RECONCILIATION AND CONFLICT: A REVIEW OF PRACTICE

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In this article I provide a review of two connected events. The first is the conference "Prairie Perspectives on Indian Residential Schools, Truth and Reconciliation," which was held in June 2010 in Winnipeg, Manitoba. This conference was just one of many concurrent events taking place at the Truth and Reconciliation Commission of Canada's first national event. Specific themes and aspects of the conference are covered here. Secondly, I parallel my discussion of the conference to my experiences at the national event. While I originally planned to offer a review of the conference only, I realized that I could not do so without speaking to my experience with the national event — experiences can be complex and do not happen in isolation from the broader contexts around them.

Overall, I argue that while the conference and the national event made some meaningful contributions to ongoing dialogue about reconciliation in Canada, it is clear that understanding how to deal with and discuss the conflict that arises from discussions of residential schools, "race relations," and reconciliation more broadly is an ongoing learning experience. I offer some recommendations concerning how conflict could be better dealt with at future conferences and national events. Reconciliatory processes can be more effective if there is not only space for dissent but, most importantly, that mechanisms are in place for encouraging productive discussions about the conflict that arises and that will continue to arise.

Dans cet article, je traite de deux événements reliés entre eux. Le premier étant le congrès sur les perspectives des Prairies relatives aux internats indiens, vérité et réconciliation (Prairie Perspectives on Indian Residential Schools, Truth and Reconciliation,)qui a eu lieu en juin 2010 à Winnipeg, au Manitoba. Ce congrès se déroulait en même temps que beaucoup d'autres activités du premier événement national de la Commission de vérité et de réconciliation du Canada. L'article couvert des thèmes et des aspects précis du congrès. De plus, je fais un parallèle entre ma discussion au congrès et les expériences à l'événement national. Bien que je voulusse d'abord parler uniquement du congrès, je me suis rendu compte que je ne pouvais le faire sans aussi parler de mon expérience à l'événement national, les expériences étant complexes et ne produisant pas de manière isolée des contextes plus larges.

Dans l'ensemble, je fais valoir que le congrès et l'événement national ont fait d'importantes contributions au dialogue sur la réconciliation au Canada, mais qu'il est clair que pour comprendre comment aborder et régler le conflit qui surgit des discussions sur les internats, «les relations interraciales» et la réconciliation au sens plus large représentent un apprentissage continu. Je fais quelques recommandations sur la manière de mieux aborder le conflit aux congrèset événements futurs. Le processus de réconciliation pourrait être plus s'il n'y a pas seulement de place à la dissidence, mais surtout, si des mécanismes sont en place pour encourager des discussions productives sur le conflit qui surgit et qui continuera de surgir.

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I. INTRODUCTION

The Truth and Reconciliation Commission of Canada (TRC) was established pursuant to the *Indian Residential Schools Settlement Agreement*.[1] The work of the TRC is to amass and record the complex history of residential schools and to make known and pertinent the present impact of that history not only on Indigenous people, but on all who reside in this country. Commissions that are developed to deconstruct and rearticulate a more thorough understanding of violent histories are becoming common.[2] Many commissions focus on truth gathering, but some also bring in the additional goal of reconciliation,[3] as is the case in the Canadian context. As discussed below, the inclusion of the goal of reconciliation, while complicated, is vital, as it signals that the TRC recognizes (or will attempt to recognize) that the work of the commission is not just historical in nature. A focus on reconciliation acknowledges that current Indigenous and non-Indigenous relations in this country are not well. I explore here how the TRC has an opportunity to be attentive to conflict, and how it might be able to create *and utilize* space for understanding not only history, but also how colonialism and racism run through current norms and values, and thus the institutions and relationships in Canada.

The TRC commenced work in 2008 and has been active in undertaking research, gathering statements, and supporting community events. Recently, it hosted its first national event in Winnipeg, Manitoba.[4] These activities contribute to the goals of both truth and reconciliation. While those goals are intertwined, in this article I aim to deal primarily with reconciliation in the context of the first national event. Ever since I learned that the TRC planned to host national events, I was compelled and implicated. Compelled, as I have many questions about the goals of these events and how they might be achieved. Implicated because of a personal sense of responsibility to participate, but also because the TRC was inviting the "Canadian public"[5] to partake in this event.[6] As part of this first national event, a conference was hosted. I travelled to Winnipeg to be a part of this conference, and while my initial intention for this

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1 (8 May 2006), online: Indian Residential Schools Class Action Settlement — Official Court Website <http://www.residentialschoolsettlement.ca/Settlement.pdf>.

2 Sara Parker, "All Aboard the Truth Bandwagon: An Examination of Our Fascination with Truth Commissions" (2007) 4 Antipoda 207 at 208-209.

3 See Jeff Corntassel & Cindy Holder, "Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala, and Peru" (2008) 9 Human Rights Review 465 at 469. For a discussion on whether truth *and* reconciliation must happen together, see Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001); Frederik Van Zyl Slabbert, "Truth without Reconciliation, Reconciliation without Truth" in Wilmot James & Linda van de Vijver, eds., *After the TRC: Reflections on Truth and Reconciliation in South Africa* (Claremont, S. Afr.: David Philip, 2000) 62.

4 See generally Truth and Reconciliation Commission of Canada, "Home," online: Truth and Reconciliation Commission of Canada <http://www.trc.ca/websites/trcinstitution/index.php?p=3>.

5 Truth and Reconciliation Commission of Canada, "FAQs," online: Truth and Reconciliation Commission of Canada <http://www.trc.ca/websites/trcinstitution/index.php?p=10>.

6 As I argue elsewhere, the national events are one of several ways that the TRC attempts to engage and educate "Canadians" (those who are not direct survivors or perpetrators of residential schools). A close reading of the TRC's approach to public education suggests that "Canadians" could easily be confused with meaning only white people. The TRC's approach for addressing and including those who reside in this country is dangerously simplistic and homogenizing: see Emily Snyder, "The Ethics of Reconciling: Learning from Canada's Truth and Reconciliation Commission" (2010) 5:2 Les Ateliers De L'Éthique/The Ethics Forum 36.

article was to offer a review of the conference only, it became apparent that I could not offer a simple, typical review. The conference cannot be discussed in isolation from the broader goals of, and experiences with the national event, as both the conference and national event run into a similar problem concerning conflict.

The main question that I therefore use to frame this review is: How was conflict dealt with at the conference and, more broadly, at the national event? My overall impression was that the conference and national event allowed some space for conflict to arise, but it then seemed that people did not really know what to do with this conflict. I argue that for any reconciliatory process to be productive, not only does the space need to be created for dissent, but there must also then be interactive mechanisms in place for encouraging constructive dialogue about the conflict that does arise. Conflict can be incredibly informative if it is worked with (and paralyzing, if not). It can also be *really* uncomfortable. While I recognize that my analysis here is quite partial — it is based solely on my own experiences of the conference and national event — I hope that a discussion of my own discomfort and confusion while at these events can contribute to a broader ongoing discussion about reconciliation and conflict. I begin with a brief explanation of how I am approaching reconciliation. This is followed by a consideration of how conflict was dealt with at the conference. I then offer a broader analysis of the national event. I conclude with some recommendations regarding productive conflict management.

II. RECONCILIATION

Reconciliation can be discussed in many ways. One common debate that occurs in the reconciliation literature concerns what mode of justice ought to be relied upon regarding large-scale violence — retributive or restorative justice. Scholars such as Jennifer Llewellyn, Elizabeth Kiss, and Val Napoleon compellingly make the connections between reconciliation and restorative justice.[7] Given that restorative justice is defined and discussed in detail elsewhere in this special issue, I focus here on the concept of reconciliation. However, my discussion should still be considered relevant to discussions on restorative justice, and I hope that my focus on conflict and the subsequent recommendations at the end of this article are of value to those working in the restorative justice field.

While various definitions of reconciliation exist, related to specific contexts and goals in a given society, I suggest that much of the variation in the definitions of reconciliation stems from divergent approaches to conflict. What we understand conflict to be and what role we think it should play in our lives can infiltrate assertions of what reconciliation ought to be or do. For example, there are some who would argue that reconciliation means that a population must ultimately come together and agree on one history: "To *reconcile* means not only reestablishing friendly relations, but reconciling contradictory facts or stories, 'to make

[7] Jennifer Llewellyn, "Truth Commissions and Restorative Justice" in Gerry Johnstone & Daniel W. Van Ness, eds., *Handbook of Restorative Justice* (Portland: Willan, 2007) 351; Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice" in Robert I. Rotberg & Dennis Thompson, eds., *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton University Press, 2000) 68; Val Napoleon, "Who Gets to Say What Happened? Reconciliation Issues for the Gitxsan" in Catherine Bell & David Kahane, eds., *Intercultural Dispute Resolution in Aboriginal Contexts* (Vancouver: UBC Press, 2004) 176 at 179-80.

(discordant facts, statements, etc.) consistent, accordant, or compatible with each other.'"[8] Understanding reconciliation in this way relies on an oversimplified approach to conflict. If we can recognize that conflict is continuous (though it can change and exist in different ways), and that dissent can in fact be productive and healthy if there are mechanisms in place for managing it,[9] then our definition of reconciliation can open up; it need not mean that everyone must think and act the same. As Kiss notes of this approach to reconciliation, "the goal of 'reconciliation of all with all' is illiberal, because it deprives people of the essential liberal freedom of moral dissent."[10]

My approach to reconciliation includes a recognition that while it is necessary to challenge racism and colonialism and to rearticulate past oppressions, as well as current injustices, this process cannot rely on an end goal that everyone will agree. Conflict and contestation are a part of our lives, and accepting and working with this can provide a productive avenue for addressing oppression.[11] Reconciliation does need to be a reciprocal process though. As Napoleon notes, we need to ensure that, with any reconciliatory process, the oppressed are not the ones continuously called upon to have to explain themselves to others. When speaking of reconciliatory processes in Australia, she explains, "[i]n the non-Aboriginal communities, the non-Aboriginal peoples had their awareness increased [about Aboriginal people], but not about themselves."[12] As is noted in the discussion at the end of this article, we need to ensure that, in the Canadian context, *everyone* is encouraged to ask critical questions about their own assumptions about identity, culture, and conflict. Further, we need to be careful to acknowledge that not only is there conflict between groups, but that conflict amongst groups proliferates.[13]

Social change is complex, and thus requires an approach to reconciliation that allows for contradictions, dissent, and uncertainty.[14] Although the TRC, as an institutionalized body, likely has limitations in terms of what types of conflict will be brought to it and how it will deal with conflict, it is still important to think about the possibilities for working with disagreement at the national events. As I discuss throughout this article, for reconciliatory processes to be effective, not only does there need to be space for conflict but, importantly, mechanisms in place for working with conflict. We need to better understand what we might do with the conflict that does come up at these events and how we can work with it in creative ways so that we can establish healthy societies capable of engaging in dialogue about dissent.[15] Those processes will be awkward, distressing, and potentially unpleasant,

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8 Hayner, *supra* note 3 at 162, citing *The Oxford English Dictionary*, 2d ed., *s.v.* "reconcile" [emphasis in original].

9 Richard Chasin *et al.*, "From Diatribe to Dialogue on Divisive Public Issues: Approaches Drawn from Family Therapy" (1996) 13 Mediation Quarterly 323; James Tully, *Public Philosophy in a New Key: Democracy and Civic Freedom* (Cambridge: Cambridge University Press, 2008) vol. 1; Jeremy Webber, "Legal Pluralism and Human Agency" (2006) 44 Osgoode Hall L.J. 167; Michelle LeBaron, "Learning New Dances: Finding Effective Ways to Address Intercultural Disputes" in Bell & Kahane, *supra* note 7 at 11; Napoleon, *supra* note 7.

10 Kiss, *supra* note 7 at 84, citing Timothy Garton Ash, "True Confessions" (1997) 44:12 The New York Review of Books 33 at 37.

11 See Tully, *supra* note 9; Napoleon, *supra* note 7.

12 Napoleon, *ibid.* at 183.

13 See Napoleon, *ibid.* at 186-91, on external and internal reconciliation.

14 While not discussed here, and while poorly dealt with by the TRC, institutional change is a crucial part of reconciliation. While my focus here is on the national events, our discussions must expand far beyond this particular analysis.

15 See e.g. Napoleon, *supra* note 7; Tully, *supra* note 9; Webber, *supra* note 9; LeBaron, *supra* note 9.

yet also informative and useful. I now shift to a discussion of the conference and reflect on various moments of discomfort that I felt to see what might be learned from them.

III. THE CONFERENCE

A. BACKGROUND

"Prairie Perspectives on Indian Residential Schools, Truth and Reconciliation" was a one-day conference that took place on 17 June 2010. It was held at The Forks, in Winnipeg, as part of the TRC's first national event. The conference was not organized by the TRC. Rather, it was organized by the University of Manitoba Centre for Human Rights Research Planning Initiative.[16] I was one of over 30 presenters at the conference.

B. CONTRIBUTIONS OF THE CONFERENCE

Given the number of presenters, the conference had concurrent sessions running throughout the day, with the exception of a discussion panel in the evening, which included individuals who were involved in reconciliatory efforts abroad. Various broad themes of the conference included: considerations of the meaning of truth and memory, historical and present impacts of residential schools, archival issues, colonialism and reconciliation, reconciliation and justice, decolonization, healing, and lessons from other commissions. The conference could be described as a survey of many topics relating to residential schools and the TRC.

There are a few presences and absences at the conference that are particularly noteworthy. Concerning a presence, it was refreshing to find a presentation linking Lesbian, Gay, Bisexual, Transgendered, and Queer/Questioning (LGBTQ) issues with colonialism and residential schools. Albert McLeod, Janice Ristock, and Lisa Pissante discussed what impact residential schools and colonialism have had on the health and mobility of "two-spirited"[17] people who do not fall into the typical heteronormative constructs that can be found in settler society and most present day Indigenous communities. They provided a conceptual way of looking into residential schools that is not commonly found in the literature or work of the TRC, and the inclusion of research on LGBTQ communities and residential schools was long overdue.[18] Further, concerning what was found at the conference, it is noteworthy that presenters consistently tied their discussions to contemporary circumstances and relationships, and also spoke of the resiliency of Indigenous peoples. These discussions are a crucial part of educating people about residential schools and colonialism.

It is also important, when attending a conference, to think about what was not said — to look at the absences. One obvious absence was a thorough analysis of gender. Experiences of residential schools, of colonialism broadly speaking, and even with the specific work of

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16 Funding for the conference came from the University of Manitoba Academic Enhancement Fund, the University of Manitoba Faculty of Law, and a University of Manitoba Major Outreach Award.

17 It should be noted that, while I do not have the space here, the term "two-spirited" requires further discussion. As well, it should be noted that LGBTQ also has multiple definitions and interpretations.

18 While I applaud these particular presenters, it is important to remember that this was just one presentation — the other presentations tended to exclude an analysis of heteronormativity.

the TRC have racialized implications but, connectedly, gendered repercussions as well. The insights from Indigenous feminists are instructive here. As Verna St. Denis notes, "understanding how western patriarchy distorts the lives of both men and women is a valuable and significant process in decolonization."[19] The TRC is purported to be a tool for challenging colonization, and the interconnections of race and gender should not be overlooked.[20]

One further theme that requires discussion is conflict. As I detail in the next section, conflict at the conference (and the national event) was peculiar in that it was simultaneously present and absent. When presenters spoke about residential schools, colonialism, and racism, they brought along ideas about conflict. Some presenters spoke of historical and contemporary conflicts between people, groups, and institutions. Others spoke to the topic of conflict by raising concerns about the work of the commission itself and how it may or may not be able to encourage reconciliation. And, on occasion, we would hear of different approaches for addressing conflict. Yet the descriptive nature of many of the presentations meant that conflict was talked about in a limited way. Further, when conflict came up at the conference, as something lived rather than a topic of research, it was poorly dealt with. Thus, a disconnect took place in which people could speak of the need to address conflict, but then knew little of what to do with conflict when it actually came up between people at the conference.

C. THINKING BEYOND RESEARCH

All of the presentations at the conference contributed to an ongoing discussion about residential schools, and truth and reconciliation. Public discussions such as these are necessary and significant. Yet it is not enough simply to put ideas out there, particularly those that deal with such complex contestation. Most conference reviews focus exclusively on the research, and the setting, audience, etc., are treated as peripheral and insignificant. Yet our experiences and learning do not happen in isolation from our surroundings.

The concurrent sessions for the conference took place in very different settings. The first venue was in a small auditorium-type room in a museum. What happened in this room seemed very much like a typical "academic conference"; it felt institutionalized and quiet (at least during the time that I was there). It seemed to be attended primarily by academics, government employees, and justice professionals of various leanings. The second venue was outside, in the middle of The Forks (surrounded by other activities happening at the national event), in an outdoor tent. There was a particular liveliness to that setting: the continuous movement of people coming in and out of the tent; of voices speaking over, under, and with the presenters; the loud movement of wind; of rain; the sensational persistence of mosquitoes; and ultimately a tornado warning that put an end to these sessions. The centrality

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19 Verna St. Denis, "Feminism is for Everybody: Aboriginal Women, Feminism and Diversity" in Joyce Green, ed., *Making Space for Indigenous Feminism* (Winnipeg: Fernwood, 2007) 33 at 46. There are a number of relevant articles in Green's compilation. See also Joyce Green, "Taking Account of Aboriginal Feminism" 20; Emma LaRocque, "Métis and Feminist: Ethical Reflections on Feminism, Human Rights and Decolonization" 53; Andrea Smith, "Native American Feminism, Sovereignty and Social Change" 93.

20 Smith, *ibid.*, also brings sexuality into these intersections as a way to challenge heteronormativity in decolonization efforts (at 103).

of the second venue meant that more people stopped in to listen to and engage with (even if momentarily) the presenters. Further, given the range of people in the tent, there were several moments of dissent that arose. The audience/presenter interaction was at times argumentative and defensive. Questions were put forth to "the academics" about various things — their legitimacy, intentions, identity, and authenticity — from the audience, some of whom identified themselves as connected to residential schools. While all audience/presenter interactions were not argumentative, there was certainly tension and discomfort between some of the speakers and the audience. Everyone in that tent became implicated in the assumptions that were being implicitly and explicitly made about, and by, both the presenters and those in the audience. This experience or insight is not unique to myself; others involved in the conference recognized what was happening, and the organizer specifically noted that there was much to be learned from the different dynamics in the different venues.

While I was not in the tent the entire day (as I went to the other venue to present), of what I did experience in the tent, it was apparent that it represented an opportunity — telling moments in which the underlying conflicts that exist at the very core of our interactions could have been discussed, but were not. In a tense moment, brief discussion took place about the divisions between academics and non-academics, but rather than recognizing that something deeper was happening, responses included the generalization that Canadians are too polite and ought to engage in more heated discussions, and the attestation that the academics were like the "community people" in the tent; that they wanted the same things but were also being ignored. What I learned most from the conference is that we are not very good at dealing *with* conflict. People (academics and non-academics, Indigenous and non-Indigenous) are quite good at speaking *about* conflict in a way that separates it from the moment, *creating* conflict, *avoiding* conflict, and *subduing* conflict. Yet knowing how to work *with* conflict is perhaps the most challenging and significant aspect of reconciliation. It might seem like I am pointing out the obvious, yet I think that what happened at the conference was not uncommon. Space can be made for conflict, but being attentive to the opportunities that this can create and working *with* conflict is an entirely different thing.[21] All of this needs to be further contextualized by bringing in a discussion of the national event. I hope that my discussion does not stray too far, but this is an additional layer of context; a connected mess to consider.

IV. THE NATIONAL EVENT

A. BACKGROUND

In the TRC's mandate, it is indicated that the national events are meant to be "a mechanism through which the truth and reconciliation process will engage the Canadian public and provide education about the IRS system, the experience of former students and their families, and the ongoing legacies of the institutions."[22] While there are several specific goals in the mandate concerning the national events, it can be broadly stated that the events are to be focused on education through acknowledging and listening to survivors,

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21 The space that the conference created was limited though, as there was little time to actually get into a deep discussion about things. This concern is addressed in the final section of the article.

22 *Indian Residential Schools Settlement Agreement*, Sch. N, s. 10(A), online: Truth and Reconciliation Commission of Canada <http://www.trc-cvr.ca/pdfs/SCHEDULE_N_EN.pdf> [*Settlement Agreement*, Sch. N.].

recognizing past and present relationships, learning about the history and impacts of residential schools, and generally understanding the purpose of the TRC and the need for reconciliation. Seven national events are to be held in total; Winnipeg was the first.[23] The event took place from 16-19 June 2010. The "slogan" that this event took up in its promotional literature was: "It's about respect."[24]

Shortly after this first event took place, the TRC described it as "successful" in a news release.[25] This assertion needs to be discussed. Of the 12 subsections of the TRC's mandate concerning the national events, I would argue that of these goals, many were not achieved.[26] I do not think that the TRC has "failed," but if the TRC is to claim success, then hopefully it is done under the auspices of a successful process of learning, recognizing what worked and what did not, and determining how future national events could be changed to improve engagement with Indigenous and non-Indigenous people in Canada. The national event in Winnipeg was an opportunity to learn not only about residential schools, but also to learn about the challenges and possibilities concerning reconciliatory and restorative gestures and goals. In the following sections, I weave the TRC's goals for the national event[27] into a reflection of my own experiences in Winnipeg. This entwining centres around two connected considerations: the discomfort that I felt while listening to a survivors' sharing circle, and the unease that I experienced when engaging with the TRC's educational venues and activities. Both of these experiences build upon my overall impression of how reconciliation was dealt with in Winnipeg, and they allow me to return to an analysis of conflict.

B. PARTICIPATORY FRAGMENTS

What I offer in this section are fragments; not only fragments of my own time in Winnipeg (the events and activities that I decided to go to), but also fragments in the sense that I am telling just one story about the first national event. I do not mean to make generalizations about myself as some sort of stand in for others, as some sort of representation of the "average white Canadian."[28] Nor do I aim to claim that I can offer a comprehensive analysis of the event, as I could only be in one place at one time. While I was certainly implicated personally in the discussion above (about the conference), this next section is perhaps even more individual. My hope is that these personal reflections can open up the conversation. As Richard Chasin *et al.* note in their reflections on how people can open up dialogue about conflict, personal reflection can often be useful as it shows the human side of individuals;

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23 The TRC website indicates that the next event will be held in Inuvik in June 2011. The other locations are only broadly listed: Atlantic Canada, British Columbia, Quebec, Alberta, and Saskatchewan. The closing ceremony will be in Ottawa: Truth and Reconciliation Commission of Canada,"National Events," online: Truth and Reconciliation Commission of Canada <http://www.trc.ca/websites/trcinstitution/index.php?p=92>.

24 Truth and Reconciliation Commission of Canada, "Winnipeg National Event," online: Truth and Reconciliation Commission of Canada <http://www.trcnationalevents.ca/websites/trcevent2010/index.php?p=1> ["Winnipeg National Event"].

25 Truth and Reconciliation Commission of Canada, News Release, "The Truth and Reconciliation Commission of Canada Journeys to Iqualuit — Survivors and the Public Invited to Nunavut Meeting" (23 June 2010), online: Truth and Reconciliation Commission of Canada <http://www.trc.ca/websites/trcinstitution/file/pdfs/release-Iqaluit%20lll.pdf>.

26 Further, one needs to call into question the fact that the mandate itself is limited, and the framework in which the TRC operates is problematic. This is a big claim and, unfortunately, I do not have space to discuss it here. However, see Snyder, *supra* note 6.

27 *Settlement Agreement*, Sch. N., *supra* note 22, s. 10(A).

28 See Snyder, *supra* note 6.

how we are not just perspectives and arguments about divisive issues that fall neatly onto one side or another of a debate. We are complexly tangled up in the messiness of conflict and the assumptions that come along with it.[29]

1. LISTENING

One way that the TRC aimed to meet its goals of sharing information, empowering survivors, and educating others was through the use of sharing circles.[30] Of these sharing circles, I spent the most time listening to the women's sharing circle.[31] The room containing the participants quickly filled up, and the main lobby of the building then had the women broadcast on a closed circuit television. While I had some previous knowledge of residential schools, listening to the women discuss their time in residential schools, and the consequent struggles those experiences created in their young and adult lives, was still difficult to hear. It was uncomfortable, and it was apparent that many of the listeners were unsettled by the women's stories. Overall, it was important that the women had the opportunity, the space, in which they could express themselves as these particular women desired. The following critiques are not meant to undermine the importance of those experiences and the power of their words. Rather, they are intended to encourage discussion so that we can learn to make better sense of the stories that we hear. Some questions remain. Concerning the make up of the sharing circle, the TRC selected a "sample" of survivors.[32] While I am uncertain of how the sample was selected, I am curious about what truths we may not have heard, and why. This question applies not only to the sharing circle, but more broadly to the TRC. There were many people who did not participate in the national event, Indigenous and non-Indigenous (but *especially* non-Indigenous people), yet there was little acknowledgement of the absences at the event and what reasons there may have been for these. Why was the absence of others not well discussed?

While listening to the women share their experiences, volunteers in blue smocks dotted the crowd. These were mental health volunteers,[33] and they could be found everywhere at the national event. Their presence was of course necessary, but this situation also requires some follow up. The way in which the TRC set up the sharing circle (and other events) implied that if people felt unsettled by something that was heard, or that they felt, then they could meet with one of the mental health volunteers.[34] Many of the outlets at the national event appeared to be premised on individual expression: speaking with a mental health worker, telling one's story to an audience that could not respond,[35] video recording one's thoughts at the sharing

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29 Chasin *et al.*, *supra* note 9 at 335.

30 These goals are listed in *Settlement Agreement*, Sch. N., *supra* note 22, ss. 10(A)(a)-(b), (d), (f), (j).

31 The other sharing circles included the commissioners and others impacted by residential schools, a men's sharing circle, a circle of families, and a circle of reconciliation: Truth and Reconciliation Commission of Canada, "Site Map & Event Schedule" (Conference materials provided at the Truth and Reconciliation Commission of Canada National Event, Winnipeg, Manitoba, 16-19 June 2010) [on file with author] ["Site Map & Event Schedule"]. For more information about the national event, see "Winnipeg National Event," *supra* note 24.

32 *Settlement Agreement*, Sch. N., *supra* note 22, s. 10(A)(f).

33 Properly trained professionals, I assume, as indicated by *ibid.*, s. 10(A)(l).

34 Health Canada also provided spaces for health support. These supports were for survivors.

35 An exception to this was the conference, but realistically the way in which that was set up was also limited as a short question and answer period is not sufficient time to discuss the complexity of conflict that we are dealing with here.

corner.[36] Group events were scheduled, such as concerts, a powwow, other "cultural showcases," and further activities at various venues. These were important and allowed for interaction, yet one must ask why so few group activities existed to actually *discuss* conflict and the discomfort that I am certain many people were feeling, for various reasons. The sharing circles were powerful to listen to; the depths of the impact of past and current conflicts would have been difficult to deny. I do not mean to be insensitive to the process and meaning of the sharing circle and the emphasis that was placed on witnessing at the event, but I wonder if it could have been a possibility afterwards (even if not directly afterwards) to create space for discussion about what was heard, for those interested in talking. While listening is an important part of learning, we also need to be able to work with what we have heard and discuss it with others. This process could help to ensure not only that the stories from the individual women in the sharing circle are recognized, but also that their stories are connected to a collective history and shared contemporary situation that requires collective collaboration and action.

Yet a caveat to my assertion that there was little space at the event for collective discussion is in order. Group discussion time was scheduled for the "Listening Tent," there was a "Spirit Tent" that sounded quite engaging, the "Community Events Tent" engaged in discussion about sharing best practices, and the "Mind, Body, Spirit Tent" offered collective meditation. But as indicated in the program from the TRC, these were "activities and services that offer priority towards survivor participants."[37] I must admit to a feeling of frustration at the national event, though not towards survivors or the services offered to them; creating those spaces was necessary.[38] Rather, my frustration is directed towards the TRC. It bothered me that I traveled to Winnipeg for this event and little space was created for collective and fully inclusive discussion. I would suggest that this space be created as an addition to the existent activities and events, not as something that is meant to take away from them. Perhaps my expectations of the TRC were too high; perhaps I need to take more personal responsibility in commencing these types of discussions. But, as I explore in the next section, the TRC has a responsibility to offer interactive ways of learning and engaging, particularly if it would like to claim any sort of "success" within the goals of its mandate. While the space was there for conflict (to a degree), collective discussion about it was silenced in many ways. As suggested below, a more productive approach to reconciliation ought to include ensuring that the discomfort, arguments, and silences that come up at these events can be discussed publicly.[39] Given that conflict is uncomfortable, space for its discussion needs to be facilitated by the TRC, rather than expecting that visitors will make this space on their own. Further, these types of dialogues need to be moderated by people who are experienced at working with intercultural conflict.[40]

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36 These recordings will presumably go into the TRC's archive and will be made public.

37 "Site Map & Event Schedule," *supra* note 31.

38 Although we should call into question how the TRC's language took up words like "community," and "spirit" when talking only about Indigenous people.

39 I am certain that many interpersonal discussions took place amongst family, friends, and even acquaintances, but public, collective grappling with conflict is important as well.

40 LeBaron, *supra* note 9 at 17.

2. FURTHER LEARNING

I had an unexpected experience while at the national event. I wondered prior to going if some "white" Canadians might not attend, as they would feel that it is not their place or that they would not understand how to engage with the TRC. I held myself somewhat exempt from those anxieties (although I will certainly admit to confusion about not knowing what to make of the TRC and how to engage with it). But upon arriving at the national event, I found myself walking around hesitantly, wondering where I could go and not go, because I am not Indigenous. I wondered at length about where this was coming from. Part of this, undoubtedly, tapped into the many years of socialization about racialized identity, which I have been trying to challenge, but sometimes it catches me by surprise (and this is not something unique just to me). Part of this hesitation also stemmed from the TRC's event information and promotional literature, which through the language that it took up, implied, and at times explicitly stated, that some things were for Indigenous people and others were not. The TRC made up two separate posters for the event. One highlighted celebrities and "spectacle" and spoke to the reader as needing to come to the event to show survivors that they respected them (this poster appears to target those who are not survivors, and those who are not Indigenous).[41] The other highlighted the sacred, the traditional, and the spiritual, and clearly stated that the intended reader was a survivor (this poster was for survivors and their families).[42] The existence of separate events is not particularly problematic (so long as some collective events exist), but the assumptions upon which the divisions were made are noteworthy. As I have argued elsewhere,[43] the TRC does little to unpack the language that it uses in its work and, as a result, it perpetuates simplistic and dangerous frameworks about identity. And thus there I was at the national event, frustratingly caught up in these simple categorizations.

One of the main goals of the national event was to promote education, and I want to reflect on the various opportunities for this. Another assumption needs to be made obvious here: it is implied by the TRC that the education is for the general public or those who are not Indigenous. Certainly, the sharing circles discussed above provided an opportunity for education, as did the "cultural displays,"[44] gallery exhibits, and photo displays. But all of those means for learning are based primarily on observation and listening. I recognize that there are different ways to learn, and that listening is important, but so too is discussion; we need to be able to talk about what we are learning. The program produced by the TRC stated that the "Learning Tent" was the main place to go for education: "The primary venue for the history of the Indian Residential Schools (IRS) experience, the Learning Tent provides opportunities to understand the circumstances that led to the establishment and continuation of residential schools."[45] The Learning Tent was an incredibly problematic space. It treated residential schools as a history lesson; one could read poster boards about select residential

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41 Truth and Reconciliation Commission of Canada, "It's About Respect" (Poster 2), online: Truth and Reconciliation Commission of Canada <http://www.trcnationalevents.ca/websites/trcevent2010/File/TRC-001 EN-poster2.pdf>.

42 For example, see titles "Let your voice be heard"; "Reunite with other survivors," in Truth and Reconciliation Commission of Canada, "It's About Respect" (Poster 1), online: Truth and Reconciliation Commission of Canada <http://www.trcnationalevents.ca/websites/trcevent2010/File/TRC-001EN-poster1.pdf>.

43 Snyder, *supra* note 6.

44 This is consistent with the goals in *Settlement Agreement*, Sch. N., *supra* note 22, s. 10(A)(g).

45 "Site Map & Event Schedule," *supra* note 31.

schools (put together by university students), look through archival photos, watch a video, and at various times throughout the day the research director for the TRC, Dr. Milloy, would be available to speak with people. The tent was small and involved a passive form of learning. Overall, the lessons in the Learning Tent disconnected residential schools from the present, they did little to facilitate discussion or to actively engage with "learners," and they did not effectively compel personal reflection about conflict and racialized identity. While connecting the history of residential schools to the present was done elsewhere at the event (for example, at the conference, in speeches, and in people's stories), it is concerning that this main educational venue was so poorly set up. The problem persisted, even when promoting education, that space for collective dialogue about conflict was not being made. How might future national events (and other large-scale efforts similar to them) be organized so as to better work with conflict? I turn to this question in the next section.

V. RECONCILIATION AND CONFLICT: SOME RECOMMENDATIONS

At the end of the conference, Dr. Milloy expressed that he wanted a conference, such as the one in Winnipeg, to be held at each national event. Many praises should certainly be given to conference organizers and the TRC for their efforts at the first national event. Learning is continuous though, and "self-reflection" (of individuals but also of official bodies, like commissions) is important. While at the national event, I noticed volunteers passing around surveys. These presented various questions about what visitors had learned and how the TRC could improve future national events. So it seems that the TRC is open, at least on the surface, to feedback.

Many recommendations could be made to the TRC. Recommendations could range from feedback on truth gathering, to how the TRC makes itself publicly present, to the assumptions it perpetuates through its work, and so on. Here, I focus on a very specific set of recommendations: increasing the space at the national events for collective discussion about conflict. To be clear, I do not mean to say that at a given national event there should be one gigantic discussion amongst everyone; that is entirely impractical. Rather, I mean to say that even small to mid-sized public group discussions could be effective for those who are there (and it could be worthwhile to record some of these discussions for educational purposes). I recognize that the suggestions that I offer will do little to address the problem of attendance at the national events. The majority of participants were Indigenous, and one could argue that perhaps those who needed to listen, learn, and engage the most were not present. My focus is on ensuring that the TRC works productively with those who are at these events and maybe, if this is well done, discussions could then spill beyond a particular location and event. The TRC's ability to encourage collective discussion about conflict beyond these events needs to be interrogated, however.

The following six recommendations are directed at what future conferences and national events could look like. I hope that these ideas could also be applicable to other aspects of the TRC's work and goals. Further, I hope that they could have broader application to those working with restorative justice and reconciliatory efforts with large-scale conflict. These recommendations are a starting point and they should be considered, discussed, and modified when needed.

1. IF FUTURE CONFERENCES ARE ORGANIZED IN CONJUNCTION WITH THE NATIONAL EVENTS, THEY SHOULD HAVE A FOCUSED THEME

The conference in Winnipeg was informative, but was also very survey-like in many ways and could have been more educational if more in-depth analysis was present. The broader educational approach should be the responsibility of the TRC (and even then, as already suggested, that approach also needs to include more detailed engagement and interaction). It is problematic to offer a breadth of information to people without including an analytical way in which to tie everything together and make it relevant to people's past, present, and future behaviour. Given that there are seven national events, the next six conferences could have more focused discussions. For instance, one conference could be explicitly about conflict: challenging what it is, how it works, what we do with it and why, and how difficult things can be talked about in meaningful ways.

2. IF FUTURE CONFERENCES ARE TO TAKE PLACE, THEN ORGANIZERS SHOULD CONSIDER AN ATYPICAL CONFERENCE FORMAT

The Winnipeg conference was listed in the program as an "academic conference."[46] This blunt label offered little creativity, but it was accurate in that the structure of the event was what you would find at a typical academic conference. Conferences at the national event need to be conceived differently. While organizers reflected that lessons were learned about venue (it is important to make the conference centrally located and in venues that do not feel so institutionalized), the actual structuring of future events requires modification. Questions need to be asked about how the researchers might better learn how to *engage* with people rather than *speak* to them. Further, more time needs to be allotted for collective discussion. The typical question and answer periods that follow presentations are necessary, and in some ways helpful, but additional space needs to be created for collective discussion about any conflict that has come up, or that has been touched on by the researchers. If time is a concern, then it would be best to have fewer researchers involved so as to be able to deal with topics in much more meaningful depth. These suggestions are not meant to criticize the organizers, I too thought that the program would work upon travelling to Winnipeg, but it is apparent that modifications are required. I am sure that many of us who were a part of the conference are reflecting on this.

3. ADDITIONAL SPACE SHOULD ALSO BE CREATED AT THE NATIONAL EVENT FOR GROUP DISCUSSION ABOUT CONFLICT AND CONFLICT MANAGEMENT

Chasin *et al.* differentiate between "dialogue" and "destructive debate" in their work on conflict management.[47] Their approach to dialogue ensures that it is "a kind of conversation and a way of relating.… Dialogue excludes attack and defense and avoids derogatory attributions based on assumptions about the motives, meanings, or character of others … questions are sincere, stimulated by curiosity and interest."[48] While it might be thought that the people who attend these events share a common solidarity concerning reconciliation,

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46 "Site Map & Event Schedule," *supra* note 31.
47 Chasin *et al.*, *supra* note 9 at 325.
48 *Ibid.*

divergent opinions will exist, and the dissent that will arise can be a productive thing if properly addressed. These dialogues could be facilitated formally and informally. Formal examples could include scheduling time for discussions to take place in the "discussion zones" so that people can talk about what they are learning before and after sharing circles, in response to films that are screened,[49] and so on. Informal possibilities include having people around who can help to facilitate group discussion if the need arises. This would parallel the mental health volunteers mentioned above, but these volunteers would instead be focused on working with people as a group. This would allow for more "random" discussions to take place.

4. DISCUSSIONS SHOULD BE LED BY EXPERT MEDIATORS WHO ARE SENSITIVE TO INTERCULTURAL DISPUTES

There is no point in creating space for discussion if the same old disagreements and assumptions will just take place.[50] These discussions need to be led by skilled mediators (this could include Elders, negotiators, teachers, justice workers, etc.). Part of being adequately skilled for the context at hand would require being knowledgeable about how to manage intercultural disputes. Michelle LeBaron cautions that mediators need to look inward at their own assumptions and beliefs before undertaking this work.[51] An intercultural approach highlights that cultural perspectives can influence how discussions take place and are managed. While the presence of various cultural perspectives (when conscientious of them) can be productive, we need to be attentive to power relations so as to ensure that discussions are not being led by assumptions of monoculture (this is a particular problem with the values of the dominant culture often shaping processes).[52] As LeBaron notes, it is also important to remember that people do not fall easily into tidy groups.[53] Further, as Napoleon points out, it is crucial when discussing conflict that we acknowledge that conflict does not exist only *between* groups; there is also much dissent within groups and internal reconciliation is a necessary goal as well.[54] If any of the recommendations I propose were taken up by the TRC, they would need to be done in a way that acknowledges and allows for complexity.[55]

5. CONCERNING THE ABOVE SUGGESTIONS, RECONCILIATION AND CONFLICT MANAGEMENT SHOULD BE DEFINED AS SOMETHING THAT DOES NOT AIM TO CREATE A FINAL RESOLUTION OR IMPOSITION THAT EVERYONE MUST THINK AND ACT THE SAME

Not everyone has to, or will be willing to, talk about conflict, but creating an open space for the opportunity in a way in which people will feel that they are not being attacked, or can attack, is key. There are many approaches for conflict management; one suggestion that I

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49 I recognize that after screenings there was time to ask questions, but what I am imagining involves groups working together in dialogue, such as participating in collaborative activities and explorations.

50 See LeBaron, *supra* note 9 at 12; Chasin *et al.*, *supra* note 9 at 331.

51 LeBaron, *ibid.* at 13.

52 *Ibid.* at 16.

53 *Ibid.* at 20.

54 Napoleon, *supra* note 7 at 188-91.

55 *Ibid.*; LeBaron, *supra* note 9; Tully, *supra* note 9; Chasin *et al.*, *supra* note 9.

propose would be the public conversations model.[56] Although this approach originally developed from a family therapy model, it is of use here. Chasin *et al.* describe that their approach as one that values collaboration,[57] and ensuring that people do not perpetuate routine ways of talking about the conflict at hand – that is to say, they help people get unstuck by encouraging new ways of discussing the issues.[58] While their approach encourages people to critically assess their own assumptions and discomfort, it still allows for the heterogeneity that is a valuable part of our social relations.

6. LET US NOT FORGET OUR CREATIVITY

Bodies of literature and countless stories and teachings from Indigenous and non-Indigenous people offer creative ways for talking, relating, and educating. While the TRC has a responsibility to improve how it works with the conflict that comes up at its events, those who reside in this country also need to take responsibility for thinking outside of this terribly oppressive situation. Conflict will always exist, but we need to imagine how it might be possible to deal with it in more creative ways so that dissent can enrich our lives rather than perpetuate violence.

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56 Although Chasin *et al.*, *ibid.*, which I draw on for information about the public conversations model, is somewhat dated, the model is still regularly used today: see Public Conversations Project, "Welcome," online: Public Conversations Project <http://www.publicconversations.org/>.

57 See Chasin *et al.*, *ibid.* Part of their collaborative approach involves ensuring that participants know the ground rules (as set out by the mediator (in a collaborative manner, not hierarchically)) before beginning discussion, and they also prefer to have contact with participants beforehand so that they can discuss the rules for participating. While there could certainly be flexibility at the TRC to try to set out ground rules (of respectful conversation, etc.) before beginning a discussion, or during a discussion if one is already underway, it is not practical to think that people could be contacted in advance. However, I do not think that this compromises the general idea of Chasin *et al.*'s notion of working collaboratively.

58 *Ibid.* at 328-37.