



Trading Justice for Peace?

Reframing Reconciliation in TRC Processes in
South Africa, Canada and Nordic Countries

Edited by

**Sigríður Guðmarsdóttir, Paulette Regan &
Demaine Solomons**

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Research Justification

Conflict in its various manifestations continues to be a defining feature in many places throughout the world. In an attempt to address such conflict, various forms of a Truth and Reconciliation Commission have been introduced to facilitate the transition from social conflict to a new dispensation. The introduction and subsequent proceedings of Truth and Reconciliation Commissions in South Africa, Canada and Norway are widely regarded as good examples of this approach.

The idea of a joint international research project on reconciliation emerged in 2018 as a result of discussions among researchers from VID Specialized University and the University of Western Cape (UWC). KUN/VID Tromsø, a multi-disciplinary centre committed to Indigenous concerns unique to multiethnic Northern Norway, developed a project description in light of the Norwegian Truth and Reconciliation Commission (TRC) being established (2018-2022). This provided the basis for an international research project entitled ReconTrans (2019-2023) to facilitate comparative research across the South African, Canadian and Norwegian TRC experiences. The ReconTrans network developed through research symposia in Cape Town, South Africa in May 2019, and in Tromsø, Norway, in October 2019, where Vancouver School of Theology (VST) at the University of British Columbia and other researchers from Canada and Sweden joined this transnational dialogue. The three countries explored in the ReconTrans project are at different stages of their respective truth and reconciliation processes. In Norway, the state has recently established a TRC on the Norwegianisation policy and injustices inflicted on the Sámi and Kven/Norwegian-Finnish communities. Engagement with the newly established commission is thus at a tentative stage. However, the conclusion of the Commissions in Canada in 2015 and South Africa in 2002 has prompted scholars to revisit and problematise their respective truth and reconciliation processes in relation to ongoing societal challenges. In both cases, it is all too obvious that reconciliation between individuals and groups remains a high priority.

This volume is the first publication of the interdisciplinary research project *ReconTrans*. It brings to fruition a research partnership between VID Specialized University, the University of the Western Cape, South Africa, and the VST, Canada, including scholars and practitioners from South Africa, Canada, and across Nordic countries.

The following authors affiliated with the VID Specialized University, the University of the Western Cape, South Africa, and the VST, Canada: Eugene Baron, Sigríður Guðmarsdóttir (University of Iceland & VID), Stanley Henkeman, Tore Johnsen (VID), John Klaasen (UWC & VID), Sheryl Lightfoot (University of British Columbia), Daniel Lindmark (Umeå University), David MacDonald (University of Guelph), Kjell-Åke Nordquist (University College, Stockholm), Joanna R. Quinn (University of Western Ontario), Paulette Regan (VID), Mikkel N. Sara (Sámi University of Applied Sciences), Elizabeth Shaffer (University of British Columbia), Lovisa M. Sjöberg (Sámi University of Applied Sciences), Line Skum (VID), Demaine Solomons (UWC), Christo Thesnaar (Stellenbosch University), Wilhelm Verwoerd (Stellenbosch University), Kim Wale (Stellenbosch University).

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*Dedicated to the courageous people speaking the
truths of oppression, fighting for justice and taking
action for genuine change and reconciliation*

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Abbreviations and Figures Appearing in the Text and Notes

List of Abbreviations

ABRECSA	Association of Black Reformed Christians in South Africa
ADR	Alternative Dispute Resolution
AFN	Assembly of First Nations
ANC	African National Congress
BCM	Black Consciousness Movement
BCM	Black Consciousness Movement
BEE	Black Economic Empowerment
BLT	Black Liberation Theology
CBC	Canadian Broadcasting Corporation
CEP	Common Experience Payment
CI	Christian Institute of Southern Africa
DRC	Dutch Reformed Church
DRCA	Dutch Reformed Church in Africa
DRMC	Dutch Reformed Mission Church
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FARC	Revolutionary Armed Forces of Colombia
HSRC	Human Sciences Research Council of South Africa
IAP	Independent Assessment Process
IJR	Institute for Justice and Reconciliation
ILO	Indigenous and Tribal Peoples Convention
IRS	Indian Residential School
IRSHDC	Indian Residential School History and Dialogue Centre
IRSSA	Indian Residential Schools Settlement Agreement
IW	Indigenous Watchdog
LAC	Library and Archives Canada
MASA	Medical Association of South Africa
MVCA	Mitchells Village Civic Association
NCR	National Council for Reconciliation
NCTR	National Centre for Truth and Reconciliation
NDP	New Democratic Party
NGO	Non-governmental Organisations

NUSAS	National Union of South African Students
PAC	Pan Africanist Congress of Azania
RCAP	Royal Commission on Aboriginal Peoples
RDP	Reconstruction and Development Project
SACC	South African Council of Churches
SADF	South African Defence Force
SASO	South African Student Organisation
SOAS	School of Oriental and African Studies
TRC	Truth and Reconciliation Commission
UBC	University of British Columbia
UBCIC	Union of British Columbia Indian Chiefs
UDF	United Democratic Front
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEMRIP	United Nations Expert Mechanism on the Rights of Indigenous Peoples
UNWGIP	United Nations Working Group on Indigenous Populations
URCSA	Uniting Reformed Church in Southern Africa
UWC	University of Western Cape
VST	Vancouver School of Theology
WGIP	Working Group on Indigenous Populations

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*We were silenced
Our goahti was long gone
Schools had taught us
to speak properly
We had become silent and invisible
Only ruins of Sami dwellings remained
They shout through
time and space
Where silence reigns,
the earth cries out.*

Line M. Skum

Trading justice for peace? Perils and possibilities

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The poem of Sámi¹ poet Line M. Skum engages the issues at stake in this book in a powerful and deep way. She reminds us of the resilience of Indigenous and oppressed peoples and the many ways in which they have always resisted state strategies of control and assimilation. The poem speaks back to

1. One of the ways in which oppressed voices can be heard is to pay close attention to the spoken and written forms of Indigenous languages that have been disparaged and opposed by stately institutions. The Sámi people in earlier times were often addressed by those who competed for their lands and opposed their culture by other names. The name is their own, but it can be written as Sámi, Sami or Saami in the English alphabet (see the section titled 'Spelling variations of 'Sámi').

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hegemonic Western concepts of linear time and ‘progress’ and colonial spaces of settled life where schools and other state-run institutions aimed to assimilate Sámi children and families into ‘civilised’ mainstream society. Yet despite government and church efforts to silence their voices by teaching them how to ‘speak properly’ in non-Sámi languages and learning non-Sámi ways of life, Sámi’s presence is still visible on the land. These connections to their homelands remain alive in the collective historical memory, identity and lived experiences of Sámi people today. The poem calls us to remember the humanity that shines through narratives of colonisation, violence and oppression, in ways that respect and uphold the human dignity and rights of those who courageously speak their truths. Their voices caution us to be mindful of the complexities of culture, history and identity when designing and implementing TRC processes that characterise quests for truth, justice and reconciliation.

The first volume of the transnational research project ReconTrans explores a fundamental question: do TRC processes in South Africa, Canada and Norway trade justice for peace in pursuit of reconciliation?² These Commissions share certain commonalities with respect to their global origins and objectives. Various forms of conflict continue to erupt in different locations all over the world. Such conflicts may be addressed at multiple levels, including the need to come to terms with the ‘personal trauma associated with these conflicts’ (Solomons 2017:1). Politically, gross violations of human rights are typically addressed in terms of criminal and international law. More recently, however, various forms of a ‘TRC’ have been introduced in order to facilitate the transition from social conflict rooted in historical grievances and ongoing injustice to more just and equitable societies, including in liberal democracies. The introduction and subsequent proceedings of TRCs in South Africa, Canada and, more recently, Norway are generally regarded as good examples of such an approach.

While the proceedings of these commissions elicit much interest, they are not without controversy. Indeed, in situations of conflict, the need for as well as the terms of reconciliation between conflicting parties is highly contested. This has to be understood in light of the various histories defined by the inhumane treatment of some in a given society. As part of a settlement, the need to come to terms with the legacies of oppression becomes evident. In this context, the experiences of the victims of oppression simply must be addressed.

2. Sápmi, the cross-border territorial homelands of the Sámi people, covers the northernmost part of Russia, Finland, Sweden and Norway. The work of the Norwegian TRCs into the assimilation practices towards the Sámi people is still underway, but the mandate has been extended to 2023, because of the COVID pandemic. The TRC Commission into the injustices against the Indigenous Sámi population of Finland is also being prepared, but the work of the Commission is delayed until 2023 for same reasons. Commissioners are expected to be appointed in 2021, and a draft mandate was ready in 2019. The TRC preparations in Sweden are in the initial stages (Szpak & Bunikowski 2021:16–23). The Sámi have several languages and use different letters in their alphabet. In this book, some authors will write Sápmi and Sámi according to the North Sámi linguistic tradition, while others use Sapmi and Sami according to the respective spelling rules.

The decisions to establish TRCs in South Africa, Canada and Norway, therefore, came as a direct result of the need to address this moral deficit. Nevertheless, as the proceedings of the commissions unfolded, many criticisms were raised regarding the emphasis on reconciliation. In some cases, these criticisms are related to various aspects of the process. In South Africa, ‘the very possibility of amnesty, the need for criminal justice, the objectivity of the commission, the understanding of “truth”’ (Solomons 2020), the emphasis on forgiveness and reconciliation and the need for compensation for the victims among other things became controversial. Critics of the Canadian process pointed to various limitations of the commission’s mandate, including a lack of subpoena powers to compel perpetrators to testify and be held accountable and the impossibility of ‘genuine’ reconciliation in the face of ongoing settler-colonial oppression of Indigenous peoples and denial of their rights.

The proceedings of the TRCs in South Africa and Canada were concluded in 1998 (mandate extended to 2002) and 2015, respectively, followed by a set of extensive reports and recommendations. Critical reflection on the legacy and significance of these commissions has continued unabated since then. In this sense, commissions cannot be reduced to a set of quasi-legal proceedings. In both countries, the TRCs provided an opportunity for ordinary citizens to confront and reflect on their own past and future in highly publicised public forums. Their significance, therefore, has to be understood in terms of calls for national reconciliation and the implications of that in various spheres of society. However, in the aftermath of these commissions, it is all too obvious that ‘reconciliation between individuals and groups’ (Solomons 2017:3) of people remains a highly contentious issue. Along with that reflection on the concept of reconciliation in relation to justice and restitution is ongoing. Writing in the South African context, Du Toit and Doxtader (2010) underscore the persistent nature of reconciliation as a shared dispute and the challenges this brings. In their words (Du Toit & Doxtader 2010):

There is a good chance that reconciliation was a necessary condition for the negotiated revolution that ended apartheid *and*, that at the same time, it directed us away from, if not distracted us from, some of South Africa’s most pressing problems. It is possible that the TRC taught us a great deal about reconciliation’s value *and*, at the same time, did not teach us a great deal about how to carry on the process ourselves. Today we have likely grown tired listening to the debates over reconciliation’s promise *and yet*, at the same time, we still hear the commission’s profound claim that reconciliation is fundamental for the development of a just society. These ambiguities make it difficult to agree on what reconciliation means, how it works and why it is important. Sometimes we think of it as our most prized idea, the next moment as cheap deception. (p. ix)

Similar post-TRC debates as to reconciliation’s meaning and its efficacy to effect real change are evident in Canada. If Du Toit and Doxtader are right in saying that the TRCs simultaneously teach us a great deal about the value of the process and yet, not teach us much about how to carry them out, what do

we need to learn/unlearn from these processes? The literature on TRCs typically seeks to come to terms with a commission's legacy. This book forms part of such discourses, not only for the South African context but also for Canada and the Nordic states as well. This contribution may therefore be understood as a contemporary history, in this case, a current account of the history, reception and interpretation of TRCs in these different countries that would also be of significance for other regions facing similar challenges. In their contribution to the book, Sjöberg and Sara remind us that transnational borders are themselves colonial constructs and that Sápmi homelands lie within and cut across the geographic boundaries of four different nation-states. For this reason, we have not only included chapters from past TRCs in South Africa and Canada and Norway's current Commission but also other Nordic countries in the initial stages of TRC preparation. When we speak about these 'TRCs' in this book, we are referring to the formal commissions in South Africa, Canada, Norway, Sweden and Finland, and the internal methodology and process a commission establishes to conduct its work. At the same time, it is important to capture the entire, messy map of processes external to TRCs that precede or run concurrently these formal commissions, for example, conciliatory efforts in Sweden (see Lindmark, this book) and Finland,³ which are leading up to the creation of formal TRCs in these two countries.

Moreover, in any process intended to address previously silenced truths, people do not necessarily tell their whole story at a single hearing. Rather the work of acknowledging and apologising for wrongs, repairing broken trust and restoring damaged relationships between victims and perpetrators of violence and more broadly among people across all different levels of society takes many years of progressive disclosure. This process does not end when a TRC concludes its work.

All TRCs work in contentious political environments under considerable pressure to deliver results while coping with ambitious mandates, participants' high expectations, intense public scrutiny, limited resources and significant time constraints. As newly established bodies, they must set up their organisational infrastructure even as they begin their hearings, research, public outreach and education in real time. We hope that this transnational book offered in the spirit of respectful inquiry and constructive critique, contributes to the work of past, present and future TRCs and reconciliation discourse more broadly. To this end, authors probe the theological, socio-political, legal and procedural tensions and issues that TRCs must grapple with as they endeavour to strike a difficult balance between serving justice and ensuring peace. They offer rich insights and critical lessons learned that

3. While several authors refer to Finland's TRC in their chapters, there is no specific case study in this book. We identify this research gap as an important theme for future research.

could inform the ongoing work of justice and reconciliation in South Africa, Canada, Norway, Sweden, Finland and beyond.

■ Book structure and themes

In the following 15 chapters, researchers from South Africa, Canada and Nordic countries use critical, Indigenous, decolonising, theological and narrative methodologies to reflect on the issues of TRC scholarship in their respective regions. While some aspects of these TRCs are unique to each country and region, one overarching theme emerges; for reconciliation to be genuinely transformative rather than the ‘cheap deception’ that Du Toit and Doxtader caution against, it must be rooted in truth and justice.

The book explores how reconciliation concepts and practices play out somewhat differently in TRC processes in South Africa, Canada, Norway, Sweden and Finland. In South Africa, the urgent need to come to terms with its colonial and apartheid past led to the creation of the South African TRC to investigate human rights violations perpetrated against the black majority population. In contrast, the Canadian and Nordic TRCs located in stable liberal democracies in the global north investigate historical abuses and ongoing oppression that stem from state discriminatory laws and policies of assimilation targeting minority Indigenous populations. Thus, South Africa’s TRC functioned in a very different historical and political environment than those of either Canada or Nordic countries and focused its investigations on the more recent past. Whereas Canada’s TRC examined historical and contemporary violations of Indigenous peoples’ rights in the context of ongoing settler colonialism, South Africa’s TRC situated settler colonialism in the past that no longer pertains to an emerging postcolonial, post-apartheid South African society (Park 2021). However, this certainly does not negate the enduring influence of coloniality on the South African socio-political landscape. In the Nordic countries, there is public debate as to how the logic of colonialism fits the historical context and whether Sámi people and lands were ever colonised. It has been argued that even within academic circles in Nordic countries researchers have been reluctant to address the relationship between Nordic and Sámi people as colonial and postcolonial (Höglund & Burnett 2019:2, 5). The extent to which these particular commissions will examine settler colonialism remains unclear. It is the premise of this book that the global socio-political, theological, legal and structural roots of colonisation can be found in the national histories and counter-histories of oppressed peoples in all of these countries. Given that governments and churches were instrumental in the global colonial project of land dispossession, eradication of languages and cultures, marginalisation and impoverishment of black and Indigenous peoples, it is perhaps not surprising that the lines between theological, socio-political, legal and structural approaches to reconciliation overlap.

While the South African TRC was an inspirational catalyst for the Canadian and Nordic commissions, the latter takes on new forms and adopts new processes and practices that are context-specific. This is evident, for example, in how the South African and Canadian commissions, respectively, conceptualised reconciliation. The South African TRC conceptualised reconciliation both in Christian theological terms and African restorative justice principles of Ubuntu, emphasising the importance of forgiveness between victims and perpetrators. The Canadian commission framed forgiveness as a potential element of healing for survivors and envisioned reconciliation as a relational process through the lens of Indigenous legal concepts, processes and practices and the implementation of Indigenous rights.

Reconciliation discourse remains contentious, but rather than rejecting the concept out-of-hand, the authors in this book analyse how reconciliation is framed and reframed before, during and after TRCs. The chapters examine two inter-related dimensions of the truth and reconciliation process that all TRCs must navigate to design a process that attends to both relational and structural issues of past and present injustice that must be rectified through concrete action. For such transformative change to happen, TRCs must not only hold individual and institutional perpetrators to account; they must educate ordinary citizens about the importance of relearning national histories in light of historical counter-narratives of injustice that emerge through the previously silenced truths of a nation's past. Rather than structure the book along problematic binary theological versus socio-political/legal/structural lines, we have organised the chapters thematically to capture comparative and cross-cutting transnational perspectives on TRC processes and reconciliation more broadly, thus creating a dialogue amongst the authors within and between each part of the book.

In Part One: 'Negotiating truth, justice, and reconciliation: TRC mandates, processes, and legacies', authors Johnsen, Regan, Nordquist and Henkeman explore the intercultural and socio-political dynamics that shape TRCs, identifying conceptual and methodological challenges as well as their transformative possibilities. They raise critical questions regarding how the genesis of a TRC shapes its mandate, and how a commission interprets and implements its mandate accordingly. Every TRC develops its own conceptual understanding of truth, justice and reconciliation that informs the methodological design of its process, reports and recommendations. Focusing on the Norwegian and Canadian TRCs, respectively, from a socio-political/legal perspective, Johnsen and Regan analyse the history and politics of mandate negotiations and how the resulting mandate shapes a commission's work. Both emphasise the critical importance of facilitating space for sharing stories collectively in the TRC process. Johnsen points out that the Norwegian TRC's mandate provides little conceptual or substantive direction to guide its work on 'truth' and 'reconciliation'. Yet as the TRC's work evolves, this lack of

specificity in the mandate also affords the Commission an opportunity to design and implement a reconciliation framework, principles and ethics that push beyond dominant national narratives of Nordic origins and identity. This would enable the TRC to adapt its public engagement and education methodology and strategies to more fully engage Sámi and non-Sámi people in order to fulfil its mandate. Johnsen observes that to date the TRC's public forums for gathering Sámi statements are structured in a way that limits possibilities for Sámi to share their stories collectively using their own cultural traditions. This underscores a critical issue emerging in international reconciliation discourse: for a TRC's work to be credible to Indigenous peoples, its investigative process must incorporate their understandings of what constitutes truth, justice and reconciliation that may be in sharp contrast to those of dominant society (UNEMRIP 2013:21). Regan reinforces this point in the Canadian context.

Regan situates the Canadian and Nordic TRCs in the broader context of a historical global Indigenous rights movement to analyse the potential of TRCs in settler-colonial countries to implement their mandates in ways that strengthen and advance Indigenous rights, resurgence and law. She argues that transitional justice and alternative dispute resolution (ADR) models based solely on Western concepts of justice and law in settler-colonial states fail to meet Indigenous criteria for truth, justice and reconciliation. The Canadian TRC's mandate specified using Indigenous oral history and legal traditions in the TRC process, thus facilitating the Commissioners' decision to make Indigenous perspectives, concepts and practices of reconciliation central to its work. She argues that the TRC's 'unsettling' Indigenous-centred relational reconciliation model lays out a decolonising, transformative rights-based framework for redressing settler-colonial relational and structural injustices against Indigenous peoples across Canadian society and for reframing national history through public education (see also MacDonald, Lightfoot, Quinn, this book).

Nordquist and Henkeman focus on how TRCs can lay the groundwork for the reconciliation process post-TRC in ways that build relationships and involve disengaged parties (see also Quinn, this book). Nordquist begins with a comparative analysis of the Canadian and South African commissions. He provides a structural analysis of why TRCs must establish a process that engages perpetrator and bystander groups who see no role for themselves during or after the TRC process (see also Wale, this book). He explores concepts of forgiveness and reconciliation to argue that the relational dimensions of reconciliation are a more adequate tool for restoring relations through depolarisation, bridge-building and understanding without closing the door to redress and structural justice. He examines the horizontal and vertical structural dimensions and patterns of relationship and trust building in and between groups in the South African TRC process to determine the social depth of reconciliation that occurred and whether this led to a

long-term reformulation of memory and deeper understanding of the past in the post-TRC period.

Henkeman sets the South African TRC in its historical context to describe the roots of the apartheid system based on white supremacist views, attitudes and actions that situated black people as non-persons, justifying their oppression in a society characterised by ongoing violence, racism and socio-economic inequity. He describes how the spread of Christianity became the conduit for colonial and apartheid rule. Subsequently, the theological emphasis on reconciliation and forgiveness became the guiding vision in shaping the TRC's restorative approach. However, he cautions against the limitations of transitional justice approaches, especially if that includes top-down government implementation of TRC recommendations. Inevitably this only serves narrow political interests instead of those most in need of structural reforms. In this context, TRC recommendations on reparations and accountability were ignored or only partially implemented. Henkeman charges that people-centred (or bottom-up) approaches to reconciliation hold the key to engaging South Africans at a deeper level, thus challenging long-held assumptions about the irreconcilability of people as purported by those in support of apartheid. Like Nordquist, Henkeman calls for post-TRC relationship building across society. Ultimately, making the necessary socio-economic reforms requires a cultural and relational paradigm shift to dislodge deeply ingrained personal and institutional norms, attitudes and behaviours that are barriers to changing apartheid structures of racism, inequity and injustice.

In Part Two: 'No Reconciliation without Justice: Indigenous Rights, Resurgence, Self-Determination and Territorial Lands', authors Thesnaar, Sjöberg and Sara, MacDonald and Lightfoot examine what a just reconciliation for Indigenous and colonised peoples in Canada, Nordic countries and South Africa would entail. Whereas Thesnaar focuses on a theological analysis, the other authors consider the question from socio-political and legal perspectives through an Indigenous rights-based lens. The questions and issues they raise are illustrative of how global patterns of colonisation and decolonisation, including relationships between states and churches evolve in context-specific regional circumstances. Thesnaar critiques the failure of the state, business, churches and civil society to implement South African TRC's recommendations on the reconstruction and development of post-apartheid society. He charges that the South African churches failed to hold the government to account or to develop theologies that address the many challenges disproportionately affecting black South Africans, some of which include rising inequality and poverty, limiting the access to decent education and life opportunities. Like Henkeman, he argues that churches should draw on black and liberation theologies to develop a reconstruction theology that is people-centred and action oriented. In other words, a theology rooted in the lived experience of

ordinary citizens rather than top-down institutional authority and hierarchical structures. He further calls on the next generation of South African theologians to articulate the churches' role in advancing a just reconciliation that includes reparations for historical wrongs and a reconstruction that is rooted in transformative justice. This requires local congregations to cultivate uncomfortable dialogues concerning justice, reparation and restitution. Its success is dependent not only on a shift in attitude or mentality but also requires concrete socio-economic and political strategies for future generations to live in freedom, equality, peace and tranquillity.

Like Johnsen, Sjöberg and Sara ask whether there is space for Sámi stories in Nordic TRCs but do so by analysing the geopolitical history and ongoing impacts of shifting transnational state borders on Sámi traditional territories, cultures, relationships and economies. This has exacerbated intergroup conflicts among Sámi and generated intra/inter-state conflicts with governments that are now before the courts. This litigation is a consequence of the destructive impacts of forced relocations of Sámi without their informed consent that disrupted their traditional migratory reindeer herding practices and infringed on their rights. Sámi Councils established as cultural and political institutions advocate for recognition and protection of Sámi rights, including land and resource rights that cross national borders between the Nordic states. Sjöberg and Sara examine the institutional role of governments and churches in the colonisation process that together imposed discriminatory policies and practices of assimilation on Sámi based on flawed theological and scientific theories of the supposed racial inferiority of nomadic peoples. Moreover, these same ideas have shaped national historical narratives that must now be rewritten to include Sámi perspectives and histories as part of truth telling and reconciliation. Sjöberg and Sara observe that the state churches' conflicting roles and relationships with Sámi is complex. On one hand, churches were complicit historical agents of colonisation who collaborated with states to assimilate Sámi by converting them to Christianity, denigrating their cultures and languages and regulating their economic activities. Churches were direct beneficiaries of colonialism, accumulating significant socio-political power and status in Nordic societies and gaining wealth through substantive land holdings in Sámi traditional territories. On the other hand, there is also a history of some Christian Sámi clergy and laypersons using Bible teachings on the equality and dignity of all human beings to advocate for social justice for Sámi, including their rights to practice their own cultures, languages and traditional livelihoods. More recently, churches are engaging in transnational reconciliatory processes and research projects to work collaboratively with Sámi who want to revitalise their cultures, languages and ways of life through church-sponsored cultural events and activities. Sjöberg and Sara caution that ignoring colonial realities of transnational borders raises the possibility that TRCs within each Nordic

nation state might simply reinforce state colonialism rather than contribute to resolving Sámi intragroup conflict and reconciling relationships with Nordic states within and across national borders that is urgently required. They propose that Nordic TRCs work together to mitigate this risk.

MacDonald analyses Canada's response to the Canadian TRC's calls to action and observes that reconciliation in Canada involves recognising and implementing both 'soft' and 'hard' Indigenous rights. The former, such as language and culture rights, are generally more palatable to settler Canadians. Accommodating these rights serves to redeem the state while also preserving settler power. In contrast, recognising and implementing hard Indigenous rights, such as self-determination and land rights, requires a substantive transformation of settler-colonial institutions, structures, power arrangements and territorial control. He argues that for reconciliation to be authentic hard Indigenous rights, including the return of Indigenous lands on which the wealth of the settler state is built, must be prioritised. He argues that the TRC's final report addressed both soft and hard Indigenous rights and examines the challenges to implementing the Commission's calls to action. These factors include the small demographic size of Indigenous peoples and their consequent lack of political leverage; white settler fragility that informs much Canadian policy-making; the conflict between Indigenous rights and settler-dominated resource extractive industries; and a growing rightward turn in politics derived from settler fears of loss of economic, political and cultural control over the country.

Lightfoot examines the domestic and international implications and impact of the Canadian TRC's report and calls to action that made implementing the UN Declaration on the Rights of Indigenous Peoples the foundation and framework for reconciliation in Canada. She argues that this decision marked a 'new era' in Canadian history and that the TRC's invitation to boldness will fundamentally transform Canadian politics and society if taken up by Canadians. Prior to the release of the TRC Final Report, the United Nations Declaration on the Rights of Indigenous Peoples ('the Declaration' or 'the UN Declaration') was present in Canadian political and societal discourse but was at real risk of becoming an obscure international instrument without no substantive efficacy in Canada. She concludes that the TRC's Final Report fundamentally changed that trajectory and breathed new life into the Declaration. She explains United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) history (including critiques from both governments and Indigenous scholars and activists) and provides examples of how Indigenous peoples are using the TRC's new reconciliation discourse on international and domestic levels to advance Indigenous rights on legal and political fronts using concrete examples from BC and New Zealand (see also Regan, MacDonald, this book).

In Part Three: 'Re-storying national histories: Counter-narratives of social memory and justice', authors Klaasen, Lindmark and Shaffer analyse shifting power relations, tensions and links between personal histories of trauma and violence and dominant national narratives. They examine how TRCs can make space for black South African and Indigenous counter-narratives to reveal previously silenced histories, cultures and identities that challenge national historical narratives during and after TRC processes. Klaasen examines the use of narrative methodology to assess the failures and successes of the South African TRC. He uses a theoretical framework that analyses the intersection and dissociation of personal and national narratives. In doing so, he draws a correlation between the Commission's work and what follows after it had completed its mandate, pointing to the successful transition from apartheid rule to the early period of democratic South Africa. However, the limitations of the overarching political narrative oftentimes do not account for individual narratives, thereby thwarting the personal in pursuit of the cultural and political. The tension between the individual stories, the collective or national agenda and cultural and political meta-narratives therefore needs careful navigation. He suggests that identifying the commission's successes and failures can inform future truth and reconciliation processes. Like Regan, he makes the point that moral truth and stories of injustice can be uncovered through personal as well as national narratives; a historical account that is not strictly linear but is enacted through the stories of people's lived experiences, leading to moral truth that forms the basis for nation-building or group identity.

As an example of reconciliatory processes leading up to a formal TRC, Lindmark uses ritual theory to examine a case study of a reburial ceremony that was part of a repatriation project at the local level in a traditional Sámi territory in Lycksele, Northern Sweden. The project involved preparing for and holding a ceremony to repatriate and rebury Sámi human remains. He situates the project in the broader context of an ongoing reconciliation process between the Sámi and the majority of Swedish society, especially the Church of Sweden. Lindmark points to the complicity of church officials who assisted museums and research institutions to gain access to Sámi human remains to conduct investigations in physical anthropology and racial biology based on theories of European racial and ethnic superiority and Indigenous inferiority. Thus, issues related to how repatriation processes, including ceremonies, are designed and conducted are highly sensitive, something that was evident in the Lycksele repatriation project. This raises questions regarding whose perspectives are included and whose are excluded in designing and implementing a repatriation process. Although both church and Sámi rituals were used in the reburial ceremony, there was also a political intervention by Sámi for whom the ceremonial rituals were inadequate representations of

Sámi cultural and spiritual protocols and traditions. They wanted greater participation and influence in the repatriation process. The case study demonstrates the ethical and political tensions that emerge in local commemorative reparation processes involving Indigenous peoples, state museums and other institutional parties, including churches, that have implications for the broader reconciliation process.

Shaffer examines how the 'construction of social memory in the wake of large-scale atrocities' (Shaffer 2019:3) can take many forms; the official documentation of government that were often the architects of or complicit in atrocities, records of perpetrators or co-conspirators (e.g. churches, NGOs, etc.) as well as victim and survivor narratives and commemoration and memorialisation activities. Drawing on decolonial archival theory and praxis, she analyses the role of colonial archival institutions and records in Canada's TRC and truth and reconciliation processes more broadly (see also Regan, this book). Referencing the Canadian TRC's specific calls to action to Canada's colonial archives to engage with international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the United Nations Joint-Orontlicher Principles, she proposes a decolonial framework to facilitate full disclosure of records pertaining to historical and ongoing injustices. Fulfilling the TRC's calls to action would strengthen archival institutional and professional accountability for reconciliation based on truth and justice. She examines archives as sites of power and their role in relation to individual, community and society's right to know and duty to remember in the wake of mass atrocity and genocide. Using the Indian Residential School History and Dialogue Centre (IRSHDC) at the University of British Columbia (UBC) as a case study of applied decolonial theory and praxis, she considers how the participatory, co-construction of collective memory with Indigenous individuals and communities whose information has been collected and held in colonial archives (often without their knowledge or consent) uncovers previously silenced truths and supports long-term healing, justice and reconciliation grounded in Indigenous history and memory. Moreover, applying international human rights principles and standards to the everyday work of archives and archivists in public memory institutions obliges archivists to confront and interrogate their own conflicting roles as keepers of colonial records who also have responsibilities as facilitators of access to truth, justice, public education and dialogue in the rewriting of national histories.

In Part Four: 'Histories of violence and trauma: Negotiating identity, responsibility, and accountability for redress and reconciliation', authors Baron, Verwoerd, Wale and Quinn use principles of transitional justice to establish a stronger link between the intention and outcome of reconciliation at manifestation, systemic and cultural levels. Moving beyond the paradigm of victim, perpetrator and bystander to examine the intergenerational complicity of those who benefit from systems of oppression, several chapters pay close

attention to the majority populations where TRC processes take place. From a theological perspective, Baron underscores the threat of ethnic and racial essentialism and how this could derail the quest for non-racialism in post-apartheid South Africa. To counteract essentialist notions of race and ethnicity he explores how Steve Biko's work challenges not only 'racial consciousness' but also 'ethnic consciousness' through his notion of 'black consciousness'. In this context, Baron argues that Biko would have rejected 'ethnic' domination based on unequal power relations as this would imply the domination of one over another, replicating the same pattern experienced in a white racist society. Black consciousness, therefore, is to discover one's worthwhile also working towards a more inclusive African identity or more 'human face'. He concludes that black solidarity across ethnic lines is essential to resolving the race problem and addressing conditions of black poverty and economic inequality.

From a political perspective, Verwoerd links theory (concepts of victim/perpetrator/beneficiary/bystander dynamics) to practice (as TRC researcher and facilitator) to analyse the roots of white denialism and explore how a wider acceptance of collective responsibility can be cultivated among white South Africans post-TRC. He considers how the TRC's strategic decision to prioritise amnesty hearings over institutional hearings embedded the individual victim/perpetrator paradigm in the public mind over that of collective white responsibility for righting the wrongs of the apartheid system. He draws on the TRC's institutional hearings to examine the layers of connection between apartheid and white South Africans as beneficiaries. He argues that ongoing white denialism by the beneficiaries of apartheid and colonialism creates barriers to post-TRC social justice and reconciliation. Further pointing to the potential for on-the-ground inter and intragroup processes to reveal and challenge white denialism through education, critical self-reflection and action (see also Nordquist, Henkeman, this book). This provides practical opportunities for ordinary citizens across society to build capacity and communities of support for justice and reconciliation through institutional and organisational cultural and policy change. This hands-on approach gives people the knowledge, practical tools and necessary skills to foster transformative justice, political and socio-economic structural change in post-TRC South Africa.

Wale's case study of Crossroads squatter-comrade violence analyses how the South African TRC engaged this history in relation to the feelings of some squatter-comrades who were involved in anti-apartheid resistance. Situated in the context of scholarly debate on the politics of reconciliation and definitions of 'perpetrators' and 'victims' of past violence that underpinned the work of the TRC, she problematises the way in which the politics of 'official memory' and heroic narratives become entangled with the psychological memory work of dealing with the past. She argues for the importance of returning to and re-integrating the morally complex forms of violence, which were part of the national liberation struggle but were subsequently distanced from official

memory. Through the legitimising narrative of national liberation, the 'combatants' of the liberation struggle are recognised and included as the legitimate veterans of anti-apartheid resistance, whereas squatter-comrades are excluded. The ongoing work of contesting and re-interpreting morally complex histories of liberation violence counterbalances hegemonic 'official' collective memories of the past that serve the interests of those in power and unsettles established memory categories. She argues that the unwillingness of the ruling party to account for the violence of the liberation struggle has had a painful social and psychological impact on the comrades and inhibited the process of dealing with this complex past at the community and individual levels of memory. Working with difficult memories of the past requires a flexible and interactive chain of communication across national, community and individual memories of the past.

Like Johnsen, Regan, MacDonald and Verwoerd, Quinn is occupied with unlearning and relearning history. She highlights the importance of citizen education in a comparative study of Canada, Norway and South Africa as settler-colonial societies that have been and continue to be sites of deep structural violence and harm. The dominant culture population often knows very little about the harms that oppressed populations have been subjected to in the past or how these injustices continue in the present. She argues that the cultivation of 'thin sympathy' could work to build an understanding of the structures and violence – even retroactively, such that dominant communities will be convinced of the need for the work of the truth commission and choose to engage with it. The overall aim of thin sympathy is to build understanding. And theoretically, at least, there is a retroactive benefit that can be derived, even if it would ideally be built at a much earlier stage in the process. The TRCs in Canada and South Africa fell short of what many felt was needed. Even though the Canadian TRC recognised that this was a significant problem early on and endeavoured to address it through the TRC process and public education efforts, the commission was unable to build a broad understanding within the dominant population about the systemic and structural harms that had been carried out against Indigenous peoples. However, Canada's TRC carried out an extensive public education program during its tenure, and its final report calls to action on education are an example of building capacity for this understanding. The thin sympathetic hypothesis posits that carrying out this work prior to the truth commission would be more effective. She suggests that although the work of the Norwegian TRC is already underway, it may still be possible to foster thin sympathy in its process and if not, perhaps that work could be done retroactively in Norway as it was in Canada.

In gathering together the thematic threads that run throughout these chapters, it is clear that despite their context-specific differences, TRCs

established in settler-colonial liberal democracies share some commonalities. They are shaped by external socio-political pressures and reconciliatory processes that emerge before and during their formal undertakings. They leave reports and recommendations that challenge societies to confront hard truths about the theological, socio-political, legal and structural injustices and inequities they uncover. Moreover, as several authors point out, they reveal deeply ingrained founding myths and racist racial stereotypes embedded in national histories that recount only a dominant society's version of the past. TRCs are public education catalysts for 're-storying' these exclusionary accounts to create more inclusive, complex and nuanced national histories that reveal previously silenced counter-narratives of grievous human rights violations committed by state institutions. They also reflect stories of resistance, resilience and the resurgence of culture and identity as told by black African and Indigenous peoples themselves. Historical injustices generate ongoing legacies of conflict, intergenerational trauma and damaged relationships that must be healed and reconciled. As these chapters so ably demonstrate, this multigenerational process is both fraught with peril and filled with promise. In our view, the fact that concepts and practices of reconciliation will never be static or uncontested is not a barrier but continues to enrich global reconciliation discourse. This is particularly important as TRCs and related external processes move towards reframing ethnocentric approaches to reconciliation in ways that take into account Indigenous and black African knowledge, perspectives and practices of reconciliation. Reframing reconciliation through transnational, decolonising culturally grounded and rights-based lenses reveals new possibilities for establishing more sustainable and authentic pathways of transformative reconciliation that are rooted in truth and justice.

■ Spelling variations of 'Sámi'

As mentioned in Footnote 1, oppressed voices can be heard by paying close attention to the spoken and written forms of Indigenous languages that have been disparaged and opposed by stately institutions. As an example, the Sámi people in earlier times were often addressed by those who competed for their lands and opposed their culture by other names. The name is their own, but it can be written as Sámi, Sami or Saami in the English alphabet. The á sound in North Sámi signifies a long vowel, and many of the chapters in this book keep to this North Sámi tradition of writing the long a-vowel with an accent. Since not all Sámi languages use the á-vowel in their alphabet (including in proper nouns/names of organisations), we have chosen to honor the varieties of Sámi languages, allow for different modes of writing about Sami people, as well as using the North Sámi long á-vowel in this introduction.

■ A final word

The past year has been quite tumultuous. COVID-19 has had a significant impact on our livelihoods and our general sense of being. Its impact is unparalleled, and its effects will be felt in the years to come. As can be expected, those involved in the project have not remained unaffected. Some of our contributors fell ill and are recovering. Sadly, the pandemic also took the ultimate toll on one of our contributors, Stanley Henkeman succumbing to the pandemic in December 2020. Stan, as he was affectionately known, who at the time of his passing, was the Executive Director of the Institute for Justice and Reconciliation (IJR) in South Africa left a rich legacy. Those at the IJR describe him as someone who was committed to building fair, democratic and inclusive societies not just in his native South Africa but across the African continent. In this context, Stan embodied the values of the IJR. Most of all, he will be remembered as a kind heart whose legacy is leaving a lasting impact. Stan's goodwill and generosity will be missed. We especially want to acknowledge and thank his family and his wife in particular, Sharon Sam Henkeman, who generously supports the inclusion of his chapter in the book.

The co-editors would like to offer special thanks to the authors who have worked so diligently with us during these difficult times. At a time when the whole world has come to a halt, in the midst of insecurities, quarantines, curfews and lockdowns, we are truly impressed and so grateful for their discipline in meeting deadlines for abstracts, texts and revisions so that we could meet the tight schedule for publishing the book on time. As co-editors, we have met in Zoom meetings once a week for most of the year to discuss practicalities and have thought-provoking conversations about new possibilities for reframing reconciliation in ways that do not trade justice for peace but achieve both. We have been invited virtually into each other's homes for our meetings, into our respective living rooms and kitchens, with cats and kids making occasional appearances during Norway's polar night and midnight sun, South Africa's sunny warm summer and Canada's rainy West Coast winter season, while breakfast or dinner cooked on the stove according to our different time-zones. We have become witnesses to the living experiences and traumatic stories of oppression, silence, resistance and resilience so vividly described by Skum's poem that resonates with stories from Canada and South Africa. These stories teach us humility and gratitude for this particular part of our respective life journeys. We have seen hard work, research and editorial skills in the midst of a pandemic and learned a great deal from our authors and from each other, for which we are thankful. We would also like to thank the *ReconTrans* network in the Nordic states, Canada and South Africa, who have offered support and help when we have needed it. Finally, we would like to thank the publishers, AOSIS for their much-appreciated patience and professionalism.

Part One

Negotiating truth, justice and reconciliation: TRC mandates, processes and legacies

Negotiating the meaning of ‘TRC’ in the Norwegian context

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■ Introduction

On 14 June 2018, the Norwegian Parliament adopted the mandate for ‘the Commission Investigating the Norwegianisation Policy and Injustice against the Sámi and Kvens/Norwegian Finns’ (2018–2022) (Stortinget 2018a). The commission was given the short name ‘the Truth and Reconciliation Commission’ (TRC), a name that placed the Norwegian inquiry firmly within the international field of truth commissions (Hayner 2011). Truth commissions or TRCs are generally associated with countries known for histories of conflict, political violence and extreme human rights violations. Applied to the Norwegian context, this term therefore implicitly clubs Norway together with a group of countries it usually does not like to compare its history with. The fact that for a long time the Norwegian Parliament was reluctant in embracing

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'truth and reconciliation commission' must, at least in part, be understood against this backdrop. Moreover, when the Parliament eventually adopted the name, the implications of 'TRC' were, as we shall see, given little attention.¹ So, what difference, if any, does it make that the parliamentary inquiry of the Norwegianisation policy is called 'the TRC'?²

This question is not merely of theoretical interest. Rather, I argue that the debates over the appropriate 'naming' of the public investigation in question alert us to some of the core issues at stake in the Norwegian inquiry. This chapter discusses the matter in three steps. Firstly, the initial pre-TRC political debates over the period 2015–2017 dealing with the appropriate naming of the inquiry are mapped. These debates basically concerned the status or level of a potential investigation. Secondly, the final pre-TRC negotiations 2017–2018 are highlighted. Here, the question of the interpretative horizon associated with the name 'TRC' was intensified. Thirdly, the chapter discusses two types of public-methodological implications of this name brought to light in the Commission's first implementation phase (2018–2020). The heart of the chapter's argument is found here, particularly in the discussion of the public dimension of the Commission's process beyond that of gathering testimonies. In the conclusion section, the basic findings as regards the added value of 'TRCs' to the Norwegian inquiry are summarised, as a basis for a few forward-looking comments and recommendations.

The pre-TRC political debates (2015–2018) are discussed based on document analysis of relevant political documents and media coverage. The negotiations of the meaning of 'Truth and Reconciliation Commission' in the Commission's implementation phase are discussed based on public media debates and observation (physical and live streams) of a selection of public TRC meetings. Apart from quotes from the Commission Mandate text, which is available in an official English translation (TRC 2019), all citations from the Norwegian debates are my own translations from Norwegian.

1. To comply with the general rule applied in this book, 'Truth and Reconciliation Commission' is for the most part abbreviated to 'TRC'. Notice, however, that a corresponding abbreviation is not existing in Norwegian. Therefore, wherever 'TRC' is rendered with apostrophes, this indicates that the formulation used in Norwegian would be the full phrase or name 'sannhets- og forsoningskommisjon(en)'.

2. In the last decades, over 40 truth commissions have been formed globally; most of them set up to facilitate societal transition from repressive, despotic regimes or civil war-like situations to stable societies marked by peace, justice and democracy. While not the first truth commission using this name, the South African Truth and Reconciliation Commission was instrumental in the broader dissemination of TRCs, and for bringing the notion of 'reconciliation' to the centre of truth commission processes. A more recent development is the use of truth commissions in 'non-transitional' political contexts; that is, in countries marked by stable democracies, such as Canada. Here, the addressed conflict history typically includes the repressive history inflicted by settler states on Indigenous peoples. The Norwegian TRC belongs to the latter type of truth commissions. See Hayner (2011); Lawther (2017); Radzik and Murphy (2019); International Centre for Transitional Justice (2012).

However, before delving into the pre-TRC discussions and the ongoing TRC process, an appropriate historical background is called for. In the next section, the region's settlement history, the Norwegianisation history and the more recent developments in Sámi-Norwegian relationships are briefly outlined.

■ Background: Settlement history, the Norwegianisation policy and the emergence of demands for a TRC

The Norwegianisation policy, spanning from c. 1850 to c. 1980, explicitly targeted the Indigenous Sámi and the national minority called Kvens or Norwegian Finns. After being set up, the Norwegian TRC also included the Forest Finns, another national minority associated with south-eastern Norway. The discussion of the present chapter concentrates on the Sámi and to some extent on the Kvens. For readers unfamiliar with the ethnic groups discussed in the chapter, a brief introduction to the region's settlement history may be helpful.

Archaeological findings suggest that during the last centuries BC, a shared ethnic (Sámi) identity was consolidated among the hunter-gatherers across the entire Fenno-Scandinavian peninsula (Hansen & Olsen 2004). This probably occurred as a response to the settlement of a more recent Germanic farming population along the peninsula's southern coasts (Hansen & Olsen 2004). The latter represents the origins of the Norse and later Norwegian and Swedish cultures, which therefore have a long settlement history in the southern parts of Scandinavia and along parts of the north Norwegian coastline (Hansen & Olsen 2004). However, particularly from the 16th century onwards, Denmark-Norway and Sweden engaged in explicit colonisation of the North, in competition with each other and Russia (Hansen & Olsen 2004). The current national borders in the region were first established in 1751 and later in 1809, 1826 and 1944. Turning to the south-east, Finnish groups likely migrated into the southern parts of today's Finland around the start of our time reckoning, eventually expanding northwards (Hansen & Olsen 2004). Here the distinct northern branch of the Kvens represents an old presence in northern Scandinavia (Hansen & Olsen 2004). In Norway, certain Kven settlements trace their history back to the turn of the 18th century. In contemporary Norway, the Sámi are recognised as an Indigenous people, while the Kvens – or 'Norwegian Finns', which some prefer to be so designated – are recognised as a national minority. While both groups are found in northern Norway, the Sámi territory also covers much of mid Norway.³

3. Relevant to note, approximately 40% of the Norwegian land mass is based on traditional Sámi territory.

The Norwegianisation policy had its explicit beginnings in decisions made by the Norwegian Parliament around 1850. Despite Norway's union with Sweden during the period 1814-1905, the Norwegianisation policy was considered as a 'Norwegian project'. The Norwegian Constitution secured the Norwegian Parliament a significant amount of self-determination, eventually paving the way for introducing parliamentarism in 1884 (Mardal 2021). From this point onwards, the Government acted fully on behalf of the Norwegian Parliament rather than the Swedish king.

Ideologically, the Norwegianisation policy was justified by a combination of Norwegian nationalism, social-Darwinism and national security policy (Eriksen & Niemi 1981:36-37). After its somewhat 'soft' beginnings until around 1870, the Norwegianisation policy consolidated in the last decades of the 19th century, culminated in the first half of the 20th century, and had its termination phase from 1950 to 1980 (Eriksen & Niemi 1981; Minde 2005). The Sámi and Kven languages became in practice prohibited in schools, and a residential school system was implemented from the turn of the 20th century: with language loss, cultural shame and identity denial as widespread consequences (Minde 2005; Nergård 1994). While national security policy (cf. Russia and Finland) was a driving motive particularly concerning the Kvens, the civilisation argument applied to a greater extent to the Sámi, who were regarded to be a primitive Indigenous people (Eriksen & Niemi 1981:56-57). In many coastal areas, entire communities shifted their ethnic identity to Norwegian during the 20th century (Bjørklund 1985).

As far as the Sámi are concerned, the Norwegianisation policy can be seen as the late phase of a much longer colonialisation history (Nergård 2011; Otnes 1970); affecting among other things Sámi land- and sea-based livelihoods and cultures. For instance, in 1848, a new legal doctrine claimed Norway's largest county, Finnmark, as state land based on the argument that 'it originally was inhabited by a nomadic people, the Laplanders [the Sámi], lacking permanent settlements' (Pedersen 2000:313). Land rights were thus assumed to be established first with the presence of the Norwegian settled culture. From the late 19th century, Yngvar Nielsen's 'invasion theory' (1889), depicting the South Sámi as recent immigrants to mid-Norway, became a historical doctrine undermining South Sámi reindeer herding rights for generations onwards (Jünge 1996). The Norwegianisation policy has, moreover, had a strong negative impact on coastal Sámi culture, fisheries and fishery rights (Eypórsón 2008; Kystfiskeutvalget 2008:377, 408).

The term 'Norwegianisation' was originally coined by Norwegians as a term denoting the policy of promoting the *Norwegian* language and culture among the targeted minorities on the premises of a monocultural Norwegian state. Today, the term is critiqued by some as a euphemism hiding significant aspects of the minority experience and reality (Vars 2017:179-183). As argued by the first Sámi Member of the Norwegian Parliament Isak Saba (1875-1921),

the problem was not learning the Norwegian language, which the Sámi generally supported; rather, the problem was that 'the Norwegianization is implemented with the objective to annihilate the Sámi nation' (Zachariassen 2011:90–91).⁴

As far as Sámi–Norwegian relations are concerned, the transition from the Norwegianisation era to the recent demands for a TRC can be outlined briefly with reference to a typology developed by the Dutch transitional justice researcher Daan Bronkhorst. In the mid-1990s, he identified three phases that countries in transition from conflict to peace and reconciliation seemed to undergo (Bronkhorst 1995:31–34).

The first *genesis phase* takes place, according to Bronkhorst, when the internal tensions in a society surface and the oppressed become increasingly more outspoken against their oppressors (Bronkhorst 1995). With respect to Sámi–Norwegian relations, this phase occurred in the 1970s as the Sámi movement gained momentum and eventually culminated in the Alta Conflict in 1979 and 1981. The protests against the damming of the Alta-Kautokeino river generated huge demonstrations in the north, two starving strikes outside the Norwegian Parliament and a group of Sámi women occupying the office of Prime Minister. While losing the immediate struggle over the dam, the Alta Conflict eventually became a turning point.

Bronkhorst's second *transformation phase* denotes the phase when the transition towards a reconstructed society begins. This period is typically marked by events of symbolic significance, rapid change and significant release of social energy (Bronkhorst 1995). In Norway, this corresponds with the first years after the Alta Conflict, when significant policy changes occurred: the *Sámi Act* was adopted in 1987; the Sámi Constitutional Clause in 1988; the Sámi Parliament was established in 1989 and in 1990, Norway became the first country in the world to ratify the ILO Convention 169 on Tribal and Indigenous Peoples. Moreover, in 1998, the Norwegian king offered an apology to the Sámi, and in 2005, the Norwegian Parliament adopted the *Finnmark Act* seeking to settle Sámi Indigenous land rights in Norway's northernmost country. At this point, however, the progressive change had seemingly lost momentum.

Contrary to the second phase, the third *readjustment phase* can last for decades, according to Bronkhorst. Now, frustration and confusion arise as the visions of the enthusiastic transformation phase appear harder to accomplish than expected. Quite interestingly, Bronkhorst notes that this is the time when demands for truth commissions and reconciliation programs typically arise (Bronkhorst 1995). The developments in Norway in the new millennium seem

4. Sámi law expert and politician Laila Susanne Vars (2017:180–183) has critically discussed the implicit delimitations that the term 'Norwegianization' brings along, discussing the assimilation policy as a 'cultural genocide'.

to follow this pattern. In the years around the turn of the 2010s, frustration surfaced in significant parts of the Sámi society. This concerned amongst other things an experienced implementation gap between adopted legal standards and realities on the ground (UN Human Rights Council 2016); an increased level of industrial intrusions on Sámi lands (Bjørklund 2013; Fjellheim 2013); new awareness on links between ethnic discrimination and health (Hansen 2015); attention to violence against women and sexual abuse (Berglund et al. 2016; Henriksen 2013; Vars 2017:186) and the question of whether this is informed by an insufficiently addressed intergenerational cultural trauma (Nygård 2017, 2018).⁵ In short, a growing feeling that the Norwegianisation legacy continues to inform the present, nourished the idea about a TRC on the Norwegianisation policy, not least inspired by the TRC related to Indigenous peoples in Canada (Truth and Reconciliation Commission of Canada 2015).

Having established a proper historical context for the discussion ahead, we now turn to the core question discussed in this chapter, namely the meaning of 'TRC' in the public inquiry of the Norwegianisation policy. In the next three sections, the pre-TRC political discussions are mapped, their trajectories into the mandate text are traced, and the implementation of the mandate in the first half of the Commission period is discussed in light of public debates.

■ Negotiating the status/Level of the Norwegian Investigation: Initial Pre-TRC Political Debates (2015–2017)

In this study, a document analysis of the pre-TRC political discussions over 2015–2018 has been undertaken. The alternative positions argued for are identified as six different levels, spanning from low-status to high-status investigations. In order to maintain an overview when delving into the zigzagging discussions, it is helpful to start out by establishing the main positions figuring in the debates. These are identified as:

1. An independent research project/program.
2. A commission set up by the Sámi Parliament.
3. A governmental investigative committee.
4. A governmental commission of inquiry.
5. A parliamentary commission of inquiry.
6. A parliamentary commission of inquiry defined as a truth commission/TRC.⁶

5. This sentence is to a large part a quote from Johnsen (2020).

6. Note that levels 5 and 6 could alternatively have been categorized as 'level 5a' and 'level 5b', acknowledging that the commission remains a parliamentary commission of inquiry despite being defined as a truth commission/TRC.

Treated as a graded scale from low-status to high-status investigations, these six levels provide a typology allowing us to trace the pathway of the negotiations ending up with the Parliament decisions in June 2017 and June 2018.

A truth commission on the Norwegianisation policy was first proposed at the Sámi Parliament in December 2014 by Laila Susanne Vars representing the Sámi party Árja (Árja samepolitisk parti 2017; Solaas 2017). Half a year later, in a letter dated 26 May 2015 the Sámi Parliament requested the Ministry of Local Government and Modernisation, together with other Ministries, to initiate a ‘public investigation’ mapping the objectives, implementation, instruments and consequences of the Norwegianization policy vis-à-vis the Sámi (Sámediggi – Sametinget 2015). The request for an ‘investigative commission’,⁷ and the fact that this investigation was expected to implicate several ministries, suggested a governmental commission. A high-level inquiry of level 4, potentially framed as a truth commission, was thus called for.

A year later, the idea had gained stronger political momentum and broader civil society support from the Sámi side. This fact was acknowledged in an internal ministerial working document, dated 15 June 2016 (Schanche & Paulsen 2017). The ministerial document, exempt from public disclosure but later leaked to the press, reveals how the Ministry on Local Government and Modernisation advised the Minister to respond to the evolving situation (Schanche & Paulsen 2017). In order to avoid expectations for follow-up measures with respect to the new policy, it was recommended that a governmental committee (level 3) or governmental commission (level 4) should be avoided, noting: ‘It is difficult to see which new reconciliation measures might be relevant for the state to consider’ (Schanche & Paulsen 2017).

Yet, an outright rejection of the Sámi Parliament’s proposal was considered to involve a risk for triggering ‘strong negative reactions’ from the Sámi Parliament and other Sámi groups. The communication strategy was, therefore, to frame a governmental commission as ‘not the best solution’. Rather, a commission initiated by the Sámi Parliament (level 2) or an independent research project (level 1) should be presented as better options (Schanche & Paulsen 2017). The Ministry thus argued for a low-status investigation with no formal bonds to the national authorities.

Independent of the position of the Ministry, the Sámi Parliament continued to prepare the grounds for taking new steps on the matter during fall 2016 (Sámediggi – Sametinget 2017a:135). In the Norwegian Parliament in December the same year, two MPs from SV (the Socialist Left Party) forwarded, from

7. ‘Investigative commission’ is a translation of *undersøkelseskommisjon*, a term synonymous with the more commonly used *granskingskommisjon*, a term translated ‘commission of inquiry’ in this chapter.

their political opposition position in Parliament, a proposal on a parliamentary 'truth commission on Norwegianization and injustices against the Sámi and Kven peoples in Norway' (Bergstø & Knag Fylkesnes 2016). This move implied that the Norwegian political lead on the matter shifted from the minority Government to the Norwegian Parliament, which now had a proposal of an inquiry of the highest possible level on its table (level 6).

Spring 2017, the Parliament's Control and Constitution Committee (comprising members of all parties in the Parliament) were mandated to prepare the matter for decision in Parliament (Kontroll- og konstitusjonskomiteen 2017a). On the Committee's request, the Minister of Local Government and Modernisation Jan-Tore Sanner clarified his position on the matter (*Det kongelige kommunal og moderniseringsdepartement - Statsråden* 2017). Minister Sanner raised the question whether a 'commission' (levels 5-6) was 'the right tool', implying the inadequacy of a truth commission (level 6) by formulating the following arguments: (1) Norwegian commissions of inquiry normally seek to clarify specific events that are relatively recent; (2) the experiences from South Africa are 'hardly transferable'; and (3) the 'scope and seriousness' of the abuses in Canada were 'more serious' than in the history of Norway (*Det kongelige kommunal og moderniseringsdepartement - Statsråden* 2017). While experiences from a previous governmental committee on the Romani people were mentioned (level 3), 'pointed research programs' were suggested as an equally suitable instrument for generating new research-based knowledge (level 1) (*Det kongelige kommunal og moderniseringsdepartement - Statsråden* 2017).

Important to note, the Minister did not question the Norwegianisation policy as a 'dark part of Norway's history', but he framed the governmental Sámi policy from the late 1980s up to present-day as an appropriate response (*Det kongelige kommunal og moderniseringsdepartement - Statsråden* 2017). This view was also evident in Prime Minister Erna Solberg's public speech at the *Tråante* Celebration on 06 February 2017 in Trondheim (Statsminister Solberg 2017). This was the Centennial of the first Sámi National Meeting, the very symbol of Sámi organised resistance against the assimilation policies implemented by the states.⁸ It is fair to assume that the Prime Minister was very much aware of the demands for a TRC speaking at this gathering.⁹ Her speech accommodated these sentiments in a clear acknowledgement of the fact that '[t]he

8. In commemoration of the first Sámi National Meeting in Trondheim on 06 February 1918, the pan-Sámi Conference of 1992 adopted on 06 February as the Sámi National Day, shared by the Sámi in Norway, Sweden, Finland and Russia. The *Tråante* Celebration 2017 was a pan-Sámi event for the Sámi of all four countries.

9. The same day, the Sámi Parliamentarian Council (the shared consultative body of the Sámi Parliaments of Norway, Sweden and Finland) opened its 5th Sámi Parliamentarian Meeting in Trondheim titled 'Truth and Reconciliation'. The next day, this meeting adopted a resolution calling the states to initiate truth and reconciliation processes in consultation with the respective Sámi Parliaments. Here, the Canadian TRC was pointed out as a good example to follow. See Sámediggi - Sametinget (2017a); Solaas (2017).

Norwegianization policy forced many Sámi to abandon their culture and languages'. Yet, she continued noting that '[f]ortunately, this is no longer current policy' and shifted smoothly towards a present depicted in terms of positive developments (Statsminister Solberg 2017). The growing frustration of the *continuing* effects of Norwegianization, evident in the Sámi discussions at the time,¹⁰ was simply bypassed. Rhetorically, her speech thus tended to isolate the past from the present, an approach resembling the form of 'temporal symbolic violence' discussed by Woolford (2004) in the Canadian context.¹¹

The question of whether the past Norwegianisation era informs the present to the extent that would justify a parliamentary inquiry was the focus of the discussions of the Control and Constitution Committee in spring 2017 (Kontroll- og konstitusjonskomiteen 2017a). On 15 May, the Committee convened an open hearing where a considerable number of participants, representing various Sámi and Kven/Norwegian Finn organisations, shared their views.¹² The many stories reflecting contemporary experiences made an impact (Larsson, Larsen & Porsanger 2017).¹³ While none of the opposition parties apart from SV had clarified their positions on a commission of inquiry up to this point, they all came out in support during the next 2 weeks (Larsson & Idivuoma 2017). Thus, on 20 June 2017, the Norwegian Parliament made the principle decision – against the minority vote of the Government – to establish a parliamentary commission of inquiry (Stortinget 2017).

■ Negotiating the interpretative horizon of the inquiry: The mandate and the troublesome name of the 'TRC' (2017–2018)

A high-level inquiry of at least level 5 was conducted in June 2017. What remained to be clarified in the year ahead was the name and mandate of the commission. The Parliament Presidency¹⁴ was requested to prepare the

10. In its Annual Report 2016, the Sámi Parliament used the formulation 'continued Norwegianization' about current challenges facing the Sámi in Norway. See Sámediggi – Sametinget (2017a:135).

11. Woolford (2004:118) borrows the notion of 'symbolic violence' from Bourdieu (1990:127), quoting the latter's definition of this as a 'gentle, invisible violence, unrecognized as such, chosen as much as undergone, that of trust, obligation, personal loyalty, hospitality, gifts, debts, piety, in a word, of all the virtues honoured by the ethic of honour'. Applying it on contemporary British Colombian treaty-making processes, Woolford discusses 'temporal symbolic violence' as the tendency of framing the Indigenous concern for the past as being in opposition to being future oriented.

12. During Spring 2017, the Kven/Norwegian Finn organizations also became an active part of the process.

13. In total, 29 representatives spoke at the open hearing, lasting from 09:00 to 17:30. See video recordings at Kontroll- og konstitusjonskomiteen (2017b).

14. In the Norwegian political system, the Presidency comprises a group of six MPs elected by the Parliament to facilitate the work of the Parliament by setting plenary agendas, distributing items among the committees, chairing plenary sessions and so forth.

matter for the final decision in consultation with the Sámi Parliament and the Kven organisations.¹⁵ Central to these discussions was the question of whether the inquiry should be defined as a truth commission/TRC (level 6). Applying such terms would by default locate the Norwegian inquiry within a broad international field (Hayner 2011). This implicitly brought up the question of whether the political violence implemented by the Norwegian state against the Sámi and the Kvens/Norwegian Finns is comparable with the histories of other countries known for their TRCs. The debate on the commission's name and mandate thus intensified the question of the appropriate *interpretative horizon*, and South Africa and Canada were the basic reference points during the discussions.

The proposal forwarded by the two MPs in December 2016 had pointed to the Canadian TRC as a 'useful model' while at the same time acknowledging that the 'Canadian and Norwegian state of affairs – despite shared features – were quite different' (Bergstø & Knag Fylkesnes 2016:2). In 2017, Minister Sanner had pointed out the inadequacy of making such comparisons, rendering the South African experiences as 'hardly transferable', and 'the 'scope and seriousness' of the Canadian abuses as 'more serious' (*Det kongelige kommunal og moderniseringsdepartement – Statsråden 2017:3*).

During spring 2018, it became obvious that the name 'TRC' had strong support among the Sámi and partly among the Kven organisations. For this reason, it was somewhat striking that the first mandate draft shared by the Presidency on 22 March lacked any reference to 'truth commission'/'TRC' (Stortinget 2018b). Rather, 'the Norwegianisation Commission' was proposed as the commission's short name. Critical of its connotations, the Sámi Parliament in their response instead recommended 'the TRC', arguing that this name would 'put the inquiry in the relevant international context, in line with the aims of the commission' (Sámediggi – Sametinget 2018:2).

In the final mandate text proposed by the Presidency for decision in Parliament – and which was adopted in this form by the Parliament on 14 June 2018 – this view was accommodated (Stortingets presidentskap 2018).¹⁶ However, beyond including in brackets 'the Truth and Reconciliation Commission' as the Commission's short name, the mandate text lacked any further references to the term that might suggest its significance to the commission process. Instead, the presidential recommendation document implicitly problematised the comparative interpretative horizon the name brought along, noting: 'The Commission's work is not readily comparable with

15. The Kvens/Norwegian-Finns became part of the process Spring 2017. During 2017-2018, three Kven/Norwegian Finn organizations were involved: Norske Kveners Forbund, Norsk-finsk forbund and Kvenlandsforbundet.

16. An English translation of the Commission Mandate is available at the TRC's webpage. See The Truth and Reconciliation Commission 2019.

various commissions in other countries' (Stortingets presidentskap 2018:2). Moreover, merely pragmatic arguments for adopting 'the TRC' as a short name were provided: the strong desire for the name among the Sámi and parts of the Kven communities, and the fact that the name already had established itself as an unofficial name in public discourse among the affected groups (Stortingets presidentskap 2018). In the 'Background' section of the proposed mandate text eventually adopted, it was – and still is – noted, with reference to the Sámi Parliament, that the desire for a commission was 'inspired by similar commissions in other countries'. Yet, when it comes to explicit directions for the Commission's work, the mandate says that 'the Commission is encouraged to keep a Nordic perspective in mind' (Stortingets presidentskap 2018:4).

It is, of course, both valid and necessary for the Norwegian inquiry to acknowledge contextual differences across the South African, Canadian and Norwegian cases, both in their historical and contemporary aspects. Moreover, to assume a larger extent of comparability among the Nordic countries than with respect to South Africa and Canada is not controversial. As noted in the mandate, there are at the moment, good reasons for looking to Sweden and Finland as similar investigations are underway in both countries in relation to the Sámi (Stortingets presidentskap 2018).

However, delimiting the comparative perspective to the Nordic context should also raise some concerns. As we have seen, the ministerial working document dated 15 June 2016 sought, bluntly put, to delimit the potential political 'damage' of the Sámi Parliament's call for a truth commission (Schanche & Paulsen 2017). While this eventually was overturned by the Parliament majority, tendencies of delimiting the process may still have remained. The way the mandate tones down 'TRC', while foregrounding the 'Nordic perspective', may be read as an attempt of 'fencing in' the interpretative horizon of the inquiry to the Nordic context. However, this fits all too well with the established grand narratives of these countries, which have tended to frame the Nordic region as a global exception case, lacking a history of proper colonialism. The Swedish historians Jens Höglund and Andersson Burnett (2019:1) critically point out that Nordic colonialism has been a marginal topic in Nordic historical research up to recent times, suggesting that part of the reason is that it challenges the self-image of these countries. Against this backdrop, it is essential that the Nordic comparative perspective is not contributing to reinforcing a root problem that needs to be confronted rather than complied with by the Norwegian TRC.

The mandate provides the Norwegian Commission with a three-fold task: (1) historical mapping of the Norwegian authorities' policy and activities towards the Sámi and Kvens/Norwegian Finns; (2) investigating the effects of the Norwegianisation policy up to present-day; and (3) proposing measures for 'further reconciliation' aiming at greater equality between the majority and

minority populations (The Truth and Reconciliation Commission 2019).¹⁷ According to the mandate, 'The primary objective is that the commission, through establishing a common understanding of the Norwegianisation policy and its consequences, shall lay the foundation of continued reconciliation between the Sámi, Kvens/Norwegian Finns and the majority population' (The Truth and Reconciliation Commission 2019).¹⁸

It can be argued that the outcome of these endeavours does not depend only on the information gathered during the investigation; it also depends on the perspectives informing its interpretation. The fact that *the experience of the affected Sámi and Kven/Norwegian Finn populations* is emphasised in the mandate is significant in this context (The Truth and Reconciliation Commission 2019). Moreover, I argue that the analysis of the Norwegianisation policy and its consequences will benefit from an in-depth engagement with theoretical comparative perspectives drawn from the broader international field. This point is shortly elaborated in two regards in the chapter's conclusion.

■ Public-methodological implications of 'TRC': The first half of the implementation phase (2018–2020)

In the implementation phase, the name 'The TRC' has been embraced by the Commission itself. In public TRC meetings, the South African, Canadian and Greenlandic TRCs are normally mentioned.¹⁹ Particularly the two latter TRCs are referred to as models the Norwegian Commission has looked to for developing its own methodology (Sannhets- og forsoningskommisjonen 2019).

However, in more concrete terms, how is the notion of 'TRC' translating into practice in the ongoing commission process? In the following section, this is discussed with particular attention to the public aspect of TRCs. One way to approach the matter is to ask: What is the added value of 'TRC' relative to the

17. For the original Norwegian version of the Commission Mandate, see Sannhets- og forsoningskommisjonen (2019).

18. Beyond the short name of the Commission, the two references to 'reconciliation' cited in this paragraph are the only explicit references to 'reconciliation' suggesting its significance to the Commission's work.

19. In total, seven public TRC meetings have been observed. The author has been physically present at three meetings (11 March 2020 in Røros; 19 June 2020 in Bodø; 20 August 2020 in Lakselv) and watched three public meetings online (22 November 2019 in Oslo; 25 January 2020 in Trondheim; and 17 September 2020 in Mo i Rana). Except for the Røros meeting, all above-mentioned meetings can be accessed at the TRC's YouTube channel. See Sannhets- og forsoningskommisjonen (n.d.) In addition, PhD candidate at VID Tromsø Torbjørn Brox Webber observed (physically) the TRC meeting in Kirkenes on 07 March 2020. Unlike the other meetings, the latter event was a 1-h session of a larger local Sámi festival program. This session was thus organized somewhat differently than the public meetings officially convened by the TRC itself. See footnote 26.

established Norwegian parliamentary commission instrument?²⁰ The American specialist on truth commissions Priscilla Hayner (2011) has formulated a broad definition of truth commissions providing clues for a preliminary clarification. According to Hayner (2011):

A truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review.²¹ (pp. 11-12)

The established Norwegian parliamentary commission instrument, as described in the Parliament's Rules of Procedure, already embodies elements 1, 4, 5 and partly 2 in Hayner's definition (Stortinget 2020:19-20).²² A unique contribution of the current TRC relative to the Norwegian parliamentary inquiry instrument is, however, found in element 3 of Hayner's definition. This concerns the public aspect of a TRC associated with its civil society interaction, a matter having methodological implications. It is particularly this dimension that has been discussed in the somewhat limited public debates on the TRC during the two first years of its operation.²³

In what follows, two types of questions on the matter are highlighted. The first concerns the value of personal testimonies to the truth-seeking of the Commission. The second concerns the broader significance of the TRC's public involvement. Regarding the former question, a rather heated debate in the pre-TRC phase provides the relevant backdrop for discussing the approach eventually taken by the Commission.

20. This question highlights the distinction between levels 5 and 6 in the typology discussed above.

21. Note that element 1 in Hayner's definition should not be read as if she is ignorant about the ways the past also informs the present, and that this constitutes a relevant concern for TRCs.

22. Regarding element 2, the current TRC differs from previous parliamentary commissions of inquiry in the way it investigates a much broader pattern of events and consequences and a much longer period of time, beyond the more recent time horizons of previous Norwegian parliamentary investigative commissions.

23. By 'public debates', I refer to media debates in the form of feature articles, etc., and it is particularly the Sámi paper *Sággat* and the Northern Norwegian regional paper *Nordlys* (Nordnorsk debatt) that have been monitored. Generally, these are the mostly used media platforms for debating Sámi and Kven issues in Northern Norway. Regarding general media coverage of public TRC meetings, the media visibility has, with a few exceptions, been quite limited. National media has so far barely paid attention to the TRC process. At several locations where public TRC meetings have been convened, even local papers have not covered the event. For instance, *Arbeidets Rett* did not cover the open TRC meeting in Røros on 11 March 2020; *Avisa Nordland* did not cover the TRC meeting in Bodø on 19 June 2020 and *Rana Blad* did not cover the open TRC meeting in Mo i Rana on 17 September 2020. Regarding public debates, the TRC meeting in Sør-Varanger on 07 March 2020 did spark a local debate regarding the role of one expert Commissioner in relation to an unsettled conflict among two local Sámi groups. See Randa (2020). The nature of this debate is not considered relevant for my discussion here.

■ The Value of Personal Testimonies for the TRC's Truth-seeking

On 11 May 2017, 4 days before the decisive hearing in the Parliament's Control and Constitution Committee (see above), Prof. Einar Niemi, a profiled nestor of historical research on the Norwegianisation policy, published a feature article entitled 'Truth Commission, Politics, and the Combat over the Past' (Niemi 2017a). Here, Niemi – later appointed a TRC commissioner – commented on the ongoing debate's use of history and *minnemateriale*. The latter term literally translates to 'memory material' and refers to how this is reflected in contemporary personal testimonies. Niemi noted critically: '*Minnemateriale* tends to change over time ... influenced by the selectivity of memory, ... and by contemporary politically driven connections made to past events. Sometimes the past is escalated in favour of 'correct' opinions in the contemporary debate'.²⁴

These formulations could easily be read as a general devaluation of the value of personal testimonies to the truth-seeking undertaken by a potential truth commission. Provoked by Niemi's argument, Sámi historian Katri Somby (2017) responded the next day that history writing depends on 'background, knowledge and not least perspective'. She framed the disagreement as a conflict between the camps of Norwegian versus Sámi historians. As Niemi's family background is basically Kven and Sámi, this was a dichotomisation vulnerable to the critique of 'ethnicising' the debate (Niemi 2017b). Yet, Somby's concern was, in my view, highly valid if reformulated as a question of whether Sáminess is recognised in the context of Sámi *communal* existence and not primarily treated as an individualised identity and experience. In this regard, Somby and Niemi were obviously situated quite differently, influencing what they were able to see and what they considered relevant. Somby (2017) noted: 'as a people, we Sámi have a need to tell the history on our own premises and to people that understand'.²⁵

24. While more cautiously, Niemi (2017c) formulated a similar argument on *minnemateriale* in a research article on the Norwegianization of the Sámi and Kvens published later the same year. While obviously anxious about the 'problem' of a politicised space shaping stories in the contemporary context (cf. Niemi 2017a), Niemi is, in this context, *not* discussing the problem that the space for sharing these experiences has been highly politicized from the very beginning; namely, by the grand Norwegianization narrative, authorized by the Norwegian Parliament, public institutions and so forth. One way to reframe Niemi's 'observation' is therefore rather to say that the hegemony of defining the grand narrative has been challenged, and that it has somewhat shifted. This should be acknowledged as a healthy thing, to begin with, since it provides conditions for sharing experiences that hardly could be shared previously.

25. The difference between Niemi and Somby's arguments resonates somehow with Kjell-Åke Nordquist's distinction between 'liberal' and 'communitarian' perspectives on truth in the context of political reconciliation. The former is 'fact based' and oriented towards individuals, while the latter sees reconciliation as 'embedded in a shared understanding of both facts and feelings, where the interpretation is not only shared but also developed in common'. Nordquist opts for the latter alternative. See Nordquist (2017:42–43).

A few days later, Niemi's younger colleague, the Norwegian historian Ketil Zachariassen (2017), also an expert on the Norwegianisation history, came out in explicit support of a TRC. To Zachariassen, the matter was more a question of 'reconciliation' than a question of the current knowledge status about the Norwegianisation policy. 'In order to bring about reconciliation, everyone must be allowed to come forward with their experiences and their stories'. Like Niemi, Zachariassen was also later appointed among the TRC's 12 expert commissioners.

The debate over the value of personal testimonies to the inquiry's truth-seeking has largely silenced in the Commission's implementation phase. The most obvious reason is that the mandate instructs the Commission to 'ensure that personal experiences and accounts are brought to light by facilitating the opportunity for individuals to tell their stories' (TRC 2019). An additional reason why the debate has silenced, is the consistent approach taken by the Commission itself, *inter alia* in its public meetings.²⁶ Personal stories reflecting the experience of affected individuals and groups is emphasised as significant to the Commission's ongoing mapping. Knowledge gaps in existing research are acknowledged, if not yet specified. The methodology of the Commission is reflecting a commitment to facilitate a broad gathering of personal testimonies. However, the public meetings are not organised as public hearings.²⁷ The purpose of public meetings seems primarily to motivate individuals to share their stories with the Commission apart from these meetings, by submitting these in writing, audio recording, video recording etc., or by letting themselves being interviewed by the Commission. Yet, public meetings to a certain extent facilitate a space where stories on local experiences are told; primarily, by invited speakers, secondarily, by giving (limited) space for input from the audience at the end of the meetings.²⁸ Here, members from the audience prefer to tell stories about their own experiences rather than asking questions on the process. In short, public TRC meetings are, so far, staged as a hybrid between information meetings and a space for starting to share experiences.

Relevant to note, the COVID-19 pandemic has since March 2020 affected the public engagement of the TRC. After 2-3 months of national lockdown,

26. The public TRC meetings observed are listed in footnote 18.

27. The public TRC meetings, which so far have been scheduled for 2 h (but oftentimes extended 15-30 min), have normally been structured the following way: (1) a cultural element (song, poem, etc.) opens the event; (2) the local mayor greets the meeting; (3) a Commissioner informs about the background, objectives, and work of the TRC; (4) input is given from two - three representatives from local Sámi or Kven/Norwegian Finn organizations, projects etc. (typically stories grounded in personal experience); (5) a Commissioner elaborates on the work on collecting personal testimonies; (6) time for input and comments from the audience (typically formulated as personal stories rather than questions to the TRC); and (7) at the end Commissioners reflect back to the audience what they have heard.

28. See previous footnote.

the sparse spread of infection in Norway made it possible for the Commission to continue convening public meetings somehow. While these have been marked by restrictions in number of participants, this has been sought to be compensated with additional video-streaming. The pandemic has likely made some people hesitant to participate. As this article is being written,²⁹ the COVID-19 situation is worsening again. Whether this may impact the Norwegian TRC process to the extent that calls for extending the Commission period, remains an open question.³⁰

■ Is there a public dimension beyond gathering testimonies? 'Reconciliation' and the people-to-people perspective

Element 3 in Hayner's (2013:11-12) above-cited definition of truth commissions is composed of two parts: 'engages directly and broadly with the affected population' and 'gathering information on their experiences'. So far, the Norwegian TRC seems primarily to subordinate the former aspect (engaging with the civil society) under the latter purpose (gathering information relevant for writing the final report) (Høybråten 2020). The question of whether the public strategy should be broadened has, however, been a concern in the limited public debates in 2019 and 2020. Something important seems to be at stake in the Norwegian TRC process in this regard.

On 22 November 2019, Monstad and Spitzer (2019) published a feature article entitled 'Truth and Reconciliation in Norway'. Relevant to our discussion, these researchers were affiliated with the University of Bergen, a Norwegian university located in the South-Western part of Norway, thus outside the Sámi, Kven and Forest Finn regions of Norway. From this vantage point, they noted that the Norwegian TRC, which at the time had been operational for 1 year, was hardly known among 'common Norwegians'. This was so, even though this represented what they called a 'dramatic process ... in the North'. Monstad and Spitzer noted that the Canadian TRC, inspiring the Norwegian one, had been a 'very visible process', arguing that this had been instrumental for its ability to transform the country's relationship with its Indigenous peoples. They formulated, therefore, three recommendations to the Norwegian Commission: (1) 'Be visible'; (2) 'have the entire society as audience, not just the Sámi, Kvens and Norwegian Finns'; and (3) 'be human, not a distant bureaucracy' (Monstad & Spitzer 2019).

29. Medio November 2020.

30. After this chapter was completed, the Norwegian TRC's deadline for submitting its final report has been postponed to 01 June 2023.

Similar concerns were raised in bolder types and from a Sámi insider's perspective, half a year later. In a feature article published 06 May 2020 entitled 'Truth, Reconciliation, and the Poisonous Silence', Sámi literature scholar Lill Tove Fredriksen (2020) asked the Commission: 'Beyond collecting the important stories about people's experiences, what are the visions of the Commission regarding the ways this may lead to reconciliation?'

The notion of 'reconciliation' was at the heart of Fredriksen's argument. Regarding reconciliation as a process, Fredriksen asked: 'When does a reconciliation start? Did it start – or should it have started – from the moment the Parliamentary decided to set up the TRC?' In order to enhance the potentials for reconciliation, Fredriksen obviously wanted the Commission to embody and facilitate more of the reconciliation process through its public engagement. This was in turn grounded in a relational perspective of reconciliation, reflecting her concern for the people-to-people dimension of the process. 'Where is the majority population in this picture?' Fredriksen asked. In her view, the lack of public visibility risked reducing reconciliation to a Sámi, Kven and Forest Finn problem. 'How can the Norwegian people understand, let alone wish for, a reconciliation they have no idea concerns them as much as the Sámi, Kvens, Norwegian Finns and Forest Finns?' (Fredriksen 2020).³¹

On 08 May 2020 the chair of the Norwegian TRC, the Norwegian ex-politician Dagfinn Høybråten (2020) responded in a feature article entitled 'The Truth- and Reconciliation Commission's Work between Trust and Silence'. While not formulated as a response to Fredriksen, both the timing, content and publishing channel of Høybråten's feature article suggested that it was written, in whole or part, as a response to Fredriksen's article published 2 days before. With respect to Fredriksen's processual questions, Høybråten (2020) responded:

The mandate points out that reconciliation has already begun. The Parliament has requested a knowledge base that can lead to a common understanding of the Norwegianization and to proposals for measures bringing about further reconciliation. Even while the Truth and Reconciliation Commission is working, there are seeds for reconciliation. (n.p.)

The reference to 'seeds for reconciliation' seemed to be a cautious accommodation of Fredriksen's concern that even the Commission process should embody aspects of the reconciliation process.

Regarding Fredriksen's relational perspectives on reconciliation, however, Høybråten never connected with Fredriksen's argument beyond an associative

31. This resonates with a settler dimension of the Canadian TRC process. Here, the phrase 'we are all treaty-people' reflected the concern for making the white settler population part of the process. See Epp (2008); Regan (2010).

link on 'silence'. Fredriksen's (2020) 'silence' (*stillhet*) referred to a lack of public visibility, which in her view, undermined the foundational people-to-people dimension of the ongoing reconciliation process. Høybråten's 'silence' (*taushet*), however, referred to the silence that often has characterised the victims, a challenge that the ongoing commission process, according to him, must overcome by building trust (Høybråten 2020). Høybråten thus emphasised the vulnerability associated with silenced victims, potentially sensitive information and handling traumatic experiences (Høybråten 2020).

Høybråten's feature article suggested that the latter, methodologically, is the greatest challenge and the priority of the Commission. While this, without doubt, is a very important concern, which the Norwegian TRC should be recognised for taking seriously, one may nevertheless ask whether Høybråten's argument suffered from a simplified generalisation. Can one infer from the vulnerability of victimised persons that the Sámi, Kvens and Forest Finns do not also have a need for having their stories heard in public, or that this is not possible to accommodate in some form by the TRC? In fact, a deep frustration over the widespread ignorance or indifference among the Norwegian majority population and public institutions regarding the everyday challenges facing the Sámi has surfaced in a number of stories told at open TRC meetings. These testimonies suggest that such public ignorance is reproducing structural violence in contemporary society. In this regard, it is relevant to notify the striking disinterest of local media in several of the cities where public TRC meetings have been convened.³² This suggests that lack of public visibility should also be a concern to the TRC.

Høybråten's feature article did not provide grounds for being conclusive about why he avoided Fredriksen's direct question regarding the wider public significance of the TRC process.³³ A few possibilities can, nevertheless, be suggested. Firstly, the concern for making victimised groups speak may have been considered unreconcilable with broader publicity around TRC meetings. However, as a majority of open meetings are already live-streamed and made available at the Commission's YouTube channel, this is possibly not the only reason (Sannhets- og forsoningskommisjonen n.d.).

Secondly, the fact that gathering testimonies is made explicit as the purpose of public meetings in the mandate, while public visibility for other purposes is not, may have made the Commission reluctant in broadening its public strategy (The Truth and Reconciliation Commission 2019). The Commission has, however, already moved beyond the explicit formulations of the mandate text by interpreting the Forest Finns into its mandate.

32. As specified in footnote 22, the leading local papers in Bodø, Mo i Rana and Røros did not cover the public TRC meetings in their cities.

33. Relevant to note, Fredriksen has repeated her critique of the TRC process in several feature articles and interviews since June 2020.

Little should prevent the Commission from broadening its approach to its public engagement in a similar manner. The 'primary objective' of the Commission, as formulated in the mandate, is to 'lay the foundation for reconciliation between the Sámi, Kvens/Norwegian Finns *and the majority population*' (my emphasis, The Truth and Reconciliation Commission 2019). The public people-to-people dimension of the reconciliation process is thus foundational to the operation of the TRC, according to the mandate, justifying a broader public strategy. Relevant to note, a public education strategy with respect to the majority society was integral to the public events of the Truth and Reconciliation Commission of Canada (2015:340, 346–348).

A third possibility behind the reluctance to 'go public' may be found in an inherent tension between the more introvert, formal protocols of the established Norwegian parliamentary commission instrument and the more extrovert ways of operating characterising a TRC. As a former MP, party leader of KrF (the Christian Democratic Party), Minister and general secretary of the Nordic Council of Ministers, Høybråten may be more familiar with the more introvert protocols of the established parliamentary investigative commission instrument. Based on such premises, making the process too public might be considered to become overly 'political'. However, this is, as we shall see, not a valid argument in the context of a TRC. While suggested here solely as a technical argument on proper protocol, it is relevant to note that such arguments may, in turn, serve certain political interests seeking to delimit the political reconciliation process, a tendency identified and discussed earlier in the chapter.

The literature on truth commissions gives clear support to the necessity of expanding the horizon for a TRC's public engagement beyond that of collecting relevant information (Hayner 2011:218). The Swedish specialist on peace-studies Prof. Kjell-Åke Nordquist discusses the matter in relation to truth commissions in *Reconciliation as Politics: A Concept and its Practice* (2017). Nordquist argues that the added value of 'reconciliation' is the way it 'recognizes social and human dimensions in political processes' (2017:45).

Nordquist defines political reconciliation as a 'social process where harm, resulting from political violence, is repaired in such a way that basic trust is established between victims, perpetrators and the society at large' (2017:34). In this context, Nordquist suggests that there should be some form of symmetry between the reconciliation process and the conflict history addressed. If a conflict has affected broad sections of the population and targeted entire ethnic groups and their identities, the process should engage with broad sections of civil society (2017:5). A similar argument is developed with respect to the symmetry between the public nature of the violence and the reconciliation process responding to it: 'It [political reconciliation] is never private, secret or hidden. ... So if the violence was political, then the healing should be political and public' (2017:44). Its public nature is thus one of the main characteristics of political reconciliation, according to Nordquist (2017).

Such perspectives give clear support to the concerns raised by both Monstad and Spitzer (2019) and Fredriksen (2020). The public dimension of a TRC process has a function beyond gathering information on the experiences of the affected populations, in ways potentially instrumental to its broader societal impact.

Whatever the reason for the somewhat limited focus of Høybråten's (2020) feature article, he signalled nevertheless that the Commission is open to adjustments as the process develops:

We recognize that being listened to can be a reconciling experience, and we believe that we must apply several methods to make this work happen. At times we also must adjust our ways of operating, as we gain more experience. (n.p.)

One such 'adjustment', in light of the discussion above, may be that the Commission, in its final phase of operation, considers ways to strengthen its public profile in order to foreground the people-to-people dimension integral to the reconciliation in question.

■ Concluding remarks: Suggestions and recommendations

At the outset of this chapter, the following question was formulated: What difference, if any, does it make that the parliamentary inquiry of the Norwegianisation policy is called 'the TRC'? The discussion of this chapter suggests that the name TRC - both de facto and potentially - provides the Norwegian investigation with substantial contributions in three regards. The basic findings are summarised further, supplemented by a few forward-looking comments, suggestions and recommendations.

Firstly, the analysis of the pre-TRC political debates 2015–2017 illustrates that the name 'the Truth and Reconciliation Commission' flags that the Norwegian Parliament asked for a high-level investigation grounded in the national authority level. As the political violence of the forced assimilation in question was an intentional policy going out of the Norwegian Parliament, a high-level parliamentary inquiry seems to be an appropriate response.³⁴ This raises, in turn, the question about the Parliament's responsibility in the contemporary context, a question that will be intensified as the TRC starts to formulate, and eventually offers, its recommendations in the final report.³⁵

34. Cf. Nordquist's (2017:44) argument on symmetry between the political violence and the reconciliation process implemented.

35. Since the Government in the context of Norway's parliamentarism draws its power from the Parliament and governs on its behalf, what is said above regarding the Parliament automatically applies to the Government as well.

Secondly, the analysis of the pre-TRC discussions 2017–2018 suggests that ‘Truth and Reconciliation Commission’, depending on how the Commission interprets its mandate, has a potential to push the interpretative horizon of the Norwegian inquiry beyond dominant national and Nordic narratives of being an exceptional case, lacking a history of proper colonialism. I have argued that this is relevant for the interpretation of the Norwegianisation policy and its consequences. A few comments on the recent debates on ‘cultural genocide’ and ‘settler’ ‘colonialism’ illustrate this point.

Regarding the former, Sámi law expert and politician Laila Susanne Vars (2017) has noted that the very term ‘Norwegianisation’ may function as euphemism suggesting an educational concern, obscuring that the policy in question was more of a ‘cultural genocide’. As we have seen, this resonates with a critique formulated over a century ago by the first Sámi MP Isak Saba. Saba identified the problem of Norwegianisation as ‘the objective to annihilate the Sámi nation’ (Zachariassen 2011:90–91). While the Canadian TRC concluded on ‘cultural genocide’ with respect to the Canadian Aboriginal policy (Truth and Reconciliation Commission of Canada 2015:1), claiming this in a Norwegian context will likely be resisted by many, probably also by members of the Commission. Irrespective of how the Commission may conclude on the matter, a proper analysis of the Norwegian policy and its consequences to the Sámi, the Kvens and the Forest Finns will benefit from engaging in-depth with theoretical perspectives for contextually appropriate analysis of the question on genocide, as for instance developed by Canadian scholar on sociology and criminology Andrew Woolford (2013).³⁶ This would centre the following question: To which extent did the Norwegianisation policy involve intentional and sustained attempts to destroy the conditions for a continual re-creation of the *cultural group-life* necessary for maintaining identities as *distinct peoples* (Woolford 2013)?

Regarding the question on colonialism, the implications of Patrick Wolfe’s (1999) recent influential theory on ‘settler colonialism’ has to my knowledge not been properly discussed in relation to the Norwegianisation policy, even though the policy of assimilation is at the heart of Wolfe’s argument. Wolfe, who is an Australian anthropologist, argues that in colonial projects where colonisers have come to stay (‘settler colonialism’ as opposed to ‘franchise or dependent colonies’), a different colonial logic applies (Wolfe’s 1999:1). Rather than being oriented towards ‘extract[ing] surplus value from Indigenous labour’, settler colonialism constitutes a particular relationship with the land in which Indigenous peoples are not only ‘superfluous’ (Wolfe’s 1999:3); their continual presence represents an inconvenient challenge to the dominant narrative of the nation state regarding its ownership to the land

36. Woolford is a former president of the International Association of Genocide scholars.

(Wolfe's 1999:34). In this context, the policy of assimilation emerges as a late phase of settler-colonial projects, according to Wolfe (1999:27–33). It functions as a colonial device for erasing Indigenous memory (1999:34). While the 'real political' motivation for assimilating the Kvens is well-discussed as a security policy responding to the perceived 'Finnish menace' (Eriksen & Niemi 1981), potential 'real political' motivations unique to the assimilation of the Sámi are marginally discussed. If appropriately contextualised, Wolfe's theory on the policy of assimilation as a late phase of settler-colonial projects may hold explanatory power also in the Norwegian context, unveiling a more hidden colonial *realpolitik* at work in the Norwegianisation policy.

Thirdly, the chapter's discussion of aspects associated with the TRC's implementation phase suggests the following: The notion of 'truth and reconciliation commission' is providing the established Norwegian parliamentary commission instrument with a more extrovert methodology associated with its public engagement. Gathering personal testimonies is already emphasised as a significant contribution to the truth-seeking of the inquiry and reflected in the TRC's methodology. Half-way into the commission period, there are, however, few signs that the Norwegian TRC embraces a public dimension beyond this purpose. Greater visibility around the process in order to make the majority society part of the process has been requested in public debate, grounded in a people-to-people perspective on the process. The literature on truth commissions provides clear support to this concern, seeing it as an integral aspect of a TRC process. The Commission is recommended to take stronger ownership to this aspect of the process in the last phase of its operation. Moreover, independent civil society initiatives may contribute to enhancing the process in this regard (Hayner 2011:223–224).

As noted by Hayner (2011:18), truth commissions are 'given a mammoth, almost impossible task with usually insufficient time and resources to complete it'. This is relevant also with respect to the Norwegian Commission. The potential success of the commission process depends in addition on a lot of factors that are beyond the control of the Commission. So far, the Norwegian TRC has seemingly made many good choices and priorities, and it should be acknowledged for that. Yet the analysis of this chapter suggests that there is still untapped potential to be explored, particularly regarding broadening the public dimension of the process. From an overarching perspective, I argue that the TRC process is not owned by the Commission, despite its very instrumental role in the larger scheme of things. Neither is the process owned merely by the Norwegian Parliament, even though the process is formally grounded in Parliament decisions and protocols. In the end, the truth and reconciliation process in question is owned by the people; that is, by the *peoples* involved in this history.

Canada's TRC: An 'unsettling' Indigenous-centred relational justice and reconciliation model

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■ Canada's TRC: A post-TRC reflection

With deep humility, respect and gratitude, I remember and honour survivors of the Indian¹ residential school (IRS) system, their families and communities,

1. A note on terminology: the term 'Indian' is often used pejoratively in Canada to describe Indigenous peoples in ways that reinforce racist and offensive stereotypes. It is also a legal designation under the *Indian Act*, a historical legislation that gave the federal government fiduciary responsibility for 'Indians and their lands' and remains in force today. The Indian residential school system that ran for over a century in Canada was established under the legislative authority of the Indian Act. In this chapter, I only use the term 'Indian' in its historical and legal context, including a discussion of the out-of-court Indian Residential Schools Settlement Agreement that led to the TRC. The term 'Aboriginal' (widely used in Canadian society) is a legal designation under Section 35 of the Canadian Constitution Act (1982), which recognizes and affirms the Aboriginal and treaty rights of Indian, Inuit and Métis peoples in Canada. More recently, the international term 'Indigenous peoples' with its links to the UN Declaration is the term preferred by many First Nations (which often replaces 'Indian'), Inuit and Métis peoples and has been widely adopted by federal, provincial and territorial governments.

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who have taught me so much about the courage, resolve and resilience it takes to speak truth to power, calling for justice in the face of persistent violence, oppression, racism and denial. For well over a century in Canada, Indigenous children were taken from their homes and families to live in residential schools established by the federal government under *Indian Act* legislation and run by Catholic, Anglican, United and Presbyterian churches. The purpose of the schools was to 'civilise' and assimilate Indigenous children into Canadian society by providing Western education and converting them to Christianity. Residential schools were a cornerstone of the colonisation process designed to secure settler society through Indigenous land dispossession, cultural destruction and political disempowerment. While government and churches purported to be acting in the best interests of Indigenous children, in reality the schools were substandard hotbeds of disease, malnutrition, poor education and abuse.² For years, government and church officials tried to silence survivors' voices by denying or rationalising the abuses they endured as children in the schools. Yet as victims of violence, survivors were not without agency. As they sought justice in Canada's legal system, working with lawyers, political leaders and advocacy organisations, survivors established their own grassroots groups and found further support from Indigenous elders, knowledge keepers and community health workers (Stout & Kipling 2003). Without survivors' wisdom, vision and action there would have been no Truth and Reconciliation Commission of Canada.

Survivors gave private and public statements to the TRC recounting their lived experiences before, during and after they attended residential schools. As victims of violence, they put a human face on the devastating consequences of colonisation, revealing the depth of intergenerational harms inflicted on all Indigenous peoples in this country. They envisioned creating a permanent oral history record of their testimonies as an educational legacy to help their families and communities heal and flourish and 'so that other Canadians could learn from these hard lessons of the past. They want Canadians to know, to remember, to care, and to change' (Truth and Reconciliation Commission of Canada 2015a:6, 157). At a TRC traditional knowledge keepers gathering, elder Jim Dumont explained that 'in Ojibwe thinking, to speak the truth is to speak from the heart' (Truth and Reconciliation Commission of Canada 2015a:6, 8). At TRC community hearings, regional gatherings and national events across Canada, First Nations, Inuit and Métis peoples delivered a powerful message. Their individual and collective rights as Indigenous peoples have been violated by successive generations of elected officials and government bureaucrats. Survivors frequently associated their own residential school experiences with the broader negative consequences of a widely accepted nation-building

2. For comprehensive history of the residential school system, see TRC (2015a, Vol. 1, Parts I and II). For a condensed version, see Truth and Reconciliation Commission of Canada (2015b).

agenda that has systematically positioned Indigenous peoples as inferior to settler society. Survivors made it clear that reconciliation involving the repair of family and community relationships does not preclude challenging settler-colonial power and national history (Angel 2012:201).

In this chapter, I build on my previous work probing the ‘unsettling’ or decolonising, transformative potential of Canada’s TRC process (Regan 2010), draw on studies from Indigenous and Western scholars who examine the interplay among relationality, justice and reconciliation in settler-colonial contexts and analyse the TRC final report to examine how the Commission navigated this terrain. Writing from an insider scholar/practitioner’s perspective as a former TRC staff person, I argue that realising the Canadian TRC’s Indigenous-centred relational justice and reconciliation model would ‘unsettle’ or decolonise settler colonial Canada in profoundly transformative yet beneficial ways to create a more just and equitable society.³ Firstly, I situate the Canadian and Nordic TRCs in the transnational context of a global Indigenous rights movement where First Nations, Inuit, Métis and Sámi exercise their rights using multiple strategies of resistance and resurgence. Secondly, I set Canada’s TRC in the global transitional justice context where there is growing recognition that in settler-colonial states, TRCs based solely on ethnocentric Western methods for resolving historical injustices fail to meet Indigenous criteria for truth, justice and reconciliation. I then focus on the TRC’s origins to consider similar limitations of a Western-based alternative dispute resolution (ADR) model used to resolve residential school survivors’ civil litigation out-of-court prior to the Commission. Thirdly, I explain how survivors were instrumental in shaping the Commission’s mandate and structure, making Indigenous oral history and legal traditions – culturally grounded symbolic acts of ceremony, testimonial exchange, apology and commemoration – integral to its work. The Commission’s methodology endeavoured to give Indigenous peoples access to their own justice systems and educate non-Indigenous Canadians about the harsh truths of history and their own obligations to take action to bring about change. Fourthly, I argue that the TRC final report breaks new ground in laying out an Indigenous-centred relational vision of reconciliation and a decolonising, transformative framework contingent on implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the resurgence of Indigenous law. Survivors’ testimonies – personal stories of victimisation, trauma, resistance and resilience – revealed both relational (victim/perpetrator, colonised/coloniser, people-to-people interactions) and structural (socio-political/institutional/material) injustices that violate Indigenous rights. Finally, I briefly outline the challenges

3. My positionality as a non-Indigenous scholar/practitioner (Regan 2007, 2010) whose research is grounded in decolonizing methodology and pedagogy, and my work as the former research director and senior researcher/lead writer on the reconciliation volume of the Commission’s final report (TRC Final Report 2015a:vol. 6), informs my thinking on this topic.

of post-TRC action and accountability on reconciliation. The Commission's work contributes to the transnational discourse on the potential for TRCs in settler-colonial countries to implement their mandates in ways that integrate culturally specific Indigenous approaches to truth, justice and reconciliation and ultimately strengthen and advance Indigenous rights.

■ Indigenous peoples and TRCs in settler-colonial states: Trading justice for peace?

Do TRCs in liberal democracies – settler-colonial states like Canada, Norway, Sweden and Finland – inevitably trade-off or compromise justice for Indigenous peoples to preserve a status quo peace that serves the interests of non-Indigenous majority populations? Every TRC must weigh what is morally just against what is politically possible in deciding how to fulfil its mandate. Norway's TRC president Dagfinn Høybråten observes that 'the question is a political one – how to make recommendations that address systemic inequalities, but remain palatable to settler politicians' (Last 2020:np). As the work of recently established TRCs in Nordic countries get underway, they face controversies and challenges similar to those confronted by Canada's TRC. In a global context of transitional justice and reconciliation discourse, it is instructive to analyse these TRCs through a critical lens of Indigenous rights, resurgence and law. From this broader perspective, TRCs are a potential catalyst for advancing Indigenous rights, revitalising Indigenous lifeways and fostering justice and reconciliation on domestic and international fronts.

From the early 19th century onwards, Indigenous peoples in Canada have fought for their rights by organising politically and using multiple strategies and practices of resistance against the forces of colonisation (eds. Kino-nda-niimi Collective 2014; Manuel & Derrickson 2015). They have pursued access to justice for residential school abuse and infringement of their inherent, treaty and constitutional rights in domestic courts up to the Supreme Court of Canada, challenged racist, discriminatory federal, provincial and territorial legislation, laws and regulations and critiqued government policies and programs. They have undertaken political interventions in numerous parliamentary committees, commissions and tribunals. They are reclaiming and revitalising their own diverse cultures, languages, spirituality, political philosophies, histories, governance structures and legal systems in a resurgence of land-based ways of community life and nation rebuilding. They advocate for their rights and self-determination at the international level as members of the United Nations Working Group on Indigenous Populations (WGIP) (1982–2007) that negotiated the UN Declaration and the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) (2007–present) working on its implementation (Lightfoot 2016). Sámi people have been similarly subject to racist, discriminatory government legislation and policies of assimilation that

pushed them from their homelands and disrupted traditional economies, removed their children to residential schools and tried to destroy their cultures. They too have a long history of political resistance, activism and advocacy through Sámi Parliaments and at the international level as WGIP and EMRIP delegates (Daes 2009; Lightfoot 2016). Former WGIP Chairperson/Rapporteur Erica Daes said that Sámi leadership was instrumental in developing the Declaration's founding principles back in 1984 (Daes 2009:49).

While the specific circumstances leading to the creation of the Canadian and Nordic commissions differ, the catalyst for each was Indigenous activism and advocacy, not government initiative. Despite their understandable distrust of government motives, Indigenous leaders in Canada and Nordic countries view TRCs as a potentially viable mechanism for resolving historical and contemporary injustices while also advancing their rights. In hearings on a proposed TRC in Finland, Sámi made clear that it (Kuokkanen 2020):

[S]hould focus squarely on Sámi-state relations both past and present [...] intensifying practices of assimilation [...] [and how] the difficulty of maintaining Sámi culture is linked to the elimination of Sámi rights to land, water, and resources [...]. (n.p.)

Although Nordic commissions are adapting certain elements of Canada's TRC process and methodology to their own situations, there has been a mixed reaction (as there was in Canada) to gathering statements from Sámi about the destructive impacts of government actions on their lives.

Sámi Council President Christina Henriksen is justifiably concerned that Sámi participants may be re-victimised in 'public meetings where people are sharing [traumatic] stories that they have probably never told anyone' (Last 2020:np). Weighing potentially beneficial outcomes against the risk of further harms from a rights-based perspective, she questions why Sámi should participate in Nordic TRCs 'if it's not going to do something for our future existence within these national states?' (Kuokkanen 2020; Last 2020:np). She argues that if Sámi/government relations are to be recalibrated, these TRCs (Last 2020):

[M]ust find a way to meaningfully involve the non-Indigenous majority [*who view this as a Sámi issue in which they have no role*] if they are to make progress on reconciliation. (n.p.)

Non-Sámi lack of knowledge about the cultures, history and rights of Sámi people reinforces societal racism, discrimination and inequity (Quinn 2020). While there is potential for Sámi to advance their rights through Nordic TRCs, much depends on how Commissioners interpret and carry out their mandate. These strategic decisions determine whether a TRC's work ultimately replicates settler colonialism or serves as a catalyst for decolonising and transforming interpersonal and political relationships entrenched in socio-political structures of racism and inequity.

■ Origins of Canada's TRC: Western transitional justice and ADR in a settler-colonial state

TRCs are transitional justice mechanisms used in fragile democracies across the globe, perhaps most famously in South Africa, to stabilise socio-political conditions, give voice to victims and hold perpetrators of mass human rights violations to account. They are catalysts for reparative measures such as legal and policy reforms, monetary compensation, official apologies, rewriting of national histories and public commemoration to help remember victims of violence and injustice. Truth and Reconciliation Commissions are ultimately tasked with making findings and recommendations on how to repair individual and collective harms, rebuild trust and restore societal relationships that have been deeply damaged. Yet conventional TRC models based solely on ethnocentric Western concepts and norms of law and justice are problematic for Indigenous peoples. They fail to meet Indigenous criteria for uncovering truth, achieving justice and fostering reconciliation on their own terms as self-determining peoples with inalienable rights.

Although TRCs usually investigate recent human rights violations, there is growing recognition at the international level that the historical trajectory of global imperialism and multigenerational impacts of colonialism must also be examined (Fletcher, Weinstein & Rowen 2009:163–220; UN Permanent Forum on Indigenous Issues 2013). In settler-colonial countries, unlike former colonies exploited by imperial powers whose presence was more transitory, 'settler colonizers come to stay' (Wolfe 2006:388) and '[t]he primary object of settler-colonization is the land itself' (Wolfe 1999:163). Laws and policies of assimilation were designed to remove Indigenous peoples from their lands, separate children from their families and communities and destroy cultures, spirituality, laws and governance systems. These historical structures of settler colonialism still define contemporary Indigenous/non-Indigenous relations in liberal democracies whose very origins lie in the systematic oppression of Indigenous peoples, making 'it [...] rather awkward to affix the label "transitional" to justice long denied' (Nagy 2008:281).

Unlike other TRCs across the globe, Canada's TRC was not established unilaterally by the state but through the civil courts. Survivors testifying about their abuse in court were re-traumatised and legal procedural rules constrained their ability to disclose other harms – loss of family, community, culture, language, identity and land-based ways of life – they experienced at school. On the national front, there was mounting awareness that the adversarial court system could not provide adequate redress for these broader harms. In 1996, the Royal Commission on Aboriginal Peoples called on the federal government to establish a national public inquiry on the residential school system (RCAP 1996:vol. 1, 366–367). In 2002, the Law Commission of Canada's

report on institutional child abuse in Canada made the same recommendation. The Law Commission concluded that alternative forms of redress, including TRCs, could better meet survivors' need for government and institutional acknowledgement and accountability, apology, financial compensation, public education, a new historical record and public commemoration (Law Commission of Canada 2002:51-103). By 2005, in light of the government's failure to establish a public inquiry, survivors had filed more than 18 000 civil lawsuits and several class-action lawsuits against the federal government and Catholic, Anglican and Presbyterian churches.

Faced with a growing volume of civil litigation, the government established an ADR program to settle these claims out-of-court. ADR adjudication models are based on a Western conceptual understanding of the law as a neutral, fair arbitrator of justice. Yet Indigenous peoples have experienced the law to be neither fair nor just. From their perspective, the Euro-Canadian justice system is culturally biased, racist and discriminatory and the law has been used to destroy their cultures, take their children and lands and deny their rights (Regan 2010:117-127; Truth and Reconciliation Commission of Canada 2015a:5, 185-276). There was mounting criticism of the ADR program's shortcomings from survivors, Indigenous leaders and reports from the Assembly of First Nations (AFN), the Canadian Bar Association and the House of Commons Standing Committee on Aboriginal Affairs and Northern Development. The Committee's report recommended terminating the ADR program, criticising it for 'failing to be impartial and even-handed' (Truth and Reconciliation Commission of Canada 2015a: vol. 1[2], p. 566).⁴ The failure of the Western tort law-based⁵ ADR program also exposed its limited capacity to provide alternative forms of redress recommended by the Law Commission. Although apologies, Indigenous healing circles and ceremonies for survivors were sometimes held as part of the ADR program, Indigenous legal concepts and practices remained peripheral to the process (Regan 2010:124-126).⁶ Under increasing political pressure, the federal government signed a political accord with the AFN which led to the 2006 Indian Residential Schools

4. For more details on the ADR program's shortcomings and the history of IRS civil litigation and the settlement agreement negotiations, see Truth and Reconciliation Commission of Canada (2015a:vol. 1[2], pp. 559-576); Regan (2010:120-142).

5. The Law Commission of Canada defines tort law as follows: 'If one person causes harm to another intentionally, or even unintentionally, that harm may constitute a civil wrong [...] called a tort [...]. To obtain compensation (usually monetary), persons who have been harmed have the right to sue the person or persons they believe to be responsible for the harm done...physical, psychological or sexual violence constitutes a civil wrong [...]. It is also possible to bring an action for 'breach of fiduciary duty' where the defendant [perpetrator] held a position of power and trust over the plaintiff [victim]' (Law Commission of Canada 2000:145-146). In Canada, the government has a fiduciary duty to Indigenous peoples. For an overview of the limitations of civil law in relation to residential school claims, see TRC (2015a:vol. 5, pp. 199-209).

6. For a more detailed account of how one ADR pilot project marked its' closure using Indigenous law and legal traditions, see Regan (2007, 2010:193-212).

Settlement Agreement (IRSSA). The court-supervised IRSSA had five components – an independent assessment process (IAP) to adjudicate sexual and physical abuse claims and award financial compensation; monetary reparations for cultural loss awarded as a 'common experience payment' (CEP) based on confirming school attendance; a health support program for survivors; a commemoration program and a TRC.⁷

■ Towards an Indigenous-centred TRC: The Commission's mandate, structure and operations

While the circumstances that led to a TRC in settler-colonial Canada are context-specific, the moral and ethical principles that framed its creation are more broadly applicable. In the international transitional justice field, there is rising conviction that TRCs must function in ways that strengthen Indigenous rights (UN Permanent Forum on Indigenous Issues 2013:5–6). As Deborah Yashar (cited in Regan 2018) observes:

Indigenous peoples should be part of the truth commission not only as victims (rights-bearing and claims-making actors) but also as agents of change [...] [*who are*] active participants in the design, implementation, analysis and outreach stages [*of a commission's work*] (p. 221)

How does Canada's TRC align with this principle in terms of how its mandate, structure, and operations were negotiated and implemented? During IRSSA negotiations on the TRC mandate, survivors represented by their lawyers, the AFN, the Inuvialuit Regional Corporation, the Makivik Corporation and Nunavut Tunngavik Inc., made it clear that they did not want the Commission to be yet another formal legal process similar to court proceedings or the more adversarial tort-based ADR and IAP programs. Kathleen Mahoney, the chief negotiator for the AFN, explained that because survivors wanted the defendants' participation in the Commission to be cooperative not compulsory, giving the TRC subpoena powers would be counter-productive and counter to the wishes of the elders and survivors' (Mahoney 2014:518–519). Every TRC must strike a balance between meeting the needs of victims and perpetrator accountability. From a survivor-centred perspective, to make perpetrators the Commission's primary focus would once again marginalise their testimonies. Yet this decision was not without consequences. The TRC's inability to name wrongdoers or compel government and churches to give evidence weakened the Commission's investigative powers and capacity to hold individual and institutional perpetrators accountable for their actions (James 2012). Although the mandate required government and churches to produce all relevant archival documents from their residential school records to the Commission

7. For a comprehensive account of the IRSSA and its shortcomings, see TRC (2015a:vol. 5, pp. 185–218).

this proved to be a contentious issue. The Commission had to seek court direction to resolve various disputes concerning document production over the course of its work (Truth and Reconciliation Commission of Canada 2015b:27–29).

While the TRC was to be a victim-centred Commission in the conventional sense, certain unique aspects of its mandate also created possibilities for moving towards an Indigenous-centred Commission consistent with Yashar's principle.⁸ During the negotiations, survivors sought to ensure that the TRC would provide a culturally appropriate environment for them to tell their stories in ways that would also educate Canadians to prevent similar injustices from recurring (Mahoney 2014:517). Mahoney (2014) recalls that defendants' lawyers unfamiliar with more holistic restorative Indigenous justice systems:

avoided negotiations for commemoration, education, healing funds, and a truth and reconciliation commission [...] Healing and community-building remedies are antithetical to the adversarial, torts-based system that lawyers are used to as products of the Anglo-American legal system. (pp. 517–518)

Survivors and their supporters drew some inspiration from the South African TRC. The SATRC's concept of reconciliation as Ubuntu – black African traditional storytelling concepts and practices of conflict resolution and peacemaking – resonate with North American Indigenous oral history and legal traditions.⁹ Anishinaabe/Ojibway¹⁰ legal scholar John Borrows (2002) explains that the principles of Indigenous law:

8. Consistent with Yashar's principle, I also note here that Indigenous representatives participated in the appointment process for the three TRC Commissioners. The mandate stipulated that at least one of these should be Indigenous. TRC Chair, Justice Murray Sinclair is Anishinaabe/Ojibwe, and Commissioner Wilton Littlechild is Cree. A national Survivors Committee was appointed to provide guidance and advice to Commissioners and staff. Indigenous people had leadership roles in all aspects of the Commission's operations, holding key management, staff and contract positions in all directorates including research, statement gathering, communications, event planning, and corporate services (NCTR 2020:28).

9. A more detailed discussion is beyond the scope of this chapter, but for critical analysis of the ethnocentrism of Western transitional justice and Ubuntu's efficacy for peacebuilding in Africa today, see Villa-Vincencio (2009).

10. Throughout this chapter, I note the tribal nation affiliation of Indigenous scholars as a convention of respect that is now commonly practiced in Canada. In their own scholarly work, most Indigenous scholars in Canada identify themselves as members of culturally-specific tribal nations that have pre-colonial, traditional territorial homelands located in different geographic parts of the country. The geographic boundaries of these nations often cross national boundaries and the USA/Canada border – geographic markers that were superimposed by settler colonialism. The Anishinaabe/Ojibway peoples, for example, come from what is now Ontario, and parts of Manitoba, and Saskatchewan in Canada, and northern American states of Michigan, Minnesota and North Dakota. A map is available at: <https://native-land.ca/maps/territories/anishinabek-%e1%90%8a%e1%93%82%e1%94%91%e1%93%88%e1%90%af%e1%92%83/>.

For detailed map information about other Indigenous nations in North America, see <https://native-land.ca/resources/territories-list/page/2/>.

For more information on this mapping project's goals and methodology: viewed 01 December 2020 from <https://native-land.ca/about/why-it-matters/>.

[A]re enunciated in the rich stories, ceremonies and traditions within First Nations. Stories express the law in Aboriginal communities since they represent the accumulated wisdom and experience of First Nations conflict resolution (p. 13)

International experts note that oral history is a 'source of law, a basis for claims, and a guarantor of action in Indigenous societies' (ICTJ 2012:5), making it essential for any TRC involving Indigenous peoples to validate its work using both Western and Indigenous criteria for truth, justice and reconciliation.

The TRC's mandate instructed the Commission to (1) use Western social sciences and Indigenous oral methodologies for gathering statements and historical fact-finding and producing the final report; (2) recognise the significance of Aboriginal oral and legal traditions in its activities; (3) witness in accordance with Aboriginal principles of witnessing; and (4) conduct the ceremonial transfer of knowledge at TRC national and community events (Truth and Reconciliation Commission of Canada 2015b:Appendix 1:343, 347-348). These particular sections of the mandate authorised the Commission to apply Indigenous knowledge, concepts and practices to its work. As with any TRC, much depends on how Commissioners decide to interpret and carry out their mandate. In Canada's case, Indigenous oral history and legal concepts and practices of reconciliation were not just superficial window dressing but an integral part of the process itself. What did this look like in practice? (Truth and Reconciliation Commission of Canada 2015a):

The Commission intentionally made ceremonies the spiritual and ethical framework of our public education work [...] [and] took great care to ensure that the proper ceremonies and protocols were understood and followed through every National Event. Elders offered prayers and teachings at the opening and closing of each event. Smudges, sacred pipe and water ceremonies, cedar brushings, songs, and drumming occurred on a regular basis throughout (TRC 2015a:6, 163-164) [...] [A carved ceremonial Coast Salish Bentwood Box] travelled with the Commission to every one of its seven National Events where offerings - public expressions of reconciliation - were made [...]. (vol. 6, p. 165)

Honorary witnesses were appointed at each national event, distinguished leaders from all walks of life who pledged to carry forward their responsibilities post-TRC. This is consistent with the Indigenous practice of calling on witnesses to validate, remember and share what happened with others (Truth and Reconciliation Commission of Canada 2015b:Appendix 5:397). The Commission's Indigenous-centred methodology was intentional. Commissioners explained that (Truth and Reconciliation Commission of Canada 2015a):

Of course, previously inaccessible archival documents are critically important to correcting the historical record, but we have given equal weight and greater voice to Indigenous oral-based history, legal traditions, and memory practices in our work and in this final report since the sources represent previously unheard and unrecorded versions of history, knowledge, and wisdom. This has significantly informed our thinking about why repairing and revitalizing individual, family, and community memory are so crucial to the truth and reconciliation process [...]

The Commission's proceedings themselves constitute an oral history record, duly witnessed by all those in attendance. (pp. 6, 162, 163)

The TRC's public education mandate created space and time for Indigenous participants to learn about government policies that took children away to residential schools. They gained new insights into why their families and communities experience so much violence and dysfunction. Many survivors apologised to their relatives for bringing abusive and alienating behaviours they learned at school back home with them. One woman said that listening to survivors' stories '[...] has really humbled me [...] Because my Dad is a residential school Survivor, I have lived the traumas, but I have lived the history without the context' (Truth and Reconciliation Commission of Canada 2015a:6:167). Post-TRC, some survivors said that (Truth and Reconciliation Commission of Canada 2015a):

[T]he TRC hearings were the first opportunity they had for family members to witness one another's truths [...] to break the cycle of silence that has surrounded their experience of abuse [...] [They] were profoundly touched by other Survivors' testimony [...] (NCTR 2020:5-6). Others identified how discussing the legacy of residential schools was a unifying force in their communities [...] [such as] the formation of support groups by Survivors themselves following participation in national events or community events hosted by the TRC (NCTR:8). (vol. 6, p. 167)

Non-Indigenous people were also moved by survivors' stories. The Truth and Reconciliation Commission of Canada (2015a) observed that:

For non-Aboriginal Canadians who came to bear witness to Survivors' life stories, the experience was powerful. One woman said simply, 'By listening to your story, my story can change. By listening to your story, I can change'. (pp. 6, 15)

The unsettling emotions – powerful feelings of fear, anger, denial, guilt, shame and empathy – that non-Indigenous people experience listening to Indigenous testimonies are deeply embedded in 'benevolent' settler colonialism and Canada's national history (Campbell 2014:114-132; Regan 2010:19-53). I have argued previously that to truly participate in the transformative possibilities of reconciliation, settler peoples must undergo their own process of truth-telling and decolonising (Regan 2010):

[W]e must risk interacting differently with Indigenous people – with vulnerability, humility, and a willingness to stay in the decolonizing struggle of our own discomfort. What if we were to embrace IRS stories as powerful teachings – disquieting moments in which we can change our beliefs, attitudes, and actions? [...] The unsettling questions we then ask ourselves are ripe with potentially transformative possibilities. (pp. 13, 15)

The TRC's experiential pedagogical environment brought people together to gain knowledge and understanding by listening to survivors and elders and participating in ceremonies, protocols, sharing circles, workshops, interactive exhibits, academic panels and various cultural events to honour and celebrate Indigenous cultures (Truth and Reconciliation Commission of Canada

2015a:vol. 6, pp. 157-192; 2015b:30-33). In the Commission's view (Truth and Reconciliation Commission of Canada 2015a):

[P]ublic dialogue can strengthen civic capacity for accountability and thereby do justice to victims [...] As citizens use ceremony and testimony to remember, witness, and commemorate, they learn how to put the principles of accountability, justice, and reconciliation into everyday practice. They become active agents in the truth and reconciliation process. (pp. 6, 166)

In 2020, the National Centre for Truth and Reconciliation published a post-TRC evaluation report based on meetings and interviews with survivors across Canada. Survivors identified positive and negative outcomes of all components of the IRSSA, including the TRC.¹¹ They were critical of the unequal power dynamics of ethnocentric Western legal systems. From their perspective, the IAP and CEP were 'highly formal, legalistic, and adversarial processes, without proper use of Indigenous protocols and traditions as a counterbalance [that] placed Survivors at a disadvantage' (NCTR 2020:32). They said that while the TRC process had its flaws, it was nevertheless culturally grounded in Indigenous ceremonies and protocols and had Indigenous elders and health support workers on-site to mitigate survivors' re-traumatisation (NCTR 2020:28). The report concludes that survivors' active involvement, from the IRSSA negotiations to the end of the TRC, played a critical role in ensuring that the TRC's work was culturally grounded (NCTR 2020:15). Survivors also highlighted the importance of commemoration. The TRC inspired communities to undertake commemoration projects to ensure that knowledge held by elders and survivors was passed to the next generation. Commemoration projects played a powerful role in bringing families and communities together to work towards healing and reconciliation (NCTR 2020:10). Survivors emphasised that culturally appropriate national, regional and local public commemorations using Indigenous ceremonies and memorial practices must continue post-TRC (NCTR 2020:50-51).¹² The central role of culturally grounded Indigenous oral history and legal traditions in the TRC process cannot be overstated. How did this Indigenous-centred methodology inform the Commission's conceptual vision and framework of reconciliation in the TRC final report?

11. Survivors seeking compensation had to recount their experiences repeatedly in order to complete the IAP and CEP processes and did not want to relive them yet again in the TRC process. An option to allow survivors to provide their statements once for both compensation purposes and for TRC records would have mitigated the risk of doing further harm to survivors (NCTR 2020:29-31). The TRC Final Report concludes that while Health Canada's health support program delivered under the IRSSA provided both psychological and culturally appropriate supports during IAP and TRC processes, its short-term western-based 'individualistic approach [...] [to support survivors in crisis] rather than a strategy and commitment for longer-term continuous support for the wider community, fails to address the legacy of the residential schools' (TRC 2015a:vol. 5, p. 161). Post-IRSSA, survivors said there are inadequate ongoing health supports urgently-needed for long-term healing for survivors, intergenerational family members and communities (NCTR 2020:23-25).

12. For an overview of commemoration projects, see TRC (2015a: vol. 6, pp. 182-191).

■ An ‘unsettling’ Indigenous-centred relational justice and reconciliation model

Although media coverage of TRC events framed reconciliation primarily as a healing process for residential school victims, survivors and their supporters defined the concept in more expansive terms (James 2017:378). They told the Commission that the residential school system was just one of many assimilative government laws and policies that run through the past into the present in an unbroken line of state intrusion on family and community life, broken treaties and unresolved conflicts over Indigenous rights. Survivor, leader and educator, Sol Sanderson, put it this way (Truth and Reconciliation Commission of Canada 2015a):

They targeted the destruction of our Indigenous families [...] because that was the foundation of our governing systems [...] our institutions [...] our societies [...] our nations [...] those policies still form the basis of Canadian law today [...] They say we have constitutionally protected rights in the form of inherent rights, Aboriginal rights, and Treaty rights, but we find ourselves in court daily defending those rights against the colonial laws of the provinces and the federal government. Now, we can't allow that to continue. (vol. 6, p. 29)

Survivors' testimonies are stories of past relational and structural injustices that persist today in damaged Indigenous/non-Indigenous relationships and unresolved conflicts ranging from residential schools and child foster care to treaties and land claims agreements, Aboriginal title and rights, self-governance and jurisdictional authority over territorial lands and resources. The Commission found that most Canadians had little knowledge about the historical roots of these intractable conflicts or why knowing and understanding this difficult history is essential to resolving them and establishing more constructive relationships (Truth and Reconciliation Commission of Canada 2015a:6, 4). Public education on these issues is crucial to reconciliation.¹³

Canadian society is built on a legacy of the British Empire and a settler culture and identity imbued with hierarchical world views, values, beliefs, attitudes and practices of white racial superiority. Canadians are reluctant to interrogate a mythical national identity that celebrates Canada's 'benevolent, generous, and fair treatment' of Indigenous peoples (Regan 2010:83-110; MacDonald, this book). Nor have we 'fully plumbed the depths of our repressed history [...] [to uncover this] [...] foundation of untruths' (Regan 2010:236).

13. Moreover, how this history is taught is as important as what is taught. This requires developing new history education curriculum and pedagogy, including specialized training for educators on how to teach difficult subject matter (Cole & Murphy 2009:2; Miles 2018; Regan 2010:19-53), and integrating Indigenous knowledge and teaching methods into university teacher education programs and classroom learning. TRC Final Report calls to action 62 and 63 call for changes to education curriculum, methodology and pedagogy. Post-TRC, provinces and territories and educators are implementing and continue to revise new curriculum, methodology and pedagogy in response to the TRC.

The non-Indigenous majority has accrued intergenerational benefits from the vast wealth and resources taken from Indigenous lands. With these benefits, we have inherited political, legal and moral responsibilities to Indigenous peoples (Regan 2010:109; Thompson 2002:vii-xxi, ix, as cited in Regan 2010:44). To fulfil these collective obligations, Canadians must 'shift our frame of reference [...] onto our relationships with systems of power, land, and the peoples on whose territory our nation exists' (Battell Lowman & Barker 2015:1). The TRC concludes that Indigenous peoples 'must be seen and treated as much more than just the beneficiaries of goodwill [...] they are entitled to justice and accountability from Canada to ensure their rights are not violated' (Truth and Reconciliation Commission of Canada 2015a:6, 86). We cannot change unjust structures without changing the people-to-people relationships that sustain them, work that requires decolonising education, critical reflection and action.

Critics of Canada's TRC and reconciliation point out that until Indigenous self-determination and material restitution, including the return of land, is a lived reality there can be no just reconciliation. In their view, rhetorical and symbolic forms of reconciliation intended to repair Indigenous/non-Indigenous relationships are superficial acts that ultimately work to perpetuate the settler-colonial status quo (Alfred 2005:151-152; Coulthard 2014:105-129). Yet without minimising the very real danger that reconciliation will be 'all talk and no action' it is equally problematic to dismiss these relational aspects of reconciliation as inconsequential. I have argued previously that attending to both relational and structural dynamics of settler-colonial relations is essential to authentic reconciliation (Regan 2010). In thinking through how and why Canada's TRC reframed Western ethnocentric concepts and practices of justice and reconciliation to centre Indigenous approaches, I draw on studies by scholars of Western and Indigenous political science and legal theory. They ask critical questions about how TRCs and public inquiries in settler-colonial liberal democracies balance addressing relational (or interactional) injustices between victims and perpetrators against investigating broader structural injustices of settler colonialism. They do not minimise the vital importance of victims' testimonies. Yet they worry that victim-centred processes that focus on wrongdoing of individual perpetrators fail to sufficiently investigate state moral and political responsibility for producing unjust structures that enable such wrongs to occur. These structural inequities generate inequitable socio-political and economic conditions that have disproportionately impacted Indigenous peoples, violating their rights and making them more vulnerable to violence, oppression and poverty.

Catherine Lu observes that this lack of structural scrutiny enables governments, state institutions and public officials who authorise discriminatory legislation and policies to evade accountability (Lu 2018:44-47). Moreover, Avigail Eisenberg argues that in Canada '[a] structural approach [may] be more successful at drawing Canadians into the scope of responsibility', by making

clear that while most people were not directly involved with residential schools, they benefit from unjust socio-political and material conditions of settler colonialism and bear collective responsibility for redress (Eisenberg 2018:86).

Writing in the Nordic context, Sámi scholar Rauna Kuokkanen identifies a similar problem. She notes that ‘the Sámi experience of colonialism is almost entirely unknown to Nordic states and mainstream population and often also to the Sámi themselves’ (Kuokkanen 2020:np). Failure to investigate not only historical and contemporary interactional injustices but structural injustices involving land and resource rights would mean that Nordic TRCs would only perpetuate the state’s settler-colonial legislation and policies rather than lead to more radical change that encompasses Sámi rights (Kuokkanen 2020):

A structural change would require a radical departure from long-standing political disregard of Sami rights and protections recognized in international law and non-compliance of its own legislated obligations. It would imply both amending existing and drafting new legislation in alignment with the minimum international norms pertaining to Indigenous rights [...]. (n.p.)

In my view, Canada’s TRC envisioned a similarly radical transformation. The Commission calls for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to be the framework for reconciliation in 21st century Canada. Calls to action flow from a fundamental recognition that Indigenous peoples are self-determining peoples with inherent, treaty, constitutional and human rights that have been violated.¹⁴ Implementing the Declaration’s principles, norms, and standards holds the state accountable to make reparations for past harms. They support Indigenous communities as they reclaim and repatriate their cultural heritage and access and revitalise their own histories, laws and governance systems. They require contemporary legislative and policy reform, and changes to Indigenous-Crown negotiation and consultation processes to ensure that decision-making is based on Indigenous peoples free, prior and informed consent (UBCIC & CPCA 2018:6). Post-TRC, Anishinaabe scholar Sheryl Lightfoot argues that the TRC sets a new international benchmark for reconciliation by linking it to the recognition and implementation of Indigenous rights through the UN Declaration (Lightfoot 2020:270). Other experts argue that (UBCIC & CPCA 2018):

[T]he *UN Declaration* is now the single most important framework for reconciliation in this country [...] [*that*] can help us advance the unfinished business of decolonization and establish just and proper Nation-to-Nation and government-to-government relations in Canada. (p. 10)¹⁵

14. A comprehensive review of legacy and reconciliation TRC 94 Calls to Action is beyond the scope and limitations of this chapter but see TRC (2015a:vol. 6, pp. 222-241) for a complete list. On post-TRC implementation, see *CBC News: Beyond 94*, as well as Jewell and Mosby (2019).

15. In 2019, the province of British Columbia passed legislation to implement UNDRIP <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov41-1> and, as of September 2020, the federal government has committed to re-introducing similar legislation in Parliament (Lightfoot: this book).

The TRC national reconciliation framework and calls to action are designed to address the ongoing history and legacy of settler-colonial relational and structural injustices within Indigenous communities and between Indigenous and non-Indigenous peoples by implementing both Indigenous 'soft' rights of culture, language and identity, and 'hard' rights involving lands, laws and governance structures of self-determination (MacDonald, this book).

How did the TRC, contrary to critics' expectations, develop this more radically transformative framework? Here it is instructive to look more closely at how the Commission navigated the methodological tension between relational and structural justice. Mid-way through the TRC's operations, Matt James argued that while the Canadian TRC's victim-centred methodology was one of its strengths, its' limited ability to investigate and hold individual and institutional perpetrators to account was a significant weakness. A forensic investigation into how discriminatory legislation and institutional policies are realised in bureaucratic officials' decision-making and actions that have harmful consequences for Indigenous peoples would give settler majority Canadians a clearer understanding of injustices that Indigenous peoples continue to face in areas such as child welfare, education and health (James 2012:3, 21-22). Post-TRC, James concludes that nothing in the way the TRC framed reconciliation in its national events and public education efforts primarily as a healing process for survivors in which non-Indigenous people's responsibility was to listen and learn, prepared Canadians for the 'careful and emphatic attention paid to matters of substantive reconciliation' in the TRC final report (James 2017:366). This second conceptualisation of reconciliation situated the residential school system in the broader context of settler-colonial cultural genocide and structural injustices that violate Indigenous rights. James asks whether these two seemingly irreconcilable visions of reconciliation can be reconciled (James 2017:380).

I would argue that these two visions do not disconnect survivors' testimonies from structural circumstances. Rather the final report links their stories of personal trauma, victimisation and resilience to settler-colonial structural injustices and Indigenous rights violations. Indigenous peoples across the globe relate their personal stories of trauma, violence and dispossession to oppressive colonial laws, policies and practices that violate their rights (Schaffer & Smith 2004:116-117, as cited in Regan 2010:225). In the Canadian case, a careful reading of survivors' oral accounts in conjunction with government records and other Western documentary sources reveals interconnected patterns of relational and structural injustices. This is reflected in the way the Commission structured the final report. The Legacy Volume investigates the ongoing impacts of Canada's overarching assimilation agenda, including the residential school system, to document deeply embedded relational and structural injustices in Canadian child welfare, education, language and culture, health and justice systems (Truth and Reconciliation

Commission of Canada 2015a:5, 4). This serves as a conceptual bridge between the History and Reconciliation Volumes. Leonie Smith cautions that while a structural justice approach highlights the limitations of interactional justice, it should not necessarily be the normative priority. Rather she argues that a 'unified approach to reconciliation across the political and personal spheres [...] has the potential to identify structural injustices from which alienation and relational damage may flow [...]' (Smith 2018:12). This more holistic approach to reconciliation is consistent with the TRC's methodology.

While Western theory offers important comparative insights into the strengths and limitations of interactional and structural justice approaches, it fails to consider the centrality of Indigenous concepts, theories and practices of relationality, justice and reconciliation to the Commission's work. Integrating Indigenous understandings of relationality and law into the TRC process, the Commission's methodology is distinct from, yet compatible with, Western justice theory and restorative justice models (Campbell 2012; Llewellyn 2012). Michi Saagiig Nishnaabeg scholar, Leanne Betasamosake Simpson explains that 'From a Nishnaabeg theoretical and legal perspective, regeneration or restoration is at the core of re-balancing relationships. Nishnaabeg legal systems are, at their core, restorative' (Simpson 2011:23). Reconciliation extends beyond human-to-human relationships. Mi'kmaq elder Stephen Augustine told the Commission 'that other dimensions of human experience - our relationship with the earth and all living things - are also relevant in working towards reconciliation [...] a perspective that we as Commissioners repeatedly heard' (Truth and Reconciliation Commission of Canada 2015a:6, 13). Borrows (2018) explains that:

[E]arth-based relationships reveal environment-based laws [...] [*that*] [...] help humans see that they are not the jurisprudential centre of the universe. Indigenous practices, languages, histories, cultures, and place-based philosophies that recognize and build on these views are keys to reconciliation. (p. 61)

Ultimately, the core of settler colonialism is relational. Cree-Saulteaux scholar Gina Starblanket and Ojibwe scholar Heidi Kiiwetinepinesiik Stark observe that this (Starblanket & Stark 2018):

[I]nclude[s] relations between humans with creation, and between Indigenous governments and state institutions [...] Attention to relationality enables us to see how colonialism is always in relationship. It is not some abstract logic that operates outside of people. It is structural, but it is also a process that is dynamic, interactive, and fluid. (pp. 176, 182-183)

Unresolved conflicts between multigenerational victims and perpetrators of colonial violence and harm are rooted in interpersonal and institutional relationships built on the everyday actions of people over time. From this perspective (Regan 2010):

[S]ettlers cannot just theorize about decolonizing and liberatory struggle: we must experience it, beginning with ourselves as individuals, and then as morally and ethically responsible socio-political actors in Canadian society. (pp. 23-24)

For six years, the TRC engaged in dialogue with survivors, Indigenous elders and knowledge keepers and Canadians across the country about the contested meaning and substance of reconciliation. The Commissioners ultimately defined reconciliation in both relational and structural terms that shift its meaning away from a solely Western concept to embrace Indigenous concepts and practices of relationality (Truth and Reconciliation Commission of Canada 2015a):

The Commission defines reconciliation as an ongoing process of establishing and maintaining respectful relationships. A critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respectful relationships also requires the revitalization of Indigenous law and legal traditions. It is important that all Canadians understand how traditional First Nations, Inuit and Métis approaches to resolving conflict, repairing harms, and restoring relationships can inform the reconciliation process. (vol. 6, pp. 11-12)

The TRC concludes that Indigenous peoples have a right to access their own justice systems to settle internal disputes, determine restitution and foster reconciliation and to freely choose whether to use their laws in situations involving governments, institutions and other external parties (Truth and Reconciliation Commission of Canada 2015a:vol. 6, p. 45-79). In the Commission's view (Truth and Reconciliation Commission of Canada 2015a):

[R]econciliation will be difficult to achieve unless Indigenous peoples' own traditions for uncovering truth and enhancing reconciliation are embraced as an essential part of the ongoing process of truth determination, dispute resolution, and reconciliation (vol. 6, p. 48)

Supporting the resurgence of Indigenous law is central to this goal. In making this finding, the Commission built on the teachings of Indigenous elders and knowledge keepers and Indigenous legal experts. One chapter of the final report's reconciliation volume focuses specifically on Indigenous law, with representative examples from several Indigenous communities. During the TRC, Cree legal scholars Val Napoleon and Hadley Friedland worked with Indigenous communities who want to access justice and reconciliation on their own terms using their own culturally specific oral history stories and legal traditions. They caution that colonialism has had significant impacts on Indigenous law and Indigenous communities interact with the Canadian state, including the justice system on a regular basis. Uncovering and learning their own culturally grounded legal principles and norms enables communities to practice their laws to resolve harms and conflicts within and between Indigenous groups, and externally with non-Indigenous society without ignoring colonial realities (Napoleon & Friedland 2016:740-741).¹⁶ The TRC

16. From 2012 to 2014, the Commission worked in collaboration with the Indigenous Law Research Unit at the University of Victoria and the Indigenous Bar Association on the 'Accessing Justice and Reconciliation Project' to conduct this community-based research on Indigenous legal traditions, using the case law methodology developed and used by Napoleon and Friedland (2016; see also Friedland 2014).

issued specific calls to action on the revitalisation and practice of Indigenous law that have seen substantive post-TRC progress.¹⁷ The same cannot be said of other fronts where implementation is non-existent or excruciatingly slow.

■ Post-TRC accountability on calls to action

As temporary bodies, TRCs cannot enforce compliance with their recommendations. Their power lies in making a compelling case for societal change and recommending post-TRC accountability mechanisms to evaluate and measure progress. To this end, Canada's TRC called for establishing a National Council for Reconciliation to conduct this work.¹⁸ In 2015, the TRC Final Report found that '[t]he urgent need for reconciliation runs deep in Canada' (Truth and Reconciliation Commission of Canada 2015a:vol. 6, p. 4). On 15 December 2020, the fifth anniversary of the release of the TRC Final Report, the Commissioners issued a statement commending the federal government for its commitment to passing legislation to implement UNDRIP and establishing a National Council for Reconciliation but said that overall progress on reconciliation was too slow.¹⁹ The Commissioners called on governments and all Canadians to renew their 'sense of urgency, purpose, and unity' to fully implementing all of the Calls to Action. 'This is not an anniversary for celebration, but one for national honesty, and urgent and meaningful action' (TRC Commissioners 2020). For some, despite government promises

17. TRC Call to Action #50 called for the federal government to establish Indigenous law institutes 'for the development, use, and understanding of Indigenous laws and access to justice' (TRC 2015a:vol. 6, p. 79). The Legacy Volume of the TRC Final Report documents how Indigenous peoples have been denied justice in the Canadian legal system (TRC 2015a:vol. 5, pp. 185-276). Calls to action #27 and #28 focused on law schools and societies in Canada to educate students on the history of Indigenous peoples and the law, Aboriginal-Crown relations and UNDRIP and provide 'skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism' (TRC 2015a:vol. 5, p. 210). In 2018, the University of Victoria in British Columbia launched a new program for a joint law degree in Indigenous law and Canadian common law, with funding from the provincial government. See <https://www.uvic.ca/news/topics/2018+jid-Indigenous-law+media-release>. Program details are available at: <https://www.uvic.ca/law/about/Indigenous/jid/index.php>. In 2019, the federal government committed CA\$9.1M towards funding a new National Centre for Indigenous Law, and in 2020, the provincial government announced an additional CA\$13M contribution along with CA\$5M from the Law Foundation of BC. See <https://www.uvic.ca/news/topics/2019+federal-funds-Indigenous-law-centre+media-release> <https://www.uvic.ca/news/media/2020+Indigenous-law-funding-ring+news>

18. TRC calls to action #53-56 call for the federal government to introduce legislation and provide multi-year funding to establish an independent post-TRC oversight body, a National Council for Reconciliation to (1) 'monitor, evaluate and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the TRC's calls to action' (2) 'develop a National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources' and (3) 'promote public dialogue, public/private partnerships, and public initiatives for reconciliation' (TRC 2015a:vol. 6, p. 94).

19. Bill C-15 was passed in the House of Commons on 25 May 2021, viewed 15 June 2021, from <https://parl.ca/DocumentViewer/en/43-2/bill/C-15/third-reading>.

The National Council for Reconciliation is not yet established. For current status, see, viewed 15 June 2021 from <https://www.rcaanc-cirnac.gc.ca/eng/1524503926054/1557514163015>

to implement TRC calls to action, Canada's failure to make the sweeping post-TRC changes necessary to achieve real justice for Indigenous peoples means that 'reconciliation is dead' (Yesno 2020:n.p.). Others point to a wide range of projects and initiatives across all sectors of Canadian society that bring people together to confront the past, build new relationships and work proactively for necessary structural, systemic and institutional change (Selley 2020: n.p.). As of July 2021, Indigenous communities across the country revealed preliminary research findings documenting hundreds of unmarked burial sites of children on residential school grounds (see e.g. Wherry 2021:n.p.). While many survivors had previously told the TRC about this grim reality and the Commission had conducted preliminary investigations and issued calls to action to complete this work, these were only partially implemented (Truth and Reconciliation Commission of Canada 2015a:vol. 4; see also Shaffer, this book). This news has deeply shocked Canadians, provoking a national moral reckoning with the past that has renewed calls for government and church accountability and regenerated dialogue on the importance of grounding reconciliation between Indigenous and non-Indigenous peoples in truth, healing and justice. Clearly it will take many years to determine whether reconciliation in 21st century Canada is just a repurposed tool of colonial oppression or the truly decolonising, transformative paradigm shift that the TRC envisioned.

■ Conclusion: Transnational insights from Canada's TRC

In this chapter, I have examined the work of Canada's TRC to argue that fully implementing the Commission's Indigenous-centred relational justice and reconciliation model would 'unsettle' or decolonise and transform settler-colonial relationships and structures to address both relational and structural injustices in ways that meet Indigenous criteria. Consistent with Yashar's principle, Indigenous peoples, particularly survivors, were instrumental in shaping the TRC mandate, process and outcome. The TRC final report and calls to action are a foundation for reconciliation based on principles of Indigenous peoples' self-determination and rights, including equitable access to their own justice systems and laws. A deep unsettling of Canadian society requires nothing less than decolonising paradigm shift in non-Indigenous knowledge, attitudes and actions toward Indigenous peoples to root out systemic racism and discrimination. Ultimately, the Commission's vision of reconciliation as relational was no rhetorical platitude meant to compromise justice for Indigenous peoples for a settler-colonial status quo peace. Rather it was an unsettling call to decolonising, transformative consciousness and action directed at Indigenous and non-Indigenous peoples across all levels and sectors of Canadian society. While the Commission's work is context-

specific, it provides food for thought for other TRCs in settler-colonial countries grappling with these same issues. As Nordic TRCs implement their mandates, I hope my reflections on how Canada's TRC, despite its many shortcomings, endeavoured to strengthen and advance Indigenous rights, resurgence and law through its work contributes to the truth and reconciliation process and outcomes for Sámi and non-Sámi peoples in a good way.

Reconciliation recommended: On the anchoring of TRC proposals

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■ Introduction

Over the years, truth and reconciliation processes have – for very good reasons – focused on individual and group experiences of human rights violations. To deal with the moral and political challenge that sooner or later is confronting a society where such violations take place is the point of departure for any truth and reconciliation effort. Truth and Reconciliation Commissions normally give weight to individual statements that describe the inner side of such violations, but also to some extent to the roots and context of their execution. The typical TRC, then, draws conclusions about immediate needs and subsequent redress, as well as about how to change society in order to avoid repetition in a longer perspective, including how to establish more harmonious and peaceful relations between groups and individuals.

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All TRCs are in some ways building their own legacy: how can their work be continued towards healing and reparation, and how to secure a non-repetition of violations in the longer term? How can this reasonably be expected to happen, also when a Commission has closed its work and may be transferred its materials and legacy to another institution? That is the origin of the reflections in this article.

Normally, a TRC produces a set of recommendations to be implemented in order to secure that violations of human rights will not resume, and that a number of political and other measures are undertaken in order to create an inclusive society and a well-functioning state. A relatively recent example of this is the case of the Truth and Reconciliation Commission of Canada and its *Calls to Action* in 2015, which was a way to point at how to redress an unjust history. More the two decades ago, and to take another example, the South African TRC formulated in its final report, from 1998, over 300 recommendations with the same purpose but against a history of decades of crimes against humanity in the form of the apartheid system.

All recommendations have their good reasons and intentions, but it is, at the same time, a well-known fact that the implementation of such recommendations is sometimes a troublesome journey. A case in point is Timor-Leste, where the recommendations of the report from the Commission for Reception, Truth and Reconciliation were delayed for years by parliamentary action (Lipscomb 2010).

The solution to the general problem is obviously not more recommendations. On the other hand, it may not be as easy as to say that the fewer the recommendations, the higher the degree of implementation. There is probably a more intricate relationship between recommendations as a tool for redress and the conditions for their post-TRC implementation. In order to study this relationship, this article takes an approach aimed at diversifying both activities and outcomes, such as recommendations, from the work of a TRC. While two Commissions are presented in somewhat detail here, this is not an assessment of these two specifically – rather, they share with many other Commissions some fundamental issues of which recommendations is the one in focus here.

We will apply a structural analysis in order to shed light on how the work of a TRC can reach wide sets of groups, both organised and non-organised stakeholders, in order to create a broader understanding for why reconciliation is an important process in itself and a tool to build a better society, in a post-TRC time. We will do this by asking if there are – in comparison to established, generalising formations – alternative ways for TRCs to bring polarised groups along. Before coming that far, however, we will look briefly into some characteristics of the recommendations of the TRCs in Canada and South Africa.

■ The nature of recommendations – Two examples

■ Canada

The Truth and Reconciliation Commission of Canada formulated its *Calls to Action* in 94 points coming out of its work between 2008 and 2015.¹ Its purpose was to learn the truth and inform all Canadians about what happened in the Canadian residential school system that from the 1870s and up to 1996 received more than 150 000 Aboriginal school children – often against their parents' wishes. The 94 Calls to Action is a summary of the TRCs' conclusions and has the purpose of redressing the legacy of the residential school system, something that implied calls to a variety of public and private institutions.

Canada is a federal state, and of the 94 calls, 48 had only the federal government as the main target, and 27 of the calls had both the federal and all other levels of government in Canada as targets. This means that the federal government totally received 75 of the 94 Calls to Action. It became almost completely the task of the federal government to implement the redress. The remaining parts were calls directed to churches, to lawyer's organisations and to other non-governmental institutions and organisations.²

More interesting for the purpose of this article is that of the 94 Calls to Action, 59 of them are 'one-off' demands and the rest, 35, call for goals that require processes in order to be possible to implement. A 'One-off'-call, for example, is that 'Aboriginal rights should include language rights' or 'Law schools should require all students to have courses in Aboriginal people's history and law'.³ Such demands can easily be checked externally if they are implemented or not. It is more difficult with a call such as 'Develop gap reduction strategies in education and employment' or 'Government and courts should adopt new principles for Aboriginal territorial claims', which are examples of process-based calls for action. This typology of calls to action is just a descriptive one – both types are likely to support each other, to the extent as they are implemented one after the other.

A few institutions in Canada are following the degree of implementation of the 94 Calls to Action. Jewell and Mosby (2019) found in 2019 that 9 out of the 94 Calls to Action were completely implemented. They were all, according to the classification above, 'one-off' actions.

1. Canada's Residential Schools: the final report of the Truth and Reconciliation Commission of Canada, 2015.

2. The classifications and statistics are all based on the author's analysis.

3. Author's formulations.

The Canadian Broadcasting Corporation (CBC) has in its project 'Beyond 94' a somewhat more generous assessment of what is meant by implementation compared to Jewell and Mosby and has divided the implementation process into four stages. According to CBC and as of September 2020, 10 calls are 'complete', 22 are in progress so that projects are 'underway', another 38 are also in progress, but they are only 'proposed', and finally, 24 have 'not started' (CBC, *Beyond 94*). It can be noted that CBC differs from Jewell and Mosby on 3 of the 10 calls CBC considered as complete.

As most recommendations are directed towards the federal level, national political parties become obvious managers of the material content in the recommendations. On the whole, the interest to pursue First Nation issues varies significantly among Canadian parties, at least as far as their election platforms reveal, indicating that the question of redress is still, in 2020, a living political issue in the country (CTV News 2020).

■ South Africa

Following over a thousand public hearings, a large number of written statements, reports and communications, The TRC of South Africa formulated, in Chapter 5 of the Final Report, its recommendations. They deal with a number of issues, beginning with the key issues of prevention of gross human rights violations and healing and rehabilitation. The South Africa TRC directed itself to the government as well as to faith communities, businesses and traditional chiefs and headmen. Most of the recommendations are in the format of demands that 'should' take place or that they should 'be considered'. Others are concrete suggestions for specific changes or institutional action. This author has identified 306 recommendations/sets of recommendations from the TRC in South Africa, some of which are integrated into combined demands. They encompass areas wider than one would expect from a TRC, something that indicates how fundamental change South Africa was facing at the time. The recommendations include everything from, again, the prevention of gross violations of human rights, to the administration of the state, taxes, health and media sector conditions. All of them are relevant and important aspects in the development of a new culture of public life.

■ From actor to proxy

During its active period, the South African TRC was an actor with moral confidence, orchestrating a number of initiatives with political, social and psychological dimensions. It made a distinction between individual, communal and national reconciliation and concluded that with its short lifespan and limited mandate and resources, 'it was obviously impossible for the Commission to reconcile the nation' (Final Report vol. 5, p. 353).

The South African TRC began its work in 1995/1996, which was a time when the 1993 Interim Constitution was going to be replaced by a permanent Constitution, which also happened in 1996/1997. Thus, the TRC had to work during the most critical time of national rebirth and reorientation in South Africa, a time when the apartheid system should be replaced by that of a constitutional democracy.

In the Canadian situation, the TRC mandate was in this senseless 'overwhelming' as a national project, but the issues as such are for that reason not less felt or of a minor magnitude as such – violations are violations also in formally democratic surroundings.

Speaking more generally, when a TRC's work and mandate reaches the last phases, any TRC goes through a silent change of mode of action, from being an actor to being a proxy – an ombudsman for its own legacy. While the documentation and the experiences made are cornerstones in the memory of the TRC's work, the completion of its work nevertheless lies in the future. The basis for this post-TRC completion is the recommendations. Of course, a TRC has to balance between creating realistic pressure to make things happen, on the one hand, and restrain itself so as to avoid wishful thinking that creates frustration and disappointment when unfulfilled (Fairbank 2019). But more importantly, the TRC has to create the ground for acceptance of its recommendations by addressing those groups in society that have articulated negative views about the process.

Identifying relevant and possible actions is, for a TRC, not a simple thing. Out of stories of suffering and violations may come obvious needs and priorities, but sometimes there is uncertainty about what is best to do. Reparation does not in itself build new relations but can build capacity to enter new relations, in new or reformed structures. If reconciliation is taken seriously, also the stronger – or perpetrating – side is, almost literally speaking, moved from its historical positions and views. This is part of any mutual and substantial process. At this point, there is a moment of reassessment among all involved, and this is probably the single most important possibility for a TRC to utilise when it wants to pave the way for the implementation of its coming recommendations. This is the moment when it becomes clear what is at stake, while at the same time, the involved actors haven't necessarily committed themselves to specific actions – neither negatively nor positively.

Having reached this point, what are the conditions under which a TRC shall formulate its recommendations?

■ Political immunity?

Reconciliation in a political context is not immune from the conditions under which other social changes and political actions take form in the same context.

Social action and politics of governance are dependent on structural conditions and so is a reconciliation process as well. The structures that characterise the context of reconciliation are key to address for a TRC precisely for the reason that they once were the scaffolding that was overlooking and maintaining an unjust system. And today, they may still be the barriers that hinder communication, empathy and action. This is the more important to see when the state is formally democratic and where, for that reason, entrenched injustices, stereotypes or regulations are described and legitimised in a language of democratic justice, development and support.

While this may sound trivial from one perspective, it is from another likely that such considerations easily become overlooked. But this is a point when the interplay between structural and individual relations is critical for a TRC to bring up. A TRC process is expected to be a one-time event and therefore hoped to be operating under conditions that traverse and transcend established patterns and boundaries in a way that is unique for that particular country and moment in time. As many as possible, inlets to its *problematique* must therefore be welcomed, including the structural ones, from the design to implementation and preparation of post-TRC developments.

■ Reconciliation or forgiveness?

A 'TRC' has 'reconciliation' in its name. This needs to be addressed as a theoretical issue as well as a practical issue. Not the least from the influence of the South African TRC, the concept of 'forgiveness' has made its way into the language of analysis and expectations in the wake of many TRCs' work. It is in the context of this article, focused on reconciliation, necessary to make an analysis of these often interconnected concepts.

There is a critical difference between forgiveness and reconciliation; it is claimed here, in that the latter is based on (some sort of) a relationship, while the former is not *necessarily* so. Already this difference makes reconciliation more interesting as a concept for building social relations and structures. At the same time, as we will see, it is one of the strengths of forgiveness that it doesn't have to do that. Forgiveness, then, is here seen as an act where an individual is relinquishing relevant moral claims against another person (in relation to a specific situation). Individuals may choose to forgive, say, a relative that has passed away or to forgive someone without telling that person that he or she is now forgiven – irrespective of political conditions. There is no need to have a relation to make forgiveness a complete moral act.⁴ Forgiveness is, therefore, essentially and under all circumstances, a unilateral act.

This doesn't in any way exclude that forgiveness is part of an emerging and constructive relation with another person or group, something which is a very

4. Here defined not as forgetting but as eradicating all moral claims against another person.

constructive approach to deal with issues. But this doesn't change the unilateral nature of the act itself. As we will note later, this quality of forgiveness is, in the right context, a strength. The point here is, however, that for a society, or for a specific political process, the character of forgiveness does not fit what happens under the label of reconciliation, and it is, therefore, a weak and potentially misleading tool, when people and societies work out new relations for a common future.

A society is based on relations. A relational concept is, therefore, likely to be an adequate tool in a language of healing and reparation of a society. Reconciliation is such a concept, referring to a process where (1) an existing polarisation between (at least two) parties is gradually melting, as they realise that their stories about the past are mutually needed in order for them, as parties, to be more complete, or integrated, as individuals or society. The polarisation is replaced by an insight that (2) the harm to which it is connected is morally indefensible and therefore requires redress (often labelled compensation, reparation or restoration). This implies, in turn, that (3) any harm made to the other, in the future, will be harmful also 'for me'. This insight will, therefore, also lead to the view that a harmful polarisation between the two (individuals/groups) never ought to be repeated.⁵

The consequence of this observation is that in a social context, including a more narrow political one, the relational dimensions of reconciliation make the concept more adequate as a tool for restoring relations than is forgiveness. For communities, nations and states, it is useful to realise that reconciliation is a concept that contains dimensions and a language for depolarisation, bridge-building and understanding - without closing any door to redress and justice. Reconciliation, then, by being a relation that actively takes on a troubling past and makes something new out of it, is thereby bringing its parties towards the future.

While forgiveness liberates both victim and perpetrator, it does not necessarily imply a drive towards the future, because of its focus on the past. Contrary to reconciliation, forgiveness needs a separate future-oriented motivation, adding something new to its focus on the past, if it shall become a spring-board towards the future. This does not preclude, it must be said, that forgiveness may very well follow from reconciliation, and vice versa.

These characteristics, of forgiveness and reconciliation, do not change in nature, whether with talk about individual, personal, relations or group relations. And, to conclude this observation, from a theoretical point of view, there is no basis for claiming a preference for which of them 'should' come first if they both appear in the same process.

5. This argument is further developed in Nordquist (2017).

A last, but not least, note about the two concepts is the consequence of one being relational and the other being individual. Being a relational concept, reconciliation is, by definition placed in a structure, it has a function in the organisation of group relations, that is, in a society. Forgiveness, with its unique transcendence of relations and demands, is, however, a different thing also in this respect: it is actually both 'structure-blind' and 'politically blind'. The power to forgive is total, unilateral and insensitive to human or structural conditions or limitations because of its full anchorage in the soul and mind of a single person. This makes forgiveness a very strong practise and concept, as an idea and as an act, as it emanates from a person's unique decision. At the same time, it stops there - unless something else takes it forward, as we have noted.

These observations should be developed more substantively in another context, but they serve as indications of the qualitative differences that there exist between reconciliation and forgiveness.

■ **Conflictual relations - Horizontal or not?**

Reconciliation is sometimes taking place between individuals that within their respective groups have very similar positions or roles. They have, in this way horizontal relations, for instance in the sense that they have responsibilities, or powers, at their hand which entrusted them in connection to a particular position. A military leader of a guerrilla battalion, to take an example, has, in many ways, responsibilities similar to an officer in a national army on the battalion level. The same is true for the soldiers themselves, as well as for the highest-ranking military commanders. When they meet and talk, say in a reconciliation meeting, they realise 'how much they have in common'. If they accept a process of reassessment and participate in a full-scale reconciliation process, they have, in the end, performed what we may call 'horizontal reconciliation', from a structural point of view.

This does not overrule the fact that one of the sides may be much more resourceful or may have a morally much more complicated history. The point here is that within each group, being part of reconciliation or not, there is an internal hierarchy that puts some individuals in that group in special relations to members of the other group as well as to members in their own group. This difference in perspectives, which originates from the position you have, is a factor influencing the reconciliation process as a whole (Eisenberg 2018).

■ **A theoretical blunder?**

Also, in a more theoretical context, is it common - and very understandable - to assume symmetry or a horizontal relation between actors. It makes theorising simpler. For instance, as all human beings are endowed with human rights, giving everyone equal dignity and value, it is easy to slip into thinking

that human beings also in real life are living on a comparable level. Or, as in the UN system, as all states are formally equal and protected by the same norms of territorial integrity and non-interference in internal affairs, it is easy to think about them as comparable in many other ways. But the reality is, of course, different: on a substantial and not formal level, states, as well as human beings, are living under constraints in some respects and with resources, sometimes unique, in other. These differences also exist when all involved are completely convinced about their interest and readiness to reconcile their fate and future. If so, their greatest challenge to overcome is their structural differences, internally as well as in-between them. Below we will identify three of them.

■ Three critical relationships

Connecting with our analysis above of two Commission's recommendations, we should remember that the message a TRC is sending through its recommendations needs not only to be communicated to victims and support groups but to all those that vote for governments or parties that should decide on the implementation of recommendations. These persons are most likely not directly affected by the recommendations or their execution. A useful rule of thumb is to think that any group – or individual – that could spoil the outcome of a TRC's work in a substantial way should be addressed specifically by the TRC as a matter of pre-emption. In order to secure solid support, or at least acceptance, among all groups, it would not be strange if a TRC reaches out to and addresses the issues and concerns of these groups, in relation to the TRC process. But how do we find them?

In order to reach these categories, we may assume that groups living in a polarised relationship – from war or long-time oppression – are by necessity, and in certain respects, turned inwards for fundamental social reasons: when you are threatened all your power is needed either to survive or – if you do that – to muster force internally against an oppressor/enemy. This is

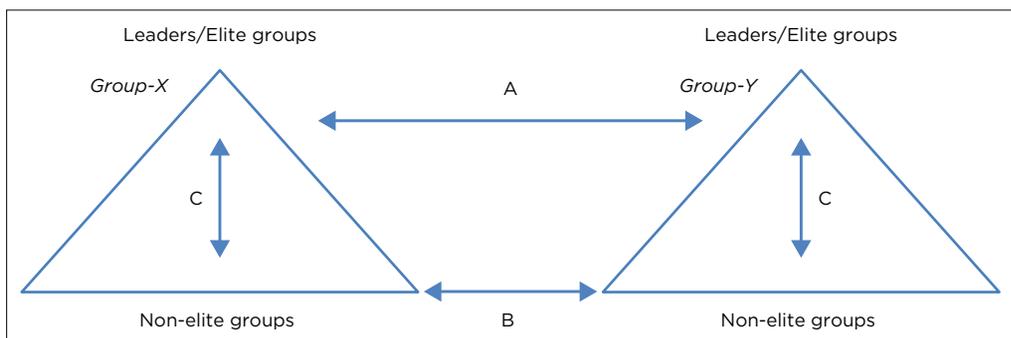


FIGURE 3.1: Vertical and horizontal relations (A-C) as baseline relations when a TRC begins working.

classical sociological theory. Taking a look at Figure 3.1, there may initially not be any contact between the triangles 'Group-X' and 'Group-Y', respectively (Nordquist. 2017:138). Reconciliation begins in some cases by a relation indicated by line A (South Africa) and in some cases by line B (Northern Ireland). Irrespective of how it begins, the challenge for the process is to include all three lines of relations, A, B and C.

In the case of South Africa, it is obviously a changed relationship (based on the changed treatment of political prisoners) between Mr Mandela and Mr de Klerk – indicated by line A – that opened up for the rest of the process as we know it, a process that took place both on level A and level B. But separately, among their respective stakeholders, the two sides also had to work on the internal relations that are typical for any social change process, everywhere. How could whites at the bottom of the triangle in South Africa really accept that the relative advantage they had, through the apartheid system, was threatened? Mr de Klerk had to convince them. And for Mr Mandela – was it fair to all those who had suffered and given their lives for freedom in South Africa, that a new time of reconciliation should replace the decades-long struggle, including accepting amnesty for perpetrators, (only) because they cooperate and share information about their atrocities?

These vertical line-C relations in both triangles are all stumbling blocks internally, blocks that are not necessarily dealt with in a TRC process because it is focusing on the relations between the two triangles as a whole. That's fair enough, but if overlooked, the consequence is that it leaves groups outside, groups which in a long-term view of the impact of a TRC might play the spoiler's role when TRC recommendations shall be implemented.

The politically most difficult, but from a human point of view, probably the most 'easy', type of reconciliation is the one between elites. Before they open for a dialogue, with a counterpart or an outright enemy, they need to reduce the risk or political price that it has both to accept dialogue in the first place and what it takes if a failure would come at an early stage. If the elite leaders are socially skilled, they may very well go along well on a personal level, including their teams and critical stakeholders among others in the elite, but that's, of course, an open question.

■ Intragroup critics

A leadership's acceptance of the possibility and need for a truth and reconciliation process is some sort of a prerequisite, a moral OK button, without which anyone critical could use against a Commission.⁶ It carries a degree of mutuality that is valuable in particular in the early stages before contacts, trust and knowledge are

6. It is in this context worth mentioning that when the Norwegian Parliament voted for a Truth and Reconciliation Commission in 2017, it was a decision without support from Norway's Governing party.

built among those involved. For a TRC, it may seem to be outside of its mandate, but it can be argued that any initiative that brings polarised groups to a better understanding is a fundamental TRC task under any mandate with a social dimension. Leaders will almost certainly meet resistance to reconciliation initiatives from some corners of their own support groups. They need to convince as many as possible in order to be politically strong enough. A TRC, during its course of action, could very well consider this type of polarisation as something to challenge – not necessarily directly, but by providing materials that explicitly meet the arguments against itself that are articulated. Most likely, there are within both sides in a process similar views, but for different reasons, most probably.

■ Bystanders

The elite leaders' rapprochement is intended to serve as a model. The non-elites' 'repetition' of the elite's process is, however, a different thing, because the number of potentially concerned persons is very large. We noted above that the South African TRC found it impossible to 'reconcile the nation' because of the discrepancy between resources and needs. In brief, a TRC is not designed to address this second type of relationship either. Its focus is on the victims, their stories, their analysis and their needs – and rightly so. But from the other side, the non-elites who are more or less informed about what the process is about, but who have not been defined as a relevant category (unless they are called in as perpetrators) – this group is sensitive to the work and outcome of a TRC process. Many of them, probably most of them, have been *bystanders*, that is, onlookers who are passive or indifferent before the violations when they take place. These individuals are not security personnel or executors of cruelty. They are people that were informed, but keen to fit in and not to make noise and risk a job, friends or status. Their role is by ethicists as well as their own conscience considered morally challenging, and if there is in the society an ongoing TRC process discussing these issues, they should be addressed somehow. Are they perpetrators or innocent? Can somebody explain that they should not be grouped along with serious long-term violators? Those that have a sense of being left outside, because their voice has not been heard, irrespective of what the message would have been. They are potential spoilers when asked to support recommendations from a process they were left outside.

■ Crossing the diagonal

A third relationship – and probably the most difficult one – is between an *elite leader* of one side and *non-elite groups* of the other side. How can – to give examples outside Africa – an Indigenous non-elite person in Canada have confidence in the country's prime minister? Or a Palestinian farmer have confidence in an Israeli prime minister? Or a Sami teenager in Swedish Lapland have confidence in the Swedish prime minister? In which way, if at all, can an elite person create reliable trust with the other side's broad-based membership?

The risk that the opposite happens is well known: unfulfilled promises are a classic source of scepticism vis-a-vis leaders in general and leaders who want to transcend boundaries through nice talking in particular. One should, however, not without further analysis, exclude the possibility of growing confidence also among former critics and enemies, even if the obvious examples of this are quite a few, maybe.

Most probably, there are other groupings and clusters of diverse positions that counter the idea of reconciliation as well. The above-mentioned three are identified by reflecting on the structure of just any group. In many places, there are country-specific categories of people who have their own reasons for resistance. Some of them make their living from a conflict, for instance, from markets created by conflict areas or from trading - or controlling resources by divide and rule practices. If such actors were reached out to by a TRC, they would probably be surprised, but foremost they would have a chance to learn why reconciliation is a viable future also for them.

In relation to the three structurally defined relationships that a TRC can engage in, we can now identify some approaches that may be worth exploring:

1. Approach *critical arguments within groups on either side*, to share, explain and motivate understanding why reconciliation is attractive also for them.
2. Establish intergroup relations among those that are *marginal to the processes*, for instance, as bystanders, and therefore vulnerable for misleading or propagating information including about their own roles and responsibilities.
3. Establish contacts and relations by traversing group boundaries and levels and in that initiate bold *confidence building* action programmes.

Groups that may have a critical view of a TRC and its work may very well outnumber those that have gone through deep involvement in a TRC's work. This may very well affect the implementation of post-TRC recommendations. In a democracy, numbers are normally decisive sooner or later, and if not for other reasons, this is a factor as important as many others to consider in a search for securing post-TRC developments.

■ A negotiating TRC?

Recommendations are not just an obliged theoretical rest of a lively and emotional process, but an instrument that creates both expectations and guidelines for action when the TRC itself is not available. The worst outcome of a set of recommendations is if they are not (at all) implemented. If so, they have raised expectations but not created a changed reality.

For the sake of reflection, let us imagine a TRC that abstains from making recommendations and argues that its task is to provide a period of sharing, documenting, healing and relation building to which anyone concerned and

interested is invited. On that basis, the TRC is thereafter symbolically handing over that whole process with its experiences to others to do what they want and, if they choose to, take it further on its own merits. Many would argue that the moral redress would be missing – isn't it a natural and moral responsibility to repair and rehabilitate? With a 'yes' to that question, we come to the tipping point when the TRC itself enters into politics: new actions are needed, and this requires commitment from new actors and resources. From that point on, the TRC needs to have a language and methods not only of listening and analysing but also of acting proactively in the landscape of its national political realities.

This is a point where the TRC can transform its moral capital to a political one. The basis for this is its legitimacy, based on the TRC's non-partisan composition, national coverage and relevance, multimethod working approach and a serious and respectful treatment of those affected by its mandated matters. The Commission has moral standing and legitimacy during its working period, but is it, and if so, how can a TRC transform its moral capital to political?

Normally, no single party, government or individual can be made solely responsible for all the atrocities a TRC is dealing with. Even if the matter of redress is turned to those in power at the moment, it would be an unacceptable reduction of a society's moral responsibility to blame it upon a single political unit or an individual person. Systemic and lasting violations of human rights have complex moral explanations. Therefore, any TRC is in a position to argue that *as there is a national policy behind violations, there should also be a national policy redress*. The TRC is the only mechanism with a position in relation to a hurting past to create the principles and key content of such a national policy of unification around strategic goals of reparation and rehabilitation. A TRC should therefore have a mandate, from its outset, to seek broad acceptance, also among law-making actors, of its recommendations. It can thereby transform its moral capital to a political, by anchoring its recommendations, and in particular strategic laws and regulations, for instance, with the law-making parties in parliament. There more such a consensus becomes public, the higher political cost for any failure to implement them.

If successful, such laws and regulations are then already 'negotiated' and ready for decision-making when the TRC Final Report is presented. The whole point is that there should be as little space as possible for ordinary day-to-day politics to enter into, and blur, the commitments towards victims that are in focus for a TRC. And, in the end, the list of remaining recommendations would be a shorter one – and maybe also a more easy one to deal with for actors in the post-TRC period.

■ A concluding word

While a conflict, or a historic and traumatising situation, often is described as a bi-lateral issue, many TRCs have experienced that groups, other than those

directly in focus, play a sometimes significant role – or for lack of resources are left behind in a process. It can be relatives, families or children to once abused children in a residential school system, or it can be Muslims and other non-Christian communities in a South Africa where a Christian terminology dominated the TRC process.

This chapter argues that making an analysis looking for horizontal and vertical relations (or lack of relations) between groups on different levels, also identified through outreach initiatives, a more profound reconciliation process can be achieved than if the main ‘sides’ are treated as coherent social organisms. As a consequence, also post-TRC initiatives will have broader acceptance, and the likelihood of a higher degree of implementation of recommendations increases as compared to historical experiences.

Given the moral capital that arises from a broad-based acceptance of a TRC’s proposals, it is finally argued that TRCs should transform this moral capital to a political one, by negotiating bi-partisan agreements on the same level as the violations, namely, the national. With reference to its work, and in the name of the victims, the article argues that only a TRC can bring about a national consensus during its period of work. This can be made as negotiations aiming at creating consensus around specific legislative proposals – as a way for the society to show commitment and readiness to take action, and as a way for the TRC to secure that its results are not grinded into pieces in the inevitable day-to-day politics, with its many different interests.

Finally, many years after the presentation of recommendations, it is relevant to ask if it is possible to judge the impact of a reconciliation process. It is, of course, difficult but a good start for finding out, can be to use as a criterion for a reconciled relationship – or for that matter a reconciled society – the response that is given by the parties to the question: ‘Was it better in the past?’ Maybe those responses will activate us in yet other directions, in our search for constant improvements of life and dignity in our global community.

Reconciliation as an outcome rather than an intention

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■ Introduction

South Africa is arguably one of the most diverse yet conflicted societies on the globe. More than 300 years of colonialism, followed by the apartheid system, constructed a society where discrimination and oppression have become commonplace. The Afrikaner community descended from Dutch, German and French settlers felt marginalised and excluded under British occupation in the Cape Colony. They subsequently embarked on what is known as the Great Trek into the interior. The Great Trek became a symbol of resistance against British rule in South Africa. The enmity between the two settler factions, the Afrikaners and the British, would culminate in many battles of which the South African War around the turn of the 20th century was the bloodiest and most brutal. Until today, many Afrikaners are unable to forgive Britain for the internment and subsequent deaths of hundreds of women and children in concentration camps.

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When the National Party, which represented Afrikaner aspirations of creating a state that would recognise them as full human beings, came to power in 1948, they embarked on processes that would elevate the Afrikaner to the level many Afrikaner leaders felt they deserve. In the process, they started a systematic and legal process of denying South Africans classified as non-white the right to fully participate in South African life and society, denying their full humanity in the process. One must recognise that the British and Dutch colonisers had started this trend long before the National Party, which perfected discrimination through legislation. In 1994, South Africa became a full and inclusive democracy with the African National Congress (ANC) led by Nelson Mandela emerging as the governing party. In this context, the black liberation struggle against the legislated racism of the apartheid system essentially came to an end. The task now turned to reconstruct society from the damage caused by colonialism and apartheid. As early as 1995, legislation was enacted to begin the process of healing the wounds of the past, and in 1996, the TRC, led by Archbishop Desmond Tutu, started the difficult task of facilitating the process of reconciling this divided society. The process itself was largely successful, but the following steps became mired in controversy and the loss of opportunities. In this chapter, we contend that the idea of truth commissions, while good, is limited in dealing with the full spectrum of what is needed to bring about reconciliation. We further show that governments have a role to play but are limited in securing meaningful reconciliation because of the difficulties associated with political decision-making based on expediency rather than need. In the latter part of the chapter, we show how reconciliation stands a better chance of success if the focus is placed on shifting attitudes and behaviours of people.

■ Roots of reconciliation as we know it

Reconciliation is a concept used in the accounting field to describe the process where the written or planned expenditure corresponds with the money spent. The most common use of the word concerns the mending of strained or severed relationships. Christianity has appropriated the concept of reconciliation by linking it to the redemptive plan and action of God. In this way, it became a medium of redemption exclusive to Christianity. With the fall of human beings in Genesis, we see the beginnings of a rupture that tore human beings from creation, from God and each other. The need for the reconnection with God, nature and one another cannot be met by humans and can only come from God – the aggrieved party. Here we find an important principle about reconciliation; the perpetrator has no interest or moral compulsion to initiate a reconciliation process. In the New Testament, the redemptive death of Jesus becomes a pivotal event that defines reconciliation. Jesus becomes the scapegoat or exchange for the reclamation of unity between God and humans and redefines justice through his death.

This different justice has the effect of breaking the cycles of vengeance, healing and restoring the broken relationship, and ushering in a new order of relationality. Paul, arguably the father of Christian doctrine, takes the notion of reconciliation further by linking it to the essence of ministry when he writes in 2 Corinthians 5:15-21 to set in motion what became accepted as the blueprint for reconciliation:

And he died for all, that those who live should no longer live for themselves but for him who died for them and was raised again. So from now on, we regard no one from a worldly point of view. Though we once regarded Christ in this way, we do so no longer. Therefore, if anyone is in Christ, the new creation has come:^[a] The old has gone, the new is here! All this is from God, who reconciled us to himself through Christ and gave us the ministry of reconciliation: that God was reconciling the world to himself in Christ, not counting people's sins against them. And he has committed to us the message of reconciliation. We are, therefore, Christ's ambassadors, as though God were making his appeal through us. We implore you on Christ's behalf: Be reconciled to God. God made him who had no sin to be sin for us so that in him we might become the righteousness of God. (vv. 15-21; [NIV])

Thus began the connection with reconciliation as forgiveness and the subsequent link to the South African TRC as a process that restoratively oriented. The connection was entrenched by the role played by religious leaders in the struggle against apartheid. They rooted the quest for a reconciled South Africa on theological terms. Among other things, Christian initiatives such as the *Kairos Document*, the National Initiative for Reconciliation and the Rustenburg Declaration became essential reference points. The decision to allow the TRC to be headed by two theologians in Archbishop Tutu as the chairperson and Dr Alex Boraine as the deputy chairperson was another hint of the connection to Christian-oriented approach to reconciliation (not to mention the involvement of prominent Christian theologians like Piet Meiring Charles Villa-Vicencio). It is, therefore, not surprising that the TRC started as a 'quasi' Christian process, characterised by the singing of Christian hymns and prayers, in the East London Town Hall in April 1996. This link between the South African TRC and the Christian faith is aptly articulated by Stephen Martin (2012) when he observed that:

In the founding of the Truth and Reconciliation Commission, the idea of a space within which polarised South Africans could confront the truth about their complicity in violence and embrace the other they *had violated became a reality*. *This space was liturgically founded in a special service that opened the proceedings, sustained in prayers and moved about in pilgrimage throughout the country, visiting the places of violent exclusion and painful memory. Its Chair, decked out in purple cassock and pectoral cross, functioned as priest-confessor to the nation. Its mission was one not simply of investigation and adjudication, but of healing. In doing this, the TRC would re-narrate South Africa's violent history, mapping it onto a Christian-like fall-redemption grid.* (p. 251; [author's added emphasis])

The *Promotion of National Unity and Reconciliation Act* that brought the TRC into being was quite clear about the intention to lean towards a process that

would be soft on perpetrators. The preamble to the act outlines the imperatives of the process to focus on:

- being a bridge between the past and the future
- to establish the truth
- to pursue national unity, well-being, peace and the reconstruction of society
- the need for understanding instead of vengeance, reparation instead of retaliation and Ubuntu instead of victimisation
- granting of amnesty to advance reconciliation (Act 34 of 1995).

A different approach was followed with the Norwegian Truth Commission that is still underway. The Commission intended to deal with the harmful effects of assimilation and discrimination on the Indigenous Sami, Kven and Skogfinn peoples. There are apparent differences between the South African and Norwegian Commissions. For example, in Norway, the time frame was more realistic as it covers the period between 1800 and the present. While the focus was not on compensation, there was an expectation of other gains for the Indigenous people as articulated by a Sami professor Gunn-Tove Minde when she suggests that Indigenous people would need help with psychosocial problems and assistance with dealing with the effects of low self-image as well as identity dilemmas (Petit). The Commission was therefore expected to address the shame of the Indigenous people and find a way to deal with the issue of collective responsibility.

The Canadian TRC proved to be very different from both the South African and Norwegian Commissions in several ways. Firstly, engagement with Indigenous peoples seems to have been more comprehensive. The Commission concludes that through legislation and policies of assimilation, the state perpetrated cultural genocide against Indigenous peoples with the express purpose of disrupting and preventing the transmission of cultural values and identity from one generation to the next. This was done in a number of ways which include:

- asserting control over land
- engaging in forced relocations
- instituting a pass system
- replacing existing Aboriginal government with toothless councils
- outlawing spiritual practices
- separating children from their parents through the residential school system and child apprehensions.

These and other measures resulted in the systematic breakdown to the point of near annihilation, in some cases, of Indigenous ways of life. The TRC further found that while this was the government's goal and substantive damage was done, many Indigenous peoples in Canada have nevertheless retained the core elements of their ways of life. What further separates this Commission from the other two under discussion is the genuine attempt to get ordinary

citizens to participate in the reconciliation process actively. The Commission suggests in their report that the objective of the reconciliation process should be to heal the wounds of the past and inspire future generations to live in dignity, peace and prosperity. Perhaps, the most vital legacy of this Commission is the focus on getting the youth involved through an education programme. The result created not only awareness and outrage but also insight, as can be gleaned from the response of Jacquelyn Byers, one of the high school participants, who remarked:

'I hope that events like this are able to bring closure to the horrible things that happened, and that a whole lot of people now recognise that the crime happened and that we need to make amends for it.' (Jacquelyn Byers, high school participant, date unspecified)

Despite the positive disposition towards the Canadian Commission and what it wanted to achieve, there remained some serious challenges in implementing the recommendations on reparations and compensation. The Canadian government, led by its liberal and pro-reconciliation Prime Minister, Justin Trudeau, appealed a court decision that allowed for compensation for children taken from their families and communities since 2006 and the parents and grandparents responsible for children recklessly taken away. The outcry against the government represented deep disappointment, even disgust, by Aboriginal leaders and members of parliament. Charlie Angus, a member of parliament, echoed the sentiments of many when he remarked (Josselin 2020):

The Trudeau government has refused to heed the calls of the Truth and Reconciliation Commission. Children have died in this broken system, but the government continues to fight to deny justice. (p. 5)

A class-action lawsuit by the AFN against the government was further proof that even with the best intentions, the quest for reconciliation is never guaranteed.¹ One of the Commission's recommendations was that a National Inquiry into Missing and Murdered Indigenous Women and Girls be established. In this context, the deaths of more than 1200 Indigenous women who were murdered or had disappeared in Canada between 1980 and 2012 were articulated, thereby highlighting the levels of alienation experienced. While their deaths were probably at the hands of Indigenous and non-Indigenous family members and partners, casual acquaintances and serial killers, the subsequent report of the National Inquiry alluded to levels of (AFP 2019):

[E]ndemic poverty, racism, sexism and other social ills as well as lasting trauma and loss of culture from family separations, and land dispossession traced back to failed attempts by early colonisers to force indigenous people to integrate. (p. 3)

1. It is important to note that the TRC made recommendations to address inequities in Aboriginal child welfare services (TRC Final Report, Legacy vol.), a Canadian Human Rights Tribunal decision subsequently ordered the federal government to change its discriminatory policies and practices, and a federal court decision ordering compensation was appealed by the federal government. The AFN then filed class-action lawsuits that were certified in September 2020, which led to settlement negotiations.

Truth Commissions started with noble intentions but are often hamstrung by politics, red tape, personal agendas and other matters that obscure the demands for genuine reconciliation. It would seem that governments are not always prepared for what needs to be done to achieve deep reconciliation instead of a superficial box-ticking process. The frameworks followed by these three commissions (and many others), while well-intentioned, display severe limitations in how the people, victims, in particular, experience the outcomes. It would be helpful to explore alternative frameworks that could bring the intention and experience of reconciliation closer together.

■ Broadening the framework

There is no doubt that Truth Commissions have been instrumental in dealing with the past, exposing human rights violations and facilitating mechanisms to prevent repeat violations. Even the most celebrated commissions have struggled to attain the elusive prize of reconciliation. We are powerfully reminded of the complexity of attaining reconciliation by Wole Soyinka (2000):

Truth alone is never enough to guarantee reconciliation. It has little to do with crime and punishment but with inventiveness – devising a social formula that would minister to the wrongs of dispossession, on the one hand, chasten those who deviate from the humane communal order on the other, serve as a criterion for the future conduct of that society, even in times of stress and only then, heal. (p. 81)

Communities and groups who have been under sustained oppression need much more than a politically sanctioned process. Atrocities leave wounds that get opened with the slightest provocation. Martha Cabrera (n.d.), a South American psychologist, found that the collective trauma suffered by Nicaraguans over decades would continue to haunt them if left unresolved. She explains the protracted trauma in the following way:

When people are hit by a car on the street, they don't just get up, brush off the gravel, go on to work and forget about it. The very least they will do is to tell others about what happened, get it off their chest. Well, Nicaragua hasn't been hit by a car; it has been run over by a long train! (p. 6)

Cabrera suggests that, if unaddressed, the trauma gets transferred from one generation to another. Any meaningful process of redress would have to address not just a portion of the past but the whole history for healing to happen. Pain does not only run on chronological time but also run on psychological time. She points out that what was needed was a change at different levels, namely, personal, political and cultural. We will return to cultural change as it is a dimension often neglected in truth and reconciliation processes.

The field of transitional justice has become a useful avenue to look at various processes that could advance reconciliation. Alex Boraine describes

transitional justice as a search for ‘a just society, in the wake of undemocratic, often oppressive, and even violent systems’. He goes on to ‘propose a holistic approach to transitional justice which attempts to complement retributive justice with restorative justice, and which is both retrospective and prospective’ (Boraine & Valentine 24, 26). Transitional justice rests on five key pillars that, if implemented, can deal with the past and secure a different future. The five pillars are given as follows:

- Accountability to ensure the restoration of the rule of law. While the normal legal prosecutions have advantages in bringing perpetrators to book, they have their limits and what is needed is a notion of justice which is wider, deeper and richer than retributive justice. With a focus on a combination of retributive and restorative justice, transitional justice brings into play elements that can advance the ambition of a just society.
- Truth recovery through non-judicial mechanisms such as truth commissions. The South Africa TRC distinguished between four kinds of truths: (1) objective, factual or forensic truth; (2) personal or narrative truth; (3) social or dialogical truth that refers to the truth of experience through interaction; and (4) healing and restorative truth that refers to the actual requirements of the Commission.
- Institutional reform to ensure accountability in relation to institutions of the past as well as ensuring that the same people who were in charge of those institutions do not have undue influence in a restructured democracy.
- Reparations as a means to tangibly demonstrate some type of remedy for the harm suffered. It should, however, not be unconnected to other transitional justice processes.
- Reconciliation would be the natural outcome of a comprehensive transitional justice approach. Some theorists place this earlier in the process outlined above, but it is my contention that reconciliation should be an outcome of a process rather than an element within the process.

Transitional justice, with all its potential, recognises that the process of holding perpetrators accountable would strengthen the rule of law but would need to be complemented by rebuilding the broken society that emerged from years of human rights violations and stifling human dignity. The complexities embedded in every context make it impossible to have a definitive and uniform formula, but the correct permutation of transitional justice principles holds the potential to make truth commissions less imposing and prescriptive for those who require justice. transitional justice has, however, not turn out to be the silver bullet that some would like it to be. Transitional justice becomes compromised and susceptible to political interference in settings where the regime is bent on revenge or protecting some powerful actors. In such cases, the focus is placed on political reconciliation at the expense of social and economic reconciliation. The latter two types of reconciliation would be felt by ordinary citizens, who have borne the brunt of oppression and so

desperately need fundamental change. There is a concept in peacebuilding that refers to the consolidation of peace by anchoring it at the local level. In South Africa, the post-TRC process failed to pre-empt a lack of political will from the ANC government to embrace the recommendations of the report in its entirety. Thabo Mbeki's public unhappiness with the TRC's unwillingness to treat ANC excesses differently from the regime's excesses clouded his judgement on critical implementation issues such as the reparation recommendations. It should be stressed that other key political actors such as the National Party and Inkatha Freedom Party, together with the ANC, took the TRC to court because they were unhappy with the truth portrayed in the report. As a result of narrow political interests, the politicians failed to build on achievements that were already part of the experience of ordinary South Africans. In the run-up to the 1994 elections, the National Peace Accord played a pivotal role in the prevention of conflict and getting sworn adversaries to sit around one table in the interest of peace. This critical mechanism was disbanded and relegated to the shelf of good memories. Andries Odendaal (2013), who played a critical role in the Western Cape Peace Committee between 1993 and 1994, reflects on how the peace committees were able to bring adversaries together when he relates the comments of a civic leader who asked to meet with the police in his area:

([W]e want to discuss) reconciliation. We, as the civics, through our engagement with the peace committee, have decided that the time has now arrived for us to make peace with those who were our immediate enemies – the police. This is the reason why we want to sit between the police, not opposite them. (p. 2)

What Thabo Mbeki and many proponents of transitional justice miss is the agency and ability of local people to play a role in processes towards reconciliation.

■ Reconciliation imposed from the top

Truth Commissions are instituted by governments that recognise the need to shift from oppressive and demeaning systems to forms of governance that uphold human dignity and respect the fundamental right of all the people under their jurisdiction. The intention is to harness the credibility and authority of the state as catalysts for meaningful change that would ensure overtly positive change for the populace as a whole. In the South African case, the TRC was brought into being by an act of parliament, and the intervention of governments through legislation and/or policy documents lies at the heart of all truth commissions. Charles Villa-Vicencio, the first Executive Director of the Institute for Justice and Reconciliation and Chief Researcher for the South African TRC, remarked that any TRC should adhere to incorporating some minimum requirements to ensure international legitimacy. These include ensuring that the majority of citizens endorse the process, surfacing as much truth about violations as possible, accountability mechanisms to deal with

violations of the past, reparations for victims, suspension of prosecutions, a forum for the telling of stories and keeping the option of prosecutions open against perpetrators who refused to participate or did not fulfil the requirements for amnesty. The South African TRC ticks all the boxes in theory, but they, unfortunately, did not have the power of implementation. In the absence of follow-through, even the basic requirements become open to contestation and accusations of failure. The TRC recommendations were aimed at ensuring justice beyond the lifespan of the Commission. Some of the reasonable recommendations that were not or partially implemented include (Truth and Reconciliation Commission of Canada 2015a:vol. 5, pp. 726-728):

- Reparations and rehabilitation: While reparations had been paid to the identified victims of gross human rights violations, the government decided to provide once-off payments instead of monthly stipends over two years.
- Secretariat to oversee implementation: This was not done, which opened the door for tensions between the government and civil society. If implemented, this could potentially have been a game-changer.
- Reparation trust fund: This was partially implemented by establishing a fund known as the President's Fund, administered by the Department of Justice. However, the recommended involvement of business and civil society was never taken up.
- Once-off wealth tax: This recommendation was not implemented, and there is no doubt that the government missed an ideal opportunity to involve those who have benefited from apartheid. Mandela could have used his stature and standing amongst all South Africans to push this recommendation.
- Beneficiary contribution to reparation fund: This is yet another missed opportunity not taken up by the government.
- A national programme of action: This was taken up half-heartedly, and the fact that it was not given attention resulted in subsequent criticism of the TRC, especially by young people.
- Annual reporting during the budget vote: This was not taken up with much enthusiasm and was undoubtedly not consistently implemented.

The picture that emerged from the lack of political will to build on the foundation laid by the TRC is one of disconnection between noble ideals and lack of implementation. The South African TRC came into being as a result of an act of parliament. It did an admirable job in surfacing gross human rights violations, thoroughly engaging with the thorny issue of amnesty and recommending reparations and rehabilitation. Unfortunately, the implementation process hit snags as early as the parliamentary debate during the acceptance of the report. Thabo Mbeki, speaking on behalf of the government, took exception to some of the findings in the TRC report but understood the reality that this report was not going to be the panacea for addressing the ills of when he warned parliament that (Doxtader 2010):

The situation we face demands that none of us succumbs to the false comfort that now we live in a normal society that has overcome the legacy of the past and which permits us to consider our social tasks as mere business as usual. (p. 466)

The leader of the right wing Freedom Front Party, General Constand Viljoen responded with fighting talk in response to Thabo Mbeki's submission (Doxtader 2010):

I want to say that if this is reconciliation, if the attitude of this debate is reconciliation, then I prefer the sword. I would rather die an honourable death through the sword than stand the humiliation which is being dealt to me and my people in this debate [...] Today I am speaking on behalf of ethic Afrikaners who as a people are standing in the crossfire with regard to this debate [...] I am also speaking on behalf of the military people. (p. 455)

Reconciliation is more than a concept but something you behave yourself into. This applies to individuals, groups of people, and the people who lead us. The acrimony among politicians at the parliamentary session where the report was tabled proved symptomatic of the general lack of trust in the country at the time. If only the politicians heeded the call made by Archbishop Tutu to commissioners when he implored them, '[...] to be kind to yourself and those around you. If we are to seek reconciliation for the country, we must be reconciled ourselves' (Burton 2016:26). Between intention and effect, we all have choices. The South African politicians made choices concerning their response to the TRC recommendations. They chose to:

1. display questionable political will
2. show collective commitment to lead the country on a path of reconciliation
3. forego the development of a comprehensive, integrated implementation plan
4. not involve civil society and business in the implementation of the TRC recommendations
5. ignore the calls for businesses and beneficiaries to contribute to the solution.

Andy Andrews famously said, 'first you make your choices, then your choices make you'. The choices made by the South African parliament and government created the platform for many of the contestations about the efficacy of the TRC. The general assessment is that the TRC did a sterling job in general and that most of the criticism for the post-TRC failures should be laid at the door of politicians. This brings us to an important observation. Governments should not endeavour to be the sole implementers of TRC recommendations because they tend to make politically expedient decisions at the expense of the interest of the people and the common good. As a consequence, they become complicit in retarding reconciliation rather than advancing it.

■ Inverse approach – Reconciliation from below

The South African TRC intended to serve as a platform for victims of gross human rights abuses to be heard. This was deemed a first step on the path towards healing. The process was also intended to hold perpetrators to account and consider the granting of amnesty. The approach was unapologetically centred on people – victims and perpetrators. People were glued to their televisions when they observed the compelling and emotional accounts of torture and disrespect at the hands of agents of the apartheid regime. The impassionate pleas from spouses, mothers, fathers and siblings for information about their loved ones who had simply disappeared without trace touched the heartstrings of South Africans. The squirming and discomfort experienced by amnesty applicants, coupled with the robust cross-examination, left many onlookers emotionally angry. People were always at the centre of the TRC processes, and it would be reasonable to expect the same focus during the post-TRC processes. Sadly, as illustrated elsewhere in this chapter, the implementation by the government left much to be desired.

The Building, an Inclusive Society Programme of the Institute for Justice and Reconciliation (IJR 201:214), relates seven key lessons they learned through ongoing interaction and interventions at the local community level:

1. Reconciliation and justice are long-term processes.
2. Targeted, long-term work is key to sustainable change.
3. Building trust and relationships should be prioritised.
4. Bottom-up approaches to reconciliations are effective.
5. Power relations shape dialogical interventions.
6. Linking communities and governance structures are essential in the process of systems-level change.
7. Large-scale reconciliation will likely remain limited in the absence of processes of economic justice and empowerment.

The South African Reconciliation Barometer is a nationally representative public perception survey conducted by the IJR. It has been running since 2003 and is the oldest reconciliation barometer in the world. It can track the sentiments of South Africans over the last 17 years. According to Potgieter (2019:24, 43), as recently as 2019, the survey shows that South Africans are quite optimistic about the desirability and possibility of a united country. At the same time, respondents endorse the idea of a South African identity, with 81.6% agreeing that they want their children to think of themselves as South African, while 79.7% of respondents agree that people should realise that we are South Africans first and not think of themselves in terms of other groups they belong to. A further 69.9% of respondents agree that even though we have differences, there is more that unites us as South Africans than keeps them apart. This is indeed encouraging for the prospects of reconciliation.

However, respondents acknowledge that we still have some way to go for this ideal to be realised. However, South Africans are also outspoken about the fault lines that threaten reconciliation with political partisanship highlighted as a particular concern (Potgieter 2019:25).

In general, the desire for a united South Africa highlights the need to strengthen the social fabric to achieve the reconciliation objective. Nevertheless, what becomes apparent from the research conducted by the IJR is the need for policy-makers to recognise the disconnect between the expressed ideal of a reconciled society and the reality of persistent fault lines that continue to plague the country. In this context, the programmes and interventions instituted by government departments have had limited success because it is imposed from the top and tends to have a one-size-fits-all approach. Instead of pushing for a sterile national unity approach, government can learn from the differentiated approaches of academics and civil society actors. One such distinctive approach is to consider the complexities of the South African society by recognising the need to understand, cultivate and promote different levels of relationship building (Meiring & Potgieter 2017:5). The stronger the connections within and between people and between society and the state, the likelihood of social cohesion is increased. In a society plagued by high levels of inequality with associated discontent, mainly if the inequality is located in certain groups, the chances of bridge-building and linkages are significantly reduced. Unless these fault lines are addressed through intentional distributive justice mechanisms, the hope that South Africans express would be short-lived. Any intervention or process with reconciliation as a goal will only succeed if there is full appreciation for the complex and deeply personal dimensions of getting to the goal. The lack of reconciliation is observed when there is strife about a range of issues that leave people unfulfilled, marginalised and hurt. How we deal with the hundreds of years of trauma that had spread from generation is critical. Truth commissions are designed to not only lift the lid of the boiling pot but to search for remedies that go beyond superficial apologies that do nothing to shift the pain. Dealing with years of strife and pain at the level of manifestation would only produce short-lived phantom reconciliation. It is only a ceasefire, and once the feelings of goodwill subside, the war would continue. What makes truth commissions more robust and open to systemic change is the fact that buy-in and support are guaranteed by states which can unleash resources to address the challenges head-on and see it through by its ability to organise, whether through legislation, policy or programmes. We have, however, shown the challenges and deficiencies within systems to truly achieve reconciliation with all the political interference, red tape and inefficiency associated with governments. The deep and lasting shifts would only happen when we can shift the culture that feeds the systems and manifestations of disrespect, undermining and invisible rendering of people. Here we are talking about shifting worldviews that:

- are inherently discriminatory and thrive on the superiority/inferiority binaries
- hold beliefs about some people being more worthy and deserving of privilege
- regard differences as deficiencies and therefore substandard or sub-human
- justify discrimination.

With their associated attitudes and behaviours, these worldviews have been allowed to thrive over centuries and became embedded in people's psyches. If we are going to make progress in our quest for reconciliation, we have to institute measures that would disrupt these negative attitudes and behaviours. We would have to develop processes that would contribute to the unlearning of warped beliefs about people and thereby reverse the formation of such views, contributing to a shift in behaviour. The world is in the state it is in because of the perpetuation of views and behaviours that stimulate the creation of enemy images of the other. These shifts can only happen at the level of people-to-people interactions. When people are encouraged and assisted in engaging on the levels of equality in worth, the outcomes would be different from what we see today. Sadly, these enemy images are pushed by people with opportunistic intent, whether it be political, social or economic. We have failed as humanity to celebrate difference as a strength. We pay lip service to the unity-in-diversity platitude without helping to shift the narratives we have created and continue to perpetuate about the other. Reconciliation requires a different approach if we want the future to be better than that in the past.

As long as we focus on reconciliation as an intention without doing the work of securing outcomes that would bring people closer, then we have missed the mark.

■ Conclusion

There can be no doubt that the post-1994 South Africa is fundamentally different from what it was since the arrival of the first settlers in 1652. The commitment to transform the country is embodied in the Constitution that entrenches the dignity and worth of every citizen; it goes further by stating that South Africa belongs to all who live in it. The adoption of the Coat of Arms with its rallying call for diverse people to unite serves as further evidence of intent. In 1996, the TRC began the difficult journey of dealing with our past and putting us on a path that would lead to reconciliation. The noble intentions of our leaders cannot be questioned and that is why the South African story continues to fascinate people throughout the world. However, the lived experience of South Africans tells a story of a divided society bedevilled by inequality, unemployment, endemic poverty, rampant corruption, nauseating levels of violence, high levels of gender-based violence and the list goes on.

We have done well to forge a new South Africa, but the persistent fault lines suggest that we have failed to develop new South Africans. South Africa is a country that is rich in minerals, diversity, not short of sophisticated policies but weak in implementation mechanisms that benefit all the people. The very things that should have been the catalyst for transformative change ended up being the sources of division. We lost the momentum created by the slogan of the ANC, the spirit of the Constitution and the deep work done by the TRC to create a better life for all. Unless we harness the will and aspirations of ordinary South Africans to be united in meaningful ways, reconciliation would sadly remain a good intention, a great idea devoid of positive outcomes.

Part Two

**No reconciliation without
justice: Indigenous
rights, resurgence,
self-determination and
territorial lands**

Justice twenty-one years post-TRC! Can a theology of reconstruction assist us to regain our focus on reconciliation and justice?

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Stellenbosch, South Africa

■ Introduction

Nelson Mandela, the first president of the free and democratic South Africa, indicated in the lead up to the TRC that ‘this Commission will contribute not only to reconciliation but also to reconstruction and development’.¹ Although he might have uttered this statement as the leader of the ANC, which had already planned the Reconstruction and Development Project (RDP) as a key

1. Bishop Malusi Mpumwana, General Secretary of the South African Council Churches (SACC) quoted, former President of South Africa during his contribution at the consultation of the TRC faith hearing in Stellenbosch, in 2014. See Thesnaar (2015:145).

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project for the ANC-led government, it is still viewed as a momentous statement in terms of the expected impact and outcome of the TRC.

From the outset, during and after the tenure of the TRC, a great deal of emphasis was placed on the victims to share their narratives on truth telling and on reconciliation. This was strongly supported with slogans such as ‘The truth will set you free’; ‘Truth, the road to reconciliation’; and ‘Revealing is healing’, which formed the dominant paradigm and discourse of the time. For many, the TRC created a space where people could talk and tell their stories and share their memories to facilitate healing. Nevertheless, because of a preoccupation with healing, truth and reconciliation, the TRC might not have adequately attended to the themes of reconstruction and development. Nevertheless, these themes were clearly emphasised in the TRC’s report to be taken forward and implemented by the different role players in our society, such as government, business, the faith communities, and civil society (IJR n.d.:1–25). Unfortunately, these role players failed to implement the recommendations of the TRC and therefore missed the opportunity to create a new society built on justice for all.

The TRC expected the faith communities (including churches) to play a significant role as an advocate for the recommendations that were made. The premise was that the faith communities (including churches) could play an important role in healing, the redistribution of skills and resources, reconciliation and promoting a relationship with the state as they enjoy far-reaching moral influence.² There are many possible reasons why these expectations did not materialise as projected by the faith communities. These include, for example, uncertainty of what their role and responsibility would be and what the role and responsibility of government would be; struggling with moral decay within their own ranks; and funding challenges, as international funding dissipated after the election of the new, democratically elected government in 1994 (eds. Thesnaar & Hansen 2020:3–9). Consequently, the faith communities (including churches) became more and more silent, passive, and inward-focused. A noteworthy point to mention is that the TRC’s recommendations for the faith communities were not only limited to reconciliation. During the 1997 TRC faith hearing, many of the faith communities committed themselves to rebuilding South Africa by contributing to reconstruction and development, promoting the ministry of reconciliation, eliminating injustices, combatting poverty and illiteracy, and being committed to restitution (eds. Thesnaar & Hansen 2020:33–34). Unfortunately, only a few of these objectives have been reached since the completion of the work of the TRC. It was as if the faith communities struggled to initiate processes to develop a theology and praxis that could assist to rebuild South Africa from the ruins of its unjust past. Some of the participants expressed these sentiments during the Faith Communities’

2. See *Time to Act* (n.d.), pp. 9–11.

consultation held in Stellenbosch in 2014, where those who participated in the 1997 faith hearing of the TRC in South Africa gathered to reflect on their role in society, post the TRC process.³

Leading up to the end of apartheid in South Africa, it was clear that the dominant African theology that significantly influenced the struggle to end apartheid was black theology and liberation theology (Boesak 1976:9-15). As the transition took place and the new democratically elected government came into power, there was a debate on what kind of theology would be necessary to take South Africa forward, given centuries of unjust colonial rule. The introduction of the TRC, with the emphasis on reconciliation and healing, contributed to highlighting the need for a theology that can continue to deal with the unjust past, change the present and create a new life for the coming generations.

In his reflection on finding an African theology that is relevant for postcolonial Africa, Julius Gathogo (2012:88) indicated that even though there are many paradigms in the African theology of the 21st century, there are two key paradigms – the *minor paradigm* (reconciliation, liberation, inculturation, market-theology and charismatic, among others) and the *dominant paradigm* (reconstruction). He developed these two paradigms based on the assumption that reconciliation, as a paradigm, cannot be ignored in articulating any African theology or any Christian theology. Therefore, he argued, both are critical to the holistic rebuilding of postcolonial Africa. This argument is significant for the church and theologians to seek to develop these two paradigms in theology that can contribute to the rebuilding of postcolonial Africa, although there is, especially in the South African context, a dialectic tension between what may be referred to as liberation as opposed to the reconstruction paradigm. For theology and the church to ignore the opportunity to become active and participate, it will keep theology and the church stuck in a reaction mode, and in doing so, it could become more and more passive and therefore lose its significance as a role player in society. It is my view that these two paradigms are also critically important to contribute to breaking through the intergenerational frozen conflict with the goal to leave a better society for the next generations. In this regard, this contribution endeavours to, firstly, engage with the dominant paradigm of reconstruction although theology and the church have neglected it in recent times. Secondly, it will attempt to indicate some characteristics of a theology of reconstruction. Thirdly, it will attend to the question: Can the reconstruction paradigm assist us to regain our focus on reconciliation and justice? Finally, the chapter will conclude with some contributing remarks.

3. See the 'Chronicle of the re-enactment of the TRC Faith Communities' Hearing with a view to the present and future of the Post-TRC South Africa 08-09 October 2014, Stellenbosch', Thesnaar and Hansen (2020:35-78).

■ Theology of reconstruction

In a relatively short period of time (1989–1991), a number of significant events took place across the globe, including the fall of the Berlin Wall, Namibia gained its independence (1990), Nelson Mandela was released from prison (1990) and the Soviet Union literally collapsed (1991). Based on these momentous events, the Kenyan theologian, Jesse Mugambi, remarked that these and other events brought Africa's continental identity into a crisis as the method of liberation which presupposed fighting, struggling, opposing, blaming and scapegoating suddenly came to an abrupt end (Mugambi 1998:34). Within this setting, Mugambi was asked to present a paper at the All Africa Conference of Churches on 30 March 1990, with the theme 'Beyond the Exodus and the Exile in Africa' (Mugambi 2003:i). The aim of his paper was to find a prophetic response to the question: What kind of African theology is needed to take Africa forward in a postcolonial (and apartheid) era? The premise was that this context requires a new paradigm and a new theology. In this watershed paper, Mugambi argued that reconstruction should become the primary focus for African nations. He urged the different churches and their theologians to respond to this primary focus in an appropriate and applicable manner in order to facilitate the process of reconstruction. This urgent call for churches and theologians to participate in rebuilding nations after a catastrophic time was not something new. John W. de Gruchy (2005:51) noted that the Christian Council of South Africa convened a conference at the University of Fort Hare, with the aim to discuss what the task of the churches should be as part of the Christian reconstruction after the Second World War. This task was again reiterated as part of the statement made after the second ecumenical conference that took place in 1991, where the churches were asked to participate in the reconstruction of society based on values defined by the kingdom of God and in solidarity with others committed to the same values (De Gruchy 2005:214).

Gathogo (2007:328) described Jesse Mugambi as the 'undisputed founder of a theology of reconstruction in Africa'. He indicated that Mugambi was focused on the New World Order,⁴ to spot our mission as Africans, to 'remake Africa out of the ruins of the wars' and strongly challenge 'racism, colonial domination and ideological branding'. For this, he used the analogy of the figure of Nehemiah (Ezra–Nehemiah paradigm) (see Mugambi 1998), rather than that of Moses (exile Narratives) (see Boesak 1976:16), as a narrative on which Africans should take up the challenge to rebuild Africa. For Gathogo (2006:2) (referring to both African and black theology), it was clear that a

4. Mugambi (2012:20) understands the New World Order as follows: 'The Bretton Woods institutions – the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD), and the World Trade Organisation (WTO) – demanded "structural adjustment". By this phrase they meant adjusting to the "New World Order" controlled by global capitalism'.

shift from an emphasis on black theology and liberation theology to a theology of reconstruction needed to take place in Africa if Africans want to adhere to the task of rebuilding Africa. To support this premise, he refers to Brigalia Hlophe Bam, the former president of the South African Council of Churches (SACC), who, at the time, realised that the SACC needed to find a new theology to take South Africa to the 'new situation', as the SACC had since its inception only focused on resistance theology. According to her, resistance theology alone was no longer sufficient, and therefore, she stated, 'We were obliged to ask how we could best share in [the] rebuilding [of] the nation. The new context demanded a new message' (Gathogo 2007:329). Chepkwony (2003:256) conveyed that if the church is to participate in the new message of reconstruction, 'churches should encourage dialogue and not coercion, cooperation and not unhealthy competition, accept responsibility and avoid blaming others. Only then, can churches contribute to national integration for development'.

In general, many church leaders and theologians received the call by Mugambi for a theology of reconstruction positively. There were, nevertheless, some critical reactions based on his emphasis on a theology of reconstruction. The focus of this contribution is not to engage in a debate about the critique on the theology of reconstruction or an attempt to defend this theology against the critical comments voiced. I do, however, want to reflect on some of the criticisms that were raised. The emphasis on rebuilding and reconstructing in Mugambi's paper could create the impression that he negated liberation theology⁵ by opting for a theology of reconstruction. It can be argued that liberation theology has the tendency to emphasise the past, while a theology of reconstruction has its eyes fixed on the future. This could foster the impression that African theology is enculturated and completely liberated from its colonial heritage. It is, however, evident that almost 30 years since Mugambi delivered his paper that the people of Africa are still not completely liberated from the colonial heritage, injustices of the past, economic deprivation, inferiority, gender-based violence, etc. It is, therefore, unthinkable that a theology that envisions rebuilding a new future can ignore liberation as a key notion. In an interview via email, with the Botswanan feminist theologian Musa Dube, Gathogo (2006:3) indicated that she was very clear in her critique, as she particularly wanted Mugambi to mention that a theology of reconstruction also entails the deconstruction of the superstructure patriarchy in order to reconstruct it. Furthermore, she was very critical of his naïve take on globalisation, as his theology of reconstruction will be founded on sand as long as he does not address these major oppressive issues. In an article entitled, 'The proposal for a theology of reconstruction: A critical appraisal', a South African theologian, Tinyiko Maluleke (1994:245–258), wrote a critical

5. See Chitando (2009:28) that there was a view that reconstruction theology voices dissatisfaction with liberation theology.

appraisal on the development and call for a theology of reconstruction, especially as proposed by the work of Charles Villa-Vicencio, *A Theology of reconstruction: Nation-building and human rights* (1992), and others. He concluded this contribution with a few critical questions. Firstly, he questioned why (Maluleke 1994):

[A] theology of reconstruction attempts to do the impossible, i.e. proposing a theology of liberation from the powerful centre. What is perhaps even more treacherous is the fact that those calling for a shift have a consistent record of either rejecting or ignoring black and African theologies of liberation [...]. (p. 252)

Secondly, he questioned, '[...] the notion of 'nation-building' as a task of theology and of churches, qualifications notwithstanding, remains a problematic one' (Maluleke 1994:254). Thirdly, he questioned the Western understanding of democracy as central to the theology of reconstruction. To him, it is '[...] a little curious that in an oppressive situation, the poor were theologically encouraged to "resist" and to "demand", and yet in an emerging democracy, the poor are asked to be "creative" and "constructive"' (Maluleke 1994:255). Fourthly, he questioned the claim that a theology of reconstruction is new in Africa (Maluleke 1994:255). Finally, he (Maluleke 1994) questioned if a theology of reconstruction:

[M]ay be yet another 'third-way theology' is very real. Its covert disdain for theologies of liberation, and its rejection of non-political theologies, while praising the potential of liberal democracy makes it suspect. (p. 256)

Although these criticisms were legitimate, the argumentation for a reconstruction theology, as Chitando (2009:127) suggested, emerged from an optimistic time in the development of Africa as it paved the way for churches to use the language of reconstruction as an attempt to seek a theology for the way forward.

It is problematic to position reconstruction theology in opposition to black theology and liberation theology as if they have opposing content and aims. De Gruchy (2005:155) proposed that black theology 'was a theology of protest against apartheid, but it was also one of liberating reconstruction'. According to my understanding, the emphasis by Mugambi to indicate a movement from a theology of liberation to a theology of reconstruction is not in any way a negation of a theology of liberation or an attempt to claim that African theology and its people are completely liberated. In this regard, Mugambi (1998) wrote:

Theology of Reconstruction is introspective, in the sense that it takes off from the foundations laid by those who struggled for liberation in the preceding generation, and builds a new consciousness that looks to the figure of hope while taking into consideration all resources at the disposal of the present undertaking. (p. 34)

He urged that different churches and their theologians need to respond to create and develop the content of a theology of reconstruction and implement

it within the African society. Nahashon Ndung'u (2003:265) supported this by stating that only African theologians are able to develop a theology of reconstruction that can shape a new future for Africans. He asserted that this theology (Ndung'u 2003):

[S]hould aim at restoring the dignity, pride and aspirations of the Africans, their self-esteem and self-confidence, and the promotion of their spiritual values. This will enhance their struggle to overcome those feelings of inferiority and alienation, which were created in their minds during the years of colonial oppression. (p. 265)

Getui (2003:228) affirmed Ndung'u argument and indicated that it is the responsibility of the church and theologians to interpret the gospel in a relevant and meaningful way in the context of Africa.

The context and period of time when Mugambi delivered this paper, as indicated earlier, should rather be understood and interpreted as a Kairos moment for the church and theologians in order to take responsibility to develop an African theology of reconstruction to assist in rebuilding Africa.⁶ This emphasis on rebuilding still needs to continuously and actively engage with black theology and liberation theology as the injustices continue to deprive the theology and people of Africa. With this in mind, Getui and Obeng (eds. 2003:2) opined that a theology of reconstruction will need to address the vast themes of 'ecology, women, children,⁷ health, the food crises, poverty, politics and the quest for African identity'.

In the Foreword of the book by Getui and Obeng (eds. 2003:2), *Theology of reconstruction: Exploratory essays*, Mugambi (2003:i) explained that it is essential and encouraging that younger African theologians are taking up the challenge to be part of the solution as they endeavour to develop a theology of reconstruction that addresses these wide variety of contextual issues. He urges them to take up the challenge to develop new insights that can stimulate Africans to reclaim their self-esteem and integrity towards establishing their role in the broader global community (Mugambi 2003:ii).

In his quest to further motivate the younger theologians to reposition themselves to rebuild Africa, he alerts them to a very significant task in the process of rebuilding Africa. Mugambi (2003:ii) stated, 'This task of social reconstruction is multi-disciplinary and multi-professional'. Samita (2003:188), one of the younger theologians, affirmed that the church has no choice but to cooperate with secular agencies and with people from other faiths when addressing the contemporary issues in society.

6. Mugambi (2006:200) asserted that the gospel can only be mediated and perceived through culture, and therefore, the gospel acquires the cultural traits of the mediating and recipient cultures.

7. See Shisanya (2003:151-171) regarding child abuse and neglect in Kenya argued from a theology of reconstruction.

■ The characteristics of a theology of reconstruction

Chitando (2009:32) pointed out that Mugambi indicated that reconstruction occurs on the personal, cultural and ecclesial level. This contribution will mainly attend to characteristics on an ecclesial level, and therefore, the question in reaction to the call for a theology of reconstruction is, what are the characteristics of such a theology within the African context? Gathogo (2007) noted that Mugambi does provide certain broad characteristics, namely, that it should be:

[R]econstructive rather than destructive; inclusive rather than exclusive; proactive rather than reactive; complementary rather than competitive; integrative rather than disintegrative; programme-driven rather than project-driven; people centred rather than institution-centred; deed-oriented rather than word-oriented; participatory rather than autocratic; regenerative rather than degenerative; future-sensitive rather than past-sensitive; co-operative rather than confrontational; consultative rather than impositional. (p. 350)

Although these characteristics are very broad, they do highlight that a theology of reconstruction is based on decisive paradigm shifts. These paradigm shifts depict a theology that is developed from below rather than from above; an inclusive theology developed amongst people where they live and function. Itumeleng Mosala (1985:109) already referred to an example of a theology from below in 1985 when he called it a 'black working-class theology'. A theology of reconstruction, driven from below, is thus fundamentally reconstructive, inclusive, proactive, complementary, integrative, programme-driven, people-centred, deed-oriented, participatory, regenerative, future-sensitive, cooperative and consultative by nature. It is inevitable that the warning of Vuyani Vellem (2013:118) should be taken seriously in terms of a theology from below when he states that we need to 'uncover the meaning of reconciliation in places where the deficit is deleted; otherwise its resurgence will be immensely toxic'.

In an attempt to determine the characteristics of a theology of reconstruction, it does raise the question of whether it is possible to develop a blueprint for a theology of reconstruction. If we adhere to the basic principle that a theology of reconstruction should be developed from below, then it is essential that each context should compose their unique process of developing their theology. Getui (2003:228) postulated that a theology of reconstruction knows how to recognise a problem and develop ways to solve it, as theology can never be abstract in that it is always vibrant in everyday life. Based on this principle as well as the characteristics of inclusivity, complementary, integrative, people-centred, deed-oriented, participatory, regenerative, cooperative and consultative, it is to my understanding arrogant and a sheer impossibility to attempt to develop a blueprint for a theology of reconstruction.

■ Can a theology of reconstruction assist us to regain our focus on reconciliation and justice?

Reconciliation and healing among the people of South Africa in the post-TRC context should be a fundamental part of a theology of reconstruction. Gathogo (2012:74) agreed that reconciliation is key as it forms part of the minor paradigm, and therefore, it is imperative to assess reconciliation as an important paradigm because it runs parallel with other paradigms in Africa. Reconciliation is a complex concept to define, as there is no universally accepted definition. This is mainly because we can describe reconciliation as something that needs to be achieved, a goal in other words, and a way to achieve that goal, in other words a process (Bloomfield, Barnes & Huyse 2003:12). Generally, we can safely indicate that reconciliation is a costly and multifaceted process that includes profound aspects, such as facing the past, memory, confession, repentance, remorse, reparation, restoration and justice. Without these aspects, reconciliation, and indeed reconstruction, cannot be possible. However, for reconciliation to succeed in a community or society, it will need to ensure that what caused the division should not return in any possible way. In this regard, Bloomfield et al. (2003:12) assisted us in a very profound way in how it is possible to avoid a return to a violent division when there is conflict. To them, relationship is key between the different parties involved. This indicate a relationship built on respect and an understanding of each other's needs, fears and aspirations, and the habits and patterns of cooperation that they then develop together. It is, therefore, noteworthy that we cannot underestimate the importance of a relational element in reconciliation as well as in developing a theology of reconstruction.

In this regard, Gathogo (2012:74) advanced that reconciliation is indeed a process that literally entails restoring the unity between God and humanity and damaged bonds between human beings and fellow human beings on an individual, family and collective level. Gathogo emphasises reparation as an essential active component of reconciliation. Bloomfield et al. (2003) affirmed that reconciliation should bring:

[A]bout the personal healing of survivors, the reparation of past injustices, the building or rebuilding of non-violent relationships between individuals and communities, and the acceptance by the former parties to a conflict of a common vision and understanding of the past. (p. 16)

Mosala (in Gathogo 2012:85) reminded us that reconciliation also includes to be reconciled with your own history, culture and with their religious institutions. This, according to Gathogo (2012:86), responds to the vast majority of the people of Africa who are in need of what he calls 'theo-social reconciliation' which include to be reconciled with God, fellow human beings and the environment.

Obeng (2003:2), answering the call to address contemporary issues, in his endeavour to work towards a theology of reconstruction, urged the church to get involved in ecological conservation. He motivated the church in terms of 'its role in the quest for the restoration of the integrity of creation on the African continent, to keep to the promise to respect creation' (Obeng 2003:2).⁸ In this regard, in her contribution towards a theology for the environment, Jude J. Ongong'a (2003:69) argued for a 'positively reinforcing relationship' between humans and creation. Writing on the food crisis in Africa, Grace Wamue (2003:215) asserted that African Christian theologians, working towards a theology of reconstruction, should actively address the food crisis. She argued that with hard work, transparency and accountability, African nations can reconstruct this continent and be self-sufficient in food production (Wamue 2003:215).

From the discussion thus far, the expectation is that the church should play a significant role in reconciliation (between people and with nature). This is affirmed by Adam K.A. Chepkwony (2003:256); in working towards a theology of reconstruction, he argued that the church is an essential role player to not only foster harmony by promoting a smooth transition towards a just and humane social order but also mediate and facilitate reconciliation in the establishment of democratic governance.

In this regard, Gathogo (2012:88) referred to Christ as the reconciler, and within this context, the example of Christ provides new avenues for journeying to reconciliation. Gathogo (2015:7) wrote an article where he surveyed the six Christological approaches in Africa but went further to introduce a seventh one that is particularly relevant for the 21st century - African reconstructive Christology. He explained that the (Gathogo 2015):

[P]resent Christologies of identity in Africa are geared towards holistic reconstruction. As a reconstructionist thus, Christ rebuilds the many walls that beg for attention; and this is seen through his ancestorhood, healing, reconciliation, elderhood and familyhood and is present as we wrestle with the vicissitudes of life (Mt 28:20). (p. 7)

In line with his argument on holistic reconstruction, Gathogo (2015:6) referred to Christ from a reconstructive view as a good African guest, and therefore, he has brought the people of Africa good gifts when he demonstrated reconciliation between God and the people and between humans alike. In this regard, Gathogo (2015:6) indicated that Christ is the reconstructor and restorer of peace and harmony to the African continent and the world.

Likewise, Vellem (2013:113) argued for a metaphor of Christ as the reconstructor - the bridge builder and the reconciler. He, however, reminds us that reparation is essential for any reconciliation process. This affirmed that

8. See Gecaga (2003:46) for what the focus on creation by the church entails in an African society.

reconciliation is not possible if reparation is not adhered to as it is an indication that justice is and should be a key aspect of a theology of reconstruction. In this regard, Gathogo (2012:77) fittingly asked if it is possible to reach genuine reconciliation in South Africa without mass reparation. He raised this question based on the critique of the Nigerian born Nobel laureate, Wole Soyinka, on the South African TRC process, especially on the theme of reparation (Gathogo 2012:79). Soyinka (cited in Gathogo 2012) asked pertinent questions in this regard:

[How] does one reconcile reparations, or recompense, with reconciliation or remission of wrongs? Dare we presume that both, in their differing ways, are committed to ensuring the righting of wrongs and the triumph of justice? How does it implicate both the present and the future? (p. 79)

A theology of reconstruction cannot but take the lead in engaging with the past, the present and the future to find avenues to ensure justice (De Gruchy 2005:215). This entails that it needs to take the lead and the responsibility to commit itself to advocate for justice for the past and the present, but more especially, for the future generations. Matthew Theuri (2003:240), working towards a theology of reconstruction, asserted that the African Church should commit itself to the justice by addressing 'the socio-political liberation of the poor and the oppressed must become the demand for justice, the care and concern for each African person'. As he engages with this responsibility, he explained that this will entail that the church should actively get involved in the process to revision the notion of manipulative capitalism and ensure that this is based on the human rights tradition in Africa (Theuri 2003:241). To him, this is not just a task but a calling, as he believes that the (Theuri 2003):

Church in Africa is called to manifest a particular concern for the poor and the oppressed who happen to be the majority of its followers, the marginalised majority whose natural rights of existence have untouchable sacred cows of society. (p. 241)

In this sense, a theology of reconstruction theology cannot but resonate with political, economic and ideological programmes with the objective to lift Africa out of its economic problems.

As the church has neglected to implement a theology of reconstruction after the TRC completed its task in order to play an active role in ensuring that the unfinished business of the TRC is dealt with, it is understandable that the next generation has challenged the previous generation's choice for a peaceful transition and a process of reconciliation. De Gruchy (2005:227) affirmed that the church failed desperately 'to be a community of reconciliation, but also of its potential to help bring about national reconciliation and restore justice in reconstructing South Africa'. The gap between the current generation and the previous generation could predominantly be ascribed to the lack of implementations of the TRC, justice, reparation and restitution. The current generation is plausibly disillusioned by the failed promises and is therefore driven by the quest to claim social, economic, gender and educational justice.

To illustrate one sector, Hazel O. Ayanga (2003:105) pleaded with the church to help liberate woman from male oppression both inside and outside the church.⁹ She urged the church to be a 'living example of a free community of women and men - a community truly set free in Christ' (Ayanga 2003:105). This reinforces the notion that reconciliation is not possible without liberation (see Boesak 1976:118). To say the least, it is a prerequisite for reconciliation (Schreiter 1999:25). Maluleke (1994:248) when he stated further affirmed this: 'The changed or changing political context is, therefore, the single most important basis for the proposal of a theology of reconstruction'. Based on the above argument, a theology of reconstruction can only bring about reconciliation and justice if it is able to continuously work towards liberation within the current generation but also within the coming generations.

■ Some concluding thoughts

Based on the argument put forward in this contribution, I am of the opinion that a theology of reconstruction is the best suited to assist us to regain our focus on reconciliation and justice within a post-TRC context. Mugambi (1998:31) pointed out that Africa is in dire need of reconstruction and that the church and its theologians should play a key role in this endeavour. Mugambi (1991:36) also cautioned the church and its theologians that the process would require considerable efforts of reconciliation and confidence building as well as reorientation and retraining. This is echoed in the sentiments of Cochrane, De Gruchy and Petersen (1991:5) when they reflected on the process of reconstructing South Africa after the end of apartheid: '[N]o matter who leads it and how substantial the political will and human and material resources available will be a profoundly difficult task' (De Gruchy 2005:233). Although Mugambi was well aware of the complexities and challenges of committing to a task to rebuild a nation after a time of devastation, he still believed that Africans have the ability to build Africa from its ruins.

To avoid the proposed theology of reconstruction from falling into the trap of becoming an optimistic and uncritical theology, it will need to confront and engage with the contemporary unjust issues within our society. I have attempted to argue that a reconstructive theology should be driven from below, and therefore, it needs to be fundamentally reconstructive, inclusive, proactive, complementary, integrative, programme-driven, people-centred, deed-oriented, participatory, regenerative, future-sensitive, cooperative and consultative. Mugambi (1998:31) challenged Christian theology and the church

9. See James' (2003:118) suggestions regarding how the church can improve the situation of woman studying theology in Kenya. Also, see Okemwa's (2003:133) challenge to the church to liberate women from injustices within the church and become active against discrimination. Also, see Maina (2003:136-150) as she addresses the lack of women (in this contribution in particular, Muslim women) being underrepresented in politics in Africa.

to start with themselves to be open to introspection and self-criticism. He stated (Mugambi 1998):

Introspection demands the re-casting of our thinking from the static to the dynamic modes of thought, allowing ourselves to be changed by the circumstances in which we work, while we endeavour to influence those circumstances in turn. (p. 31)

During the faith hearing of the TRC in 1997 as well as the follow-up consultation in 2014, the faith communities, including the churches, promulgated the most profound promises of how they will contribute to the rebuilding of South Africa. As already mentioned, very few of these promises materialised. It is, therefore, significant that the church and theology are able to be open to introspection and be self-critical. In this way, the church and theology will acknowledge that they are not only part of the problem but that they will need to take responsibility to participate in developing a theology of reconstruction to indicate that they are also part of the solution. Katongole (2017:26) concurred with Mugambi that a theology of reconstruction is needed for Africa and that this will require a change of mentality' and 'socio-economic-political strategies'. He also believed that it is here that the Christian faith and theology can play a key role in mobilising these energies and requirements and thus become a transformative force for a 'better future' in Africa. The challenge, he noted, is to find ways of how to do this practically.

This contribution postulates that a theology of reconstruction should engage with other disciplines, organisations and faiths in the endeavour to contribute to liberation and justice, not only within the current generation but also for generations to come. This is essential because politics, economics, gender and education have divided people in the past and are still dividing people in the present, and therefore, it needs a concerted effort to address these multi-layered issues in our societies. This again reiterates the fact that reconciliation is a multifaceted process. A theology of reconstruction and the church will need to create courageous spaces within the local congregations and churches to address the uncomfortable issues such as justice, reparation and restitution in order to ensure liberation.¹⁰ Within these spaces, the relationship that divides people could be redesigned (Bloomfield et al. 2003:12). Where the church is able to create these courageous spaces, it will not only deal with the unjust past and contribute to transformative justice within the present situation but will essentially ensure that we can contribute to creating a society where future generations are able to live in freedom, equality, peace, tranquillity and, therefore, be liberated. Furthermore, this contribution also maintains that a theology of reconstruction cannot assume that all people in South Africa are economically, educational, political and gender liberated. In this regard, I have argued that a theology of reconstruction

10. See Maluleke (1994:251) where he indicates, 'Issues of law-making, human rights, economic justice and freedom of conscience become vital sources of the theology of reconstruction'.

needs to include the objectives of black and liberation theologies to ensure transformative justice. Transformative justice is key to reaching this goal, as transformative justice is vastly different from retributive or restorative justice. The former seeks to include all role players in an oppression situation including the oppressor in a courage's space for dialogue. In this dialogue, the aim is to transform the oppressor and the victim with the commitment to accountability, responsibility and healing in order to seek justice for all.¹¹ Gathogo (2012:88) finally concluded that in the era of reconstruction, reconciliation remains critical as it is impossible to liberate Africa without reconciliation, and in the same vain, Africa cannot enculturate without reconstruction. Given the current post-TRC challenges in our society, such as poverty, unemployment, violence, racism, land retribution and the dire implications of COVID-19, it needs to alert the church in Africa that now is the time to act, based on a theology of reconstruction to liberate our societies.

11. See Nocella II (2011:6) where he writes an overview of the history and theory of transformative justice.

When justice has borders: Some reflections on national borders in relation to the TRC in Norway

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■ Introduction

Today, the traditional lands of Sámi peoples traverse the borders of four different nation-states – Norway, Sweden, Finland and Russia. Leading to this is a geopolitical history of surrounding states expanding their own economic and political pretensions to Sámi lands, followed by a 200 years process of setting and subsequently closing the national borders. While Sámi language groups and migratory routes are typically horizontal (e.g. from coast to inland), these national borders run vertically instead.

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The closing and regulation of national borders had direct and long-lasting consequences for nomadic reindeer herding communities. In this chapter, we will shed light on the negative impacts of national borders on Sámi traditional livelihoods, local communities and families. The history of national borders contains stories of forced relocations and shattered families that have created internal conflicts in Sámi society that remain unresolved today.

In the Nordic countries, the church has been a state church, that is, a part of the different state authorities. By this, the church has, as an institution, through the centuries been an ally with the states in their geopolitical and economic goals, as well as having its own ambitions. As the first Sámi priest was ordained in the late 16th century, the histories of Sámi society and the church as an institution have been intertwined. Considering the colonial role of the church, this has not been an equal relationship. Christianity is widely practised in Sámi communities today, and the church holds an important position in Sámi society. There are still fields of tensions as the church also carries a problematic colonial heritage.

A TRC has been established within the Norwegian state and other Nordic countries might follow. National borders have created wounds and marks. History and the present considered, we question whether establishing separate TRCs in Norway and possibly in Sweden and Finland is sufficient given that the whole Sámi area encompasses all of these states. We are providing arguments for revising and making the commission a matter of the whole Sámi area. It is not possible to heal the wounds of borders within the same borders.

This chapter first provides an overview of the history of national borders in Sápmi to explore the question about how national borders might affect the Norwegian TRC. Tracing this long history reveals the roots of contemporary internal conflicts in Sámi society which are exemplified by two ongoing court cases. Moreover, one cannot understand this part of Sámi history without considering the roles of the churches, which have been both part of the colonial power structure and a shelter and an arena for Sámi collaboration across borders. We trace and elaborate on this complex history and its impact on the church's contemporary relationship with Sámi using examples to demonstrate how the church might contribute to truth and reconciliation process(es).

Starting with some examples of challenging issues Sámis are facing today, we have followed tracks leading back in time. Drawing on recent research in Sámi history, we examine the underlying connections between historical and contemporary events and actors that relate to the politics of truth and reconciliation today. We focus on aspects of the divisions created within Sámi society and the church's role as an institutional actor in shaping Sámi history.

■ History of national borders across Sápmi

Johnsen (2013) referred to truth-telling as a first step towards reconciliation, on individual and group levels, which is what the Norwegian TRC is investigating. In this context, we consider it also to include history writing. National state borders also shape history writing and affect what stories might or might not become visible in a reconciliation process, particularly as the existing Commission is under national jurisdiction. Johnsen (2013) emphasised that the collective stories are to be challenged in reconciliation processes. If the collective transnational narratives about Sápmi are about to be challenged in the reconciliation process, is this then possible to achieve within the limits of national TRCs that have not been coordinated? How have the state borders affected Sámi stories? How have the state borders shaped Sámi colonial history and how do the same borders shape the truth and reconciliation processes in our present time? In the next section, we provide a short overview of this very complex history to demonstrate why limiting the documentation of Sámi history within the confines of individual national borders fragments truth sharing and provides only partial stories.

Sápmi, the Sámi land of widespread small local communities, has through centuries been impacted by shifting state formations. The geopolitical realities have gradually exerted increased pressure and influence on local Sámi communities. This is evident, for example, in trade and taxation regulations for Sámis and the establishment of colonial state and church administration. Through the Middle Ages, the states were concerned with expanding their geopolitical and economic interests in the north. Some parts of Sápmi became so-called common districts that were taxed by two or more states. Several meeting places were established for trade, tax collection, church services, meetings with state representatives and court hearings. This is the broad picture of the relationship between local Sámi communities and the states in the first part of the 18th century (Aarseth 1989).

The so-called national borders in Sápmi were established through warfare and subsequent peace treaties among neighbouring states. The first national border dividing Sápmi was established in 1751, between the kingdoms of Denmark and Sweden. At that time, Norway was part of Denmark and Finland was part of Sweden. The border covered the watershed area all the way from the southernmost part of Sápmi to the North Sea. In 1809, Sweden had to cede Finland, which now became a principality under Russia. The same year, the national border between Sweden and Russia/Finland was established. In 1814, Norway seceded from the Danish domain and entered a federal union with Sweden. Subsequently, the national border between Norway and Russia was finally agreed on in 1826. For nearly a 100 years, there were no further changes. In 1917, Finland became an independent state. Some parts of the eastern Sámi land were cut off by the establishment of the border between

Finland and Russia. At the end of World War II, Finland lost its northernmost territories as part of a war settlement between Finland and Russia.

Building churches or chapels in combination with meeting places for trade, tax collection and court hearings has been a standard way to claim land in the borderless North. There were, however, differences between the different states with regard to Sámi access to education and church services, including Sámi priests. In the 17th century, there were several Sámi priests on the Swedish/Finnish side of Sápmi. The first efforts to translate parts of the Bible and other religious texts were made here. A school named *Skytteanska skolan* (named after a Swedish politician, Johan Skytte, who founded the school) offered education aimed exclusively at Sámi students. Some of the teachers were Sámi, and the courses were held in Sámi language. The Norwegian/Danish authorities later made similar educational efforts. How and whether this influenced where Sámi people registered themselves as inhabitants is not yet investigated (Hansen & Olsen 2006; Rasmussen 2016).

■ Impacts of superimposed national borders on Sámi territorial lands

The traditional adaptations related to livelihood in Sápmi have required a so-called semi-nomadic or nomadic lifestyle. The axis or mainline of most migration routes has been towards the sea, northwest or west, in spring and towards the inland, southeast or east, in autumn. The coastal groups moved annually between seasonal dwelling places, close to the open sea and in the fjord bottoms, respectively. On the coast, they met with others who followed migration routes between the inland and the coast, staying on the coast during the summer and inland during the winter. In the winter, these groups met with people who lived in the inland pine forests. These different groups had overlapping livelihood activities like fishing, hunting, gathering and reindeer husbandry. They shared much knowledge and also had a common language. In addition, they had guest relationships (*verdde* in Sámi), an institutionalised form of reciprocal services, for example, providing assistance and goods that each group needed and regulating different relationships with resident groups, both Sámi and non-Sámi groups. All this made it easier for individuals and families to shift from one group and livelihood to another within the migratory area. The reciprocity of *verdde* was a way of organising society in a way that was mutually beneficial for everyone (Bjørklund 1985; Eidheim 1971; Hætta & Bær 2019; Hansen & Olsen 2014; Marklund 2004).

Yet, a comparative analysis of the inherent geographic logic of Sámi traditional migration routes that supported their livelihoods and traditional coexistence versus national borders shows that these borders virtually without exception run counter to traditional Sámi migration directions, cutting off these routes (Aarseth 1989). Consequently, the borders become problematic

over time in different parts of Sápmi. While there are numerous examples of these impacts, for the purposes of this chapter, we focus specifically on the national borders that divide the so-called Torne Lappmark, in parts of Sweden, Norway and Finland, respectively.

Initially, the obvious and serious consequences of establishing the Swedish-Danish border in 1751 for nomadic Sámis were avoided with the inclusion of the so-called Sámi codicil in the border treaty. The codicil guaranteed Sámis the right to cross the national borders. However, to do so, the establishment of national borders meant that the Sámis had to register themselves as citizens of one of the two states (Pedersen 2008). The situation became even more complicated when the northern part of the 1751 border later became a national border between Norway and the principality of Finland, then part of Russia. In the 1830s and 1840s, the governments of Norway and Russia had entered into negotiations on the border crossing with regard to non-citizen Sámis use of natural resources in their respective state territories. However, no agreement was reached, and the border between Russia/Finland and Norway was closed in 1852. The Sámi codicil, which had previously guaranteed the Sámi right to cross the borders for the purposes of livelihood, no longer applied to this part of the national borders (Aarseth 1989). The closing of the border as well as other conflicts with state authorities led to the Guovdageaidnu uprising. Framing their actions in religious terms, the group of Guovdageaidnu citizens leading the uprising proclaimed to be righteous Christians. They were inspired by the teachings of Lars Levi Laestadius, a Sámi parson in the neighbouring Gárasavvon on the Swedish side of the border. At this time, his teachings were spreading across the northern Sámi area, where Guovdageaidnu reindeer herders were among those most affected by the closing of the border. Laestadius was later accused of being responsible for instigating the uprising, a charge he denied claiming he could not be held responsible for how people interpreted his sermons and teachings¹ (see, e.g., Zordragher 1997).

For border-crossing Sámis, the closing of the national border between Norway and Finland meant that seasonal areas for reindeer herding and use of other natural resources were cut off. Sámis responded to this in three different ways. Some tried to stay on the Norwegian side of the border in the winter (Sara 2006). Others registered themselves as Swedish citizens, so they could cross the Norwegian-Swedish border and the Finnish-Swedish border. This meant that they became Swedish citizens even though they were seldom in the country (Aarseth 1989). Still others continued to cross the Norwegian-Finnish border as if nothing had changed and risked having one-tenth of their reindeer herd confiscated (Sara 2006). Reindeer herders who were Finnish citizens also kept on crossing the Norwegian-Finnish border. This lasted until

1. This is the only violent uprising we know about in Sámi history. The local sheriff and the local merchant were killed in the rebellion, and the priest was flogged. This took place in Guovdageaidnu on 8 November 1852.

1889 when the Finnish-Swedish border was also closed. As a result, the social and geographic sphere of reindeer herding *siidas* (reindeer herding units) splits up. Although some stayed in Finland where they had to establish a more stationary lifestyle, most groups stayed within the Norwegian border. Further west, those with Swedish citizenship had to stop using their easternmost summer pastures and cross the Norwegian-Swedish border west of the Finnish-Swedish border instead. The long-term consequences of shifting national borders and citizenship regulations were the emigration and relocation of families from this region of Sápmi which weakened local Sámi communities.

In 1905, the union between the Swedish and Norwegian states was abolished. Norwegian authorities sought to increase control over the border areas. They also prioritised Norwegian settlers' and agricultural interests and viewed the cessation of Sámi reindeer herding as a natural consequence of emerging development during this period. Nevertheless, negotiations regarding Sámi cross-border nomadic livelihoods led to the signing of a convention between Norway and Sweden—Sámis' access to reindeer pastures was signed in 1919 and extended in 1949 and 1972 (Villmo 1989). Under the terms of the convention of 1919, access to the summer pastureland was reduced and limits were set on the maximum number of reindeer. This region was considered to be overcrowded with reindeer and reindeer herding Sámis. The Swedish authorities took further steps to reduce numbers of reindeer and herders. They began a forced relocation of reindeer herder families to other Sámi areas in Sweden. This relocation was a traumatic trek for Sámis who were made to leave their beloved land, some members of their families and a familiar environment of the home where they grew up (Labba 2020). Sámis in areas where the newcomers arrived had not given their free, prior and informed consent to the relocation of others to their land. They now had to accommodate more herds of reindeer and more herders who had different reindeer herding and husbandry practices. Meanwhile, up north where the pastureland had been emptied of reindeer and reindeer herding Sámis, some parts of the pastures were taken over by Sámis who settled down and started practising a stationary form of reindeer herding. Moreover, the Norwegian authorities also gave permission to reindeer herding Sámis from the county of Finnmark to move from areas affected by the closing of the Norwegian-Finnish border. In other words, these are relocations of reindeer herding Sámi families in both Norway and Sweden initiated and directed by state authorities in both countries.

■ Long-term consequences of the setting and closing of borders

The closing of the Norwegian-Finnish border in 1852 primarily affected those whose lives and livelihoods transcended this part of the national borders.

However, these same geopolitical factors had similar consequences first for neighbouring Sámi communities and later for more remote communities and eventually all of Sámi society. Forced and non-consensual relocations imposed by state authorities are inconsistent with Sámi traditions. These traditions guide behaviour as people voluntarily move between or join other local communities and include newcomers. Forced relocations have led to issues of maladaptation and conflicts that remain unresolved today and are now before the courts. For example, as of 2021, there are court cases concerning disputes about the rights of the earliest inhabitants of the tract and the family groups having arrived as a consequence of the state-initiated and directed relocations. These cases include conflicting positions of, respectively, the descendants of the original and the later arriving families. The court case that has been pending in the Swedish court system is a result of a long-lasting conflict. A group of Sámis, descendants of the Sámis who were in the tract of Vapsten when displaced Sámis from the north arrived, have filed a lawsuit regarding reindeer husbandry, hunting and fishing rights in the district of Vapsten, which is now being managed by the latter group (Sameradioen & SVT Sápmi 2020). The other case, pending in the Norwegian court system, concerns whether nomadic Sárevuopmi Sámis who are now Swedish citizens, should have exclusive pasture rights in areas they have used since before the establishment of the national border. For their part, Norwegian authorities claim that they have the right and duty to regulate the use of reindeer pastures on the Norwegian side of the border. The Sárevuopmi Sámis have filed litigation against the Norwegian state in order to get their rights confirmed by the courts. The Sámis who arrived in the 1950s support the position of the Norwegian authorities, referring to concerns about their own reindeer herding and husbandry (Nrk Sápmi 2020). While the results and consequences of these court cases are still undetermined, they are representative of the complicated issues and conflicts associated with the state borders and politics that confront Sámis today.²

■ Church, national borders and state politics

National churches have a long tradition in Nordic countries, which means that the state and the church have been intertwined in a number of ways. This church order was dissolved in the year 2000 in Sweden and 2012 in Norway, and the former state churches are now independent congregations. On the Finnish side, this tie was dissolved already at the end of the 19th century, and on the Russian side, the church lost its power almost completely during the

2. The supreme court in Norway ruled 30.06.2021 in favour of the Saarivuopmi Sámis; they now have legally established their right to their traditional pasture lands on the Norwegian side of Sápmi, although they do not have exclusive reindeer herding rights.

Soviet era of Russian history. The former state churches in Sweden and Norway are still present in almost all areas of their respective countries.

The history of Christianity in Sápmi is a story about power relations, land possession and religious conflicts. Christianity has, as in many other parts of the world, been a component of the colonial powers. National jurisdictional borders have historically been unclear and at times overlapping. Building a church or a chapel was an effective way to enrol people on official registers, thus claiming both the land and its inhabitants as part of the actual kingdom. As previously mentioned, this is how land areas were claimed in the 17th and 18th centuries. The land and sea in the North is valuable because of its natural resources. In the 19th and 20th centuries, tensions between the different states and pressures on Sámis have increased as new technologies enabled countries to extract and profit from these resources (see, e.g., Mebius 2003; Sjöberg 2020). Former state churches have substantial land holdings in Sámi areas. For example, the Swedish church owns large woodlands in Sámi areas. The forest industry in Sweden has lately been heavily criticised for deforestation which has made it impossible for reindeer to graze as well as to migrate. Clear-cutting also affects other important resources, such as beard lichen that exist only in old growth forests (see e.g. Davidson 2021; Amnesty Sapmi 2021). Beard lichen is important as additional reindeer forage in late winter. Although this issue is a source of ongoing conflict, the Swedish church has not officially made any plans to cooperate with Sámi reindeer herding communities in Sápmi concerning church forest estates.

State and church authorities viewed the traditional Sámi religious system as a pagan system. They made considerable efforts to erase it, especially in the 18th century when the Sámi religious system started to disintegrate (see, e.g., Mebius 2003). Nevertheless, Sámi worldview, storytelling and relationships with the creation and all creatures continued and still exist today in Sámi society. This is present in both Christian and secular contexts (see, e.g., Sjöberg 2018). As for Christianity in Sápmi today, the eastern parts of Sápmi, especially on the Russian side, are typically orthodox, while the other areas are Protestant. North and Lule Sámi areas are heavily influenced by the Laestadian movement (see next section), which transcended national borders but never reached the southern areas of Sápmi. Church life in the southern Sámi areas is influenced by independent churches such as the Pentecostals, Methodists and Baptists, and like the Laestadian movement, it allows laymen to preach.

As societal power structures changed in the late 19th and early 20th century, Christianity and church dogmas did not influence the political landscape as much as they had previously done in Sámi areas. Moreover, academic studies such as physical anthropology and racial biology and scientific theories and research based on the ideas of European racial superiority and the inferiority of other races became highly influential. These theories now informed and legitimised the assimilation politics in

different countries. Nordic countries, especially Sweden, were leading in racial research with a specific interest in studying Sámis. These racial attitudes towards Sámis legitimated inventions such as the forced relocations.

■ Conflicting church roles

The so-called social Darwinistic³ politics and its effects on the Scandinavian society in the beginning of the 19th century have in recent years been both mapped and problematised by scholars. This research has to some extent informed us about when and how clergymen and other church representatives have been involved (see, e.g., Broberg 1995; Hagerman 2016; Lantto 2000). The state churches were following instructions from the politics of their state. On the other side, Christianity as religion claimed that all men were equal. This was familiar to the Christian Sámi political activists at the time claiming their rights to land and equality for all citizens of the state. They often used the Bible and Christianity to underline their arguments. However, the state church and its representatives did not always support the Sámi argument. These racial attitudes are sometimes still present today which became evident in a recent court case. A Sámi local community, Girjás, claimed rights to manage hunting and fishing on their traditional land. After several trials throughout the court system, they got eventually their managing rights acknowledged in the Swedish Supreme Court in January 2020. For our purposes here, we point out that in this court case, the state attorney referred to the reindeer herding Sámis as ‘Lapps’, which is an old, racist word for a Sámi person. Despite significant criticism, the state attorney refused to change his language and only did so when the case came before the Supreme Court, when the word ‘Lapp’ was replaced by the ‘nomads’ and ‘reindeer herders’ (Heikki 2019). We note that throughout these proceedings, the Swedish church, the former state church, did not officially disapprove or otherwise comment on the use of the word ‘Lapp’.

Laestadius was a Sámi clergyman who in the first part of the 19th century worked as a parson in Gárasavvon and afterwards in Bájil on the Swedish side of Sápmi. He started a revival movement that spread all over the northern Sámi area and across the national borders. It spread fast in the inland border areas where Gárasavvon and Bájil are located, and nomadic reindeer herders brought it to the Norwegian coastal villages. Laestadius held sermons in Finnish, Swedish and Sámi languages; he was fluent in all these languages. He was concerned with social injustice and the repression of the Sámi people. He was particularly worried about the consequences of alcoholism, which threatened to ruin families with respect to their land, reindeer and

3. Social Darwinism - the theory that human groups are subject to the same laws of selection as Charles Darwin perceived in plants and animals in nature.

other assets. The distribution of alcohol was often arranged by Swedish merchants, sheriffs and even priests. He was also committed to preventing the abuse of women and children, which escalated under the influence of alcohol. He idealised the poor who were, in his opinion, also pious and humble people. These concerns were probably one of the reasons why he quickly became popular in the northern and central Sámi areas and why he was accused of arousing people to participate in an uprising. From its inception, the Laestadian movement was carried out and spread by laymen, as well as Laestadius himself, and this remains the case today.⁴ Today, the Laestadian movement has many factions and is known for its resistance to female priests as well as same-sex marriages and related topics. As to whether the movement has strengthened Sámi language and society, there are several answers. On the one hand, it helped to preserve Sámi language through the heavy assimilation period of the last century, and its gatherings have brought Sámis together from widespread areas. On the other hand, members of the movement have often been dissuaded from participating in worldly discussions, and it has not identified itself as a Sámi movement (Minde 1996; Nergård 2000). The Laestadian movement has evolved to be a movement more concerned about the spiritual and not engaging in social justice concerns as Laestadius did when he founded the movement.

During the first decades of the 20th century, several Sámi organisations and associations were established. Prior to this, the first Sámi newspapers had already begun publishing, primarily on the Norwegian side of Sápmi. These organisation efforts often transcended national borders along⁵ with the horizontal axis previously described that mark different Sámi languages and sometimes livelihoods. During this period, although Sámi society was subject to formidable efforts to assimilate them, Sámi political activists, particularly in the southern parts of Sápmi, built alliances across national borders regardless of their state citizenship. Further north, the existence of multiple borders and border closures with Finland, and especially Russia, made building these collaborative alliances even more complex.

Most Sámi political activists were Christian, and as previously mentioned, they often relied on the Bible to justify their arguments. They were typically not a part of the state church but belonged to independent churches as Baptist and Methodist congregations. They emphasised that God has created all men equally and created all languages. At a time when Sámi language was not allowed to be used in schools and seldom used in official or public contexts, Christianity provided a space to claim one's own humanity. This is reflected in the Sámi newspapers from that period. Sámi political activists argued for the

4. Many of them were and are Sámi.

5. Today, the Laestadian movement has many factions and is known for its resistance to female priests as well as same-sex marriages and related topics.

right to speak Sámi and for the continuation of traditional Sámi livelihoods like the reindeer herding (see, e.g., Jernsletten 1998; Sjöberg 2014). The state church, however, did not provide any space for Christian Sámi activists as the independent churches did, and they did not disapprove to the politics of the states. Some clergymen, however, protested individually (Sjöberg 2014). The first Sámi National Meeting took place in the Methodist Church in Tråante in 1917, on the Norwegian side of Sápmi. 6th of February, which is the date the meeting was held, is still celebrated every year as the National Day for the whole Sámi area.

More recently, the churches are engaging in reconciliation processes with Sámis. Here we provide some recent examples that illustrate how these efforts relate to national borders. On the Norwegian and Swedish side of Sápmi, Sámi church councils were established in 1992 and 1996, respectively. Their mission is to elaborate and develop Sámi church life within the Norwegian and Swedish churches. In both churches, there have been church sermons on the theme of reconciliation. There have also been several reconciliation-related projects and initiatives, including academic and other texts.

A more specific example of recent church activities that transcend national borders are the Sámi church days that are arranged every fourth year. For a few days, Christians from all over Sápmi gather for church services, seminars and other activities. This is a collaboration that includes Sámi representatives from all the four nation-states (Norway, Sweden, Finland and Russia). The first Sámi church days were arranged in Jokkmokk in 2004. Since then they have been held on the Finnish side of the border in Anár in 2009, on the Norwegian side in Måhvie in 2013 and once again on the Swedish side in Árviesjávrrie in 2017.⁶ The collaboration includes churches of the different national states as well as the Council of Christian Churches in the Barents Region, which was established in 1996. The Sámi church days have gathered many participants from all over Sápmi. Such arrangements can be considered being activities by which the formal institutions strengthen Sápmi, a geographical area that transcends national borders.

■ Rewriting national histories from Sámi transnational perspectives

A common challenge when trying to strengthen competence in Sámi history is that most history books are written in the majority languages of the respective national states. This often shapes contents that exclude Sámi history and themes outside national borders, even if this is not always the

6. Next gathering was planned to be held in Anár in 2021 and then postponed to 2022 because of the COVID-19 pandemic.

intention (see, e.g., Hansen & Olsen, 2006). The national border between Sweden and Norway is by far the longest and cuts several Sámi local areas and reindeer migration routes in two. Comprehensive national programmes of assimilation have been established on both the Swedish and Norwegian sides of the border during the last century, which has affected Sámi society on both sides of the border.

Whether or to what extent the churches have contributed to the assimilation and oppression processes has varied, but at least the state churches have participated in various ways (see, e.g., Hagerman 2016). As discussed previously, Christianity and the churches lost their position as truth provider in these two countries. Academic studies and scientific research have taken over this position and gained ground. For Sámi society, this meant that politics, laws and regulations aimed at them were legitimated by sciences, claiming that their humanity could not compare with those who were Swedish or Norwegian by birth. Yet, there are important differences concerning direction and number of studies in racial research programmes which caused some differences in how the politics of assimilation were conducted in Norway and Sweden, respectively (see, e.g., Hagerman 2016; Skorgen 2002).

For example, a Sámi herder with migratory routes across the national border could not build a house without applying for permission, when on the Swedish side. To do so was considered to be against the nomadic nature of a Sámi person, and this was regulated by the authorities. Swedish political thought on Sámi issues in the early 20th century was known as '*lapp-ska-vara-lapp-politik*' [a Sámi should stay a Sámi]. This politics of exclusion meant among other things that children of nomadic reindeer herding families were enrolled in specific nomadic schools and the families were excluded from the possibility of building houses or choosing other livelihoods as this allegedly would go against their nomadic nature. Sámis practising other ways and means of livelihoods instead of reindeer herding were not recognised as Sámi. This group of Sámis was exposed to being assimilated into mainstream Swedish society. The logic behind these measures was that Swedish authorities viewed Sámi human beings as a race in danger of extinction (see, e.g., Amft 2002; Lantto 2000; Lundmark 2008). In their view, these measures were necessary to save the remaining Sámi population. However, when the same reindeer herders reached their summer pastures on the coastal land on the other side of the border in Norway, they were confronted with measures aimed at assimilating all Sámis into Norwegians. To further this goal, Sámi language was forbidden in schools and churches. Economic incentives such as better salary were provided for teachers who were extraordinarily competent at implementing this process of Norwegianisation in Sámi areas (see, e.g., Minde 2005). Much like similar policies aimed at the non-reindeer herding Sámi communities on the Swedish side of Sápmi, these efforts in Norway appear to have been much more organised. Sámis crossing the Sweden/Norway border

were subjected to oppositional policies whose conflicting purpose was to exclude, on the one hand, and assimilate, on the other hand.

The main point in this chapter revolves around borders. From a Sámi point of view, it is obvious that the same people had and still has to relate to different regimes when migrating back and forth across the national borders. Yet, most historical books and projects, and presumably also the national projects on truth and reconciliation, are framed within the national state. While truth about the national political history of the respective states might be told, Sámi stories might not have enough space to unfold in those national projects. An important part of any reconciliation process is to be able to speak one's own truth. Sámi stories risk being cut in half by the crisscrossing national borders. In our view, a change of approach is necessary to build competence in Sámi history, including research that makes Sápmi its starting point.

In Nordic countries, official churches, the former state churches, maintain a presence in almost every part of their respective countries. Churches are uniquely positioned to engage in this work because they are organised at the local level, maintaining close ties with the people. Because the churches are no longer as closely attached to the state but operate more independently, they have opportunity to operate in line with the borders of Sápmi, rather than within the confines of national borders. This border transcending work is already happening and hopefully in progress.

If churches as institutions operate along the language and cultural borders of Sápmi that are horizontal and not vertical, they might contribute to the work of strengthening shared history in the area, vitalising and revitalising traditions such as *verdde* – guest relationships. This might also contribute to build a sense of cohesion that transcends national borders.

■ Research and reconciliation

Reconciliation processes also call for research. Here we draw attention to one example of research in the field of reconciliation. On the Swedish side of Sápmi, there has been a large Swedish research project called the White Book. It contains approximately 30 academic articles, written in Swedish, examining the historical relationship between the Swedish church and the Sámi people. The editor of this anthology explains in the introduction that the book can be a part of the researchers' contribution to reconciliation between the Swedish church and the Sámi people. In saying this, however, he argues that the ability and responsibility for carrying out the reconciliation process itself remain with the Swedish church alone (Lindmark & Sundström 2016). The White Book project has generated a substantive amount of new knowledge that is valuable for the whole Sápmi.

Although the goal of the project has been to document history and contribute to the reconciliation process, there have also been some internal

tensions, relating to the national framing. This fragmentation is the result of historical colonisation in Sámi areas, including the loss of land and water. This has generated conflicts, which, in some instances, have led to court cases between different Sámi groups. The White Book project focuses on the Swedish church and occurrences only on the Swedish side of Sápmi despite the fact that Sámis for a long time have crossed the borders when following migratory routes with their herds. Thus, anything that relates to nomadic reindeer herders following traditional migration routes on the Swedish side is also relevant to the Sámi people on the Norwegian and sometimes also the Finnish side of Sápmi. These colonial processes of fragmentation also affect the *verdde*/guest relationships that potentially include everyone in the respective Sámi area confined within the migration routes, not within state borders. Sámi church history has been under-researched. By this, we mean church history that focuses on Sámi actors and respects Sápmi's own borders throughout the history. Maybe this would contribute more to the reconciliation process than simply replicating the histories of the dominant societies and Swedish/Norwegian/Finnish church representatives in their respective states (see, e.g. Rydving 2011; Sjöberg 2020).

In our view, if research projects are to be reconciliatory, they must not delimit themselves within the national borders. From a research perspective, it is reasonable to ask whether framing such research solely in the context of national borders that are the source of many problems and conflicts we still struggle with might risk simply further consolidating these borders rather than contribute to reconciliation. Such framing also risks missing the point of Sámi languages, culture borders running horizontally in the Sámi areas, in discordance with the vertical national borders. Can we by learning from good examples in recent history shape the future differently? How to get across the national systems in order to strengthen Sápmi in these processes?

■ Some concluding remarks

Throughout history, national borders have created challenges for Sámi society, which has its own societal structures and adaptations to the land. The present brief description of some examples of measures and projects concerning Sápmi, initiated and conducted within strict national frameworks, can be seen as a way to challenge the Norwegian TRC to rethink their framing. We underline that Norway is the only country within Sápmi which has established a TRC commission.

How to make space for stories that transcend borders, including those about internal Sámi conflicts that are directly related to the consequences of national borders. This requires more exhaustive and border transcending collaboration. The borders will otherwise again split communities and their stories apart.

With regard to the churches' role in the reconciliation process, we have emphasised that in both the past and the present, the church as an institution has contributed to the shattering of Sámi people and land. At the same time, it has also been a gathering force for Sámi political activism. Churches are no longer intertwined parts of the states and have all possibilities to be engaged in collaboration that crosses the state borders. Sámi church days are one example of how the church can serve as an arena where Sápmi, representing a geographical space, and Sámi people can be strengthened. Maybe history written from a Sámi starting point challenges churches all over the Sámi area to emphasise the border transcending collaboration even more. In that respect, this is also a possibility to challenge the collective history, which is an important step towards reconciliation. We can start by not separating the church from Sámi society, but rather recognise that they have been woven together for at least the last 400 years. During this time, there have been good examples of collaboration, examples that might contribute to TRC in Norway.

Finally, we encourage theological and other academic researchers working on topics related to Sámi history, to take into account that Sámi lands traverse the borders of four national states. When we frame our research using these borders to define the scope of research projects, we further consolidate colonial constructs of Sámi history and society. Reframing our research from a Sámi point of view will open up new possibilities and contribute to the reconciliation process. The research pathway we embark on is a challenge and a choice for all of us.

Prospects and challenges for reconciliation: Implementing the TRC calls to action

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■ Introduction

The TRC of Canada delivered 94 Calls to Action in 2015. Seven years later, the majority of these calls have not been implemented, for reasons this chapter considers. Reconciliation can be divided between what we can call soft forms (generally palatable to settlers) which can act to redeem the legitimacy of the state, while also preserving settler power, in contrast to hard forms which prioritise transformative change in favour of Indigenous self-determination in terms of institutions, structures, power arrangements, territorial control, culture and other aspects. For reconciliation to be meaningful, hard Indigenous rights need to be prioritised and inevitably that will mean the return of taken Indigenous lands on which is built the wealth of the settler state. The TRC's vision encompassed both soft and hard forms of reconciliation. This chapter investigates this vision and some of the challenges to its implementation, including the small demographic size of Indigenous peoples and their

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consequent lack of political leverage; white settler fragility that informs many aspects of Canadian policy-making; the conflict between Indigenous rights and settler-dominated resource extractive industries; and a growing rightward turn in politics derived from settler fears of loss of economic, political and cultural control over the country. COVID-19 adds major uncertainty to an already challenged reconciliation agenda.

The chapter begins by introducing soft and hard Indigenous rights. Central to reconciliation, I argue, is the return of Indigenous lands, which form the basis of the material wealth of the Canadian state. It is important to note from the onset of this chapter that almost 90% of Canada's territory is crown land, divided between the federal and provincial governments. Overall, Indigenous reserves (land demarcated for the use of Indigenous First Nations) comprise 0.2% of the country's landmass. Indigenous lands were taken for the establishment of the railroad and also taken and given over to European settlers as farmland and urban space. Crown land has been used to generate tremendous wealth. The Canadian government controls waters, which have been used to construct hydroelectric infrastructure such as dams, with Canada producing the third largest amount of hydroelectricity in the world. Crown control of Indigenous land is central to the Canadian economy. More than CA\$80 billion annually is derived from the mining and processing of over 60 metals and minerals, accounting for approximately 20% of Canada's exports. In 2017, the forestry sector generated almost CA\$25 billion, while the production and shipping of fossil fuels (oil, natural gas and coal) have greatly enriched Alberta and Saskatchewan. Over 80% of water usage is tied to the natural resource sectors (Pasternak, King & Yesno 2019:26).

Within the larger context of settler colonialism and the aforementioned control of land, the Indian Residential Schools (IRS) system was designed to destroy Indigenous languages, cultures, ties to the territory, political systems and intergenerational identity. The largest class-action suit in Canadian history led to the creation of the TRC and its 94 Calls to Action. I assess the status of the calls in 2022 (unfortunately, only 10 of the 94 have been completed) and take space to consider recent public opinion polling, detailing what as statistically relevant subset of settlers think about soft and hard aspects of reconciliation. I conclude with a sense of the mood of the country and the goals of the current Liberal government vis-à-vis reconciliation. Justin Trudeau, the prime minister of Canada, came to power on a promise to use 'sunny ways' to promote his politics.¹ When the Calls to Action were introduced in June 2015,

1. The term was borrowed from former Liberal Prime Minister Wilfrid Laurier, who employed Aesop's fable about the wind and the sun, who competed to see who could get a man to remove his coat. The implication was that a friendlier, kinder set of government policies could accomplish more than the harsher, dour policies and manner of Stephen Harper's Conservative Government (2006-2015). For a discussion, see <https://thenarwhal.ca/disturbing-double-meaning-trudeau-s-sunny-ways/>.

Trudeau (then opposition leader) pledged that his party would implement them, and the calls were integrated into the 2015 Liberal platform. Once elected, Trudeau pledged in 2017 that ‘No relationship is more important to Canada than the relationship with Indigenous Peoples’. In retrospect, this has proven not to be necessarily the case.

This chapter is written from the perspective of a mixed-race Indo-Trinidadian and Scottish settler from Regina, Saskatchewan. While people from ethnic minority communities can and do express solidarities with Indigenous peoples, we can also share in white settler racism, echoing stereotypes as we struggle to integrate into what passes for mainstream Canada. I am mindful of Lipsitz’s observation that everyone, including racialised peoples ‘can become active agents of white supremacy’ and that ‘One way of becoming an insider is by participating in the exclusion of other outsiders’ (Lipsitz 2018:viii). My own identity as an unsettled brownish settler in a majority white environment forms the backdrop to this analysis.

■ Understanding soft and hard Indigenous rights

Some time ago, and about 90 km from where I grew up, 13-year-old Tenelle Starr inadvertently set off a small storm of controversy after wearing a new pink sweatshirt to her school at Belcarres. Confronted with complaints from some settler students and parents about her Christmas gift, school officials told Tenelle she must either remove her sweatshirt or wear it inside out. The slogan on the front was humorous: ‘Got land? Thank an Indian’, but many settlers failed to get the joke, and Tenelle was told the message was racist, ‘cheeky’ and ‘rude’. The then grade 8 student held her own and eventually school administrators relented and allowed her to wear it (CBC News 2014). Tenelle, who is a member of the nearby Starblanket First Nation most likely could not understand what all the fuss was about. Clearly, the numbered treaties recognise that the land remains Indigenous, and yet, the British crown, now divided into the federal and provincial crowns, controls and asserts ownership over 89% of the country’s landmass.

Tenelle confronted (and hardly for the first time) white settler fragility, the desire amongst settlers to feel that their society as just and harmonious and that they have acquired their territorials and other possessions legitimately (DiAngelo 2013:56, 60–61). We can follow Lipsitz in observing forms of ‘possessive whiteness’ at work in the settler state, where white settlers invest in whiteness, which is ‘like property, but it is also a means of accumulating property and keeping it from others’. And it is hard to let go: ‘While one can possess one’s investments, one can also be possessed by them’. Whiteness means in this context an unconscious and unquestioned assumption of one’s race being normal, of being the default racial standard by which the political

community is understood (Lipsitz 2018:vii). Settler educator Carol Schick charts a rise in settler resentment, the product of a range of factors and ‘complex social discourses fueled by the loss of jobs, immigration, general insecurity, fear of crime, and nostalgia for “the good old days”’ (Schick 2014:95).

In truth, such anxiety is misplaced, given that settlers are not going to lose their power anytime soon. Canadian society is predominantly white European, and Indigenous peoples (First Nations, Métis, and Inuit) comprise 4.9% of the population. Nevertheless, the rise of Western separatism through ‘Wexit’ (the Canadian version of Brexit for Alberta, Saskatchewan, and Manitoba), signals that some white settlers are worried about losing what they have. This is the environment, coupled with the recent Trump phenomenon south of the border, in which reconciliation proceeds. The COVID 19 pandemic also brings with it further anxieties for everyone, although, for Indigenous peoples, the danger is far more acute.

In assessing the Calls to Action, I argue that progress on soft forms of reconciliation has been more obvious because such forms are more palatable to settlers. These can act to reaffirm the largesse of the Canadian state, filling economic, health, education and other gaps, and promoting myths of equality on settler terms. They conform to the sunny ways of the Liberal government – making Canadians feel good about overcoming ‘painful chapters’ in history and moving forward together. Soft reconciliation, reflecting the work of Sheryl Lightfoot (Anishinaabe, Lake Superior Band of Ojibwe), is based on Indigenous collective rights to language, culture, spiritual beliefs and practices, educational systems and other forms of identity. These are perceived as extensions of current human rights norms and practices, and while they impose obligations, these can be met largely within the existing structures of the settler state (Lightfoot 2016:29–30). With the focus on gap filling, soft reconciliation may be seen to help Indigenous peoples succeed within the settler-colonial system. Recognition of Indigenous peoples as ‘diverse’, not unlike the ‘tolerance’ for diversity in multiculturalism, should help Indigenous peoples integrate into Canadian society, but not to fundamentally change Canadian society, even at the margins. Obviously, this view is not new. Métis leader Paul Chartrand (1996) noted a:

[S]trong public perception that views Aboriginal peoples as historically disadvantaged racial minorities rather than distinct societies of an inherently political nature, societies which are relevant political communities entitled to participate in crafting a legitimate political order. (p. 303)

Soft reconciliation is an invitation to get settler-colonialism right, to correct failed aspects of the nation-building experiment. Soft Indigenous rights can easily blur into the sorts of rights racialised peoples like my mother’s side of the family expected in coming to Canada. George, a Nuučaañuł theorist (2017) noted how narratives of reconciliation can seek to ‘divest Indigeneity from Indigenous communities, consuming it as Canada’s multicultural identity, and

effectively extinguishing Indigenous nationhood'. In other words, 'Inclusion is just the Canadian word for assimilation' (George 2017). Whether there is economic and social equality is part of this metric, which implies that Indigenous peoples should become more like settlers, and follow the path of non-European settlers to become integrated into the dominant society.

By contrast, hard rights are more difficult for the settler state to enact and are existentially harder and considerably less sunny because they imply a recognition that the state is based on a legal fiction and does not own the land over which it asserts control. Hard rights, as Lightfoot explains, are exemplified by 'self-determination and land rights for Indigenous nations, with or without statehood' and are therefore less commensurable with the current structures of the settler state. Potentially, 'state territorial sovereignty' is under question (Lightfoot 2016:29–30).

In a recent intervention, Lightfoot rightly noted the very high level of diversity amongst and between Indigenous peoples, as one would expect in the world's second-largest country. This includes diverse relationships with treaty. Some have historic treaties long pre-dating Confederation, other treaties were signed in the early decades of the state, while other First Nations live on their own unceded lands, 'existing in a state of pure colonial imposition and control, but with their full Aboriginal rights still intact'. In terms of goals, some Indigenous peoples practise traditional forms of governance; others have embraced more Western-style forms. In dealing with economic issues, there are also very diverse views (Lightfoot 2018):

[S]ome Indigenous peoples wish to engage in capitalism, either natural resource and/or commercial development to improve the socio-economic conditions of their nations, while others feel that their very existence as Indigenous peoples depends upon resisting such projects in their territories. (p. 178)

As such, self-determination can mean many things depending on one's viewpoint. For decades, settlers have tended to equate self-determination with Quebec-style independence, but this is not what most Indigenous peoples have articulated as their end goal, often articulating the case for internal rather than external self-determination. This would include, as Turpel-Lafond (1996) (Muskeg Lake Cree Nation) explains:

[T]he right to determine forms of government, the right to social and cultural development, the right to share the wealth of the state, political participation in the institutions of the state; and, a very important concept, the right to approve of and participate in territorial changes to the state, and the right to be free from discrimination. (p. 286)

All of this is supported by Article 3 of the UN Declaration (2007), which demarcates the right to self-determination as the guaranteed ability for Indigenous peoples to 'freely determine their political condition and the right to freely pursue their form of economic, social, and cultural development' (Daes 1996:17).

Whatever form internal self-determination takes, it is clear that Indigenous peoples in Canada have waited far too long for it. This was promised under treaty (in parts of the country where there were actually treaties), and Indigenous rights are anchored in Section 35 of the Constitution (1982). Reconciliation does not solve the fundamental problem that Canada was built on top of Indigenous peoples and territories and was designed to deliberately exclude Indigenous nations from statebuilding. They are not nor have ever been full partners (Daes 1996:53). As such, they have had little if any input into the institutional design of the permanent systems of decision-making within the settler state, such as constitution-making, governing institutions, courts of law, bureaucracies, educational institutions and economic systems.

A good start to self-determination is the return of Indigenous lands taken during the centuries-long processes of colonialism and settler colonialism. We can define settler colonialism as 'a distinct type of colonialism that functions through the replacement of Indigenous populations with an invasive settler society that, over time, develops a distinctive identity and sovereignty' (Barker and Battell Lowman, NDG). Indigenous nations require land bases in order to ensure their well-being and livelihood. Gabriel (2017) (Kanehsatà:ke Nation – Turtle Clan) observed:

[L]and dispossession remains a key issue as it disrupts the relationship we have with Mother Earth and all our relations. The pillars of our identity – our languages, customs, health, ceremonies, and traditional forms of governance – are all inter-related and interdependent upon the health of our environment. (n.p.)

The late Arthur Manuel (Ktunaxa and Secwepemc Nations) articulated a vision of how Indigenous self-determination might look, based on control over sufficient land-bases to 'protect our languages, cultures, laws and economies'. The focus of land lack then is to 'provide Indigenous Peoples with the right to make and influence economic development choices because of our increased governance over our larger land base' (Manuel 2017).

Essentially, Canada, as it exists today, is based on the systematic and consistent exploitation of Indigenous lands, coupled with a very active and pernicious mythology that Indigenous peoples are dependent on the state, rather than the reverse. Recent studies suggest that Indigenous peoples in Canada have been particular victims of a 'resource curse' and have been marginalised economically and politically, even during periods when a resource extraction boom is taking place on their traditional lands. As one recent and indicative study illustrates, 'Many Indigenous communities in Alberta suffer disproportionately from the adverse socio-economic and ecological implications of resource development and see few socio-economic benefits'. Indeed, as Parlee puts it plainly, there is a 'paradox of plenty' for Indigenous peoples where they are subject to the serious and long-term problems of environmental destruction of their lands, while being excluded from the

shorter-term economic benefits of resource exploitation. The logic of this situation implies that (Parlee 2015):

[A]s resource development continues, the effect of the resource curse will worsen, with Indigenous communities having fewer and fewer resources and assets on which to draw to cope with its effects. (p. 434)

While the Trudeau Liberal government (2015 – present) has a somewhat better track record than its Conservative predecessor regarding Indigenous issues, they nevertheless promote a neoliberal resource extractive economy as a primary means of growing the middle class.

■ A short history of Indian Residential Schools and the TRC

The IRS system grew out of European settler population expansion and Indigenous population contraction during the 19th century, which declined to 1% relative to settlers (Truth and Reconciliation Commission of Canada 2015c:83; cf. Canadian Race Relations Foundations 2020). The changing demographic balance had a strongly negative effect on Indigenous peoples. In Section 91 (24) of the *British North America Act*, which created the dominion of Canada in 1867, the federal government gave itself the power to enact legislation for ‘Indians and lands reserved for Indians’. This allowed the government to begin a process of dissolving Indigenous governments, laws and economies and outlawing cultures and ceremonies. The settler government also arrogated the power to define who was or was not an ‘Indian’, and they could strip Indigenous peoples of their Indian ‘status’ at will (Truth and Reconciliation Commission of Canada 2015c:106–108).

The IRS system, as created from the 1880s, was a partnership between the federal government and the four mainline Christian churches. For the government, the IRS system promised to reduce government expenditure on Indigenous peoples by converting them to Western-style farming practices and by eliminating Indian status through enfranchisement. The end goal was to do away with Indigenous reserves and Indian status (Truth and Reconciliation Commission of Canada 2015c:83). Overall, approximately 150 000 Indigenous children attended a network of 139 Residential Schools. The system was but one aspect of a much larger settler-colonial project, which made use of coercive instruments, including starvation, forced removal and the concentration of peoples onto small and isolated reserves, often away from the fertile lands that the government opened up to European settlement (Daschuk 2019:183).

According to MacDonald and Gillis (2020:154), a ‘larger climate of legal suppression made it exceedingly difficult for Indigenous parents to resist’ the force wielded by the state and its agents. Indigenous peoples were forbidden

from leaving their reserves without permission. In 1927, an ‘amendment to the Indian Act’ (MacDonald & Gillis 2020:159) made it illegal for Indigenous peoples to ‘hire lawyers in pursuit of land claims’ or other matters, and until 1960, Indigenous peoples did not have the right to vote in federal elections (cf. Miller 2004:17), which ‘meant they were essentially voiceless in terms of Canadian politics’ (MacDonald & Gillis 2020:159).

The TRC (2009–2015) was established as an outcome of the largest class-action suit in Canadian history. Tens of thousands of IRS survivors, abused by agents of the state, launched legal action against Christian churches and the federal government. One key aspect of the settlement agreement concluded between survivor representatives, and church and government parties (in addition to compensation, recognition and other matters) was a TRC to document what has happened to ensure that it would never happen again. Over 7000 statements were taken, primarily from IRS survivors. Upon its conclusion, funding was provided for a national centre to house documents and encourage research on the system, its legacies and the scope for future reconciliation (Truth and Reconciliation Commission of Canada 2015b:264–267, 339–351).

The findings of the Truth and Reconciliation Commission of Canada (2015b) were stark: Canada was guilty of cultural genocide, and indeed, since the 19th century:

[T]he central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. (p. 1)²

They reported an overall death toll in the system of 3201 children from 1867 to 2000, but the number as was later revealed in 2021 was much higher (Truth and Reconciliation Commission of Canada 2015b:95–96). Horrific levels of physical and sexual abuse were rampant, and abuse was often encouraged as a way of further alienating children from their cultures and communities.

Based on their findings of cultural destruction, widespread abuse and death, the TRC made 94 Calls to Action, everything from ‘increased funding for Indigenous programming’ for the CBC to the ‘adoption into domestic law of the UN Declaration’, as well as a national monitoring body to oversee the implementation of the calls. Reconciliation would involve (Truth and Reconciliation Commission of Canada 2015c):

[C]reating a relationship of mutual respect as was promised in the Royal Proclamation of 1763 and in the assurances given at, and reflected in, the many

2. The term *Aboriginal* was in common use before 2015, and the terminology has since shifted to Indigenous in most federal government documents, a move that also reflects the use of Indigenous at the United Nations level.

Treaties signed between the Crown and Canada's Aboriginal people, most since Confederation. (p. 8)

The TRC advocated both soft and hard rights, and at one level, equality and inclusivity inform the process, with a focus on closing economic, social and health-related gaps (Truth and Reconciliation Commission of Canada 2015c:16). Reconciliation includes (TRC 2015c):

[C]onstructive action on addressing the ongoing legacies of colonialism that have had destructive impacts on Aboriginal peoples' education, cultures and languages, health, child welfare, administration of justice, and economic opportunities and prosperity. (p. 16)

The TRC framed soft rights arguments through a hard rights frame, advocating the honouring of soft rights in part as a means to support the collective ability of Indigenous peoples to self-determine their own futures.

The TRC also endorsed overt forms of hard rights, including revitalising Indigenous legal traditions, alongside 'cultural revitalization and integrating indigenous knowledge systems, oral histories, laws, protocols, and connections to the land into the reconciliation process are essential' (Truth and Reconciliation Commission of Canada 2015c:11-12, 16). The UN Declaration was presented as 'the framework for reconciliation at all levels and across all sectors of Canadian society', and Indigenous peoples were fully acknowledged as 'the original peoples of this country and as self-determining peoples', possessing 'Treaty, constitutional, and human rights that must be recognized and respected' (Truth and Reconciliation Commission of Canada 2015c:16). Treaties were central to Indigenous-settler relationships, functioning as 'a sacred obligation that commits both parties to maintain respectful relationships and sharing lands and resources equitably' (Truth and Reconciliation Commission of Canada 2015c:34-35).

Other recommendations included a new royal proclamation to confirm the rights and obligations of the treaty relationships. This would include 'an official disavowal of the Doctrine of Discovery,³ and full reconciliation of 'Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation' (Truth and Reconciliation Commission of Canada 2015c:37-38). However, the TRC did not devote much of its word count to problematising how best self-determination could be defined, nor did it engage with any potential ramifications of the process which could have a negative impact on existing Canadian sovereignty. For example, their vision of reconciliation is one 'that fully embraces Aboriginal peoples' right to self-

3. The Doctrine has its origins from 1493, after Spanish exploration of the Americas. Three papal bulls were issued by Pope Alexander VI declaring that territories claimed by and 'not hitherto discovered by others', were Spanish property, as would be any future territories not 'in the actual possession of any Christian king'. Portugal would also claim lands, and this doctrine would in principle and practice inform other European colonial claims of possession (Miller 2019:36-37).

determination within, and in partnership with, a viable Canadian sovereignty' (Truth and Reconciliation Commission of Canada 2015c:21). This is consistent with the history of Indigenous calls for internal self-determination and reflects the UN Declaration's Article 3 call for self-determination as mentioned earlier. It also reflects Article 46 that the Declaration cannot advocate for actions which would 'dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States'. In other words, Indigenous peoples have a right to self-determination, but not necessarily a right to declare their independence as states.

Of central importance in the calls was the creation of a permanent mechanism to ensure state commitment to reconciliation. Calls 53–58 called for the establishment of a National Council for Reconciliation, independent of the government. The role of the Council would be *inter alia*, to monitor, evaluate and report to the federal parliament and to the public on the government's progress towards reconciliation. The Council would collect comparative data on the number of Indigenous versus settler children in care, funding for education, levels of education and income, health and social indicators, rates of incarceration, criminal victimisation and other comparative statistics highlighting divergences between settler and Indigenous peoples (Truth and Reconciliation Commission of Canada 2015a:6).

■ Monitoring implementation of the calls

Despite some optimism in 2015 about the prospects for reconciliation, very few calls have been completed, and there still is no Council to monitor progress. In late 2017, the government created an interim board of Indigenous leaders to envisage the scope and structure of a future Council, and in June 2018, the Interim Board of Directors provided recommendations for 'an independent multigenerational institution that would monitor, evaluate and report on reconciliation to all governments and Canadian society' (Interim Board for the National Council for Reconciliation 2018:4), while also serving as 'a catalyst for innovative thought, dialogue and action' (Interim Board for the National Council 2018:4). A six-stage strategy was outlined: research; monitor and oversee; report to Parliament; advocate and educate; initiate innovative dialogue, thought and action; and recommend approaches. To be headquartered in Ottawa, the NCR was to have a national mandate, to be independent and to be able to 'advocate for institutional change in a systemic and sustainable way' (Interim Board for the National Council 2018:6). A plan for self-funding, based on the capital of CA\$1 billion, was also envisaged. A membership of between 9 and 13 people would include members (one each) nominated by the AFN, the Inuit Tapiriit Kanatami and the Métis National Council. Additionally, there would be a 'rotation of Elders and/or Wisdom Keepers at the governance level' (Interim Board for the National

Council 2018:6). In April 2019, the federal budget for 2020–2021 included CA\$126.5 million for a Council (Government of Canada 2019:134).

At the time of writing, little information is publicly available on progress towards a NCR, and indeed, there is still no permanent, consistently funded, national body monitoring reconciliation and the implementation of the calls. Yes, there is a range of organisations that make coordinate efforts at reconciliation. The Vancouver-based Reconciliation Canada was founded in 2012 by a survivor and Chief Dr Robert Joseph, a Gwawaenuk Elder who works with a team to coordinate dialogue workshops and other events.

The National Centre for Truth and Reconciliation, based at the University of Manitoba, was created during the TRC's mandate in late 2015 as a permanent repository and educational centre, to host the archives of the TRC. For several years, it did provide a monitoring service, featuring a page on its main website. However, lack of funding led to the monitoring role being set aside, from 2017, when little new data were entered into the system. This occurred after the interim National Council was announced in 2017. It has thus fallen to other organisations to monitor compliance with and implementation of the calls. The Canadian Broadcasting Corporation set up a website entitled 'Beyond 94' with detailed analysis of the status of reconciliation (CBC 2020). The federal government maintains its own website 'Delivering on Truth and Reconciliation Commission Calls to Action', which outlines its own subjective view of progress (Government of Canada 2019).

In Vancouver, a formal partner of the National Centre for Truth and Reconciliation, the Indian Residential School History and Dialogue Centre, is based at the University of British Columbia (UBC). Opened in 2018, it is designed to 'create a Survivor-centred, trauma-informed space for dialogue', while working to 'amplify conversations around the legacies of the IRS system and the ongoing impacts of colonialism in Canada' (Indian Residential School History and Dialogue Centre n.d.:n.p.). It has a mandated role to provide documents including oral teachings on IRS history and promotes public education and dialogue.

While this all may seem positive in the abstract, there is little public material available as to what is being done and what is being planned for the future. As for the fulfilment of the calls, not enough has been done. Eva Jewell (Chippewas of the Thames First Nation) and Ian Mosby developed a report through the Toronto-based Yellowhead Institute in December 2019, concluding that only nine calls had been completed. In an interview, Jewell noted, 'an average of about 2.25 calls to action being completed per year, which is dreadful progress' (Martens 2019). Five were undertaken by the federal government, while the remainder were accomplished by churches and faith groups, the Canada Council for the Arts and the Aboriginal Peoples Television Network (Jewell & Mosby 2019).

Douglas Sinclair (Peguis First Nation) created an ‘Indigenous Watchdog’ (IW) website to monitor the calls to action. This detailed and regularly updated site has been active for several years, and in December 2017, this was given official support by the AFN (Resolution no. 86/2017) in a Special Chiefs Assembly (AFN 2017:59–61). By October, 2021, the IW reported 9 complete calls, 25 stalled and 11 not started (Indigenous Watchdog 2021). In September 2020, CBC noted that the achieved calls, more or less, fell into the soft category. Most of the hard reconciliation issues remained unresolved; the accomplishment of most was not even in the planning stages. Four categories are self-explanatory: ‘Not started’, ‘In Progress – Projects proposed’, ‘In Progress – Projects underway’ and ‘Complete’. The complete ones include increased funding for CBC for reconciliation projects and content and similar support for the Aboriginal Peoples Television Network; support for Indigenous language rights; the collection and publication of data on the criminal victimisation of Indigenous peoples; telling the stories of Indigenous athletes, continuing funding for the North American Indigenous Games; creating a national inquiry into the deaths and disappearance of Indigenous women and girls, development of a strategy by the Canada Council for the Arts to foster collaborative projects between Indigenous peoples and settlers; and ensuring that Indigenous peoples are included in national sports initiatives, policies and programmes (CBC 2020).

Under the ‘proposed’ category are some potential hard rights issues, such as the federal government ‘adopt[ing] legal principles on Aboriginal title claims’, ‘commit[ting] to the recognition and implementation of Aboriginal justice systems’ and ‘develop[ing] a Royal Proclamation of Reconciliation to be issued by the Crown’ (CBC 2020). None of these issues would be easy or quick to resolve, but there is very slow movement on many of them. For discussion, Paulette Regan’s chapter covers some examples of concrete progress on the Indigenous law front.

In their 2019 platform, the Liberal Party made certain promises which dovetailed with TRC recommendations. This included implementing the UN Declaration into federal legislation, and to this end, they supported a New Democratic Party (NDP) private members bill (Bill C-262), which was ultimately stalled in the Senate in 2019 by the Conservative Party. To uphold the country’s treaty obligations, the government pledged to create a National Treaty Commissioner’s Office, ‘designed and established with Indigenous partners’, as part of the promise to ‘live up to the spirit and intent of Treaties’ (Liberal Party 2019:61). The Liberals established an Inquiry into Missing and Murdered Indigenous Women and Girls in 2016, which delivered its final report in 2019. They began cleaning up drinking water on many reserves and predicted that boiled water advisories would end in 2021³¹ communities continued to suffer from boiled water advisories as of the end of October, 2021, but the situation had clearly improved, with 119 advisories lifted since 2015

(Indigenous Services Canada 2021). They passed an Indigenous languages act with an Indigenous languages commissioner. The government also passed Bill C-15 in the House of Commons in 2020, to ensure that ‘the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples, and must prepare and implement an action plan to achieve the objectives of the Declaration’ (Department of Justice 2021). Outgoing AFN National Chief Perry Bellegarde has praised the government for doing more for Indigenous peoples than any previous government.

And yet, there are negative aspects. The government bought the Trans Canada pipeline in 2018 in an effort to secure its expansion. Accounting for 11% of nominal gross domestic product, the energy industry is a big business, and the government has promoted the exploitation of energy resources, while at the same time claiming they are committed to reversing climate change. They continue to discriminate against First Nations communities in the child welfare system, despite multiple rulings by the Canadian Human Rights Tribunal that on-reserve families are substantially short-changed versus those off-reserve. The ruling impacts an estimated 54 000 people, and the government has refused to pay up. As well, neither the Liberals nor any other mainstream political party committed to returning sufficient portions of crown lands to Indigenous nations to make these nations financially viable.

■ What are we to make of liberal policy-making?

As Martin Lukacs recalls (2020), the Trudeau administration is a textbook case of ‘extreme centrism’, trying to placate yet pleasing neither the right nor the left. Such regimes are epitomised by a ‘continued support for privatization, deregulation, corporate tax cuts, and a slow withdrawal of the welfare state’, while at the same time they ‘tinker around the edges to give their conservative economic policies a patina of emancipatory progressivism’. Lukacs (2019) described how a ‘new public consensus’ emerged under the Liberals, which took a stand against overt racism, promoted Indigenous cultural expression, while ‘adopting the language of Indigenous liberation’. However, ‘there were several great unmentionables: land, resources, power, and the sharing of any of it’. The silence of the government on these issues was designed to (Lukacs 2019):

[C]ontain and silence the transformative potential of Indigenous rights – held over vast territories, posing barriers to reckless extraction, and grounded in a vision of a different relationship to each other and the natural world. (n.p.)

While the government has made some improvements in some aspects of Indigenous life, they have done little in other issue areas. Given, as mentioned previously, that the vast majority of the land holdings in Canada are controlled by the federal state, proposals for the return of Indigenous lands normally

advocate sufficient territory to ensure the prosperity of Indigenous nations. As the late Arthur Manuel (of the Ktunaxa and Secwepemc Nations) put it, Indigenous nations would require land bases ‘large enough to protect our languages, cultures, laws and economies’. These would in time ‘ultimately be part of Canada’s economy’ and would ‘provide Indigenous Peoples with the right to make and influence economic development choices because of our increased governance over our larger land base’ (Manuel 2017). The size and scope of these lands would depend on multiple factors beyond the scope of this chapter to fully articulate.

■ Polling settler opinion: Indigenous rights and reconciliation

In assessing the implementation of the Calls to Action, and we assess the progress of reconciliation, it is important to gauge the level of settler support for change. Polling data from 2019 provide an interesting snapshot of settler opinion, demonstrating a relatively high level of support for soft rights and a lesser support level for hard rights. Public opinion surveys can provide snapshots of how settlers view the reconciliation process. Discussed here is the collection of Environics surveys from the end of 2018 to late 2019.

For the majority of settlers, soft reconciliation is the most important issue, and the standard of living gap routinely receives the most attention. On metrics which promote equality of funding, majorities of settlers support funding clean drinking water for all Indigenous communities (83%), equal funding for on-reserve education (80%), mandatory school curricula on IRSs (66%) and government funding to preserve Indigenous languages (65%) (The Environics Institute for Survey Research 2019:12-13). Central to settler views are notions of equality – all Canadians deserve the same benefits irrespective of race. However, this concern with equality can mean that the uniqueness of Indigenous rights is not acknowledged or supported as I later discuss.

As well, while settlers may recognise inequality, they do not necessarily accept any responsibility for the current power differentials in Indigenous-settler relations. Indeed, there is a coherent and consistent desire on the part of settlers to avoid blaming governments, institutions, ideologies, structures and systems for any problems encountered by Indigenous peoples. A plurality of settlers, according to Environics (The Environics Institute for Survey Research 2019):

[S]ay that the attitudes of the Canadian public, the policies of Canadian governments, and Indigenous Peoples themselves are all equal obstacles to achieving economic and social equality for Indigenous Peoples. (p. 5)

Forty-two per cent saw these as being equal. Indeed (The Environics Institute for Survey Research 2019):

[7]he proportion that says the biggest obstacle is Indigenous Peoples themselves is twice as big as the proportion that singles out the policies of Canadian governments (14%) and more than three times the proportion that points to the attitudes of the Canadian public (8%). (p. 11)

For most settlers, structural reasons are less significant than individual attitudes in explaining inequality and for racism towards Indigenous peoples. In a race relations survey in 2019, Environics noted that most settlers saw racial discrimination as a problem amongst 'prejudiced attitudes and actions of individuals rather than the systemic foundation of the country's laws and institutions' (Neuman 2019:3-4). A 2020 Ipsos survey showed some change - with 60% of respondents agreeing that systemic racism was a problem in Canada (Bricker 2020). While acknowledgement of systemic racism is increasing, Paulette Regan's settler 'myth of innocence' over how and why Indigenous knowledge, cultures, languages, laws and governance traditions have been virtually erased from mainstream history and society remains a salient problem in Canadian society (Regan 2010:106).

The 2019 Environics survey also indicated that a large proportion of settlers were also of the view that Indigenous rights were not distinctive and that an equality paradigm should inform government decision-making. Environics asked a binary question, whether settlers thought Indigenous peoples possessed unique rights as Indigenous peoples or should be considered as another racialised community in terms of public policy. The numbers were problematic (The Environics Institute for Survey Research 2019):

48 percent see Indigenous Peoples as being just like other cultural or ethnic groups in Canada's multicultural society, while 42 percent see them as having unique rights as the first inhabitants of the continent. (p. 9)

Most hard rights issues remained unexplored in the survey data. While respondents were asked about their support for Indigenous self-government, and 58% were supportive, this was only for Indigenous communities 'assum[ing] responsibility for local self-government to manage their own affairs in such areas as education and policing'. These would be basic municipal government powers, and so would subsume Indigenous governments under provincial/territorial, and federal jurisdictions (The Environics Institute for Survey Research 2019:16). When dealing with issues of 'development of natural resources', there was some support for Indigenous peoples getting a percentage of the profits. As the data are expressed, 49% were of the view that (The Environics Institute for Survey Research 2019):

[/]ndigenous Peoples should be entitled to a fair share of the royalties earned on the development of natural resources (such as oil and gas, and lumber) that are

located on the traditional territories of Indigenous Peoples, as established through treaties and land claims. (p. 17)

Not discussed was how the crown acquired title to the land in the first place. The implications of sharing are also not defined. Is there a percentage? What does this mean? The concept of a 'fair share' is extremely subjective, and we also have little sense of what 'traditional lands' means or how these are to be interpreted.

Whether resource development should be subject to Indigenous consent provoked a wider settler range of responses. The majority of Indigenous peoples at 56% felt that consent was required. Thirty-four per cent of settlers favoured holding off on development without consent, while 23% were happy for development to proceed without consent. Alberta and Saskatchewan had the highest support for developing without consent at 36% and 32%, respectively (The Environics Institute for Survey Research 2019:19–20). These surveys tacitly support the argument that a proportion of settlers are on board with soft Indigenous rights, especially policies that would eliminate gaps in health, education, housing and other matters. These gap-filling policies are framed within an understanding of Indigenous rights as akin to civil rights. The situation is less rosy when dealing with hard rights, and here there is some support for Indigenous self-determination if it is little more than the creation of new municipal governments and Indigenous peoples gaining some share of the monetary proceeds of resource extractive industrialisation. There is little support for Indigenous rights as unique from the rights of settlers.

We might also explore the role of the Calls to Action in stimulating public education about the IRS system and reconciliation. Unfortunately, the legacies here have been disappointing. A survey of over 800 people in early August 2020 revealed that 45% of respondents did not know about the IRS system, a figure which jumped to 58% for those aged 60 years and older. The younger generations knew the most, although 26% revealed that they had learned nothing in school about the system. Of those who learned, 34% said that the assessment of the schools provided by their teachers was positive, fairly close to the 41% who said the assessment was negative. A further problem was what sort of memories and knowledge people have of the schools. One would expect a high proportion of people to view the schools as negative (after all, they were vehicles of cultural genocide), and 88% of BC respondents did see the schools as negative. However, the numbers are more worrying in Ontario and Quebec where, respectively, respondents only 76 and 57% see the schools as negative (Yoshida-Butryn 2020). These numbers suggest a very long journey ahead to educate settler Canadians about the IRS system, including the reality that it had extremely harmful effects on Indigenous peoples, legacies that continue.

■ Conclusions

At some levels, the Trudeau government's 'extreme centrism' has been ambitious, promoting legislation seeking to create an Indigenous languages act, a national treaty commission, and a bill incorporating the UN Declaration into domestic federal law (Bill C-15). At the same time, the new rights to be enshrined for Indigenous peoples do little to actually reduce the coercive power of the settler state. The state still holds most of the political and economic cards, and there will be little return of stolen land. There are also no plans to repudiate the doctrine of discovery on which the territorial assertions of the state are based. The Trudeau government is concerned primarily with the politics of balance – that is, balancing settler interests with those of Indigenous peoples. This can more easily be accommodated through soft reconciliation and soft rights. The hard rights side of things is obviously more difficult.

At the same time, there are issues of settler fragility which means that settlers may not mind promoting soft rights if it helps avoid the discomfort and cognitive dissonance that can arise when confronting settler colonialism head-on. The government is therefore looking for a win-win situation where Indigenous lives improve within Canada and more or less using and thereby legitimating the existing settler-colonial political, economic, educational and legal institutions.

The long-term alienation from land and the systematic institutionalisation of state violence is a major problem. The government has shifted massive amounts of resources to keep the (primarily) settler economy functioning, and they have spent billions and will spend billions more to achieve a new normal. During the ongoing pandemic, the Liberal government has spent liberally. Billions will also be spent in interest-paying off the debt that is accumulating now. This will reduce the amount of funding that could theoretically be spent on redressing Indigenous gaps and inequities. Additionally, the high rates of spending and the overall perception of health and economic vulnerabilities have an impact on settler populations too.

To what extent will conservative and liberal-oriented voters support Indigenous rights and a 'land back' strategy? Canada finds itself in a position, not unlike the British, French and Dutch empires after World War II. They need to exploit their colonised territories to get their economy back to normal. This adds another layer of fear and uncertainty to the situation, which is now driven by crisis decision-making. At one level, it is very clear that Indigenous peoples in general and more remote First Nations communities, in particular, were especially vulnerable to the virus, because of the lack of adequate medical resources and also because of the disparate economic and social statistics on many reserve communities.

Again, soft rights appear to fall in line with the government's normative agenda and conform to how the Liberals want the Canadian state, and their government, to be seen domestically and around the world. They want to be seen as the progressive champions of Indigenous rights, but they also want to get re-elected and to make inroads amongst the swing voters who sometimes vote Conservative. They also want to be able to deliver middle-class jobs to Canadians. The Party's last three platforms have privileged the middle class, and the middle class cannot grow without exploiting natural resources on Indigenous lands. In September 2021, the Trudeau Liberals gained a second minority government, with the Liberals and Conservatives more or less replicating the same level of electoral support and the same number of seats they gained in the 2019 election. There is little to suggest that this new Liberal government will seek to rock the Canadian boat and risk alienating potential voters by promoting hard Indigenous rights. At the same time, Bill C-15 has the promise of delivering new forms of legal and political leverage for Indigenous peoples. Change may be coming beyond what the current settler state institutions and parties understands to be possible.

Truth and Reconciliation Commission of Canada: An invitation to boldness

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■ Introduction

On December 15, 2015, the three commissioners of the TRC of Canada (TRC) – Justice Murray Sinclair, Grand Chief Wilton Littlechild and Dr Marie Wilson – stood before a room of dignitaries and Residential School survivors and their families in Ottawa to present the Final Report of the TRC, including their 94 Calls to Action, in a very emotional ceremony. Justice Sinclair addressed the room and stated (Mas 2015):

We must never forget that just as all Indigenous children were taken to residential schools and were told that they and their people were inferior, savage, heathens and pagans, and that they were lucky that Europeans had discovered them and saved them from extinction through civilization and Christianity. [...] These dual and related myths of Indigenous inferiority and European superiority has caused all of us to think and talk about each other in very negative ways. Our Calls to Action address the important role that public education in the future will play to fix that. It is our intention that the Calls to Action will help *bring about a new era for all of Canada* – for Indigenous and non-Indigenous people alike. (n.p.; [*author's added emphasis*])

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This day marked the turning of a page in Canadian history. No longer could Canadians credibly claim ignorance of what had happened to Indigenous peoples in the first 150 years of this nation's history. No longer would 'discovery' legitimately form part of the Canadian creation story. No longer would doctrines of superiority and inferiority, leading to conclusions of savagery versus civilisation, be sustained.

As this chapter will demonstrate, the TRC marked this 'new era' in Canadian history with a particular invitation to boldness that ignited a pathway of profound change in Canada and with broader potential implications all over the world. By tying itself, and the concept of reconciliation, directly and intrinsically to the paradigm-shifting UNDRIP ('the Declaration' or 'the UN Declaration'), the TRC challenged all levels of Canadian government and society to throw off the legacy of colonialism and fully implement the UN Declaration. The TRC's core message was clear: the colonial system was the root cause of the residential school system, and implementation of the UN Declaration is the appropriate antidote. The antidote, however, necessitates a large-scale policy response because implementing the Declaration requires significant systemic change in governance and civil society. While not explicitly mentioned by the TRC, this invitation to boldness, in the form of a challenge to fully implement the UN Declaration, is strongly implied to extend internationally to any society seeking reconciliation with Indigenous peoples through truth and reconciliation processes. The Canadian TRC demonstrated that a truth and reconciliation process could and should mean something far beyond the 'feel-good' measures and 'cheap' reconciliation some observers expected. Instead, the TRC of Canada showed how a truth commission could ignite a deeper and more meaningful reconciliation process that is firmly grounded in the advancement of Indigenous human rights.

Before the release of the TRC Final Report, the UNDRIP was present in Canadian political and societal discourse. Still, it was at real risk of becoming an obscure international instrument without legs or larger significance in Canada. The Conservative Stephen Harper government was in power in 2007 when the UN Declaration was voted on in the General Assembly, and Canada was one of only four countries in the world who voted against it. While Canada officially changed its position on the Declaration to 'support' in 2010, the Harper government continued to ignore and dismiss it. The TRC's Final Report in 2015 radically and fundamentally changed that trajectory and breathed new life into the Declaration. How did the TRC, a commission of inquiry without material power, accomplish such a massive normative and political transformation? Through a historical and documentary analysis of key statements and documents, this chapter will outline how and why the TRC came to link itself to the UN Declaration and will argue that the TRC's call for full implementation the UN Declaration transformed the meaning of reconciliation in Canada and invited bold responses in practice, grounded in profound systemic change, not only in Canada but also all around the world.

■ The United Nations Declaration on the Rights of Indigenous Peoples

The UNDRIP is a document that comprehensively recognises and affirms the full range of individual and collective rights of Indigenous peoples. It formulates those rights into the minimum required standard for ensuring the survival, dignity and well-being of Indigenous peoples. Several scholars recognised the Declaration's passage by the UN General Assembly in September 2007 as a landmark event. Pawnee legal scholar Walter Echo-Hawk described the UNDRIP as a document that has the potential to plant 'seeds of change' in settler-colonial societies and legal systems. Speaking of the extent of the change that the Declaration could potentially produce, he wrote (Echo-Hawk 2013):

This harbinger of change asks every nation to restore the human rights of Native peoples that fell by the wayside during the colonial era. If that call is answered, the *Declaration* will someday be seen as the Magna Carta for the world's indigenous peoples. If implemented, those measures will change the world and fundamentally alter the way that humanity views some 350 million indigenous peoples who reside in over 70 nations. (p. 18)

Likewise, in my work, *Global Indigenous Politics: A Subtle Revolution*, I describe the potential of the Declaration as a 'transformative shift' away from the existing international order to a 'new imagining of global order' which could have space for alternative political orders and relations outside of existing state-centric formulations (Lightfoot 2016:16-17). When viewed through the lenses of both international relations theory and Indigenous political theory, it is apparent that full implementation of the Declaration would bring about 'a number of radical changes to the structure of the state, the UN's decolonisation project, liberal human rights, diplomacy, and the nature of sovereignty itself'(Lightfoot 2016:17).¹

It must be noted that both of the above scholars – Echo-Hawk and Lightfoot – emphasise the *potential* of the Declaration, meaning that the possibility of transformative change lies in the future. Both see that existing bodies of international law, as well as domestic law and policy, currently fall significantly short, in many respects, in their ability to recognise and uphold the rights articulated in the Declaration. Both scholars see the full potential of the Declaration, and its implementation, to be a project that imagines alternative futures. Underlying these assessments was the reality of a difficult period that stretched from the passage of the Declaration by the UN General Assembly in 2007 to the release of the TRC's Final Report in 2015.

1. My academic work is qualitative also partially based upon significant time spent as a participant observer in Indigenous spaces in the United Nations. Since 2007, I have been a regular participant observer at the UN Permanent Forum on Indigenous Issues, the Indigenous Caucus and the UN Expert Mechanism on the Rights of Indigenous Peoples.

These 8 years can appropriately be referred to as an ‘aspirational’ period for the UN Declaration.

On September 13, 2007, following the vote on the floor of the General Assembly that saw 143 countries vote for the UN Declaration, Indigenous advocates² who were present that day, many of whom had worked for decades to draft and negotiate the Declaration through several rounds of working groups, were elated with its passage, especially because many had come to believe that the Declaration might never pass through the General Assembly. Victoria Tauli-Corpuz, who was serving as Chairperson of the Permanent Forum on Indigenous Issues at that time, stated in a press release that September 13, 2007, would be remembered as one when ‘the United Nations [...] together with Indigenous Peoples, reconciled with past painful histories and decided to march into the future on the path of human rights’ (Tauli-Corpuz 2007). Les Malezer, who was chair of the Global Indigenous Caucus at that time, noted: ‘The adoption of the Declaration [...] marks a momentous and historic occasion for both Indigenous Peoples and the United Nations’ (Anonymous 2007).

Meanwhile, it must be noted that four states voted against the Declaration that day in the General Assembly Hall of the United Nations: the United States, Australia, New Zealand and Canada. Within minutes of the vote, all four states issued public statements to explain their negative stance. All four states expressed similar misgivings, including complaints about particular language and phrasing that had been used, especially references to self-determination, land and resources. Still, they also complained about a lack of transparency in the drafting and deliberation processes. All expressed concerns that the Declaration’s final text had components that were incompatible with their domestic legal frameworks. All four explanatory statements included some form of a claim that the Declaration was ‘aspirational’ and ‘non-binding’ and thus would have no immediate impact on them as individual states.

In the first few years following 2007, these four states came under significant pressure to adjust their positions on the Declaration. Even though Prime Minister Kevin Rudd of Australia offered a formal apology in Parliament to the victims of the Stolen Generations in February 2008, and Prime Minister Stephen Harper followed suit with a high-level, formal apology to the survivors of the IRS system a few months later, in June 2008, neither country changed course on the Declaration. Meanwhile, on the global level, the UN Committee on the Elimination of Racial Discrimination (2008), the Human Rights Council’s Universal Periodic Review (2009) and the UN Special Rapporteur on the Rights of Indigenous Peoples (Anaya 2010) all called repeatedly for these states to change their positions and support the Declaration. Each spring,

2. Indigenous advocates are Indigenous or nonindigenous individuals who represent Indigenous peoples and/or Indigenous nongovernmental organisations at the United Nations. See United Nations: Department of Economic and Social Affairs Indigenous Peoples 2007.

these four states were subjected to a barrage of public criticism by Indigenous advocates at the UN Permanent Forum on Indigenous Issues. In 2009 and 2010, each one of these countries, in turn, relented and shifted its position on the Declaration from official opposition to 'support' and yet, in each event, the statements of 'support' still made explicit, and repeated, reference to the 'non-binding' and 'aspirational' nature of the Declaration. In Canada's case, the statement of 'support' that was issued in November 2010 specifically referred to the Declaration as 'aspirational' and noted, 'the Declaration is a non-legally binding document that does not reflect customary international law nor change Canadian law'(Government of Canada 2010).

Meanwhile, views amongst Indigenous scholars on the Declaration and its usefulness during this period often veered towards the critical end of the spectrum. Cree scholar and activist Sharon Venne expressed scepticism about the final text of the Declaration which differed substantially from the Indigenous Draft Principles that were drawn up by Indigenous peoples during early meetings in Geneva (Venne 2011). Similarly, Lakota scholar-activist Charmaine White Face also objected to the final version of the Declaration, notably the addition of Article 46 which provided protections to states against threats to their sovereignty and territorial integrity (White Face & Wobaga 2013).

In the years that followed 2007, minimal efforts were made towards implementation of the Declaration in any of the four objecting states and frustration built amongst Indigenous peoples in Canada, while the Harper government in Canada insisted that the existing Constitution and policies were sufficient to protect and advance Indigenous rights in Canada. No further change to implement the Declaration in Canada was necessary, he claimed, or even desirable. He often referred to the 2008 apology to show how dedicated he was to the principle of reconciliation. The Idle No More Indigenous movement that sprung up in the winter of 2012–2013 showed this to be a miscalculation.

The Idle No More Indigenous movement began in Saskatchewan, in response to a particular set of proposed omnibus bills in Canada. Idle No More objected to these bills because if passed, they would have significantly rolled back environmental protection laws and diminished Indigenous peoples' rights. Still, the movement quickly morphed into an Indigenous movement of round dance flash mobs on a global scale. Notably, this was the first global Indigenous movement that had at its disposal, the UNDRIP, as a global consensus human rights document specifically for Indigenous contexts. Further, Canada had pledged to support it, at least in principle, only a couple of years earlier. Idle No More had a list of six demands and invoked the Declaration explicitly in the third demand (Gilio-Whataker 2015):

[/]n accordance with the United Nations Declaration on the Rights of Indigenous Peoples' principle of free, prior and informed consent, respect the right of Indigenous peoples to say no to development on their territory. (p. 873)

Further, Indigenous voices regularly pointed out that the omnibus bills violated treaty rights and were a violation of several articles in the Declaration, especially 18: the right to participate in decision-making in matters that impact them, 19: a requirement for consultation and cooperation through Indigenous peoples own representative institutions and 20: the right to maintain and develop Indigenous peoples' own political, economic and social systems. Nevertheless, the Harper government continued to cast aside the Declaration as having any sort of standing – legal, political or moral – in Canada. However, 2015 brought a seismic shift from which Harper and his government would not recover, in the form of the TRC and its 94 Calls to Action.

■ Truth and reconciliation commission of Canada

The TRC of Canada emerged out of the IRSSA of 2006 which settled a series of 'class-action legal claims brought forward by residential school survivors' (Lightfoot 2017:3). The TRC 'conducted an extensive study of the century-long, church-run and government-funded Indian Residential Schools program' in Canada to 'reveal the truth about the program and its long-term impacts on indigenous peoples' (Lightfoot 2017:3).

Some Indigenous scholars launched heavy critiques at the TRC during its operation. Mohawk scholar Taiaiake Alfred referred to the TRC as 'weak-kneed and too easily accepting of half-hearted measures of a notion of justice' (Alfred 2009:165). Cherokee scholar Jeff Corntassel, together with Cindy Holder, argued that truth commissions are forms of 'cheap reconciliation' that do not recognise Indigenous peoples' right to self-determination and 'construct indigenous identities in terms of individual, state citizens, or as part of a larger fabric of "pluricultural" society rather than indigenous nations within the state' (Corntassel & Holder 2008:89–90). The harshest line of critique came from Dene theorist Glen Coulthard who argued, in his 2014 book, *Red Skin, White Masks*, that the model of reconciliation invoked by the TRC follows a pattern consistent with Charles Taylor's 'politics of recognition'. Drawing on Frantz Fanon, Coulthard rejects the 'politics of recognition' because 'the terms of recognition [are] usually determined by and in the interests of the master (the colonizer)' (Coulthard 2014:148). He sees that the TRC's model of reconciliation meant that the voices of Indigenous survivors of residential schools were heard as 'reactive, backward and a passive orientation' and locates the real traumas of settler colonialism as in the past rather than as a current and ongoing condition (Coulthard 2014:111). In earlier work, I also characterised the TRC as part of a larger Canadian settler-colonial project intended to individualise settlement of injustices committed against Indigenous peoples, to bring them into the multicultural fabric of the nation and to close the door on a problematic history without adjustments or adequate compensation (Lightfoot 2009).

All of these critiques were pre-mature as the TRC had an entirely different pathway in mind, to be fully revealed in 2015 with the release of its Final Report and Calls to Action.

■ The bold move: A fundamental discursive shift³

On June 2, 2015, at a press conference in Ottawa, the three TRC commissioners, Justice Murray Sinclair, Grand Chief Wilton Littlechild and Dr Marie Wilson, announced the release of the TRC summary report, *Honouring the Truth, Reconciling for the Future*. At the press conference, Justice Sinclair said (Quinn 2015):

[7]his residential school experience is one of the darkest, most troubling chapters in our collective history. [...] In the period from Confederation until the decision to close residential schools was taken in this country in 1969, Canada participated in a period of cultural genocide. (n.p.)

The summary report notes that healing the harm done to the relationship between Canada and Indigenous peoples, lasting over a century and a half, will be hard. But, reconciliation, it states, 'is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country' (Truth and Reconciliation Commission of Canada 2015:6). While finding out the truth of residential schools was important, it was only the initial step in what is to be a very long and transformative process. The process of reconciliation will need to involve actions – actions that will fundamentally change all levels of government and all facets of society.

Citing the 1996 *Report of the Royal Commission on Aboriginal Peoples* as a lost opportunity for fundamental change, the TRC saw itself as a second chance to fundamentally redesign the relationship between Canada and Indigenous peoples (cf. Lightfoot 2018). The TRC, therefore, included 94 sweeping 'Calls to Action' as part of its report. These 94 calls, which were intended to form the blueprint for reconciliation into the future, expect all layers of government – federal, provincial, territorial and municipal – to make fundamental changes in policies and programmes to repair the significant harm done by residential schools.

In its 2012 *Interim Report*, the TRC first suggested that the UNDRIP could play an essential role in any reconciliation project in Canada and suggested that this avenue be further explored. In the 2015 *Summary Report*, the TRC (2015:21) stated unequivocally that it 'remain(s) convinced that the *United Nations Declaration* provides the necessary principles, norms, and standards

3. Material in this section and the next are drawn from my own previous work: Lightfoot 2018 and Lightfoot 2020.

for reconciliation to flourish in twenty-first-century Canada'. The report goes on to note that (cf. Lightfoot 2020):

An appropriate reconciliation framework would be one where the various legal and political systems of Canada, its educational institutions, religious institutions, corporations and civil society, all operate in ways consistent with the principles of the UN Declaration, which provides a guiding framework for the sweeping changes necessary for Canada to work toward respectful relationships between Indigenous and non-Indigenous peoples. (p. 225)

As stated near the end of the report (Lightfoot 2020):

Reconciliation calls for federal, provincial, and territorial government action.

Reconciliation calls for national action.

The way we govern ourselves must change.

Laws must change.

Policies and programs must change.

The way we educate our children must change.

The way we do business must change.

Thinking must change.

The way we talk to, and about, each other must change.

All Canadians must make a firm and lasting commitment to reconciliation to ensure that Canada is a country where our children and grandchildren can thrive. (pp. 316–317)

The TRC's 2015 *Summary Report* ends with the 94 Calls to Action (319–337), which are 94 specific actions that the TRC views as essential to move towards renewed relationships and eventually, reconciliation. The 94 Calls to Action are divided into two categories: the first set, numbers 1 through 42, address 'Legacy' effects of IRSs. These include calling for (Lightfoot 2018):

[C]hanges in child welfare, education, language and culture, health and justice, to deal with significant gaps between Indigenous and non-Indigenous peoples and other various issues that all stem, in one form or another, from policy practices, including the Indian Residential Schools program. (p. 172)

The second set, numbers 43–94, chart a specific pathway towards 'Reconciliation'. This section begins with, 'We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the UNDRIP as *the framework for reconciliation*' (emphasis added) (p. 325). This call underpinned all of the others as the only acceptable framework for reconciliation, and at all levels of government and across all sectors of society. The very next Call to Action, number 44, called for a national action plan and other concrete measures designed to implement the *UN Declaration*. In total, 12 individual Calls to Action referenced the UN Declaration.

Essentially, the TRC insisted that Canada's pathway to reconciliation must be grounded in the goals and principles of the UNDRIP. This was the national

game-changer. Implementation of the UN Declaration became the only acceptable meaning for ‘reconciliation’ in Canada, with profound ongoing implications within Canada. More importantly, the TRC created a fundamental linkage between the 94 Calls to Action and the UN Declaration. From this moment on, there was inseparability between the two – the TRC and the UN Declaration. If one supported the TRC, one must also support the UN Declaration and if one opposed the UN Declaration, or its full implementation, that translated into opposition to the TRC, a morally tenuous position.

The inseparability has had tremendous implications for reconciliation discourse in Canada. By taking this significant step and firmly aligning, and defining, reconciliation as meaning the adoption and full implementation of the UNDRIP exclusively, the TRC invited boldness in Canada, and it opened up a multitude of new conversations and initiatives across Canadian government and civil society.

■ A new landscape: Transformative change

The TRC and its inseparable tie to the UN Declaration began, almost immediately, to shift the political landscape in Canada, starting with the federal election that was called within weeks of the release of the TRC’s 94 Calls to Action. At the AFN 36th Annual General Assembly in Montreal during the summer of 2015, Liberal Party Leader Justin Trudeau signalled a crucial rhetorical shift towards not only the importance of the TRC and UN Declaration for Canada but also their inseparability. He said that the TRC and the 94 Calls to Action serve as (Trudeau 2015b):

[A]n especially important conversation as we prepare to commemorate the 150th anniversary of Confederation. We need to recognize that ours was a nation forged without the meaningful participation of Aboriginal Peoples. [...] This commemoration stands as a reminder that much work remains. One hundred and fifty years on, we’ve yet to complete the unfinished business of Confederation. (n.p.)

Trudeau (2015b) continued, stating that there is an:

[U]rgent need for a renewed relationship between the federal government and Indigenous Peoples in Canada – one built on trust, recognition and respect for rights, and a commitment that the status quo must end. (n.p.)

Railing against a paternalistic approach to Indigenous peoples and charging the Harper government with a series of failed Aboriginal policies, Trudeau promised an honourable and renewed nation-to-nation relationship, based on ‘recognition, rights, respect, cooperation and partnership [...] [and] rooted in the principles of the United Nations Declaration on the Rights of Indigenous Peoples’. Later in the address, Trudeau specifically mentioned that the Liberal Party’s response to the TRC’s 94 recommendations would start with the implementation of the UNDRIP. The full Liberal Party platform, released shortly after that, used the same language (Liberal Party n.d.).

Following the election of the Liberal Party in October 2015, another visible shift occurred in the mandate letters issued to the new ministers. The mandate letter from the newly elected Prime Minister to Carolyn Bennett as Minister of Aboriginal Affairs, which was made public in November 2015, directed that the relationship between Aboriginal peoples and Canada must be renewed on a 'nation-to-nation' basis because 'no relationship is more important to me and to Canada than the one with Indigenous peoples'. In particular, the Prime Minister wrote (Trudeau 2015a):

I expect you to work with your colleagues and through established legislative, regulatory, and Cabinet processes to deliver on your top priorities: To support the work of reconciliation, and continue the necessary process of truth telling and healing, work with provinces and territories, and with First Nations, the Métis Nation, and Inuit, to implement recommendations of the Truth and Reconciliation Commission, starting with the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*. (n.p.)

Six months later, representatives of the new Trudeau Liberal government appeared at the United Nations Permanent Forum on Indigenous Issues in New York. Aboriginal Affairs Minister Carolyn Bennett addressed UN Permanent Forum and announced that Canada would hereafter be a 'full supporter of the Declaration, without qualification' (Bennett 2016). Following loud applause and a standing ovation, she continued (Bennett 2016):

[W]e intend nothing less than to adopt and implement the Declaration [...] [*and by doing so,*] we are breathing life into Section 35 [*of the Constitution*] and recognizing it as a full box of rights for Indigenous peoples.⁴ (n.p.)

While the Trudeau Liberal government has certainly not kept all of its promises on the TRC and the UN Declaration and has experienced nearly as many lows as highs in its actual policy record, what cannot be disputed is how much the TRC's invitation to boldness shifted political discourse in Canada, and almost immediately. In the years since the TRC's Calls to Action were announced, it has become nearly impossible to ignore the TRC's Calls to Action and the UN Declaration in public policy and political discussions. Indigenous peoples are also increasingly relying on it in litigation and advocacy.

The increased use of the UN Declaration in Indigenous peoples' litigation since 2015 is notable and significant. During the UN Declaration's 'aspirational period' between 2007 and 2014, only 19 court cases at any level of the Canadian court system cited the UN Declaration while, by contrast, between 2015 and 2020, a total of 79 cases have done so, an increase of four times,

4. Section 35 of the Constitution recognises and affirms aboriginal and treaty rights, but it did not define them. The precise meaning of Section 35 was left to the courts. Federal government lawyers typically argue that Section 35 was an 'empty box', indicating that its meaning would evolve over time with ministerial action and legislation. In contrast, the 'full box' theory of Section 35 would include all economic, social, political, cultural, spiritual and environmental rights as existed before the imposition of British sovereignty and as articulated in the UN Declaration.

with the majority of those occurring in 2019 and 2020. The UN Declaration is also increasingly cited in more specific ways in court rulings, indicating that the Declaration is playing a more extensive, and increasing, role in Indigenous peoples' legal advocacy over time.

Indigenous political advocacy in Canada has also shifted dramatically and now relies significantly on the UN Declaration. The Declaration and the TRC Calls to Action currently serve as the minimum standard expectation by Indigenous peoples for how Indigenous-state relationships should proceed, on a 'nation-to-nation' basis. For example, in a decade-long land defence movement in Wet'suwet'en territory of north-western British Columbia, the fundamental issue has been the rights and title of the Wet'suwet'en people as represented by their hereditary leadership and their ability to give or withhold consent on a pipeline development project. While this is an essential issue in Canadian law, particularly in the shadow of the 1997 *Delgamuukw* decision by the Supreme Court of Canada, a landmark decision that recognises that Aboriginal title in the area was never extinguished, in the past several years, the issue has also been increasingly framed as a human rights violation, referring to rights articulated in the UN Declaration. When Wet'suwet'en hereditary chief Na'Moks addressed the UN Permanent Forum on Indigenous Issues in New York in April 2019, he referred explicitly to Indigenous human rights, as articulated in the Declaration, and he charged Canada with violating Indigenous human rights during its January 2019 raid on Wet'suwet'en land defenders and their barricades. In particular, he highlighted Article 10 that prohibits the forcible removal of Indigenous peoples from their lands without their consent (Hosgood 2019).

Similarly, Kukpi7 Judy Wilson, Secretary-Treasurer for the Union of British Columbia Indian Chiefs (UBCIC), tied the UN Declaration and the TRC together with rights and title issues in British Columbia during her 2018 statement to the UN Permanent Forum on Indigenous Issues, where she was highly critical of the lack of action on the part of the Trudeau government since its election in 2015. She said (Wilson 2018):

It is a guiding principle of the UBCIC that our Indigenous Title and Rights are inherent – a gift and responsibility given by the Creator to our Peoples, together with the laws to carry out these responsibilities.

The UBCIC's trust in the Federal Government of Canada has been sorely shaken. Despite election commitment and recent promises to implement the United Nations Declaration on the Rights of Indigenous Peoples, to enact the Calls to Action of the Truth and Reconciliation Commission and the commitment to establish a true nation-to-nation relationship with Indigenous Peoples, when push comes to shove, the Canadian government is failing to live up to its promises. (n.p.)

A huge disappointment to Indigenous movements across Canada was the failure of Private Member's Bill C-262 – put forth by NDP MP Romeo Saganash (Cree) – to become law during the 2018 session of Parliament. This bill intended

to create a legislative framework for federal implementation of the UN Declaration. Key provisions included a review of federal laws and direct collaboration with First Nations, Métis and Inuit people in establishing policy priorities. The House of Commons adopted the law, which was further supported by a unanimous motion in the House. In the end, however, Bill C-262 died on the order paper of the Senate in June 2018 as the result of an extended Conservative filibuster. In early December 2020, the Liberal government introduced Bill C-15, the *United Nations Declaration on the Rights of Indigenous Peoples Act*, as a government bill, which received Royal Assent in June 2021 (Canada 2020). This legislation builds upon and strengthens the earlier Bill C-262 and adds a significant preamble that expressly repudiates all doctrines and practices of discovery, colonialism and white supremacy.

In British Columbia, Indigenous advocacy also brought positive results on implementation legislation. In November 2019, British Columbia became the first jurisdiction in Canada, and indeed anywhere in the Commonwealth, to adopt legislation to implement the Declaration when Bill-41 passed unanimously to become law in the *Declaration on the Rights of Indigenous Peoples Act*. The broad support for the provincial implementation act is largely the result of hard work by Indigenous leadership in BC, laying the groundwork for a collaborative and pragmatic approach. The BC legislation does not attempt to simply adopt the Declaration into provincial law. Instead, it sets up a process – backed by a legislative commitment – for the province to work with Indigenous peoples to develop an implementation plan. That plan will then set priorities and timetables for various implementation initiatives. This includes reviewing provincial law, policies and regulations and identifying the changes needed to align with the requirements of the Declaration. In other words, this law is really the first step rather than the conclusion of provincial implementation. Critically, however, it establishes a clear governmental commitment and sets up a process to work in a collaborative, coordinated and comprehensive way with Indigenous peoples in the province.

■ Conclusion

As has been argued here, by creating a fundamental inseparability between the Calls to Action and the UN Declaration, the TRC ushered in a changed political landscape in Canada. By grounding the reconciliation project squarely and exclusively in the adoption and full implementation of the UN Declaration, the TRC invited all levels of government and civil society to be bold and find creative and innovative ways to implement the UN Declaration at all levels in Canada.

Many municipalities across Canada have accepted this invitation and adopted their own TRC action plans to implement the Calls to Action, including Call 43, which grounds reconciliation in the adoption and implementation of

the UN Declaration. From Victoria in the far West to Toronto in the East, several municipalities have adopted the Calls to Action and now track and report their implementation activities. In addition, many non-governmental organisations across Canada have also taken up the invitation to boldness as has the University of British Columbia which, in September 2020, became the first university in Canada to make a firm commitment to implement the UN Declaration as a core part of its TRC action plan.

In recent years, the TRC's influence has further extended overseas. In New Zealand, the tie between truth commissions and the implementation of the UN Declaration has also been strengthened. A Royal Commission of Inquiry into Abuse of Children in Care was launched in February 2018 and only shortly after that, in 2019, a Declaration Working Group was established to provide advice on a plan and engagement process on implementing the UN Declaration, which would make New Zealand the first country in the world to develop a national action plan on implementation of the UN Declaration.

Clearly, in the years since 2015, the UNDRIP has enjoyed increasing salience in governance and civil society in Canada, and also overseas, than it had during its earlier, aspirational period. By linking the TRC's final report and Calls to Action to the full implementation of the UN Declaration, the TRC significantly expanded the collective vision of what is possible, and many sectors of Canadian government and society have embraced the opportunity for transformative thinking. What was, only 10 years ago, widely considered a fanciful international document has now come to hold significant meaning in Canada, and beyond. The TRC taught us that, as the framework for reconciliation in Canada, the UN Declaration would serve as the pathway of change for what has been generations of conflict and injustice and point us towards a 'new era' in Canadian, and global, history.

Part Three

Re-storying national histories: Counter-narratives of social memory and justice

Narrative and truth and reconciliation

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■ Introduction

To the international community, the transition of the South African nation from a racially segregated society to a democratic dispensation has been nothing short of a miracle. The threat and expectation of a bloodbath and civil war in the late 1980s and early 1990s were only diverted by extraordinary efforts from leaders of the liberation movement and the apartheid government and the generosity of the oppressed people of South Africa. The South African TRC played an important role in facilitating the process of transition. The miracle that is referred to by many international efforts to deal with societies under transition is the strength of the TRC. Andrews (2007) captured the miracle by implying that:

[I]t is perhaps not surprising that South Africa has ignited international passions in a way that few nations in recent history have managed. Its history of the twentieth century is a quintessential tale for our time, with images – ranging from the

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shootings in Soweto to Mandela's release from prison – which are indelibly marked on the conscience of the world. South Africa has become the repository for the political imagination; the stage of the allegorical morality plays between good and evil. (p. 148)

This miracle needs to be seen in conjunction with the lived experience of the oppressed people of South Africa following the completion of the formal process of the TRC. According to Grobbelaar, South Africa is a country whose extraordinary transition has contributed to social improvements, such as access to clean water. Levels of sanitation improved by 8%, literacy amongst adults improved by 13%, the mortality rate of children under five per 1000 improved by 25% and secondary schooling enrolment improved by a staggering 28%. On the economic front, the ratio of executive and senior black managers has increased from 8% in 1996 to 34% in 2011, and the ratio of middle and junior managers has increased from 10% to 38% and 32% to 52%, respectively, for the same period (Grobbelaar 2014:143-144). Despite these significant strides towards a democratic and equal society, the South African society is plagued with the greatest inequality between rich and poor in the world; corruption is at its peak, and racial division remains a social reality. This is an attempt to give a critical assessment of the role of individual stories in the TRC of South Africa.

The use of the narrative methodology to make sense of experience will be applied to assess the failures and successes of the TRC of South Africa. The intersection and dissociation of personal narrative and national narrative is the theoretical framework of assessing the successes and failures of the TRC process in South Africa. A correlation between the Commission's work and what follows after it completed its mandate points to the successful transition from apartheid rule to the early period of democratic South Africa. A further assertion is that the limitations, such as the formation of social cohesion, political and economic justice, and making sense of lived experience, are partly a consequence of the distorted interpretation of the narratives of individuals and the thwarting of personal narratives by cultural and political narratives. This contribution is an attempt to provide a perspective of the work of the TRC from a narrative approach and to identify the successes and failures for future truth and reconciliation processes.

■ Storytelling

The stories of both the victims and perpetrators of apartheid's separate development policies are integral to understanding the TRC and assessing its success. The stories were told in public and had a national impact on those who listened to them as well as on those who told them. Storytelling was significant for the context as the nation has a high illiteracy rate amongst its citizens.

Storytelling as a methodology within the social sciences is regarded as a growing research area and methodology of research (Brown 1997):

We have seen an increasing interest in the significance of narrative discourse within the fields of history and social sciences. This is evident, for example, in the renaissance of life-history research in sociology, anthropology and psychology [...] Narrative is significant as a level of discourse in social life because it has particular properties that distinguish it from other forms of discourse, as Ricoeur has proposed. In particular, narrative discourse enables the representation of self in terms of the affirmation or denial of human action. (p. 111)

Agency is a powerful phenomenon of narrative. Storytelling upsets the imbalance of the power relations between the researcher (subject) and the researched (object) (Klaasen 2020):

[H]ofmeyr alleges that in the same manner that whites controlled land, crops, influence and culture through fencing the territory with barbed wire, so too did they control communication by means of the written word. (p. 3)

Hofmeyr (1993) further affirmed:

[F]encing, then, in the popular imagination, formed part of a wider net of white control. Small wonder that today at least one old man remembers fencing and literacy as intimately tied. (pp. 71–72)

She then claimed that the boundary constructed in the form of a fence symbolically represents the fixity of the text for those who are literate: 'As the referent of the text, the fence embodies the reality of the boundary and supposedly writes it permanently into the earth' (Hofmeyr 1993:77).

The agent is not only related to human action, but the significance of the relationship with the other person(s) is important within storytelling as a methodology of research. The other is a source of identity-forming and not a means of tension or a threat to the identity of the storyteller. According to Freeman (2014), narrative is not limited to the self, but:

[V]ery much about the *other*-than-self, about the ends – and the goods – that are operative in the process at hand [...] this category of the Other is *primary*, that is. It moved *before* the self, which in turn suggests that we may need a new language for conceptualizing significant dimensions of human experience. (p. 12)

According to Klaasen (2020):

Ganzevoort identifies four features of narrative theory. These four features provide a theoretical frame within which the storyteller and storytelling place the episodes in an action-oriented process of sensemaking of past atrocities in the context of healing. (p. 5)

The author, the story, the audience and the purpose make up the four components of a story (Ganzevoort 1998:277). The narrative that is used within this research will be analysed under the four components.

■ Overview of the establishment of the TRC

Individual stories brought about national history. The history of the TRC must be seen against the backdrop of the goal to create a national identity for a nation that has been plagued by division and separation. Unlike similar national efforts to heal the past of fragmented nations, like the effort of patriotism after the 9/11 bombings in the United States or the reunification of Germany in the 1980s, the South African TRC was intentional in building a new reconciled identity through truth and reconciliation. No less than 21 400 (about 0.05% of the population) people appeared before the commission; 2000 hearings were witnessed by the public through various forms of media (Andrews 2007:155). The impact of individual stories towards a smooth, relatively violence-free transition from an apartheid nation to a democratic nation cannot be underestimated.

Notwithstanding the suspicion from narrative scholars of the misuse of individual stories for national agendas or the imbalanced power relations that exist between individual stories and meta-narratives of culture or politics, individual stories, when carefully selected, can contribute towards national identities. The tension between the individual stories, the collective or national agenda, and the meta-narratives, such as culture and politics, needs careful navigation. In a sense, one is not surprised by the success of the TRC in the formative years of the democratic nation because the methodology of storytelling is not new to the people of South Africa.

Hofmeyr (1993) asserted that:

Not only do historical narratives refer to the past and mediate an understanding of the past through their form, the stories and their tellers also pass through time and are shaped by its often precipitously changing circumstances. Stories then, comment on the passing of time and times past; they also enfold fragments of the past in themselves while simultaneously transmute under the pressures of a changing social climate. (p. xi)

The individual stories are part of a process and in themselves are not closed to other stories, but through the telling of stories to the public, it becomes an interactionist encounter. The telling of stories in public hearings ensured that the stories become public means of meaning-making. It is in light of this fluidity, yet the authenticity of individual stories that the impact of individual stories is critically assessed.

The TRC was established on the basis of uncovering truth and reconciling the divided nation. The stories of both victims and perpetrators had to be told so that the truth could be uncovered and forgiveness is given. The kind of truth that these personal stories contributed to was *moral truth that demands an ethical response from society*. It was not a matter of *whose* truth but *what kind* of truth. In this regard, Krog quoted the then Minister of Justice Dullah Omar who confirmed in an interview that the idea of a truth commission goes

back to the deliberations of the National Executive Committee of the ANC while they were banned in camps like Quatro. Omar claimed in the interview that (Krog 1998):

[7]here was a strong feeling that some mechanism must be found to deal with all violations in a way which would ensure that we put our country on a sound moral basis. And so, a view developed that what South Africa needs is a mechanism which would open up the truth for public scrutiny. But to humanize our society, we had to put across the idea of moral responsibility – that is why I suggested a combination of the amnesty process with the process of victims' stories. (p. 5)

Moral truth can be uncovered through personal and national narratives. A historical account that is not strictly linear, but a history that is enacted through the stories of people's actual experiences, leads to moral truth that forms the basis for nation-building or group identity. Although the percentage of personal stories that were made available to the public and even smaller percentage of stories that were included in the Final Report of the TRC was low, personal stories constructed the historical narratives of South Africa. Quoting Posel (2002:152) about the apartheid past, Andrews (2007) noted:

The historical exercise was primarily to narrate a moral truth about wrongdoing, conflict and injustice, and it was one which could be represented effectively by a relatively small number of carefully selected individual cases that exemplified collective 'truths'. (p. 171)

The Justice Portfolio Committee spent 127 h on the TRC Bill. When the Bill was eventually presented to the National Assembly, the focus was not so much on the technicality of the Bill, but (Krog 1998):

Just as it did in the Committee, the discussion of the Bill quickly turns into an emotional spectacle [...] Everybody has a story to tell – from Members of Parliament whose houses were petrol bombed, to friends' children whose fingers were in a coffee grinder, to criminals already walking the streets while right-wingers languish in jail. (p. 9)

Krog (1998) further added:

When a coloured National Party member tells how he was tortured and hung upside down by the security police, ANC members shout him down. Crying he relates how he was repeatedly thrown on the cement floor. Amid raucous laughter an ANC member shouts, 'That's where you got your brain damage from'. Omar stands up. 'We can make a distinction among perpetrators, but I hope this law will teach us all that we cannot make any distinction among victims'. (p. 10)

The Truth Commission Bill was approved and signed by the new president, Nelson Mandela, on 19 July 1995 (Krog 1998:11). It is the measure to which personal stories were able to relate to the Truth Commission Bill that determined the structure and objective of the Commission. The Commission was instituted last for a period of 18 months, and its mandate was divided into four objectives. Firstly, the Commission had to establish a holistic and complete picture of the causes, nature and extent of the human rights violations (Act No. 34 [1995], ch. 2 s. 3[1][a]); secondly, the facilitation of the granting of

amnesty (Act No. 34 [1995], ch. 2 s. 3[1][b]); thirdly, to establish and identify the fate or location of the victims (Act No. 34 [1995], ch. 2 s. 3[1][c]); and fourthly, to compile a report that includes recommendations (Act No. 34 [1995], ch. 2 s.3[1][d]) (Wüstenberg 2009:56-57).

It is naïve to think that the TRC could bring about reconciliation. The TRC is best viewed as a symbol or sign that invites agents to make sense of reality through participation and anticipation. The TRC was a symbol of hope towards reconciliation, and those who participated in the hearings – both those who told their stories and those who listened – are agents of reconciliation. The TRC had no obvious and strategic structure to design any form of reconciliation. Instead, it has within its make-up and mandate pillars on which reconciliation should be built. One of the pillars was to create hope for reconciliation through the individual stories of both victims and perpetrators. Wüstenberg (2009) asserted that:

[D]idn't the legislator act wisely by not prescribing the process for reconciliation and thus allowing the inner dynamic to find its own level in the process of reconciliation? The hearings point to a level that obviously goes well beyond the limits of the legal system. However, the question of exposure remains: what *symbolic forms and rituals* serve to develop the process of reconciliation within the South African context? (p. 79)

Dumisa Ntsebeza, one of the 17 Commissioners of the TRC, answered this question with reference to the South African Transition Condition of 1993. The work of the TRC consisted of nothing other than the symbolising of moral concept of the postamble, where it states: 'There is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for Ubuntu but not for victimization'. Ntsebeza (Wüstenberg 2009:79-80) concluded: 'The TRC has been a symbol of hope'.

It is not only the TRC that symbolised hope, but the places and processes of the actual hearings were symbolic and ritualistic. Town halls were centres of power and exclusion in the apartheid era. Now they were used to break down the unbalanced power relations and put the victims in positions of power. Victims were situated on the podiums and stages of the hall where they would be elevated, and the crowd would have to draw close to them to hear. Police security, which symbolised brutality against the black majority, now had to protect and usher victims to the positions of elevation. People could talk in their own language and tell their stories using symbols, signs and expressions that have meaning to them. Four elements of ritual are identified, namely, the space of the assembly is sacred, the victims were initiated into a selected group, letting go of the undesirable and becoming part of the healed community (Wüstenberg 2009:84-85).

The TRC has come under severe scrutiny and criticism from different sectors of South African society. The TRC has been accused of being an organ of the ANC vision by political parties such as the Freedom Front. Because of

the negotiation process which was dominated by the ANC and the then ruling party and the perceived need by the ANC to have a smooth transition for its own sake of preparing to rule the country, some felt that the TRC was used by the ANC. What cannot be denied is that the TRC was a forum or platform for hope in national identity. The personal stories of victims and perpetrators that were televised contributed to the agency for reconciliation. As Andrews (2007) stated:

Through the TRC, there has been a forum for gathering individual narratives which are intended to represent certain collective truths, and in the telling and retelling of these accounts (on television, in newspapers, on the internet, in popular books and research publications) (there is a dawning of a collective, albeit fragmented, national identity). (p. 175)

The Final Report of the TRC is an important part of the success or failure of the TRC. The TRC has been accepted by all major role players of the South African transitional period. The report has been criticised for the inconsistent application of truth for amnesty; victims also criticised the report for the overemphasis of the legal precedents for amnesty and that the report represented a one-sided view of the powerful liberation movement (Wüstenberg 2009:100-101). The report of the TRC will be viewed against the backdrop of these and other criticisms, and the successes and failures of the TRC will be assessed in light of these critical observations.

It is important to consider the complexity of the historical, social, cultural and political context of South Africa when assessing *the* success of the TRC. Wüstenberg (2009) rightly maintained that:

It is evident that the job of the Final Report was to uncover the historical truth about the crimes of the apartheid era on both sides, but also to provide the criteria by which to evaluate stories. These provide a critical discussion with the past instead of quoting partial truths about apartheid to connect to an official report. Reconciliation *through truth* does not aim at the attention of the story, but for *change* in the *face* of the story. (p. 102)

Story is a means to connect the past and the future. A story draws the past into the present with a dual purpose. Firstly, the story uses the past to make sense of the present and gives meaning to lived experiences. Secondly, the story provides a sense of the future in terms of what the future ought to be and what it can be. It provides an imaginative framework within which agency is based on moral truth. Freeman (1984) made the point that:

Although narration moves inescapably backward in its concern with the understanding of the past-in-the-present, the view of development that derives from it can retain a focus on the forward movement that is rendered in the texts provided. Thus, perhaps paradoxically, it is out of retrospection that a project, and approximation toward desired ends, can be revealed. The shape that emerges out the past extends itself into the future. (p. 17)

Freeman (1993) identified a four-stage process of the past. Firstly, one must acknowledge the life one is currently living and be aware of the life one ought

to live. Secondly, one must identify the traumas and wrongdoings that one experienced. Thirdly, one must be able to express the old self and the potential self of the future, and fourthly, one must exercise agency or act upon the potential future (Freeman 1993:45). In the context of the past injustices, the stories of both the victims and perpetrators of the apartheid era of South Africa have as their teloses change through the telling of truthful stories. The stories inform the future and give some direction to the kind of future the South African nation can imagine. The persons who tell the stories have an active role in the future life that they value. The point of agency is important to the role of stories within the construction or unfolding of the future.

Agency in the context of narrative is important to secure the truth of the stories and the telos of the narrative. Maier (2000) affirmed that narrative is also a way of controlling the content and the purpose of the story:

But the narrative, as literary theorists remind us, is also a political act. It can be an instrument of control. Postmodern and postcolonial critics have stressed its potential for domination and hegemony. Production of a written record from diverse oral testimonies is crucial for an authoritative trial. (p. 271)

Control can come through the form of political parties' self-interest, selection of certain stories aligned with a desirable outcome or merely the repression of different means of truth-telling.

Villa-Vicencio and Verwoerd, two writers of the Final Report, rightly affirmed that the report (Villa-Vicencio & Verwoerd 2000):

[/]s only one attempt to capture key aspects of the past. The report will be open to criticism – and will be criticised. At the same time, it is hoped that the report can be a basis for an inclusive recognition, that says, 'yes, that is who we were (and to the extent still are) as a nation'. If, having put the inevitable politicking around the report aside, it accomplishes that objective, the report will have served the nation. (p. 279)

The role of the storyteller is important in the report that ultimately reaches the intended audiences in a different form than the oral story. To what extent is the agency of the storyteller acknowledged in the Final Report. Perhaps the prior question is, what stories are selected and how are these selected for inclusion in the report?

■ Stories and 'storyscape' as methodology

One of the stories that were told at the hearing is of Joe whose brother was murdered while he was involved in the struggle of the liberation movement (Krog 1998):

I come here on behalf of my family. I come here to express the feeling of betrayal by compatriots and comrades. I come here to express our disappointment and the way we feel cheated of a dear little brother, a brilliant young man. I come here to talk about the hypocrisy that's taking place in our country.

There is one thing that is messing up our country-the lack of sincerity. It is the lack of recognizing other people's contribution, if they don't belong to your camp, if they don't belong to your tribe, if they don't belong to your race. We are still victims of fragmentation. We have achieved very little. I have said, I have walked, I have contributed, I have met people inside, outside the country. I have risked my neck, my life, and yet I am the one to sit here - who does not know what happened to his brother. And it pains me when I hear the rhetoric of shallow honour and integrity of disclosure. Yet underneath, it is vilification, vilifying those who can't speak for themselves. They are called rapists, murderers, mutineers.

I want to ask for the true records of those trials in Quatro camp. I want somebody to come and tell me what my younger brother actually did that he deserved to be shot like an animal - to be put down after being so brutally disfigured that his best friends could not recognize him. I want that comrade of mine to come up and be honest and tell a little lie at least to the family - a little white lie'. 'We shot him accidentally when we were practising' and we will be satisfied. Why do you cheat on me and my brother's bones? Why do you think our contribution is worth nothing [...] Just say the truth, come back and tell us. We have been tested. We can forgive. We can reconcile. Yet we are also capable of forming third forces to hit back. But that is not what we want [...]. The questions have to be answered, because without the questions the weaker ones are going to come back and do it again.

And my family are saying: 'Hey, Boet Joe, you are going to pay a price again. You are going to disturb even the Government. *Tlogela batu bane*- they'll victimize you'. And I saw I had to make the same decision again that I made when I faced the system - it is for the truth that I must die, so let it be. (pp. 199-200)

Ganzevoort¹ propounded that not every experience, event or action is necessarily a story. A story has a structure, order, content and sequence. He defined narrative as (Ganzevoort 1998):

[T]he story-like structure through which summoned authors experience and understand their lives, and by which they try to make, shape or break relationships, with the purpose of maximising significance. Several features of a narrative theory can be summarized in the following working formula. The author tells a story to an audience with a purpose. (p. 2)

Narrative has four main parts, namely, the author, the story, the audience and the purpose. With regard to the author, every story has a dedicated person who constructs their own narrative to give meaning to their experience. The author might be a real person or an abstract entity, but someone leads the story and controls the sequence of the content and events. The authorship also has some limitations that influence the scope of impact that the author has over the direction or future. Limitations include the freedom to use the metaphors, signs, language, images and expressions that are outside the powerful meta-narratives of culture, ethnicity and geographical location (Ganzevoort 1998:2).

1. Ganzevoort is one of the foremost narrative theologians. He is a Practical Theologian and is the Dean of the Faculty of Theology at Vrije Universiteit, Amsterdam.

The success of the TRC is influenced by the voice given to those who told their stories. Was their inclusion in the process a coercion for the projected outcome or were the authors of the stories the voices within the centre? Joe, who tells the story of his brother who died at the hands of unknown forces, speaks with the hope that he will find out the truth. He uses expressions like 'Tlogela batu bane', 'Boet', and 'my brother's bones', which gives him a sense of freedom to claim the space as his own and put together a story that captures his and his family's experience of the loss. Despite his confidence and a strong sense of narration, he is aware that he is up against dominant narratives, such as the narratives of politics (Government and political parties), tribalism and racism.

Joe, as the *author*, was instrumental in the construction of the story. This construction is largely in oral form, and the written format of his story was put in the hands of the skilled and educated commissioners. The written text was not selected or produced by Joe (Villa-Vicencio & Verwoerd 2000):

Suffice to say, the story of the conflicts in the recent South African past is a story of a multitude of nuances and any layers of truth that capture the motives and perspectives of those who shaped the agony and triumphs of the past. The commission's account of that history is necessarily a partial record. (p. 279)

There are two important aspects of the story. These include the actor(s) and the plot. The actor in the story is Joe, who is also the author. The other actors include the family, the brother and the comrade (who is also the suspected killer). Joe, as the actor, plays the part that gives structure to the experience as it fits within the story in the here and now. The facts might not be the same (as he rightly admits by his unanswered questions), but the author acts out what could represent the experiences of the actors. The roles that are attributed to the other actors, such as the response of the family and comrade (the alleged killer), are given to construct a sequence of events. These sequences are the plot that contains the (Ganzevoort 1998):

[C]onceptual logic in the story that connects the beginning with the end through a series of events. At a higher level of abstraction, the series of stories together form a frame of reference, of which the central story line can be called the personal narrative. (pp. 2-3)

The actor(s) and their role(s) within the *story* and the plot are the evaluative framework of the meaning of the experience of the storyteller (who could also be the actor). The plot is the authentic and lived experience of the persons concerned within the story and provides the criteria for the evaluation of the experiences. Within the context of the commission, the death of Joe's brother, the grief of the family and the unanswered questions about the circumstances surrounding the death of Joe's brother are the lived experiences of the authors. The telling of the lived experiences through a story remains authentic as long as it is regarded and accepted as an interpretation of actual experiences.

The *audience* is divided into primary and secondary audiences. The *primary* audience is those who are actively listening to the story. They can be present in the physical locality where the author is, or they can be distant from the actual story. The former – the primary audience – are the commissioners, the counsellors, the family members and those present who were directly affected by the sequence of events that are narrated. The latter – the *secondary* audience – are those who are abstract, like the imaginary persons of transcendent images. Both the primary and the secondary audience have a bearing on how the story is told and what is told. It is the audience who summoned the author to tell the story, and they give the structure and ultimate sense-making of the lived experience of the authors (Ganzevoort 1998:3).

Joe's story is clearly directed to the commissioners and the family of the brother who died. He tells the story in a format that is directed to their understanding but in his language and with images and metaphors that make sense to him. It is important for the commissioners to understand what his lived experience is so that they can interpret it as meaning-making. It is also important that the distant listeners understand his story so that there is space for his story in the plurality of stories that form the 'storyscape'.

Joe is aware that the listeners can come to different conclusions of his story. It is important that he takes notice of their stories (of culture, politics, tribes, language and society) so that he can negotiate the meaning of his own story. In the context of the TRC, the question remains whether Joe's story received the necessary attentive and active listening of the audience.

The last feature of narrative is the *purpose*. The question of significance dominates this feature. Ganzevoort used 'significance' instead of 'meaning' or 'purpose' because of the limitations of the latter words. *Significance* is not 'limited to positive or constructive purposes' but refers to the personal interpretation and how it aligns with the ending of the story. Significance plays out in the story – in the structure of the story. The author puts together the sequence of the events or the logical flow of the experiences that gives personal identity. Significance also refers to the acceptance of the author by the audience (Ganzevoort 1998):

Given the weight of the audience, the author tries to convince his or her public of the legitimacy and plausibility of the narrative construction. The aim of this is that every author (i.e. every human being) is consequently seeking to be accepted, affirmed and loved. For that reason, the actors in the story play their role according to how the author wishes to be seen by the audience. (p. 3)

Joe tells his story to find answers to the circumstances of the death of his brother. He and his family are described in such a way that they need the truth in order to be free from the uncertainties that arose because of the death of a family member. The purpose is not to take revenge (although that is a possibility) but to bring reconciliation. His desperation and determination are captured in his willingness to die for the purpose of freedom.

The continued suffering is an indication of his loss of identity. He expected change and transformation after apartheid rule, but his story is clearly an indication that his identity is still in question. Both his personal and social identities are distorted, and the putting together of the events of his story and his appeal to the audience indicates both his perceived distorted identity and what his identity ought to be.

■ Conclusion

This story represents the contributions that the stories that were told at the TRC hearings and heard by millions of South Africans can make. Storytelling is the exercising of agency. The actors have the space to participate in the future by performing the past experiences and making sense of the present. Such stories also contribute to national histories because the actors appeal to the active listeners such as the commissioners, families of victims and perpetrators, and those within remote parts who can only participate through distant mediums. The stories also contribute to a kind of truth (moral truth) that forms the basis for reconciliation. And finally, such stories that are recorded in national documents such as the Final Report is a part of the symbol or sign of reconciliation.

Reburial of Sami human remains as ritualised reconciliation

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■ Introduction

On 09 August 2019, a high-profile reburial ceremony was held in the old cemetery in Lycksele in the Sami region (Sápmi) of Northern Sweden.¹ Twenty-five Sami skulls removed during excavations in 1950 and 1951 were returned and reburied in the same burial ground where they once rested. The reburial was the largest so far carried out in Sweden, and the ceremony was designed specifically for the occasion. The ceremony was created as part of a pilot project intended to provide a framework for similar repatriations and reburials that may take place in future.

1. This chapter is an abridged version of Lindmark (2020), where the reburial of Sami human remains in Lycksele is situated in a global context of Indigenous peoples' rights and a long-standing discussion of repatriation issues in the Sami Parliament of Sweden, most recently manifested in Sámediggi (2020). Lindmark 2020 also employed more theoretical perspectives related to historical justice and reconciliation practices.

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In this chapter, I will study the reburial ceremony as a ritual. The reburial ceremony will be situated in its broader context as part of the project to prepare and implement the repatriation and reburial. I will pay particular attention to the theme of reconciliation, more specifically how the project can be understood in relation to the ongoing work of reconciliation between the Sami and the majority Swedish society, especially the Church of Sweden. By studying the design and practice of reconciliation at a local level, this chapter will hopefully contribute with insights of value to the TRCs on Sami issues in Norway, Finland and Sweden.

■ The Church-Sami reconciliation process

In its capacity as the established state church, the Evangelical Lutheran Church of Sweden exercised power over the Sami people in many respects, most palpably from the 17th century and well into the 20th century. Religion, cultural customs, education, poor relief, naming policy and ethnic identity were some of the areas in which the church defined the life of Sami people (eds. Lindmark & Sundström 2016, 2017, 2018). Sami representatives claim that the colonial relationship of the past is still visible in a condescending attitude towards the Sami (Sparrock 2018).

The reconciliation process between the Church of Sweden and the Sami people was initiated in the early 1990s, inspired by international ecumenical efforts, including the World Council of Churches General Assembly in Canberra in 1991. A Sami Council was created within the Church of Sweden in 1996, and Sami workgroups were formed in the northernmost dioceses. Conferences were arranged, reconciliation services were held and cooperation was established with the Church of Norway, which included the South Sami journal *Daerpies Dierie* (Tyrberg 2016).

In 2011, a hearing on Sami spirituality organised by the Church of Sweden Theological Committee represented a new start. Responding to demands articulated at the hearing, in 2012 the Theological Committee and the Sami Council presented an action plan, which included a documentation project on the historical relations between the Church and the Sami, a book project based on interviews with former pupils of the Nomad School, that is, the Sami Residential School System instituted in 1913, and a discussion group focusing on Sami spirituality. The Church of Sweden Central Board immediately decided to implement the action plan.

The documentation project was referred to as the 'White Paper Project'. It was funded by the Church of Sweden Research Department and governed by a steering group representing the Church, Sami communities and academia. The project displayed some characteristics of a TRC, including its independent status, but its mandate did not involve any calls to action. The project resulted in three publications, an edited volume of academic articles,

a popular science version, and an extended and updated English version of the popular science book (eds. Lindmark & Sundström 2016, 2017, 2018). Sami contextual theologian Tore Johnsen's reconciliation theology played an important part in the project's interpretation of its mandate and its view of future steps in the process. Through the popular science publication, Johnsen's four-step model of reconciliation made its way into the Lycksele repatriation project.

The White Paper Project and its publications attracted serious attention in media as well as church and Sami circles. Clergymen's involvement in physical anthropology and racial biology investigations targeting the Sami people was the most discussed issue brought forward by the project. Repeated inventory studies had shown that many Swedish museums and research institutions held collections of Sami human remains. Interest in such remains grew rapidly during the 19th century, as researchers in the fields of physical anthropology and racial biology attempted to differentiate races and ethnic groups by measuring skulls. Such measurements were not limited to living persons – researchers were also keen to obtain the skulls of the deceased. In many cases, researchers and their agents resorted to grave robbing, sometimes aided by the local clergy and always without the consent of the local population (Ojala 2016).

After the formal conclusion of the White Paper Project in 2017, Archbishop Antje Jackelén engaged in matters of repatriation and reburial of Sami human remains. These questions had been discussed by church bodies for at least 15 years, and the Sami Parliament had repeatedly urged the Church of Sweden to assume responsibility for its past. Now Archbishop Jackelén invited representatives of museums and other institutions holding collections of Sami human remains to discuss how to handle the demands for repatriation and reburial (for more details, see Lindmark 2020). In 2019, the Church of Sweden local clergy, as well as Bishop Åsa Nyström of Luleå Diocese, engaged in the repatriation and reburial project in Lycksele.

■ Ritual as drama

This chapter begins with the understanding that ritual actions differ from everyday actions, among other things because they are formalised, performed in a given manner and for a specific purpose (Humphrey & Laidlaw 1994:88–89). Furthermore, I subscribe to the view that rituals are social constructs, governed by rules and predetermined by someone other than the person performing them (Rappaport 1999:30–46). Although rituals have no inherent meaning or communicative quality (Humphrey & Laidlaw 1994:88–89), those practising them may have communicative intentions, and different people may confer the same ritual with different meanings.

I am particularly taken with the idea that rituals are directed, staged events (Rappaport 1999:30–46), based on ritual commitments by the actors

(Humphrey & Laidlaw 1994:88–89). This view of rituals jibes with Lisa Schirch's perspective on ritual in peacebuilding: 'Peacebuilders are the choreographers, directors, and set designers of a drama centred on the visually engaging process of building peace' (Schirch 2005:1). To put these ideas into operation, I will apply the metaphor of drama or theatre by differentiating between different roles. In my treatment of the reburial ceremony in Lycksele, I will highlight the roles of the playwright, director, assistant directors, actors and audience members. The purpose of this structure is to clarify the ritual's dependence on different roles, each of which may ascribe their own meanings to the ritual actions.

The use of the theatre metaphor also has implications for the view of the researcher's role. I regard the role of the researcher as a variation on that of the audience. Just like the audience, the researcher may create their own understanding of the ritual with no regard for the intentions of the playwright, director or actors. The researcher's understanding cannot, therefore, claim to represent the correct or definitive interpretation – it is simply one of many possible interpretations of the unfolding 'drama'. The fact that the researcher has a specific frame of reference in the form of knowledge of previous research and theories makes the role of the researcher akin to that of the theatre critic (Grimes 1990).

As the repatriation project's final report constitutes the most important source of knowledge regarding the reburial ceremony, the playwright will play a prominent role in the presentation. The author of the report, Adriana Aurelius, was also the project manager and a member of the ceremony committee. I will deal with this role and the role of the researcher in separate sections. A specific role is represented by the protest letter distributed by the signatories during the ceremony. I will discuss whether this should be regarded as an actor or audience role. Other roles may be dealt with more discursively. Further research is required based on the broader source material in order to give full consideration to the other roles.

The roles of actors and audience members certainly deserve closer scrutiny, not least since there is no clear distinction to be made between these roles. At the Lycksele ceremony, the vast majority of the people present participated in the procession, and many took the opportunity to pay their homage to the reburied individuals at the open grave. In other sections of the ceremony, including official speeches, the majority had a less active role. Still, they served as witnesses and participated in the collective welcoming of the returned remains.

My analysis of the reburial ceremony will primarily address three aspects: the first highlights the *traditional* nature of the ritual in that the actions being performed mimic older cultural models (Bell 1997:145); the second relates to research into *historical consciousness*, in which the temporal relationship between past, present and future is seen as fundamental to how people orient

themselves in their lives (Torp 2013); while the third deals with the transitions and changing status of the human remains, taking the concept of the *rite of passage* (Van Gennep 1909) when leaving one group and being initiated into another as a general point of departure.

■ Earlier reburials of Sami human remains

Prior to the Lycksele repatriation project, three reburials had been held in the Swedish part of Sápmi. The first of these took place in Gamla kyrknäset, Tärnaby, in 1963, when the remains of 25 individuals were buried in a common grave, having been relocated from a former Christian cemetery in Vilasund to make way for an expansion of hydroelectric power. This relocation is not considered a reburial in the strictest sense but rather a relocation of the cemetery itself. The second took place on 11 October 2002 in Risbäcken, on the mountain Atoklimpen in Tärna, when the remains of the so-called *Soejvengeelle*, the ‘shadow man’ in the South Sami language, were restored to their original resting place. These had been taken to the Nordic Museum in Stockholm after a minor archaeological excavation in 1950. *Soejvengeelle* was a mythic 19th-century figure but an examination conducted prior to the reburial dated the remains to the 15th century. Still, the name attributed to the grave has continued to be used. The third reburial took place in Gransjön, Frostviken, on 12 August 2011, when the remains of a 16th-century woman were returned to their original grave, which had been excavated when it was discovered in the 1980s. The remains had then been stored in the museum of Jämtland County, Jamtli (Hansson 2013).

The *Soejvengeelle* reburial ceremony is well documented. The remains were placed in a purpose-built *akkja*, a traditional Sami sled, clad in reindeer skin. A knife and an axe removed from the grave with the human remains were also placed in the *akkja*. The *akkja* was carried to the burial site on a bier and placed beside the grave, which was lined with slate. The *akkja* rested on a layer of birch bark. Birch bark and slates were placed over the *akkja*, and the grave was then covered with soil. Finally, *Soejvengeelle* was welcomed back. The issue of reburial was pursued by the local Sami association, *Vadtejen Saemiej Sijte*, which also exercised considerable influence over the design of the ceremony (Heinerud 2011; Ojala 2016:1009; Svestad 2019:33).

The reburials that took place before the Lycksele repatriation project were all performed in consultation with the local Sami population, who had also instigated the reburials. A study of the two cases from the 21st century shows that Sami groups had far-reaching influence over the design of both the burial site and the funeral rites. In the case of *Soejvengeelle*, the original cist was reconstructed but modified according to Sami wishes so that the grave was lowered into the ground to be covered over in order to be better preserved (Svestad 2019:33).

■ The removal and return of human remains from the old cemetery in Lycksele

The old cemetery in Lycksele was in use from 1607 until 1799, when the new church was built and the new cemetery laid out. The congregation had outgrown the old church, and its location on an island in the Ume River was prone to flooding. The new church was therefore constructed on higher ground (Lycksele församling n.d.).

The background to the excavation of the old cemetery was that, in 1948, Lycksele Local History Society was granted access to the site of the old church to create a local history site, what is today Gammlplatsen. In order to give permission for new buildings on what was a cultural heritage site, the Swedish National Heritage Board required an archaeological survey. The regional museum, Västerbottens Museum, conducted an excavation in 1950–1951, during which some 30 skulls and four skeletons were exhumed and shipped to the Swedish History Museum in Stockholm for analysis. According to the agreement regulating the remains, they were to be returned and reburied as soon as analyses had been performed; however, a number of stakeholders at both the Swedish History Museum and other institutions – including the Nordic Museum and the State Institute for Racial Biology – were keen to retain the human remains for further study (for details, see Göktas 2017:34–38).

In 2011, the staff at the Swedish History Museum came across the borrowed items, and 2 years later they were returned to Västerbottens Museum. Having established the origin of the human remains, Västerbottens Museum contacted the Sami association in Lycksele, *Liksjuon Sámiensiäbrrie*, to sound out interest in repatriation and reburial. The Sami association took on the role of ‘petitioner’ and chose a project manager. In 2018, a Working Group was formed to pursue the matter together with various interested parties. The group received support from the Sami Parliament’s Department of Culture and Ethical Council. The Sami Council of the Church of Sweden provided support to ecclesiastical parties involved in the project. Contact was made with the affected Sami villages, which were invited to participate in the process but chose to leave the matter in the hands of *Liksjuon Sámiensiäbrrie*.

In 2019, the project resulted in a ceremony of repatriation and reburial on the International Day of the World’s Indigenous Peoples, 09 August (Aurelius 2019:8, 14). In accordance with the wishes of *Liksjuon Sámiensiäbrrie*, the reburial was not preceded by an examination of the remains; however, a sample of DNA was taken from each skull and stored in order to facilitate future identification (Aurelius 2019:17; one tooth from each skull is held by the Sami Parliament).²

2. One tooth from each skull is held by the Sami Parliament.

Lycksele Municipality was the project owner and employed the project manager. A grant application to the Swedish Arts Council resulted in funding being approved in March 2019. The Working Group was reconstituted as a formal Steering Group, meeting once a month from February 2019. The Steering Group included representatives of the Church of Sweden, Västerbottens Museum, Liksjuon Sámiensiäbrrie, the Ethical Council of the Sami Parliament and, initially, the Sami Parliament's Cultural Committee (Aurelius 2019:29). A separate working group was appointed for the reburial ceremony itself, consisting of the project manager and one representative each from the Church of Sweden and Liksjuon Sámiensiäbrrie.

The repatriation project was characterised by a holistic perspective, something that expressed itself in several ways. Firstly, work to prepare and implement repatriation and reburial was conducted within the framework of what the Working Group called 'a cohesive process'. In the grant application submitted to the Swedish Arts Council by Lycksele Municipality, this process was divided into three phases: the antiquarian, the social and the ceremonial. The antiquarian phase consisted of repatriation and opening the ground, while the social phase was a process of reconciliation. The ceremonial phase specifically concerned the design of the programme for 09 August 2019.

Secondly, the work of the Lycksele repatriation project was characterised by broad collaboration. The project involved several stakeholders. As early as Lycksele Municipality's grant application to the Swedish Arts Council, it was emphasised that the project was based on a 'holistic concept' in which several stakeholders would collaborate. The application itself lists Liksjuon Sámiensiäbrrie (the Sami association in Lycksele), the Church of Sweden, Västerbottens Museum, the County Administrative Board of Västerbotten, Lycksele Municipality and 'civil society'. The final report's list of project partners shows that the coalition was even more broadly based, by then including Lycksele Local History Society, the Museum of Forestry and National Historical Museums. Added to that, the Church of Sweden participated at the parish, diocese and national levels.

■ The Lycksele repatriation project as reconciliatory practice

If one thing most clearly represented the holistic perspective of the Lycksele repatriation project, it was probably the theme of reconciliation as an overarching and cohesive concept. Reconciliation was after all the project's point of departure and its objective, and the concept ran through each phase of its implementation, including the reburial ceremony itself; as the project's final report articulates: 'The development goal was and remains to achieve reconciliation' (Aurelius 2019:13). In her introduction to the report, Aurelius

(2019:7, 8) wrote the following: 'A repatriation involves an act of reconciliation, of coming to terms with a painful past'.

On the issue of reconciliation, the project largely relied on Tore Johnsen's model. Johnsen is a Sami theologian and former general secretary of the Sami Church Council of the Church of Norway, who has developed a new Sami contextual catechism (Johnsen 2007). He is also a prominent representative of Sami reconciliation theology, contributing a chapter on reconciliation (Johnsen 2017, 2018) to the White Paper Project on historical relations between the Church of Sweden and the Sami that had a profound effect on the Lycksele repatriation project. This project's final report recommends that all parties to any future repatriation process should read Johnsen's text before commencing the process (Aurelius 2019:11, n. 19).

Johnsen's reconciliation model contains four steps: acknowledgement, repentance, restoration and forgiveness. These four steps crop up in the repatriation project's final report in a variety of guises, even if the terminology may occasionally differ. According to the report, the repatriating party should 'reveal and acknowledge the truth' (Aurelius 2019:11). This is a matter of 'revealing the whole truth of what has happened' (Aurelius 2019:11). The next step in Johnsen's model is also highlighted as important: 'A reconciliatory attitude involves taking the victim's feelings and experiences seriously and showing repentance' (Aurelius 2019:11). The documentation and admission of how human remains have come to be held in an institution's collections may seem considerably easier than demonstrating repentance. Based on experiences gained in the Lycksele repatriation, the advice is to ensure that discussions have the broadest possible base within the organisation in question. One suggestion is, to begin with the concept of *corporate guilt*, also discussed by Johnsen. This removes the need to allocate blame individually; instead, the guilt can be borne collectively by, for example, the organisation. To repentance, one must attach an apology. The repatriating party shall 'offer an apology that demonstrates the offending party's repentance over previous actions' (Aurelius 2019:11). An official apology is not a separate step in Johnsen's model, but he does advocate an unambiguous apology under the step *forgiveness*.

Links to the next two steps in Johnsen's reconciliation model are less explicit. Nonetheless, the final report does address important elements of what Johnsen calls 'restoration'. According to Johnsen (2017:111), the quintessence of the model's third step is to lay the foundation for a new common future by restoring relations between the perpetrator and victim. The final report emphasises the need to 'find new ways to relate to one another' and create a new relationship of 'trust and mutual respect' (Aurelius 2019:11). Reconciliation also implies dealing with the behaviours that have developed within the colonial relationship, for example, 'demeaning and offensive speech' and 'unwillingness to communicate and cooperate' (Aurelius 2019:11).

While Johnsen's fourth step, forgiveness, is also less clearly expressed, if one takes his view of forgiveness as 'to recognise the common humanity and free oneself from the violation's destructive power of definition' (Johnsen 2017:115), then there are intersections with the final report.

So, while the repatriation project linked explicitly to current Sami reconciliation theology, it also attempted to integrate the concept of reconciliation into the working process itself. Supported by the 2007 UNDRIP, the project started from the premise that it was important for Sami to have control over what should happen to the remains. In order to contribute to reconciliation, it was necessary for 'the process to be consistently characterised by good ethics, openness, free contacts and transparency', not least in the interests of preventing mistrust and rumour (Aurelius 2019:4). This also made the project's communication strategies crucial. Important elements of this work included the creation of safe spaces for respectful treatment, the pseudonymisation of certain opinions in order to more easily differentiate between the concern and the individual expressing it, the processing of the past within each organisation separately in order to avoid unnecessary conflict and to allow the project manager to act as the intermediary of emotions and ideas (Aurelius 2019:15). Johnsen's model for reconciliation was used as a 'staircase', the first step of which, insight, was extended to include external contractors engaged for various assignments within the project. Insight into what had happened often led to a willingness to participate in setting things right (Aurelius 2019:17).

The final report offers no reason for the choice of Johnsen's reconciliation model; no other models are presented or discussed. It is reasonable to assume that Johnsen's model appeared simple and comprehensible. It was presented by Johnsen in the popular science publication from the White Paper Project on the Church of Sweden and the Sami (Johnsen 2017), so it was both well-known and easily available. The fact that Johnsen himself is Sami and that many of the examples he refers to in his text are taken from Sápmi might well have contributed to legitimising the model. The model's theological positions are not touched on in the final report, but the choice of Johnsen's theologically based model may well have oiled the wheels of cooperation with the Church of Sweden at various levels of the organisation. As Johnsen's model fulfilled a vital function in the White Paper Project on the Church of Sweden and the Sami, its use in the Lycksele repatriation project may have helped representatives of the Church to view the reburial as an opportunity to take the reconciliatory work of the Church one step further.

The fact that only parts of Johnsen's reconciliation model were explicitly employed indicates that every reconciliation process needs to find tools that can be useful in the specific context. In the Lycksele case, the first two steps appear to have been the most important ones. One possible interpretation of this observation takes into account how far the reconciliation

process had advanced. In a newly initiated process, the first steps would have been the most relevant to focus on. The third step, restoration, seems to require a longer process as well as involvement of political bodies, especially if restitution would be included. There is also reason to address the question of applicability of Johnsen's model. Developed in a theological tradition, manifested in both terminology and reasoning, the model might have been difficult to apply in its entirety within a secular repatriation project. However, this assumption is contradicted by the fact that the repatriation project made use of the two most theological concepts of the model, namely, acknowledgement (confession) and repentance (contrition), both of which are essential in the Christian tradition of penance or confession. Consequently, the relative invisibility of the restoration and forgiveness steps in the project's final report should most likely be interpreted as a reflection of how far the reconciliation process had advanced and which steps were deemed to be the most relevant ones.

■ The reburial ceremony in Lycksele

The presentation of the reburial ceremony in this section is based on a somewhat summary description contained in the project's final report. All of the meanings ascribed to the various elements of the ceremony are derived from the final report's description of the ceremony. The report was written by project manager Aurelius, who was also a member of the Ceremony Committee. It can, therefore, be said to represent the role of playwright. During the reburial ceremony, Aurelius was seen to instruct the actors, particularly during the arrival phase, and therefore seems to have also taken on the role of director. Others were appointed to guide the actors during the ceremony itself. These 'assistant directors' wore uniform clothing and carried special staves (Aurelius 2019:32).

The stated ambition was to conduct a secular ceremony, partly because the philosophical leanings of the deceased were unknown and partly to ensure a focus on the fate of the remains since their original burial. *Yoik*, the traditional Sami song style, did, however, play a prominent role in the ceremony as an important overarching emotional expression (Aurelius 2019:31).

The ceremony was divided into three sections, all of which were played out in different 'ceremonial spaces': the remains arrived outside the entrance to Gammplatsen, the local history area; once inside Gammplatsen, the remains were handed over to living fellow humans; in the old cemetery, they were returned to the earth. Staff from Västerbottens Museum arrived at Gammplatsen by car and in silence placed the remains, contained in birch-bark boxes, on biers. A special portal in the form of a leafy arch of branches was erected over the entrance to Gammplatsen, guarded by a marshal with a stave and four standard-bearers, two Sami bearing Sami flags and two Swedes

with Swedish flags. The marshal with the stave had Sami identity. The *yoik Lycksele Marketplace* was sung to signal that the museum's staff were welcome to enter Gammlplatsen, which was once a market, whereupon the marshal and standard-bearers entered Gammlplatsen followed by the museum staff carrying the remains in their birch-bark boxes. The other participants in the ceremony then followed. 'The symbolic admission was important', wrote Aurelius (2019:32) in the final report. It symbolised that the decision of whether to admit the museum staff and accept the act they intended to perform rested with the local people.

Inside Gammlplatsen, the remains were handed over. This part was intended to symbolise that the rite of passage of the deceased from being archaeological finds to becoming human once again. The entrance to this ceremonial space was marked by an arch of branches. Here another *yoik* was sung: 'The Ume River and Vindel River, beside whose currents the dead lived their lives'. Three speeches were given: by Roland Sjögren, the Deputy Mayor of Lycksele Municipal Council; by Åsa Nyström, Bishop of Luleå Diocese; and by Paulus Kuoljok, President of the Sami Parliament, who gave his speech in Sami. The speakers represented 'today's society', the Church of Sweden and the Sami people, respectively (Aurelius 2019:32). The speeches, all of which were addressed to the deceased, shared certain recurring phrases that welcomed the dead back to their place of rest. They began with 'Welcome back, you who have been away so long!' and ended with 'We welcome you back and hope that you can forgive us, the living, for our negligence, our folly and our forgetfulness' (Dorotea-Risbäck församling n.d.). As well as welcoming the deceased on their return, the speeches were intended to express sorrow, pain and regret over what had transpired.

Once the speeches and *yoiks* were finished, the Chair of the Sami Parliament raised a birch-bark box to signal the start of the next phase of the reburial ceremony. He then led the preappointed funeral bearers, each carrying a birch-bark box, in procession through another tree arch into the old cemetery (Aurelius 2019:32f.). The funeral bearers were a mixture of Sami and Swedes, including those who had spoken and *yoiked* at the handover. One by one, the bearers laid the birch-bark boxes in a common grave using special wooden tools. Using small wooden spatulas, the bearers scooped some of the exhumed soil into the grave. The *yoik Beäjvvie* [the Sun] was then sung in tribute to life. 'The sun broke through the clouds, and the dead were no longer owned by anyone except themselves and the earth. Peace could prevail', wrote Aurelius (2019:33). During this part of the ceremony, only the bearers had access to the walled cemetery. Once the bearers had left the cemetery, it was possible for the other participants in the ceremony to enter to pay their respects at the grave. Some spoke or *yoiked*, and many chose to throw soil into the grave using the wooden spatulas. Others carried with them soil, stones or braided bands that they laid in the grave. Only a few people were permitted to

approach the grave at a time, and after a few hours, the cemetery was closed to visitors.

■ The reburial ceremony as ritualised reconciliation

In the project's final report, the newly devised reburial ceremony appears to be well thought out and elaborated. With regard to ritual theory, one can say that it exhibits traits that distinguish rituals. It consists of three distinct elements of varying character, all individually designated: arrival, handing over to living fellow humans and return to the earth. The ceremony was performed as a well-directed theatrical performance built on the ritual commitments of specific actors. In certain respects, there was a clear distinction between actors and audience. Although the ceremony itself had no inherent communicative intentions, the Ceremony Committee – in the role of the playwright – had invested its own intentions in the form of symbols and intended meanings; however, it is unclear how much of the ceremony's intended message reached the audience. It is possible that the ceremony and its elements may have manifested different meanings for different observers.

Even if the final report presents the reburial ceremony as having the symbols and meaning invested by the Ceremony Committee in its role as a playwright, there is room for further interpretation from the researcher's point of view. Here, I will consider three aspects of the ceremony that I find especially interesting and then discuss my own perception of how the theme of reconciliation was expressed during the ceremony. I would like to begin by sharing my view of the ceremony's relationship to traditional church funeral practices. While the funeral procession, including the bearing of the deceased to the burial site, the lowering of the deceased into a prepared grave, the pouring of soil over the deceased, the eulogies, farewells from friends and family, etc., may have a place in the funeral practices of various cultures, these elements are also ecclesiastical practices of long-standing in Sweden. Despite the stated ambition of being secular, the fact that the reburial took place in a Christian cemetery with the participation of a bishop and several other clergymen imbued the ceremony with unambiguous references to church funeral customs.

In Sweden, a burial conducted in an ecclesiastical context generally touches on various temporal levels: the past, where the deceased's life was lived; the present, filled with grief; and the future, the hope for both the grieving friends and family and the deceased, where the prospect of eternal life occupies a special place. Although the burial ceremony in Lycksele also tied together these three temporal levels, it filled the phases with different content. According to the playwright's intentions, the ceremony was to refrain from

touching on the lives of the deceased on the grounds that it was a reburial rather than a funeral. Instead, the past was filled with the abduction of the remains and the abuses that the racial biology studies of them represented. In my own interpretation of the ceremony, the present was underlined as an important event marking something new – a manifestation of reconciliation, insight and reflection, more of joy than grief. As for the future, the dead would now rest in peace in the earth forever – the ceremony left no room for any other consideration of eternity – while, even more clearly, the living would move on into a future in which respect, common humanity and reconciliation would prevail. While these different temporal levels were above all expressed in the speeches, the *yoiks* too played a role in linking the past and present (Aurelius 2019):

[T]he dead should be honoured and recognise themselves in what they heard and feel welcomed home. That is why yoiks were chosen that they might have heard during their lifetimes. (p. 31)

The historical period colour that the *yoiks* were intended to lend the ceremony might well have gone unnoticed by the majority of the living listeners.

These three temporal levels can be linked to the three stages of the ceremony and the associated rites of passage and changes in status. In my interpretation, the ceremony's commencement – the arrival by car from Västerbottens Museum – represents the past, when the human remains were regarded as objects of study and artefacts to be displayed in a museum. The arch of branches marks not only the border between the domains of the museum and local community but also the border between the past and present. Inside Gammplatsen, in the present, the deceased cease to be objects of study and museum artefacts and regain their humanity. When the Chair of the Sami Parliament leads the burial procession through the second arch of branches, he enters a future in which the Sami have regained control of their dead and their history. The fact that the dead now have individual funeral bearers and are laid to rest one at a time emphasises not only their humanity but also their individuality.

The reburial ceremony can be regarded as ritualised reconciliation. Although Tore Johnsen's reconciliation model was highly important to the repatriation project as a whole, the various steps of the model are not presented in the final report's description of the ceremony. Nonetheless, it is possible to interpret elements of the ceremony in the light of Johnsen's model. Repentance is palpable when the museum staff arrive, silently lift the human remains from their cars and demonstrate their willingness to return them. In Johnsen's model, the step before repentance is acknowledgement, the willingness to admit the truth of what has happened. During the reburial ceremony, acknowledgement of the truth clearly impacts the common picture painted of history in the speeches in Gammplatsen. When the remains are transformed from museum artefacts to human once again, the restoration of

the deceased takes place. The restoration of the living is present in each stage of the ceremony, from the museum staff waiting respectfully to be invited inside on arrival to the marking of Sami control over their own history and future in the rite of passage to the burial phase. Just as in the final report's presentation of the concept of reconciliation, the fourth step of Johnsen's model, forgiveness, is considerably harder to discern in the reburial ceremony.

■ 'Restoration in reconciliation?'

In conjunction with the Lycksele reburial ceremony,³ a letter of protest was distributed in which 12 Sami signatories criticised the repatriation project and the reburial ceremony (Ajnnak et al. 2019a). The letter named two contacts, Sara Ajnnak and Sagka Stångberg, the first two signatories of the letter. Several of the signatories had links to the Tärna area.

The headline 'Restoration in reconciliation?' (which was changed to 'Restoration without reconciliation' in the published version; see Ajnnak et al. 2019b) makes it perfectly clear that the protestors question the idea of the reburial as reconciliatory practice. The letter presents certain criteria that the signatories believe need to be fulfilled for a 'real process of reconciliation to take place'. They contend that, rather than the process being managed in project form and funded with grants from various financiers, the state should have met the costs of repatriation and reburial; however, other prerequisites for reburial as reconciliatory practice appear to be more important to the signatories, namely, Sami participation in the repatriation process and Sami influence over the burial ceremony. The letter claims that Sami participation in the process had been restricted to 'open meetings' in the town of Lycksele, offering a limited opportunity for Sami in other municipalities to influence the design, despite the fact that the remains that were to be reburied came from a wider area than Lycksele itself. While the letter acknowledges that Sami from other municipalities had been informed 'at the final stage', during which the project visited other locations, the authors claim that this gave little scope for influence given that the programme was by then already established.

The protest letter concludes that as the project owner, Lycksele Municipality 'throughout the process acted from a colonial perspective' by setting aside the issue of 'inclusion from the Sami catchment area concerned'. The main point of contention is that Sami ideas have been ignored. The authors express a wish that the project had been decolonised and 'implemented from a Sami perspective', specifically in the form of wishes regarding the design of the reburial ceremony. A Sami perspective would have placed 'Sami representatives and speakers at the heart of the formal ceremony'. The entire ceremony should

3. This headline was changed to 'Restoration without reconciliation' in the published version. See Ajnnak et al. (2019b).

have been conducted in the Sami language or simultaneously interpreted to Sami. The desired ideal would have been to ‘in peace and quiet, restore the remains during a solemn Sami ceremony’. According to the authors, this would have created the conditions for healing. The text concludes: ‘Today’s restoration of human remains is taking place without reconciliation’.

Given the repatriation project’s reconciliatory ambitions, the criticism aimed at it is particularly interesting. One possible response to this sharp difference of opinion is to take into account the critics’ wish for greater Sami participation and influence. In the cases of the two earlier reburials – of Soejvengeelle in 2002 and the woman from Gransjön in 2011 – local Sami groups had considerable influence over the entire process, including the burial ceremony itself. Several of the signatories to the protest letter are based in the Tärna area and have links to Vadtejen Saemiej Sijte, the Sami association that pushed for the repatriation and reburial of Soejvengeelle in 2002. There is reason to assume that these experiences were behind the criticism of the entirely different Lycksele repatriation project. The very ambition that made the repatriation project unique, to contribute to reconciliation by involving diverse stakeholders in the process and ceremony, was perceived as problematic by the critics. The desire expressed by the critics to ‘in peace and quiet’ be allowed to perform ‘a solemn Sami ceremony’ seems to most closely resemble the ceremonies held at the earlier reburials. Conversely, the reactions also provide evidence that the Lycksele repatriation project and reburial ceremony did in fact represent something new in relation to earlier reburials.

From the viewpoint of the drama metaphor, the signatories of the protest letter clearly wanted to be involved as playwrights and directors of the ceremony. Their letter gives evidence of their perception of their role being reduced to that of the audience. By distributing their letter during the ceremony, they took a more active role, especially by pointing at the alternative drama they would have wanted to set up.

■ Reconciliation in theory and practice – A concluding discussion

The theme of reconciliation was an integral part of the concept behind the repatriation project and reburial ceremony in Lycksele. The most relevant parts of Tore Johnsen’s reconciliation theology are described in the final report and, by involving both Swedes and Sami, responsible public authorities and local stakeholders, the project sought to achieve a reburial symbolising reconciliation. The ceremony itself can be described as ritualised reconciliation. In comparison to earlier reburials of Sami human remains, the Lycksele repatriation project appears innovative, with a more explicit reconciliation perspective than previous reburials performed in the Swedish part of Sápmi.

In the protest letter distributed during the ceremony, the 12 signatories advocated a quiet and solemn reburial under Sami control, thereby questioning the two-party reconciliation model that the Lycksele project promoted and staged in its reburial ceremony. While the playwright and director intended the reburial to symbolise reconciliation, the signatories of the protest letter identified colonial structures. This demonstrates that the 'ritual drama' can be interpreted in various ways, regardless of the meanings conferred by the playwright, director and actors. Furthermore, the letter can be regarded as the signatories' protest against an assigned role of audience members and a plea for more active roles as playwrights, directors and actors in an alternative drama dominated by Sami people and informed by experiences from previous reburials of Sami human remains.

Records as instruments of truth, justice and reconciliation - Disrupting colonialism in archival praxis

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'In history, power begins at the source'

'[...] the production of traces is always also the creation of silences'.

- Michel-Rolph Trouillot in *Silencing the Past: Power and the Production of History*

■ Introduction

The 'construction of social memory in the wake of large-scale atrocities' (Shaffer 2019:3) can take many forms; the official documentation of the sanctioned and often government-driven processes (governments that were often the architects of or complicit in atrocities), records of the perpetrators or co-conspirators (e.g. churches, NGOs, etc.) as well as victim and survivor

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narratives and commemoration and memorialisation activities, often in recognition of truth-telling, redress and reconciliation efforts.

In order to prove claims for compensation¹ and to aid in facilitating the goals of truth telling and reconciliation, former residential school students and the Truth and Reconciliation Commission of Canada relied not only on Survivors' oral accounts but also on records held in the archives of the Christian churches that were tasked with running the schools, Library and Archives Canada (LAC) and government agencies. These records, that span more than a century, are integral to piecing together a wide-ranging – albeit incomplete – history of events. As such, these records are theoretically available to operate as 'slivers' of a collective social memory (Harris 2002:63-86) that speak to a relationship between Indigenous² peoples and the settler state which is marked by the ongoing violence of colonialism and cultural genocide (Shaffer 2019).

In addition to government and church records, the TRC committed to ensuring the voices of those who were directly affected by and involved in the residential school system in Canada were included in the historical record, particularly former students. While drawing on archival records was integral to 'correcting the historical record' the TRC gave 'equal weight and greater voice to Indigenous oral-based history, legal traditions and memory practices' – particularly recognising that such sources were previously unheard and unrecorded, yet critical to the truth and reconciliation process (Truth and Reconciliation Commission of Canada 2015a:162; see also Regan, this book). Through the work of private and public statement gathering over the duration of the TRC, which took the form of private statements, and public sharing circles and sharing panels, the TRC sought to include the voices of residential school survivors into the archives. As the TRC Manager, Document Acquisition and Collections, Terry Reilly asserts, 'the work of other truth and reconciliation commissions have confirmed the particular importance of the statement-giving process as a means to restore dignity and identity to those who have suffered grievous harms' (Reilly 2013:n.p.). The inclusion of survivor voices is integral to amassing a complete record of the residential schools and their colonial legacies; however, attention to the colonial foundations on which Western-centric archival praxis are founded and operate must also be made

1. The Truth and Reconciliation Commission did not determine or award compensation. Under the terms of the Indian Residential Schools Settlement Agreement (IRSSA), compensation was awarded through the Common Experience Payment and the Independent Assessment Process – two of the five components of the IRSSA (TRC 2015:vol. 1[2], pp. 572-574).

2. A note on terminology. 'Indigenous' is used in this chapter as an overall preferential descriptor of peoples including First Nations, Métis and Inuit in Canada in line with the terminology of the *United Nations Declaration on the Rights of Indigenous Peoples*. Aboriginal is used where it is the terminology where the originating source is so identified. 'Indian' is used in the context of the Indian Residential Schools in line with the Truth and Reconciliation Commission of Canada.

transparent to surface the violence of the archives (e.g. Ghaddar & Caswell 2019; Elsadda 2016).

The final report of the TRC calls upon Canada to generate a national memory of the truth of residential schools, accessible to all Canadians. Specifically, Calls to Action 69 and 70 calls upon LAC and the federal government to fully adopt the UNDRIP and the *United Nations Joint-Orentlicher Principles* - intended to support Indigenous peoples right to know the truth and the State's duty to facilitate and ensure collective remembering. Can such archives move past colonial constructs of power and control and toward spaces that centre Indigenous voices, support identity, memory, cultural information and accountability? This chapter is a discourse on the role of archives in facilitating truth telling, in particular, in service to national reconciliation efforts. This analysis of the role of records and archives in the truth and reconciliation process may be helpful for the Norwegian TRC in thinking about the disposition of its own records in the context of colonial archival praxis in Norway. In this chapter, I link decolonial archival theory and practice to analyse the role of records in Canada's TRC and situate the dialogue in the broader discourse of archival praxis to identify key themes. I then provide a brief introduction to the IRS system and the role of the TRC in redress and paving the way towards surfacing truths and reconciliation. The Canadian TRC called on Canada's colonial archives to engage with international instruments such as the UNDRIP and the *United Nations Joint-Orentlicher Principles*. In this context, I examine archives as sites of power and their role in relation to individual, community and society's right to know and duty to remember in the wake of mass atrocity and genocide. Drawing on the work of the Indian Residential School History and Dialogue Centre (IRSHDC) at the University of British Columbia (UBC) as an example, I argue that one way to disrupt colonial archival praxis is through participatory, co-construction of collective memory with individuals and communities whom the records are about to develop decolonising archival sites of agency and pluralism. Decolonial archival theory and praxis applies international principles for upholding human rights, supporting healing, and uncovering previously silenced truths in pursuit of justice to the everyday work of archives and archivists in public memory institutions, thus obliging them to confront and interrogate their conflicting roles as keepers of colonial records who also have responsibilities as facilitators of access to truth, justice, public education and dialogue in the rewriting of national histories (Truth and Reconciliation Commission of Canada 2015a:138-139).

The role of records in truth-telling and reconciliation is inherently intertwined with an existing colonial archival praxis evidenced in traditional archives (e.g. government, church) in which institutional frameworks often reflect and uphold the systemic biases of the oppressive system. Such archives can paradoxically hold the evidence that aids in surfacing the 'truth' of the actions

under examination. As a result, ‘fundamental tensions’ exist in national memory institutions such as LAC, which serve the state, and are also mandated to work with Aboriginal peoples to document social and cultural history. These competing mandates are evident in the TRC’s difficulty in gaining access to government records, and call into question the viability and accountability of such institutions as they are currently structured to work effectively in the pursuit of justice and the fulsome re-examination of existing historical narratives (Truth and Reconciliation Commission of Canada 2015a:138–139).

Historically, institutional recordkeeping and archival practices, based on colonial value systems and constructs, have been powerful instruments in the control and subjugation of colonised peoples and lands (e.g. Lawson 2004; McKemmish et al. 2020; Stoler 2002, 2009). As archives and colonial scholar Evelyn Wareham states, ‘like the glass cases of museums, the archives of colonial regimes and their independent successor states have often been described as prisons for the identities of the oppressed’ (Wareham 2001:27). In postcolonial and post-conflict societies, victims of injustice demonstrate the critical importance of accessing records and archives to document wrongs and support their efforts to reassert their rights, redress harms and seek reparations.

Themes of decolonisation and the problematising of the Western-centric foundations of archival theory and practice are increasingly evident in contemporary archival scholarship. Particularly, scholars engaged in work at the intersection of areas such as colonialism and decolonisation, archival and information studies, human rights and Indigenous studies, have sought to highlight the frictions within the traditional archival discourse and find new ways to encompass pluralism and decolonisation in archival praxis.

■ The Indian residential school system and the Truth and Reconciliation Commission of Canada

Beginning in the 1880s and continuing for more than a century until the mid-1990s, the Canadian government, in partnership with Christian churches, operated the residential schools system for Aboriginal children. More than 150 000 First Nations, Inuit and Métis children were removed from their families and communities and sent to IRSs where ‘they were to be “civilised,” educated, and converted to Christianity’. Generations of Indigenous children were subjected to systemic racism and abuse, which often included being forbidden from speaking their language and removing them from their cultures, families and lands.

According to Shaffer (2019), the:

[S]urvivors of these residential schools, which today are estimated to number between 70 000 and 80 000, shared experiences of physical, emotional and sexual abuse and neglect that occurred during their time at these schools. (p. 2, n. 3)

This has been documented through numerous reports and inquiries, including the Royal Commission on Aboriginal Peoples (RCAP).³ The RCAP Report, released in 1996, recommended a public inquiry into the IRS system, particularly noting the need to hear from IRS survivors and gather evidence in service to redress, public education and an apology.⁴ In 1998 the federal government made a Statement of Reconciliation, and the Aboriginal Healing Foundation⁵ was created.

Beginning in the 1990s, residential school survivors turned to the court system to ‘seek justice and redress from the Canadian government and the church organisations that ran the schools’ (Shaffer 2019:2, n. 3). Increasing numbers of survivors took legal action against the churches that ran the schools and the federal government, which mandated and funded them, for loss of language and culture and the personal harms, survivors suffered. Large class-action lawsuits followed, and as a result, the government, churches and survivor representatives signed the IRSSA in 2006. A formal apology from the federal government followed in 2008.

Schedule N of the Settlement Agreement mandated the establishment of the TRC. The TRC had a budget of CA\$60 million and an original 5-year mandate to uncover the truth about the history and ongoing legacy of residential schools, and their role in producing individual and collective harms, and to document the experiences and resilience of survivors and intergenerational survivors, all in service to truth-telling, healing and moving towards reconciliation. A primary goal of the TRC’s mandate was to (Truth and Reconciliation Commission of Canada 2012):

[/]Identify sources and create as complete a historical record as possible of the IRS system and legacy. The record shall be preserved and made accessible to the public for future study and use.⁶ (n.p.)

The Commission was also mandated to ensure the long-term preservation and access to these records, as well as the records generated by the TRC, by creating a permanent archival repository. The National Centre for Truth and Reconciliation (NCTR) was established at the University of Manitoba with the support of a number of signatory partners to make the records related to the IRS system and the TRC available to survivors and Canadians more broadly for public education and research purposes and to support truth telling and

3. See the Report of the Royal Commission on Aboriginal Peoples at <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/final-report.aspx>

4. See the Report of the Royal Commission on Aboriginal Peoples at <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/final-report.aspx>

5. <https://www.ahf.ca/>

6. TRC Canada. Schedule “N” Mandate for the Truth and Reconciliation Commission. http://www.trc.ca/assets/pdf/v-SCHEDULE_N_EN.pdf

reconciliation efforts.⁷ The IRSHDC at UBC, a signatory partner, is an example of efforts to decentre colonialism in archival systems and practices.

■ Truth commissions and records

As archivist and human rights scholar Trudy Huskamp Peterson reminds us, the 20th century saw the rise of the truth commission as societies sought to understand what ‘happened among us’ often after mass atrocities and the reign of authoritarian regimes. The largest number of truth commissions investigating the abuses of repressive governments took place in South and Central America and Africa, usually after the transition from authoritarian to more democratic regimes (Huskamp Peterson 2005). Huskamp Peterson notes that truth commissions have limited time and resources to conduct their work, gathering information and records in support of understanding and documenting what happened. ‘Proofs for the past often depend on records, particularly those of governments’. However, there may not be initial thought given to the records such commissions generate (Huskamp Peterson 2005, 2017). The Canadian TRC differs from these descriptions of truth commissions in a number of ways. As noted earlier, under *Schedule N* of the Settlement Agreement, the establishment of an archive that would preserve and make accessible the records collected and generated by the TRC was mandated. Another important distinction is the federal government system that mandated and supported the running of the residential schools was not deposed. It is arguably the same settler-colonial state system that exists today. What does it mean for record discovery, creation, access and preservation if the regime has not changed but continues to replicate colonial institutional systems and practices, albeit in new ways?

The TRC, in its Interim Report, noted that it had difficulty obtaining records, which consequently had impacts on its ability to do its work.⁸ In her report submitted to the TRC in her role as The Representative for Children and Youth British Columbia, Mary Ellen Turpel-Lafond draws attention to the importance of records in seeking justice for children who have suffered institutional harms (Turpel-Lafond 2012). Turpel-Lafond states that Aboriginal children have a human right to ‘seek remedies for current and past human rights violations’ noting the importance of access to information and records in seeking justice for residential school survivors (Turpel-Lafond 2012). For Turpel-Lafond (2012), it is not just the generating and preserving of records that are important in facilitating justice; it is essential to use instruments such as legislation,

7. <https://records.nctr.ca/nctr-archives/>

8. Truth and Reconciliation Commission of Canada: Interim Report. http://www.trc.ca/assets/pdf/mroom_Interim%20report%20English%20electronic.pdf

policy and sound records management practices in ensuring records are *accessible*:

Those institutions, such as governments and churches that assumed parental roles under their perceived authority as institutions providing ‘public services’, must grant access [...]. Accessibility to records is critical to all individuals directly impacted by government policies that ignored their interests and that had devastating effects on their lives. (p. 40)

Drawing attention to the UNDRIP, Turpel-Lafond’s report documents the States’ obligation to assist Indigenous children with ‘re-establishing’ their identities, particularly in relation to Article 8 of UNDRIP, which addresses the prevention of, and redress for, any action which deprives Indigenous peoples, including children, of their ethnic identities (Turpel-Lafond 2012).

The TRC directed two of its *94 Calls to Action* directly toward archives, calling for the adoption and implementation of the UNDRIP and the *United Nations Joint-Orentlicher Principles*.

TRC Call to Action #69 calls upon LAC to:

1. Fully adopt and implement the UNDRIP and the *United Nations Joint-Orentlicher Principles*, as related to Aboriginal peoples’ inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
2. Ensure that its record holdings related to residential schools are accessible to the public.
3. Commit more resources to its public education materials and programming on residential schools.

TRC Call to Action #70 calls upon the federal government to provide funding to the Canadian Association of Archivists [Association of Canadian Archivists] to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

1. Determine the level of compliance with the UNDRIP and the *United Nations Joint-Orentlicher Principles*, as related to Aboriginal peoples’ inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
2. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.⁹

9. The Steering Committee on Canada’s Archives struck a Response to the Report of the Truth and Reconciliation Commission Taskforce, which produced the report: “A Reconciliation Framework for Canadian Archives.” Draft for Public Review, July 2020. https://archives2026.files.wordpress.com/2020/07/reconciliationframeworkforarchives_july2020_en.pdf

■ UNDRIP and the United Nations Joint-Orentlicher Principles

The UNDRIP was adopted by the UN General Assembly in 2007. It is a comprehensive human rights instrument that affirms the collective and individual human rights of Indigenous peoples globally, specifically addressing economic, social, cultural, political, civil, spiritual and environmental rights. It sets out the minimum standard necessary for the ‘dignity, survival and well-being’ of Indigenous peoples.¹⁰ As one of its 10 principles for reconciliation, Canada’s TRC stated that UNDRIP was to be the ‘framework for reconciliation at all levels and across all sectors of Canadian society’.¹¹ In June 2021 the Canadian government passed the federal Bill C-15: An Act respecting the UNDRIP, affirming and implementing the UN Declaration.¹²

The *United Nations Joint-Orentlicher Principles* against impunity are a framework developed under the guidance of the United Nations Commission on Human Rights intended to guide actions in conditions such as large-scale atrocity and genocide. Updated in 2005, the *United Nations Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity*, the main areas of the principles, which include: general obligations state the need to take effective action to combat impunity; the right to know; the right to justice; the right to reparation and guarantees of non-recurrence.

■ The right to know and the duty to remember

Seven of the 18 principles under the *Right to Know* (there are 38 principles in total) engage more directly with the role and work of archives, particularly as it relates to the individual and collective right to know and the preservation of and access to archives that bear witness to human rights violations.¹³

The initial 1997 report, written by legal scholar Louis Joinet (subsequently updated and revised by legal professor Diane Orentlicher, hence the name *Joinet-Orentlicher Principles*) powerfully captures the right to know and duty to remember as both individual and collective rights (UN 1997):

10. The United Nations Declaration on the Rights of Indigenous Peoples, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

11. Truth and Reconciliation Commission of Canada: Calls to Action, http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf

12. Bill C-15 – 2021: An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples. <https://parl.ca/DocumentViewer/en/43-2/bill/C-15/third-reading>

13. United Nations Human Rights Bodies. Commission on Human Rights. Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity. E/CN.4/2005/102/Add.1. (2005)

[7]he right to know is not simply the right of any individual victim or closely related persons to know what happened, a right to the truth. The right to know is also a collective right, drawing upon history to prevent violations from recurring in the future. Its corollary is the 'duty to remember', which the State must assume, in order to guard against the perversions of history that go under the names of revisionism or negationism; the knowledge of the oppression it has lived through is part of a people's national heritage and as such must be preserved.¹⁴

If archives, particularly those of the state, are to act, in part, as the collective memory of societies, they must recognise their duty to uphold these principles as an integral part of fulfilling their professional duties and obligations. Under the Right to Know, those principles that deal directly with the work of archives, include: the inalienable right to the truth; the duty to preserve memory; the victims' right to know; measures for preserving and facilitating access to archives; cooperation between archive departments and the courts and non-judicial commissions of inquiry; and specific measures relating to archives containing names.¹⁵

■ Engaging archival praxis

Archival scholars are writing in what is often referred to as the 'archival turn' – a turn away from notions of archival neutrality and impartiality and towards a recognition of the power and agency of archivists and archives in shaping the archival record and influencing collective social memory (e.g. Cook 2013; Cook & Schwartz 2002; Harris 2002; Ketelaar 2002). These scholars draw our attention to archives as, what archival scholars Cook and Schwartz term, 'site[s] for the contestation of power, memory and identity' (Cook & Schwartz 2002). They argue that archives have always been sites of power and have great authority over collective memory and constructions of the past, present and future (Cook & Schwartz 2002):

Through archives, the past is controlled. Certain stories are privileged, and others marginalized [...] archivists continually reshape, reinterpret, and reinvent the archive. This represents enormous power over memory and identity, over the fundamental ways in which society seeks evidence of what its core values are and have been, where it has come from, and where it is going. Archives then, are not passive storehouses of old stuff, but active sites where social power is negotiated, contested, confirmed. (n.p.)

As sites of power, that are continually re-enacted through memory work that shapes and reshapes, activates and reactivates (Ketelaar 2001, 2012), the

14. "The Administration of Justice and the Human Rights of Detainees: Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political). Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119;" United Nations Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub.2/1997/20/Rev.1, October 02, 1997.

15. Commission on Human Rights. Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity. E/CN.4/2005/102/Add.1. (2005)

archives do not exist as static repositories. Rather they are spaces of contestation that can be reshaped and disrupted in service of asserting rights in relation to records and transparency that expose the colonial foundations of archival praxis.

As anthropologist and historian, Ann Laura Stoler cautions, ‘reading only against the grain of the colonial archive bypasses the power in the production of the archive itself’ (Stoler 2002:101). Questioning the construction of colonial knowledge and the society it generates requires re-examining sources of knowledge and our expectations of them, necessarily facilitating greater public understanding of colonialism as a ‘living history that informs and shapes the present rather than as a finished past’ (Stoler 2002:89).

McKemmish et al. argue that approaches to decolonising archives cannot be undertaken without ‘addressing the continuing colonial aspects of contemporary recordkeeping and archiving’, which are themselves barriers to decolonisation (McKemmish et al. 2020:20). Writing from an Australian context, which is also applicable to other settler-colonial states such as Canada, McKemmish et al. (2002) assert that:

[D]ecolonization involves calling out and challenging legacy colonial belief systems, values, embedded racism, classism, sexism, and heteronormativity, with the ultimate aim of disrupting and transforming legacy structures and infrastructures. (p. 27)

Arguably, it is through actively revealing and confronting the ongoing presence of colonialism and engaging disruptions to practice that space is made for critical reflection and discourse, transparency and revisioning of archival praxis.

A growing number of archival scholars are calling for the decolonisation of archival praxis (e.g. Ghaddar & Caswell 2019; McKemmish et al. 2020). However, for Crystal Fraser and Zoe Todd, examining archives in the context of Canada, a settler-colonial state system, such efforts at decolonisation or indigenising can only ever be partial because they would require ‘an erasure or negation of the colonial realities of the archives themselves’ (Fraser & Todd 2016:n.p.). Engaging with questions of control, access, content and silences, Fraser and Todd argue not for decolonising the archives, but for an acknowledgement of the ‘inherent colonial paradigms that inform and shape the archives as institutions’ that moves instead towards ‘applying a *historically-informed critical decolonial sensibility*’ in engaging the archives (Fraser & Todd 2016:n.p.).

Scholars examining the role of archives in truth commissions are identifying the role records may play not only in service to truth-telling and justice but to the potential biases and assumptions both in how the commission frames the testimonies of victims of atrocities and the resulting archival record itself (e.g. Wouters 2021). Engaging with archival discourses of power and justice, human rights scholar Dietlinde Wouters argues for archivists to act as ‘activist-archivists’ in their work to reveal and mitigate potential injustices in truth

commission archives. Introducing plurality and agency into descriptive practices can assist in making transparent the boundaries of truth commissions and the rules that govern them, thus facilitating a greater contextualising of the voices of individuals within the archival record. Additionally, supporting ongoing and participatory development of systems and practices that iteratively both disrupt and build, can aid in combatting the systemic practices that uphold a harmful status quo.

Stoler challenges us to read with and against the grain in order to interpret the various layers of context. Reading with the grain enables one to identify 'regularities', 'consistencies of misinformation, omission, and mistakes' while reading against the grain enables one to look at what is absent or silent from the records (Stoler 2002).

Archival scholar and educator, Heather MacNeil (2001) notes the limitations of a narrow view of the evidentiary capacity of records:

For archivists, postmodern theory reminds us of what we should already know, that the methods for assessing the truth-value of records as evidence are rooted in a particular way of looking at the world and in a particular conception of records as a kind of testimony about the world. The criteria they establish for determining what counts as true are themselves the product of historical, cultural, and political choices and do not exhaust all the possible ways of looking at the world or the relationships between records and the world. (p. 45)

Problematizing and developing approaches to engaging agency and pluralism in archival praxis and systems are posited by archival scholars, researchers and practitioners who seek to engage disruption of colonial archives. For Anne Gilliland and Sue McKemmish, participatory archives can aid in furthering human rights agendas, particularly in support of self-determination, the exercising of rights and identities and in support of efforts of recovery and reconciliation after conflict (Gilliland & McKemmish 2014). According to Gilliland and McKemmish (2014):

[T]he concept of a participatory archive acknowledges that multiple parties have rights, responsibilities, needs and perspectives with regard to the archives [...] a negotiated space built around critical reflection in which these different communities share stewardship and expertise - they are created by, for and with multiple communities, according to and respectful of community values, practices, beliefs and needs. (p. 4)

Archival autonomy, according to McKemmish et al., is a means of surfacing the *rights in records* and supports moving towards a decolonising framework for archives and recordkeeping (2020). Drawing on concepts such as a plurality of provenance, and multiple, and negotiated rights in records, McKemmish et al. (2020) argue:

[*archival autonomy*] brings the multiple contexts and perspectives of the repositioned participants into play in decision making - about what records to create and keep; what records are of continuing value; what metadata needs to be

captured to document their multiple contexts; whose rights need to be taken into account in determining disclosure, access, and use policies; and what perspectives need to be addressed in access pathways. (p. 39)

In these ways, collaborative co-construction of new frameworks and infrastructures that support pluralism and agency seek to facilitate colonial disruption in archival theory and praxis.

The work of disruption in colonial archives, particularly those that document atrocities, requires ongoing attention to collaboration and critical reflection. In an earlier study, I collaborated with co-authors Lisa Nathan and Maggie Castor to investigate approaches to designing and managing information systems that steward records such as those of the TRC, drawing on the work of Iris Marion Young (1997) to inform practices related to conflict, agency, plurality and distrust. We proposed a number of concepts that may assist in guiding choices or taking action (or not) towards the transformation of archival praxis (Nathan, Shaffer & Castor 2015). We argue that *shifting capacities* are required in archival environments as they evolve and enhance and/or constrain one's ability to act. Young's social connection model contends that 'individuals, collectives, and institutions have capacities, abilities, and agency that are fluid and change over time', that enables us to be 'responsive and generative to our environments' (Nathan et al. 2015:113). How can a *deeper understanding of plurality* assist archival professionals in navigating the multiplicities and paradoxes that pluralism can generate? In my collaborative work with Nathan and Castor, we highlight the multiple interpretations (or in the observation of Ketelaar, 'activations' (Ketelaar 2012)) that records can hold, which may stand in conflict with one another, and how they have been framed and categorised by professionals and institutions (Nathan et al. 2015). Often, the same colonial systems that generated the records housed in archives are still in effect, underlying contemporary frameworks and infrastructures. We posit that *incorporating distrust* into the presentation of records and archives may reveal opportunities to engage structures of colonialism that exist in the records. 'How might acknowledging and recognizing the role of distrusting materials within the collection (that were themselves created through unjust processes) support the critical thinking of those who access the system?' (Nathan et al. 2015:115). We identify the need for *ongoing conflict* in efforts to address past and ongoing injustice. Drawing on Young's theory, we argue that such conflict can instigate a constructive disruption of the status quo to support critical reflection and generate opportunities for change. In our view, framing conflict as a source of 'generative friction' can facilitate space and energy for decolonising, transformative change (Nathan et al. 2015). What might this look like in practice? While still in its early stages, the development of digital systems and practices at the IRSHDC at UBC may prove instructive as an ongoing effort to apply theory to practice.

■ The Indian Residential School History and Dialogue Centre at UBC

The IRSHDC at UBC, opened in 2018, and was established to engage with the legacy of colonialism in Canada, particularly the IRS system and other harmful colonial policies and practices imposed on Indigenous peoples by the Canadian government. It is located on the traditional, ancestral, unceded territory of the hənqəmihəmspeaking xʷməθkʷəyəm (Musqueam people) that early colonial settlers renamed Vancouver, British Columbia. It operates as a survivor-centred space, both physically and virtually, with a mandate to support examination, education and engagement related to the history and legacy of residential schools in the UBC community and beyond. The work of the IRSHDC is guided by the Centre's Indigenous Advisory Committee, a group of Indigenous leaders, who are residential school survivors or intergenerational survivors. The committee supports the work of truth-telling and dialogue around the legacy of residential schools and informs the vision, strategic direction, projects and programming of the Indian Railway Stations Development Corporation, which is grounded in human rights approaches.¹⁶

The IRSHDC works in collaboration with and in service to Indigenous communities in BC and beyond, as well as partner organisations, such as national, provincial, church and community archives, to make records available to residential school survivors and their families in non-oppressive, respectful and supportive ways both physically and virtually. This work engages participatory development of digital systems and trauma-informed practices that support ethical and culturally informed exploration of residential school and related records.

The Centre's inaugural Academic Director, Indigenous lawyer, former judge, legislative advocate and professor at UBC's Peter A. Allard School of Law, Dr Mary Ellen Turpel-Lafond (2012), Aki-Kwe, notes the importance of respectful partnerships in the co-construction of systems and spaces that hold information and records about Indigenous peoples:

Indigenous Peoples have been the subject of study and academic intrusion in our lives - the ownership and control of Indigenous knowledge was not acknowledged, honoured or respected. New partnerships must begin with a foundation of agreement, respect and support for Indigenous knowledge and experience.¹⁷ (n.p.)

Collaborations across the university, with Indigenous communities, government and broader civil society provide opportunities to explore frameworks for records and information generated about or by Indigenous peoples and communities that are grounded in principles of equity, reciprocity, participatory

16. <https://irshdc.ubc.ca/about/what-we-do/>

17. <https://irshdc.ubc.ca/visit/exhibitions/>

practices and respect.¹⁸ Informed by and grounded in the UNDRIP and the TRC's *Calls to Action*, the IRSHDC takes a participatory and collaborative approach to the development of systems, policies and structures.¹⁹ How can we develop decolonising systems, practices and policies that facilitate the right to know? The right to truth? The right to be remembered or forgotten? The right to justice and reparation?

Guided by these broader decolonising principles, the IRSHDC's digital systems and interactive technologies support broader access to and engagement with the records of residential schools and are developed in the spirit of reciprocity and in dialogue with those individually and collectively who are documented in the records. The work of developing the digital and interactive systems that store and facilitate access to the records seeks to incorporate pluralism and agency, thus decentring a singular colonial narrative of the residential schools by supporting a multiplicity of voices, particularly those that may challenge the informational narratives found in church and government records. The Centre's collections aggregate records and information from numerous partner institutions (e.g. LAC, the NCTR, Legacy of Hope Foundation), which brings records of churches and governments into conversation with survivor and intergenerational survivor testimonies in efforts to support a more pluralistic understanding of these histories.

Incorporating survivor testimonies assists in centring survivor voices in support of truth telling. The collections include survivor testimonies from partner organisations, donors and the Centre's oral testimony program, which works in service to Indigenous communities and survivors who wish to share their truths. The program is developed in collaboration with Indigenous communities and guided by input from Indigenous leaders and residential school survivors. It ensures that survivors always own their testimonies and have full and ongoing agency over its use, access and preservation.

The development of the Centre's digital systems critically engages with the normative theory and practices of records and information through dialogues

18. The IRSHDC looks to the work of Indigenous and non-Indigenous scholars and professionals who write about and inform the work of decolonizing the archive, for example: Delva, M. & Adams, M., 2016, 'Archival ethics and Indigenous justice: Conflict or coexistence?', in F. Foscari, et al. (eds.), *Engaging with records and archives histories and theories*, Facet Publishing, London.; First Archivists Circle, 2007, *Protocols for native American archival materials*, viewed from <http://www2.nau.edu/libnap-p/protocols.html>; Lawson, K., 2004, 'Precious fragments: First nations materials in archives, libraries and museums', MA thesis, University of British Columbia; Mbembe, A., 2002, 'The power of the archive and its limits', in C. Hamilton et al. (eds.), *Refiguring the archive*, David Philip, Cape Town; McCracken, K., 2015, 'Community archival practice: Indigenous grassroots collaboration at the Shingwauk Residential Schools Centre', *American Archivist* 78(1), 181-191. <https://doi.org/10.17723/0360-9081.78.1.181>

19. This work is further informed by subsequent work and inquiries, for example: National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019, *Reclaiming power and place*, Executive Summary of the Final Report, viewed from https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf.

with survivors and intergenerational survivors on questions of access, representation, use and preservation of the records and information in the systems as well as the design of the systems themselves. The digital systems and interactive technologies support a variety of pathways into the records (e.g. temporal, geographic, subject based) that centre the user and those documented in the records. Working across information disciplines (e.g. archives, libraries, museums), there is ongoing critical examination of the normative practices, reflection upon and iterative design that works in efforts to disrupt these colonial systems. The digital systems are all developed using open source technologies and the collections staff work in a community of practice with Indigenous and non-Indigenous colleagues and communities supporting ongoing development and reciprocal relationships.

The IRSHDC building at UBC was designed by architect Alfred Waugh, the first Indigenous graduate of the architecture program at UBC. Waugh engaged in consultation with residential school survivors, intergenerational survivors and Indigenous communities to inform the design and function of the physical space, with the intention of unifying themes of memory and social dialogue. The importance of nature to act as relief to the often emotional content of the records housed within the building was stressed by survivors, cited as a counter to the experiences of feeling confined in residential schools. The buildings abundant and large windows provide much natural light to the space upstairs. The building's design elements and features reflect the diversity of Indigenous peoples across Canada rather than representing any individual nation. Unlike more traditional archives spaces, the International Human Resources Development Corporation works to develop a non-oppressive space that privileges the voices and experiences of survivors and works to create alternatives to more conventional colonial archives.²⁰ An elders' lounge, flexible and modular exhibition space, an interactive digital wall, information kiosks and an intergenerational corner that includes multi-age resources about residential schools and Indigenous themed puppets and activities are designed to welcome intergenerational dialogue and age-appropriate participation of children and youth. Waugh worked closely with the landscape architects, ensuring the surrounding gardens read as an extension of the IRSHDC interiors and support quiet space for reflection, conversation and contemplation.

Participatory work, including ongoing critical reflection and the making of space for disruption, highlights the importance of developing practices, systems and policies that have the capacity to change over time as the process of engagement evolves. As the work of decolonising is undertaken more broadly at the university and beyond, 'shifting capacities' may enhance or

20. Krista McCracken and Skylee-Storm Hogan call for a broader examination in creating Indigenous centred physical archival spaces in order to advance decolonizing efforts. <https://doi.org/10.33137/ijidi.v5i1.34648>

constrain the Centre's ability to act (Nathan et al. 2015). Critically engaging, reflecting on and holding space for distrust of records and archives in participatory development, may support work that ensures ethical space for those who are otherwise silenced through omission or other means in conventional records systems. Situated in a Canadian public university, the IRSHDC necessarily navigates a bureaucracy that is grounded in colonial practices. While this can pose challenges to agile development and innovation in support of decolonising, it can also result in 'generative frictions' that encourage creative and thoughtful approaches to linking individual and collective community memory to national history in principled ways that build trust and respect, foster truth, justice and reconciliation, including the rewriting of national histories to include the collective history and memory of Indigenous peoples.

This collaborative work is done in the broader contentious and highly sensitive context of reconciliation discourse in Canada; discourse which was brought to international attention in the spring of 2021 with the announcement by Tk'emlúps te Secwépemc First Nation that they located 215 unmarked burials at the former Kamloops IRS in their territory.²¹ One month later, the Cowessess First Nation announced they had located 751 unmarked burials on the site of the former Marieval IRS.²² In early July 2021 the Penelakut Tribe reported the confirmation of more than 160 undocumented and unmarked graves in the area in which the Kuper Island Residential School once operated.²³ All of these announcements refute the official records, which recorded minimal deaths at residential schools. The TRC dedicated an entire volume to 'Missing Children and Unmarked Burials' (Volume 4),²⁴ which revealed that of the 3200²⁵ child deaths they could identify, there were failures by the schools to adequately record names, causes of death or send bodies of deceased children home to their communities (Truth and Reconciliation Commission of Canada 2015b:126).

21. <https://tkemlups.ca/wp-content/uploads/05-May-27-2021-TteS-MEDIA-RELEASE.pdf>; https://tkemlups.ca/wp-content/uploads/July15_Media-Release_Final.pdf; <https://newsinteractives.cbc.ca/longform/kamloops-residential-school-children-dead>; <https://www.theglobeandmail.com/canada/article-bodies-found-at-kamloops-residential-school-site-in-bc/>

22. <https://www.cbc.ca/news/canada/saskatchewan/cowessess-marieval-indian-residential-school-news-1.6078375>; <https://www.aptnnews.ca/national-news/this-is-cowesses-first-nations-moment-of-our-truth-says-chief-cadmus-delorme/>;

23. <https://irshdc.ubc.ca/2021/07/14/statement-on-unmarked-graves-at-the-former-kuper-island-residential-school-site/>; <https://www.aptnnews.ca/national-news/more-than-160-unmarked-graves-found-on-penelakut-tribe-territory-in-b-c-first-nation-says/>

24. Truth and Reconciliation Commission of Canada (2015). *Canada's Residential Schools: Missing Children and Unmarked Burials*, Final Report of the Truth and Reconciliation Commission of Canada, Volume 4, Montreal and Kingston: McGill Queen's University Press, 2015. http://www.trc.ca/assets/pdf/Volume_4_Missing_Children_English_Web.pdf 3 TRC (2015). *Missing Children and Unmarked Burials*

25. As of August 2021 this number is 4,124. <https://nctr.ca/memorial/national-student-memorial/student-memorial-register-faq/>

Stories of student deaths and burials have been well-documented by residential school survivors through oral testimonies²⁶ and have now reignited a moral reckoning with this past in Canada as there are renewed calls for fulsome and unmediated access to church and government records. These records play a key role in contributing to facilitating critical pathways of access to justice for Indigenous peoples.

■ Conclusion

The records are crucial to holding us accountable. They are indispensable as deterrents against a repetition of the ghastliness and they are a powerful incentive for us to say, 'Never again'. They are a potent bulwark against human rights violations. We must remember our past so that we do not repeat it.²⁷ (Tutu 2006:n.p.)

The introduction to this chapter poses the question, 'can such archives [truth commission archives] move past colonial constructs of power and control and toward spaces that support reclaiming identity, memory, and cultural information and ensuring accountability?' The importance of challenging archives and archivists in settler-colonial countries like Canada, Norway (and other Nordic countries that are establishing TRCs) to undertake this work is underscored by the findings in international studies on other commissions.

In *Paper Cadavers*, historian and professor of history at Harvard University, Kristen Weld examines the role of records and archives, specifically the more than 80 million records of the Guatemalan secret police archives, and the work of archivist-activists who themselves are survivors of the regime, who undertook the work of 'producing and reproducing the PN archives' in the service of truth-telling and memory. As Weld informs us, the 'survivors' memories did not necessarily square with the omissions, silences and bureaucratic language of the documents' (Weld 2014:155). She argues that these archives provide numerous levels at which to engage the 'dynamics of memory-making and history writing - all of them profoundly contingent, messy, and incomplete, as history and memory necessarily are' (Weld 2014:155).

When societies seek to construct and preserve collective social remembering after mass atrocities and genocides, the path to constructing these histories and accompanying processes of engagement in memory work is ever evolving in response to broader socio-political pressures, flawed systems and changing circumstances and actors at national, regional and local levels. Processes that endeavour to make reconciliation contingent on truth and justice are difficult and conflictual, yet potentially transformative undertakings that are often

26. <https://si-rshdc-2020.sites.olt.ubc.ca/files/2021/06/MassGravesFramework-TerminologyPaper-June-2021.pdf>

27. Archbishop Desmond Tutu

constrained by the colonial limitations of institutional records and archives available. In this context, the decolonial truths revealed in the memories and experiences of survivors are equally important; they may complement or counter dominant history (Elsadda 2016) and fill critical gaps in the historical national memory that are grounded in the reclaiming of family and community memory. Those working to steward colonial archives need not act as passive bystanders who perpetuate the colonial violence of euro-centric archival practice but embrace this as an opportunity to engage with the messy and fraught work of moving their institutions beyond a colonial archival praxis. Building on lessons learned from the Canadian TRC context, and the Commission's findings and calls to action relating to archives, the Norwegian TRC, although it functions in a very different political context, faces some of these same challenges. In thinking about how it is conducting research and gathering evidence for its reports and recommendations, it has an opportunity to frame this work in ways that make explicit the role that archives can play in the process of truth-telling, justice and reconciliation, with a view to exposing the systemic biases inherent in colonial archives that have, by design, excluded or marginalised Indigenous peoples. In formulating its recommendations regarding how its own records and the relevant records of those of Norwegian institutions more generally, should be preserved post-TRC, the Norwegian TRC can highlight the critical importance of recognising the gaps, biases and omissions that undoubtedly exist in these records. Framing this work with a view to 'applying a *historically-informed critical decolonial sensibility*' (Fraser & Todd 2016), and leaning into the inevitable conflicts involved in confronting normativity, and by approaching such conflicts as 'generative frictions' may assist in disrupting colonial archival praxis to establish greater transparency and accountability to constructing a more inclusive, comprehensive and just record of past harms in efforts towards authentic reconciliation.

Part Four

**Histories of violence
and trauma: negotiating
identity, responsibility and
accountability for redress and
reconciliation**

Steve Biko as a ‘Christian’: A contribution to ethnic and racial reconciliation in post- apartheid South Africa

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■ Introduction

It is poignant to note that after the official South African Truth and Reconciliation hearings discontinued there has not been adequate progress made in terms of racial and ethnic reconciliation in South Africa. Therefore, the chapter aims to address the issue with a focus on the contribution that Steve Biko made from his perspectives on a Black Consciousness ideology and how it can be used to address the matter. The chapter commences with stating the problem of racial and ethnic reconciliation in South Africa, that is still a challenge, and has often been observed in media spats between coloured and African blacks. The chapter uses this ethnic and racial tension as a case study to explore how the work of Biko can complement the discontinued work of the South African TRC’s process in ensuring racial and ethnic reconciliation. The objective

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is to show that Biko's black consciousness, can also serve as a 'Christian' response to the still racial and ethnic fragmented society.

■ The legacy of racialisation in South Africa

The Population Registration Act of 1950 was part of the racialisation process of the apartheid government to enforce and classify the inhabitants of South Africa into three categories: white, black and coloured. Indians were later added to the category of Asians. During apartheid, the racial category 'coloured' included those whom the apartheid government argued to be of mixed descent. Their categorisation has been argued to be based on the intermarriage between the Indigenous people (Xhosi and San or Xhosisan) or between the slaves and the Dutch and British settlers during the different colonial periods. Besides being ridiculed and stigmatised because of miscegenation, the group itself was categorised as neither 'white' nor 'black' and therefore not regarded as having any well-defined identity. However, though 'coloured' was created as a racial classification, it became an ethnic identity that many came to identify with, and became a point of reference of their culture, values that could be celebrated and which made them proud, while in post-apartheid South Africa many repudiated such an identity because of it being associated with miscegenation. Therefore, though the latter should be taken note of, the former became the norm in new South Africa, especially in a recent research publication on the cognitive abilities of coloured women in South Africa.

The recent publication on the seemingly low cognitive ability of coloured women¹ (which is bizarre) was received with outrage and anger from coloured women and also resulted in a critical reflection on the continued interest of certain researchers on the culture of coloured people in South Africa. In reference to this, the former Vice-Chancellor of the University of the Free State (South Africa) Jonathan Jansen, argued that this is not a new phenomenon but has been the trend in academia for decades – a research interest in coloured people of South Africa – as a political and academic project. However, he attributes this to the bias of some researchers who were actually interested in providing proof for the 'promiscuity', and the 'drunkenness' of coloureds. His concern is that they then base their findings on 'racial' grounds.² Jansen vehemently repudiates this, because he argues in

1. See https://www.researchgate.net/publication/332074273_Age-_and_education-related_effects_on_cognitive_functioning_in_Colored_South_African_women. See <https://www.news24.com/SouthAfrica/News/controversial-coloured-women-study-stellenbosch-university-vc-appalled-and-saddened-20190522> as well as <https://www.news24.com/SouthAfrica/News/psych-society-denounces-study-claiming-coloured-women-have-low-cognitive-functioning-20190426>

2. Professor Jonathan Jansen at his inaugural lecture (2019) at the University of Stellenbosch refers to the various research that was conducted to answer certain social ills in South Africa [...] drunkenness because they are coloured, promiscuity, because of being coloured etc. See <https://www.youtube.com/watch?v=m8Ry-u3m-C4>

the first place that the notion 'coloured' remains a political classification. He also argues that the articulation of coloured people as a mixed-race is to assume that there is a 'pure' race,³ which is scientifically baseless and therefore is not a valid ground to base a theory upon – and that such research remains a project of racial essentialism. There is nothing fundamentally unfitting with the above assertions made by Jansen. However, the reaction from coloured activist groups and academics on the incident mentioned above – irrespective of the ontological arguments against 'race' – was to protest against what they consider to be an insult to their cognitive abilities. Their reaction led to the abrupt retraction and apologies of the responsible academics and editors of the journal in question as well as the affiliated institution (University of Stellenbosch) involved. This incident and its ramifications demonstrate that racial prejudices and ethnic prejudices are not an issue of the past.

These 'racial' and ethnic tensions run deep in post-apartheid South Africa. It masquerades itself through the policies of the South African government. Ramphela (2008:92) argues that ethnic consciousness is particularly evident among marginalised people. The coloured activist's groups, namely, *Gatvol Capetonians* and *Mitchells Village Civic Association (MVCA)*, complained and rallied together on another occasion when they believed that the government overlooked coloured people for employment opportunities in the Western Cape. Therefore, the Human Rights Commission launched a probe into the recruitment practices of some of the government organisations and alleged discrimination.⁴ The coloured people questioned the *Employment Equity Act* Policy that discriminates and makes explicit reference to 'Africans' in particular. Ramphela (2008) who was deeply involved in the Black Consciousness Movement (BCM) laments this:

Some zealots have resorted to the use of demographic quotas of the apartheid-style 'population register' categories to allocate employment opportunities. This has led to complaints about people feeling that they are treated as if they are 'not black enough' to qualify for the benefits of employment equity. Comrades who fought side by side in the anti-apartheid struggle find themselves pitted against each other in divisive competition for positions that are seen as the route to personal wealth and power. The solidarity that characterised the struggle is being shattered by the increasing application of the apartheid population categories to assign priority rankings to beneficiaries of redress policies. (p. 85)

3. Nico Koopman, argues in 2017 in one of his columns in a regional newspaper in the Western Cape *Die Burger* that though the word hybridity has come to mean 'mixed races' who were viewed as inferior, historians like Hans Heese argue that most of the extremists white apartheid ideologists' roots can be traced back to the Khoi-San Indigenous groups. Therefore, there can be no 'pure' race. Koopman argues that for him hybridity does not mean the dissolving of the entities that mix (coloured, white, black will still be that), but hybridity refers to mingling with others, exposure to the other, life in interdependence and interwovenness with others. He still, therefore, regards himself as a coloured, but argues that his living with others has also made him more than a 'coloured'.

4. <https://www.iol.co.za/capetimes/news/probe-into-job-discrimination-against-coloured-people-welcomed-19281841>

It is, therefore, evident that the government is not innocent in terms of deterring ethnic reconciliation in South Africa, especially because of a different form of ethnic nationalism that prevails. This is not because it is a constitutional challenge; in fact, the constitution is written in a spirit similar to the Freedom Charter (June 1955). It is more an issue of principle and practice. Biko (1978) writes on the challenge of black people being a part of the National Student Union of South Africa (NUSAS):

What SASO objects to is the dichotomy between principle and practice so apparent among members of that organisation. While very few would like to criticize NUSAS policy and principles as they appear on paper, one tends to get worried at all hypocrisy practised by the members of that organisation. This serves to make non-white members feel unaccepted and insulted in many instances. (p. 5)

There seems to be a rift and tensions amongst various ethnic groups in South Africa, which the current government, exacerbates.⁵ While scholars such as Jansen would not at all want to refer to such an identity as coloured, it is evident that because of such discriminating policies, people are more and more alienated and marginalised and join together in (coloured?) solidarity through protesting in terms of their ethnic identity. One of the responses would be to repudiate the idea of 'race' (Jansen's preference), another option would be to reinforce and always imagine society along the old racial and ethnic categories, but another response would be to allow South Africans to re-imagine their identity beyond such divisive projects – as a hybrid identity – to argue that there is an intersectionality between various identities (gender, race, class). The author will base his premise on the last two perspectives.

South Africa has also seen various forms of intentional ethnic 'protests' – especially the KhoiSan movement and the reclaiming and re-affirming of their position as Indigenous people of South Africa. Many people who would be classified as coloured in terms of apartheid legislation would in post-apartheid South Africa claim their heritage from the Indigenous people who lived in South Africa before the arrival of the Dutch settlers in 1652. In such a way they could be able to claim their identity and heritage especially those that would reduce them to a coloured identity whose heritage and culture is often disputed by other races because they are of a mixed origin. Although it is necessary for each ethnic group to celebrate their heritage, there is always a possible danger of becoming too 'ethnic consciousness' such that non-racialism becomes a 'pipe-dream'. South Africans might protest not because of a petition for the inclusion of certain cultural traditions but at the expense of others.

On 15 October 2019, Dennis Cruywagen who was an ANC Western Cape spokesperson during the 2019 general election, wrote an opinion piece in the

5. Here particular reference could be made to the Boipatong Massacre that was an ethnic fueled violence enroute to the first 1994 democratic elections in South Africa. After 1994, there are still Government application forms that would refer to the apartheid racial categories, coloured, Indian or African.

Daily Maverick entitled, '*Coloureds are Africans: We are the indigenous people of South Africa*' that articulates the lament of some coloured people in the Western Cape.⁶ He laments the ANC and other cadres' sudden reference to coloured people as if they were not Africans. Cruywagen (2019) states:

This coloured thing. Shit, this coloured thing. This badge of shame, disgrace, and ignominy that some want to hang around people like me as they excoriate people in this group for not being fully African, or having feasted on the so-called benefits that apartheid had bestowed on them. (n.p.)

He (Cruywagen 2019) then reverts to ethnic politics:

And as these insults rain down on coloureds, it is conveniently forgotten that many of the forefathers of people who have brown skins were the first freedom fighters in this country. In landmark battles, they bravely defended themselves and their land against European invaders in Mossel Bay, as well as Table Bay. (n.p.)

Though one might not register this as a 'protest' as has been accustomed in South Africa, but it is obvious that most coloured people had, because of the continuous racial categorisation of apartheid government in democratic South Africa, and the marginalisation of certain ethnic groups, come out publicly and raised their voice especially towards a majority party government (ANC).

However, although people should never be alienated from their 'socio-historical' and cultural histories – which should be embraced – such histories should always be part of a larger, broader historical narrative. Ethnic histories should transcend beyond ethnic essentialism and allow for the enrichment and 'interculturality'⁷ of society. There should be ways in which people's cultures should not only be tolerated but be celebrated, and lead to the enrichment of all ethnicities in South Africa. Christianity alongside government institutions should spearhead such initiatives where people can imagine themselves beyond the former political and ethnic classifications. However, before celebrating a 'rainbow nation' each identity should be acknowledged, celebrated and embraced within the new South Africa.

It is evident in the current social-political discourse that South Africans struggle to transcend their arguments and engagements beyond former racial and ethnic classifications. However, the recent Black Employment Empowerment (BEE) policy and its implementation in the country have spawned the regression towards former racial and ethnic classifications.

Katongole, in his book *Mirror to the Church Resurrecting Faith after Genocide in Rwanda* (2009), reflects on the 1994 Rwanda genocide and specifically focusses on the role of the church during the outbreak of ethnic violence.

6. See <https://www.dailymaverick.co.za/opinionista/2019-10-15-coloureds-are-africans-we-are-the-indigenous-people-of-south-africa/>

7. This is a quite recent (2018) notion that is used by various scholar in a book entitled, '*Intercultural Living. Explorations in Missiology*' edited by Stanislaus, LT & Ueffing, M (2018), Orbis Books, New York, NY.

He argues that the church was not innocent but has also contributed to constructing a false social narrative. He argues that the development of ethnic enmity was deeply infused by European Christianity and sustained by Christians. Katongole affirms that formal Christianity in Africa has also contributed to ethnic violence, and therefore it is the church that has a crucial role to play in reconciliation. This contribution shows that the church and theologians, besides theological, and biblical resources, also has other valuable insights from 'theologians' discussed further (organic intellectuals), who can provide crucial and important avenues for resolving ethnic violence. Katongole (2009:57) argues that it was the church in Rwanda that brought the idea of race and ethnicity and came with a story that was believed, retold and deepened over centuries of ethnic identity. This has been witnessed both in South Africa and Rwanda, and how Christianity often affirms, intensifies and radiates these racial and ethnic identities.

Katongole (2009:57) laments the role of the church during the Rwanda genocide, '[...] what we assume to be our "national identity" is, in fact, the effect of a deep formation that occurs through the stories embedded in our social and political institutions'.

The role of the church during apartheid as well as post-apartheid South Africa cannot be underestimated. It is black consciousness, as the most Revd Tutu suggests, that would help us to construct new stories within the given 'wild spaces'.⁸

Though there have been myriad contributions from Christian theologians, the work of Steve Bantu Biko (1978), would receive particular attention in this chapter. The author argues that Steve Biko and his work can be regarded as a gift for theology, especially in terms of the current and ongoing challenge of ethnic and racial reconciliation in South Africa. The author intentionally locates Steve Biko, outside of formal 'Christianity' as it developed as a religion in South Africa, as a way to demonstrate how his work, which was not embraced by formal Christian institutions in South Africa at large during apartheid South Africa, is crucial to consider in a post-apartheid context.

■ Black consciousness as an ethnic response

Steve Biko (1978:57) refers in his address to the conflicts among black people – when he speaks of Indians, coloureds and Africans.⁹ It is apparent in this instance that he focuses on the cultural differences between the 'races' but argues that these [cultural difference] should not engender internal

8. Katongole (2009) uses the concept that he eventually borrows from the feminist theologian, Sally McFague.

9. He used this racial classification of the apartheid government, not because he confirms the biological rationale for race therefore he later raises his own arguments against these racial classifications.

divisions and fragmentation.¹⁰ His stories of black suffering include that of Africans, Indians and Coloured people. Therefore, it is evident that Biko raised an alarm against ethnic divisions apparent in apartheid South Africa. When the Freedom Charter¹¹ promotes, and makes reference to South Africa as a 'home' for *all*, it is especially motivated within the framework of a black consciousness thought. It would mean that what has at times been framed as Biko advocating for blacks that are narrowly understood through 'Africanism' or 'nativism' would never have been ascribed to him. In fact, Mbembe (2007) argues that for Biko, 'black' was a condition, a solidarity movement that would be able to deal with the conditions and circumstances that were experienced by 'blacks' (Africans, Indians and Coloureds) during apartheid. Therefore, the BCM supported the involvement of white apartheid protestors like Beyers Naudé, Bram Fischer and other white South Africans who would be regarded as black because of their solidarity with the black condition. In fact, for Biko, black would also include white people that shoulder with, and are conscious and work towards the liberation and dignity of *all* human beings. Mbembe (2007) argues that if the race problem is to be solved, the conditions of poverty, economic inequality should be solved. This seems to be one of the sad conditions that South Africans, including the 'coloured' people in South Africa, are still experiencing. Therefore, black solidarity across ethnic lines is desperately needed to solve the 'black situation'.

This is, therefore, understandable that the side that Biko was on (pre-1978 until his death) – and the people who were most represented were 'blacks' that were inclusive of the apartheid, racial categories, Africans, coloureds and Indians. However, there has been some shift in the socio-economic landscape of South Africa and therefore Mbembe (2007:144) argues, in the emergence of a new black elite (particularly Africans) that became part of the oligarchs of the world and would accumulate wealth at the expense of other blacks who would suffer in dire poverty-stricken conditions, black solidarity should take this also into account.

Therefore, Biko cannot be utilised and become a political front for capitalistic tendencies – and the reversal of racism (black against white) – however – Biko was a fighter for *justice for all*. This means in realistic terms – if black was to be a condition¹² – whites could be 'black' – if they overthrow

10. Biko (1978:52) states, 'The importance of black solidarity to the various segments of the black community must not be understated. There have been in the past a lot of suggestions that there can be no viable unity amongst blacks because they hold each other in contempt. Coloureds despise Africans because they, (the former) by their proximity to the Africans, may lose the chances of assimilation into the white world. Africans despise the Coloureds and Indians for a variety of reasons. Indians not only despise Africans but in many instances also exploit the Africans in job and shop situations. All these stereotype attitudes have led to mountainous inter-group suspicions amongst the blacks'.

11. http://www.historicalpapers.wits.ac.za/inventories/inv_pdfo/AD1137/AD1137-Ea6-1-001-jpeg.pdf

12. This is the argument espoused by Steve Biko and the BCM.

government and state-apparatuses that would not improve the situation and oppression of 'blacks' in South Africa. However, Biko's well-known slogan 'Black man you're on your own!' should not be seen as the exclusion of white people but that people in South Africa would also participate in African style, through seeking the welfare of all inhabitants of South Africa (cf. Kritzinger 2002). Moreover, for Biko (1978) it was an issue of 'common humanity' as an outcome of his black-white dialectic.

South Africa has various cultures and should embrace and provide a platform for each to be celebrated and to enrich others. The problem is that there is often hostility that prevails when minority 'ethnic cultures' in South Africa ('coloured', Indian, white) are expressed and practised in a particular region and province, and therefore there is often an abuse of one dominant culture over another (as during apartheid South Africa) which leaves little freedom of expression and celebration of the minor ethnic cultures. This was the case during apartheid South Africa – that 'race' and culture were hierarchical. There was not an enrichment or a dialogical flow of cultures. The races and ethnic groups were kept separate, and some were 'demonised' and some 'sacralised'. You, therefore, had certain 'cultures' and 'traditions', including religious traditions being sanctioned by the state while others were permitted but 'demonised'. In the current democratic dispensation in post-apartheid South Africa, with a new government, none of the cultures are demonised, however, not all do enjoy equal embracement and public endorsement.

Chris van Wyk released a book entitled *We Write What We Like: Celebrating Steve Biko* (2007) in which academics and politicians discuss the contribution of Biko and the ramifications of his thought on black consciousness in a post-apartheid South Africa. The authors show that Biko's idea of 'black consciousness' transcends the apartheid era and continues to be relevant to a society, which is still struggling to have a 'human face'. What is striking in the book and contributions is the fact that Biko's thoughts and ideology were able to unite scholars and politicians from different ethnic groups Jansen (Coloured), Mbeki (Xhosa), Tsedu (Venda). Taking this into account Ramphele (2008:86) made some scathing comments on a racially, and ethnic divided South Africa, when she argues that the South African government 'behaves like a person who is limping from an injured foot who then shoots himself in the other foot to even the score'. She argues that South Africa loses skills and expertise because it does not also calculate the unintended consequences of the *Employment Equity Act* when it is applied to the letter and loose younger white people who are emigrating and taking their skills to other countries.

Steve Biko (1978:5) responded extensively on the reasons for the formation of the new student body, namely the South African Student Organisation (SASO) that was established for blacks, and it breaks away from the NUSAS. He argues that the 'blacks' needed bargaining power and an organisation that

would prioritise the needs of black people. SASO still worked with NUSAS (which Biko stated many times unambiguously). Still, he laments that NUSAS did not provide a platform and create opportunities to strategise and work towards the greater participation and involvement of black students on university campuses. Therefore his argument was that NUSAS was not a suitable vehicle for equal participation because it had a 'white base' (Biko 1978:5). Consequently, he argued that SASO will bring equal participation from white and black students and, therefore, would be a much more suitable vehicle for transformation. This remains crucial as it allows people to read Biko, as a 'reconciler' rather than a 'fascist' or 'separatist'.¹³

In response to the establishment of SASO, Biko (1978:5) presented the rationale for abandoning of NUSAS. His response was frank, 'the mere numbers fail to reflect a true picture of the South African scene'. Therefore, it is evident that Biko was concerned with the power imbalance, the inequality and disproportioned power that was apparent in society and the existing student societies like NUSAS at the time.

■ Black consciousness as a socio-economic response

Ramphela (2008:95) argues that ethnic and racial identities are sustained because it is used as a means to influence and determine access to resources in South Africa. The emergence of political expression on ethnicity in South Africa is because of the unfair and unequal treatment in South Africa in terms of ethnic marginalisation. It is also the result of the reductionist approach of politicians.

Ramphela (2008) who was a staunch member of the BCM believes that the divisions among black people along ethnic lines are exactly because of the 'socio-economic' climate in South Africa. Ramphela (2008) asserts:

There are, unfortunately, also a significant number of black people who exploit the injustices of the past to claim benefits for themselves. They cast themselves in the role of perpetual victims with unending claims on society to redress historical wrongs. They have no hesitation in driving a wedge between black and white people. Nor do they shrink from showing divisions among black people by focusing on who is blacker than whom and thus most eligible to the spoils of freedom. (p. 82)

Whenever there was an 'ethnic' response to the situation in South Africa during oppression – Biko would have argued for a 'black' response or 'black solidarity'. He argues that 'black consciousness' would lead to a more 'human face'. It is evident in Biko's work that to prioritise ethnic or race in the absence

13. Biko was never against white people, or any other race for that matter, he was against white liberalism, an attitude that did not understand the black situation and did not see them as complicit but as the answer to the black situation – while blacks (oppressed groups) had no agency. Those who would be supporting the system are the oppressors.

of the common black struggle would not deliver to South Africa the desired 'human face' desperately needed to rid society from racial discrimination. Therefore, the fight through 'ethnic' discourse is not an answer. Therefore, Biko did not propagate the interests of 'ethnic' identity – which has become more contentious in South Africa in the new democratic dispensation.

The BCM was also interested in dealing with the socio-economic conditions of majority of black people in South Africa. Therefore, it is not strange that Ramphela (2008:90) calls for 'socio-economic status' to serve as an additional marker to redress inequality in South Africa. It will indeed shift the focus from perpetuating the apartheid racial categories and ethnic identities and establish common solidarity among all races – which was the purpose of Steve Biko and the BCM. Ramphela (2008:92) states, 'Ethnic consciousness is also reinforced where access to resources are framed along racial lines'.

■ Black consciousness as a theological response

This is one of the important components in this chapter, especially because the 'Christian' religion has not in its entirety in South Africa embraced the 'teaching' and advocacy of Biko on black consciousness. Though there might be reasons for some churches to be concerned – Biko's work on black consciousness is a supplementary gift to Christian thought. Tutu (in Biko 1978:ix) in the preface of Biko's book *I write what I Like* argues that the BCM was from God, because 'it sought to awaken black people's worth in the sight of God that they were all created in his image'. It is the most Revd Desmond Tutu, as a theologian that argues that reconciliation needs 'black consciousness' because reconciliation is a deeply personal thing – happening to those who acknowledge their unique personhood (Tutu, in Biko 1978:x). When he delivered his sermon at Biko's funeral in 1978, he states (Tutu 2006):

God called Steve Biko to be his servant in South Africa, to speak up on behalf of God, declaring what the will of this God must be in a situation such as ours, a situation of evil and injustice, oppression and exploitation. (p. 19)

Allan Boesak, through his work *Black and Reformed*, rejected the particular South African Reformed interpretation of John Calvin and Abraham Kuyper to endorse apartheid. There were a few responses from the Christian Church to protest against the conditions of apartheid. Despite the work done by Allan Boesak and Desmond Tutu as some of the most prolific writers and theological responses in South Africa to the state of apartheid and its racist policies, the work of Steve Biko was for many churches with purists ideals – labelled as a 'communist' response rather than 'Christian'.

In 2008, Cornel W Du Toit released a book that reflects on the theological challenges of Biko's thought in which a number of authors from different ethnic

backgrounds wrote their perspectives of Biko. It is remarkable to read how Biko's work made sense for all of them, irrespective of their ethnic backgrounds, but also that it provided enough food for theological reflection and discussion. In the edited volume, Maluleke refers to Biko's black God as one that would take seriously the concerns of black people in South Africa, which was some¹⁴ of the oppressed during the time of apartheid. Maluleke (2008:62) argues that Biko was against a God who would be ignorant of black oppression. Biko criticises the churches, and the kind of Christianity practised because it was 'white' in ethos. Biko (1978:53) states, 'We are aware of the terrible role played by our education and religion in creating amongst us a false understanding of ourselves'. This is why Biko was 'anti-white' because such churches opposed and suppressed black determination. This does not mean that the black God is black (pigmentation) but that the 'black' God was interested and was one that would fight for 'black' liberation. Because 'white' in South Africa represents for Biko a condition, it was about the liberation from 'white consciousness'¹⁵ – one-person discriminating over the other in terms of the colour of their skin – 'racial' supremacy that Biko was against. Therefore, Biko envisaged a South Africa with a more 'human' face, neither white nor black.

The contribution of Katongole (2009)¹⁶ is significant, especially in light of his reflection on the ethnic violence and genocide in Rwanda in 1994. He argues that the church should create 'wild space[s]'.¹⁷ This would typically be spaces where people of various ethnic groups would find overlap and common ground. It is the BCM of Steve Biko that created those 'wild space[s]' – an opportunity imagined from a position of 'blackness' – that would pose new possibilities.

Tsedu (in Van Wyk 2007:94) reflects on the legacy of Biko, and sees it as a Christian response, especially when he argues that Biko allowed him and others to perceive them as being made in the image of God.

■ Biko's black consciousness response as a Christian response

It has been for many pious, and puritan Christians not necessary to engage the work of Biko or see Biko's work as a 'Christian' response towards reconciliation.

14. I refer here to 'some' because it is also well-known that this did not necessarily at the time mean for most people also other forms of oppression, while there became later considerable consensus, as this paper would also underscore *all forms of oppression*. For instance, much later Black Liberation theologians, like Allan Boesak argues that there was a lack of focus on gender injustices and oppression.

15. See a discussion of Kritzinger, in which he delineates what would constitute a 'white consciousness' in his chapter 'Teologie vir Wit Bevryding', in the book 'Wit Afrikane? In gesprek met Nico Smith' (edited by Hofmeyr, Kritzinger, Saayman (1990).

16. Mirror to the Church, Resurrecting Faith after Genocide in Rwanda.

17. He borrows this concept from the feminist theologian, Sallie McFague.

However, Biko had an influence on the emergence of Black Liberation Theology (BLT) in South Africa (see Boesak 1984). Therefore, though this was not especially the purpose of Biko – it shows that his writings and appeal of 'black consciousness' is not far removed from the notions of neighbourliness, and God's idea of love. Biko's work would also be crucial in addressing gender-based violence, Xenophobia – the fighting and hostility towards those of other African countries.

Biko was an Anglican (though not a practising one) by birth and did participate in Holy Communion services (in fact, that is one of the rituals that he remembers in church). However, he remains critical and even argues that the Holy Communion that has been practised by his denomination (Anglican) became a form of 'integration' which he contends is not what South Africa needs and would impede national reconciliation (cf. Duncan 2008:119). Biko (1978) argues:

The myth of integration [...] must be cracked and killed [...] It works on a false premise that because it is difficult to bring people from different races together in this country, therefore achievement of this is in itself a step towards the total liberation of the blacks. Nothing could be more irrelevant and therefore misleading. (p. 23)

Biko was not critical of God, only the white caricature of him. He made it clear that his rejection (of apartheid Christianity) lies with the cultural form of Christianity that was transplanted in South Africa and broader Africa through European missionaries (cf. Maluleke 2008:69). He raises four critical arguments for his rejection of 'churchianity' (cf. Duncan 2008:119):

- It makes Christianity too much of a 'turn the other cheek' religion while addressing itself to a destitute people.
- It is stunted by bureaucracy and institutionalisation.
- It manifests in its structures a tacit acceptance of the system, that is 'white equals value'.
- It is limited by too much specialisation.

The most difficult part is that Biko might not pass the test when people would ask where he mostly spent his time on Sundays (with the focus on congregation and church attendance), and did he quote some Bible verses to show his proficiency in the Bible? or, did he wear 'Christian' clothes? However, though this would not yield some positive 'Christian' responses to puritan Christians he might, in some cases, act more in congruence with the Bible than those asking such questions above.

Duncan (2008:119) argues that Biko, as an African, would not think of religion as a separate aspect but as part of his life (integrated worldview). Therefore, the dualistic thinking of sacred and secular would not suffice when reflecting on Biko's religious life. Biko subscribes to a holistic African worldview.

He was someone who based his life on faith and regarded it as the source for each nation to overcome its challenges (Maluleke 2008:67). Maluleke (2008) states:

The wealth of theological insight in Biko's thought is – for a layman – breath-taking. It is remarkable that more than 30 years ago, he framed a theological agenda that, in all honesty, we have not yet exhausted. (p. 69)

This chapter indeed provides such a perspective that Biko's thought is a gift to Christian thought, especially addressing oppression and marginalisation, but also promoting ethnic reconciliation. Maluleke (2008:60) reminds us that it is in the same atmosphere and through the activism of the SASO that black Theology, which was a theology that emanated from the black situation, came to the fore. Steve Biko was a key figure in SASO and contributed to the philosophy of black consciousness.

A missiologist is especially one that would reflect on the community, identify with a community and provide some theological reflection on the 'life and death' of the South African community (cf. Maluleke 2008:64). Biko could be regarded as a 'theologian from below' (cf. Duncan 2008:129) because he was able to reflect on God and the state of South Africa during apartheid (Seleoane 2008:67). It was his faith in God that made him question the 'natural order' of the day (cf. Seleoane 2008:67) and, therefore, conclude that God was long before the modern missionaries in Africa. Biko advocated through his philosophy of black consciousness for the 'unity' between all in South Africa (cf. Mbeki 2007:27).¹⁸ He did not only refer to white and black disparity but also division among black people!

■ Biko's problem with Christianity

Biko was particularly critical of the expression of 'Reformed Theology' in South Africa, in particular, its doctrine of sin – that human beings are inherently sinful – because he believed this made black people negative about themselves (internal racism and oppression). He believes that human beings are inherently 'good' (cf. Duncan 2008:123). This doctrine (*corruptio totalis*), he argues, is the negative role that the missionary church played in the lives of black people. It contributed to their lack of confidence, hope and positive self-esteem.

Biko (1978) states:

It seems the people involved in imparting Christianity to the black people steadfastly refuse to get rid of the rotten foundation which may of the missionaries created when they came. To this date, black people find no message for them in the Bible simply because our ministers are still too busy with moral trivialities. They blow these up as the most important things that Jesus had to say to people. They constantly urge people to find fault in themselves and by so doing, detract from the essence of the struggle in which the people are involved. Deprived of spiritual content, the black people read the Bible with a gullibility that is shocking. (pp. 33–34)

18. Mbeki (2007:27) reminds South Africans that the BCM and Steve Biko was able to bring unity among black people during the exile period (and banning of PAC and ANC).

Biko (1978:13) was also critical about the church because he argues that the church was one of the institutions, at the time, that did not accept 'blacks' as part of the leadership and that churches did not prioritise the concerns of black people.

■ South African hope: Ethnic reconciliation

The words of Biko (cf. Mbeki 2007) are clearly beyond ethnicity:

We have set out on a quest for true humanity, and somewhere on the distant horizon, we can see the glittering prize. Let us march forth with courage and determination, drawing strength from our common plight and our brotherhood. In time, we shall be in a position to bestow upon South Africa the greatest gift possible - a more human face. (p. 24)

Mbeki (2007:25) clarifies the slogan of Biko, 'Black man, you're on your own!' He states that it is because there were white liberals that were scared of what they would lose would they stand alongside and in solidarity with the blacks.¹⁹ Biko was concerned with those white liberalists who would not participate in public and join the marches and protests for the abolishment of apartheid. Therefore, he puts it to black people of his day, 'Black man, and you're on your own!' Biko was concerned that black people would not come to the point of self-determination and to develop the courage and self-confidence that is necessary for the emergence of a more 'human face' in South Africa. Therefore, his statement cannot be used to further the agenda of 'nativism' but rather as a call for 'self-worth' and self-validation as a means to authentic reconciliation between all people in South Africa. A situation where the black person would no longer look for approval from whites but would deem themselves worthy.²⁰

Biko argues that white liberals did not think of themselves in terms of being 'oppressed', and this is what made the 'black [man]'²¹ to be on their own. This has implications also for the post-apartheid situation - the way that Africans, coloured, Indians and other oppressive groups should view themselves - as *all* being oppressed, as the criteria for black solidarity? Or would it be hierarchical layers of oppression? There is, therefore, much pain within each ethnic group

19. When Steve Biko became the leader of the SASO he was clear that the organization should be articulate and promote 'blackness' but that the organization was not anti-white. Biko had a concern that 'blacks' are not united and therefore he stated, 'let us [black] first organize ourselves, and we will accept white members if we are a united group' (Ndaba & Smith 2017:26).

20. Fanon (1967:87) states, 'I resolved since I could not get away from an inborn complex, to assert myself as a BLACK man [...] since the other hesitated to recognize me, there remained only one solution "to make myself known"'. Fanon (1967:102) resolves how he would argue to think of himself, 'I put the white man back into his place'; growing bolder, I jostled him and told him point-blank, 'Get used to me, I am not getting used to anyone'. I shouted my laughter to the stars. The white man, I could see, was resentful. His reaction time-lagged interminable [...] I had won. I was jubilant.

21. There is indeed much critique on many liberation discourses and the sexist language used, especially by Bell Hooks and others.

in South Africa to be able to be sympathetic with others because all are bearers of pain and suffering – and instead of categorising, or hierarchialising pain – to be in solidarity with one another. This also relates to the speech of Nelson Mandela ‘Blackness is a critical starting point: an important foundation for engaging in the struggle’ (cf. Mbeki 2007:39). If blacks do not understand and show solidarity with conditions of suffering and oppression, it would be sure that such a person is ‘white’ and has become so removed from the black condition that he or she has become insensitive and ignorant of his or her brother and sister. This would make the ‘human face’ of Biko unattainable. However, as Biko argues, it is the black condition (including all forms of oppression) that urges us, from different ethnic and racial origins, to reconcile.

Jonathan Jansen (2007:129) states that because everyone understood ‘black consciousness’, ‘no one dared to speak of himself in ethnic terms’. It is however very interesting how Jonathan Jansen as a ‘coloured’ person would be able to reflect on his oppression within a book that was attributed to a black philosopher, on ‘black’ consciousness, and that in this way he articulates his journey within ‘black’ pain and suffering. This is in itself an ‘ethnic reconciliatory’ action.

The dream of ethnic reconciliation was always a vision for Biko. Jansen (2007:131) argues, therefore, that Biko was always advocating for a consciousness of an ‘open, egalitarian society’. Mbeki (2007:27) discusses the role of the BCM and the role of Steve Biko and his emphasis on the ‘importance of unity of the broad movement for national liberations’. Mbeki (2007:29) refers to the speech of Oliver Tambo on the role of Biko and his contribution to the ANC to promote and emphasise the ‘commonness of oppression’, and black people’s shared identity. Kritzinger (2008:110) argues that Biko was promoting a ‘lifestyle towards inclusive Africanism’, and not a specific ‘African culture in mind, but African culture that is the synthesis – the more human face’.

It seems that Jansen (2007:132), though appreciating the contribution of Biko suggests that the black consciousness thought should provide a platform to go beyond race classifications and ethnicity, ‘imagining a world without race, a broader cosmopolitanism [...] in which we identify with people on the basis of common citizenship of a troubled world’.

Biko would have rejected ‘ethnic’ domination, unequal power relations, as it would be the same as whiteness. It relates to power and systems of domination. Black consciousness is to discover one’s worth outside of external forces, and therefore it becomes important for all ethnic groups to discover their worth, be critical about how they view themselves – but work at the same time towards an ‘inclusive Africanness’ as Kritzinger argues is Biko’s meaning of what he calls a more ‘human face’.

Biko (1978:66) is concerned about whites who created division among black people. Biko (1978:66) argues that apartheid is ‘a philosophy that stratifies the

black world and gives preferential treatment to certain groups'. Biko (1978:50) believes that in a normal society, one culture should not be above the other. Nevertheless, 'Africans can comfortably stay with people of other cultures of the communities they have joined'. Biko (1978:51) believes that the unique contribution of Africa and South Africa to the world is in human relationships. 'A freedom for one culture isolated from the other is "false freedom"'. Therefore 'coloured' Christians should never reach a point where they only talk about the 'first people' but 'solidarity' and reconciliation. This is what whites wanted to create through the 'homelands' (Biko 1978:66-67).

In Koopman's paper *Towards a Pedagogy of Hybridity, Reconciliation, and Justice*, he unpacks what he means by others that influence and the regular contact with other 'races', ethnicities and people of other nationalities. He argues for himself, known as a 'coloured' – it has 'changed' him. He argues that though he is still regarded as coloured, this would be his minimalist identity – but that he is more than that. These multiple identities open-up spaces for churches to engage in anti-oppressive solidarity work within their own institutions and in the broader South African societies.

In conclusion, Biko's ideology is crucial to engage with Christians in South Africa towards ethnic reconciliation. This is not that it would be something new because among the 'black reformed churches' this was not only an ideology but a practice. This can be seen in the activities of the former black churches during apartheid which Rev James Buys of the Uniting Reformed Churches presented at the TRC of South Africa (URCSA 1997:14; cf. Meiring 2019:7-8):

- The Christian Institute (CI) that was established in 1961, in the wake of the Cottesloe Conference (1960), under the leadership of Beyers Naudé. The CI which sought to serve God's justice under compulsion of Scripture was banned in 1977 and its leadership placed under house arrest.
- The Confessing Circle [*Belydende Kring*], initially called the *Broederkring*, was constituted by black and white clergy, evangelists, church council members and lay members. Its goal was to guide and pressurise the church in its struggle against apartheid, and to campaign for church unity. The Confessing Circle did not refrain from taking the church leadership to task on these issues, being accepted by many as the authentic voice of the oppressed within the DRCA and DRMC. Members of the Confessing Circle often had to bear hardship, suspicion and in the case of some ministers, having their financial subsidies revoked by the DRC.
- The movement, as well as the philosophy of the Confessing Circle, found extension in the formation of the Association of Black Reformed Christians in South Africa in 1981. Constituted by members of the black DRCA, Presbyterians and Congregationalists, it reflected on the implications of the Reformed faith in opposing apartheid inside and outside the church.

When writing on this contentious issue within South Africa, it is evident that what the TRC in South Africa was establishing during its operation, was a reconciliation mainly between white people and black people; in this case, black is referred to in Biko's terms. However, although much enmity developed between different ethnic groups, as Biko also addressed, the ethnic nationalism purported by the South African government has made it worse, and therefore perhaps a small TRC hearing is needed to settle the matters of ethnic reconciliation in the pursuit of national reconciliation.

■ Conclusion

The notion 'Christian' in this chapter should not be confused and interpreted as a claim against Biko's Christian devotion, but one that would highlight the negative role of the institutionalised, European form of Christianity that shapes the responses to social consciousness and actions in Africa (including South Africa). This chapter argues that Biko's work should have been adopted and regarded as a gift to Christianity in South Africa during the apartheid years. He was often articulated to be the 'anti-Christ' (*Rapport* 2004), and a 'communist'. However, the chapter places the relevance of Biko's thought on black consciousness squarely into the post-apartheid arena, and how his work would be relevant for the repudiation of ethnic rivalry, 'consciousness' and activism in South Africa, using the conditions of 'coloured' people as a case study to reflect on the prevalence of ethnic and racial inequality in post-apartheid South Africa.

Social justice, white beneficiaries and the South African TRC

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■ ‘Us? Beneficiaries of apartheid!? The very thought ... !!’

‘Reconciliation requires a commitment, *especially by those who have benefited and continue to benefit from past discrimination*, to the transformation of unjust inequalities and dehumanising poverty’ (TRC 1998e:435) (emphasis added). This requirement clearly applies to all South Africans who have and are continuing to benefit from their pre-1994 racial classification as ‘white’.¹ However, amongst this group, there is a deeply disturbing, growing tendency to distance themselves from being beneficiaries of systemic, racialised historical injustices and therefore a denial of shared, reparative responsibility.

1. I am very aware of the intersectional complexity of racialized identities, and significant diversity within the group classified as ‘white’, but the wide range of benefits arising purely from skin colour is the focus here. See Swartz (2016).

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For example, in a 2017 South African social attitudes survey conducted by the Human Sciences Research Council (HSRC), South Africa's largest social science and humanities research agency indicates that 64.8% of white South Africans disagreed/strongly disagreed with this question: '*It is essential that all white South Africans take action towards repairing the damages of the past*'²

What are the roots of this white denialism?³ How can a wider acceptance of transformative responsibility, specifically as white South Africans, be cultivated? In this chapter, I explore answers to both these questions by revisiting the South African TRC process. I draw on my experience as a former TRC researcher, various relatively neglected TRC Hearings as well as recent theorising on the 'implicated subject' (Rothberg 2019) to argue that the individual victim-perpetrator conceptual paradigm contributed to the lack of collective engagement of white South African beneficiaries during and after the TRC process. Building on this analysis, I also draw on my experience as a post-TRC dialogue facilitator to highlight the need for intragroup and intergroup processes to encourage white South Africans to 'become' responsible beneficiaries rather than perpetrators of 'unjust inequalities and dehumanising poverty'.

Initial support for my concern about a typical overemphasis on 'victims' and 'perpetrators' is provided by contrasting two of the many 'truths drawn in jest' about the highly public and publicised TRC process (Verwoerd & Mabizela 2000).⁴

Cartoonist Dov Fedler translated the outrage many felt during the amnesty hearing of former security police captain Jeff Benzien, especially when one of his victims, Tony Yengeni, asked him to publicly demonstrate his notorious

2. Similar findings can be found in the Institute for Justice and Reconciliation's Reconciliation Barometer (www.ijr.org.za). See Lefko-Everett, Govender and Foster (2017). A 2020 survey amongst 400 white South Africans (with a focus on the impact of the COVID-19 pandemic on white South Africans as beneficiaries of historical privilege) highlighted the same pattern of large-scale denialism, see Fourie and Verwoerd (2021).

3. There is a large body of literature in critical whiteness studies addressing white denialism. For a USA focus, see for example Cohen (2001); DiAngelo (2011); Flynn (2015). For a South African focus, see Steyn (2012); Milazzo (2016); Moore (2019). A major post-1994 contributing factor to white denialism is the increasing revelations of large-scale corruption under successive ANC governments, for example through the public hearings of the Zondo Commission (Judicial Commission of Inquiry into Allegations of State Capture). The tendency amongst white South Africans to voice genuine concerns about corruption (and crime and state capacity) in an a-historical, non-implicated fashion, however, highlights the need to especially revisit the TRC's Institutional Hearings. For more detail on my response to problematic 'clean hands' white criticisms of the 'new' South Africa, see Verwoerd (2019).

4. As a former researcher in the Cape Town office of the TRC I vividly remember how we as staff struggled to work often faced with visceral tensions between the victim-centred Human Rights Violation Hearings and the 'too perpetrator friendly' Amnesty part of the process. One way to cope was to place, often highly critical, political cartoons on our office walls. Later these cartoons became the basis for further sense-making in a collection of 'commentaries on the TRC through cartoons', co-edited with fellow researcher, Mahlubi Mabizela. This collection also features an interview with Jonathan Shapiro, the highly acclaimed cartoonist Zapiro.

'wet bag' torture method. While demonstrating on a volunteer, Benzien said (TRC 1998e):

It was a cloth bag that would be submerged in water to get it completely wet. And then the way I applied it was: I get the person to lie down on the ground with that person's hands handcuffed behind his back. Then I would take up a position in the small of the person's back, put my feet through between his arms to maintain my balance and then pull the bag over the person's head and twist it closed around the neck in that way, cutting off the air supply to the person.

Mr Tony Yengeni: Would the person groan, moan, cry, scream? What would the person do?

Captain Benzien: Yes, the person would moan, cry, although muffled; yes, it does happen.

Mr Tony Yengeni: And you did this to each and every one of us?

Captain Benzien: To the majority of you, yes.

Mr Tony Yengeni: But were there any [...] was there any physical condition that would make you to release the bag on the part of the person who is tortured?

Captain Benzien: On occasions people have I presume, and I say presume, lost consciousness. They would go slack and every time that was done, I would release the bag [...]

Mr Tony Yengeni: What kind of man uses a method like this – one of the wet bag, to people, to other human beings, repeatedly and listening to those moans and cries and groans and taking each of those people very near to their deaths – what kind of man are you? What kind of man is it that, that can do that kind of – what kind of human being is that Mr Benzien? (p. 369)

In one of his cartoons Fedler replaced Yengeni with the classic figure of justice – on her knees, the scales of justice and the sword falling from her hands; a faintly smiling Benzien smothering her with a 'wet bag' from behind. In Fedler's depiction the traditional pedestal bears the name, 'AMNESTY' and an onlooker holds a piece of paper on which is written 'GASP!' The shocking possibility that 'a kind of man' such as Benzien might be granted amnesty placed a huge question mark behind the whole TRC process. A wet bag over the figure of criminal justice became a vivid portrayal of many people's experience that, especially the amnesty part of TRC process, not merely 'traded' truth for justice, this 'trade-off' was perceived to amount to a brutal, torturous violation, a sacrifice of (criminal) justice (see Verwoerd 1999, 2001, 2007).

By contrast, the following Zapiro cartoon emerged during Business Sector Institutional Hearing (TRC 1998d)

Zapiro yet again managed to convey a profound truth in one striking image – the Pinnochian nose of a suave English-speaking white businessman challenging the unbelievable denialism of 'Big Business' regarding their benefits from (and their complicity in) the systemic violence and socio-economic injustices of apartheid.



Source: Cartoon by Zapiro (Jonathan Shapiro), previously published in the *Sowetan*, republished here with permission from Zapiro.

FIGURE 13.1: A Zapiro cartoon depicting the denialism of 'Big Business' regarding their benefits from the injustices of apartheid.

The first clue provided by these cartoons to why the TRC's call for beneficiaries to accept reparative, historical responsibility has fallen on largely deaf white ears lies in the fact that the Benzien perpetrator type depiction featured much more prominently in the overall TRC process. In the implantation of its mandate, the TRC chose to prioritise Human Rights Violations and Amnesty hearings. These hearings became all-consuming in terms of staff energy and the media. The institutional hearings only started about 18 months into the process. By then public perceptions of a 'victim-perpetrator' process was firmly imprinted: reporting on Human Rights Violation and Amnesty hearings most prominently featured unapologetic white (security police) amnesty applicants and black, mostly female, tearful survivors.⁵ The TRC focus on the 'outrageous' is acknowledged in the report to have drawn 'the nation's attention away from the more commonplace violations. The result is that ordinary South Africans do not see themselves as represented by those the Commission defines as perpetrators' (TRC 1998a:133). In other words, the strong association of the TRC with a Benzien type perpetrator in effect contributed to the temptation amongst those on the much wider 'spiral of

5. Actual numbers paints a more complex picture, especially in terms of Amnesty, but public (and scholarly) imagination was mostly shaped by this individualised, racialized 'victim-perpetrator' binary (Verwoerd 2007).

responsibility' (Aronson 1990) to distance themselves from TRC's (limited) social justice-oriented truth-seeking (Verwoerd 1999).

The second clue can be found in the Benzien cartoon offering a strong, widely shared critique of especially the unique amnesty part of the TRC process, in combination with limited room for reparations to those required to give up their rights to seek individual justice for the sake of truth (and the 'promotion of national unity and reconciliation'). The Big-Business-Beneficiaries cartoon was (and is) not aimed at the TRC, it actually can be seen as an appreciation of the TRC's contribution to painting a bigger picture of political and socio-economic injustices within which particular gross human rights violations must be understood (see TRC 1998d).

This awareness-raising social-justice-oriented part of the TRC process, however, became much less compelling and controversial than the messy 'trading' of 'truth' for (individual, legal) 'justice'. In the process, the TRC's highly public implementation of its (politically and morally) compromised mandate, coupled with the most prominent justice-based critiques in popular media and in academic circles, contributed to the problematic dominance of an individualistic 'victim-perpetrator paradigm' in reflections on the TRC (and overall in transitional justice literature) (Brewer & Wahidin 2021 ; Govier & Verwoerd 2011; Mamdani 2015; Rothberg 2019; Swart 2017).

In sections two and three of this chapter, I expand on why this paradigm is insufficient and even counter-productive when we enter the 'realm of implication' within which 'beneficiaries' operate, in South Africa and beyond. I draw on Rothberg's recent theory of 'the implicated subject' and the TRC's institutional hearings to explore why the imagination and language that is appropriate to address the truth in the Benzien type cartoon is not suitable to articulate, for example, 'the very thought' of 'us' white South Africans, and our children, continuing to be beneficiaries of apartheid and colonialism.

While I appreciate the clear conceptual differentiation between perpetration and implication that Rothberg advocates, I am not sure that either the victim-perpetrator paradigm or his implicated subject can address some of the roots of resistance amongst white South Africans to accepting our shared responsibility for the 'transformation of unjust inequalities and dehumanising poverty' (TRC Report). As a researcher and a practitioner, I am becoming more and more interested in the prior transformation of the intensity of white denialism alluded to by all those question marks and exclamation marks in the Zapiro Big Business cartoon. In sections four to six I, therefore, sketch a few contours of the process of white South Africans needing to 'become' beneficiaries by drawing on the TRC's Special Hearing on Compulsory Military Service (TRC 1998d:220–247) as well as current experience as a facilitator of social justice-oriented racial reconciliation.

■ White beneficiaries: Pre- and post-1994

The leaves on the still-growing nose of Zapiro's businessman highlight some of the ways apartheid (and colonialism) benefited (white) 'Big Business': starvation wages, child labour, influx control, banning of trade unions, job reservation, the [1913] land act, racial salary scales, low safety standards, arms industry profits [...]

At the TRC's Business and Labour Hearing in Johannesburg on 11 November 1997, professor of Economics, Sampie Terreblanche, expanded on this list and, crucially, reminded not only 'Big Business' but all white South Africans why 'political supremacy and racial capitalism impoverished Africans and enriched whites undeservedly'⁶ (TRC 1998e):

Firstly the Africans were deprived of a large part of land on which they conducted successful traditional farming for centuries.

Secondly, for decades, millions of Africans were paid exploitative wages, in all sectors of the economy but mainly in gold mining and agriculture.

Thirdly, a great variety of discriminative legislation not only deprived Africans from the opportunity to acquire skills, but also compelled and humiliated them to do really unskilled work at very low wages.

Fourthly, perhaps the greatest disadvantage which the prevailing power structures had for Africans is that these structures deprived them from opportunities to accumulate human capital, the most important form of capital in the twentieth century. For the first three quarters of the century, social spending, on education, pensions etcetera, on Africans, was per capita more or less ten to eight times smaller than on whites. In 1970, the per capita spending on white education was twenty times higher than the per capita spending on Africans.

Fifthly, the fact that a legal right to own property and to conduct a business was strongly restricted in the case of Africans also deprived them of the opportunity to accumulate property and to develop entrepreneurial and professional capabilities. The position of whites was again the complete opposite. They enjoyed property rights, they deprived Africans from their land, they had access to capital and the opportunity to develop business organisations, entrepreneurial capabilities etc. (pp. 409-410)⁷

This litany of racialised inequalities clearly points to what it means to be implicated as a 'beneficiary'. Rothberg stresses that this category suggests a 'particular kind of causal relationship' with past and ongoing social injustice that stands in contrast to humanitarian concern for the suffering of others. The latter concern, typically enacted as charity, does *not* require 'reflection on one's own position in the story'. But as a 'beneficiary' uncomfortable self-critical awareness cannot be avoided, for this category

6. See Archbishop Tutu's Foreword to the TRC Report regarding the 'great difficulty South Africans experience when describing their fellow compatriots' (TRC 1998a:3) - naming legacies of racial classification, without buying into the racist ideology behind loaded terms such as 'African' or 'Coloured'.

7. See also the Institutional Hearing on Business and Labour (TRC 1998d:18-58).

of implication fosters the understanding that one's position is causally 'contingent on others' suffering and impoverishment' and, therefore, one has a moral and political responsibility to address this suffering (2019:16, quoting Robbins 2017:6).

It is to some extent easier to understand what 'beneficiary' means by starting with the position of white South Africans born or attaining adulthood *after* 1994. At stake is not what any of these individuals has *done* or omitted to do, whether intentionally or even consciously or not. The critical connection is between what someone *has*, because of the colour of their skin, and what others do not have, because of the colour of their skin. This racialised connection between enrichment and impoverishment, mediated by *systemic* discrimination against those revealingly classified as 'non-white', is indeed rooted in history, but continues to reverberate into 'persistent hierarchies of the present' (2019:80).

In other words, the 'particular kind of causal relationship' that a 'beneficiary' has with the past goes in the opposite direction than is the case with a 'perpetrator'. As Tessa Morris-Suzuki (2005:26–27, cited in Rothberg 2019) powerfully put it:

We live enmeshed in structures, institutions and webs of ideas which are the product of history, formed by acts of imagination, courage, generosity, greed and brutality performed by previous generations. [...] Though we may not be responsible for such acts of aggression in the sense of having caused them, we are 'implicated' in them, in the sense that *they* cause *us*. (p. 79)⁸

This being 'caused' by histories of white 'greed and brutality', this being enmeshed in the supremacist structures, institutions and ideas of 'whiteness', clearly does not result in retrospective individual legal liability as a post-1994 white South African. But being 'implicated' – as a beneficiary of the worst racialised inequalities in the world – comes with prospective, forward-looking moral 'response-ability' for reparative justice (Govier & Verwoerd 2011).⁹

This 'altered sense of responsibility' is explicitly referred to in the TRC Report (TRC 1998a):

In this process of bridge building, those who have benefited and are still benefiting from a range of unearned privileges under apartheid have a crucial role to play. Although this was not part of the Commission's mandate, it was recognised as a vital dimension of national reconciliation. This means that a great deal of attention must be given to an altered sense of responsibility; namely the duty or obligation of those who have benefited so much (through racially privileged education, unfair

8. Morris-Suzuki's inclusion of acts of 'courage' and 'generosity' points to a whole set of categories beyond 'victims', 'perpetrators' and forms of implication, namely 'resisters', 'rescuers' etc. (see Swartz 2016).

9. See the TRC Report regarding the complicated dynamics arising from apartheid as a crime against humanity (TRC 1998a:94–102), including the risk of collective criminalisation (TRC 1998a:131–134; TRC 1998e:360–362) and the perception of a generalised liability to international prosecution (TRC 1998e:349).

access to land, business opportunities and so on) to contribute to the present and future reconstruction of our society. (p. 134)

When it comes to an older generation of white South Africans (including myself) who began to benefit pre-1994, our 'position in the story' becomes more complicated. For some of our actions did contribute, whether intentionally or not, mostly in indirect ways, as 'participants' in the system of apartheid.

■ White 'participants' pre-1994

The TRC's Institutional Hearings provide rich material to flesh out the layers of connection between apartheid and white South Africans as beneficiaries *and* 'participants' – in our personal and professional lives, as individual citizens and as members of institutions. For example, at the Health Sector Institutional Hearing representatives from the Medical Association of South Africa (MASA) acknowledged 'many failures and compromises', 'failures of will and courage, compromises founded on expediency', 'misdeeds of commission and especially of omission'. In their commitment to 'make sure that the wrongs perpetrated in the past by doctors can never occur again' they refer to promoting 'structured ethics education in all the medical schools in this country' and 'planning formal structured training for prisons' health service personnel' (quoted in TRC 1998e:387–388; see TRC 1998d:109–164). The Legal Community Institutional Hearing included a written statement by Constitutional Court Judge Laurie Ackerman (quoted in TRC 1998e; see TRC 1998d:109–164):

It is difficult, if not impossible, for me as a white South African to draw a clear or steady line between my personal and my professional failures in regard to addressing wrongs of racism generally and institutionalised professional racism in particular. (pp. 388–389)

Perhaps the best summary of why the TRC Report called for the 'wide acceptance of direct and indirect, individual and shared responsibility for past human rights violations' (TRC 1998a:134), was provided by Col. Craig Williamson at the Military Forces Hearing:

South Africa's weapons, ammunition, uniforms, vehicles, radios and other equipment were all developed and provided by industry. South Africa's finances and banking were controlled by institutions that went so far as to provide covert credit cards for covert operations. South African chaplains prayed for 'victory' and South African schools and universities educated for war. The media carried propaganda, and the enfranchised white community voted the former government back into power, time after time, with ever-increasing majorities. (p. 130)

However, in a section dealing with 'Responsibility and Reconciliation', the Report then makes too expansive a use of the term 'perpetrator'. The above-mentioned failure of 'ordinary South Africans' to see themselves represented in TRC-defined 'perpetrators' is described as a 'failing to recognise the "little

perpetrator” in each one of us’ (TRC 1998a:133). I agree with the moral truth claim regarding the universal human potential for evil behind the reference to ‘little perpetrator’. But I am concerned about the understandable alienating potential of perpetrator language as far as the ‘wide acceptance’ of ‘shared responsibility’ is concerned, given its strong association with a seemingly inhumane ‘kind of man’ like Benzien.

Rothberg (2019) makes a clearer distinction than the TRC Report (and my own earlier writing)¹⁰ between perpetration and implication to mark the transition from legal liability and ‘guilt’ to less-direct involvement and ‘responsibility’ of ‘participants’ and beneficiaries:

Implicated subjects occupy positions aligned with power and privilege without being themselves direct agents of harm; they contribute to, inhabit, inherit, or benefit from regimes of domination but do not originate or control such regimes. An implicated subject is neither a victim nor a perpetrator, but rather a participant in histories and social formations that generate the positions of victim and perpetrator, and yet in which most people do not occupy such clear-cut roles. (p. 1)¹¹

The Benzien and the Businessman cartoons provide visual support for Rothberg’s differentiation between the realms of perpetration and implication. On the one hand, the female figure of justice openly, directly being tortured by a brutish Boer(?) security policeman and on the other an apparently innocent, suited, English-speaking businessman, with no visible representation of those on the receiving end of a long, growing list of large-scale injustices and no clear connection between his hand in the pool of tainted money and his share of responsibility for those (legalised) injustices.

A positioning in the realm of implication rather than perpetration has the potential to be a less threatening and more invitational way to draw more white South Africans into the self-critical journeys required to own up to being

10. Rothberg is specifically concerned about ‘collapsing’ the category of ‘beneficiaries’ into an expanded notion of ‘perpetrators’ (2019:16). The too expansive use of ‘perpetrator’ is also present in my own attempt, with Trudy Govier, of developing a more nuanced conceptual framework compared to the victim–perpetrator paradigm, by applying familiar distinctions between primary, secondary and tertiary ‘victims’ to ‘perpetrators’. We did alternate between ‘perpetrator’ and ‘participant’, especially at the ‘tertiary’, most indirect, community level, but this framework also now comes across as too abstract in comparison with Rothberg’s clearer differentiations (Govier & Verwoerd 2011). For related grappling with the victim–perpetrator paradigm see Govier and Verwoerd (2004) and Verwoerd and Little (2018).

11. Rothberg draws on theoretical support for this differentiation from Hanna Arendt, Karl Jaspers, Iris Marion Young. It is important to stress that he (and I) clearly recognises the need and importance of the categories of ‘victims’ and ‘perpetrators’, but argues that their use should be limited to those *directly* involved/connected to violence and injustice. He points out that this ‘direct participation’ should ideally be addressed within a ‘legal liability model’: the ‘guilt’ of perpetrators (and their clearly identifiable ‘accomplices’) is the territory of the (criminal) justice system. However, given underlying ‘individualist’ and ‘legalistic’ liberal assumptions this liability model is not suitable to convey ‘forms of indirect participation’ in injustice and to address the ‘shades of grey’ dynamics of social and political responsibility that comes with ‘discomfiting forms of belonging to contexts of injustice’ (Rothberg 2019:8, 12, 13).

beneficiaries.¹² However, this distancing from the realm of perpetration is not an easy way out for (pre- and post-1994) white South Africans. It really matters, morally and politically, how we *respond* to being beneficiaries.

■ White beneficiaries, participants and perpetrators

The following statement by an ordinary white South African during the TRC process helps me to begin articulating why the responsibility that comes with being a past and ongoing beneficiary is not something to take lightly. To coincide with the National Day of Reconciliation and to mark the second anniversary of the establishment of the Commission, four 'Registers for Reconciliation' were opened in December 1997, one in each of the regional offices. This was one entry (TRC 1998e):

I can only say I chose not to know. I chose the safety of my own comfort over the pain of knowing [...] I raised my children with privilege, while those around me were deprived. I am so deeply sorry! And the opportunity to express this regret and offer apology does not unburden me. This privilege allows me to reach even further into my soul to express the remorse that I feel. It impels me to seek in my own small way to repair the damage to our people and our land caused not only by 'perpetrators', but also by us, the bystanders, in the tragedy of our past. (p. 431)

Why did 'raising my children with privilege, while those around me were deprived' give rise to such intense feelings of regret, remorse, sorrow? After all, following Rothberg and Robbins, I have stressed above that being a beneficiary is *not* about what you as an individual have done or failed to do. And an apology assumes the sincere acknowledgement of wrongdoing (Govier & Verwoerd 2002)? The person's use of a category that I have not discussed so far, 'bystander', points to why this white South African's apology, with tainted privilege in the foreground, is indeed highly appropriate.¹³ Let us leave aside for the moment some of the different ways in which this pre-1994 South African might have indirectly participated in propping up the system of white privileging and 'non-white' impoverishment, for example, voting in a White-Only election system, uncritically sending children to a Christian Nationalist government school, or enjoying walking on 'Whites Only' beaches etc.

The critical point is rather what she has omitted to do with her white privileges. She did not have a say in being born as a white person into the systemic colonialist and apartheid power and privilege that comes with whiteness. But by eating the fruits from this evil tree, by making use of this

12. Some empirical support for this potential is provided in Swartz (2016). But see also the rather sobering social psychological evidence regarding international tendencies to avoid this kind of self-critique (Leach, Zeineddine & Čehajić-Clancy 2013).

13. On 'bystander' see Swartz (2016), Govier and Verwoerd (2011).

privileged position as a white beneficiary, *she herself added another layer of injustice*. Being a 'bystander' typically amounts to not doing anything when you are in a position to do so. This kind of indifference, this looking away has been aptly described as a kind of 'second wounding', an adding of insult to injury, a rubbing of salt into wounds (Govier & Verwoerd 2002). Or to apply an even more graphic image used by Archbishop Tutu (TRC 1998a):

[F]or the greatest sadness that we have encountered in the Commission has been the reluctance of white leaders to urge their followers to respond to the remarkable generosity of spirit shown by the victims. This reluctance, indeed this hostility, to the Commission has been like spitting in the face of the victims. (p. 17)

To describe the weightiness of bystanders, participants and (pre- and post-1994) beneficiaries not accepting the moral and political responsibility that comes with these strands of implication Rothberg used the much more loaded term 'perpetuator' (2019). As the entry in the Reconciliation Registry stressed, the 'damage done to our people', 'the tragedy of our past' were most certainly not only 'caused by perpetrators'. This damage was deepened and tragically continues to be *perpetuated* by so many white South African beneficiaries not seeking, even in small ways, to 'repair the damage'. As perpetrators a lot of deep soul-searching is indeed called for, and an uncomfortable acceptance that a commitment to 'repair the irreparable' (eds. Doxtader & Villa-Vicencio 2004) does not 'unburden' us.

The TRC process, especially the relatively neglected Institutional Hearings, can thus be used as a mirror for especially post-1994 white implicated subjects to see their position in the South African story more clearly and, hopefully, to become an inspiration for the long-term transformation of perpetuation in a South Africa where the political term 'post-apartheid' increasingly feels like denialist, romanticised 'rainbowism' (Chikane 2018).

However, the TRC process also included a (1 day) 'Special Hearing' on 'Compulsory Military Service' (TRC 1998d:220–247) that actually opened up a window on a very deep, contested reason why many white South Africans tend to view the past and the present through a very different lens than the person who wrote that apology in the TRC Register for Reconciliation.

■ Between perpetration and implication – What about former white conscripts?

Being classified white in pre-1994 South Africa came with huge, state-sanctioned, systemic benefits. But for roughly 600 000 school-leaving white men (and their families), between 1968 and 1993, it also meant 'receiving a compulsory call-up to serve in the South African Defence Force (SADF), the apartheid state's military system, against perceived threats of communism and militant African nationalism. The initial time period that men served was

nine months, but this rapidly increased to two years of service and a series of short-term camps' (Verwoerd & Edlmann 2021:207–235; cf. Edlmann 2012, 2014).

This sanctified Christian Nationalist '*diensplig*' [duty to serve] had long-term negative consequences for many of these men (and their families).¹⁴ For example, at a TRC Human Rights Violation hearing moving testimony was given by family members of their struggle to come to terms with a conscript son and brother who was killed while on duty in the so-called 'Border War'.¹⁵ The Commissioner who facilitated this testimony, Pumla Gobodo-Madikizela, subsequently began to explore the possibility of giving more attention within the TRC to these testimonies. However, the intensely debated question was where in the TRC process could SADF conscripts be included as they did not really fit into either the Human Rights Violations or the Amnesty hearings? The report refers to the Commission's 'particular difficulty in attempting to define and reach consensus on its mandate' in respect of combatants (TRC 1998a):

Some argued that all killed and injured combatants should be included as victims of gross human rights violations. Others wanted to maintain a distinction between those defending the apartheid state and those seeking to bring it down. (p. 73)

The TRC specifically defined '[c]onscripted soldiers in the SADF' as 'combatants, even where the system of conscription obliged them to perform military service against their will, threatening heavy penalties if they did not do so', while stressing that '[l]ike all combatants, they may have qualified as victims of a gross violation of human rights in certain circumstances, such as being subjected to torture or killed when injured' (TRC 1998a:76).

At a more conceptual level, the difficulties of fitting painful experiences of SADF conscripts and their families within the TRC process and the post-1994 South African context can be seen as a confirmation of the need to go beyond the (individualistic, legalistic) 'victim-perpetrator imaginary' (Rothberg 2019) in dealing with the legacies of large-scale political violence. In fact, leaving aside evidence of conscripts having been involved in/affected by war crimes, the 'figure', the analytical category of veterans or ex-combatants, and specifically conscripts, neither fits into Rothberg's theory of the implicated subject. This category requires its own complex theoretical space. For, on the one hand, former soldiers, such as SADF veterans, were clearly *direct*

14. Drawing attention to the negative and intergenerational consequences for many white men who were conscripted into fighting the 'Border War' (on and around the border between the former South West Africa (Namibia) and Angola) or doing their compulsory military 'service' in the townships should not minimize the much wider destructive impacts of these men's actions on black communities in South Africa and neighbouring countries. In fact not exposing the truth about the latter is one of the glaring gaps in the TRC process.

15. See <http://www.justice.gov.za/Trc/hrvtrans/wineland/mcgregor.htm>

participants, but not their actions (unless they committed war crimes). According to Verwoerd and Edlmann (2021:231), these actions:

[W]ere legally sanctioned by the state and morally sanctified by society. Therefore, they do not fit into the liability model applicable to perpetrators and their accomplices. This need for conceptual expansion applies even more clearly to conscripts. They were not professional soldiers who chose to undergo military training and possible combat. They faced very constrained choices when confronted with a call-up to serve in the military, because of the indoctrination they had been subjected to and because of the harsh legal consequences of choosing not to obey the system's call. (p. 231)

On the other hand, as highlighted by various contributors at the TRC Compulsory Military Service Special Hearing, one cannot make sense of individual conscripts' experiences without looking at the systems that shaped them, including the National Party, the Dutch Reformed Church, the Christian Nationalist education system they grew up in. In this way, the category of 'conscripts' points to different layers of institutional 'implication' and wider shared responsibility. In other words, it arguably makes the most conceptual sense to locate the combatant related figures of 'soldiers', 'veterans', 'conscripts' in a realm between perpetration and implication (see also Verwoerd & Little 2018).

Why is this further conceptual differentiation important for this chapter's focus on the need for more white South Africans to accept reparative responsibility – as implicated subjects, and particularly as beneficiaries? In working with younger generations of white South Africans, I have been struck by how often the undigested conscription experiences of their fathers feature in negative ways. Accepting that one is a beneficiary of systemic racial injustice is made significantly more difficult by a militarised socialisation of having fought a 'good fight' against Communism. Strong reactions are typically evoked by the criminalising language of being seen as 'perpetrators' in the service of apartheid. The TRC's Special Hearing highlighted the challenge of former conscripts (and their families) not succumbing to the denialist temptation of what Edlmann helpfully termed as 'largely uninterrogated' 'narrative re-inforcement' of the 'ideologies and doctrines of the period that conscription was on place' such as 'fighting communism was the right thing to do, and that the apartheid state's strategies at the time are justified by the current South African situation' (Edlmann 2014; Verwoerd & Edlmann 2021). This is part of the story behind those disturbing two-thirds of white South Africans referred to at the start of this chapter who deny the need for reparative social justice.¹⁶ The much more challenging alternative Edlmann refers to as 'narrative repair' – the 'deconstruction' of 'old ideologies, beliefs and

16. Typical criticisms of ANC corruption and state disfunction by white South Africans, arguably, support this kind of 'narrative re-inforcement' rather than the much more self-critical 'narrative repair' involved in accepting shared historical responsibility for past *and* present corruption.

interpretations of their context' and seeking to 'build new narratives more consistent with the values and principles of social transformation and healing' (2014).

The looming question is: what does the movement from (narrative) 're-inforcement' to 'repair' look like? And how can this movement be supported? This brings me to a further root of white denialism that has not been adequately addressed by either theoreticians like Rothberg or (short-term, top-down) institutions such as the TRC.

■ Becoming white beneficiaries

Towards the end of his submission at the Special Hearing on Compulsory Military Service Laurie Nathan addressed the wider white community and sharply confronted them with three problematic ways of dealing with the past: a false shock at the revelations before TRC, as if they did not know, or would have objected in the past; overblown claims of opposition before 1994; and 'let bygones be bygones', as 'rehashing the past will only perpetuate divisions and inhibit reconciliation'. For Nathan this third position is a 'monumental' denial, 'whatever the individual talents and efforts of whites', of how our 'lives of privilege' came at the devastating expense of black South Africans, and how white racism is 'still alive and kicking'. He (Anonymous n.d.) then presented the 'seldom heard' but for him the most appropriate response:

The white community should confront its pervasive racism, and stare our ugly history and its long shelf life in the face. We should acknowledge collective responsibility for our efforts and our acquiescence in constructing and maintaining a wretched system of discrimination, exclusion and repression. To invoke theological terminology, we should confess and engage in meaningful acts of contrition.

These acts of contrition could take many forms: funding bursaries for black students or basic facilities for pupils, providing medical supplies to amputee hospitals in Mozambique and Angola, church actions such as fasts and others, training in respect for human rights and multicultural diversity for teachers and pupils. These are only some examples.¹⁷

'These and other actions are forms of reparation, but it's critical that they are undertaken, not as charity, but in partnership with black communities [...].

The challenge is to become self-critical not uncritical, to acquire some humility, not be submissive; to become empathetic, not paternalistic. The challenge has nothing to do with self-flagellation or wallowing in guilt. It has everything to do with accepting responsibility for our actions and our lack of action.¹⁸ (n.p.)

17. For more suggestions, see Swartz (2016) and these websites: www.restitution.org.za; www.betereinders.co.za.

18. See the full statement at <https://www.justice.gov.za/trc/special/conscrip/conscr02.htm>.

Reflecting on this powerful statement 25 years later evokes mixed feelings. As an anti-apartheid activist, I strongly resonate and am saddened that so much still rings true. But as a current facilitator of social justice-oriented racial reconciliation, I sit with a big question: HOW does one actually move the majority of white South Africans from the highly problematic first three ways to the sustainable acceptance of that ‘seldom hear’ the fourth route? From a facilitation point of view Nathan seems to fall in the same trap as the overall TRC process, including many of the laudable recommendations in the TRC Report (TRC 1998e:304–349): exposing the truth does not by itself lead to reconciliation; providing moral exhortations that people ‘should confront racism’, ‘should acknowledge responsibility’, ‘should confess’, ‘should become self-critical’ etc. does not, in my personal and professional experience, by itself, lead to the desired and urgently needed outcomes.

Over the last three years I became heavily involved in ‘white work’, mostly within the ‘Afrikaner enclave’ (Van der Westhuizen 2016) of the Dutch Reformed Church.¹⁹ This facilitation experience highlighted for me how problematic the assumption is that, for example, the TRC’s awareness-raising contribution regarding (some) historical injustices will by itself lead to restitutorial action. I now understand better that long-term attention also needs to be given to the cultivation of the *capacities* and the necessary *communities of support* to translate uncomfortable, ‘unsettling’ truths about whiteness into sustainable commitments to reparative justice (see also Krondorfer 2015; Schiff 2014).

This is why I increasingly prefer to use the process-sensitive language of white South Africans ‘becoming’ beneficiaries. For ‘beneficiary-hood’ is about much more than nuanced conceptual (and legal) categorisation or moral exhortation. What is also needed is ‘white work’ as a kind of intrapersonal and intragroup ‘narrative repair’ in preparation for white South Africans to fully accept our shared restitutorial responsibility in authentic, non-paternalistic relationships across racialised divides.

In other words, we need to move beyond someone like Rothberg’s helpful conceptual differentiation between perpetration and implication, and we need to move beyond the TRC’s important surfacing of white perpetration and implication, as well as the legacy of military conscription. Much more attention needs to be given to carefully designed and facilitated intragroup and

19. This ‘white work’ started in response to the frustration of black colleagues, including Tumi Jonas and Theo Mayekiso. Like Steve Biko and co in the 1970s (Biko 2012) they have become fed-up with ‘white liberals’ still not doing enough to uproot false superiority and historical denialism themselves. A huge pitfall with this kind of intragroup focus is, of course, that it becomes a (narcissistic) goal in itself, a form of re-centring whiteness, rather than the intended means towards the real transformation of apartheid and colonialism. See also Church, Visser and Johnson (2004) on the ‘single identity’ approach in Northern Ireland.

intergroup processes that can support the journeys of white people truly 'becoming' beneficiaries in post-1994 South Africa.

■ 'I am – The brutal thing itself': A little Benzien in each beneficiary?

This chapter can be seen as an initial response to Mamdani's (1996) powerful comparative question, asked near the beginning of the South African TRC process:

What would social justice mean in the South African context, where perpetrators are few but beneficiaries many, in contrast to Rwanda, where beneficiaries are few, but perpetrators many? Which is more difficult: to live with *past* perpetrators of an evil, or its *present* beneficiaries? If perpetrators and victims have a *past* to overcome, do not beneficiaries and victims have a *present* to come to terms with? (p. 3)

I began with the troubling torture of justice image and the disturbing testimony of Benzien. Given a basic human tendency to morally and emotionally distance oneself from such a 'man behind the wet bag', I then warned against a counter-productive inflationary use of the category 'perpetrator', especially if we are serious about drawing white beneficiaries more into processes of transforming worsening racialised inequalities. I explored other categories of 'implication' – beneficiary, participant, perpetuator – in search of language that connects the pre-1994 past more clearly with the so-called post-apartheid present. And I briefly highlighted the particular challenge of militarised, overdefensive white masculinity under the category of 'conscript', of 'military veteran'.

While bearing in mind this differentiated analysis, it does feel appropriate, however, to return to Benzien and, as a white beneficiary myself, in vintage TRC fashion be faced with a painful truth about a root of denialism that I have not addressed so far. In revisiting Benzien's testimony, I expected him to give a strong ideological, anti-Communist motivation in response to Yengeni's haunting, repeated question: 'what kind of man [...]?' What he did say reminded me of the provocative title of a conference paper by a few of the young ministers involved in the Dutch Reformed Church white work process: 'I am – the brutal thing itself' (Jurgens, Botha & Pretorius 2018) (TRC 1998e):

Mr Yengeni, not only you have asked me that question. I– I, Jeff Benzien, have asked myself that question to such an extent that I voluntarily – and it is not easy for me to say this in a full court with a lot of people who do not know me [...] approached psychiatrists to have myself evaluated, to find out what type of person am I.

I had the fortune or misfortune of growing up in a white environment in Cape Town. I did not, either through my own stupidity or ignorance, as long as I was one of the whites, the privileged whites who had an education, who had a house, I couldn't see it being taken away. If you ask me what type of person is it that can do that, I ask myself the same question. (pp. 369–370)

Capt. Jeff Benzien, the 'man behind the wet bag', the archetypical white South African perpetrator, thus also drew attention to the disturbing *connection* between shocking pre-1994 perpetration and post-1994 white perpetuation of dehumanising poverty. His answer confronts all white South Africans with the urgent challenge to do much more to transform our deep, even unconscious investment in the 'ignorance contract' (Steyn 2012) and the protection of our profoundly tainted, highly implicated privileges.

Unsettling ‘perpetrators’: Comrade memories of complex violence and the South African TRC

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Having looked the beast of the past in the eye, having asked and received forgiveness and having made amends, let us shut the door on the past – not in order to forget it but in order not to allow it to imprison us. Let us move into the glorious future of a new kind of society where people count [...] Let that society be a new society – more compassionate, more caring, more gentle, more given to sharing [...].

Archbishop Desmond Tutu

*Truth and Reconciliation Commission of South Africa Report
Volume 1, Chapter 1, pg. 22, 1998*

So there was no comrade who did not participate. One way or another they were involved when somebody got killed, they had the smell of flesh because flesh was burning all the time in these spaces, so if you can come to the energies, you will say maybe the reason that Neliwe [my daughter] is like that, is because of what she went through as a small baby – smelling a smell not healthy for the growth of a

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child – it was disgusting [...] [But] No one wants to claim, no one decent enough to say my hands are dirty, no-one wants to claim.

*Comrade W
Former Crossroads Squatter-Comrade
Interviewed in Khayelitsha about this history in 2012*

■ Introduction

The South African TRC was a mammoth and momentous task. South Africa's histories of violence are painful, complex and resist easy emotional and conceptual understanding. Nevertheless, the TRC was premised on a conviction that in order to deal with the 'beast of the past' it was necessary to 'look it in the eye'. As the name suggests, this process would require forms of truth recovery. To bear public witness to the violence of apartheid history, the stories of this violence would need to be surfaced and publicly retold. This process of telling the violence of the past was seen to be connected to the aim of reconciliation. Through the narrating of this violence, it was hoped that the act of acknowledging the wounds of victims and the violence of perpetrators would allow for a healing process to unfold, which included the relational outcomes of repentance, forgiveness and ultimately reconciliation.

The historic work of the commission is captured in a multivolume TRC Report, which demonstrates the conceptual framing underpinning the Commission's work, details the hearings of victims and perpetrators, offers analysis and makes findings and recommendations. In the foreword to the report, the Chairperson of the Commission, Archbishop Desmond Tutu describes the challenging nature of the work describing it as a 'gruelling job of work that has taken a physical, mental and psychological toll' (TRC 1998a:21). The quote I cite that opens this chapter comes near the end of the foreword and captures Tutu's impassioned call for reconciliation in South Africa and beautiful vision for the compassionate society he aimed to bring into being. It also demonstrates – with the benefit of hindsight – where the conceptual vision of the TRC perhaps fell short.

With an emphasis on closure, the concept of 'reconciliation' and 'forgiveness' drew on a vision of post-conflict time as linear and forward moving. If we fast-forward through the everyday struggles faced by victims of apartheid and their descendants over the past 24 years, we see that time is rather experienced as 'haunted' by the repetition of past suffering (Wale, Gobodo-Madikizela & Prager 2020:2). This repetition of the pain of the past is both psychological and socio-economic. The lack of socio-economic redress lies at the heart of former victims' sense that the oppression of the past remains with them in the present, making reconciliation non-sensical. These continuities are expressed in the assertion 'No reconciliation, without redress', which describes the political demands of *Khulumani*, a social movement advocating on behalf of 'survivors' of gross violations of human rights (Norval 2009:311). More recently,

the descendants of apartheid's victim generation mobilised under the student movements #RhodesMustFall and #FeesMustFall to protest the forms of institutional racism that they face in contexts of higher education. The sense of time's cyclical repetition is captured in an image of a protest placard held up by a young woman 'we are not looking for our own struggle, we're fighting an old one' (Barnard-Naudé forthcoming). Instead of the linear and forward-moving understanding of time expressed in Tutu's hope that after the work of the TRC, we could 'shut the door on the past'; South Africans remain haunted by the continuities of past violence and the returns of past struggles.

This chapter takes as its starting point this vital recognition surfaced by current conditions and struggles within the South African context that our 'dealing with the past' is an incomplete and ongoing process. It aims to contribute to the important, emerging work of returning to the 'unresolved business' of the TRC (Swart 2017:2). I return to a particularly difficult and complex part of South Africa's histories of violence, captured in the second opening quote from Comrade W. This is the memory of the internal anti-apartheid struggles that occurred within South African township and squatter spaces. In the quote above, Wanda evocatively describes the sensory memories of comrade violence (the smell of burning flesh) and the transgenerational impact he believes this has had on his daughter. He further laments that despite the powerful impact that this memory of burning flesh continues to have on the children of comrades, he feels that comrades are unable to 'claim' their involvement in these painful histories and how it has dirtied their hands.

This chapter explores how the TRC process opened-up and/or closed-down spaces through which comrades might 'claim' participation in violent histories and the implications of this for their lives in the aftermath of apartheid. Instead of striving for closure, this chapter approaches the work of dealing with the past as similar to walking a spiral – with each layer of the spiral, more is brought to light, while much remains hidden. When it comes to traumatic histories of violence – where much remains unclaimed and unclaimable at the individual and collective level – the process of looking the beast of the past in the eye will always be a partial, continuous journey.

Through this chapter, I return to a haunted case study of comrade violence within the context of the Crossroads squatter movement in the Western Cape. I grapple with how the TRC engaged this history in relation to the feelings of some of these former squatter-comrades who were involved in anti-apartheid resistance. I seek to re-open some of the debate on definitions of 'perpetrators' and 'victims' of past violence that underpinned the work of the TRC, as well as to problematise how the politics of 'official memory' and heroic narratives become entangled with the psychological memory work of dealing with the past. These critical evaluations are presented in relation to the present-day struggle of this Crossroads squatter-comrade case study. In doing so, I further

demonstrate the importance of returning to and re-integrating the morally complex forms of violence, which were part of the national liberation struggle but were subsequently distanced from official memory and scapegoated onto the comrades of internal struggle. In light of these arguments, I suggest that the task of dealing with histories of past violence should not be conceptualised as a once of event but rather as a dynamic historical process of 'unsettling' our categories of past violence as we walk the continuous journey of memories spiral across time.

■ Haunted histories of squatter-comrade violence

Externally, the anti-apartheid struggle was waged from exile by the internally banned liberation movements such as the ANC and the Pan African Congress (PAC). Internally black South Africans also engaged in courageous forms of spontaneous and organised resistance to apartheid oppression. The 'urban struggles' that emerged in the township and squatter spaces on the outskirts of 'white' cities often took the 'place of residence' as the 'locus of resistance' (Cobbett & Cohen 1988:10). 'Township' was the name given to the underdeveloped areas on the outskirts of white cities legally designated for residence by black South Africans (who had the necessary documentation to be living in urban areas). They were controlled and regulated by the governing mechanisms of the apartheid state. Squatter movements, on the other hand, emerged across South Africa throughout the 20th century and were illegal and unregulated settlements of black South Africans. This 'informal phenomenon - the growth of massive squatter and shack settlements on the edge of some industrial complexes' visibly broke open the 'total' system of apartheid's attempt to regulate the movement and settlement of black South Africans (Schlemmer 1985:168). In the case of the 1980s Crossroads squatter movement, which Comrade W was part of, the everyday resistant politics of squatting under apartheid coincided with the broader politics of popular mass movements spreading throughout the country under the umbrella leadership of the United Democratic Front (UDF).

Within the Crossroads squatter movement, there were complex motives, forces and power struggles at play (Cole 1987). One of these forces was the militant 'comrades', - which is the name given to the young, militarised men and women who formed cultures and structures of violent resistance against the apartheid state in the context of internal resistance (Marks 2001:59; Sitas 1992:633). Former comrades of internal struggles drew strong 'symbolic' inspiration from the ANC military struggle in exile (Seidman 2001:124). However, they did not receive their orders from political and military leaders, rather they responded to the forms of oppression and violence confronting them within their places of living and working.

Comrade cultures were complex spaces of violence, which justified the use of collective violence to discipline community members who they perceived to be acting against the anti-apartheid struggle (Marks 2001:58). The politicised youth within the Crossroads squatter movements aligned themselves with the culture and politics of the anti-apartheid comrade movement, hence the phrase 'squatter-comrades' to describe the case study of this chapter (Wale 2013, 2016).

One of the most brutal symbols of collective comrade violence – enacted against those believed to be in cahoots with the apartheid forces – was the 'necklace murder' (Marks 2001:43). This involved placing petrol doused tyre on the suspect's neck and setting it alight – execution by flaming 'necklace'. In the introductory chapter to her edited book *Interrupting Cycles of Repetition*, South African psychology professor and former TRC researcher, Pumla Gobodo-Madikizela recounts a recent experience of witnessing three young girl children play enacting 'the necklace game' in a South African township that had been the former site of these brutal execution methods during the anti-apartheid struggle (Gobodo-Madikizela 2016:1–2). She shares this surreal experience to illustrate how the psyches of future generations remain haunted by these collective memories of past violence played out in the young girls' game. The haunting of the comrade violence of the past in the present for future generations is also expressed in Comrade W's opening quote where he expresses his belief that his daughter, who struggles with alcoholism as a young woman in post-apartheid South Africa, is 'like that' because she was born into the unhealthy 'energies' of the smell of burning flesh.

This is not an easy history to return to, conceptually and emotionally, it is difficult to make sense of. My own connection to it is second hand and implicated. As a white South African woman apartheid was committed in my name. The forms of injustice that these young men and women were victims of and rose up against (albeit in complex and messy ways) were to support a system that benefited my kin. I am implicated in the forms of oppression that these comrades revolted against. Yet I am also removed from it in the sense that I was born at the same time as Comrade W's daughter. We were the children of the transition – too young to understand and properly follow the work of the TRC when it was taking place – yet deeply affected by being a child at this time in South African history. My personal and scholarly engagement with these histories of violence came much later, through my post-graduate and PhD work. Through my academic work, I embarked on a difficult and incomplete attempt to understand what black South Africans went through and struggled against during apartheid and where they find themselves in the 'post' apartheid moment. I attempted this journey through life history research with comrades of the squatter struggle in Crossroads in 2007 and then again in 2011, 2012, and I draw on some of these interviews to

reflect back on the work of the TRC in relation to these histories and what this means for our present-day South African work of dealing with the past.¹

■ Unsettling hegemonic narratives and identities of past violence

In relation to dealing with histories of mass violence, the 'ethics of memory' speaks to the question of 'what ought to be remembered' and 'what ought to be forgotten' (Margalit 2002:17). In one sense, the creation of narratives and categories of past violence allows for this ethical process of meaning-making around difficult and traumatic pasts. Issues emerge, however, when these memory narratives become hegemonic, static and in the service of certain interests and power struggles. The greatest danger for remembering, according to Paul Ricoeur, lies in the 'handling of authorized, imposed, celebrated, commemorated history - of official history' (Ricoeur 2004:448). For a particular 'devious form of forgetting' is taking place there, resulting 'from stripping the social actors of their original power to recount their actions themselves' (Ricoeur 2004:448). Drawing on Antonio Gramsci's (1971) concept of hegemony as developed in his *Selections from Prison Notebooks*, we could say that memory narratives become hegemonic when they are taken for granted as the single truth of the past in ways that legitimise the interests of the powerful. The issue is not simply that these memory narratives close down the space for alternative versions of the past to be told, but that the hegemony of 'official memories' serves the political interests of the powerful at the expense of the marginalised.

The TRC was not simply a space to deal with the past but also a space in which to construct the stories and categories (narratives and discourses) through which South Africans would come to give that past meaning. The narrative of reconciliation was the central framing story that governed how violence would be remembered through the TRC process through the identity categories of 'victim' and 'perpetrator' of past human rights violations (Moon 2006:261; Verdoolaege 2009:297). Critical scholarly work on the meaning-making process of the TRC sought to demonstrate the political implications of the reconciliation narrative. For example, the individualist language of victims and perpetrators underpinned by 'simple moral binaries' was critiqued for obscuring the structural nature of oppression that functioned to systematically benefit white South Africans (Mamdani 2002:34, Posel & Simpson 2002:10). While the *system* of apartheid *collectively* oppressed black South Africans

1. Some of the interview extracts presented in this chapter have previously been published in my PhD thesis (Wale 2013) and in a subsequent book based on this research (Wale 2016). However, this chapter offers novel interpretations and arguments by reflecting on the significance of these excerpts in relation to the work of the Truth and Reconciliation Commission.

and *collectively* privileged white South Africans, this structural understanding of apartheid power was eclipsed through the individualist language of ‘victim’ and ‘perpetrator’.

In order to unsettle the hegemony of these transitional justice categories in the South African context, important post-TRC work emerged that drew on the voices of those classified as victims to demonstrate how they pick up, contest or reproduce these categories in broader society (see, for example, Colvin 2003; Hamber & Wilson 2002; Norval 2009; Wilson 2001). This kind of work constitutes what Wilson (2001:xxi) describes as the micro-politics of ‘a sociology of human rights’. This work is vital to the ongoing process of keeping our human rights memory categories flexible and inclusive of different stories and histories. This chapter contributes to this work of unsettling the construction of human rights memory identities through a focus on the implications of top-down constructions of ‘perpetrator’ identity in relation to the stories and struggles of former comrades of internal anti-apartheid resistance.

The complex memories of former comrades may be thought about as examples of what Primo Levi describes as violence in the ‘grey zone’ (Levi 1988:36–69). He conceptualised the grey zone to describe how the oppressed (in the context of the concentration camps of Nazi Germany) compete for survival within hierarchies constructed by the oppressor. This is the violence of those who are both victim and perpetrator, which resists easy moral judgement. This is also the nature of violence that occurs in conditions of collective oppression and struggle against that oppression. As Bourgois (2004:433) reminds us ‘those who confront violence with resistance – whether it be cultural or political – do not escape unscathed from the terror and oppression they rise up against’. For Bronwyn Leebaw (2013:239), the very categories of ‘victim’ and ‘perpetrator’ that come to frame transitional justice processes are ill-equipped to deal with the complexities, complicities and grey zones that are intertwined with the agency of resistance.

The way in which collective memories of past violence are remembered and forgotten at a national and official level speaks to the politics memory. However, at an individual level, the way in which violent histories are remembered and forgotten speaks to the psychology of memory. Drawing on the case study of Crossroads squatter comrades, this chapter seeks to demonstrate how the politics and psychology of remembering past violence have become intertwined for those who carry complex memories of political violence. To demonstrate this intertwining, I draw on the notion of ‘social trauma’, which occurs when the social system is unable to provide a sense of containment for the individual selves who form part of the system (De Tubert 2006:151). Examples of social trauma include the inability of the social system to care for and protect individuals or the blatant attack of groups by leaders and authorities of the social system (De Tubert 2006:151). This notion allows

for an expanded conception of the individualised notion of traumatic memory that underpins the psychoanalytically informed work of trauma theory advanced in relation to the memory of Holocaust survivors.

Trauma theory has emphasised how traumatic memory exists in an individual's psychic space beyond or before normal memory. It is 'unclaimed' by narrative memory, which is why trauma sufferers experience 'flashbacks' of reliving this unclaimed experience, not as a memory but as an embodied re-occurrence of a past event in present time (Caruth 1995:152-155; 1996). In contrast, the 'unclaimed' history that Comrade W referred to in the quote that opened this chapter speaks to a broader social/political sense in which this memory is unclaimed by the social memory of the post-apartheid system. It is not that former comrades do not remember participating in such acts, but that they are unwilling or unable to claim and account for their involvement in such acts in present-day South Africa. This chapter will demonstrate how the social trauma of being demonised within national memory impacts a comrade's capacity to come to terms with the psychological trauma of being involved in complex histories of violence.

By focusing on the case study of squatter-comrade memories of violence in Crossroad, this chapter aims to walk a further cycle of memories spiral by unsettling the hegemony of the heroic ANC narrative of past violence that developed in relation to the TRCs definition of 'perpetrators' of 'gross violations of human rights'. By demonstrating the social-psychological traumatic impact that this official narrative has had on comrade's memories of the past and lived experience of the present, this chapter makes a case for reclaiming (rather than demonising) memories of violence in the 'grey zone' at the national, community and individual level.

■ Squatter-comrades of Crossroads: 'Dented' memories of courage and fear

The nature of struggle violence in Crossroads unfolds in relation to a complicated historical process of reform and resistance that is carefully described in the detailed ethnographic work of Josette Cole (1987). This historical process culminates in the tragic violence between late May and early June 1986 when gangs of elder, vigilante squatters attacked and destroyed four of the satellite squatter communities (Cole 1987:131). Some of the elder squatters had become disgruntled with the methods and motives of the younger squatter-comrades whose networks were growing in connection with the anti-apartheid struggle and the umbrella leadership of the ANC-aligned UDF formed in 1983. The apartheid state saw an opportunity to align with conservative squatter leader Johnson Ngxobongwana to mobilise the squatter elders to destroy the satellite squatter communities, which had become comrade strongholds within the Crossroads complex. What transpired

was a brutal inter-community battle between squatter elders, labelled the *Witdoeke* [White Cloths] because of the white fabric they tied around their foreheads to identify themselves as different from the comrades who they were in battle with. Together the *Witdoeke* and the apartheid, police burnt the satellite squatter communities to the ground, resulting in the death of 60 people and the destruction of over 10 000 houses.

While Crossroads is most notoriously remembered for the violence of the *Witdoeke* in 1986, in the stories of former squatter-comrades their involvement in resistance that proceeded this battle is giving pride of place. With a sense of pride, courage and strength, the militant comrades (*Amabutho*) of Nyanga Bush Camp (a comrade stronghold and satellite squatter community within the Crossroads complex) re-narrated the process of coming together to stand against the apartheid state in their life history interviews. In the excerpt below, the leader of Nyanga Bush, Comrade Y describes the role of the *Amabutho* in his community:

‘On the 28th January 1982, women carrying babies were harassed and attacked, and I was shot in my shoulder. After this we got together with this militant youth and discussed ideas. We said to these young people, “If you come to live here in Nyanga Bush camp, the *boers* (police) will come and demolish your shack, so it will be for you to take whatever you’ve got, to take your stick and stand next to your house and say nobody is going to take my house, this is my house. It is for you to decide,” we told them, “you need to stand for what you believe in, stand for your homestead and protect it with whatever means, a gun a stick, whatever you have in order for you to protect. That is for you, that is how you are going to be living in Nyanga Bush” [...] I also used to go and watch and I took some lessons from these young lions and listened to what they were talking about when they were training. As young people of this calibre they also had an organisation of their own within the community [...] During the course of this time the police van was always there and arresting us, as there were *toyi-toyis*, people were *toyi-toying* for different issues against the government or the police.’ (Comrade Y, Interview, 08 August 2011)

While Comrade Y was in connection and communication with the UDF leaders, the formation and action of the *Amabutho* emerged organically, from below in response to the need for immediate protection from the violence of the apartheid state. It emerged in conjunction with the ‘young lions’ (militant comrades) initiative to engage in the karate training of squatter youth who wanted to become anti-apartheid warriors within a broader context of UDF-supported political unrest.

This environment of the bottom-up, militant, anti-apartheid struggle was described by Comrade W as ‘facing the enemy on our doorstep’. This was not an example of top-down military command, but rather an intense and chaotic environment that demanded immediate and creative responses to immediate threats. He described the environment in which the struggles were unfolding as one of intense anxiety and fear:

‘A bloodmonster is somebody not scared of being killed or killing. It’s not necessarily that they don’t have human being feelings, not necessarily that you don’t love, but you are so deep into this, it becomes your daily life, your lifestyle, not necessarily

that you are enjoying this, but if you lose your guts you might die.' (Comrade W, Interview, 30 January 2012)

This environment of constant fear, where 'if you lose your guts you might die', produced what Comrade W describes as 'bloodmonsters'. The literature on the forms of militarised masculinity that were constructed through comrade culture emphasises the importance of bravery and fearlessness (Campbell 1992:623–624), which continues to impact on the lives and psyches of former township combatants in the post-apartheid context (Langa & Eagle 2008:152–153). The comrade identity was born out of a context of hardship and violence faced within the context of systemic class and race oppression of black South Africans (Campbell 1992:623–624). Comrade identity opened-up an alternative mode-of-being in relation to this system for these young men. For Comrade W, inhabiting the fearless 'bloodmonster' identity was a form of survival within an environment of intense violence that 'you are so deep into'.

What contributed to this sense of intense anxiety and fear within the squatter-comrade movements was that alliances and motivations were often messy and shifting. In my PhD thesis, obtained at the University of London, I put it as follows (Wale 2013):

As a result, it was difficult to know where the threat came from, who was on whose side, and whose side you should be on. The comrades themselves became the enemy to some community members, who felt victimised and terrorised by their practices. (p. 174)

Foster, Haupt and De Beer (2005:60–61) describe this confusing situation by making a distinction between 'bi-directional violence' in the name of the oppressed against 'top-down' forms of violence (e.g. comrades against the apartheid state) and 'horizontal violence' between oppressed people (e.g. inter-community struggles that became entangled with the struggle against oppression). In Comrade W's words, the violence in Crossroads was 'very mixed – it was not a straight type of fight [...] it was a fight against the system, and inside that fight against the system it was a fight against each other' (Comrade W, Interview, 30 January 2012). The mixture of struggles that occurred in the context of Crossroads violence is precisely what the apartheid state manipulated in order to defeat the power and courage that the squatters demonstrated in their resistance to being infiltrated and removed. The outcome of the 'fight against the system' was that the 'fight against each other' was fuelled by police to result in the tragic 'inter-community war' between the *Witdoeke* and police against the comrades in 1986.

Violence, however, was also a form of power, and Comrade W described the opportunistic forms of violence that took place amongst the comrade structures. Below, Comrade W speaks about comrades and the different motives behind becoming a comrade:

'Amongst the comrades were different missions, some are there just to be popular, others are there to get a certain woman in the area, others to protect their *dagga*

they were selling, others to be seen as active in the community as human rights activists, others were really human rights activists. So [...] the comrades had their bad issues.’ (Comrade W, Interview, 30 January 2012)

Complex personal motives that fed into broader struggle politics within the context of squatter struggles. In an environment where many did not understand or agree with the anti-apartheid struggle, the reality of a ‘mixed fight’ involving complex motives fuelled the arguments against comrades and became the means through which the power-hungry squatter leader Johnson Ngxobongwana was able to mobilise the *Witdoeke* (conservative elders) against comrades with police support.

When asking the comrades to reflect on this history, they feel that the inter-community war between the comrades and the *Witdoeke* overshadows their memories of bravery and creativity in anti-apartheid resistance. Former squatter-comrades continually express a sense of being unacknowledged for the role that they feel they played during the anti-apartheid struggle. They believe that their ‘contribution’ has been excluded in and through the dominance of the tragic memory of the struggle of squatter against squatter in the *Witdoeke* violence. For example, Comrade Y describes the ‘issue of the *Witdoeke*’ as creating a ‘dent’ in the image of the *Amabutho* youth militia who were fighting against the apartheid regime:

‘Once you touch the issue of *Witdoeke* it damages the image of the struggle, especially that of *Amabutho*, it dents the image of *Amabutho*, it makes as if we were fighting against each other, there was no political elements, no political views, no political influence in our fight with *Witdoeke*.’ (Comrade Y, Interview, 11 August 2011)

The quote above also demonstrates the distinction (or split) between politically motivated violence and the violence that occurred in Crossroads. This gestures towards a deeper split that occurred in the way in which the TRC framed the violence of perpetrators as ‘just’ vs ‘unjust’, which is unfolded in the section below.

■ The split between ‘just’ and ‘unjust’ violence

This section aims to demonstrate how a split between ‘just’ and ‘unjust’ violence emerged within the context of the TRC process. This split was partly constructed through decisions made by the commission about how to judge and grant amnesty to perpetrators of gross violations of human rights committed in the name of the liberation struggle. During the Commission, the leaders of the ANC further mobilised this split to legitimise and sanitise their own histories of violence while distancing themselves from the messy realities of the ‘grey zone’ of violence embodied in the histories of internal comrade violence.

In order to evaluate whether acts of violence constituted ‘gross violations of their human rights’, the commission was guided by criteria derived from ‘just war theory’ (TRC 1998a:68). This approach distinguished between the

'justice of war',- whether one is fighting for a just or unjust cause, and the 'justice in war', whether the violence one commits in this war (regardless of what side one is fighting for) are considered just or unjust. In terms of the justice of war, the liberation parties were judged to have been fighting a 'just war' against the system of apartheid, which was judged as a crime against humanity. Nevertheless, the liberation struggle parties had to account for gross human rights violations committed by their members.

To define what constituted a 'perpetrator' of 'gross violations of human rights', the Commission drew on the frameworks of international humanitarian law for dealing with the hostilities of 'combatants' at war (TRC 1998a:65). While combatants are seen to have the right to participate in the conflict, they do not have an unlimited right to kill. In order to gain amnesty for acts of violence, perpetrators were required to prove that they were 'combatants' whose acts were the outcome of a political motive. To be classified as combatants, perpetrators had to demonstrate that their acts of violence were committed on 'behalf or in support of, a publicly known political organisation or liberation movement' (TRC 1998a:82-83). However, this narrow, top-down construction of perpetrators did not capture the nature and complexity of the violent situation that comrades were embroiled in.

This disconnection between international frameworks and the messy realities of violence on the ground meant that the Commission struggled to deal with these histories, and this has had far-reaching consequences for the comrades of past violence. One of the consequences of this top-down, narrow definition of the perpetrator is that the resistance violence of comrades was not deemed 'political'. This is what Comrade Y is contesting when he says that the way that the *Witdoeke* violence was remembered through the TRC 'dents the image of the *Amabutho*' because there was not an acknowledgement of the political 'elements', 'views' and 'influence' that underpinned the fight with the *Witdoeke*. The depoliticisation of comrade violence has also meant that those involved in these local histories of violence cannot claim veteran status nor access to the demobilisation support and special pensions that are set aside for veterans in the aftermath of conflict. Many of the comrades who I interviewed for this research continue to spend a lot of time, energy and money trying to advocate for their recognition and inclusion into veteran structures.

For those comrades who were arrested for their involvement in struggle violence, the depoliticisation of their actions meant that they were unable to receive amnesty for their actions as they were deemed criminal, rather than political. Comrade W's life story is a tragic testament to this. He was arrested on a murder charge that he was serving prison time for that occurred during a 'hit on police' in 1987. While he had been on death row as a political prisoner before the transition, his application for amnesty was denied because he was not able to demonstrate that his crimes were connected to a political organisation and that he was acting under the authority and instruction of a

political or state organisation. During his life history interview, he recounted the painful, humiliating experience of becoming ‘nothing but a common-law criminal’ when his application for amnesty is denied, and he has no choice but to remain in prison until he was released on house arrest in 2007. Despite the education, he gained under death row and the role he had hoped he would play in a liberated South Africa, his criminal status ensured that he would not be able to secure employment once released.

This conceptual split between just/political/combatant and unjust/apolitical/criminal also underpinned how and whether political parties and their leaders accounted for gross violations of human rights committed by perpetrators. For example, the ANC took responsibility for acts of violence committed by members of their military units who were acting on instructions that came from clear chains of military command and within the policy of the ANC. Through a discourse of ‘we were at war’, ANC leaders described the acts of violence perpetrated by their members as calculated, rational acts that were connected to clear hierarchical chains of command (TRC 1998b:261–262). In contrast, the violence of youth militias (*Amabutho*) fighting within the context of the Mass Democratic Movement was described by leaders of the ANC as ‘aberrations’ of the liberation movement (TRC 1998b:377–378). These forms of violence included the attacks on vehicles and buildings with sticks, stones and petrol bombs, the necklace murders of collaborators, informers, criminals and suspected witches, the arson attack on government property.

This language of perpetrators as combatants involved in military struggle also came to frame the way in which the ANC generated its own narrative of legitimate violence in relation to the illegitimate forms of violence that the comrades represented. The way in which ‘gross human rights violations’ were defined by the commission ‘assisted in the construction of the ANC as the liberating force’ while marginalising the role played by other elements of civil society in engaging, resisting and resolving social suffering under the apartheid system (Collins 2015:48). Belinda Bozzoli (2004) demonstrates how this was not a simple distancing of comrade violence. Analysing the unfolding of the case of the memory of the internal war in the township of Alexandra, Johannesburg, she demonstrates that the ‘ANC sanctioned memory’ presented to the TRC did not align with the conventional understanding of the unfolding of events (Bozzoli 2004:257). The internal anti-apartheid struggle was complex, and the ANC claimed some of the victories of this struggle for its own legitimacy while scapegoating the morally troubling memories of violence onto the comrades.

■ The social-psychological trauma of a double unclaiming

The comrades of past violence occupy a tricky position – they are the holding space for that which has been denied by the TRC/ANC narrative of just,

rational, military violence. The morally complex violence, what Primo Levi calls the grey zone of resistance struggle, has essentially been split-off from the ANCs sanitised official memory and projected onto the comrades of the past struggle. While their histories include these complex histories of 'mixed struggles', they also include histories of bravery and courage in collective resistance to apartheid oppression. The former squatter-comrades of Crossroads yearn for inclusion in the heroic narrative of liberation and the symbolic and material support systems that are allocated to those considered to be the legitimate combatants/veterans of this struggle. The trauma of exclusion is felt deeply by these comrades of past violence. For example, Comrade L expresses the extreme bodily frustration that accompanies the lack of recognition received by himself and his comrades for the role they believe they played:

'It seems as if even if you went upside-down fighting for the struggle, fighting for the liberation of this country, but this meant nothing for these people, oh it is terrible that these people are pointing at themselves, saying they themselves coming from exile, they are the only people that have fought for the liberation of this country, it is very painful that when we see that kind of information [...] I feel my stomach is blowing (up) when these things are being spoken about, makes me wish I did not participate in the struggle because it is useless now it is rubbish to me.' (Comrade L, Interview, 17 August 2011)

While the experience of being involved in the anti-apartheid struggle was a difficult 'upside-down' experience, the traumatic nature of this memory is also located in the lack of social inclusion and 'containment' within the broader national memories of this history. This social trauma (De Tubert 2006) is expressed viscerally by Comrade L, who locates this pain in his stomach that feels as if it will explode in anger. This sense of being used and discarded by leaders, and being useless as a result, is commonly expressed by this group and represents the social trauma impact of official memory processes expressed by former squatter-comrades.

The exclusion and demonisation of comrade histories at the national level of memory further contribute to the social alienation of comrades at the local level of community memory. In the quote below, Comrade L reflects on the social implications of not being acknowledged as a part of the broader struggle for liberations:

'From the point of view of the people that did not take part in the struggle, they see us as very useless people. They see us as people who did not care about their personal lives, and were only involved in the struggle for nothing [...] We think about when somebody passes away, and we want to explain about our heroes, the people that have taken part in the struggle. We want to tell their family what role they played in the struggle, because sometimes when somebody dies, then nobody tells what role this person played in the struggle. We think about this and we wish that our people could get recognition when they are buried like the people who have taken real part in the struggle.' (Comrade L, Interview Philippi, 17 August 2011)

As a result of this exclusion from national memory, comrades further experience the social trauma of isolation and humiliation within their community networks and family structures. The social trauma of exclusion and demonisation of comrade memory is further compounded by the experience of socio-economic exclusion and poverty, which are the continuous legacy of colonialism and apartheid in the post-apartheid era. The township communities of Khayelitsha, Philippi and Crossroads bear the scars of the past in terms of inadequate infrastructure and high levels of violence. Those living in these spaces suffer the legacies of past and present forms of economic injustice manifested as high levels of poverty and a lack of employment. Comrade's intense desire to be included in the national narrative must also be read against this backdrop of extreme socio-economic hardship for the majority of black South Africans who hoped that their lives would change when the ANC came to power.

While former squatter-comrades are desperate to find some respite from their conditions of continued suffering by gaining access to the benefits and support connected to 'veteran' identity, there is much that remains unclaimable in this emotionally charged desire for recognition. If we return to the notion of psychic trauma as unintegrated (unclaimed) memories (Caruth 1996), there is a further dynamic occurring between the national (social) and individual (psychic) memory of comrades as perpetrators of complex violence in the grey zone. Their desire to be included in the national narrative impacts their personal capacity to come to terms with their involvement in complicated histories of violence. Comrades struggle to confront and claim their own difficult memories of violence because they are the source of their delegitimation in the official ANC narrative of a National Liberation Struggle. Comrade W indicates towards this dynamic of a double unclaiming in the quote below. While it was clear that necklace murders occurred during this time of struggle, comrades would rather gloss over those parts of their histories to emphasise the significance of the role they played and defend against their demonisation. In response to a question I asked about Comrade W's involvement in necklace murders, he shares the following:

'W: (Long Pause) Kim, whoever was a comrade and says that, laughs, I don't know if I'm responding diplomatically, I'm using my diplomacy, I'm afraid to respond to your question, whoever was a comrade or claims to have the label or title of a comrade and says no, I was never involved in executing someone with a tire, then that person is not being truthful [...] No one wants to claim, no one decent enough to say my hands are dirty, no-one wants to claim, I don't know how many lives have been lost because of shooting those bullets caused sorrows to many families, but no-one wants to come forward and claim [...] Comrades want to cover up the bottom of their negativity and come up and politicise everything, to be seen as heroes. We may be heroes but not everyone sees us as heroes.' (Comrade W, Interview Crossroads, 10 October 2011)

In my PhD, I referred to the 'issue with demonising the violence of the comrades while excluding their memory of the process of lived resistance against oppression' as follows (Wale 2013):

[7]here is no space in this conceptualisation for comrades to come to terms with the psychic and social scars of the layers of complex violence in the grey zone. All their energy goes into attempting to prove their legitimacy within the context of a memory discourse which demonises and criminalises their histories of resistance. (p. 172)

While comrades desire recognition and inclusion into the official histories of struggle, there is something deeper and darker that lies in an 'unclaimable' space within their memories of past violence. We could say that a double unclaiming has occurred. In the first instance, this occurs through the sanitised versions of the liberation struggle violence constructed both through the TRCs categorisation of 'perpetrators' and then through the ANC's heroic official memory narrative of the national liberation struggle. In the second instance, comrades unclaim their own difficult memories of violence by glossing over their involvement in morally complex, grey zone violence to 'cover up the bottom of their negativity' so that they may be acknowledged and included 'to be seen as heroes' within the national narrative. The comrades as the group onto which the 'unjust'/criminal violence of the liberation struggle has been scapegoated, yearn to be included and recognised for their contribution, and in this yearning, they also unclaim their own histories of violence in the grey zone.

■ Reclaiming violence in the 'grey zone'

Returning to the complex memories of comrade violence demonstrates the social-psychological implications that painting violence in 'black' (unjust/criminal) and 'white' (just/political) terms has had on those who remain scarred by the terror and oppression they rose up against and by what unfolded in the 'grey' zone of this lived experience of resistance violence. Describing the impact of violence in the grey zone, a former ANC MK veteran describes the 'grey areas' that haunt former combatants who were not able to share their stories because they contradicted the 'sanctioned' narrative of the ruling party:

'Our stories are grey, they are not black and white, there are so many things people do not want to put on the public record because there is not sanction from the political party to raise their voices about the grey areas that they live, those are the screams they hear at night in their dreams, those are the fears that haunt them.' (MK Veteran, Interview Claremont, November 2011)

This quote from a former MK member reminds us that it was not simply the comrades who were involved in the illegitimate violence of the 'grey zone'. The morally complex violence that comrades were involved in was not an 'aberration' of the national liberation struggle. Rather, it was part and parcel of

South Africa's histories of oppression and resistance and should be remembered as such.

The distancing from memory (dis-remembering) of grey zone violence in the official ANC narrative makes it difficult for communities and individuals to come to terms with their own memories of past violence for fear of being discredited. While disavowing the grey zone of resistance violence onto the comrades as 'aberration', the ANC was able to create the heroic narrative from which it gains political legitimacy. The tragedy of this heroic narrative, as demonstrated by the quote above, is that the split-off and silenced memories of ANC cadres' involvement with 'unjust' violence (their grey stories) become the 'screams that they hear at night'. While this chapter demonstrates the impact that this has on the case study of Crossroads squatter-comrades, this quote indicates that the struggles of these comrades are illustrative of a much broader struggle also faced by those belonging to the formal military structures of MK. The forms of violence that haunt former combatants remain socially and psychologically unprocessed because they contradict the story that the ruling party wishes to tell.

■ **Walking memories spiral: A continuous, dynamic, unsettling process**

The South African TRC has become a guiding example for other contexts attempting to deal with their own histories of violence. With the benefit of hindsight, it is possible to critically draw on the lessons of the South African case to offer insights for TRCs that are in earlier stages of this ongoing journey of engaging with difficult pasts. To bring this chapter to a conclusion, I would like to propose three overarching suggestions that emerge from the arguments of this chapter and that may provide insightful points of consideration for the Canadian post-TRC process and the more recently established Scandinavian TRC in Norway. The first is that the work of dealing with the past is an ongoing and complex process, which is not possible in a single Truth Commission, rather the work of walking memory's spiral should be conceptualised as continuous. This continuous work also provides a necessary counterbalance to the tendency of 'official' memories of the past to settle in hegemonic ways that serve the interests of those in power, because it invites us to remain flexible and open to contestation and re-interpretation of collective memories of the past. A second and related insight is that the categories and stories that Truth Commissions generate to make meaning out of past violence in the transition period should be recognised as partial and should endeavour to be flexible and inclusive of multiple stories and identities of past violence. In the context of the South African TRC, the definitions of 'victim' and 'perpetrator' have been productively contested in the scholarship and in civil society, and this chapter sought to further contribute to this work of unsettling established memory categories.

A third and final insight that emerges from the arguments of this paper is that the different 'layers' of memory (national, community and individual memory) should be in dynamic conversation with each other. In the case of comrade memories, they suffer from the settling hegemony of memories of the national liberation struggle that are not in conversation with their experiences at the community and individual level. This broken chain of communication serves political ends but becomes a stumbling block to the process of dealing with violence in the 'grey zone'. This unwillingness of the ruling party to account for the grey violence of the liberation struggle has had a painful social and psychological impact on the comrades and inhibited the process of dealing with this complex past at the community and individual levels of memory. To enable the continuous spiral process of working with difficult memories of the past requires a flexible and interactive chain of communication across national, community and individual memories of the past.

Building thin sympathetic engagement to foster truth commission success

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■ Introduction

Standard transitional justice processes, including truth commissions, have been employed around the world to address politico-legal harms. However, in many societies, these are not the only harms that remain to be addressed. In a particular subset of countries, these harms result from settler colonialism, which is characterised by assimilation, land dispossession, and ultimately elimination¹ through structurally embedded violence and racism. This is particularly difficult to rationalise when considering countries where democracy has been consolidated and where most people in society are able

1. The Truth and Reconciliation Commission of Canada said the residential schools 'were part of a coherent policy to eliminate Aboriginal people as distinct peoples and to assimilate them into the Canadian mainstream against their will' (Truth and Reconciliation Commission of Canada 2015:3).

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to live rich and fulfilled lives. Truth commissions and other forms of transitional justice often have difficulty dealing with these kinds of harms.

At the root of the paralysis that results is the remarkable absence of any awareness within the dominant community of how others in the community have been affected. One solution could be the development of thin sympathetic understanding within the dominant population about what has taken place and why it matters. This paper sets out an explanation of how thin sympathy could be cultivated in settler-colonial contexts and why it matters differently than in traditional and transitional contexts. It pays particular attention to settler-colonial contexts where transitional justice processes have already been undertaken and suggest that thin sympathy, the development of a cognitive awareness and understanding, could be developed retroactively for a fuller effect.

■ Three cases

This chapter considers three cases, in particular: Canada, Norway, and South Africa. As is discussed further below, although on the surface these countries may appear to have little in common, in each of the three cases, the specific historical development of each led to violence and harm against a particular and often marginalised segment of the society, which then formed the basis of the work of the TRCs that were eventually established in each. Before proceeding to the argument, it is helpful to understand the facts of each case.

French explorers ‘discovered’ Canada in 1534 and settlement by the French and English predominated over subsequent years (Ladner & Tait 2017; MacLennan 1945). Throughout that time, the many Indigenous² peoples whose territories and homelands had spanned the continent were subject to many policies of assimilation and genocide (MacDonald & Hudson 2012; Woolford 2009), including the consignment of Indigenous nations to reserves, and the forced attendance of Indigenous children at residential schools, which were the sites of physical, psychological and sexual abuse (Miller 1996; Milloy 1999; Woolford 2015). In response to the largest-ever class-action lawsuit in Canadian history, brought by survivors of the residential schools, the Canadian government and four of the churches who had run many of the schools, the Anglican, Presbyterian, United Churches and various entities of the Roman Catholic Church settled with survivor groups lest they bankrupt the country with the many billions of dollars that would have been owed as compensation for harms suffered (Residential Schools Settlement n.d.), as well as the sheer

2. There is strong disagreement and a multiplicity of preferences about what to call Indigenous people who live in Canada. I use the term ‘Indigenous’ – with a capital ‘I’ – as it encompasses a great number of people who might be disenfranchised or otherwise offended by the use of other terms, and is the most inclusive of all terms. The term is capitalized here to convey respect.

volume of cases that would have needed to be managed. As part of that settlement, the government agreed to the establishment of a TRC (IRSSA 2006; Truth 2012). There have been other piecemeal responses to the many harms committed against Indigenous people living in Canada, including a subsequent National Inquiry into Missing and Murdered Indigenous Women and Girls.

Like much of Scandinavia, the majority of modern Norway draws its roots from Indo-European settlement. Although Norse and Sámi people have coexisted for centuries, especially along with the northern coast, the nomadic Sami people, were pushed aside to make way for permanent settlement, and from the 17th century, the official policy was ‘intensive and long-lasting’ assimilation (Jakobsen 2011:2), referred to as ‘Norwegianisation’ (Eidheim 1997; Hansen & Olsen 2013; Jernsletten 1993). The traditional Sami territories in the northern part of Norway, Sweden, Finland, and Russia (Sápmi) have been settled and culture and reindeer herding have been appropriated by those from other backgrounds. The Sámi culture, and nomadic lifestyle has been suppressed and demonised. Some parts of Sápmi lie within Norway, and others do not, and the boundaries between the Norse and the Sami lands were not always clear (E. Quinn 2020):

Colonial policies [...] often involved the education system and church discouraging or actively suppressing Sami languages and culture and forcibly assimilating Sami children into the dominant culture, something that continues to negatively impact Sami languages and education today. (n.p.)

In 2017, influenced by ILO Convention 169 (1989) on Indigenous and Tribal Peoples, and following a call in February 2017 by the pan-Nordic Conference of Sámi Parliamentarians that there should be a truth commission in each of Finland, Norway and Sweden, the Norwegian Parliament established a TRC ‘to establish a common understanding of how Norwegian authorities and society treated the entirety or parts of the Kven [Norwegian-Finnish minority] and Sami population and their culture’ (TRC n.d.).

European settlement began in earnest in South Africa when the Dutch East India Company established a trading post in Cape Town in 1652 (Neumark 1957), followed by successive waves of Dutch and British immigration over the next centuries. The European settlers enacted laws that increasingly discriminated against and segregated Africans, taking away access to land, education and other civil and political rights (Bunting 1964). These laws culminated in the apartheid laws of 1948, which relocated African people to reservations and formalised a system of exclusion, discrimination and other human rights abuses that escalated to extrajudicial killings and gross violations of human rights (Baines 2007). Peace talks that began in 1991 in direct response to enormous opposition to apartheid ultimately led to a series of political reforms including free and fair elections, a new constitution and the end of apartheid. Amongst the actions taken by the South African government

was the establishment of a TRC in 1995 'to investigate gross human rights violations that were perpetrated during the period of the Apartheid regime from 1960 to 1994' (Boraine 2000; Government of South Africa 1995).

■ A different kind of violence

One of the anomalies in the study of transitional justice is the wide variation within the genus of cases that are considered. The archetypal case is a country transitioning from authoritarianism and to democracy (Arthur 2009; De Brito 1997; De Greiff 2020:251; Iverson 2013; Kritz 1995). Over the years, the genus has expanded to include countries emerging from civil war (Olsen, Payne & Reiter 2010a). Indeed, scholars of transitional justice have tended to treat these different kinds of cases as equivalent. As the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo De Greiff (2020), notes, however:

[/]Indifference to context has meant not only ignoring relevant differences in the context of application but the effort to replicate the very same institutional responses as if they worked equally well in all situations. (p. 255)

Transitional justice seeks to 'confront [...] the legacies of past human rights abuses and atrocities to build a stable, peaceful, and democratic future' (Kihika 2012). And in many contexts, including transitions out of authoritarianism and civil war, a 'stable, peaceful, and democratic future' is both easy to see and relatively easy to imagine. In other contexts, however, and especially in settler-colonial contexts, transitional justice seems unable to effectively confront the harms that once flowed – and indeed, continue to flow – from settler colonialism, let alone the overt structures of settler colonialism itself.

This raises questions about where that leaves cases that have never faced authoritarianism or civil war and where democracy is already firmly consolidated. The literature has been relatively silent on these questions, save for critical interventions by scholars including Balint, Evans and McMillan (2014) and Nagy (2013). As these authors and others note, the conception of transitional justice in the 'standard' incarnation is far too narrow, and where it is considered at all, the field has tended to 'bound [...] transitional justice as a legal-political, rather than social justice, enterprise that narrows on individual instances of gross human rights violations' (Nagy 2013:53).

Such a restricted focus has largely precluded any attention to two important conditions that also seem to warrant the use of some of the mechanisms of transitional justice, including truth commissions, which are the focus of this book. The first is settler colonialism. The second is the structural violence that has been committed in those places.

First specified by Robert Wolfe (1999:2), the concept of settler colonialism is 'premised on the elimination of native societies [...]' As distinct from other

colonial contexts, of the kind, that Mamdani (1996) and others have discussed (Branch & Mamphilly 2015; Fanon 1963), as Wolfe and others have outlined, in settler colonial contexts, ‘the colonizers come to stay’, dispossessing the communities they found there of their land and seeking to eliminate them altogether – and then never left (Wolfe 1999:2). In speaking about Canada, Woolford (2009) lays out the harms caused by the settlement in stark terms:

First, the varied path of attempted Aboriginal destruction in Canada is misrepresented by attempts to reduce Canadian colonialism to a singular event and Aboriginal Canadians to a single ‘group’. To put it simply, Canadian Aboriginal peoples are culturally and regionally diverse and experienced colonialism in different ways. Second, while all Aboriginal groups experienced at least some degree of attempted assimilation, some also experienced high levels of physical destruction through settler violence, disease, and deadly residential-school conditions, as well as biological interference with reproductive processes. Finally, the separation between ‘cultural’ and ‘physical’ forms of destruction – a modernist contrivance that contends that such neat categories in fact exist – collapses under a more detailed investigation of Aboriginal experiences of destruction. (p. 81)

As such, Wolfe (1999:2) notes that ‘invasion is a structure, not an event’. The same holds true of other settler colonial arrangements around the world.

As a direct result of the destruction brought about by settler colonialism, what Wolfe calls ‘native societies’ further experience what peace scholars have called *structural or indirect violence* – that is, ‘violence [that] is built into the structure and shows up as unequal power and consequently as unequal life chances’ (Galtung 1969:171). As distinct from direct violence, during which the ‘infliction of pain [...] is caused by a specific person [or group of people]’ (Jeong 2000:19), structural violence is brought about by ‘pervasive forms of violence that are “built into” structures, institutions, ideologies, and histories’ (Dilts et al. 2012:e191). It is made manifest through ‘political oppression, economic despair’ (Jeong 2000:22) and ‘social alienation’ (Jeong 2000:22).

All three of the cases considered in this chapter may be defined as settler-colonial. While the identification of Canada as a settler-colonial state has now been clearly substantiated, the inclusion of both Norway and South Africa as settler-colonial states may be contentious.³ And although it was originally used solely with reference to cases including Australia, New Zealand and the United States (Wolfe 1999), the literature surrounding the settler-colonial project has grown to include places such as Israel-Palestine (Veracini 2019) and Northern Ireland (Reid 2014). Both Norway and South Africa were likewise ‘settled’ by colonial masters who came to stay and dispossessed the original communities of their land and culture – as such, calling these out as settler-

3. On Canada, see, for example, Clark, De Costa and Maddison (2016) and Barker (2009). On South Africa, see, for example, Coombes (2006) and Reddy (2015). On Norway, there is scant literature, and what there is tends to refer to Scandinavia more generally or to neighbouring Nordic countries. See, for example, Kuokkanen (2020).

colonial sites add particularly to the discussion as it simultaneously acknowledges the harms that resulted and the ongoing structural violence.

Transitional justice has proved relatively unable to cope, though, with these kinds of broad structural harms. Instead, it mostly focuses on the effects of certain forms of civil and political rights violations like summary arrest and detention or murder, while other forms of violence are ignored. As such, even economic, social and cultural acts of violence are traditionally excluded from our thinking about transitional justice, as are the broad array of structural injustices faced by many communities. Wide-scale cultural genocide is also tricky for transitional justice to address, and it has rarely done so. A generous interpretation holds that transitional justice has taken up civil and political rights violations because they are easier to prosecute (Carranza 2008). A rather more cynical view is expressed by Galtung (1969), amongst others, in noting that:

[W]hen the structure is threatened, those who benefit from structural violence, above all those who are at the top, will try to preserve the status quo so well geared to protect their interests. (p. 179)

Transitional justice is not an altogether welcome intervention for the settler community.

■ Over and over and over

The historical record demonstrates that 'transitional' countries often end up carrying out a number of different transitional justice processes across a period of years in their attempt to confront the legacies of past human rights abuses. In Argentina, for example, a 'diversity of methods and strategies' has been employed over the past 35 years to deal effectively with the past, including truth commissions, exhumations, trials and amnesties (International Center for Transitional Justice 2005). The multiplicity of approaches used in different cases prompted Olsen et al. (2010) to write that states that use several mechanisms are likely to achieve more durable results.

There is, perhaps, an alternative explanation. It is possible that the transitional justice mechanisms that are chosen, like truth commissions, which are the subject of this book, are not able to bring about the kind of societal and institutional change that is needed in these societies. And so the officials try and try again, applying the Goldilocks principle, using different mechanisms and different formulations, to find one that will be 'just right'. All the while, survivors and their families wait for what Martin (2016:400) calls 'the establishment of a "new normal"', which she defines as 'the ability to move freely, the eradication of uncertainty and threat of violence, the resurrection of routine'.

Settler-colonial cases are equally likely to be treated by a whack-a-mole approach to transitional justice. Yet, following Wolfe, the reason for those multiple attempts is more likely to be that settler colonial states are reluctant to do what is needed in ‘overturning the colonial structure and realizing Indigenous liberation’ (Wilson & Yellowbird in McCaslin & Breton 2008:511). Instead, truth commissions, like other transitional justice mechanisms, are often mandated to focus only on ‘tweaking the existing colonial system to make it more Indigenous-friendly or a little less oppressive’ (Wilson & Yellowbird in McCaslin & Breton 2008:511). That was surely the case in Canada in the limited mandates of the TRC and the National Inquiry into Missing and Murdered Indigenous Women and Girls, each of which was permitted only to examine a very limited piece of the overall story of the treatment of Indigenous peoples – despite rigorous and comprehensive reports including the 1991 Report of the RCAP, which had already painted a much larger picture to be addressed.⁴

Many have pointed to a similar concern with the results of the South African TRC. Chapman and Ball (2008:143), for example, argued that the South African TRC ‘failed to establish macro-historical findings sufficient to the mandate given to them by Parliament’. They argued that the TRC failed to ‘explain apartheid violence as an organizational system [...] [or] understand apartheid as a system’ (Chapman & Ball 2008:161).

The Norwegian Truth and Reconciliation Commission’s limited mandate reveals an analogous problem: In the Norwegian case, the TRC is empowered only to investigate the effects of what the mandate calls ‘the Norwegianization policy’ (Megard 2019) – defined very narrowly as simply linguistic assimilation (The Commission n.d.), without any consideration for the importance of many other aspects of the assimilation that was carried out, many of which constitute a form of cultural genocide. Further, reducing the experiences of the Sámi, the Indigenous peoples of Norway, to the equivalent of any of a number of minority groups (the other being the Kvens/Norwegian Finns) seriously undermines the Sámi’s ability to make specific claims regarding nearly extinguished aspects of their life and culture as Indigenous peoples, including, for example, the importance of land to their existence as a people. By so narrowly constructing its remit, the Norwegian government has all but guaranteed that no other aspects of the settler-colonial harms will be considered. As in the other cases, it is doubtful that the Sámi will be satisfied with the outcome – and quite likely that further transitional justice processes will be necessary to address the wider aspects of the dispossession and structural violence that continue to exist.

4. It is worth noting that scholars including Regan have argued that Canada’s TRC, despite the limitations of its mandate, expanded the scope of the final report and calls to action well beyond the residential school system to encompass the whole settler colonial project, and making UNDRIP the national reconciliation framework (Regan ‘Reconciliation and Resurgence’). Lightfoot makes a similar argument (‘Conclusion’).

■ Intervention: Thin sympathy

In attempting to confront the legacy of the structural harms caused by settler colonialism, though, a major difficulty arises in that such harms are often invisible to the rest of the population, and it is therefore difficult to mobilise support for dealing with them. As Galtung notes, members of the dominant population ‘are already socialized into such structures’ (Galtung 1969:179). And since in places like Canada, Norway, and South Africa, the populations are divided by geographies and were purposely kept apart in many cases, such as through the reserve system that was used in both Canada and South Africa,⁵ the relative needs of the survivor groups remain unknown. The dominant population is often unable to understand or identify with the need for any kind of transitional justice process.

In many ways, their ignorance is fostered by the sorts of piecemeal responses that are doled out by governments when they are pushed to respond to calls to deal with the past and ongoing harms, rather than carrying out the kind of complete overhaul that is needed. For example, the willingness of the Norwegian parliament to consider the experiences of the Sámi only in the context of their linguistic assimilation belies the broader experiences of the Sámi community as regards exclusion from key public services including healthcare and education and bigger questions of cultural genocide. In Canada, although the experiences of Indigenous people in the residential schools were traumatic and on their own the crimes committed there constituted genocide (MacDonald & Hudson 2012; Short 2010; Truth and Reconciliation Commission of Canada 2015:1; Woolford & Benvenuto 2015), the residential schools were just one piece of a whole system of discriminatory and violent policies – what Nagy (2013:59) calls ‘a slice across the spectrum of the Indigenous–settler relationship’.

The result, at least in Canada, is a (Bear & Andersen 2017):

[G]eneral lack of knowledge of Indigenous histories, [*that*] are equally indicative of how much more Canadians need to learn about Indigenous issues and Indigenous peoples’ historical and contemporary relationships with Canada and (other) Canadians. (n.p.)

the 2018 polling data demonstrated that non-Indigenous Canadians were unaware of ‘the root causes’ that are the cause of poverty, mental health, underhousing and other issues endemic in Indigenous communities in Canada (Galloway 2016).

5. The Dominion Lands Act (Canada) is said to have served as the model for the Land Settlement Acts of 1912 and 1913 in South Africa (Saul 2011). Giesbrecht notes, further, that ‘In the 1940s, when white South African politicians were designing a system that would keep people of different races separate, they came to Canada to study our system: its Indian Act, status cards and reserve system’ (Giesbrecht 2018).

In white South Africa, something similar was reported: a 'long period of deep self-analysis' (De Klerk, cited in Asmal, Asmal & Roberts 1997) was needed, which led to the:

[E]ventual decision, four decades after apartheid's electoral triumph, to question what the United Nations had for decades recognized as a crime against humanity, a form of genocide, something akin to slavery. (p. 29)

They note that something seemingly 'got in the way' and that 'the manifest illegitimacy of the system [was] so hard for people to see [...] [or else] its illegitimacy [was] simply and wantonly ignored' (Asmal et al. 1997:29).

Such obliviousness, though, might be counteracted by deliberately cultivating some awareness about the experiences of the 'native societies', as Wolfe calls them, and about what was done to them by the settler community. What is needed is the development of only a very rudimentary understanding – *thin sympathy* – amongst individuals from each of the different factions and groups about the basic facts of the other's suffering. In this instance, 'sympathy' does not mean 'I feel sorry for you' but is used, instead, to refer to understanding, awareness, recognition and appreciation. The thin sympathetic hypothesis suggests that thin sympathy, the acquisition of a basic understanding of what has taken place, will allow for the development of a more durable transitional justice process. And while many assume that this understanding already exists, it has been clearly demonstrated that there is a significant gap in that kind of perception across the different groups (J.R. Quinn 2020, 2021). Thin sympathy could help the wider population understand the needs of survivors by changing the broader social ethos (El-Masri, Lambert & J.R. Quinn 2020) and convince them of the need to put into place processes of acknowledgement and transitional justice like truth commissions and customary justice and to take part in those processes once they are established.

The very opposite of this, for example, happened in Colombia in the 2016 referendum on the peace agreement between the government and the Revolutionary Armed Forces of Colombia (FARC). The referendum was defeated when 50.2% of the population voted against it. The result, however, concealed the important fact that the people who voted against it lived mostly in places that had not been affected by the violence. The outcome would have been radically different if those people who had not been affected by violence had understood even the basic details about what had taken place and how the lives of the victims were impacted by the conflict.

The benefits of thin sympathy occur at two levels: For the individual, there is value in the personal and interpersonal journey of learning and discovery, clearing the way for eventual acceptance and acknowledgement. For the wider community, the benefit is in the development of a prevailing attitude that makes people a more tolerant and open understanding of the other, and of the need to address that society's complicated past. Thin sympathy,

therefore, holds extraordinary promise in its ability to transform the beliefs and aspirations of the broader society.

Unlike the destruction that is apparent following a civil conflict, though, or authoritarianism, where ‘we observe someone who hurts other people by a violent act’ (Jeong 2000:20), structural violence is not always so easy to see. To obtain the kind of necessary understanding of the impact of structural violence requires pointing out not only the condition in which what Wolfe calls ‘native societies’ find themselves but also the causal actions that brought about those conditions. So, for example, in Canadian society, while attention is often paid to negative stereotypical views of Indigenous people, it is rarely understood that the antecedents of their condition can be traced directly to the actions of successive settler colonial governments in denying access to traditional territories and placing Indigenous communities onto designated reservations, taking away their access to livelihoods including hunting and fishing and consigning them to dependence on the government. Similar stereotypes of the Sámi as ‘backward’ can be indirectly traced to their particular vulnerability to assimilation policies enacted by the Norwegian government, which denied access to state-run education and healthcare (Axelsson & Sköld 2006).

The main goal of thin sympathetic understanding is to establish the ‘facts’ of what happened and why. However, it is not enough to rely on hard-to-understand and far-away things like Supreme Court decisions to help in bringing this information. Because while they do advance knowledge to some extent, they are not accessible to regular people.

I propose, instead, that this work can be done in any number of ways that are readily accessible to normal people to teach them the historical facts that they do not know. Ideally, these efforts would be carried out by the state. And if and when the state falls short of its obligations in this regard, civil society should step in.

In another book, I have described three of these: Firstly, the work could be carried out in a formal capacity by a fact-finding body or expert panel, in which specialists come together to establish a set of evidence that is presented in a public report (Canadian Council of the Academies n.d.):

Expert panels convene the best experts in their respective fields to assess the evidence on complex scientific topics of public interest [...] to evaluate the best available evidence on particularly complex issues where the science may be challenging to understand, contradictory, or difficult to assemble. (n.p.)

That kind of factual truth is in many ways, unassailable and is likely to be accepted by the dominant community.

Secondly, this work could be carried out ‘unofficially’ through informal activities led by ‘human rights organizations, religious communities, victim [*sic*] groups, universities and municipal governments’ (International Center for Transitional Justice 2009). One of the best-known examples was the effort

by Roman Catholic priests to collect thousands of official state documents in an attempt to put together a picture of the human rights abuses, including torture and disappearances, that were carried out by the military dictatorship that governed Brazil between 1964 and 1979 (Weschler 1990:5-14). These facts can substantiate claims and lead to the establishment of a truth commission, as happened in Brazil. Bickford (2007:1004, *emphasis in original*) notes that such unofficial efforts are often 'a *precursor* to an official truth commission, either by a specific design or because of contingent and unanticipated developments'.⁶

Thirdly, this work could take on a more popular flavour and be carried out through what is called 'entertainment-education', which involves (Singhal & Rogers 2004):

[P]urposely designing and implementing a medial message to both entertain and educate, in order to increase audience members' knowledge about an educational issue, shift social norms, and change covert behavior. (p. 5)

This message could be transmitted through anything from 'leafletting, radio announcements, or other methods' (Granovetter 1973:1373) to radio soap operas (Levy, Paluck & Green 2009).

However the work of building thin sympathy is accomplished, its goal is to develop at least a rudimentary understanding about what took place. In ideal circumstances, this work would take place before any transitional justice process, as a truth commission is ever established. The benefit is to allow the dominant population to understand why processes of transitional justice might be necessary. This will make transitional justice processes 'stickier' and strengthen their ability to do the work of promoting acknowledgement. Ultimately, it should allow people from all sides of the community to engage with the work of transitional justice. In turn, this stands to produce 'thicker' outcomes and ensure a lasting path forwards between the two groups.⁷

■ In reverse

In the three cases being considered here, though, Canada, Norway and South Africa, truth commissions have already been appointed. In two of the three cases, their work has already been completed – only Norway's process remains ongoing at the time of writing. Thin sympathetic interventions are meant to

6. This is not uncontroversial. Scholars including Short have noted the possibility for too much talking about an issue to sidetrack substantive progress, as happened in Australia where the focus on talking about historical grievances derailed plans for a treaty (Short 2016).

7. Thicker forms of both sympathy and empathy are described in my book, *Thin Sympathy: A Strategy to Thicken Transitional Justice*. There are those who worry about the ill effects of that deeper, empathic engagement. Regan, for example, notes the dangers of what she calls 'colonial empathy' (2010:45-47). Scholars like Bloom (2016) and Gopin (2018) are concerned with the tendency for people to become overwhelmed and do nothing.

be an opening and carried out prior to the convoking of any transitional justice process. Yet there is reason to think that thin sympathetic efforts could be carried out even during and after and that there could be a similar effect.

The overall aim of thin sympathy is to build understanding. And theoretically, at least, there is a retroactive benefit that can be derived, even if it would ideally be built at a much earlier stage in the process – whether in post-conflict or post-authoritarian contexts or in settler-colonial contexts. The goal of both transitional justice processes and thin sympathetic efforts is, or at least ought to be, moving societies forward in dealing with the past.

As discussed above, the truth commissions in Canada and South Africa fell short of what many felt was needed. Even though the Canadian Truth and Reconciliation Commission recognised that this was a significant problem early on and endeavoured to address it through the TRC process and public education efforts, by the time a truth commission is underway it is in many ways too late to cultivate the needed understanding. The Canadian TRC was unable to build a broad understanding of the dominant population about the systemic and structural harms that had been carried out against the ‘native society’.

Canada’s TRC, though, carried out an extensive public education program during its tenure, and its final report calls to action on education are an example of building capacity for this understanding – even if these activities came too late in the process to change hearts and minds and make Canadians more receptive to the work of reconciliation. These focused not only on education in schools, universities, and public history institutions, but education and training for public servants at all levels of government, professional schools and organisations, corporate sector, churches, organisations and so on, that enables people to apply what they learn to their every day relationships and work. In this sense, the main work of sensitisation in Canada came *after* the work of the TRC was completed. This focus on public education came primarily in the form of the Commission’s Calls to Action, particularly those calls dealing with education for reconciliation both in schools and in partner institutions (Truth and Reconciliation Commission of Canada 2015b:Calls 62–65).

The work of the Norwegian TRC is already underway, but it is early on in their process, and so the possibility still obtains that pre-emptive thin sympathy could be fostered. Even if not, although it is far from ideal, perhaps that work could be done retroactively in Norway as it was in Canada. In this sense, a campaign to build thin sympathy could be employed to change the broader social ethos, as my colleagues and I have speculated (El-Masri et al. 2020:8–10). That kind of wide-ranging change could have a significant impact – in South Africa, it resulted in changes to everything from the flag to the national anthem to programs of affirmative action and a new shared constitution.

It could also provide the motivation to establish a subsequent transitional justice mechanism that would allow for a more encompassing scope and would facilitate tackling the multiplicity of overlapping problems as a whole. To address Nagy's persuasive critique, the creation of a mechanism that is fuelled by understanding, awareness, recognition, and appreciation would be more likely to address social justice issues and structural barriers than individual claims based solely on legal-political frameworks. Without thin sympathetic understanding, one could not even begin to imagine the impetus to undertake an exercise of this magnitude.

The production of thin sympathy could even provide the stimulus for change that would actually leave survivors 'free', to recall Martin's phrase used above, as in, free to pursue their lives without limits and without fear (Martin 2016:400). While it is not feasible to imagine, for example, that traditional territories and homelands that have since been populated by millions of settlers and upon which have been built homes and cities would ever be returned wholesale to the communities from which they were taken by settlers, there are examples of shared projects in which what Wolfe calls 'native societies' have been at long last been engaged as equal partners by the government. And they have together engaged in building agreements to return rights to those communities. In Canada, for example, a modern treaty agreement has been negotiated between the Algonquins of Ontario, the Province of Ontario and the Government of Canada to settle a land claim made by the Algonquin people. That agreement includes the transfer of CA\$300 million to the Algonquins, along with the transfer of approximately 117500 acres of provincial Crown land to Algonquin ownership to allow the Algonquin to assume:

1. harvesting rights, including the right to harvest wildlife, fish, migratory birds and plants
2. forestry
3. parks and protected areas
4. Algonquin heritage and culture
5. Algonquin eligibility and enrolment.

The agreement had yet to be finally concluded at the time of writing ('Agreement' 2016).

This kind of equal partnership requires the cultivation of at least thin sympathetic understanding to be able to move forward. The question of political will is often raised, and with good reason: governments have little incentive to act in ways that conflict with the wishes of the voting public. The cultivation of a common awareness could be the 'glue' that holds together a universal sentiment that propels governments to make these kinds of changes.

■ Conclusion

This chapter has taken as its starting point that as settler colonial societies, certain populations in Canada, Norway and South Africa have been subject to long-standing policies that dispossessed people of their land and sought to eliminate them. To deal with these effects, it has argued that transitional justice generally and truth commissions specifically must work differently to deal with the structural violence and systemic racism that were embedded into the very structures of society. This marks a very different path than transitional justice processes have normally been willing to take.

I have proposed a solution that I call thin sympathy: the cultivation of an understanding of the situation in which the targeted population finds itself, along with the reasons for it. This process entails fostering the recognition and awareness of the harm and why it matters. Building thin sympathy will ultimately foster a more durable and robust development of acknowledgement and promote the success of transitional justice processes by persuading policy-makers of the importance of putting in place programs and strategies to deal with the atrocities suffered by members of society, about whom they may previously have known nothing and by convincing donors and non-governmental organisations (NGOs) to take up the work of thin sympathy before transitional justice processes are established.

And while programs to build thin sympathy should ideally be carried out prior to the transitional justice process, this chapter suggests that there are benefits to the retroactive creation of thin sympathy. I have suggested that the process could change the thinking of society, by prompting the creation of a new transitional justice mechanism and by helping to clear the path for survivors and their families to live their lives.

Forging transnational pathways for reconciliation

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The chapters in this volume reveal the challenges, complexities and nuances of rectifying past and present injustices in order to transform societies. For a Truth and Reconciliation Commission of Canada to be considered trustworthy by those who have suffered, it cannot compromise justice for the sake of peace that is nothing more than a 'cheap, deceptive' reconciliation. Weaving together theological, socio-political, legal and structural perspectives to link theory and practice, authors explore the potential of truth and reconciliation

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processes to either support a status quo that may only perpetuate conflict or inspire transformative change. Both formal TRCs and reconciliatory processes external to formal commissions play a significant role in 'coming to terms with the past'. The latter contribute to reconciliation discourse in wider society prior to, during and after a TRC. With regard to TRCs more specifically, much depends on how Commissioners interpret the details of their mandate and how they conceptualise 'truth', 'justice' and 'reconciliation', as well as the relationship between these key concepts. This inevitably shapes the design, methodology, implementation and outcomes of the TRC process, public engagement and education strategies, as well as the Commission's reports and recommendations. Truth and Reconciliation Commissions in South Africa, Canada and Norway (followed shortly by Sweden and Finland) must navigate a highly-contested politics of reconciliation to document the unjust past and present and make recommendations on how to achieve justice for oppressed groups whose rights have been violated and establish a foundation for building more just, inclusive and peaceful societies. This process reveals particular fissures in democratic societies where dominant groups continue to benefit from settler colonial structures, systems and institutions built on racism, and socioeconomic inequity. A TRC faces formidable challenges in creating a culturally grounded victim-centred process where those who have suffered great harms can speak their truths on their own terms and in their own ways. When and how does a TRC open up a space to revisit old grief and lost connections of historical and intergenerational trauma? How can TRCs move beyond focusing primarily on the binary of victim-perpetrator dynamics to dig more deeply into the complexities of silenced identities of those who have been excluded? How do TRCs address the complicity of disengaged bystanders who see no role for themselves in the process? When does a Commission run the risk of consolidating these perspectives and experiences in ways that entrench a dominant society's propensity to trade justice for peace? How can TRCs avoid doing so and instead create opportunities for establishing new and more just relationships across society?

This volume explores these questions and suggests many possibilities for future comparative dialogue and research in transnational contexts. Here we want to highlight some research lines of inquiry that researchers might wish to pursue. Several authors in this volume emphasise the importance of situating historical and ongoing injustices and rights violations against Indigenous minority populations and black African majorities in liberal democracies in their respective settler colonial contexts. There is a pressing need for further comparative decolonial studies on this front. For example, Sjöberg and Sara, MacDonald and Regan point out that in Canadian and Nordic contexts, acquiring land sovereignty is at the heart of settler colonial power and wealth. Western concepts of land 'ownership' conflict with Indigenous relational concepts of land 'stewardship' of the traditional

territories that, as Line Skum's poem reminds us, existed long before state borderlines were drawn on maps. The maps of traditional territories reside in place-based oral histories, laws and governance systems that are remembered and still used today. The repercussions of settler colonialism are manifested in contemporary courtroom struggles over Indigenous land and resource rights and jurisdictional disputes.

Moreover, various chapters point to the need to decolonise TRC processes themselves by moving beyond Western ethnocentric concepts and practices of reconciliation. Doing so makes space for holistic Indigenous and Black African restorative concepts of reconciliation that are rooted in culturally-specific, place-based oral history stories, laws and teachings. This invites new possibilities for reparative measures, conflict resolution and relationship-building to establish peaceful co-existence. Sharing lands and resources can only be done more equitably by dismantling state structures, laws and policies embedded in settler colonialism. Several chapters argue that to do so effectively, dominant cultures must also change. Further research is needed on how TRCs can engage the public, who are the beneficiaries of colonisation, in the TRC process itself and on a broader scale, in the unlearning and rewriting of dominant culture national histories and commemorations. What kinds of public engagement and education strategies might a TRC develop in ways that are consistent with ethics and principles of mutual respect, reciprocity, and accountability? Decolonial theories of education and pedagogy can inform TRC recommendations about how to ensure that public education includes Indigenous or Black African knowledge, perspectives, and methodological practices.

In South Africa, theologians might once again have to (re) consider Archbishop Desmond Tutu's contributions in his book, *No Future without Forgiveness* (1999) to investigate the importance of these perspectives in discourses on reconciliation. How visible were the principles and practices of Ubuntu and how did this inform or influence TRC proceedings? In other words, how does traditional Black African spirituality co-exist with Christianity in church institutions and power structures? In Nordic countries, Sjöberg and Sara sketch out the broad parameters of the complex relationship between Sámi and Christian churches that has evolved as part of the colonisation process. While the Canadian theological context has not been examined in this volume, we note that Canada's TRC took a similar approach. The Commission found that the churches committed spiritual violence against Indigenous children in residential schools by teaching them to reject Indigenous spiritual beliefs. This had intergenerational consequences in communities, causing conflict between those who are reclaiming their traditional spirituality and those of Christian faith. (TRC 2015:Vol. 6, pp. 96–98, 102–105). At the same time, Indigenous Christians in Anglican, Presbyterian and United churches are developing theological frameworks of Indigenous spirituality

within the churches who are also examining and challenging the colonial theological and structural underpinnings of their religious institutions through a decolonial lens (TRC 2015:106–110).

With regard to the contrast between the situations of majority groups in South Africa and minority groups in Nordic countries and Canada, comparing Indigenous peoples in the North and the Khoisan peoples of Southern Africa would provide new insights into the plight of Indigenous peoples of the land across the globe who have suffered greatly precisely because of their Indigeneity. Across the circumpolar Arctic, Indigenous peoples' traditional territories exist in Norway, Sweden, Finland, Northern Russia, Canada, Greenland and Alaska in the United States. What new insights, for example, might be gained about settler colonialism through new comparative studies of Indigenous self-determination in the context of land and resource rights? How has colonisation shaped educational policies aimed at Indigenous children in these two regions (see e.g. Kuokkanen 2006)? Finally, we wish to emphasise a key research gap in this volume which suggests that theological, socio-political, legal and structural perspectives on truth and reconciliation processes can be further enriched not only through cross-cutting critical lenses of Indigenous, Black and decolonial methodologies, but feminist methodologies and gender-based analyses as well. Investigating the impacts of patriarchal settler colonialism on Indigenous and Black African peoples in comparative transnational contexts is essential. In closing, we note that a global pandemic coupled with economic upheaval and sociopolitical conflict rooted in transnational histories, structures and patterns of patriarchal empire-building, settler colonialism, Indigenous genocides and Black slavery has laid bare huge inequity gaps in societies across the globe. These are sustained through systemic racism, sexism, violence and oppression. A rising global consciousness is documented in international media as historical statues tumble and people take to the streets, calling for change and demanding truth, accountability, and justice from governments and institutions. The long political struggles of Indigenous, Black and other oppressed peoples for truth and justice have yet to be fully realised and reconciliation is far from a reality. Despite their shortcomings, we are convinced that TRCs and other reconciliatory processes make a vital and robust contribution to this work.

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Introduction

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Chapter 2

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Conflict in its various manifestations continues to be a defining feature in many places throughout the world. In an attempt to address such conflict, various forms of a Truth and Reconciliation Commission (TRC) have been introduced to facilitate the transition from social conflict to a new dispensation. The introduction and subsequent proceedings of TRCs in South Africa, Canada and Norway are widely regarded as good examples of this approach. Against this background, a number of researchers from VID Specialized University and the University of the Western Cape had an exploratory meeting in Oslo in 2018 where the possibility for a joint research project under the broad theme of 'discourses on reconciliation' was first discussed. This led to two further research symposia in Cape Town and Tromsø in 2019. With the inclusion of specialists working on the Canadian Truth and Reconciliation process, these meetings demonstrated common ground and a shared understanding of the issues at stake. Moreover, it pointed to the differences between the South African, Canadian and Norwegian Commissions. In comparing the South African, Canadian and Norwegian experiences, researchers identified that these countries were, in fact, at different stages of their respective truth and reconciliation processes. This has prompted scholars to revisit and problematise these processes in relation to ongoing societal challenges. In all cases, it is quite apparent that reconciliation between individuals and groups remains a significant challenge.

The introduction and subsequent proceedings of Truth and Reconciliation Commissions (TRCs) in South Africa, Canada and Norway are good examples in defining ongoing societal challenges to reconciliation between individuals and groups. One overarching theme that emerges for reconciliation to be genuinely transformative, is that it must be rooted in truth and justice. Another theme in the book reveals the tensions between two inter-related dimensions of the truth and reconciliation process that all TRCs must navigate with the purpose of real societal change. 'On the one hand, commissions must attend to both relational and structural issues of past and present injustice that must be rectified through concrete action. On the other hand, they must educate citizens about the importance of examining national histories and making space for historical counter-narratives of social memory and justice by publicly revealing previously silenced truths that lie at the heart of these unresolved tensions and damaged relations'. This book is a must-read for people who are concerned with reconciliation occurring in the world as a quest for truth and justice. The book generates a dialogue between the authors within and between each chapter, with several key cross-cutting themes and topics that develop in a comparative, transnational perspectives on truth, justice, and reconciliation.

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