

2019

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Source Publication:

Karen Drake & Brenda L Gunn, eds, *Renewing Relationships: Indigenous Peoples and Canada* (Saskatoon: Indigenous Law Centre, 2019)

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Truth Be Told: Redefining Relationships through Indigenous Research

Deborah McGregor

The recently released report of the Truth and Reconciliation Commission of Canada (TRC) contains recommendations which seek to deconstruct the highly colonial relationship between Indigenous peoples and the Canadian state. This chapter explores how the TRC's findings might be applied in transforming the theory and practice of academic research as part of renewing and re-defining relationships between Indigenous peoples and broader Canadian society. I will address the fundamental bias that exists in the historical and contemporary scholarship that either explicitly or implicitly frames Indigenous peoples as "problems" to be solved.

The TRC has called for "reconciliation research" as a way to address the wilful ignorance non-Indigenous society continues to maintain in regard to Indigenous peoples. This chapter will not delve into the scholarly literature on reconciliation per se, as excellent reviews are provided in the contributions by Aimée Craft, Sara Morales, Robert Clifford, and Brenda Gunn in this volume. I instead focus on how the emerging paradigm of Indigenous research can influence the relationships between Indigenous peoples and the Canadian state by positioning the goals and aspirations of Indigenous peoples as paramount.

I suggest that reconciliation research should draw upon Indigenous research paradigms, which privilege Indigenous worldviews, epistemologies, and knowledges as a productive way forward. Indigenous research approaches, strategies and methods also support other goals and principles contained in the TRC report and its specific Calls to Action. Indigenous research methodologies, including the use of storytelling, are powerful ways to both tell "the truth" and set the foundation for reconciliation. As such, storytelling is consistent with Indigenous research scholarship in which expressing "truth" utilizes self-reflection and narrative to empower the storyteller,¹ as this volume attests.

1 Abenaki scholar Lori Lambert emphasizes that Indigenous modes of expressing "knowing" vary just as Indigenous research practices are diverse: Lori Lambert, *Research for Indigenous Survival* (Pablo: Salish Kootenai Press, 2014). See also Cree scholar Robert Innes's call for "methodological diversity" in Indigenous scholarship; there are no standard requirements for writing in particular ways to express Indigenous research practice: Robert

To re-define the relationship(s) between Indigenous peoples and the Canadian state, as the TRC calls for, we need to (and arguably have a responsibility to as scholars) re-define research relationships, questions, and topics that inform these broader relationships. We need to ask: Who should be engaged in this type of research? What kind of training should be provided? Who controls the research agenda and the funding? What theories, approaches, and methods inform the research? What happens to the research findings? Have the lived experiences of Indigenous peoples changed for the better as a result of the research? For far too long, research has been conducted to the detriment of Indigenous peoples.

What does reconciliation research look like when Indigenous intellectual traditions form the basis of inquiry? What are likely to be the outcomes when Indigenous peoples set the research agenda, based on their questions, needs and concerns? What does research look like when the intelligence, strength and capacity of Indigenous peoples form the basis of inquiry, rather than setting their supposed “deficiencies” as the focus?

Scholarship that draws on stories as sources of knowledge has already begun to develop, and even when not explicitly motivated by the TRC, this work provides a path toward truth and reconciliation.² Whatever its inspiration, scholarship is required that supports the principles laid out in the TRC’s Calls to Action, such as Principle 8, which states: “Supporting Aboriginal peoples’ cultural revitalization and integrating Indigenous knowledge systems, oral histories, laws, protocols, and connections to the land into the reconciliation process are essential.”³ The question is no longer “Why?” but rather, “How?”, as in, “How do we deliver on this principle ethically, respectfully, and with integrity?”

Indigenous scholars have pointed out the dominant research narrative espoused by universities and other research institutions is built upon centuries of imperial and colonial research wherein Indigenous peoples are seen as somehow deficient and damaged and “in need of intervention”.⁴ Indigenous peoples are a “problem to be solved” by others who are far more “developed”, “evolved”, “enlightened”, “unbiased” and “expert”.⁵ Such a

Innes, “Introduction: Native Studies and Native Cultural Preservation, Revitalization and Persistence” (2010) 34:2 *American Indian Culture & Research J* at 1–9.

2 See Val Napoleon & Hadley Friedland, “An Inside Job: Engaging with Indigenous Legal Traditions through Stories” (2016) 61:4 *McGill LJ* at 727; Heidi Stark, “Stories as Law: A Method to Live By” in Chris Anderson & Jean O’Brien, eds, *Sources and Methods in Indigenous Studies* (New York: Routledge, 2017) at 249–56.

3 Truth and Reconciliation Commission of Canada, *What We Have Learned: Principles of Truth and Reconciliation* (Winnipeg: Truth and Reconciliation Commission of Canada, 2015), online: <nctr.ca/assets/reports/Final%20Reports/Principles_English_Web.pdf> [TRC, *What We Have Learned*].

4 See Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999); Bagele Chilisa, *Indigenous Research Methodologies* (Thousand Oaks, CA: Sage Publications, 2012); Eve Tuck, “Suspending Damage: A Letter to Communities” (2009) 79:3 *Harvard Education Rev* 409.

5 Ian Mosby, “Administering Colonial Science: Nutrition Research and Human

narrative has supported many non-Indigenous researchers' careers. Worse is the fact that these perceptions are so institutionally embedded that they are rarely questioned.⁶ Despite claims to the contrary, research is not neutral. Instead, much research, both past and ongoing, benefits from and perpetuates this derogatory narrative, to which it explicitly and/or implicitly subscribes.

As Indigenous scholars, we thus have a responsibility to tell the truth on our own terms. We have to *re-set* the narrative. This means not just pointing out everything that is wrong—that could go on forever.⁷ Rather, we have to be rigorous in our scholarship, while basing our scholarship on an alternate set of principles. At the same time, we must not fall victim to romanticism, a point made clear by Napoleon and Friedland, who state:

It is no wonder that many people, Indigenous and non-Indigenous alike, hope that Indigenous legal traditions have something positive to bring to these urgent and pressing issues. Yet these legal traditions do not survive in some pristine, untouched state, as if they were magically immune to the damages and devastation of colonialism. Searching to revive some imagined past utopia, or waiting for a future day of glorious transcendence will simply not do the job. At this point, we need robust and practical approaches to the pressing realities Indigenous people face on the ground, or else our work will be meaningless or, worse still, inadvertently perpetuate the maintenance of the status quo.⁸

Their point is not new. The Royal Commission on Aboriginal Peoples (RCAP) in 1996 called the existing body of research into question, stating that it should be “open to reassessment.”⁹ Indeed, RCAP’s major finding, that “[t]he main policy direction, pursued for more than 150 years, first by colonial then by Canadian governments, has been wrong”,¹⁰ points to the fact that whatever information/data/knowledge was relied on to devise policies, laws, and practices in this country over that time period was devastatingly flawed at its core, regardless of its original intention.

Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942–1952” (2013) 46:91 *Histoire Sociale/Social History* 145.

- 6 See Rauna Kuokkanen, *Reshaping the University: Responsibility, Indigenous Epistemes, and the Logic of the Gift* (Vancouver, UBC Press, 2007) at 6; Devon Mihesuah & Angela Wilson, *Indigenizing the Academy: Transforming Scholarship and Empowering Communities* (Lincoln: University of Nebraska Press, 2004).
- 7 See John Borrows, “Listening for a Change: The Courts and Oral Tradition” (2001) 39:1 *Osgoode Hall LJ* 1 [Borrows, “Listening”] (describing how stories can also be poorly understood and de-valued).
- 8 Val Napoleon & Hadley Friedland, “Indigenous Legal Traditions: Roots to Renaissance” in Markus D Dubber & Tatjana Hornle, eds, *The Oxford Handbook for Criminal Law* (Oxford: Oxford University Press, 2014).
- 9 See “Appendix E: Ethical Guidelines for Research” in *Report of the Royal Commission on Aboriginal Peoples, Renewal: A Twenty-Year Commitment*, vol 5 (Ottawa: Communication Group, 1996) at 294, online: <qspace.library.queensu.ca/bitstream/handle/1974/6874/RRCAP5_combined.pdf>.
- 10 *Report of the Royal Commission on Aboriginal Peoples: People to People, Nation to Nation, Highlights from the Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Supply and Services Canada, 1996), online: <aadnc-aandc.gc.ca/eng/1100100014597/1100100014637> [RCAP, *People to People*].

In an effort to correct this misguided course, the TRC offers a new model for engaging in truth-seeking. This model laid out a process with the intention to honour the voices and stories of the residential school survivors in a way that would not re-traumatize them, and in fact could lead to healing.

Telling our stories has been an ongoing endeavour throughout various commissions and inquiries. Building on the work of the TRC, still more will be told through the National Inquiry into Missing and Murdered Indigenous Women and Girls. The question is: does anybody listen? Rather than people “just accepting the misery,” as Chelsea Vowel expressed, how can telling stories change the way we think and act?¹¹ As scholars, we can identify ourselves through our stories, but also carry responsibility for doing so. As Indigenous scholar Lori Lambert observes, “[h]earing the story means having a relationship with the story and teller, and knowing there is value to the story.”¹² Lambert adds that “countless stories are thousands of years old, and carry wisdom all those years.”¹³ As scholars, we are storytellers ourselves, and thus are bound by the ethics of both the storyteller and story keeper, including respecting the origins of the stories and the knowledge shared.¹⁴ Are people ready to hear our stories or truths? Are we collectively ready to do something about what the stories tell us? Sometimes people do want to listen to alternate stories or truths, but they can be hard to hear, and many view them as threatening to what is accepted as the “truth” told by “experts” (mostly non-Indigenous) about our shared history, present and future.¹⁵ In the lead up to the release of the final TRC report, much dialogue focused on reconciliation, with less emphasis specifically on truth. In this paper, I focus on why the truth matters, and the role research can play in telling this truth.

The “Truth” in the TRC

It can be argued that the TRC *Final Report* and Calls to Action¹⁶ have initiated a more frenzied response by post-secondary institutions than any other publicly funded commission or inquiry Canada has ever seen. This is

11 Roseanna Deerchild, “Interview of Chelsea Vowel” on *Unreserved* (27 November 2016), CBC Radio, online: <cbc.ca/radio/unreserved/indigenous-storytelling-who-is-controlling-the-narrative-1.3866126> (suggesting it is not enough to hear the stories; we must change the way we think and then act).

12 *Supra* note 1 at 32.

13 *Ibid* at 29 (adding that “stories build bridges between two interpretations of an event” and there is a skill to “reading” or “hearing” stories).

14 Wendy Geniusz, *Our Knowledge is not Primitive: Decolonizing Botanical Anishinaabe Teaching* (Syracuse: Syracuse University Press, 2009) at vx (writing that “[i]t would be disrespectful to the many people who have sacrificed their time and energies to teach me these things”).

15 See Borrows, “Listening”, *supra* note 7 (critiquing the Court’s use of oral tradition and outlining the difficulties of the courts in discerning “truth” without cultural competence).

16 See Truth and Reconciliation Commission of Canada, *Calls to Action* (Winnipeg: Truth and Reconciliation Commission of Canada, 2015), online: <trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf> [TRC, *CTA*].

not to deny that many universities in Canada have implemented Indigenous programming over the past few decades, but what is different about the TRC is the widespread public attention given to it as well as its far-reaching implications, particularly in education. The TRC recommendations have been taken up, not only at the post-secondary level in general, but within legal education specifically, as evidenced by the response of Canadian law schools to Call to Action number 28, which urges the teaching of Indigenous law. Though the TRC findings and Calls to Action are of widespread importance, the TRC's overall mandate focussed on the residential school experience.¹⁷ The mandate to reveal the truth about the residential school experience is absolutely important, yet other policies, laws, actions and deep-rooted attitudes have also contributed to the trauma and suffering still present in many Indigenous communities.¹⁸ The truth also needs to be told about existing views and attitudes held by Canadian institutions and people.¹⁹ There is much truth yet to be told, and academic as well as community-based research have a critical role to play in revealing the deeply problematic relationships ongoing between Indigenous peoples and the Canadian state. By exposing deeply rooted inequities, community-driven research can offer practical solutions generated by the communities affected, leading to action aimed at transforming existing paternalist relationships.

In this paper, I share stories relating to my own experience as an Indigenous scholar working as a researcher and teacher in spaces where particular kinds of stories are still being told about Indigenous peoples by so-called "Indigenous" experts and commentators. The two stories related below are exemplars and do not represent all research related encounters. They were selected in part due to the gendered nature of the experience and the display of power, privilege, and dominance in both. Such stories are unfortunately far more prevalent than we might think, and have the effect of furthering the deep divide that persists between Indigenous people and governments in Canada. I will tell stories that reveal deeply entrenched and denigrating ideas about Indigenous peoples that persist, despite clear evidence made public by the Royal Commission on Aboriginal Peoples and other public inquires

17 See Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Winnipeg: Truth and Reconciliation Commission of Canada, 2015) at 27, online: <trc.ca/websites/trcinstitution/File/2015/Findings/Exec_Summary_2015_05_31_web_o.pdf> [TRC, *Honouring the Truth*].

18 See James Anaya, *Report of the Special Rapporteur on the Rights of Indigenous Peoples: The Situation of Indigenous Peoples in Canada*, GAHRC, 27th Sess, Agenda Item 3, A/HRC/27/52/Add.2 (2014), online: <unsr.jamesanaya.org/country-reports/the-situation-of-indigenous-peoples-in-canada>.

19 Deep-rooted racism against Indigenous peoples became horrifically evident after the murder of Colton Bushie on 9 August 2017 in rural Saskatchewan: see Connie Walker, "Racial Tensions Flare in Sask. following Killing of 22-year-old First Nations Man" (16 August 2016) on *The Current*, CBC Radio, online: <cbc.ca/radio/thecurrent/the-current-for-august-16-2016-1.3722652>.

that definitively falsify such notions. Although Indigenous scholars and other speakers are making headway in telling our own stories, there continues to be competing stories that uphold the status quo.

The “Indian as a Problem” Construct

In 2014, Michael Enright, host of the *Sunday Edition* on CBC Radio, asked his guest, the Honourable Justice and TRC Chair Murray Sinclair, to state the one message that non-Aboriginal Canadians should learn from the Commission’s efforts to “put the relationship back into balance.” Justice Sinclair replied that we all must understand that the relationship is not an Aboriginal problem, it is a Canadian one.²⁰ The narrative has to shift. Justice Sinclair then added:

Aboriginal people [have been] told that they were inferior, heathen, they were savages and they were told that their lives were essentially irrelevant to the evolution of this country. That very same message is still given to children in the public schools in this country...those who are adults today were educated to believe in the inferiority of Aboriginal peoples.²¹

Justice Sinclair stressed that in order to achieve reconciliation and balance in the relationship between Indigenous and non-Indigenous peoples, we need to change the way non-Indigenous people are educated about Indigenous peoples. Education based on racist assumptions, including Eurocentric superiority, is generations old and serves no one. The messages given to students needs to change, Sinclair emphasized. I concur with Justice Sinclair, who argues that Indigenous peoples are dealing with a non-Indigenous society who do not know who Indigenous peoples are, and do not truly understand the challenges, history, context, and underlying causes of the socio-economic stress that Indigenous peoples face on a daily basis.

In 2015, after seven years of extensive research and listening to the testimony of over 7,000 residential school survivors, the TRC concluded:

The history of residential schools presented in this report commenced by placing the schools in the broader history of the global European colonization of Indigenous peoples and their lands. Residential schooling was only a part of the colonization of Aboriginal people. The policy of colonization suppressed Aboriginal culture and languages, disrupted Aboriginal government, destroyed Aboriginal economies, and confined Aboriginal people to marginal and often unproductive land. When that policy resulted in hunger, disease, and poverty, the federal government failed to meet its obligations to Aboriginal people. That policy was dedicated to eliminating Aboriginal peoples as distinct political and cultural entities and must be described for what it was: a policy of cultural genocide.²²

20 Michael Enright, “Interview of Justice Murray Sinclair on the Truth and Reconciliation Commission” on *Sunday Edition* (10 August 2014), CBC Radio, online: <cbc.ca/radio/popup/audio/listen.html?autoplay=true&clipIds=2453959682&mediaIds=2453961858>.

21 *Ibid.*

22 TRC, *Honouring the Truth*, *supra* note 17 at 102.

The TRC's main finding reveals that the basis for the relationship between Indigenous and non-Indigenous peoples for over a century was the eradication of Indigenous peoples. The RCAP produced similar findings two decades earlier; so, why has so little changed? The implicit, underlying question continues to centre on the nature of and solution to the "Indian Problem". From the first colonial and successive governments' point of view, the problem has simply been that "Indians" exist, and the obvious solution was to get rid of them.²³

I do not claim to be the first to address the "Indian problem" construct; my concern particularly has to do with why it persists and the role that academia plays in perpetuating it. How can reconciliation research, which is concerned with the truth, address the situation? For now, I can tell my story and speak my truth.

In the spring of 2013, I was invited to participate at a roundtable discussion as part of a conference entitled *Encounters in Canada: Contrasting Indigenous and Immigrant Perspectives*, a week-long sharing of the experiences of Indigenous peoples, immigrant communities, refugees, and Canadian-born citizens. Many participants shared experiences of racism, discrimination, and marginalization in Canada, pointing to broader structural, institutional, and systemic problems in Canadian political, legal, sociocultural, and historical contexts. One of the conference's many goals was to begin a dialogue on practical solutions to the challenges faced by those marginalized in a multitude of ways in Canadian society.

To assist with the goal, a separate roundtable discussion entitled "Indigenous–Settler Encounters in Canada: Repairing the Contemporary Relationship" was convened to formulate solutions to the contemporary problems faced by Indigenous peoples. Participants were encouraged to focus on Indigenous–Crown relationships. Government officials, the judiciary, legal scholars, academics, practitioners, respected First Nations leaders, and scholars were invited to dialogue on the central question. The focus of the roundtable was solution-oriented; however, in order to formulate solutions, it is necessary to identify and understand the fundamental challenges. As such, the question posed to the assembled roundtable participants was: "What are the greatest challenges faced by Aboriginal peoples in Canada?" The range of responses was diverse, at times contentious, and consensus was not achieved. Upon reflection, what was interesting about the exchange was the revealing of the hegemony of privileged scholars (mostly older white men) in the academy that continues to frame the challenges Indigenous peoples face as an "Indigenous problem", rather than a Canadian one, as Justice Sinclair so eloquently pointed out in his interview. The dialogue may have indeed been

23 First Nations Child & Caring Society of Canada, "The Legacy of Duncan Campbell Scott: More than Just a Canadian Poet" (First Nations Child & Caring Society of Canada, July 2016), online: <fncaringsociety.com/sites/default/files/Duncan%20Campbell%20Scott%20Information%20Sheet_FINAL.pdf>.

quite different if more Indigenous peoples had participated; very few First Nations people participated in the roundtable and exchange, and in particular the voice of Indigenous women was conspicuously absent.

I will frame the question posed to the invited participants to the roundtable as a “problem” not of Indigenous peoples, but part of the challenge that Canada faces as a nation. To explore the question, I will also draw upon the approach taken by Indigenous legal scholar, John Borrows, as part of the Ipperwash Inquiry. In his response to the overall question of why Indigenous peoples continue to “occupy” territory via direct action and other means, Borrows suggests that we instead reframe the question or ask a different set of questions.

Borrows challenges the perception that Indigenous peoples’ “occupation” of territory is groundless. He points out that the reverse is actually the case: the Crown and other non-Indigenous interests actually occupy Indigenous territories. Borrows reminds us that “Aboriginal peoples occupied land prior to the arrival of people from other continents.”²⁴ This would seem to be an obvious point, yet it is an important reminder when addressing the common perception, frequently perpetuated in the media, which portrays Indigenous peoples as “occupying” Crown territory, or developers’ lands, or other private lands. Such situations are rarely ever represented as a “re-occupation” of territory by Indigenous peoples. Borrows points out that these territories were under Aboriginal jurisdiction and control long before the arrival of Europeans. Non-Aboriginal peoples in fact occupy Indigenous territory, and, “in many instances, non-Aboriginal occupations and blockades prevented Aboriginal peoples from accessing their land. This created the conditions for subsequent conflict.”²⁵ Present-day conflict and occupations relating to land are not new and many of the contemporary manifestations have roots in a history where “non-Aboriginal peoples did not always secure Aboriginal consent.”²⁶ This certainly portrays an alternative narrative to the one that currently dominates legal, political, and policy circles. Authorities must now entertain the idea that Indigenous peoples were not the ones doing the “occupying”, that Indigenous peoples were in fact trying to “re-occupy” the territories wrongly alienated from them.

Justice Sinclair and John Borrows frame their responses from an Indigenous perspective, one in which the gaze is turned away from the “Indian” as the “other” (and thus the source of the conflict), and back to the Crown as the ultimate source of conflict. They establish the possibility that perhaps Indigenous peoples are, in fact, not the problem, but the peoples they encountered from other lands who have settled in their territories are the ones

24 John Borrows, “*Crown and Aboriginal Occupations of Land: A History & Comparison*” (Toronto: Ministry of the Attorney General, 2005), online: <attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/research/>.

25 *Ibid* at 1.

26 *Ibid*.

who have created problems. The way forward, as Justice Sinclair points out, is to examine the challenges as being shared by all Canadians. Framing the question in this way points to a collective responsibility for all of Canada, rather than an “if only the Indigenous folks could pull themselves up by the boot straps” approach to solving “the problem”.

Therefore, the core question to ask is not, “What are the greatest challenges faced by Indigenous peoples?”, but rather “What are the greatest challenges faced by Canada?”, and, “How is Canada implicated in the challenges that Indigenous peoples face?” Why do the challenges Canada faces become the burden of Indigenous peoples to bear? How does Canadian society, through its institutions, particularly powerful ones like government and educational institutions, construct the image of Indigenous peoples and frame these challenges? Does Canada view Indigenous peoples and their lands and resources as either an opportunity or an impediment to moving forward politically, economically and socially?

Posing questions in this manner opens up a conversation with a different orientation, inviting participants to examine their own assumptions (and privileges) and entertaining potential solutions not necessarily considered before. This approach may also encourage non-Indigenous peoples, whether they are politicians, scholars, judges, policy makers or educators, to understand their role in the continued oppression of Indigenous peoples in Canada and what kinds of responsibilities they may have personally and professionally in altering the current path of conflict to one of co-existence or reconciliation (if indeed co-existence or reconciliation is the goal).

Questions framed as an “Indian”, “Aboriginal” or “Indigenous” problem are, at their core, a myth. Canadian society is implicated, in its laws, institutions, political arrangements, judicial systems, and education systems, whether explicit or not, in the continued marginalization of Indigenous peoples in Canada. We should be asking ourselves “who” continues to control the narrative of the “Indian problem” and why does it persist? If we, as scholars, fail to ask the right questions or continue to ask the wrong ones, research outcomes will continue to serve interests of the academy and the state rather than address the goals and priorities of Indigenous peoples. Academic research is supported by the state (through funding, policies, etc.). To genuinely support equitable relationships, we need to promote a focus on the questions Indigenous peoples raise in an honest effort to restructure relationships that otherwise simply maintain the status quo.

The Humpty Dumpty Effect

To contextualize my response to the question posed at the roundtable, it is important for me as a contributor to self-locate, as my reflections are guided by my own experiences as an Indigenous woman. The existence of power and privilege, held by some participants in the roundtable and not by others,

became very obvious. As a result, we had very different ideas about what was appropriate to share regarding the roundtable question. White privilege is normalized in academic institutions and, if left unchecked, remains pervasive and even violent.²⁷ Indigenous perspectives on these types of questions are often ignored, misunderstood, dismissed or simply absent. I have worked in academic and policy circles for over twenty-five years. Through my work it became painfully obvious that the country as a whole (its government, institutions and general public) knows very little about Indigenous peoples, despite an existing body of work that sheds light on so many aspects of Indigenous life in Canada (a collective denial perhaps).

Indigenous/non-Indigenous encounters and engagement (whether positive or negative) often mean that Indigenous people must participate in dominant political culture. Indigenous scholars often find academia to be a hostile place. Saami scholar Rauna Kuokkanen, in her research on the role of Indigenous peoples and knowledge systems in the academy, observes:

So far, the academy has extended only a limited, often reluctant welcome to Indigenous peoples; at the same time, it has ignored, overlooked, and dismissed the ontologies—in fact, the academy’s structures and discourses are built on the assumption that there is only one episteme, one ontology, one intellectual tradition on which to rely and from which to draw. At one time, colonial racial ideology postulated that Indigenous peoples were intellectually inferior and not worthy of serious intellectual consideration.²⁸

As Kuokkanen chronicles, simply gaining a voice in matters that concern us is an ongoing struggle for Indigenous people. In my own experience, I struggle daily with issues around the possibility of creating space for Indigenous intellectual traditions in the academy. I find, when Indigenous knowledge systems are considered at all by mainstream academia, it is often simply as more data to include in their own theoretical frameworks, methodologies, or projects. Even this acceptance is not a given, however, as evidenced by the fact that recently one of my First Nations graduate students was told by a colleague that Indigenous knowledge systems did not constitute a “real” field of study. I was horrified that such an attitude continues to exist despite the scholarly field’s existence for over four decades. It took some effort to encourage the student to continue in her studies, as she too seeks to bring Anishinaabe knowledge into scholarly research.

As academics, we often function in different spaces on a daily basis (and sometimes between spaces)²⁹ as we seek to deliver the work the TRC

27 Kuokkanen, *supra* note 6.

28 *Ibid* at 3.

29 See Sarah Hunt, “Ontologies of Indigeneity: The Politics of Embodying a Concept” (2013) 21:1 *Cultural Geography* 27–28 (writing: “There is an inherent subtlety to dancing between worlds. Early in my academic training, I learned the necessity of bringing shapeshifting, of moving between worlds, into strategic play as I navigate among diverse sites of knowledge production”).

advocates. The socio-cultural and economic disparities that statistics speak to³⁰ are not just curriculum, or content for teaching, or research questions; they are our own lives, families, and communities. Despite this, as scholars we occupy spaces and places of privilege. There is space to consider difficult questions, and this privilege can be used to ask different questions and to pose innovative, distinct and unique solutions or approaches to a path forward. We have the luxury of considering questions from a position of a scholar, while bringing to light our own understandings based on lived experience as Indigenous peoples. This is not to suggest that the academy is accepting of Indigenous peoples and knowledge systems, as Kuokkanen has pointed out; the very same struggles that exist on a daily basis in communities exist in the academic space for Indigenous scholars and scholarship.

In my experience—over the years, in various capacities as an educator, policy analyst, and researcher—I have repeatedly encountered the ideology that Indigenous peoples are “problems” to contend with, “issues” to be resolved, and “risks” to be managed. Rarely are Indigenous peoples viewed as offering valuable insights that can make innovative, practical, and creative contributions to our own and broader society. If solutions are offered, they rarely emerge from within Indigenous society itself, despite having “participated”, or been “consulted” or “engaged”, “researched” or “involved” in the dialogue or initiative. Addressing many challenges will require Indigenous-specific approaches and strategies; to date, “solutions” derived external to the communities they are supposed to be helping have largely failed, and in some cases have even exacerbated the challenges, as RCAP pointed out in its main findings.³¹ The scholarly literature continues to characterize Indigenous peoples in this way, as somehow “deficient”, in need of development and assistance.

Fifteen years ago, while in the final stages of the field research for my doctoral thesis, I had the opportunity to sit in on a Local Advisory Committee (LAC) meeting for forest management planning in northeastern Ontario. LAC meetings formed (at the time) an integral part of the public engagement process for forest management planning in Ontario. The purpose of the meeting was to educate and create awareness among local stakeholders and interests about Aboriginal peoples, their history, and concerns in forest management planning. Initially, I had three observations: first, there were

30 See Anaya, *supra* note 18.

31 See “A Word from Commissioners” in RCAP, *People to People*, *supra* note 10 (explaining: “We directed our consultations to one over-riding question: *What are the foundations of a fair and honourable relationship between the Aboriginal and non-Aboriginal people of Canada? There can be no peace or harmony unless there is justice.* We held 178 days of public hearings, visited 96 communities, consulted dozens of experts, commissioned scores of research studies, reviewed numerous past inquiries and reports. Our central conclusion can be summarized simply: *The main policy direction, pursued for more than 150 years, first by colonial then by Canadian governments, has been wrong*” [emphasis in original]).

no Aboriginal peoples represented on the LAC; second, I was the only Indigenous person in the room, whether a member of the LAC or not; and third, no Indigenous representatives from the area were present or even invited. This meant that Indigenous voice(s) were completely absent from the forest management planning process. Therefore, Indigenous peoples would not be speaking for themselves and interpreting their own experiences as part of the forest management planning. Even the provincial government's Native Liaison personnel were not Indigenous and thus lacked the lived experience and perspectives as well.

Despite all this, the initial presentation at the LAC meeting began well enough, and relevant historical information was presented, although there was a conspicuous lack of reference to the RCAP, which at this time would have been (and in many ways continues to be) the most extensive body of work on the relationship between Aboriginal and non-Aboriginal peoples in Canada. When the presentation turned to description and interpretation of recent court decisions, however, particularly ones that tended to favour the recognition of Aboriginal and treaty rights, a consistent bias became obvious. In 1999, a review of the relevant court decisions in relation to natural resource management necessarily included *Sparrow*³² and current at the time was the victory of the Mi'kmaq in *Marshall*.³³ As these and other decisions were presented, it became clear that the way the Crown (federal or provincial) chose to interpret court decisions is one matter; how representatives of that same Crown later chose to "educate" Canadians about the decisions could be quite another, and indeed revealing of even more insidious challenges.

As the various court decisions were described at that meeting, if the decision favoured the Crown, the presenter would say "We won that one." If the decision favoured Aboriginal peoples, the presenter would say "We lost that one." However, "we" was not just the Crown; "we", in this context, meant all the non-Indigenous people in the room; it meant Canada and Canadians and excluded the interests and concerns of Indigenous peoples. Aboriginal and treaty rights, and court decisions that favoured Indigenous peoples, were presented as "losses" and "problems" for the Crown to manage. Recognition of rights for Aboriginal peoples was regarded and felt as a loss for Canada and Canadians. I was completely stunned. This experience certainly explained the source of much conflict in northern Ontario and elsewhere. Such an "education" and "awareness" session merely served to perpetuate the "us versus them" mentality, along with the idea that Indigenous peoples are "issues", "problems" and "risks" to be managed and dealt with. As Justice Sinclair has since stated publicly, the lack of recognition of Aboriginal and treaty rights is not an "Aboriginal" problem, but a Canadian one. It was certainly not presented in this way at that particular meeting. We have to change the story that is told by telling different stories ourselves.

32 *R v Sparrow*, [1990] 1 SCR 1075 [*Sparrow*].

33 *R v Marshall*, [1999] 3 SCR 456 [*Marshall*].

Why would a Supreme Court of Canada decision that favours the rights of Indigenous peoples not be presented as a victory for Canada, a recognition of rights that should have been occurring all along (for hundreds of years)? Why is it such a surprise that some decisions will favour Indigenous peoples? And why are these regarded as bad for Canada and Canadians?

Both encounters, although fifteen years apart and with totally different participants, did not yield any fruitful dialogue on the nature of Indigenous–government/state relationships. But what both encounters did reveal is how deeply rooted the underlying assumptions and overall ignorance about Indigenous peoples are and how these assumptions simply go unquestioned and unchallenged. This is true even though at one meeting the participants were invited as academic or policy experts in Indigenous relations.

Participating in the roundtable felt, at a visceral level, exactly like the meeting in northeastern Ontario. Except this time, I was in a room full of well-respected scholars and leaders (Indigenous and non-Indigenous), and I expected more. At first, participants were tentative about sharing ideas, but once the dialogue began, the same ideology began to be played out: “Aboriginal peoples are the problem.” I was astonished to hear one participant claim that the biggest problem facing Aboriginal peoples was alcoholism. There is no denying that substance abuse is a serious challenge; however, such health challenges, along with numerous others, are a product of a long history of colonialism, alienation, and oppression. To hear someone sum up the history of Indigenous/non-Indigenous relations as “alcoholism” was quite an unnerving and stunning surprise. Further roundtable commentary focused on the “deficiency” model of Aboriginal peoples, ticking off the areas where Indigenous peoples allegedly do not measure up in comparison to Canadian society as a whole. The deficiency model is a common narrative in many scholarly gatherings of this nature: “Let’s bring people together to discuss what is wrong with Aboriginal peoples and then figure out what they need to do to get on par with the rest of Canadian society”, or “Let’s assess the damage—empirically”, or “Let’s provide the evidence of the deficits that plague Indigenous peoples”, and, one of my favourites, “This is how much all this dysfunction, damage and deficit costs the taxpayers.” Sometimes Indigenous peoples are invited to participate in such a discussion, or present the “deficiencies” themselves, but most often not.³⁴ The roundtable discussion lacked the deep historical, contextual, and colonial analysis of how these deficits came to be, with the gaze clearly focused on Indigenous peoples, not

34 There is no space in this contribution or even a whole book to account for the number of conferences, workshops, etc., I have been to, where I have had to sit through endless presentations of just how deficient I, my family, and community are as Indigenous people. I have been shown maps, statistics, quotes, and various other forms of so-called “evidence” of my inherent inferiority and inability to solve my own problems—as an Indigenous person.

Canadian society, as the problem. This surprised me a great deal, since there are now well-known Indigenous scholars who have begun to challenge these deficiency conceptions of Aboriginal peoples, and to point out that there is strength in the survival and continued resilience of Aboriginal people from which all of us can learn.³⁵

In the ensuing discussion at the roundtable, I did try to intervene to point out the existence of this alternate narrative, but the dominant paradigm prevailed, much to my disappointment. Few Indigenous leaders participated in the event, but those who did also tried to introduce alternate narratives. For example, First Nation leaders pointed to the greatest challenge as being one of a dysfunctional relationship between Indigenous and non-Indigenous peoples (in particular the State/Crown). This intervention was quickly shot down and the dialogue shifted to how Aboriginal peoples are broken and need to fix themselves. Other statements included, “Aboriginal peoples have to get their act together and pick up the pieces.”

Some bizarre metaphors were offered to describe the supposed brokenness of Indigenous peoples. One of the most bizarre offered was that Indigenous peoples are “like Humpty Dumpty.” We were told by the distinguished scholar who offered this analogy that Indigenous peoples collectively are currently broken into tiny pieces, scattered all over the ground, like Humpty Dumpty after he has fallen off the wall. Like Humpty Dumpty, we need to “put ourselves back to together again.” And that was it. There was no discussion of context, or questions asked to provide detail or support for the analogy. Such questions could easily have included the following: Who built the wall? And how did Humpty Dumpty end up on top of it? Who or what drove Humpty Dumpty off the wall? No reason or rationale was offered for why Humpty Dumpty would climb the wall, only to eventually fall off. The assumption seemed to be that this would have been due to his inherent dumpiness and inability to keep his poise and balance while tottering on a wall for no apparent reason. Clearly, it was all assumed to be Humpty Dumpty’s fault. As Indigenous peoples, it is all our own fault that we are in the mess we are in; there is no relevant history, no colonization (past and ongoing), no racism, no violence, none of the extensive list of factors that may have contributed to Humpty Dumpty’s fall or our collective one.³⁶

Needless to say, I was stunned. I mean, seriously, Humpty Dumpty? This is the best explanation or path to reconciliation that such a distinguished group of scholars and leaders can come up with? Just as strange to me as the presentation of the analogy itself was the fact that not a single person

35 See Tuck, *supra* note 4 at 412 (explaining “so many outsiders benefit from depicting communities as damaged”).

36 Ironically, in the Humpty Dumpty example, all the king’s horses and men (the Crown) could not put Humpty Dumpty together again, so perhaps there is some merit in the analogy: the Crown is likely to keep getting it wrong.

challenged it, as if it was somehow acceptable. Finally, after the room had gone strangely quiet, I attempted to intervene by pointing out that, actually, Indigenous peoples are forced to function in a broken society—namely Canada. Canada, I pointed out, is far from being a just society, despite the fact that it prides itself on its equity and social justice. Although no one seemed prepared to suggest that Canada may be a part of the problem (e.g., as the wall and the king’s men), Canadian society is certainly not perfect and contributes a great deal to the “problems” faced by Aboriginal peoples. In my mind, if Canada wants to “fix” Aboriginal peoples or demand that Aboriginal peoples “fix” themselves, then Canada, too, has a responsibility to fix itself. It simply won’t do to keep building walls, thrusting Humpty Dumpty off each time to watch him crash into tiny pieces, and then pointing fingers and ordering him to “Put yourself back together!”

Despite the seeming absurdity of this description, it is worth noting that most “Aboriginal” academic research as it is currently conducted and funded is consistent with the deficit model of Aboriginal peoples: a diagnosis and then treatment for Indigenous peoples and their problems. It is much easier to get research funding if you want to solve the “Aboriginal problem,” rather than solve the problem that is “Canadian society.” I now refer to this type of research as Humpty Dumpty research. It sadly remains the prevailing research paradigm.

Humpty Dumpty research is disseminated in many venues. I have attended far too many academic conferences, meetings and similar events where, as an Indigenous woman, I have observed the lives and struggles of Indigenous peoples being dissected, evaluated, found wanting and theorized to the point of being mere objects of study. More often than not in these situations, my input has been dismissed, if acknowledged at all. My life experience, and that of my family, community and ancestors, has often been relegated to a statistic, a specimen to observe and study, frequently accompanied by pity.³⁷

The grand irony in all of this is that the use of the “Indian problem” construct, though it continues unabated, is based on an entirely false set of assumptions clearly identified by RCAP over two decades ago.³⁸

The assumption of the inherent inferiority of Indigenous peoples persists to the present day, a fact which is glaringly evident in resource

37 A horrific example is told in the CBC’s *The Nature of Things* episode “Trapped in a Human Zoo.” The documentary tells the story of an Inuit family taken to Europe as part of a human zoo exhibit: “Trapped in a Human Zoo” on *The Nature of Things with David Suzuki*, directed by Guihem Rondot, written by Roch Brunette (CBC, 17 June 2017), online: <cbc.ca/natureofthings/episodes/trapped-in-a-human-zoo>.

38 See “Part Two, False Assumptions and a Failed Relationship” in *Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking Back*, vol 1 (Ottawa: Supply and Services Canada, 1996), online: <collections.canada.gc.ca/webarchives/20071213041340/http://www.ainc-inac.gc.ca/ch/rcap/sg/cg8_e.pdf>.

development/extraction policy and practices in Canada. These assumptions have repeatedly led to violence and abuse, including the profound absence of Indigenous peoples in the vast majority of land-related deliberations that have impacted their lives, lands, and futures. As RCAP described it, these assumptions and abuses have led to Aboriginal people experiencing the full effect of the “raw intrusiveness of the instruments of policy used by the State in Aboriginal matters....[T]hey invaded Aboriginal peoples’ lands, traditions, lives, families and homes, with a cradle to the grave pervasiveness that other Canadians would have found utterly intolerable.”³⁹ Within this framework of false assumptions and abuses has been the “unconscionable use of bureaucratic power” by various departments over the daily lives of Indigenous peoples.⁴⁰ This abusive exercise of power is chillingly evident in the following example of colonial research aimed at ridding Canada of the Indian problem.

Colonial Research and Cultural Genocide

As the TRC’s stark conclusions clearly state, colonial and successive Canadian governments’ final solution to the Indian problem was, in intention and effect, cultural genocide:

The Canadian government pursued this policy of cultural genocide because it wished to divest itself of its legal and financial obligations to Aboriginal people and gain control over their land and resources. If every Aboriginal person were “absorbed into the body politic,” there would be no reserves, no Treaties, and no Aboriginal rights.⁴¹

These findings, while hardly surprising, are nonetheless profoundly disturbing, particularly as we are living in a country that prides itself on openness and tolerance. Yet there is no doubt that attempts at cultural genocide have been ongoing for generations, and that, as elsewhere, this was predicated on so-called “existing knowledge” which showed that Indigenous peoples were “inferior, savage, and uncivilized”,⁴² along with an overwhelming desire to obtain Indigenous resources and erase Indigenous peoples and presence on the land. As part of this process, the residential school system was based on an assumption that European civilization and Christianity were superior to Aboriginal culture.⁴³

39 *Ibid* at 4.

40 *Ibid* at 5.

41 TRC, *What We Have Learned*, *supra* note 3 at 6.

42 Truth and Reconciliation Commission of Canada, *They Came for the Children* (Winnipeg: Truth and Reconciliation Commission of Canada, 2012) at 2, online: <[myrobust.com/websites/trcinstitution/File/2039_T&R_eng_web\[1\].pdf](http://myrobust.com/websites/trcinstitution/File/2039_T&R_eng_web[1].pdf)>.

43 *Ibid* at 3.

Unfortunately, as Indigenous scholars have pointed out, such views were indeed supported by “research” conducted by non-Indigenous peoples. Cree scholar Margaret Kovach writes that “[i]n the colonization of Indigenous people, science was used to support an ideological and racist justification for subjugating Indigenous cultures....The racism inherent in this evolutionary paradigm contributed to the genocidal policy towards Aboriginal peoples in the Americas.”⁴⁴ Wendy Geniusz observes that “[f]or indigenous people, colonization was not just economic and physical exploitation and subjugation. It was also the exploitation and subjugation of our knowledge, our minds, and our very beings.”⁴⁵ She adds that while “[r]esearchers recorded a fair amount of information about how the Anishinaabeg work with plants and trees... much of this knowledge has been colonized.”⁴⁶ Such “colonized texts” serve “the interests of the colonizers and the processes of systemic racism and oppression.”⁴⁷ It is true that some researchers claimed to be documenting and preserving the knowledge/language of vanishing peoples, but even these efforts proved harmful in their execution, as Geniusz found in her own research: “Some of these colonized texts are nearly unusable, or in some instances dangerous because the presentation in them is so abbreviated that one could not actually use the botanical material in the way suggested.”⁴⁸

There are many reasons for the racist and discriminatory attitudes directed toward Indigenous peoples, among which ignorance of Indigenous peoples and their realities is clearly prominent. Such attitudes, codified in law, policies and various practices, were intended to get rid of the “Indian problem” by literally ridding Canada of the Indian. Such ignorance was further fostered by scholarship that portrayed Indigenous peoples as a “vanishing race”⁴⁹ or as unfortunate victims of progress or in need of civilizing by the dominant race. As the TRC described it:

Underlying these arguments was the belief that the colonizers were bringing civilization to savage people who could never civilize themselves. The “civilizing mission” rested on a belief of racial and cultural superiority. European writers and politicians often arranged racial groups in a hierarchy, each with their own set of mental and physical capabilities. The “special gifts” of the Europeans meant it was inevitable that they would conquer the lesser peoples.⁵⁰

44 Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations, and Contexts* (Toronto: University of Toronto Press, 2009) at 77.

45 *Supra* note 14 at 2.

46 *Ibid* at 4.

47 *Ibid*.

48 *Ibid* (adding that people may try to prepare the medicines described in the colonized texts, but because the colonizers lacked a thorough understanding of Anishinaabeg language, the information is not recorded properly).

49 Douglas Cole, *Captured Heritage: The Scramble for Northwest Coast Artifacts* (Seattle: University of Washington Press, 1985).

50 TRC, *What We Have Learned*, *supra* note 3 at 18.

As Indigenous scholar Charles Menzies confirms, “[r]esearch also means studying us, criticizing us, and ultimately ranking us in a hierarchical chain of development from savages to Eurocentric civilization.”⁵¹

Perhaps even more acutely frightening has been the period during and just following the Second World War, when Canadian governments deemed it acceptable to actually perform research on the effects of nutrient deprivation and other medical conditions on malnourished Indigenous people, particularly children in residential schools. These horrifying events in Canadian history have recently been documented as part of Ian Mosby’s research on colonial science. Mosby writes:

During the war and early postwar period—bureaucrats, doctors, and scientists recognized the problems of hunger and malnutrition, yet increasingly came to view Aboriginal bodies as “experimental materials” and residential schools and Aboriginal communities as kinds of “laboratories” that they could use to pursue a number of different political and professional interests. Nutrition experts, for their part, were provided with the rare opportunity to observe the effects of nutritional interventions (and non-interventions, as it turned out) on human subjects while, for Moore and others within the Indian Affairs and Indian Health Services bureaucracy, nutrition offered a new explanation for—and novel solutions to—the so-called “Indian Problems” of susceptibility to disease and economic dependency. In the end, these studies did little to alter the structural conditions that led to malnutrition and hunger in the first place and, as a result, did more to bolster the career ambitions of the researchers than to improve the health of those identified as being malnourished.⁵²

Mosby’s research reveals that intervention by non-Indigenous researchers was regarded as necessary and residential schools offered an acceptable “laboratory” setting in which to conduct such inhuman experiments on unsuspecting and non-consenting children and families. As Mosby adds:

These experiments therefore must be remembered and recognized for what they truly were: one among many examples of a larger institutionalized and, ultimately, dehumanizing colonialist racial ideology that has governed Canada’s policies towards and treatment of Aboriginal peoples throughout the twentieth century.⁵³

Although volumes of “research” on Indigenous peoples have been conducted and documented, much of it has been to further colonial aims, with little benefit, and often even harm, being the only outcome observed and experienced by the Indigenous “subjects”. Unfortunately, as Cree scholar Margaret Kovach observes, current research in many ways does not appear to have changed much at all, but rather “has simply shape-shifted to fit the

51 Charles Menzies, “Standing on the Shore with Saaban: An Anthropological Rapprochement with an Indigenous Intellectual Tradition” (2013) 6 *Collaborative Anthropologies* 171 at 191.

52 *Supra* note 5 at 148.

53 *Ibid* at 172.

contemporary context.”⁵⁴ She adds that “[t]he result has been, and continues to be, that Indigenous communities are examined by non-Indigenous academics who pursue western research, on western terms.”⁵⁵ In the present-day context, as often in the past, this research continues to be justified on the grounds that it is being carried out to “benefit the Indian.” If this is true, however, why is it that, despite the prodigious volume of such research that goes on, quality of life indicators continue to be so much lower for Indigenous peoples than for the rest of the population? Who actually benefits from this research? Clearly, the current modes of research, including the institutions that govern it (through funding, approvals, etc.) are inherently flawed—and have been for centuries at that. Perhaps the so-called “Indian problem” has never been a problem of Indigenous peoples at all!

Reconciliation Research

In response to the need to dramatically alter the long-standing “Indian as a problem to be solved” research paradigm, the TRC offered a new research approach for consideration. This approach involves a research paradigm that does not ignore the grim reality that faces many Indigenous peoples and communities, yet does not blame them for their condition either. It also explicitly implicates broader Canadian society for the role it has played and continues to play as a source of the underlying problem. TRC Call to Action number 65 states that:

Research is vital to reconciliation. It provides insights and practical examples of why and how educating Canadians about the diverse concepts, principles, and practices of reconciliation contributes to healing and transformative social change.

The benefits of research extend beyond addressing the legacy of residential schools. Research on the reconciliation process can inform how Canadian society can mitigate intercultural conflicts, strengthen civic trust, and build social capacity and practical skills for long-term reconciliation. First Nations, Inuit, and Métis peoples have an especially strong contribution to make to this work.⁵⁶

Research is not neutral. Continued and wilful ignorance of Indigenous peoples and issues is no longer acceptable, nor is the “Indian problem” an appropriate construct upon which to base inquiry. To focus only on Aboriginal peoples, and not simultaneously turn one’s gaze on oneself and one’s society, remains a colonial act. *Reconciliation research*, however, should not displace inquiries undertaken by Indigenous communities for their own purposes. Not all research is intended to feed into reconciliation, as it remains a fairly

54 *Supra* note 44 at 76.

55 *Ibid* at 28.

56 TRC, *CTA*, *supra* note 16 at 9.

contested objective. *Decolonizing research* (as described by Linda Smith⁵⁷) provides an ideal place to start, as processes of “decolonization” are necessary to move forward. Reconciliation research will not be effective if the history and ongoing processes of colonization are not addressed. Reconciliation has to build on decolonizing research to create a radically different orientation to future research that supports reconciliation. Reconciliation research seeks to explicitly decolonize and redefine existing colonial and exploitive relationships by exposing barriers and offering solutions. As noted in Call to Action number 65, reconciliation research has the potential to guide the development of a path forward at multiple levels, and points to Indigenous peoples as leading the way.

The TRC has not clearly articulated what reconciliation research is, nor has it laid out how it can be done.⁵⁸ What we know is the status quo is unacceptable. As noted above, colonial research persists, and thus engaging in decolonizing research is critical for moving beyond the status quo. It is also important to draw upon the central tenets of *Indigenous research*,⁵⁹ as proposed by Margaret Kovach, to ensure research benefits Indigenous peoples and not the ongoing colonizing project. Indigenous research is an emerging research paradigm in Canada that builds on decolonizing research methodologies and enacts research based on the goals, aspirations, and vision of Indigenous peoples. Due to the diversity of Indigenous peoples in Canada, there is no single approach, methodology, or question that forms the main characteristics of Indigenous research. Rather, Indigenous research is defined by each Indigenous nation’s distinct intellectual traditions and forms of inquiry. The overriding goal of Indigenous research, however, is benefit to Indigenous communities.

As a driver behind much research, the academy must, of course, recognize the role it has played in the colonization and continued oppression of Indigenous peoples. As Nour Aoude observes:

Nor can the academy turn a blind eye to its own complicity in what happened. Duncan Campbell Scott, an early architect of the residential schools, was in his time a prominent academic and member of the Confederation Poets. Intra- and inter-disciplinary criticism is essential if we are to surpass the common narratives of settler supremacy ingrained in our academic disciplines and curricula, from the elementary to postsecondary levels.⁶⁰

57 *Supra* note 4 (explaining the roots of imperial and colonial research and why decolonizing research methodologies are critical for transforming the lives of Indigenous peoples).

58 The International Indigenous Policy Journal recently released two volumes on reconciliation research: see *Reconciling Research: Perspectives on Research Involving Indigenous Peoples—Part 1* (2017) 8:2 and *Reconciling Research: Perspectives on Research Involving Indigenous Peoples—Part 1* (2017) 8:4.

59 *Supra* note 44 (devoting a whole text to this research approach).

60 Nour Aoude, “Academia Responds to the Call for Action Towards Truth and Reconciliation in Canada” (31 May 2015), *Federation for the Humanities and Social Sciences* (blog), online: <ideas-idees.ca/blog/academia-responds-call-action-towards-truth-and-reconciliation-canada>.

Responding to these various calls for improvement, various academic and research-oriented organizations have begun to set out new principles for research ethics. The Social Sciences and Humanities Research Council of Canada (SSHRC), for example, has responded to the call for a different research paradigm, one which meaningfully and appropriately involves Indigenous peoples. SSHRC thus defines *Aboriginal research* as:

Research in any field or discipline that is conducted by, grounded in, or engaged with, First Nations, Inuit or Métis communities, societies or individuals and their wisdom, cultures, experiences or knowledge systems, as expressed in their dynamic forms, past and present. Aboriginal research embraces the intellectual, physical, emotional and/or spiritual dimensions of knowledge in creative and interconnected relationships with people, places and the natural environment.⁶¹

SSHRC's Aboriginal research direction seeks to shift the power dynamics inherent in publicly funded research relationships from one of research "on", to research "with", Indigenous peoples. In practice, the interpretation and implementation of this research paradigm varies dramatically. The federal government's *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* likewise lays out guidelines for research involving First Nation, Inuit and Metis people, to be followed by Indigenous and non-Indigenous researchers alike.⁶²

In addition to these attempts at advancing more responsive, beneficial and ethical research, Indigenous communities and organizations have developed their own research and ethics processes. Unfortunately, protocols such as those being developed by SSHRC, do not go far enough to provide the "protections" Indigenous communities require.⁶³ Any research process

61 Social Science and Humanities Research Council of Canada, "Aboriginal Research" in *Definition of Terms* (Ottawa: Social Science and Humanities Research Council of Canada, 2016), online: <sshrc-crsh.gc.ca/funding-financement/programs-programmes/definitions-eng.aspx>.

62 Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada, "Chapter 9: Research Involving the First Nations, Inuit and Metis Peoples of Canada" in *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (Ottawa: December, 2014), online: <pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/chapter9-chapitre9/TCPS>.

63 The National Aboriginal Health Organization (NAHO) developed resources for Indigenous peoples to develop their own research guidelines: <naho.ca/firstnations/health-a-to-z/research-ethics-sp-new/>. Specific guidance was developed for Métis and Inuit peoples. Sadly, there is still a need for communities to protect themselves from researchers. As such the OCAP (ownership, control, access and possession) principles were developed into an OCAP research framework for Indigenous communities: see National Aboriginal Health Organization, *Ownership, Control, Access, and Possession (OCAP) or Self-Determination Applied to Research: A Critical Analysis of Contemporary First Nations Research and Some Options for First Nations Communities* (First Nation Center, 2005), online: <naho.ca/documents/fnc/english/FNC_OCAPCriticalAnalysis.pdf>. Some communities have developed their own research ethics rather than solely relying on

involving Indigenous peoples must address the building of research capacity. Most Indigenous communities and organizations do not yet have sufficient research capacity or the mandate to develop it, and thus power imbalances and inequity continue between those researching and those being researched. Reconciliation research that does *not* explicitly address this disparity will *not* lead to reconciliation. We need to ask: what kind of reconciliation research do communities want to engage in? I am not convinced Indigenous communities have been asked what they want.

The Call to Action that addresses reconciliation research does not provide enough guidance to shift future research agendas in Canada. As the aim of reconciliation research is to assist with social transformation, what should research relationships look like to support reconciliation? Social transformation will require a fundamental shift in how research is currently undertaken. It is wise in this instance to look to further guidance from the TRC for how reconciliation research can be enacted. What tools have been offered as part of a path forward that may be relevant for delivering on Call to Action number 65?

Covenant of Reconciliation and Research

The TRC called for the *United Nations Declaration on the Rights of Indigenous Peoples* to serve as a framework from which to guide reconciliation in the future. The TRC also proposed a new Royal Proclamation and Covenant of Reconciliation which recognizes Indigenous peoples as Nations:

We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
- ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
- iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* and university-based ethics. For example, see “Mi’kmaw Ethics Watch” which includes Mi’kmaw Research Principles and Protocols for Conducting Research with and/or among Mi’kmaw people: *Cape Breton University (Indigenous Affairs Department, Unarma’ki College)*, online: cbu.ca/indigenous-affairs/unamaki-college/mikmaq-ethics-watch/.

- iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.⁶⁴

This Call to Action was meant to serve as a guide to, in effect, decolonization; however, concerns around its merits for doing so have fueled much debate. Many in opposition say there are enough agreements between the Crown and Indigenous peoples to serve as an appropriate framework for equitable relationships, many of which have not been honoured. Why do we need another agreement or covenant and risk more broken promises? More disappointment! More conflict! More cynicism! These are all strong points, but I suggest that such a call may nevertheless be useful for institutions, such as universities, to consider. For example, there is nothing stopping universities from negotiating directly with Indigenous communities and nations and forming agreements or covenants on topics relating to research, educational programming/curriculum development, university governance, and so on. Nor is there anything preventing universities from honouring existing covenants (treaties) with Indigenous communities and nations regarding the territories they stand on. For example, the delivering of the Land Acknowledgement that most universities have signed onto can serve as an important first step, as long as it is not a token gesture.⁶⁵ However, this alone will of course not decolonize the relationship or lead to a new one based on reconciliation, or to any other objectives put forward by Indigenous nations (e.g., self-determination, sovereignty). More has to be done in the near future; waiting for the Crown or governments to act is not constructive. Universities and other research institutions must show leadership.

A university can negotiate (and some have done so already) agreements or covenants directly with Indigenous nations and peoples (at multiple scales: local, regional, and national). Research priorities, needs, and questions can serve as important parts of the covenant contents. I am sure this may cause upset among some scholars regarding academic freedom, but in the end, if Indigenous peoples refuse to participate in research that remains “colonial” and vested in certain outcomes that are governed by the self-interest of institutions and researchers, then at least research *on* Indigenous peoples will no longer occur. It is likely that the most important “truth” universities can commit to is to acknowledge the role they have played in perpetuating the falsehood of the “Indian Problem”, and, in doing so, take responsibility for changing the Humpty Dumpty narrative.

64 TRC, *CTA*, *supra* note 16 at 5.

65 Canadian Association of University Teachers, “CAUT Guide to Acknowledging Traditional Territory” (2016), online: <caut.ca/content/guide-acknowledging-first-peoples-traditional-territory>.

It is difficult to see a bright future when everywhere you turn your existence is understood and presented as a “problem”, deficient or damaged in some way.⁶⁶ The TRC consistently challenged this prevailing dogma and generated a narrative that puts responsibility for change squarely on the shoulders of all Canadians and universities for their role in telling particular kinds of stories about Indigenous peoples. A Covenant of Reconciliation and Research will ensure universities are accountable to those with whom they engage in research and about whom they tell stories. Universities do indeed stand on Indigenous lands and benefit from the exploitation of those lands, and their associated knowledge, as publicly funded institutions. The benefits of research have not been reciprocal and the power dynamics must be transformed to reflect a balance in the relationship—a core reconciliation principle.

As outlined above, funding agencies have taken steps to alter the direction of colonial research agendas, by establishing criteria for “Aboriginal research”, yet it remains a challenge to usurp the dominant ideology. Indigenous scholars have advocated for a decolonizing research agenda in various disciplines despite institutional resistance, denial, and sometimes hostility. Indigenous research paradigms offer creative and innovative spaces for research, as these paradigms center around the priorities and concerns of Indigenous peoples.

Decolonizing existing research approaches and asserting Indigenous research paradigms are more likely to lead to “reconciliation research” as they seek to empower Indigenous peoples. While it is true that individuals or teams of researchers have sought Indigenous research relationships which balance the relationships (which requires institutional researchers to cede a fair degree of control), these are more the exception than the rule. Furthermore, establishing and maintaining research relationships tends to fall on the shoulders of a few faculty members who engage in such research with little if any institutional support (with the Indigenous partners or collaborators getting no institutional support at all). Good research relationships, like any relationships, require time, energy and effort—they do not just happen. Perhaps a Covenant of Reconciliation and Research can institutionalize research relationships so the burden does not continually fall on individual faculty members and Indigenous communities, organizations, and people (many of whom do not have stated research mandates). In a way, “reconciliation” is required in research *relationships* before “reconciliation research” can occur.

It may be that a Covenant of Reconciliation and Research is not the long-term answer, but it might be a place to start, as universities seek to respond to the TRC. Once relationships with Indigenous peoples,

66 Tuck, *supra* note 4.

communities, and organizations are established and capacity is built on all sides, research relationships can continue to transform.

Future Research Directions: Truth-Telling through Storywork

The “truth” can be scary. Often people do not react well to the truth if it challenges everything they understand about their life and the society they live in. For example, it is hard for many to face the fact that they live on stolen land, or worse, that their land was stolen. The truth can also fuel guilt and unleash grief, perhaps causing more trauma and hurt. Jesse Thistle explained this in a recent interview with Rosanna Deerchild.⁶⁷ Uncovering the truth, as he did with his family history, can cause real physical pain, as historical trauma can emerge during the storytelling process: “This type of physical response has happened to other academics studying trauma.... A lot of people, they’ll pick themselves. Some people have psychological breaks where they can’t function. They abandon their studies.” Thistle said people are afraid to share this side of their research, because the stigma can cause people to view them as unstable and therefore, unemployable.⁶⁸ The trauma caused by listening to and processing the truth being told can be very difficult and painful for any Indigenous scholar (or student) in any discipline. We have an enormous responsibility to ourselves around self-care, as well as to the people telling the stories. We have to consider the possibility that, in our quest for the truth, research may yet cause pain and hurt. The high standard of ethics and compassion employed by the TRC Commissioners to address this reality may serve as a model for how to approach such inquiry.

The truth can also change the story being told about Indigenous peoples, particularly as we tell our own stories, on our own terms, and in our own ways. Research has a huge role to play in such truth-telling. Storytelling-based research, especially when university (institutionally)-produced, carries much more weight in legal, policy, and educational circles than our families and relatives sharing their stories with us at the kitchen table or in the bush. We may listen, record, write, analyze, and publish those same stories in our scholarship and all of sudden they carry more weight. A “storytelling methodology” carries with it much responsibility and knowledge of storytelling protocols that should not be taken lightly. It is not enough to just tell the truth; it matters *what* truth is told, *how* it is told and *who* tells it.⁶⁹

67 Roseanna Deerchild, “Interview of Jesse Thistle” on *Unreserved* (6 December 2015), CBC Radio, online: <cbc.ca/radio/unreserved/jesse-thistle-s-research-into-trauma-landed-him-in-the-hospital-1.3351252>.

68 “Trauma research brings pain, healing to academic Jesse Thistle” (6 December 2015), *Unreserved* (blog), online: <cbc.ca/radio/unreserved/taking-the-first-steps-on-the-road-to-reconciliation-1.3347611/trauma-research-brings-pain-healing-to-academic-jesse-thistle>.

69 “Who’s teaching mandated Indigenous content? Students call for more training for professors”

Storytelling is offered by many as an important way to tell the truth, and it very much matters who does the telling.⁷⁰ Methodologies have been developed around storytelling in various disciplines.⁷¹ Telling the truth through stories, as many residential school survivors did via the TRC, will hopefully serve as a catalyst in changing the stories being told about us, as Indigenous peoples. We still need to govern our stories as we have in the past: protocols need to be observed for those stories, as they have the potential to harm as much as heal. As scholars, we need to ensure there is space for different stories, contrasting stories, different perspectives and honesty; we need to respect the source of knowledge lest we simply replicate colonial research.

One of the defining characteristics of Indigenous research is taking seriously this responsibility and being accountable for the knowledge shared. Once knowledge is obtained, there is an obligation to act on it.⁷² Indigenous research theory postulates that one does not really *know* until *knowing* occurs, that is, until the knowledge is *acted upon*. We need to encourage and practice the ethos of responsible storytelling in our scholarship and teaching: with knowledge comes power.

Utilizing storywork/storytelling in legal scholarship and education has been led by scholars such as John Borrows, Val Napoleon, Hadley Friendland, and Aimée Craft.⁷³ Space has been created for the study of Indigenous legal orders, systems and traditions, through innovative storywork research methodologies.⁷⁴ Telling our stories to the academy brings with it

(2 October 2016) *Unreserved* (blog), online: <cbc.ca/radio/unreserved/education-a-first-step-on-the-long-road-to-reconciliation-1.3782507/who-s-teaching-mandated-indigenous-content-students-call-for-more-training-for-professors-1.3782511> (featuring Kayla Tanner, a student at Lakehead University, speaking to the issue of unqualified instructors who lack the lived experience and knowledge of Indigenous issues, but who are teaching mandatory courses).

- 70 Adam Gaudry, "Paved with Good Intentions: Simply Requiring Indigenous Content is Not Enough" (13 January 2016) *Active History* (blog), online: <activehistory.ca/2016/01/paved-with-good-intentions-simply-requiring-indigenous-content-is-not-enough/> (agreeing that not just anyone can teach mandatory courses and remarking: "Those of us who teach university-level Indigenous issues consistently face entrenched ideologies that blame Indigenous peoples for the policies thrust upon us and see us as incapable of proper social development").
- 71 There has been increasing recognition of storytelling as an important research approach and methodology: see Deborah Poff, "The Importance of Story-Telling: Research Protocols in Aboriginal Communities" 1:3 *J of Empirical Research on Human Research Ethics* (2006) 27; Paulina Johnson, "The Nēhiyawak Nation through Ācimowina: Experiencing Plains Cree Knowledge through Oral Narratives" (2015) 23:1 *Totem* 70, online: <ir.lib.uwo.ca/totem/vol23/iss1/8>.
- 72 Joanne Archibald, in her seminal work, writes: "After learning how to listen to the stories, I was expected to use their cultural knowledge and share it with others": Joanne Archibald, *Indigenous Storywork: Educating the Heart, Mind, Body and Spirit* (Vancouver: UBC Press, 2008) at 3.
- 73 As well as the scholars who contributed to the Redefining Relationships workshop led by Karen Drake and Brenda Gunn (editors of this volume).
- 74 See John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto

risks as well as opportunities. Our stories can be used against us; they can heal and they can harm. Storytelling is not to be taken lightly. It must be approached with the same high ethical and moral standards followed by our ancestors. As Thomas King warned in *The Truth About Stories*, stories are wondrous, but they are also dangerous.⁷⁵ It will require sincere, sustained, and dedicated effort on behalf of all concerned to ensure that such research leads to a future that strengthens Indigenous peoples.

Conclusion

Scholars, through research and teaching, play a tremendous role in redefining the relationship between Indigenous peoples and the state. As noted by RCAP, the great influence academic research has had in defining these historical and contemporary relationships has been problematic. Thus, it is critical that scholars work to *redefine* the relationships through their research by centering the voices and experiences of Indigenous peoples to benefit Indigenous communities. Universities are publically funded and thus have a responsibility to change the narrative, altering the story regarding the peoples on whose lands they stand. Universities and their scholars must also be accountable to Indigenous peoples and communities by recognizing them as governments, as perhaps a Covenant of Reconciliation may achieve. The TRC has provided helpful guidance, but it is up to the scholars to enact the Calls to Action and make them a reality in legal education. The real measure of progress in the years to come will be the marked differences in the quality of lived experience of Indigenous peoples.

Press, 2010); John Borrows, *Drawing Out Law: A Spirit's Guide* (Toronto: University of Toronto Press, 2010); Val Napoleon and Hadley Friendland, "An Inside Job: Engaging with Indigenous Legal Traditions Through Stories" (2016) 61:4 McGill LJ 725; Aimée Craft, *Anishinaabe Nibi Inaakonigewin Report: Reflecting the Water Laws Research Gathering* (Winnipeg: University of Manitoba Human Rights Research and the Public Interest Law Centre, 2014), online: <static1.squarespace.com/static/54ade7ebe4b07588aa079c94/t/54ec082ee4b01dbc251c6069/1424754734413/Anissinaabe-Water-Law.pdf>.

75 Thomas King, *The Truth About Stories: A Native Narrative* (Minneapolis: University of Minnesota Press, 2003).

