many problems with the reconciliation project currently being undertaken in Canada. The Canadian experience thus far leaves a whole series of questions lingering with respect to the project of theorizing political reconciliation. Reconciliation is a complex and ambiguous concept that, for better or for worse, has come to enjoy a certain sense of ubiquity in conversations about historical injustice,

transitional justice, and redress around the globe. It has sparked debates about the merits of pursuing social harmony in lieu of retribution and justice (Crocker 2006), about the possibility of achieving reconciliation in the absence of prior conciliation (Schaap 2005), about the implications of employing a theological concept as the basis of a political process (Czarnota 2007), and about the relationship between political reconciliation and democracy (Bashir 2012; Dryzek 2005; Dyzenhaus 2000; Gutmann and Thompson 2004; Hirsch 2011; Schaap 2005, 2006, 2008). Several scholars have paid particular attention to how democratic theory might orient itself towards the question of political reconciliation in settler colonial polities (Motha 2007; Muldoon 2003, 2005; Muldoon and Schaap 2012; Schaap 2005, 2006; Short 2005, 2012). James Tully's work on democratic constitutionalism roots some of the debates about agonistic democracy in the context of treaty relations and Indigenous struggles for freedom in Canada (1995, 2000, 2001, 2008, 2010). However, a great deal of work remains to be done in applying these theoretical debates to the Canadian context and drawing from the Canadian experience to consider what insights it might have to offer political theories of reconciliation.

This chapter has demonstrated the ways in which the current approach to redress for historical injustices in Canada is limited by the ways in which it seeks to narrow the scope of the injustices to be redressed and to achieve closure, thereby leaving a host of injustices unaddressed and failing to acknowledge the ways in which both symbolic and material harms relating to these past injustices continue to endure in the present. This approach is unlikely to lead to a meaningful transformation in the relationship between Indigenous and non-Indigenous people in Canada and may create further frustration and resentment if the dominant narrative suggests that Canada has reconciled with Indigenous

people while Indigenous people continue to experience various forms of enduring injustice. In light of this, what is required is not a pre-emptive closure through which we declare injustice to be conclusively relegated to the past, but the cultivation of a relationship through which we engage with the stories of our relationships in the past in order to understand the injustices in the present and what is required to address them. This cannot be a relationship that is imposed on one group by the other, but must be negotiated between them. Instead of seeking conclusive resolution and determining at the outset what questions do and do not fall within the bounds of reconciliation, there is a need for a form of reconciliation that is political; relational; reciprocal, in the sense of entailing reflection and participation on the part of non-Indigenous people as well as Indigenous people; reflexively receptive, in that it is responsive to claims about the insufficiency of the recognised scope of injustices in question or calls for alternative approaches; and respects an understanding of temporality in which past and present are not necessarily always discrete historical moments.

The work of political theorist Hannah Arendt has become increasingly prominent in scholarship on democratic theory and reconciliation, and together with the work of contemporary theorists of agonistic democracy who have drawn on her work in their writing on democracy and political reconciliation, provides a compelling framework for thinking through some of the problems currently faced in the context of Indigenous-non-Indigenous relations in Canada. Arendt, whose own work on political action emerged through her intellectual engagement with questions about historical injustice and how to address wrongful deeds, presents an unconventional and non-instrumental account of politics that focuses on ongoing relation that is sustained through promise making and

forgiveness. This provides an important foundation for conceptualizing an approach to reconciliation that is not conceived in terms of means and ends but rather as a relation that is pursued for its own sake. Arendt's theory serves a diagnostic purpose in that it might help us to identify when political interaction is hampered by a lack of freedom or when the practice of judgment is being curtailed. It can also serve as a guidepost for imagining the ways in which the politics of reconciliation, or indeed democratic politics more generally, might be reconceived or practiced differently. In addition to her own work, there is a growing body of literature on reconciliation by political theorists who have been directly or indirectly influenced by Arendt's account of politics that serves to further illuminate the nature of reconciliation as a receptive and reciprocal relationship of ongoing and open-ended negotiation between divided groups. The next chapter will lay out Arendt's theory in greater detail and discuss some of the recent scholarship on political reconciliation in settler societies that points to the particular value of theories of agonistic democracy for thinking about reconciliation. It will also suggest some of the ways in which this body of theory might be able to address some of the challenges that currently exist in the Canadian context. Then, the following chapter will take up the matter of treaty relations as an example of a political relationship that seems to demonstrate a number of parallels with accounts of agonistic reconciliation and that is not only of historical importance with respect to Indigenous-non-Indigenous relations in Canada but which may also present a space in which to explore the possibilities for a broader, more transformational approach to reconciliation.

Chapter II: Hannah Arendt and Agonistic Reconciliation

Introduction

In the decades following the Second World War, political theorist Hannah Arendt dedicated herself to thinking through pressing questions about historical injustice and crimes against humanity brought into view in a world forever changed by that experience: can there be justice in the face of such radical evil?; what is totalitarianism and how does it come about?; how can such evil arise through the seemingly banal actions of bureaucrats and ordinary citizens?; what is the nature of responsibility for such crimes?; what is the role of vengeance and forgiveness in response to past wrongs?; how does one reconcile oneself to a world in which such horrific events have taken place? Over the course of her career Arendt took on these questions and many others in her efforts to critically interrogate the history of Western philosophy and the structures of modernity as she sought to understand how something as unprecedented and monstrous as the Holocaust could happen. It would be impossible to do justice to the whole of Arendt's body of work in its many complexities here, and indeed that is not my aim. Rather, I would like to focus on a particular aspect of Arendt's work that is increasingly being taken up by political theorists in contemporary scholarship on democracy and political reconciliation, which centres around her attempt to rescue politics in an era that she argued was characterised by a widespread retreat from the political sphere, and to present an alternative account of political action that was rooted in an understanding of politics as a communicative and revelatory activity that takes place within a web of relationships rather than as an activity of exercising domination or ruling over others.

The accounts of agonistic reconciliation that have emerged in this recent scholarship, which evoke an Arendtian approach to political action and consider the importance of such a relational, non-instrumental, and non-dominating form of politics in the context of reconciliation in divided polities, provide important insights for thinking about the theory and practice of reconciliation in light of current challenges in Canada. In order to consider these insights, this chapter will begin by offering a brief background of Arendt and an overview of the important themes in her work that are relevant to the study of redress and reconciliation. This will be followed by a discussion of the ways in which contemporary theorists of agonistic democracy have built on Arendt's work in order to take up the question of reconciliation and its salience for democratic theory. Then, recalling the challenges discussed in chapter one that identified the need for a form of political reconciliation that was reciprocal, receptive, ongoing and open-ended, and that could engage with different conceptions of history and temporality, I will explore the ways in which agonistic accounts of reconciliation inspired by the work of Arendt engage with these criteria, and reflect on the ways in which an agonistic reorientation of our approach towards reconciliation might allow us to meet the challenges that we are currently facing.

Hannah Arendt on Promising, Forgiveness, and Judgment

Arendt's work is particularly germane for thinking through how to conceive of reconciliation in the wake of grievous injustices because her own efforts to grapple with the history of Western philosophy and its legacies in the mid-twentieth century were a reaction to the horrors of the Holocaust and an attempt to conceive of a theory of politics wherein it was possible to reconcile oneself to a world in which such atrocities had

occurred and be able to realize freedom and human dignity (Berkowitz 2011; Isaac 1993). Faced with the way totalitarianism had stripped individuals of their human dignity and sought to destroy human plurality in the pursuit of an ideal civilization by any and all means necessary, Arendt set out to establish a model of political action that was “above all, an effort to understand how the dreams of modern ideologues had produced monstrous nightmares and how it might be possible to reconstitute human dignity and freedom in a world laid waste by such nightmares” (Isaac 1993, 539). As Roger Berkowitz writes, “[t]he question of how to respond to the burden of wrongful deeds is woven through Arendt’s writings” (2011, sec. 1). Arendt sought to understand how the trajectory of Western philosophy and political thought had culminated in the totalitarian regimes of the mid-twentieth century and the Holocaust, and how the thoughtlessness that characterized this period was in certain ways endemic to modernism and continued in new forms of political alienation and withdrawal from the public world following the end of the Second World War (Young-Bruehl 2006, 94-95; McCarthy 2012, 4-5). In doing so, she was vehement about the critical attention that must be paid to the ways that concepts are deployed and relied on, for this reliance can limit our ability to engage with new phenomena and make judgments about the realities we are facing in the present moment of which old standards of thought cannot make sense. She called this practice “thinking without banisters” (Arendt 1979, 336). Arendt’s mode of politics recognizes the boundlessness and unpredictability of human action, and the fact that because of the risk of politics wherein we have no control over the consequences of our actions, it is inevitable that we will sometimes hurt each other. As such, maintaining the possibility of politics – acting in concert with each other to build a world in common – requires the

twin faculties of promising and forgiving. This is not a politics of forgive and forget, though, as Arendt is also deeply committed to remembrance at the same time as she seeks to preserve the capacity of people to begin again and act in new and unexpected ways (1959, 164-167). This capacity is crucial for any politics that seeks to transform relationships affected by a history of violence and oppression into relationships of equality and mutual respect.

In *The Human Condition*, a book that lays the foundation of her political theory which underpins much of her subsequent work, Arendt offers a scathing critique of modernity as a process-driven era wherein the bureaucratization of mass society and the saturation of the public sphere with economic concerns has produced a widespread disconnection between thought and action and an erosion of the distinction between means and ends (1959; 2006, 78-79). In the face of this, Arendt seeks to recoup a vision of the political that valorises political action and engages our capacity to make judgments in the context of the unique singularity of the events that we face rather than relying on thoughtless adherence to ideology or sets of standards. Rather than pursuing ends deemed superior to politics, Arendt would have us partake in political action for its own sake, in order to actualize human plurality and the capacity to begin anew, to establish and preserve a world in common that will endure beyond our individual mortal lives. Because of its boundless and unpredictable nature, action cannot have determinate ends but can only be oriented by goals, which, in her words, are “never anything more than guidelines and directives...[that] are never cast in stone, but whose concrete realizations are constantly changing because we are dealing with other people who also have goals” (Arendt 2005, 193). These goals constitute the standards by which action can

be judged, but action does not become meaningless or pointless by virtue of not achieving its goals, for example, in the way that particular means might be deemed useless or inexpedient if they did not effectively serve to achieve certain ends. As Arendt writes, action

cannot be pointless because it never pursued a ‘point,’ that is, an end, but has only been directed at goals, more or less successfully; and it is not meaningless because in the back-and-forth of exchanged speech – between individuals and peoples, between states and nations – that space in which everything else that takes place is first created and then sustained. (193)

Arendt’s conception of politics is thus decidedly non-instrumental, and it is also deeply relational. While her account of action is multi-faceted and also includes a description of action as striving for distinction or glory in the space of appearances that is constituted when people gather to speak and act together, of particular importance for the consideration of reconciliation and the centrality she attributes to promising and forgiveness in political interaction is the communicative model of action, which “gives prominence to the exchange of perspectives, the pursuit of solidarity through collective deliberation, agreement, and promise-making, and the sustaining of worldliness through the telling and re-telling of stories” (Bowring 2011, 31). For Arendt, action – which she views as that which makes us truly human (1959, 48, 156) – is inextricable from the web of human relationships within which we are “surrounded by and in constant contact with... the acts and words of other men” (167). This is important because the disclosure of the self that accompanies action is what gives it meaning (161), and this disclosure relies on the presence of others to witness our speech and action (Buckler 2007, 476).

Within this web of relationships, every person is both different from and equal to every other person, and the commitment to and respect for this plurality is of utmost

importance for Arendt. Human interactions are inherently shaped by the incredible diversity of humanity, and it is only through the revelation of the variety of perspectives in the sphere of action that a shared worldly reality can appear:

For though the common world is the common meeting ground of all, those who are present have different locations in it, and the location of one can no more coincide with the location of another than the location of two objects. Being seen and being heard by others derive their significance from the fact that everybody sees and hears from a different position. (Arendt 1959, 52)

The experience of a common world is then a process of coming together with others and “see[ing] sameness in utter diversity” (53), for while we share the same space we each hold a particular perspective within it and it is only through encounters with the diverse particular perspectives that others bring to bear on that space that a fuller sense of the reality of the world emerges (Arendt 2005, 128). Politics must therefore be rooted in a commitment to preserving the plurality that gives rise to this world, for “the more people there are in the world who stand in some particular relationship with one another, the more world there is to form between them, and the larger and richer that world will be” (176). Conversely, any action that attacks this plurality, annihilating a specific human group with a unique worldview, destroys a part of the common human world that can never again be revealed (175).

Respecting plurality and thus bringing into being a common world through the meeting of diverse and interdependent perspectives in which the manifestation of freedom is made possible through continued action requires engaging in a practice that Arendt refers to as judgment. Judgment takes place in a public realm where we are acting in concert with others and must be able to come to some kind of agreement with them through a process of communication or speech, and therefore it requires what Arendt,

following Immanuel Kant, calls an “enlarged mentality.” This is what allows us to think in the place of others whose perspectives we must necessarily take into consideration in the judgment that precedes speech and action, by virtue of the fact that it is their very presence that allows us to act in the first place, since action can only occur in concert with others (Arendt 2006, 220-221). Because the political sphere is characterized by the condition of human plurality, so too must the practice of judgment take account of the fact of a diverse plurality of perspectives that are brought to bear on the world through speech and action (Arendt 1959, 52). Judgment requires taking account of this plurality in such a way that people are able to think from the perspectives of others, to learn “to see what the world looks like to all who share it” (Zerilli 2005, 168), while simultaneously occupying their own unique perspective, the disclosure of which must itself inform the judgments of others (Arendt 1959, 53).

Arendt’s account of judgment remains incomplete as she passed away before completing the final volume of *The Life of the Mind*, which was to be entitled “Judging;” however, her preliminary work on the matter has been taken up by contemporary political theorists (see for example Beiner 1983; Beiner and Nedelsky 2001; Nedelsky 2011), and there has been some debate in recent scholarship on communicative theories of democracy regarding what the activity of thinking from the perspectives of others entails. Given Arendt’s emphasis on the impossibility of two people having the same perspective on the world because each person occupies a different location in it, I believe Iris Marion Young makes an important contribution to this debate by distinguishing between taking the perspectives of others into account, and assuming that we can imaginatively occupy their perspectives, which she argues is neither possible nor desirable (2001, 206, 208). As

Young observes, “[e]ach participant in a communication situation is distinguished by a particular history and social position that makes their relation asymmetrical” and, as such, part of developing an enlarged mentality by engaging with other differently located perspectives involves recognizing this asymmetry, and coming to be “able to see one’s own position, assumptions, perspective as strange, because it has been put in relation to others” (206, 219, 222). This suggests that judgment requires reflection not only on others’ perspectives but also on “the collective social processes and relationships that lie between us” which are revealed through the encounter between diverse perspectives on the world (224-225).

The outcomes of judgment and the action that succeeds it are unpredictable, because they take place in relation to a web of diverse others who have their own perspectives and goals and are also capable of beginning anew in unexpected ways, and whose reactions we therefore cannot foresee. Action is thus boundless, unpredictable, and irreversible, and even when it is undertaken in good faith after having sought to understand the perspectives of others, it may have adverse or harmful consequences. In response to the uncertainty and fragility this creates in the sphere of political interaction, Arendt identifies promise making and forgiveness as critical political practices that serve to mitigate the unpredictability and irreversibility of action and thus enable people to preserve a space for collective deliberation and action. In the face of the unpredictability of what will come of our speech and actions, making promises allows us to establish “isolated islands of certainty in an ocean of uncertainty,” though Arendt cautions that this practice should not be used in a manner that seeks to achieve certainty by striving for a determinate future, as this is both impossible and has a dangerous tendency to result in

the justification of questionable means in the pursuit of that determinate future (1959, 220). Promises in that sense do not constitute ends to be achieved so much as goals that can guide politics and as such mitigate some uncertainty (Arendt 2005, 193). In response to the irreversibility of action, which may result in harm to others, forgiveness allows people to be released from the consequences of their previous actions such that they may act anew. The role of forgiveness is crucial to the possibility of future action, Arendt argues, because it is impossible to know what we are doing when we act and what will result from our actions and so if we cannot be released from their consequences, “our capacity to act would, as it were, be confined to one single deed from which we could never recover” (1959, 213). In forgiving, we do not forgive a wrongful deed, but the person who has done the deed, and in releasing them from its consequences there is “no implication that the deed is forgotten or dissolved in some way” (Young-Bruehl 2006, 97, 100). Forgiving, however, like any other action, cannot be expected or predicted (Arendt 1959, 216), and both promising and forgiveness are dependent on plurality as they rely on the presence and action of others and are thus constitutive of relationships, which she argues are built on respect (Arendt 1959, 213, 218; Young-Bruehl 2006, 97, 105).

Questions about promises and forgiveness are at the heart of current debates about reconciliation in Canada and beyond. The body of scholarship on past wrongs, reconciliation, and transitional justice is now expansive, and it is of note, though perhaps hardly surprising, that many scholars and practitioners invoke Arendt in their discussions of these issues. While the question of Indigenous-non-Indigenous relations in settler colonies is not something Arendt focused on in her writing, contemporary political

theorists are increasingly turning to her work in order to reflect on the matter of political reconciliation in these contexts.

Arendt, Democratic Theory, and Reconciliation

In addition to influencing a growing literature on democratic theory (e.g. Allen 2008; Beiner 1983; Benhabib 2010; Markell 2003; Schaap 2007; Young 2001), Arendt's work has inspired and been invoked by many scholars and practitioners of reconciliation, transitional justice, human rights, and conflict resolution (e.g. Jackson 2002; Lederach 2005; Leebaw 2011; Parekh 2004). Until recently, these two bodies of literature have remained relatively discrete from one another, but lately there has been increased attention in political science and political theory to the close ties between transitional justice and reconciliation as a political process or relationship and theories of democratic deliberation and citizenship (e.g. Bashir 2012; Gutmann and Thompson 2004; Hirsch 2011; Ivison 2010; James 2014; Schaap 2006). In terms of exploring the influence of Arendt, these connections are perhaps best exemplified in the work of political theorist Andrew Schaap, who in his book *Political Reconciliation* (2005) undertakes to comprehensively bridge the scholarship of transitional justice with Arendtian theory by presenting an agonistic theory of reconciliation that is based on Arendt's theory of action.

The present era has been marked by the proliferation of truth commissions, political apologies, and campaigns for reparations for historical injustices (Gibney et al. 2008; Hayner 2011; Torpey 2001). John Torpey argues that in this age of the politics of reconciliation, the Holocaust "has emerged as a kind of gold standard against which to judge other cases of injustice" (2001, 338), and so perhaps it is not particularly surprising that contemporary reconciliation scholars frequently turn to Arendt, a theorist whose

work results from her experiences of and prolonged reflection on totalitarianism and the Holocaust. However, there is also a marked difference between the two trends: whereas Torpey argues that as a result of the “consciousness of catastrophe” that characterises the post-war era, “reparations politics...has a curiously apolitical quality about it” (2001, 354), the primary theme that contemporary theorists draw out of Arendt’s reflections on the lessons of the Holocaust is that reconciliation must be conceived as a political activity. While Torpey suggests that this “consciousness of catastrophe” has produced a widespread aversion to transformative, emancipatory political movements (354), Arendt’s account of politics and the activity of receptive judgment on which it rests resonates with Kompridis’s vision of a utopian politics whose task is “to keep the future open, to prevent its foreclosure, not to make it conform to our will” (2011, 257). As such, Arendt’s theory and the accounts of agonistic reconciliation it has inspired present an alternative way of theorizing and practicing reconciliation that is rooted in political renewal in a manner that attends to the past without being beholden to it, rather than being stuck in circumstances where the lack of a guiding political vision leads to a fixation on a past that cannot be changed, which Torpey refers to as seeking to “make whole what has been smashed” (2001, 343).

Focusing on an agonistic account of politics is not about presenting a set of rules for reconciliation, but rather about pointing to a method of interpreting the politics of reconciliation in a manner that might serve to guide our thinking about how we understand and approach our engagement with it. Indeed, agonism is often thought to falter when presented as a normative political model rather than a mode of critique that can serve to evaluate political processes in practice (Schaap 2007, 72; see Young 2000,

62). Nor is my aim here to provide a comprehensive account of agonism, which is the subject of wide-ranging debate in democratic theory. My focus is particularly on the ways in which agonistic theory is being invoked in scholarship on reconciliation in divided societies and the insights this might offer for grappling with current challenges facing reconciliation in Canada. In order to resist the notion that it is possible to establish a determinate package of policy options in order to “heal” the past and “close the dark chapter” of our colonial history, I am following observations by Schaap (2008, 251) and Alexander Keller Hirsch (2012, 2-3) that suggest that attempting to determine the meaning and means of reconciliation prior to a reconciliatory politics would bracket off the most difficult but important questions that are raised by calls for reconciliation and would virtually render the exercise impossible. Not only is it unrealistic to imagine that diverse peoples within a society divided by a history of political violence would come to a willing agreement ahead of the process, but furthermore this would close off the possibilities for building a world in common that might only come to light through the encounter of diverse, contrasting and perhaps even incommensurable perspectives on what reconciliation requires of us.

However, in order for divided groups to be able to build a world in common, they must first understand reconciliation as an invitation to politics, to come together to engage with each other’s stories about shared history and visions of what reconciliation means and requires. Katherine Smits argues that in contexts characterized by historical injustices, such deliberation is only possible following the “recognition of the identities of participants as historically and socially embedded subjects” (2008, 237). As such, any negotiation of the future terms of association must be rooted in a reciprocal engagement

with and acknowledgment of each other's unique perspectives that, following Young (2001), recognizes the asymmetrical positioning of those perspectives. As the challenges identified in the previous chapter showed, this reciprocal engagement must be understood as an ongoing and open-ended process in which all the parties involved are receptive to each other's perspectives and claims for justice and that, because current divisions are rooted in epistemological differences and divergent understandings of history, that this receptivity needs to be particularly attentive to expressions of different understandings and experiences of time and history. The task of receptivity is not to overcome these differences or to aim towards a common good or identity, for this would undermine the plurality that constitutes and characterizes a shared world (Young 2000, 111). Furthermore, as Young points out, "some disagreement may be endemic on certain issues in the context of social structures differentiated by interdependent relations of privilege and disadvantage" (2000, 118). Rather its task is to seek better mutual understanding of the diversity of perspectives among people who share space and to pursue a more just inclusion of those diverse perspectives in the activity of shaping political community. I turn now to an agonistic account of political reconciliation that I suggest reflects such an engagement and an exploration of the ways in which it is sensitive to the characteristics that critics have identified as being lacking in the Canadian state's approach to reconciliation. My hope is that by bringing agonistic perspectives that reflect these characteristics of engagement into conversation with the conflicting views on what reconciliation in Canada should look like, not only will the already agonistic nature of the process become more evident, but also a broader range of possibilities for living in reconciliation might be revealed.

Political Reconciliation

As noted in Chapter I, approaches to reconciliation that are characterised as a process of therapeutic or legal remedy or cure have been criticized for depoliticizing the terms of reconciliation (Corntassel and Holder 2008; Green 2012; James 2012; Jung 2011), thus failing to recognise that reconciliation is “necessarily political” (Turner 2013, 110). These depoliticizing approaches are a problem because, in an Arendtian sense, they inhibit people’s freedom, which can only be realised when they reveal their unique perspectives through a reciprocal exchange with the perspectives of others and when they are able to negotiate and re-negotiate their relationships with those others through ongoing interaction. Such a politics is distinct from conceptions of rule or domination wherein power dictates that the victims of injustice must reconcile themselves to the terms of association set by the state, in Walters’s sense of reconciliation as resignation (2008, 167). As Schaap argues, it is vital to conceive of reconciliation in political terms in order to resist false impositions of an assumed unity or common identity among the citizens of a society divided by political violence. The tendency to do so is a problematic element common in therapeutic or moral approaches that conceive of reconciliation as “settling accounts,” “healing nations” or “restoring community” (2006, 258). As political theorist Ernesto Verdeja puts it, “reconciliation rests on the possibility of discussion, deliberation and, in short, politics” (2009, 181). The possibility of an agonistic politics through which the terms of association might be challenged and renegotiated seems to be of particular importance in a context where the violence of the past was enacted in large part through both exclusion from and enforced inclusion in a political community.

For Schaap, reconciliation is embodied in the very creation and maintenance of a space wherein this politics becomes possible. He is also emphatic that politics is crucial for resistance in those instances where reconciliation is invoked in a variety of ideological forms by powerful actors in order to maintain rather than to question and transform existing relations of power. As he notes in a 2008 article entitled “Reconciliation as Ideology and Politics,” the concept of reconciliation is frequently painted in negative terms as being too vague, illiberal, question-begging, assimilative, quietest, or exculpatory (249), and Schaap concedes that these critiques are often accurate in cases when the meaning of reconciliation is pre-determined, for instance when the approach to reconciliation imposes a particular vision of what the process should result in (which he suggests was in the case in South Africa, where the process was aimed at achieving a state of social harmony, and in Australia, where the co-citizenship of Indigenous and non-Indigenous peoples in one nation was taken for granted) (251). This line of assessment follows Stewart Motha, who is highly critical of the reconciliation process in Australia for failing to make a meaningful distinction between colonial sovereignty and postcolonial law, because “the apparently reconciled polity is one that is backward looking in two senses – it has its foundation in a colonial assertion of sovereignty that cannot be disturbed, and the native must conform to the characteristics of one that would have been found in pre-colonial time” (2007, 76). This approach results in what he characterizes as a new form of domination rather than a meaningful transformation in the way political relationships between Indigenous and non-Indigenous people are conceived (69). Motha challenges agonistic theorists to remain attentive to the reality that reconciliation understood as a dialogical process can serve as “both

emancipatory demand and device by which an enforced commonality can be re-inscribed” (88). In response to ideological forms of reconciliation that risk perpetuating or re-inscribing relationships of domination, which he suggests arise through conceptions characterized by over-determination, privatization, reifying unity, certainty, expecting, and accounting, Schaap argues for a form of reconciliation as politics, which would instead be characterized by contestability, collectivization, invoking rather than reifying unity, risk, gratitude, and responsiveness (2008, 260), which mobilizes reconciliation politically as an emancipatory demand in order to resist ideological discourses of reconciliation that seek to reinscribe assumptions of commonality.

On this understanding, reconciliation is “reducible neither to violence nor consensus, though it is conditioned by the possibility of both” (259). This idea is embodied in Schaap’s emphasis on not taking the existence of a united polity for granted: to assume such a community already exists or that it will necessarily be the outcome of a reconciliation process does violence to those people who have not consented to membership or who are marginalized under the present terms of association and ignores the risk that people may not be able to come to agreement on a shared community. Instead, reconciliation as politics is enabled by the aspiration towards a future community that *could* arise through political interaction, while recognizing that

reconciliation often becomes ideological precisely to the extent that it domesticates or elides those antagonistic social relations that are constituted through material relations of power. Politicization depends on contesting the political unity in which the terms of recognition are inscribed, the possibility of making visible a rival image of the common. (Muldoon and Schaap 2012, 191)

Thus, part of the political dialogue on which such a possible future community is contingent must attend to the terms of material relations of power that divided people and prevented shared political community in the past and present.

Damien Short also invokes this reasoning when, in an article that considers the applicability of a variety of conceptions of reconciliation to contexts characterized by internal colonialism, he notes that a reconciliation process that wants to meaningfully address colonial injustice should not start from the assumption of a singular nation or a shared vision of the good life: “If the notion of reconciliation is used in an attempt to legitimise an internal colonial relationship, address the harms that flow from colonisation and move a ‘settler’ state into a truly post-colonial position it cannot ignore indigenous nationhood and sovereignty” (2005, 275). As such, a genuine reconciliation process must include a critical dialogue between Indigenous peoples, citizens and the state regarding the foundation of the polity, the history of their interactions with each other, and the diverse visions of the political relationships to which they aspire.

As Paul Muldoon notes, reconciliation initiatives only arise through political contestation in the first place; they are not the result of a spontaneous common feeling that past actions were unjust, but rather emerge because groups who have been subjected to political violence contest hegemonic representations of the past and/or challenge the injustices of contemporary asymmetrical power relations (2008, 127). Schaap echoes this sentiment when he suggests that while it is important to be cautious about sentimentalizing reconciliation such that it becomes exculpatory rather than transformative, there is room for passion and emotion: “Politics begins from outrage at injustice” (2008, 259). This point provides some insight regarding the already-agonistic

nature of political reconciliation. In the Canadian case, for example, Indigenous leaders have long challenged the notion that reconciliation can be achieved through a discrete set of procedures such as apologizing, issuing compensation and holding a TRC. The measures in the IRSSA have been put in place after previous efforts on the part of the government to close the door on demands for justice, such as the 1998 Statement of Reconciliation by the Minister of Aboriginal Affairs or the Alternative Dispute Resolution program, just as the specific and comprehensive claims processes and the institutions surrounding modern treaty and self-government negotiations have emerged in the context of many court battles through which Indigenous peoples have pursued their claims to land and rights. These struggles, and the long history of Indigenous resistance to the imposition of colonial policies, demonstrate that an agonistic politics already underpins Indigenous-non-Indigenous relations in Canada.

Another key aspect that must be remembered with respect to the agonistic nature of politics is that pluralism is just as prevalent at the sub-national level as it is at the national level, whether the nation is understood as the Canadian nation or as any of the many diverse Indigenous nations. John Bern and Susan Dodds note in a study of the politics of Indigenous land rights in Australia that political theorists often lose sight of this diversity when conceptualizing the relationship between Indigenous and non-Indigenous peoples (2000, 165). They suggest that approaches that treat Indigenous and non-Indigenous interests as though they were singular categories elide the diversity that exists among Indigenous identities and claims to land and self-determination, and also fail to attend to the ways in which these claims are themselves shaped and structured by the institutions created to recognise them, which tend to legitimate certain claims while

silencing others (173). In response, Bern and Dodds argue for “treating all institutional attempts to recognise Aboriginal interests as open to ongoing negotiation, in light of what Aboriginal constituencies find to be the limitations of the institutional mechanism to respond to their articulated concerns” (179). This political approach to dealing with institutions created to address Indigenous claims regarding dispossession and historical injustice in light of inter- and intra-group diversity and the structuring role played by these institutions raises important concerns for thinking about reconciliation generally. In part, it serves as a reminder that reconciliation is not a process that takes place between two cohesive, united groups, but rather between groups who are internally diverse as well as differing in relation to each other. This complex diversity highlights the need for a relational conception of difference, which, as Young suggests, “allows for overlap, interspersal, and interdependence among groups and their members” as well as allowing for a better understanding of conflicts between groups (2000, 91). Additionally, a political approach reiterates the idea that reconciliation is enacted through an ongoing and imperfect dialogue between people and institutions which will not necessarily result in immediate intercultural understanding or just responses to past wrongs, and may in fact sometimes result in further exclusions. This has led Verdeja to characterize the process of reconciliation, which takes place at many levels of society simultaneously in different ways, with different claims competing with and sometimes contradicting or undermining each other, as “disjunctured and uneven” (2009, 3, 21).

For Verdeja, reconciliation is understood as the “achievement of mutual respect across society” (29), which he suggests comes about when former enemies come to interact in such a way that they are no longer primarily divided by “conflict-era

identities” and recognise each other’s “moral worth and dignity” (3). It is noteworthy that in Arendt’s conception, mutual respect is an enabling condition of political action and freedom – politics is possible where people are with, rather than for or against, each other. Expressing such respect can be understood to entail judgment that reflects on “the contextualized narratives of moral subjects” while being attentive to the asymmetrical relations that exist between people as a result of their different socially and historically located positions (Young 2001, 207, 208). This also requires respecting people’s capacity to begin anew in response to each other’s revelations, and as such is necessarily a relationship of ongoing and open-ended political interaction.

In Schaap’s view, what he calls Arendt’s ethic of worldliness provides an important political framework for approaching reconciliation in this vein because it resists finality or closure; it does not require the presumption of a previous state of social harmony to which society can return but rather looks forward to a “we that is not yet”; it allows for the transformation of historical relationships without seeking to erase or obscure the past; and it allows for potentially incommensurable perspectives to establish and share a world in common (2005, 6, 8). An Arendtian ethic of worldliness, he states,

suggests that political reconciliation requires a fragile holding together of two contending moments of politics, one in which a common world is disclosed between former enemies and the other in which this world is called into question. As such, it entails a fractious interaction that seeks to delimit a common horizon that might encompass former enemies while affirming their freedom to unsettle the terms in which this horizon is constituted. (6)

In describing reconciliation as such, Schaap presents an account of reconciliation that is explicitly political and, more specifically, agonistic. This particular account of democratic politics (which can also be found in the works of other scholars such as

Hirsch, Muldoon, and Tully) distinguishes itself from liberal pluralism and deliberative democracy by emphasizing the primacy of contestation, not just within a political community but with respect to the very nature of the political community itself, allowing for an ongoing and open-ended debate over the parameters of citizenship and the terms of association (Breen 2009, 133; Hirsch 2012, 4).

Schaap invokes the idea of beginning, stemming from Arendt's discussion of human natality, which refers to the capacity of human beings to initiate something or begin anew (Arendt 1959, 157), to describe the constitution of a political space between former enemies that is initiated from the promise of "never again" in reference to previous wrongdoing, and suggests that this space is sustained by the willingness of the victims of this wrongdoing to forgive their transgressors, or at least to seek grounds for forgiveness (2005, 7). The interaction in this space strives towards a sense of political community as the encounter between diverse perspectives on the world and diverse perspectives on the historical relationships between enemies discloses a potential sense of commonality. However, there is no presumption that a common identity that can be restored existed in the past, nor that such an identity will necessarily be the outcome of reconciliatory politics in the future. The possibility that such a "we" could exist in the future is what allows for politics in the present – this is the promise of politics, but it is conditioned by the risk inherent in the unpredictability and boundlessness of action, that such reconciliation may not come to pass (6). Again, following Arendt's non-instrumental vision of politics, reconciliation must be a goal that orients politics rather than being understood as its inevitable outcome. As such, we might then understand

ourselves to be “living in reconciliation” rather than seeking “to be reconciled” (Schaap 2008, 259).

Schaap thus envisions reconciliatory politics as the democratic deliberation and contestation that takes place in a space that is constituted through beginning and promising, which is sustained by the willingness of victims to forgive the perpetrators who caused them harm in the past in the sense that they become willing to share a political community. In invoking the concept of forgiveness here, Schaap, like Arendt, is explicitly not suggesting the “forgive and forget” mode of forgiveness that allows for a feeling of closure by drawing a line between the past and present and achieving or restoring social harmony. This understanding of forgiveness is closely linked to the concept of natality, in that it entails not the forgiveness of the wrong itself, but rather a release of “the other from the consequences of her action” such that she may (or may not) choose to take responsibility for the wrong and prove herself a friend by acting anew in the future (2005, 109; see also 105-106).

Schaap presents a compelling account of how the spontaneous act of forgiveness opens up a space wherein it becomes possible for previously divided groups to share their stories and perspectives and work towards building a political community by demonstrating “a willingness to entertain the other’s point of view” (2005, 112). This space, constituted by the promise not to repeat past harms and held open by the possibility of forgiveness that will allow wrongdoers to begin again, is a forum “for those implicated in grave wrongs as bystanders and beneficiaries to acknowledge these wrongs and assume political responsibility for them” (116). This account yields hope for the possibility of reconciliation in theory, but leaves many lingering questions regarding why

those who have been wronged would be willing to consider forgiving their wrongdoers in practice, and what would provide a basis for trusting in the promise that the wrongdoers will not repeat the wrongs in question and will engage in a more meaningful exchange of perspectives. These questions are particularly important in contexts characterized by longstanding conflicts where wrongs have been repeated and promises broken over a long period of time and as such there is little trust between the parties. While the specific factors that would help to build trust and contribute to the possibility of a willingness to forgive in such contexts necessarily depend on the specific people involved and the unique character of the matters in question, it seems that generally it would be likely that some demonstration on the part of the wrongdoers that they are willing and able to act anew and keep their promises would be required. Agonistic theories of reconciliation do not provide a set of criteria for how to act in this regard, but they do provide insight into the importance of various characteristics of agonistic politics to approaching reconciliation as a political relationship. On the basis of these components, we can see that an agonistic form of reconciliation is more attentive to the concerns raised by critics of the Canadian approach to reconciliation and thus provides important insights for how to orient ourselves towards reconciliation as we grapple with the specificities of how to build trust where it has been lost, when and how forgiveness might be possible, and what is required of us as we seek to make and keep promises to act anew.

Relationality

While much of Western philosophy and political theory has focused on individual agency and freedom, Arendt distinguishes herself from that tradition by arguing that

human beings can only experience freedom when they are in relation with other people (McCarthy 2012, 2-3). As Michael McCarthy notes, this is embodied in her preoccupation with natality, which “reminds us vividly of our situated existence and of our profound dependence on other persons” (4). The concept of plurality is key to both Arendt’s theory and theories of agonistic democracy, and her description of political action as taking place in a web of human relationships is echoed in accounts of agonism that emphasize the intersubjective nature of politics (Schaap 2007, 66). On this understanding, freedom is also intersubjective, and can be manifest only through respect for equality and for the different perspectives we bring to bear on the world, whether we agree with those perspectives or not, for it is through the convergence of those different perspectives that the world we share comes into view (66). Schaap qualifies an Arendtian form of agonism as being different from other accounts of agonistic democracy based on the work of Carl Schmitt, such as that put forward by Chantal Mouffe. Against a Schmittian account that emphasizes the friend-enemy distinction, he notes that “while plurality first makes its appearance in two-sidedness, however, a dichotomous view of the world is ultimately reductive of political reality; it is only where three or more perspectives come into play that genuine politics begins,” and suggests that the Schmittian dichotomy is “anti-political to the extent that it prevents these other perspectives from emerging” (70). An Arendtian account, on the other hand, attends to the possibility of being together without being friends or enemies, but rather coexisting in “sheer human togetherness” (Arendt 1959, 160). For Arendt, plurality rather than unity or dichotomy is constitutive of the public sphere (Young 2000, 111).

Looking at politics, and reconciliation, from the perspective of this web of interdependent relations, and conceiving of freedom relationally, allows us to think about responsibility in new and complex ways. As Muldoon writes, “reconciliation has called the non-Indigenous community to remember and reflect upon its past, to think where it ‘stands’ in relation to the suffering of others and how it might reconstitute itself to overcome the exclusions that compromise its moral and political integrity” (2005, 251). Linking Arendt’s description of the unpredictable character of action and the impossibility of knowing how your actions will affect others to an account of the relational basis of responsibility in Greek tragedy (249-250), Muldoon points towards the ways in which responsibility and freedom might be understood as two sides of one coin, with both being enacted in a complex and fragile web of relationships. Reconciliation, then, might also be seen as something that is lived in relation, as we experience freedom by revealing ourselves to others and receiving their revelations in return, and take responsibility for our actions when they lead to harm or injustice by acting anew, promising to proceed differently and not repeat the harm, and hoping to be forgiven so that the space for interaction will be preserved. The relational nature of political reconciliation is thus inextricably linked to the other qualities of reconciliation, as it constitutes relationships of ongoing and open-ended reciprocal engagement that require receptivity to the ways in which they are shaped by the diversity of the social and historical perspectives of those who are in relation.

Reciprocity

Once reconciliation, like politics, is understood as being a relational process – by virtue of occurring within a web of relationships in which the possibility of action relies on the presence of and engagement with others – it becomes clear that reconciliation then also requires reciprocity. In Arendtian terms, this might be understood as constituting the conditions of freedom, since for Arendt freedom is manifest through action and action is given meaning by its attachment to a unique self who is revealed through that action, but for such revelations to be possible others must be willing and able to receive those revelations, to engage with them, and to reveal themselves through new speech and action in return. When applied to the activity of reconciliation, this account of politics suggests that freedom cannot be manifest in circumstances where revelations of perspectives and experiences are largely being invited only from the victims of historical injustice while the perpetrators and society at large remain mostly uninvolved, and when they are involved it typically tends to be in a spectator capacity. This type of approach makes it easier for those others to avoid a deep engagement with their own positionalities, experiences and histories as well as reflection on their assumptions about political community and the prevailing legal, political, economic, and social norms.

Without this reciprocal engagement, as Motha warns, reconciliation projects risk reinforcing domination by reinscribing the sovereignty of the dominant power through the language of renewed unity while failing to draw attention to the underlying source of subjugation (2007, 69). It is for this reason that Muldoon and Schaap argue that reconciliation processes must focus on the agents as well as the victims of injustice if

they are to be able to mobilize any transformative potential (2012, 183). In a discussion of the Aboriginal Tent Embassy established in front of the Australian parliament in the early 1970's, they explore the ways in which the embassy challenged the Australian state's approach to the politics of recognition, and suggest that it is symbolic of the manner in which the state has misrecognised both Indigenous peoples and Australian settlers as citizens and sovereigns respectively (196). Just as Muldoon and Schaap argue that the state must engage critically with the narratives of its founding rather than presenting them as facts that a process of reconciliation must take for granted rather than disrupting, Regan argues that "[t]elling the whole truth about the history and legacy of the IRS system means that settlers must consider the possibility that our relationship with Native people has never been predominantly peaceful or conciliatory," and advocates for a similar process of critical engagement with the national founding myths on the part of non-Indigenous Canadian citizens (2010, 5).

This notion of reciprocal engagement, which envisions reconciliation as a process that goes beyond truth telling on the part of victims of historical injustice to involve critical engagement and reciprocal revelation on the part of all members of a political community, builds on Arendt's insight about a common world only coming to exist through the many different perspectives that inhabit it being brought to bear on that shared space. Just as Arendt draws on the principle of respect to support her account of forgiveness in order to mitigate the risks of action (1959, 218), many contemporary scholars have emphasized the importance of mutual respect in establishing and sustaining a politics of reconciliation (Schaap 2005; Tully 2008; Verdeja 2009). As Verdeja notes,

[r]espect is a *reciprocal* norm: it requires the mutual recognition of moral worth between subjects. Furthermore, it assumes that in engaging with

others, we have an obligation to give them reasons for our actions and values that could affect them. We owe them, as moral beings whose dignity we recognize, an account of why we treat them the way we do. In this sense, reason is not private, but intersubjective. (2009, 30; emphasis added)

As such, reconciliation as political action founded on and sustained through mutual respect, which we might call living in reconciliation (see Schaap 2008, 259), requires learning to see what the world looks like to those you share it with (Zerilli 2005, 168), telling others what it looks like to you, and allowing political freedom to manifest by taking this multiplicity of perspectives into account when thinking, judging, acting, and speaking. On this understanding, as Verdeja notes, reason is not something that determines that there is one rational way of doing things that can be imposed on all members of the political community, but rather something that is arrived at collectively, and thus living in reconciliation rests on the respectful and reciprocal sharing of perspectives (2009, 31).

Democratic deliberation and communication are often characterized by exclusions, which may take the form of a physical exclusion of certain groups or actors from a decision-making process, or may occur in a subtler, discursive fashion in when the conditions of communication are shaped by assumptions about the style and substance of what constitutes a reasonable contribution, which Young calls “internal exclusions” (Young 2000, 52-53). As discussed above, Young argues that in light of the diversity of positions that subjects occupy and the ways in which “who we are is constituted to a considerable extent by the relations in which we stand to others, along with our past experience of our relations with others” (2001, 214), the practice of judgment requires a form of “asymmetrical reciprocity,” whereby “each acknowledges and takes account of

the other” (208). At the same time we must also acknowledge that as a result of our social positioning it is impossible for us to occupy another’s perspective and that action based on the assumption that this is possible might have negative consequences and result in further injury or insult to marginalized groups (211, 215). This leads Young and some other scholars of communicative democracy to argue that reflective judgment must be rooted in actual dialogue rather than in an imaginative exercise of engaging with other perspectives (Zerilli 2005, 176). In order to mitigate the exclusions that constrain inclusive political communication, Young proposes the greater incorporation of practices of greeting, rhetoric and narrative, which she suggests serve to build mutual trust and understanding through mutual recognition and greater receptivity to diverse modes of expression (2000, 53).

Receptivity

The notion of reconciliation as being receptive builds on the practice of reciprocal revelation and engagement and is rooted in the idea of enlarged mentality that underpins Arendt’s conception of judgment. It is also linked to an acceptance of the boundless and unpredictable character of action and Arendt’s assertion of the importance of not seeking to try and determine the whole of the future. The idea of receptivity suggests that in the reciprocal exchange of speech and action, we will be open to the unexpected revelations of others’ perspectives, to the unfamiliar forms these revelations may take, to the challenges these may present to our own perspectives, and to the normative claims these revelations may place on us, and will consider these when deciding how to act in response. Being asked to think from a different perspective in this way tends to make us

feel uncomfortable, as Kompridis notes in an essay entitled “Receptivity, Possibility and Democratic Politics”; drawing on Stanley Cavell, he points out that we are reluctant “to answer to the new, to *receive* it as a normative demand,” because it is both unfamiliar and uncontrollable, and we tend to gravitate towards a politics of mastery that relies on prediction and control (2011, 257; emphasis in original). Like Arendt, who also eschews mastery and domination in favour of a more relational, ongoing and open-ended approach to politics, Kompridis advocates for a conception of agency founded on receptivity rather than mastery, which he describes as “the identifiable condition of making sense of things in a new way, and of disclosing new possibilities for going on with our democratic form of life” (258). This receptivity goes beyond mere openness, for as Kompridis points out, we are always already open to *some* things (259). Receptivity thus requires becoming attuned to what he calls our “conditions of intelligibility” by examining our everyday practices and exploring how they shape the ways in which we make sense of the world and how as a result, certain voices or claims appear intelligible to us while others do not (260-261). Becoming receptive to new possibilities that are outside our initial conception of what is intelligible requires being open – not passively or indiscriminately so, but in a fashion that entails a form of reflective judgment (263-264).

In the context of political reconciliation, this receptive approach involves being open to the claims of others and engaging with their perspectives when reflecting back on one’s own stories and sense of self as well as to the responsibilities that may arise from these claims, and it also involves being responsive to the ongoing, agonistic nature of politics. This is to say, when we act, we recognise and respect that our actions invite unpredictable and unexpected reactions from other people and we are open to changing

our course of action in response to the experiences they share, different perspectives they illuminate, or claims of injustice they might reveal through their speech and action. In circumstances such as the Canadian case, this may involve being receptive to calls to broaden the ambit of reconciliation to address injustices beyond the narrow scope of residential schools, or to embrace more socio-politically and economically holistic approaches to reconciliation than the therapeutic or legalistic models, that incorporate measures such as those implemented under the IRSSA while not necessarily remaining limited to them. Above all, it requires recognising that the nature of human interaction is such that circumstances change and relationships need to be responsive to that change, so there is no moment of conclusive resolution – rather, reconciliation lies in the maintaining of the relationship.

On-Going and Open-Ended Negotiation

In the spirit of being receptive to adapting the reconciliation process in response to the perspectives that are shared and the claims for justice that are revealed through the course of interactions in the space constituted for reconciliatory politics, another key aspect of agonistic reconciliation, and agonistic democratic politics generally, is its on-going and open-ended character. This aspect of the character of politics is demonstrated in Arendt's work by her description of the boundless and unpredictable nature of action: action continuously gives rise to further actions and reactions and, as such, politics does not have an end, and those actions and reactions cannot be predicted or expected and, as such, politics does not have a determinate direction. For her, this is desirable, because it is only through continuing action that a space in which action is possible is constituted

and maintained, and we must be able to speak and act, to be seen and heard, in order to be free. This ongoing and open-ended politics underpins the agonistic conception of reconciliation in Schaap's account, as is captured in his statement that "[w]hile the aspiration for reconciliation conditions the possibility of politics in the present, any ultimate reconciliation in the future is itself a political impossibility" (2005, 6). If reconciliation is a political process that remains open to contestation, adaption and transformation, then the ideal of reconciliation serves as a guidepost for political action, leading actors involved in making political judgments to engage with the perspectives of those others who also have a variety of stakes in the process of reconciliation and to ask what the ideal of reconciliation requires of them in the moment of decision making – but reconciliation is not an end state that will be achieved through this process. If a state of being reconciled were achievable in this sense, it would necessarily preclude contestation by and inclusion of voices with different ideas about what reconciliation means or how it should be pursued than the desired end state being sought. It is for this reason that scholars of agonistic democracy reject characterizations of reconciliation that present it as a final settlement of past wrongs (Schaap 2005, 7, 84; Schaap 2008, 259; Tully 2008, 223). Indeed, to seek such a state of closure where all harms have been remedied and everyone is on good terms is perhaps a dangerous proposition – as Muldoon notes in his exploration of reconciliation through the lens of tragic drama, "human beings are never more dangerous than when they try to create a world that is impervious to tragedy" (2005, 248). He describes the way in which the "single-minded and uncompromising" pursuit of reason and order by heroes in tragic dramas tends to lead to all the problems

they purport to solve (248), very much mirroring the twentieth-century tragedies Arendt describes as depicting the problems with a politics of rulership and mastery.

In contrast with such approaches, agonistic democrats present a politics of ongoing contestation that is not about achieving or restoring social harmony, but rather about invoking politics to resist such closure (Schaap 2005, 9), and holding contestation open to include dialogue over “what counts as reasonable or unreasonable” because “politics ultimately concerns the background of social meaning against which conflict is enacted, the representation of the ‘we’ that authorises political institutions and actions” (Schaap 2007, 61). However, drawing on the tension found in the intermingling between the agonistic strand and a more conservative ethic in Arendt’s work, it is also recognised that agonistic contestation must be balanced with the preservation of the political space of appearances through the faculties of promising and forgiveness, for the love of the common world – as Arendt called it, *amor mundi* – rather than out of self-interest (Breen 2009, 143). Schaap notes that both the more agonistic and the more conservative aspects of action depicted by Arendt – that of striving for distinction in an agonistic clash of perspectives and that of acting in concert to preserve the public realm – condition reconciliation (2005, 63). He writes,

While a willingness to reconcile (care-for-the-world) opens a space for politics and thus provides an ethical context that mitigates against the risk of politics, the willingness to politicise (agonistic striving) postpones the moment of positive-affirmative closure that reconciliation inevitably tends towards. (74)

Living in reconciliation thus becomes a fine balancing act between acting based on faith in the promise of reconciliation and remembering the risk that reconciliation, or the realisation or maintenance of political community, may not be possible (151). In the

Canadian context, Tully describes this relationship of reconciliation as “an on-going partnership negotiated by free peoples based on principles they can both endorse and open to modification *en passant*” (2008, 223). In such a relationship of living in reconciliation, the freedom of these peoples is enacted through their ability to reveal their unique perspectives to each other regarding their shared pasts, presents and futures, to shape shared political spaces, and to contest the terms of association when they are found to be unjust. This is necessarily an ongoing and open-ended process because circumstances are always changing, and because we cannot predict how others will react to our actions or how our perspectives will change in response to the new perspectives we are introduced to through the revelations of others.

Openness to Multiple Conceptions of History and Temporality

As noted in the previous chapter, Jung identifies a tension between different conceptions of the relationship between the past and the present in non-Indigenous and Indigenous approaches to transitional justice: while the state seeks to present transitional justice policies as a dividing wall between past and present, separating today’s society from the state that perpetrated colonial violence against Indigenous peoples, Indigenous people on the other hand present transitional justice as a bridge that brings the past into the present (2011, 231). These contrasting approaches present us with a twofold challenge of grappling with epistemological differences and addressing competing political aims. Attachment to political community is shaped in no small way by a sense of shared history, comprising both a shared understanding of the workings of time and a shared set of stories. Diverse conceptions of time are a factor of human plurality towards

which practices of judgment need to be particularly attentive and receptive in contexts of conflict over shared history. When communities that have had adversarial relationships with each other in the past come together in an attempt to share a political community, whether voluntarily or through force, there is bound to be conflict between their different accounts of past relations, which is likely to be exacerbated if they also have different understandings of time that imbue stories of the past with very different forms of significance. John Paul Lederach provides a poignant example of this in his discussion of the conflict at Kahnawake in 1990 when the town of Oka sought to expand a golf course onto Kanien'kehaka burial grounds, which he argues was shaped in large part by the contrast between the short-term conception on the part of government actors about what events were politically relevant to resolving the conflict and the belief on the part of the Kanien'kehaka that decisions needed to be based on the consideration of events seven generations into the past and the needs of their people seven generations into the future (2005, 133). Efforts to engage in political reconciliation, to work towards a community that is "not yet" as Schaap puts it (2005, 4), must be cognizant of how conflicts between groups are shaped by such differences.

Lederach, a longtime scholar and practitioner of conflict resolution whose work incorporates both theoretical analyses of reconciliation and practical insights regarding the activity of building peace, observes that common responses to calls for reparation in the wake of historical injustice, as well as the established frameworks in the professions of conflict resolution and peacebuilding, demonstrate the ways in which the "[c]ontemporary Western ethos has little or no imagination of location in a wider, polychronic spacetime" (2005, 146). He describes a series of encounters over the course

of several decades working in the profession that caused him to realize the particularity of his understanding of time and how narrow it was compared to various other conceptions of spacetime. Discussing the contrast between himself and a colleague, he relates,

It was not just that I saw time as a commodity. I saw the flow of time as moving forward, toward a future goal that I could somehow control if enough skill and planning could be brought to bear. The present was an urgent fleeting moment that somehow must be taken advantage of and shaped. Andy saw himself in an expansive present in which he moved toward much that was unknown, little of which could be controlled directly. What he knew were the patterns of the past and the potentialities of the present moment. (2005, 132)

This forward-moving notion of time that imagines that it is possible to control the future is reminiscent of Arendt's diagnosis of the effects of the dominant modern conception of time, which she suggests is characterized by a blurring of the difference between means and ends and between making and acting, such that people undertake action "in order to" arrive at a certain future rather than "for the sake of" a world they hope to bring into being (2006, 78-79). Through his engagement with Indigenous peoples from all over the world, Lederach comes to realize that the framework that he had previously developed for his work in conflict resolution was lacking in an important respect: it was fixated on imagining a new future, without heeding "what capacity might be needed to imagine a past that was alive and accompanying us at every step of the way" (2005, 139). As recent scholarship on ethnolinguistic interpretations of history and Cherokee conceptions of time has shown, this tension between contrasting visions of history and time is embedded in the very grammatical structures of language, and "while English grammar ties events to a particular linear configuration of time" and has a difficult time not categorically placing something in the past, present, or future, this is often not the case in other languages (Altman and Belt 2008, 92).

Adopting a different approach to time that is capable of understanding history as alive rather than “static and dead,” all the while understanding that it is not possible to return to the past and change it, has important ramifications for how we think through the connections between identity, narrative, and community and thus for the way in which we approach reconciliation (Lederach 2005, 140). Lederach describes his newfound understanding of the importance of the idea of living history and the central role of narrative in communal history through the Indigenous worldviews to which he has been introduced:

Social meaning, identity, and story are linked through narrative, which connects the remote past of *who* we are with the remote future of *how* we will survive in the context of an expansive present *where* we share space and relationship. The space of narrative, the act linking the past with the future to create meaning in the present, is a continuous process of restorying. (146; emphasis in original)

This description of the centrality of narrative in understanding the multiple dimensions of history and its varied forms of significance for groups experiencing protracted conflict, as well as the emphasis on engaging what Lederach calls the “moral imagination” in order to “recognize and build imaginative narrative that has the capacity to link the past and the future rather than force a false choice between them,” resonates in many ways with the accounts of narrative, remembrance and judgment presented by Arendt and Schaap (Lederach 2005, 147). It also resonates with Young’s argument about the importance of incorporating narrative in democratic communication, as it can serve “to foster understanding among members of a polity with very difference experience or assumptions about what is important” (Young 2000, 71). Lederach explicitly invokes Arendt’s discussion of action at the end of his chapter on different conceptions of temporality when he suggests that the act of restorying takes place “between memory and

potentiality,” and notes that we live in paradoxical circumstances whereby we can know the past but not change it and we can envision the future but cannot predict or control it (2005, 148). The process of restorying that Lederach provides in response to this paradox is also reminiscent of Arendt’s account of action, in that it constitutes the continuous introduction of new beginnings and requires embracing both the possibility of the new and unexpected and the risk that things will not turn out as hoped, that reconciliation will not materialize – as Schaap calls it, the promise and the risk of politics (Lederach 2005, 149). Lederach writes,

To restory is not to repeat the past, attempt to recreate it exactly as it was, nor act as if it did not exist. It does not ignore the generational future nor does it position itself to control it. Embracing the paradox of relationship in the present, the capacity to restory imagines both the past and the future and provides space for the narrative voice to create. (149)

This act of restorying, then, is intimately related to Schaap’s account of the creative act of seeking to found a community that is “not yet” through the constitution of a space for reconciliatory politics, and serves as a reminder that this activity must be rooted in a deep engagement with communal narratives about history, identity and place. Being receptive to culturally distinct understandings of time and history and acknowledging the variety of ways in which the past may persist in the present is a critical component of engaging with the fact of plurality in diverse and divided communities, and can contribute to many different facets of living in reconciliation, from establishing culturally appropriate health and social policy for dealing with intergenerational trauma (Altman and Belt 2008, 91), to negotiating and renegotiating the terms of political engagement between former adversaries.

Engagement with the difficult and unsettling work of restorying (see Regan 2010) faces the added challenge of combating the pressure inherent in certain more ideological approaches to reconciliation to establish a unified narrative of shared history. As Brenna Bhandar writes,

History is a compilation of different threads of memory, threads that are intertwined but also in conflict. Historical memory is fragmented, making the idea of one historical ‘truth’ or a unified narrative nothing more than a fiction. However, the demand of reconciliation that one version of history be constructed and agreed upon – at least temporarily – so that conclusions can be reached about what and how the past unfolded, in order that restitution may be delivered, persists. (2007, 95)

This drive to establish a unified narrative about the responsibility for the past is precisely what is at work in policies designed to conclude liability, as discussed in the previous chapter. To resist this is not to suggest that reparatory policies and practices should never be crafted and implemented because it is impossible to determine how much is enough or what kind is the right kind, though such questions will always inevitably arise. Rather, to embrace an agonistic approach to reconciliatory politics is to acknowledge that it is not possible to cordon off or reach a conclusive narrative about the past, because the past not only remains present but in many ways is also always changing, whether that is because past events that were not widely known of come to light, or because our interpretations of the significance of past events shift in light of new developments (Schaap 2005, 147). Accepting this more complicated conception of history wherein the agonistic encounter of a plurality of perspectives through which a common world is constituted is shaped by multiple conceptions of space and time as well as identity, all of which coexist simultaneously, also means understanding responsibility differently.

Muldoon describes such an agonistic approach to history and reconciliation, drawing on the tradition of tragic drama, as “one in which history is played back to the political community in a way that encourages it to reflect upon its own character, on what it does to others and, in the process, what it does to itself,” as well as being a process that involves the entire polity (2005, 239). The memory work that reconciliation requires goes beyond remembering or forgetting as it involves grappling with “competing memories of the same events and competing ways of remembering those events” (Muldoon 2008, 128). As such, we can see that within an agonistic conception of reconciliation, this complex approach to engaging with history is closely linked to receptivity and relationality and is also an ongoing and open-ended process.

For Schaap, who also conceives of political reconciliation as being necessarily historical, the process of constituting a space for a reconciliatory politics must occur in the space that Arendt identifies as existing “between past and future” because this is where it is possible to both hopefully embrace the promise of politics while also acknowledging the risks (Schaap 2005, 87-88). To remain fixated on a rectilinear conception of time embodies a “temptation to conceive the time of reconciliation in relation to a sacred origin or end of history in which our alienation is overcome once and for all” (90), but such an approach succumbs to the problems discussed above, in that it assumes the previous or future existence of community and is blind to the risk of politics, that reconciliation may not come to pass. Thus, Schaap argues, political reconciliation entails something more complicated than looking forward and/or looking back, in that it “requires that we reckon with an absolute that is neither anticipated nor remembered but, rather, confronts us in the present in the act of beginning” (91). However, this is not to

say that the act of beginning anew in the present ought to be dissociated from an awareness of the past or the future. Rather, in comprising an Arendtian form of judgment, it is an act that attends to the uniqueness of the circumstances in question “as if the future and the past were reunited in the present” (Lavi 2010, 234).

In a sense, the need to attend to diverse conceptions of time and history is an expression of the other characteristics of political reconciliation described above. It pertains to relationality, because the diversity of understandings of spacetime that shape historical memories are a factor of human plurality, and because these understandings are moulded through ongoing relations between groups. It is a component of reciprocity and of receptivity, in that these stories of historical experiences and diverse understandings of time are an important component of the unique perspectives that we must reveal and be receptive to through speech, action and judgment in order to build mutual understanding. This is an ongoing and open-ended activity because there are always more stories to be revealed and the meanings of these stories change in relation to further revelations and to changing circumstances and relationships, and because we cannot predetermine the outcome of what grappling with diverse and conflicting histories will yield. Engaging in the exploration of each other’s understandings of history as they are shaped by our unique conceptions of temporality in a manner that is attentive to reciprocal, receptive, ongoing and open-ended is a critical component of working through conflicts over historical injustice.

Conclusion

The previous chapter explored a selection of critiques of the dominant approach to reconciliation in Canada and found that what seemed to be wanting in the Canadian context was an approach to reconciliation that was political, relational, reciprocal, receptive to challenges to its scope and/or methods, on-going and open-ended, and open to different conceptions of history and time. Through an exploration of the works of Arendt and a series of contemporary political theorists who have taken up her work to reflect on democracy and reconciliation, this chapter has shown that agonistic theories of politics and reconciliation are sensitive to all of these concerns, and as such, I argue, offer us important guidance and food for thought as we try to imagine how to reorient reconciliation in Canada in order to avoid the pitfalls identified by its critics. While this chapter has examined the idea of living in reconciliation in a relatively abstract manner, the following chapter will inquire as to what such a relationship of political reconciliation might look like in the Canadian context specifically by exploring treaty relations between Indigenous and non-Indigenous peoples in Canada. While the history of treaties is a complex one that has often been fraught with injustice, treaty relations are of great historical importance in Canada and are often invoked by Indigenous peoples in their contemporary calls for justice. Furthermore, though the two are not to be conflated, Indigenous accounts of treaty relationships bear a number of similarities to the descriptions of agonistic reconciliation discussed above. At the same time, current efforts to negotiate contemporary treaties in parts of Canada that are devoid of historical treaties seem in many ways to run counter to this conception of reconciliation. As such, reading

contrasting approaches to treaty relations through the lens of Arendtian politics and agonistic reconciliation may both shed further light on contemporary Indigenous-non-Indigenous relations in Canada and demonstrate the possibilities for a more transformative approach to reconciliation offered by an understanding of living in reconciliation through treaty relations.

Chapter III: Agonistic Reconciliation and Treaty Relations

Introduction

The idea of living in reconciliation through treaty relations considered in this chapter stems from a couple of similarities that I have observed while engaging with Arendt's account of political action and recent scholarship on agonistic reconciliation. The first is a similarity between the characteristics that Arendt attributed to freedom-enabling politics and various descriptions of Indigenous visions of treaty relations. For Arendt, politics is ongoing and open-ended due to the boundless and unpredictable nature of action, is based on a reciprocal exchange of perspectives that aims to avoid essentialising or suppressing political partners' identities by engaging in judgment, and seeks to build and maintain a common world through and for political interaction. This approach to politics seems to bear many similarities to the descriptions of Indigenous visions of treaty relations as relationships of ongoing negotiation depicted in the literature on Indigenous rights and politics in Canada, through which diverse but interdependent peoples come together in partnerships of sharing for mutual survival. The second similarity has to do with the fact that the critiques of contemporary treaty processes by Indigenous negotiators and community members, as presented in recent scholarship, appear to resonate with the factors that Arendt identifies as leading to a lack of freedom in politics. Additionally, the notion of engaging with the affective and symbolic dimensions of reconciliation *through* a consideration of treaty relations and what these entail in terms of both rights and responsibilities for Indigenous peoples and non-Indigenous peoples, rather than separately from them, may illuminate new possibilities for understanding historical

injustice and for imagining future relationships by exploring the symbolic, affective, and material dimensions of reconciliation concurrently. As such, this chapter will engage in an initial exploration of how the theories of agonistic reconciliation discussed in the previous chapter might be brought to bear on reconciliation and treaty processes in Canada in order to point to new ways of transforming relationships between Indigenous and non-Indigenous peoples.

In his consideration of agonistic reconciliation in the Australian context, Schaap writes:

...a treaty and reconciliation in Australia are not alternatives. Rather, it is only with the establishment of a treaty (or many treaties) between the settler society and indigenous peoples in Australia that a space for a reconciliatory politics is constituted. A treaty might thus establish the possibility of an *inclusion* that is not at the same time an *incorporation* of indigenous people within an Australian nation/state. In the absence of such a treaty, the new beginning that ‘we’ seek to enact in the present is unlikely to be recognized as such by future generations. (2008, 256; emphasis in original)

In Canada, however, exploring the relationship between treaties and reconciliation is necessarily quite a different exercise than it is in Australia, where there have not been any treaties between Indigenous and non-Indigenous people. Treaty making has a long history in this land, dating from first contact in the case of treaties between Indigenous and non-Indigenous peoples, and stretching much further back in the case of diplomatic relations between different Indigenous peoples. As such, as Tully argues, Indigenous and non-Indigenous people in Canada already have practice with and have both been shaped by interacting in an “intercultural middle ground” (2008, 240). However, this history is also riddled with misunderstandings, broken promises, and shattered trust. Thus, exploring the possibilities for transforming harmful past relationships by living in reconciliation

through treaty relations requires beginning by reckoning with this history. It requires considering both the stories of ways in which we have previously lived in peaceful interdependence and the stories of times when the relationships constituted through the action of promising in the form of treaty making failed to be maintained as a result of broken promises. Through such engagement we may then also come to an understanding of the ways in which these matters are not separate from those taken up under the auspices of the TRC (Woolford 2005, 58; Regan 2010, 147-148). Currently, material and affective or symbolic dimensions of reconciliation between Indigenous and non-Indigenous people in Canada are separated from each other by the discrete processes that have been tasked with addressing them: while the TRC has been established to address Indigenous peoples' experiences of emotional, spiritual, cultural, psychological, and social harm, the comprehensive land claims and specific land claims processes have been exclusively tasked with addressing material claims regarding dispossession of land and governance. However, both of these dimensions are critical components of Indigenous peoples' claims about historical injustice, and as such – as Schaap argues with respect to Australia – any process that seeks to address one without the other is unlikely to effect a meaningful and lasting transformation in Indigenous-non-Indigenous relations.

While most Canadians likely do not consider treaties relevant to their contemporary existence in Canada, recent scholarship reminds us that treaties are integral to the legitimate settlement of non-Indigenous peoples in the territories of Indigenous peoples across this land (Asch 2014; Epp 2008; Tully 2008). As Roger Epp puts it, “In a very real way, most Canadians exercise a treaty right simply by living where they do. On the prairies we are all treaty people” (2008, 133). The mainstream narrative characterises

treaties as land transfer agreements conducted according to Western conceptions of property rights and holds that most treaties are transactions or contracts conducted and concluded in the past that place no further responsibilities on us in the present. However, this understanding is challenged by Indigenous accounts of the process and meaning of treaty making and the substance of the agreements they yielded in the past, as well as by Indigenous aspirations and approaches in contemporary treaty making processes. As Michael Asch shows in his recent book *On Being Here To Stay: Treaties and Aboriginal Rights in Canada* (2014), this dominant interpretation is also challenged by historical evidence that shows that at least some non-Indigenous treaty commissioners engaged with Indigenous groups as autonomous, self-determining polities, and understood and agreed to the visions of treaty relationships as establishing ongoing partnerships between Indigenous peoples and the Crown presented by Indigenous leaders during the negotiations, thus undermining the notion that the two parties thought they were agreeing to very different terms. The fact that these agreements were subsequently often not honoured does not necessarily undermine or invalidate the process of treaty making as a mode of establishing peaceful relationships of interdependence, as Tully notes (2008, 238). However, a great deal of distrust and resentment has built up over the past centuries and any attempt to transform or renew relationships between Indigenous and non-Indigenous peoples and the practice of treaty making must grapple with these sentiments. Such a process of renewal will require, following Lederach, the “restorying” of historical narratives of treaty making to include the perspectives of Indigenous and non-Indigenous leaders that provide alternative accounts of treaties to the dominant contractual understanding; building trust through activities that allow for the development of mutual

understanding and recognition; and a demonstration of the ability to not just make promises, but keep them (Asch 2014, 163-164; Woolford 2005, 118, 137-138, 141). Through this initial exploration of the notion of living in reconciliation through treaty relations, I suggest that the theories of agonistic reconciliation discussed in the previous chapter provide some important insights that allow us to consider both the nature of conflicts in the past and present as well as how we might begin to reimagine and transform our relationships in the future.

The chapter will begin with a brief overview of the history of treaty making between Indigenous and non-Indigenous peoples in Canada, and explore the divergent understandings of law, politics, land, and history that characterized these interactions in the past and continue to characterize divisions over the meaning of and practice of making treaties in the present. It will then consider contemporary practices of negotiations and treaty making in Canada to show how an Arendtian conception of politics can be used to diagnose a lack of freedom in these processes, as well as how these negotiations are subject to many of the same critiques as the state-led reconciliation process discussed in the first chapter. I demonstrate this lack of freedom by deploying the characteristics of agonistic reconciliation discussed in the previous chapter to evaluate contemporary treaty processes, showing that they suffer from a dearth of relationality, reciprocity, receptivity, ongoing and open-ended negotiation, and openness to a multiplicity of perspectives about history and temporality, and as such fail to meet the conditions of a “morally rich” conception of reconciliation as relationship (Walters 2008, 168). Then, I sketch an alternative understanding of living in reconciliation through treaty relations in a discussion of the potential compatibility of agonistic reconciliation and

Indigenous visions of treaty relations, by showing how both embody a form of political interaction that *is* relational, reciprocal, receptive, ongoing and open-ended, and attentive to diverse understandings of history and time. Finally, I meditate on how such an approach might allow us to reimagine the nature of reconciliation, what it would require, and what questions a reoriented approach to reconciliation raises about the rights and responsibilities of non-Indigenous Canadians and the project of Canadian democracy.

Treaty Making in Canada

Treaty making between Indigenous peoples and non-Indigenous peoples has been a common practice since the seventeenth century, and has gone through many different iterations, from the early peace and friendship treaties in the eastern parts of the continent to the modern treaties negotiated through the comprehensive land claims process and the British Columbia Treaty Commission. Though different parties associated different customs and protocols with the process, treaty making was a practice common to both Indigenous peoples and Europeans and as such served as an effective mode of establishing relations upon European arrival (Morse 2004, 51). At least in the early stages of contact, treaties were negotiated in Indigenous languages and according to Indigenous protocols and understandings of treaty relations (Epp 2008, 132-133). The nature and purpose of treaty making shifted with increases in the settler population and associated changes in the economy; while early treaties centred on military alliances and trade during the period when the European presence in North America centred mainly around the fur trade, once the fur trade gave way to agriculture and the balance of power shifted in favour of the settler population, the purpose of treaty making shifted to focus on the

acquisition of land for settlement (Morse 2004, 58; Tully 2010, 243). These treaties, often referred to as land cession treaties, were negotiated across the country until the early twentieth century, with the notable exceptions of most of Quebec, British Columbia, and much of the north. In the 1920s, the practice of treaty making gave way to a greater focus on policies of assimilation enacted through residential schooling and the *Indian Act* (Alcantara 2007, 344).

Part of these policy measures included a provision in the *Indian Act* forbidding status Indians from “raising or giving money for pursuit of an Indian claim,” which precluded those Indigenous peoples without treaties from pursuing land claims (Miller 2004, 107). This provision was repealed in 1951, allowing the Nisga’a to resume their pursuit of a treaty, which they had been seeking since 1887. Their court case ultimately ended up in front of the Supreme Court in 1973 and the resulting judgment determined that the Crown had not proven the non-existence of Aboriginal title to the land (106-108). This coincided with a period of increasing Indigenous activism and resistance to government policies, most notably such as the Trudeau government’s 1969 White Paper, that Indigenous people decried as measures of assimilation (95). In response to these events, the federal government reintroduced the practice of treaty making by establishing the comprehensive land claims process (Alcantara 2007, 344-345), with the first major modern agreement emerging from this process in 1975 with the James Bay and Northern Quebec Agreement (Morse 2004, 62). In addition to this process, the government also introduced a specific claims process to address grievances regarding unfulfilled treaty promises for Indigenous peoples who had already signed treaties (63). In British Columbia, a task force in the early 1990s led to the creation of the British Columbia

Treaty Commission as a process through which land claims could be negotiated throughout the province, where there are very few historical treaties (Woolford 2005, 92). Though these institutions and processes have emerged through long struggles for justice on the part of Indigenous peoples, and they are in some cases capable of yielding agreements that effect a degree of amelioration of the socioeconomic circumstances in Indigenous communities, they do not conform to the visions of treaty relations proclaimed by Indigenous peoples and are often criticized for not providing just and fair pathways out of colonial relationships.

Throughout the course of our shared history, Indigenous peoples have consistently demonstrated that they hold very different understandings of and approaches to treaty relationships than the contractual account presented by non-Indigenous people and governments. These visions are diverse and complex; my intention here is only to give a brief overview of some of the main general differences between these Indigenous and non-Indigenous visions of the meaning and purpose of treaties.¹ Indigenous treaty visions view treaties as establishing ongoing non-coercive relationships with and commitments in and to shared land and the other peoples and non-human beings that inhabit that shared space. Mississauga Anishinaabeg scholar Leanne Simpson describes one such vision of treaties:

For us in the Mississauga part of the Anishinaabeg nation, treaties are ongoing relationships. The word *relationship* is paramount here. Anishinaabeg political and philosophical traditions emphasize good relationships – with the natural world and with neighbouring nations – as the basis of good governance and a good life. For Anishinaabeg, signing

¹ For more detail on different visions of treaty relations and the history of Indigenous-Settler treaty making in Canada, see: Asch 2014; Ladner 2005; Miller 2009; Tully 2008, 2010; Williams 1997.

a treaty means a commitment to ongoing meaningful negotiations. It means a political relationship that recognizes and respects parties' nationhoods, legal traditions, and sovereignties. This is true whether the agreement is between the Anishinaabeg and the natural world, another Indigenous nation or confederacy, or a nation-state. Treaties, from this perspective, are alliances with a commitment to continual renewal. Our politics are embedded within our spirituality, making treaties a shared, sacred bond between peoples. They are a commitment to stand with each other, a responsibility to take care of shared lands, and an appreciation of each other's well-being. They are based on a profound mutual respect, and they are meant to be transformative. They transform conflict into peace by holding parties accountable for past injustices. They transform hardship into sustenance. They transform abuse of power into balanced relations. Treaties and other Indigenous diplomatic traditions transform differing perspectives into, as the Haudenosaunee say, 'one mind.' (Simpson 2013, 6)

Such an approach that emphasizes ongoing relationality between diverse political equals and is rooted in stewardship and shared responsibilities leads to a very different understanding of the meaning and purpose of treaties than one understood as enacting a transaction through which the ownership of bounded plots of land is transferred from one party to another, after which the receiving party can do what they will with that land.

In his examination of Indigenous treaty visions of law and peace during the Encounter era in North America, Lumbee scholar Robert Williams Jr. describes treaties as relationships formed on kinship terms and maintained through ceremonies of storytelling, gifting, and conciliation that are relied on in times of need or crisis in order to ensure mutual survival in a world characterised by diversity and conflict (1997). The language of kinship was applied to treaty relations in order to indicate the types of responsibilities that treaty partners held towards each other (1997, 71). He writes that partners were expected to seek forgiveness in cases where promises were broken or the terms of a treaty relationship were breached, and that parties were expected to meet and

communicate regularly to renew the bonds created through treaties – indeed, renewal “was regarded as a continuing constitutional obligation of treaty partners” (112).

This relationship involves both the acknowledgment and nurturing of interdependence as well as the recognition of distinctness (Asch 2014, 113). These approaches to treaty relations are not impervious to conflict, and this continent was not free of violence prior to colonialism, but they do present a mode of relating to each other that both seeks to mitigate the possibility of conflict by building mutual understanding through storytelling, sharing land and resources, and making room for dissent within this space of interaction, and to create avenues for addressing conflict when it arises and seeking to renew peaceful relations (Alfred 2005, 76-77; Regan 2010, 148; Simpson 2011, 86). By thus recognising that humans are caught up in a web of relationships, that they rely on these relations for survival and freedom, and that their actions will reverberate throughout this web in unpredictable ways, Indigenous visions of treaties that establish ongoing relationships through promise making, the renewal and renegotiation of promises, and rituals of forgiveness in cases where promises are broken seem to be compatible with the approach to reconciliation as a receptive, reciprocal political relationship of ongoing and open-ended negotiation laid out in the previous chapter. As such, they present a possible mode of pursuing reconciliation in a manner that will be capable of addressing the issues about depoliticizing reconciliation by closing off questions about conflicting understandings of history, responsibility, sovereignty and authority raised in the first chapter.

Challenges with Contemporary Treaty Negotiations

The suggestion that we might re-envision reconciliation as a form of ongoing political relationship embodied in treaty relations rather than as a conclusive resolution to past conflicts is not to say that contemporary treaty processes instituted through comprehensive and specific claims processes and self-government negotiations provide such a transformative solution to the problems identified with current reconciliation efforts. These processes are tasked with addressing different aspects of Indigenous claims about historical injustice than the TRC. However, contemporary treaty processes have been subject to many of the same critiques as the state's approach to reconciliation as limited to the implementation of the terms of the IRSSA. This is not a criticism of the TRC, which has undertaken a broad interpretation of its mandate, adapted its activities to new discoveries, placed a strong emphasis on the experiences and stories of survivors, incorporated Indigenous knowledge and traditions as organising principles, been open to diverse modes of expression, and frequently emphasized that reconciliation is an ongoing process that extends beyond the mandate of the TRC (James 2012, 190-191; Sinclair 2014). To point to limitations in the dominant approach to reconciliation is then not a comment on the way the TRC has approached its task, but on the apparent indication on the part of the state that the fulfilment of the TRC's mandate and its other obligations under the IRSSA constitute the full sum of reconciliation. Contemporary treaty processes are similarly limited in that they fail to embody the characteristics of political reconciliation discussed in the previous chapter. They seek to establish mutually exclusive ownership and jurisdiction rather than establishing relationships for building

and sharing common political and geographical spaces. They are not reciprocal, in the sense that they tend to involve discussions about whether Indigenous peoples are willing to take the deals that non-Indigenous governments are willing to give rather than deliberations over each party's visions of what the procedure and substance of negotiations need to involve in order for just outcomes to be possible for all those involved. They are not receptive to Indigenous understandings of land, law, and justice, experiences of historical injustice, or stories of social suffering. They are not ongoing and open-ended but are geared towards achieving full and final settlements regarding land claims and the definition of Aboriginal rights in order to establish certainty over land ownership and legal jurisdiction. Finally, they are not open to multiple understandings of time and history as they are fixated on creating future relationships that are not mired in complicated questions about conflicting histories and claims about historical injustice.

While the IRSSA, and thus the TRC, are the outcome of a court battle and a legal settlement rather than of political contestation and democratic deliberation, treaty negotiations such as those instituted through the British Columbia Treaty Process differ in that they are explicitly conceived as being political negotiations. However, while the conception of "political" that characterizes these negotiations does differentiate them from the court-mandated IRSSA and from the litigation route through which many issues regarding Indigenous rights and title have ended up before the courts, it does not satisfy the characteristics of politics as conceived of by Arendt or the proponents of agonistic reconciliation. The political dimension of treaty negotiations in British Columbia resides in the fact that Indigenous groups are not required to prove title, nor are non-Indigenous governments required to acknowledge it, before the parties can negotiate an agreement

(Woolford 2005, 129). This is not the case in the comprehensive land claims process, where Indigenous peoples must prove the validity of their claim before the negotiations can proceed (Alcantara 2007, 353). Unlike in an Arendtian account of politics, the negotiations within these processes are geared towards achieving absolute certainty rather than forming ongoing relationships that are open to new beginnings resulting from boundless and unpredictable action in the future. Instead, they constitute a form of promise-making without heeding Arendt's warning that when promises are "misused to cover the whole ground of the future and to map out a path secured in all directions, they lose their binding power and the whole enterprise becomes self-defeating" (1959, 220). This concern is evident in critiques of current negotiations that suggest they may in fact result in greater uncertainty (Woolford 2005, 12). An agonistic conception of reconciliation that aims towards an intersubjective manifestation of freedom was shown in the previous chapter to comprise a form of action that is relational, reciprocal, receptive, involves ongoing and open-ended negotiation, and is attentive to diverse conceptions of history and temporality. Like the state's approach to reconciliation through implementing the IRSSA, which was shown in the first chapter to be lacking in these characteristics of political action, the state's approach to treaties through current treaty processes also eschews a meaningful engagement with the principles of relationality, reciprocity, receptivity, ongoing and open-ended negotiation, and openness to multiple perspectives on history and time. As such, current treaty processes present limited possibilities for reconciliation as resignation or consistency but foreclose the possibility of reconciliation as agonistic relation (see Walters 2008, 167).

Relationality

To conceive of freedom and responsibility in a relational manner in considering how to transform relationships between Indigenous and non-Indigenous peoples requires engagement with their social and historical positioning and with the connections between those positions. These positionalities are shaped by the relationships they bear to others and collectively they reveal the world that lies between us. Reflection on the historical and contemporary nature of these relationships is necessary in order to consider how to change them. Modern treaty and self-government agreement negotiations aim ostensibly to establish “fair and honourable relationships” that allow for Indigenous communities to exercise self-determination and to engage with the Crown on more equal terms than have been afforded by the *Indian Act* regime (Tully 2001, 5). However, the potential for reaching the kind of mutual understanding needed to agree on what these relationships between Indigenous peoples, the Crown and the land they share might look like is threatened by a lack of responsiveness to the fact that the parties have competing visions of justice and approaches to negotiation (Woolford 2005, 129-130). As such a process that seems procedurally fair may still be ineffective for resolving issues because the parties have different understandings of what the process is and should be for and therefore how it should be approached (26). Many scholars attribute the defects of these modern treaty talks to unequal power relations between the parties involved and the limitations imposed by the bureaucratic structures that constrain the process (Irlbacher-Fox 2009; Regan 2010; Woolford 2005). As Regan writes,

In stable democracies such as Canada, where the rhetoric of reconciliation now dominates Indigenous-settler public discourse, violence is most often

although not exclusively expressed symbolically in a range of negotiation and claims settlement processes that replicate hegemony. (2010, 35)

She argues that these hegemonic structures and unequal power relations operate within bureaucratic processes in ways that are largely invisible to non-Indigenous people, but are manifested “at negotiating tables or in claims resolution processes in which preset mandates enable government negotiators to determine whether Indigenous history can be brought to the table and, if so, whose version will dominate the dialogue” (2010, 87). In his work on treaty making in British Columbia, Woolford attributes this imbalance to a longstanding vision of “white benevolence” on the part of non-Indigenous peoples that rests on a colonial mindset geared at “civilizing” Indigenous peoples, an attitude which has permeated the relationship between government and Indigenous peoples since the time of contact (2005, 40). The continuing impermeability of these types of attitudes to Indigenous counter-narratives about shared history, along with an inequality of power and resources, results in a treaty process that proceeds with “little recognition of their divergent views of the past and of the reparative goals of treaty making” (123).

The divergence of views between Indigenous peoples and the Canadian state regarding the type of relationship a treaty establishes is captured pithily by one Nisga’a man in an interview with anthropologist Carole Blackburn, who stated that treaties should be like a marriage but that governments were treating them like a divorce (Blackburn 2007, 627). Asch also invokes this analogy, suggesting that “a treaty links two collectivities just as a marriage joins two families together. Furthermore, as with our treaties, this marriage joins together two families that are living together on lands that originally belonged to one of them” (2014, 130). However, in contemporary treaty making, which, unlike practices during the early encounter period, must grapple with the

hegemony of Western liberal worldviews (Tully 2010, 233), Indigenous peoples' understandings of treaty relations as partnerships of mutual sharing and interdependence between political equals that require ongoing negotiation and renewal have little purchase.

In Arendt's account of politics, political deliberation – under conditions of freedom, and conditions that allow freedom to continue to be manifest – takes place between people who have diverse perspectives on the world in which they coexist, who are all unique but respect each other as equals and engage with each other's perspectives by thinking about and judging other's speech and actions in determining how to react. Indigenous visions of treaty relations present a similar account of political equality, though unlike Arendt they often draw on a much broader web of relations within which action takes place, extending beyond humans to include the land and the many other beings that inhabit it and sometimes extending in time to include generations into the past and future (Egan 2013, 36; Ladner 2005, 939; Lederach 2005, 133; Simpson 2013, 6). However, this relational conception of treaties as ongoing partnerships between interdependent equals tends to be overwhelmed by dominant perspectives that view land as property and treaties as transactions. While Arendt refers to this manifestation of freedom through people coming together to speak and act in concert as power (1970, 44), it is in the more conventional sense of exerting power over rather than the Arendtian sense that power manifests in treaty negotiations. As Brian Egan notes, “[a] central obstacle is that the balance of power at the treaty table is so heavily tipped in the Crown's favour that negotiations are very one-sided and there is little opportunity to explore treaty options that are truly mutual in nature” (2012, 414). Governments have a significant

advantage in financial and professional resources, their political and economic perspectives are shared by the majority of Canadians, and they are able discursively and logistically to structure the terms of treaty negotiations. Indigenous peoples who choose to enter treaty processes face immense pressures to accept these terms as they seek to ameliorate the dire socioeconomic conditions in their communities while striving to pursue their visions of justice in settings that are not very receptive to them, which is only rendered more difficult as they accrue large debts in order to fund the negotiations (Tully 2010, 244-245; Woolford 2005, 126).

As such, contemporary treaty processes in practice are less geared towards establishing and renewing ongoing political partnerships of sharing and interdependence, and instead are aimed towards reconciling an exhaustive set of Aboriginal rights to Crown sovereignty and conclusively determining who owns and has jurisdiction over what land (Asch 2014, 28; Egan 2012, 415). In this way, recalling Walters's (2008) three forms of reconciliation, contemporary treaties produce a form of reconciliation as resignation, as Indigenous peoples resign themselves to accepting the terms offered by governments, and reconciliation as consistency, as Aboriginal rights and title are rendered in terms that are intelligible to and consistent with Canadian law and Crown sovereignty. They do not constitute a reciprocal exchange of perspectives that allows for the possibility of challenging or mitigating the asymmetries of power that currently define Indigenous-non-Indigenous relationships that could produce a form of reconciliation as relationship.

Reciprocity

The possibility for a relationship of reciprocity wherein partners reveal their unique perspectives to each other and engage with these perspectives through speech, action and judgment while negotiating and implementing treaties is hampered by the highly bureaucratized nature of contemporary treaty processes. Emphasizing the urgency of addressing issues such as widespread poverty while setting aside questions of justice because they are “unrealistic”, “naïve”, or will take too long to resolve allows government actors to valorise “pragmatic” bureaucratic approaches (Woolford 2005, 126, 129), all the while de-legitimizing arguments based on Indigenous “culture, sense of identity or self-worth, or experiences of colonization” (Irlbacher-Fox 2009, 105). These bureaucratic approaches include a series of internal constraints that require negotiators to adhere to the parameters of mandates passed down from higher levels of government and to pursue strategic goals rather than engaging in open communication and establishing mutual understanding (Woolford 2005, 124-125).

Such deterministic approaches are directly at odds with an alternate vision of negotiations that regards treaty making as

involv[ing] a diplomacy of rituals and story-telling in which the participants explain to each other who they are, their cultures and ways, how they relate to the land, and how they might negotiate and join arms together while respecting these differences. [...] It is not only an interest-oriented practice governed by one set of procedures, but also an identity-oriented practice aimed at mutual understanding by the exchange of stories. (Tully 2001, 11)

The emphasis on mutual sharing and mutual understanding in Tully’s account of treaty making is clearly shown to be lacking in the bureaucratic practices of contemporary

negotiation processes as described by scholars such as Woolford and Stephanie Irlbacher-Fox (2009), whose work highlights some of the ways in which current approaches to negotiation fall short when viewed through the lens of Arendt's theory of action.

In Arendt's conception, speech and action must be accompanied by the disclosure of a "who" on the part of the agent in order to be meaningful, such that this disclosure can then be judged by others who are able to consider this story from their varied positions and to reflect in their own actions the ways in which the stories of others serve to reshape their perspectives. For Arendt, judgment regarding an object must be "mediated through the subject's relation to the standpoints of the other subjects or, more precisely, by taking the viewpoints of others on the same object into account" (Zerilli 2005, 175). Judgment as conceived in this manner is inherently relational, but it must also be reciprocal – if the sharing of viewpoints excludes the viewpoints of some subjects then those subjects cannot exercise freedom. In the context of treaty negotiations, we might understand the subjects as being the Indigenous negotiators and the government negotiators, and the object as being the land to which both lay some claim, and the terms of governance on that land. Thus Arendt's model of judgment would require negotiators to communicate to each other their stories of who they are, their practices of governance, and their relationships to the land and to each other in a practice of disclosure and receptivity, and to self-reflectively incorporate these perspectives into the judgment that informs their speech and action as they work to reach an agreement with respect to the land and the terms of governance.

Contrary to this, the dominant approach instead tends to mediate inter-subjective relations through the relations the subjects hold to the object in a manner that is not

characterized by a willingness on the part of the subjects to change their perspectives and to be receptive to new possibilities when they are called upon to respond to “normative challenges to [their] current self-understanding” (Kompridis 2011, 264). This can entail, for instance, limiting the terms of the relationship to the negotiators on the other side of the table to whatever fits within the confines of a predetermined vision of the future of the land and the acceptable terms of governance. This latter approach seems to be precisely what is at work in the bureaucratic processes described by Woolford and Irlbacher-Fox: “Rather than seek mutual understanding of terms and goals, non-Aboriginal government actors often seek to redefine the situation in a manner complementary to the strategic goals contained within their ‘mandates’” (Woolford 2005, 125). The future is closed off to all possibilities that exist outside of the strategic goals predetermined by government mandates, which are not receptive to the disclosure of the narratives of social suffering and historical and ongoing injustice that inform Indigenous visions of just treaties and negotiations. As Arendt reminds us, the faculty of making promises can mitigate the unpredictability of action, but not eradicate it, and as such should only be used to create “isolated islands of certainty in an ocean of uncertainty” rather than to try and secure the whole of the future (Arendt 1959, 220). In considering the process of treaty making as a reciprocal practice of making promises, we might draw from this assertion a critique of a mode of negotiation that has certainty as its desired end, rather than the potential for justice grounded in mutual understanding achieved through communication and judgment.

Receptivity

Both Arendt's theory and Woolford and Irlbacher-Fox's observations of the practice of negotiations between Indigenous peoples and the Canadian state indicate that our present mode of political organization is not conducive to thoughtful, worldly receptivity. While the state's reconciliation policies are critiqued for not being receptive to claims about colonial injustices outside of the defined scope of the IRSSA that many people argue are inextricably connected to the harms caused by the residential schools system, treaty negotiations seem to suffer from the opposite problem: the social, spiritual, psychological, emotional, and cultural harms suffered by Indigenous people, families, and communities as a result of colonial policies, whether through residential schools, land dispossession, or restrictive *Indian Act* policies, are not up for discussion. These stories, and the claims for justice that stem from them, "are ignored or cast aside" as government negotiators "construct the treaty process as a pragmatic exchange between parties who are firmly immersed in the same shared reality rather than as between groups with competing legitimate visions of justice," wherein what is considered to be pragmatic reflects the interests of those governments and their economic partners (Woolford 2005, 129-130, 142).

This construction of there being one reasonable and rational way of going about the matter of negotiating treaties takes for granted a particular worldview that rests on an understanding about a universal historical progression of peoples which has shifted from pinning groups at greater and lesser degrees of civilization to describing them as more or less modernized, a metric which has come to reflect a particular degree of integration into

globalization. This worldview, which brings with it a particular “matrix of institutions, social scientific languages of development, and normative languages of the acceptable forms of political organization” (Tully 2010, 241), and the bureaucratic objectives it shapes have themselves been demonstrated by many scholars to be “based on subjective values and non-rational assumptions about the world,” but the rationalization of the bureaucratic mode of government obscures and legitimates these non-rational background assumptions underpinning Western thought (Nadasdy 2003, 8). As a result, other modes of political interaction become discredited as possible alternatives, making it difficult to challenge the prescribed terms of negotiation as “[t]he particular customs and ways of one partner enframe the entire negotiations, and they are presented as universal and inevitable” (Tully 2010, 241-242). This has the effect of limiting both the substance of what is considered admissible for discussion within the negotiations, as well as the manner in which the negotiations proceed.

The bureaucratic constraints that limit receptivity within treaty negotiation processes are partly a function of the representative nature of negotiators’ professional roles. Some people who work as negotiators may well be sympathetic or receptive to Indigenous peoples’ histories and stories of social sufferings as individuals, but in their role as negotiators they are unable to engage with those stories politically in the context of the negotiations. While some negotiators react to stories of social suffering or historical injustice by ultimately refusing to acknowledge and engage with them (Irlbacher-Fox 2009, 105), both Irlbacher-Fox’s and Woolford’s work is rife with examples where there is tension between a negotiator’s personal feelings and the action they feel they are capable of undertaking within their public role, which Woolford refers

to as a “bifurcation of consciousness” (Smith quoted in Woolford 2005, 130; see also Irlbacher-Fox 2009, 114). Woolford suggests that the problem presented by this structural limitation is compounded by the fact that the protracted nature of negotiations under such bureaucratic circumstances means that the negotiators involved may change over time. As more people become involved in the process, he notes, they often feel the need to emphasize the importance of their role, and so “individuals tend to concentrate most on the role they are assigned than on the overarching purpose for which this role has been created – in short, they seek to competently follow and reproduce the rules of the bureaucratic game” (2005, 103-104).

In the absence of a shared visioning exercise of what the parties view as just outcomes of the process and the development of substantive mutual goals to enable them to pursue those outcomes, which Woolford emphasizes as a major obstacle in the British Columbia treaty process, negotiations have become mired in proceduralism and offer limited potential as a mode of redress for historical injustice (2005, 103). The approach to settling land claims is formulaic rather than receptive in that it operates according to pre-determined positions about how much land the province is willing to give up and how the cash component of settlements will be calculated (Egan 2012, 43, 410), and in that Indigenous peoples’ rights are “acknowledged in forms and to an extent that can work within present-day Canada” without calling attention to the “cultural specificity of Canadian institutions” (Blackburn 2007, 630). The insistence that the negotiations are meant to be “forward-looking” in order to build better future relationships comes at the expense of talking about why the relationships have not been good in the past, as well as any consideration of compensating Indigenous people for “past use and alienation of

lands and resources” (Egan 2012, 410). In addition to not being receptive to claims about historical injustice, the negotiations are also premised on an ownership model of property that is enshrined at the heart of the Western liberal tradition and as such are not receptive to Indigenous conceptions of land that are more relational and in which properties can overlap, or to their proposals for alternative forms of treaty relations based on these conceptions that would put a greater emphasis on sharing than on exclusive ownership (Egan 2013, 35-36).

Lastly, as Christopher Alcantara notes with respect to the comprehensive land claims process, echoing the problems surrounding bureaucratization identified by Nadasdy, negotiations bring about a form of what Young calls internal exclusions as they are not receptive to Indigenous claims presented on Indigenous terms:

Aboriginal groups must adopt western forms of knowledge, proof, and discourse if they want negotiations to proceed. Rather than being able to use their traditional knowledge, languages, and oral histories in negotiations, they are forced to produce maps, hire white anthropologists, linguists, lawyers and historians to prepare and document their claims, and engage in formal proposal-counter proposal negotiations, all in the English language. (2007, 252)

Even in cases where there is a certain degree of flexibility around some of these aspects – treaty tables where individual negotiators may be more receptive to listening to Indigenous stories of social suffering and historical injustice even though their fixed mandates do not allow them to do anything about it, or cases where more room is made for the admissibility of oral history – there is still no “room to call the boundaries into question in the space of negotiation” (Tully 2010, 241). The inflexibility of these boundaries – both in the sense of the epistemological underpinnings of the negotiations and in the sense of the conditions outlined by preset mandates – and their

unresponsiveness to alternative approaches and forms of expression and to Indigenous peoples' experiences of historical and ongoing injustice has led many scholars to conclude that contemporary negotiations reproduce colonial relations rather than constituting a form of decolonization (Alfred 2005, 77, 156; Blackburn 2007, 622, 631; Egan 2012, 401; Mack 2011, 289; Tully 2010, 242; Woolford 2005, 143). As Indigenous people are forced to conform to the norms of the dominant society and to establish their own parallel bureaucracies in order to enter into negotiations and to implement negotiated agreements with provincial, federal and territorial governments (Nadasdy 2003, 2), they are required to speak and act in ways that conform to bureaucratic procedures through which they relate to land and animals according to non-Indigenous conceptions of them rather than their own worldviews (8). This can have the rather ironic effect that Indigenous people "have to think, talk, and act in ways that are often incompatible with (and even serve to undermine) the very beliefs and practices that this new government-to-government relationship is supposed to be safeguarding" (3).

Ongoing and Open-ended Negotiation

An Arendtian politics recognises the boundless, unpredictable, ongoing nature of action and Schaap suggests that reconciliation and political community can only be understood as a contingent outcome of such politics. This ongoing unpredictability is reflected in the notion that from the perspective of Indigenous peoples, "treaties must reflect the contingency of life rather than impose an absolute and final relationship" because circumstances change over time and people need to have the flexibility in their relationships with each other to be able to respond to the unexpected events that will

occur as a result of action in the future (Woolford 2005, 12). Arendt suggests that promising is the only faculty of action that is capable of potentially mitigating the unpredictable quality of the future but cautions that promises ought to act as guideposts for action rather than be used to determine the whole of the future. That current treaty processes reflect a different understanding of promising and are not aimed towards establishing relationships of ongoing and open-ended political negotiation is clearly evidenced by the emphasis on achieving certainty and by the language of full and final settlement contained in the agreements reached through the process (Alcantara 2007, 351; Asch 2014, 27; Egan 2013, 42). This pursuit of closure takes place in a context in which government negotiators come to the table, in the case of British Columbia, having already determined that only about five percent of the province's territory will be returned to Indigenous peoples through treaties and that this will be done according to a "narrow and largely pre-determined formula" for distributing money and land (Egan 2012, 409). Like with Arendt's conception of promises as guideposts, Woolford also suggests that guideposts are a necessary component of a treaty making process that is geared towards justice (2005, 38-39). Such guideposts and a vision of an ongoing and open-ended political relationship are both lacking in the current approach, however, which operates in a context wherein "a calculative attitude towards the minimization of risk becomes the predominant mode of reacting against modern uncertainties" and the pursuit of justice is overwhelmed by the pursuit of certainty (152).

This emphasis on certainty is troubling for a couple of reasons. In failing to be open to the unpredictability of the future owing to the boundless character of action, it inhibits action by closing off possibilities in the future. Furthermore, such an effort to

achieve certainty over land ownership and rights may in fact result in greater uncertainty for Indigenous people as they are asked to “gamble the rights of future generations on treaty rights that are untested” (Woolford 2005, 12). This asymmetrical form of uncertainty can again be understood as a lack of reciprocity – as Egan puts it, “[t]he existing certainty model, like the treaty process itself, is one sided: it meets the Crown’s desire for certainty but does not provide the kind of certainty that First Nations seek” (2013, 44). Such a form of certainty would involve being assured of a stake in managing and benefiting from land and resources through shared stewardship and political partnerships rather than a form of certainty that determines whether one party *or* the other has the exclusive jurisdiction to authorize development projects and resource exploitation in a given territory (Egan 2013, 44; Woolford 2005, 177). Instead, treaty processes eschew justice in favour of certainty, or present justice *as* certainty, and effectively replace the possibility of an ongoing democratic political partnership with a conclusive and economically defined account of the relationship in what Woolford calls “a display of symbolic violence directed towards spreading the rationality of neoliberalism into heretofore resistant Aboriginal lifeworlds” (176). In prioritizing certainty about the economic terms of engagement and refusing to engage with narratives of historical injustice and Indigenous identities, this approach results in an essentialization of Indigenous identity and a further divergence between Indigenous and non-Indigenous people. This failure to “problematiz[e] the nature of the relationship between these two groups or examin[e] how non-Aboriginal cultures came to devalue and marginalize the cultures and identities of First Nations” is more likely to create resentment than reconciliation (175). Recalling Muldoon’s warning that attempts to insulate the future

from the possibility of conflict often have the opposite effect (2005, 248), it seems that in favouring reconciliation as consistency over reconciliation as relationship, current treaty processes may yield agreements that will in the end only lead to further conflict (Raybould quoted in Alcantara 2007, 359; Woolford 2005, 3).

Openness to Multiple Conceptions of History and Temporality

The previous chapter showed that attentiveness to conflicting accounts of history and to the ways in which they are shaped by diverse conceptions of time is critical in efforts to address claims about historical injustice. However, as indicated above, contemporary treaty processes are explicitly unreceptive to narratives of historical injustice and alternative conceptions about the continuing presence and relevance of the past. As Woolford writes,

At treaty tables, following a First Nation's presentation on the hardships it experienced due to the policies of the federal and provincial governments, it is not uncommon to hear one of the non-Aboriginal government representatives remark: 'We are here to talk about the future, not the past.' (2005, 118)

Stories about the past are set aside as irrelevant to the practical task at hand (118). From the Crown's perspective, this also allows for the evasion of difficult questions regarding the state's liability for past injustices (137). This often results in treaties being couched in the terms of a "powerful language of legitimation" that invoke the familiar reconciliatory tropes of moving forward, putting the past behind us, and progressing together into a better future in a manner that often serves as "a rationale for forgetting the past" (Blackburn 2007, 625, 626; Woolford 2005, 109). While this approach allows non-Indigenous governments to avoid challenging questions they would rather not address, it

creates both a moral problem and a practical one, in that it creates a further sense of injustice for Indigenous peoples, and it exacerbates the divergence of views at the treaty tables by foreclosing the possibility of the development of better mutual understanding through deliberation about shared and conflicting histories that could prove fruitful for negotiation:

The bracketing off of this history from the treaty process constitutes a denial of Aboriginal experiences with colonialism and closes off productive avenues for negotiation and understanding. Couched in a discourse of reconciliation, treaty making is framed as being about moving forward into a united and more positive future rather than looking back at a dark and gloomy past. (Egan 2012, 410)

Drawing such a line between the past and present pursues a pre-emptive closure that is inattentive and unresponsive to the ways in which the past continues to affect Indigenous peoples in the present, and as Blackburn notes, this discursive move also makes it more difficult for Indigenous peoples to put forward claims about ongoing injustices (Egan 2012, 410; Blackburn 2007, 627). This difficulty is evident in debates where opponents deride treaties as a source of race-based rights that have no place in this modern age of equality, all the while eliding the “historical production of material and political privileges for non-aboriginal people in Canada” (633).

Blackburn’s interviews with government treaty negotiators and policymakers working on the Nisga’a treaty demonstrate the ways in which Western conceptions of time, history and progress inform their perspectives on modern treaty making and thus place constraints on the transformative potential of these treaties in a manner that is reminiscent of Lederach’s reflections on how his understanding of time was lacking important characteristics necessary in the mediation of protracted conflicts between groups with different worldviews (2005, 132). Blackburn notes that government

employees frequently linked the treaty with both reconciliation and progress, and acknowledged that mistakes had been made in the past. However, while they “took reflection on historical mistakes as a starting-point,” in breaking with that past and failing to critically interrogate the theories of progress in whose name those mistakes had been made, they “nevertheless recuperated a teleology of progress into a fully modern future” (2007, 625). The result is another attempt to overcome the past instead of engaging with it from a multiplicity of perspectives in order to understand both how it led to the present and how it continues to exist in the present.

The failure of contemporary treaty processes to grapple with claims about the continuing relevance of past wrongs and the cultural diversity characterizing these spaces of negotiation that notably includes divergent understandings of time – and, as noted in the section on receptivity above, space – is thus intertwined with all of the critiques laid out above. Without engaging with the stories of how and why our relationships led to harm and misunderstanding in the past and building towards mutual understanding, we stand little chance of developing meaningful political relationships in the present. Such a practice would also need to be characterised by a reciprocity that is likewise lacking in contemporary negotiations, not only in the sense of an equal power to participate in the giving and taking of proposals in the negotiations, but also in the form of a reciprocal sharing of narratives of history and culture and of perspectives on the world we share. However, current narratives are not receptive to stories about historical experiences, claims about the importance of historical injustice in the present, or proposals for alternative forms of treaty relations based on Indigenous political traditions and conceptions of time and space. This may be in part because the treaties as currently

conceived are aimed towards enacting a “full and final” transaction based entirely on non-Indigenous perceptions of present reality rather than seeking to renew an ongoing relationship for the sake of a possible shared future by engaging with and seeking forgiveness for past harms.

Treaty Relations and Agonistic Reconciliation

Scholars who are critical of Canadian governments’ approaches to treaty negotiations nonetheless point to the transformative potential of treaties, arguing that there is historical evidence to suggest that early European and Canadian treaty negotiators such as Alexander Morris understood and agreed to the terms of treaty relations as they were presented by their Indigenous counterparts and negotiated together as political equals (Asch 2014); that while current processes are predominantly shaped by the hegemony of Western norms, treaty negotiations present important spaces within which to call the boundaries of our present relationships into question and begin anew (Tully 2010); and that if negotiations processes became more receptive to Indigenous conceptions of time and space and to addressing experiences of historical injustice they might open a space “between justice and certainty” wherein a “transformative, ongoing, and relational notion of ‘reconciliation’” becomes possible (Woolford 2005, 179, 14; Egan 2012, 2013; Irlbacher-Fox 2009). From these critiques, a vision of living in reconciliation by coming to understand and respect Indigenous approaches to treaty relations begins to emerge, embodying in a variety of forms the characteristics of relationality, reciprocity, receptivity, ongoing and open-ended negotiation and openness to multiple conceptions of history and temporality that shape agonistic reconciliation, as

laid out in the previous chapter, and have been shown to be missing in current approaches to contemporary treaty making, as discussed in the sections above.

Like Schaap, who argues that being reconciled is not a state of being that we can achieve, Woolford also points to a distinction between being reconciled and engaging in reconciliation in his work on treaty making in British Columbia, which seeks to conceive of a space “between justice and certainty” in which treaty negotiations might be approached as “reparations as justice making” (2005, 178). In a vision of reconciliation that mirrors Schaap’s argument about resisting the impulse to impose closure, he writes that reconciliation

requires a process of ongoing engagement with the Other. This is not a melding of two worlds into bland sameness, nor is it a mere act of tolerance whereby two parties grudgingly accept their differences. It is, rather, a living relationship that involves sharing and cooperation. In this sense, it requires more commitment than ‘big bang’ negotiations, as the act of negotiating will be continuous throughout the parties’ relationship. (180)

In reflecting on the critiques of the state reconciliation process and contemporary treaty making practices, Woolford’s work constitutes an important link in considering the relationship between calls to broaden our understanding of reconciliation to encompass processes beyond the IRSSA, such as treaty negotiations, and agonistic conceptions of political reconciliation. The assertion that reconciliation through treaty relations is not a matter of achieving sameness or consensus but is about establishing a relationship of ongoing negotiation between diverse peoples indicates the importance of an approach that is distinctly agonistic: it entails revisiting, renewing, and reshaping the terms of association, thus allowing for deliberation not only within but also about the nature of shared political community. As such, the politics of treaty relations are geared not

towards building agreement about a common vision of the good, but towards forming relationships through which we can live together with diverse visions of the good. Treaty negotiations, as an example of institutionalized promise making, present an interesting case study for considering the ways in which Arendt's work on judgment, forgiveness and promising, as well as her writings on thoughtlessness and bureaucratic regimes, might be used both diagnostically, as in the section above, and normatively to understand current negotiation processes and to seek to reorient them towards such an agonistic vision of living in reconciliation.

Woolford's argument seems to reflect a more agonistic understanding of reconciliation as an ongoing and open-ended relationship in a number of ways, and is particularly attentive to the concerns that Arendt raises about the misuse of promise making (Arendt 1959, 220). He suggests that the BC treaty process suffers from overly constraining mandates that predetermine the limits of negotiation and a power imbalance that privileges government actors' interests in achieving economic certainty; he argues that treaties ought instead to establish flexible and ongoing relationships rather than pursuing finality and closure (Woolford 2005, 12); and he calls for substantive guideposts by which to orient negotiations (172). The notion that the enterprise of promise making becomes self-defeating when it is "misused to cover the whole ground of the future and to map out a path secured in all directions" echoes in Woolford's descriptions of the ways in which the fixation on certainty and the attempts to limit possible outcomes from the outset of treaty making in fact leads to greater rather than lesser uncertainty for Indigenous groups (Arendt 1959, 220; Woolford 2005, 12). His argument for reparations as justice making requires both recognition and redistribution, which he views as

necessary for building the trust that would be foundational for a transformed relationship between Indigenous and non-Indigenous people (2005, 181).

Many scholars note the importance of building trust, and acknowledge that this may be a difficult exercise in an atmosphere so heavy with broken promises. This draws crucial attention to the interplay between promising and forgiveness in the constitution and renewal of a space for politics between divided groups, and raises important questions about the role of trust in this process. In Schaap's (2005) vision of agonistic reconciliation, the space of politics is created through the promise of "never again" in response to past injustices, and rests on the foundation of the willingness of victims of those injustices to forgive – or to seek reasons to forgive – the perpetrators for those wrongful deeds such that they can at least contemplate sharing a political community. These acts do not create that community, whose existence cannot be assumed, but aim towards it through an ongoing reconciliatory politics. As Schaap notes, constituting that space for reconciliation is always shaped by the risk of politics: that it will not be successful, that the groups will remain in or fall back into conflict (2005, 21). Just as those parties making promises to begin anew and not to repeat past harms face the risk that they will not be forgiven for those harms, those choosing to forgive may find themselves facing broken promises once again in the future. This begs the question: in a context where this has been the case for centuries, on what basis might people trust in the promises of reconciliation such that they would be willing to forgive in the hopes of a renewed political relationship? As Asch writes,

We are no longer in the 1870s, when Confederation was new. We have travelled down the path I have described for so long, and caused so much damage, that we cannot wish the past away. Indeed, we cannot even assume that, given our record and our current actions, our partners would

be willing to let us polish the Covenant Chain² no matter how sincere our intentions. And then of course there are those with whom we did not reach agreements. Would they be willing to negotiate knowing how we have acted up to now? (2014, 149)

Likewise, Nuu-chah-nulth scholar Johnny Mack notes that in the advent of a recognition of the injustice of non-Indigenous people's claims to land and jurisdiction, Indigenous people "would be wise to send them packing" given their track record with respect to coexistence (2011, 288). It seems that efforts to move towards reconciliation in Indigenous-non-Indigenous relations face two inter-related obstacles: first, that reconciliation is not likely to become a possibility without a demonstration that non-Indigenous people are capable of developing a better record of keeping their promises and of being more receptive to Indigenous perspectives; and second, that thus far such a demonstration at a state level has not meaningfully taken place.

In response to the unwillingness of governments to apologize for past wrongs in the context of treaty negotiations in British Columbia, Woolford suggests that "[f]or First Nations, a show of honour on the part of the non-Aboriginal governments is necessary if they are to believe that they will not experience new harms, or continue to suffer the same injustices, under treaties," and that such a show of honour might be demonstrated by offering an apology for past harms (2005, 137-138). He notes that governments' fear of liability means that they are only likely to be willing to deliver such an apology once the terms of the treaty have already been agreed on, but questions how much meaning this kind of "risk-free apology" would have (138). In Schaap's terms, it seems that a post-political apology of this variety, through seeking to avoid the risk of politics, would

² Asch is referring to a practice of renewing relationships established through treaty according to Haudenosaunee traditions, most commonly associated with the Two Row Wampum. For more detail see Borrows 1997; Doxtater 2011, 44-46; and Williams 1997, 117-122.

likely miss the promise of politics as well, as it would not provide a basis on which formerly divided parties might come together to form a new and ongoing relationship *through* a discussion of their conflicting experiences of their shared history because it would only acknowledge that history after the terms of the relationship had been conclusively delineated. Furthermore, an apology alone does not constitute reconciliation – rather, it serves as a commitment to an ongoing relationship of living in reconciliation in the form of acknowledging and taking responsibility for past wrongdoing and promising not to repeat it, and as such it requires continued renewal through action. If such a promise is thought of as a guidepost in the ways indicated by Arendt or Woolford, it ought to serve to orient subsequent action following the apology or moment of recognition. Of course, because action is boundless and unpredictable, it cannot always be the case that it will, whether the promise is broken or strayed from wilfully or inadvertently. Former Assembly of First Nations National Chief Shawn Atleo’s rejoinder to Prime Minister Harper regarding his comments suggesting that Canada has no history of colonialism, which were made after Harper’s apology to the survivors of the colonial policy of residential schools, serves as an example of an occasion of an apology not informing future speech and action (Henderson and Wakeham 2009, 2).

Precisely what the project of building social and political trust will require will largely be context-specific to the cultural, socioeconomic, and geographical spaces in which any given interactions take place and, like the terms of any relationship – heeding Arendt’s warning along with those of the many critics in this thesis – is not something that can wholly be determined ahead of time. However, we can take note of which avenues have led to resentment and frustration rather than trust in the past and present as

we seek to begin anew in the future. Kanien'kehaka scholar and mediator T'hohahoken Michael Doxtater offers some insights in an article about using the Two Row Wampum as a model for mediating disputes between Indigenous and non-Indigenous communities in the Grand River Valley, emphasizing the importance of having all parties involved participate in a learning community where mutual understanding is built through engaging with each of their experiences of fears, worries and threats in a process of cross-cultural mediation (2011, 54). Doxtater warns against political negotiations that proceed in the absence of engaging with these experiences, as he suggests was the case at Caledonia in 2006 (58). Thus, along with committing to renewing our reconciliatory promises in subsequent speech and action and making meaningful efforts to seek repair and forgiveness in cases where those actions have negative consequences within our shared web of relations, we need to recognise that the possibility of truly beginning anew will require the establishment of trust where it has been lost, and that this too is an ongoing process:

[T]rust is a key component of an ongoing reconciliation. The relationship that is the project of reconciliation will be founded upon a developing trust between the two parties. In our shared quotidian world, trust is not merely of a contractual nature: it is built and rebuilt through sustained interaction. (Woolford 2005, 180)

Promise making, then, is indeed an important faculty for constituting a space for politics, but equally if not more important to the task of building a common world is promise keeping.

Conclusion

This chapter has explored the ways in which Indigenous visions of treaty relations present alternative approaches for Indigenous and non-Indigenous people to live together in the land they have come to share. These visions align in many ways with the accounts of agonistic reconciliation theorists and may offer a more fruitful path to transforming relationships than the modes of reconciliation currently being undertaken under the auspices of the IRSSA. It has also shown that this more transformative approach is not offered by or honoured within contemporary treaty processes that are supposedly geared towards redressing the historical injustice of land dispossession. As Alfred writes,

If the goals of reconciliation are justice and peace, then the process to achieve these goals must reflect a basic covenant on the part of both Onkwehonwe and Settlers to honour each others' existences. This honouring cannot happen when one partner in the relationship is asked to sacrifice their heritage and identity in exchange for peace. (2005, 156)

In Arendt's account of politics, action must be connected to a unique self – a “who,” rather than a “what” – in order to be meaningful, and in order for the beginning it initiates to be carried on into the world it must be received by others who also have unique perspectives on the world and be engaged with and judged by them in how they respond and reveal their identities in return. This process of developing mutual understanding in the context of diversity is crucial to the possibility of transformative reconciliation, and, just as the absence of or failure to honour treaties may inhibit the possibility of reconciliation, “in the absence of reconciliation, any treaty that we might make now is unlikely to stand the test of time” (Schaap 2008, 257). Thus the political, economic, social, cultural, spiritual, psychological, symbolic, and material questions surrounding

treaties and reconciliation in Canada are not matters that can be separated into different spheres and addressed as if they had no bearing on each other. Reconciliation as relationship is unlikely to develop in one space if people are being cornered into accepting reconciliation as resignation or consistency in another. The problems presently besetting both spheres are not necessarily reason to abandon either approach though; instead, they point to the need to challenge current boundaries in order to strive towards forms of political interaction that will better enable freedom, equality and respect for diversity (Tully 2010, 247). By reading divergent visions of treaty relations through the lens of theories of agonistic reconciliation, I suggest that a constructive path for reimagining reconciliation may lie in bringing together the affective concerns of reconciliation processes and the material concerns of treaty processes into a conception of living in reconciliation that acknowledges and respects relationality between interdependent peoples who are diverse and distinct but equal; operates on the principle of reciprocity in sharing perspectives and sharing land; is receptive to different perspectives on our shared world and visions of how to live together in it, and is responsive to claims of injustice that may arise in the ongoing negotiation and renewal of the terms of association; is ongoing and open-ended rather than insisting on pre-emptive closure; and is attentive to the particular potency of history and the effects of incompatible conceptions of time and space when it comes to mediating conflict and building relationships between peoples whose divisions are rooted in conflicts over land and historical and enduring injustices.

Conclusion: Some Thoughts on Living in Reconciliation

Before any agreement or reconciliation can happen, there must be a connection made between people, there must be a demonstration of respect, and love must be generated. Then and only then can 'issues' and interests be spoken of sincerely and resolved. This is what a commitment to coexist means.

*- Taiaiake Alfred
(2005, 266)*

The agonistic conceptions of politics and reconciliation explored in this thesis show that in order for reconciliation to hold open the transformative potential to create a new and common world in which formerly divided groups might come together in civic friendship rather than to reinscribe dominant social relations through the discursive illusion of a commitment to change, reconciliation must be approached as a ongoing and open-ended political relationship that is committed to reciprocity and receptivity, and must be particularly sensitive to differences of perspective regarding history and temporality due to the issues regarding historical injustice that divide us. Following Young, the practices of reciprocity and receptivity through which we enact this relationship must acknowledge the differences in our social and historical positions and the relations of power that connect these positions, and we must consciously incorporate modes of communication into our collective deliberations that seek to mitigate the exclusion of marginalized perspectives. As Epp notes, we must also heed the fact that, as a factor of the asymmetrical relations in which we find ourselves, “the burdens, the opportunities, or, more neutrally, the imperatives of reconciliation are not distributed equally” (2008, 127). This is to say that pursuing the goal of reconciliation will require different things of different people in different contexts, and what these imperatives are in any given context

can only be determined through receptive judgment. A fisher in the Maritimes, a bureaucrat in Ottawa, and an oil executive in Alberta will all face very different circumstances as they are called upon to live in reconciliation, and the way in which they each choose to do so will be shaped by their socio-cultural backgrounds, their life experiences and their family histories. Certain collective challenges can be identified. For instance, one that emerges from the exploration of contemporary treaty processes is the question of how it might be possible to overcome the obstacles to meaningful reciprocal engagement presented by bureaucratic structures. While the forms of reciprocal and receptive political negotiation discussed in this thesis present an alternative mode of engagement from the negotiation practices that characterize current processes, the question of how these alternative modes of engagement might be introduced in a context where bureaucratic practices are so thoroughly entrenched is a matter that merits further study. Generally speaking though, one of the central insights of an Arendtian approach to political action is that we must not rely on standards or formulae or choose our actions on the basis of a determinate end we seek to achieve; rather we must each make judgments about how to act based on our engagement with others and our reflections on the unique singularity of the circumstances and the web of relations in which we find ourselves.

When it comes to understanding the web of relationships between Indigenous and non-Indigenous people in Canada, I have suggested that it is important to engage with treaty relations in how we approach living in reconciliation. There are many intricacies left to be explored on this front, not the least of which is the fact that Canada has been shaped by a wide variety of forms of treaty relationships and treaty histories, from the peace and friendship treaties in the Atlantic region to the numbered treaties across the

centre of the country to the Nunavut land claim in the north, to the lack of treaties in large parts of British Columbia and Quebec. Treaty relations are historically and geographically located, and judgments about how we might live in reconciliation through treaty relations must attend to these particularities. Asch suggests that “to act in accord with [the] ‘spirit and intent’ [of treaties] is to act with ‘kindness’ towards our partners,” which is a practice that is rooted in making judgments with “the intent to respond proportionately to the perceived needs of the other” (140). This practice too, must heed the asymmetry of social and historical relations which means we cannot presume to be able to imagine the needs of the other – indeed, such assumptions have played a harmful role in shaping our past relations – and so this practice must involve an active dialogue about what these needs are. In making judgments about what acting with kindness involves at a given moment, we may misstep and will need to take responsibility for our actions and hope that we may be forgiven such that we can begin anew. First, however, we will need to forge connections and demonstrate respect by developing a greater receptivity to and appreciation for the importance of diverse perspectives on our shared history. Through sharing these stories with each other and committing to an ongoing and open-ended political relationship, we may come to open the possibility of building a world in common that is “not yet.”

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