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**The Becoming of Justice:
Indigenous Women's Writing
in the Pre-Truth and Reconciliation Period**

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“Art is what makes silence speak.”¹

In the introduction to the book *Aimititau! Parlons-nous!*, Laure Morali, a French writer and poet, recounts how, after her journey through northern Quebec, Guyana, and New Mexico—and her encounter with Innus, Kariñas, and Navajos—she returned to Montreal where she no longer heard the voices of Indigenous men and women. The silence weighed upon her, and the project of *Aimititau!* came into being as a way to break the silence “that appeals to the shadow side of imagination.”² In 2007, twenty-nine authors who did not know each other participated in this project that lasted for nine months. *Aimititau! Parlons-nous!*, published in 2008, gathers the correspondences between Aboriginal and Quebecois writers, with the

¹ Shoshana Felman, *The Juridical Unconscious: Trials and Traumas in the Twentieth Century* (Cambridge and London: Harvard University Press, 2002), 154.

² “Faire taire ce silence qui sollicite les côtés sombre de l’imagination.” Laure Morali, *Aimititau! Parlons-nous!* (Montreal: Mémoire d’encrier, 2007), 8. We include directly Elise’s translation of quotations from *Aimititau!* Since the book entails multiple voices, we specify the name of the writer in each case, followed by the abbreviation “Ai.”

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aim of building a collective identity: “The book, driven by the rhythm of long restrained words, goes toward ‘the identity which is before us.’”³

One year after the publication of the book, the Canadian government instituted the Truth and Reconciliation Commission, giving the mandate to shed light on the period of the residential schools, to inform the population of Canada about what had happened, and to promote reconciliation between Canadian and Aboriginal peoples. Truth commissions are considered a form of transitional justice that deals with the aftermath of a violent period in order to prevent this violence from occurring again in the future. Transitional justice entails a broad array of judicial and non-judicial strategies for establishing justice. The teleological objective, associated with transitional justice, often rests on the hope of national unity as the outcome of these processes. Another possibility for the transitional justice period is to redefine community bonds and relationships conjointly with notions and mechanisms of justice.

In this essay, we propose a feminist transitional justice that takes into account the entanglements between feminist and anticolonial criticisms to reconfigurations of justice by analysing literary practices that pre-date the major transitional mechanism in Canada, the Truth and Reconciliation Commission. We situate literary practices in a cartography of Canadian transitional justice, arguing that literary texts show alternative processes of making justice, which focus differs from the institutional or legal framework. We examine how institutions, law, and transitional mechanisms shape identity formations and positions into the very process of national healing.

Adapting Rosi Braidotti’s theory of becoming, we propose to track the transformations of the subject that arise in the transitional context: “The point is not to know who we are, but rather what, at last, we want to become, how to represent mutations, changes and

³ “Le livre, porté par le rythme d’une parole longtemps contenue, avance vers l’identité qui est devant nous.” Morali, *Ai*, 12.

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transformations, rather than Being in its classical modes.”⁴ Subjective becoming operates through two forms of power, *protestas* and *potentia*, constraining and affirmative forms of power. The former is a power of oppression that perpetuates hierarchies. The latter implies “undoing the structures of domination by careful, patient revisitations, re-adjustments, micro-changes.”⁵ *Potentia* also refers to the desire to become and to endure through time in sustainable ways of being and living. Because becoming is always interrelational, it relates to conceptions of collectivity, and operates through “materialistic mappings of situated, or embedded and embodied, positions.”⁶ The desire for justice is similarly an interrelational quest that can be understood through a cartography, which is for Braidotti, “a theoretically-based and politically-informed reading of the present.”⁷

In what follows, we examine literary texts that contribute to reshaping justice, taking into account the experiences of Indigenous women (their institutional silence) and alternative practices of reconciliation (and their possible failure and contradictions). In particular, we analyze Laure Morali's literary project, and Beth Brant's short story, “A Long Story.” The becoming of justice operates through constraining and affirmative forms of power by showing the tension between the political project of truth commissions and the emancipatory strategies that transitional justice feminism prioritizes. We argue for micro-politics that operate in the margin of institutional transitional justice mechanisms. More specifically, we stress the ethical and political function of pre-Truth and Reconciliation Commission literary texts that offer alternative insights into the historic implications of the colonial past and the present challenges of creating justice both now and for the future.

⁴ Rosi Braidotti, *Metamorphoses: Toward a Materialist Theory of Becoming* (Cambridge: Polity Press, 2002), 2.

⁵ *Ibid.*, 116.

⁶ *Ibid.*, 2.

⁷ *Ibid.*

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The Truth and Reconciliation Commission of Canada at the Edge of the Legal Field

The Truth and Reconciliation Commission (TRC) is the second federal commission that deals with the relationship between Canada and First Nations, and is inscribed in a series of actions undertaken by the government to enhance its relations with First Nations.⁸ The TRC addresses specifically the period of residential schools, from 1870 to 1996, in which the government took Indigenous children from their families in order to ‘kill the Indian in the child.’⁹ The children were separated from their brothers and sisters; they were prohibited to speak their mother tongues; and they suffered psychological, spiritual, physical, and sexual abuses. This violence was part of a systemic plan of assimilation, which is rooted in a long history of colonialism. In 2009, the TRC was given the mandate to shed light over this period, to inform the Canadian population, and to promote reconciliation. The commission had a budget of \$60 million for five years to achieve its goals.

While truth commissions date back to the 1970s, transitional justice as a field of research emerged in the 1990s.¹⁰ Transitional

⁸ The Royal Commission on Aboriginal Peoples (1991-1996) was created after the Oka crisis of 1990 to make recommendations concerning the government’s relations with First Nations communities. One of the recommendations was the creation of a specific commission on residential schools. In June 2008, the Prime Minister presented official apologies to the former students of residential schools and instituted the TRC. In previous years, legal procedures against the government led to the Indian Residential Schools Settlement Agreement, which gave compensation to the victims of the governmental policies.

⁹ See Truth and Reconciliation Commission of Canada, ‘Historical Overview,’ in “About the Commission: Indian Residential Schools Truth and Reconciliation Commission;” available from <http://www.trc.ca/websites/trcinstitution/index.php?p=39>; accessed May 30, 2013.

¹⁰ The first truth commission took place in Uganda in 1974. See Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York: Routledge, 2011). Paige Arthur identifies the 1988 Aspen Institute Conference as the emergence of transitional justice as a conceptual field. Paige Arthur, “How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice,” *Human Rights Quarterly* 31.2 (2009): 324.

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justice is used to “describe judicial and non-judicial mechanisms of accountability introduced in the period of transformation from authoritarian to democratic government.”¹¹ The particularity of the truth commission in the case of Canada is that it does not take place in a period of political transition to a democratic government, but, rather, enquires into one hundred years of colonial violence that was sanctioned by a democratic state. The Canadian TRC arose, moreover, as a negotiated settlement to a series of large class-action lawsuits brought about by survivors. Consequently, people can hardly refer to a previous state of harmony and peace, and future peace cannot be envisaged without engaging in a broader process of decolonization.¹² This task contrasts with the government's reluctance to undertake radical changes in its policies. Limiting justice debates concerning Canada and First Nations communities to the activities of the TRC allows for a denial of the need for resistance to structural colonial violence. We argue that this commission is a particular, situated, and dialogic practice of reconciliation that has been significant to a number of Indigenous people. Still, the commission has yet to deal with its contradictory and limiting position, even as it opens up possibilities for a larger field of transitional justice that is attentive to the past.

The interim report, released in February 2012, addresses the current state of the commission.¹³ The commissioners fear that some impediments will prevent them from achieving their objectives, and

¹¹ Susanne Buckley-Zistel and Magdalena Zolkos, “Introduction: Gender in Transitional Justice.” *Gender in Transitional Justice*, eds. Susanne Buckley-Zistel and Ruth Stanley (New York: Palgrave Macmillan, 2011), 3.

¹² This difference does not mean that other truth commissions do not have to address structural, systemic, and on-going mechanisms of colonialism or historical struggles between different peoples in the same territory. However, we contend that the TRC's inquiry over such a long period creates the need to engage more explicitly in a decolonizing process.

¹³ It presents twenty recommendations to enhance the opportunity of the commission to reach its objectives (6), to inform the population through education (7), to enhance the process of healing for Aboriginal people (4), and to promote reconciliation (3). Truth and Reconciliation Commission of Canada, *Interim Report* (Winnipeg : Truth and Reconciliation Commission of Canada, 2012), 30-31.

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hope that the government will rectify the situation by following their recommendations. The interim report shows how the government failed to honour its commitment to the TRC's mandate, notably for the lack of cooperation in collecting archives, for the withdrawal of funding to the Aboriginal Healing Foundation, and for imposing narrow criteria for the application of the Indian Residential Schools Settlement Agreement (IRSSA).¹⁴ The commissioners are in a contradictory position since the TRC confers a positive image of the government as progressive and respectful, but the limited resources and support allocated by the government undermine its work. Leslie Thielen-Wilson explains that the government can hide behind the image of Canada as a "space for promise," while "the present is never portrayed in dominant discourse as a space which is unjust because colonial relations both *persist* and are created *anew*."¹⁵ The commissioners conclude: "Reconciliation also will require changes in the relationship between Aboriginal people and the government of Canada," and they add that if the government refuses to recognize the unique juridical status of Aboriginal peoples, "we run the risk of continuing the assimilationist policies and the social harms that were integral to the residential schools."¹⁶

The contradictions in the position of the government have to be detached, however, from the role and position of the commission itself. Priscilla B. Hayner explains that, because of the TRC's official mandate given by the government, there are broad expectations that are impossible to meet because of the need to operate in a restricted time frame and a defined framework.¹⁷ The wait-and-see approach in anticipation of concrete results makes people criticize the impossibility to use information gathered in commissions in trials, to legislate or modify laws, or to constrain the government to follow the list of recommendations in the report. Nevertheless, if we expect legal impacts and results alone, we cannot appreciate the full social

¹⁴ Ibid., 10-11, 17.

¹⁵ Leslie Thielen-Wilson, *White Terror: Canada's Indian Residential Schools and the Colonial Present* (Ph.D. Thesis, OISE/UT, 2012), 7-8 ; [her emphasis].

¹⁶ Truth and Reconciliation Commission of Canada, *Interim Report*, 29.

¹⁷ Hayner, *Unspeakable Truths*, 5-6.

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implications of truth commissions. Hayner raises five specific aims that are normally conducted by them:

To discover, clarify, and formally acknowledge past abuses; to address the needs of victims; to 'counter impunity' and advance individual accountability; to outline institutional responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past.¹⁸

Transitional justice addresses broad issues of social justice inside and outside of legal mechanisms, recognizing the crucial role of non-judicial actors and strategies for promoting the *transition* toward more justice. The status of truth commissions is particularly relevant for enabling a bridge between legal, social, political, and cultural understandings of justice: "What is special about truth commissions is their intention of affecting the social understanding and acceptance of the country's past, not just to resolve specific facts."¹⁹ Hayner states that criminal justice and truth commissions should be seen as separate and independent.²⁰ She underlines the advantage of truth commissions: "[D]espite their more limited legal power, their broader mandate to focus on the patterns, causes, and consequences of political violence allows truth commissions to go much further in their investigations and conclusions than is generally possible (or even appropriate) in a trial."²¹ Indeed, truth commissions have the mandate to examine the responsibility of the state "including not only the military and the police, but also the judiciary itself."²² The limitations of truth commissions in the legal arena gain significance in the symbolic field: they have independent status in relation to the government, but they still have official authority in practices of re-significations of justice.

In taking into account judicial and non-judicial strategies for making justice, transitional justice renders it difficult to consider law as a completely hermetic field. Law functions as a neutralization of

¹⁸ Ibid., 20.

¹⁹ Ibid., 11.

²⁰ Ibid., 13.

²¹ Ibid.

²² Ibid.

the social struggle over signification; its application through fixed institutions and mechanisms gives this appearance of fixity and imperviousness, which becomes a norm through the repetition of structural mechanisms in the different instances of law in daily life practices. Truth commissions become a way to re-evaluate some of the legal practices and to redress notions of justice. Pierre Bourdieu asserts: “Clearly the feeling of injustice or the ability to perceive an experience as unjust is not distributed in a uniform way.”²³ Law is not a pure and neutral space for justice, but a field that is based on symbolic social narratives.²⁴ In this regard, transitional justice focuses on the particular moment in which notions of justice need to be redressed through both legal and non-legal strategies.

More than intervening on the symbolic level alone, TRCs work concretely in the healing process and reconciliation through public hearings, national events, and the recollection of testimonies from victims of the residential schools. Hayner asserts that official acknowledgements impede further denial of violence, which means that recognition is already a practice of making justice in the present. She also raises the difference between individual and national reconciliation, underlining the importance of focusing on the subject of reconciliation: “Forgiveness, healing, and reconciliation are deeply personal processes, and each person’s needs and reactions to peace-making and truth-telling may be different.”²⁵ A truth commission’s attention to victims is important for transitional justice because this focus can highlight the way violence affects a subject along gender lines. Suzanne Buckley-Zistel and Magdalena Zolkos claim: “To place the category of gender at the heart of the study of TJ thus implies exposition of (often unarticulated, but assumed) ideas about the specifically *transitional* nature of justice in this project and its function.”²⁶ In the next section, we analyse how feminist transitional

²³ Pierre Bourdieu, “The Force of Law: Toward a Sociology of the Juridical Field,” *Hastings Law Journal* 38 (1987), 833.

²⁴ Robert Cover’s conception of law, as a social relationship, discloses the legal field to social interventions and symbolic struggles over signification.

²⁵ Hayner, *Unspeakable Truths*, 183.

²⁶ Buckley-Zistel and Zolkos, *Gender in Transitional Justice*, 2; [their emphasis].

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justice can think of this transitional aspect of justice together with the becoming of the subject.

Intercultural Feminisms and Indigenous Feminisms

“Intercultural feminisms” is a tentative term to describe the need to address specific questions of cross-cultural relationships in theories and practices of feminism. In the cartography of transitional justice in Canada, we situate intercultural feminisms as a practice of reconciliation that focuses on the entanglements between decolonizing processes and feminisms, including decolonizing feminisms. In the introduction to *Indigenous Women and Feminism*, Shari M. Huhndorf and Cheryl Suzack underline the importance of looking at gender issues in the making of justice: “Social justice, in our view, can be attained only through specific attention to gender and must be considered as an integral part of, rather than a subsidiary to, struggles for national liberation.”²⁷ The theoretical and critical field of intercultural feminisms is not supplementary to transitional justice, but operates at the core of the processes of signification of the justice at play in the task to promote “truth” and “reconciliation” between Canadian and Aboriginal peoples.

Interculturality and feminism both present the danger of seeking the *inclusion* of Indigenous difference in the multiplicity of differences. However, we use intercultural feminisms, in a plural form, to rethink the place of Aboriginal peoples in Canadian discourses on intercultural relationships, which—sometimes because of the danger of inclusion—excludes Indigenous “issues” from current debates on interculturality.²⁸ Intercultural feminisms address,

²⁷ Shari M. Huhndorf and Cheryl Suzack, “Indigenous Feminism: Theorizing the Issues,” *Indigenous Women and Feminisms*, eds. Cheryl Suzack, Shari M. Huhndorf, Jeanne Perrault, and Jean Barman (Vancouver: UBC Press, 2010), 3.

²⁸ In the particular context of Quebec, the Truth and Reconciliation Commission receives little attention from the media and from the population. This contrasts with public debates on interculturality that animated the Bouchard-Taylor Commission (*Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles*), which had the mandate of formulating recommendations concerning possible cultural or religious accommodations in the application of the law. In the introduction to the final report, the commissioners mention the

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therefore, this paradox between inclusion and exclusion, and try to reformulate the exigencies of decolonization in the context of transitional justice in Canada. The second reason we use this term is to imagine a coalitional politics where feminists refuse to foreground a common identity foundation, acknowledge the diversity of theories and practices that engage with feminist and anticolonial struggles for justice, and take into account the diverse interests and specific needs at play in reconciliation or decolonizing processes. In sum, we locate Indigenous feminisms at the core of Quebecois-Canadian intercultural feminisms that can be understood to enact a transitional justice toward reconciliation between Quebecois, Canadians, and Aboriginal peoples.

A gender analysis of reconciliation should focus on the way in which Indigenous women have been specifically affected by colonial violence: “One of the most pressing challenges for Indigenous feminism today is to find a basis for collective political action and engagement in broader anti-colonial struggles that also addresses the particularities of Indigenous women’s social positions.”²⁹ Huhndorf and Suzack explain: “Residential school policies eroded women’s status further by imposing patriarchal gender roles as part of the assimilative process.”³⁰ Indigenous women thus live in a situation of double discrimination that makes for difficult political action because of the contradictions between collective and individual interests and rights. As Isabel Altamirano-Jiménez explains, “Being Indigenous and being feminist does not have to be an either/or identity. Both can be connected as a way of ‘talking back’ to the dominant society

impossibility of addressing the issues related to First Nations. While this decision is appropriate, it also reflects a tendency, particularly in Quebec, to exclude First Nations from discussions on intercultural relationships, reinforcing the marginalization and invisibility of First Nations for Quebecois people. The same argument is used in academic work on interculturality and in postcolonial or transnational feminist theories that segregate Indigenous issues from these wider debates.

²⁹ Huhndorf and Suzack, “Indigenous Feminism: Theorizing the Issues,” 3.

³⁰ *Ibid.*, 5. The authors also note the way in which the 1876 Indian Act led to the disenfranchisement of Indigenous women and how Indigenous women are “up to five times more likely than other women to die of violence.”

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and mainstream feminism, and a way to enable Indigenous women as agents and knowers.”³¹ The double discrimination lived by Indigenous women makes Indigenous feminists aware of “the power behind this identity construction” in both nationalist and feminist discourses.³² The particular position of Indigenous feminisms brings together important contributions and criticisms to show how nationalist and patriarchal discourses work together.³³ We use Indigenous feminisms to describe the plurality of practices and theoretical engagements made by Indigenous feminists whose strategies and specific goals differ, yet who are committed to creating justice for Indigenous women and for Indigenous peoples.

When Altamirano-Jimenez raises the tension between Indigenous feminisms and Indigenous nationalist discourses, she insists that Indigenous feminisms address “the construction of a political identity mimicking rigid definitions of Indigeneity” and adds that they “can offer a more critical and liberating approach to decolonizing struggles.”³⁴ Indigenous feminisms contribute to Indigenous decolonization through their focus on the entanglements between nationalism and feminism in the construction of identity:

Indigenous feminism is about engaging with the possibilities of decolonizing while not losing sight of the power relations that informs difference both internally and externally. Indigenous feminism is also about the ability to choose strategies and to construct relevant local meanings. From this point of view, it is about recovering rhetorical and political practices and centring our own experiences in order to reconceptualise the

³¹ Isabel Altamirano-Jiménez, “Indigenous Women, Nationalism, and Feminism,” *States of Race: Critical Race Feminism for the 21st Century*, eds. Sherene Razack, Malinda Smith, and Sunera Thobani (Toronto: Between the Lines, 2010), 117.

³² *Ibid.*

³³ It would be interesting to make such an analysis in Quebecois nationalist discourses, since they do not entail feminist claims and interests because these are considered as complementary and reserved to women's lives, and hence, to individual issues—or worse—nationalists would argue that we are in a post-feminist society that no longer needs to address feminist claims. Sexism is considered then as an exception to the rule, and not as a structural violence.

³⁴ Altamirano-Jiménez, “Indigenous Women, Nationalism, and Feminism,” 111.

epistemological bases of our research to create an Indigenous feminist theory.³⁵

The process of signification comes from local meanings, that is, it is rooted in culture. Altamirano-Jimenez urges a “reinvention of language,”³⁶ through the construction of local meaning that comes from the particular experiences of Indigenous women engaging with decolonization. Indigenous women have to struggle on the symbolic and semantic level, because neither nationalist discourse nor feminist theory fit entirely with their experience of colonialism and sexism. In so struggling, they participate in the political—and legal—fields of making justice.

Laure Morali and the Politics of Reconciliation

From the cartography of Canadian transitional justice, we situate Laure Morali’s coalitional literary project as a non-judicial practice of reconciliation. A feminist reading of *Aimititan!*’s literary practice sheds new light on the book, as well as on feminist practices of reconciliation and transitional politics toward justice. The analysis of power relationships at play in definitions of justice shows the limitation of the equation between law and justice. In the Canadian context, this nexus has prompted criticism of the TRC’s capacity to achieve justice and accountability because its “machinery of advocacy,” to borrow a term from Mark Sanders,³⁷ is implicated by what Matt James recognizes as “Ottawa’s ongoing colonial power over Indigenous communities... [that] create incentives against self-examination and criticism.”³⁸ The TRC has also been problematized for instituting “a politics of distraction” that shifts attention “away

³⁵ Ibid., 116.

³⁶ Ibid., 117.

³⁷ Mark Sanders, “Ambiguities of Mourning: Law, Custom, and Testimony of Women before South Africa’s Truth and Reconciliation Commission,” *Loss: The Politics of Mourning*, eds. David L. Eng and David Kazanjian (Berkeley: University of California Press, 2003), 79.

³⁸ Matt James, “Uncomfortable Comparisons: The Canadian Truth and Reconciliation Commission in International Context,” *Les Ateliers de L’Éthique / The Ethics Forum* 5.2 (Autumn/Fall 2010), 28.

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from restitution of indigenous homelands and resources... ground[ing] it instead in a political/legal rights-based process.”³⁹ These critiques implicitly ask: Do justice practices have to be in step with the injustices practiced in their countries of origin? Should justice practices reflect local particularities or should they transcend them? We argue not only that justice practices must develop from the particular context in which they arise, but that they must also reflect the values of a country's citizenry in order to be credible as initiatives that realize a future horizon of justice expectations and equitable social practices. For this reason, we explore the role of literature as a mode of coalition-building and truth-telling politics that conveys the power of these insights through other signifying and political processes. We argue for the consciousness-raising, educating value of literature in conjunction with Truth and Reconciliation Commissions, intercultural and Indigenous feminisms, and literary practices such as *Aimititau!* and “A Long Story” in order to demonstrate literature's role in relation to justice issues that are particular to Indigenous women. Additionally, we argue for coalitional politics⁴⁰ and Indigenous storytelling as practices that legal mechanisms may consult to learn how *to read* for systemic violences against Indigenous women in order to alter the masculinist politics⁴¹ of legal frameworks

³⁹ Jeff Corntassel and Cindy Holder, “Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala, and Peru,” *Human Rights Review* 9.4 (2008): 465-489.

⁴⁰ Coalitional politics were central to transitional justice as a formative movement concerned to address the interrelationships between human rights and transitions to democracy. Paige Arthur provides an important conceptual analysis of the field's origins, especially in distinguishing its goals from human rights agendas. See Arthur, “How ‘Transitions’ Reshaped Human Rights,” 324.

⁴¹ According to Rosemary Nagy, “masculinist determinations” emphasize “political violence” to the exclusion or acceptance of the private and intimate violence that women experience in “militarized” or “unequal” societies. The displacement of women's experiences from transitional justice thus occurs as a result of the structural framing of the problem that transitional justice is implemented to address. See Rosemary Nagy, “Transitional Justice as Global Project: Critical Reflections,” *Third World Quarterly* 29.2 (2008): 285-286.

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and to achieve broader remedies against gender violence for social justice ends.

Each chapter of *Aimititau! Parlons-nous!* presents a dialogue between an Aboriginal and a Quebecois writer, except for one instance, which is between two members of a First Nations community. Laure Morali gave no specific instructions about how to establish the dialogues that take on different forms: exchanges of poetry, prose, political essays, personal stories, and letters addressed to each other. She explains that she paired the writers based upon their general interests, possible affinities, or preference for a genre. The result is the co-existence and simultaneity of distinct voices, genres, and types of relationships, which we understand as a “cacophony,” a term proposed by Jodi Byrd to refer to the multiplicity of simultaneous positions in settler contexts.⁴² “Cacophony” plays with multiplicity, not in a celebration of multicultural differences, but by showing that different identities and political positions are in the midst of a network of power relations, which can be both constraining and emancipatory.

The book belongs to the epistolary genre,⁴³ but it also uses a plurality of literary genres through which the writers communicate. They have all accepted Morali’s invitation with the aim of participating in this practice of reconciliation, which does not mean that all the dialogues address directly the issues between Aboriginal and Quebecois peoples. Louis-Karl Picard-Sioui and Jean Duval speak through poetry, but never address each other directly. Lison Mestokosho and Annie Perrault discuss family, love, and their inspiration for writing: “I liked this experience of writing with you. It

⁴² Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis and London: University of Minnesota Press, 2011), xxvii, 53.

⁴³ Lynn Hunt’s *Inventing Human Rights: A History* is widely regarded as the key text that argues persuasively for literature’s capacity to create new experiences of reading which in turn facilitated new forms of social and political rights (33-34). The epistolary novel represents one genre in this emerging context that, Hunt argues, laid the groundwork for human rights discourses. See Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W.Norton & Company, 2007).

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reflects the similitudes between our peoples.”⁴⁴ Many writers reflect on the dialogue itself and the transformations that operate through their practice: “It feels good to share moments of my life... because it’s a way to live.”⁴⁵ The metatextual comments remind us that the writers of the book did not know each other before, but they remain open to their becomings through literary practice.⁴⁶

Precisely how the writers express themselves through a fluidity of genres and openness to the other is reflected in the way in which their subjectivity is enacted and perceived. Most of the writers do not position themselves as a knowing subject in the first place. The correspondence, between Violaine Forest and Robert Seven-Crows, offers a tone of respect with the repeated statement, “I don’t know,” which gives the rhythm to Forest’s poem: “I don’t know the name of clouds... I don’t know much... I don’t know the name of the star.”⁴⁷ In his response, Seven-Crows echoes her poems: “I don’t know this place...”⁴⁸ They establish a dialogue from the incompleteness of their knowledge. The repetition constitutes a space for exchange, which acknowledges the limits of each person and questions the mastering position of the knowing subject.

The erasure of the autonomous, sovereign, and self-conscious subject does not have to be seen as a negation of identity; it can be analysed as a political stance for the decolonization of relationships. This stance, however, also risks falling into cultural relativism. The

⁴⁴ “J’ai adoré cette expérience d’écriture avec toi. Elle reflète des similitudes entre nos deux peuples.” Annie Perrault, *Ai*, 260.

⁴⁵ “Il me fait du bien de partager des choses de ma vie... Car c’est une façon d’exister.” Rita Mestokosho, *Ai* 45.

⁴⁶ Literature’s capacity to deploy openness and “empathy” in the achievement of “equality of distant persons” has been theorized by James Dawes in “Human Rights in Literary Studies,” *Human Rights Quarterly* 31.2 (2009), 396; and Brenda Carr Vellino, “Everything I Know about Human Rights I Learned from Literature: Human Rights Literacy in the Canadian Literature Classroom,” *Homework: Postcolonialism, Pedagogy, and Canadian Literature*, ed. Cynthia Sugars (Ottawa: University of Ottawa Press, 2004) 135-150.

⁴⁷ “Je ne connais pas le nom des nuages... Je ne connais pas grand chose... Je ne connais pas le nom de l’étoile.” Violaine Forest, *Ai*, 18.

⁴⁸ “Je ne connais pas cette place...” Robert Seven-Crows, *Ai*, 25.

tension between identity politics and the fluidity of subjectivity marks some of these exchanges. We see the uneasiness of Quebecois writers in affirming or negating their identity. Louis Hamelin says: “It’s not fair. You are what I am, and I cannot be what you are.”⁴⁹ Jean Désy reflects on identity categories and suggests that Aboriginal peoples are also Quebecois; Nahka Bertrand responds to him: “Your text shocked me a lot, while also amusing me,”⁵⁰ saying that Aboriginal peoples do not aspire to identify themselves as Quebecois. In another case, Isabelle Miron tries to base her relationship with Jean Sioui on her relationship with nature, which provokes a similar reaction for the Aboriginal writer: “Don’t pretend to meet me in the freedom of winds.”⁵¹ The challenge is to think of the power position conferred by identities, in a way that avoids cultural relativism—which results in cultural appropriation—and the fixity of identity politics.

Because political identities can be used strategically in affirmative ways, however, they entail at least two risks. First, according to Mahmood Mamdani, historicizing political identities is necessary to see how colonial institutions shaped them to fit into cultural models.⁵² Mamdani warns against the dangers of using ethnicity as a basis for political claims, since it reproduces, for him, colonial technologies. He proposes, instead, to define political communities “not by a common past but by a resolve to forge a

⁴⁹ “Ce n’est pas juste. Tu es ce que je suis, et je ne peux pas être ce que tu es.” Louis Hamelin, *Ai*, 62.

⁵⁰ “Votre texte m’a beaucoup choqué, tout en m’amusant.” Nahka Bertrand, *Ai*, 162.

⁵¹ “Ne prétendez pas me rencontrer dans la liberté des vents.” Jean Sioui, *Ai*, 143.

⁵² Mamdani explains that, in the African context, colonial institutions established a difference between race and ethnicity, which were associated, respectively, with civil and customary law. A first cultural model would position the hierarchy of races and their inclusion, or not, within the frame of civil law, and, by extension, of civilized culture. A second model would assert horizontal differences between ethnicities and their specific customary law, which would be based on notions of authenticity and traditions. Both models defined legal identities (and politics) on perceived “real” cultural identities. See Mahmood Mamdani, “Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism,” *Comparative Studies in Society and History* 43 (2001): 651-664.

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common future under a single political roof, regardless of how different or similar their pasts may be.”⁵³ We note here that, in Canada, the future promised by national reconciliation reasserts in many ways past injustices, as well as colonial institutional identities. A problem with state-based reconciliation is the top-down approach that reasserts the hierarchies between groups within the nation in the very process of imagining the future. The second risk of political identities is that they circumscribe the subject to institutional definitions of identity, which do not account for the ways in which subjects participate in processes of reconciliation in unexpected ways. Reparation for the colonial past cannot be achieved through the inclusion of Aboriginal communities into the national project; it requires a change, as the commissioners claim, in the nature of relationships between the government and First Nations. It demands also an effort for decolonizing, more broadly, the relationships between subjects.

The authors of the book do not share foundational identity categories, and they do not aim at political unity or normative definitions of community. Their political engagement is rooted in a desire for justice that functions as an open process in which each author is engaged individually, in resonance with a passion for justice for others. The making of justice consists in a careful process of developing accountability in the present, through historicizing one's position⁵⁴ and through the politics of location. The latter consists, for Braidotti, “in unveiling the power locations which one inevitably inhabits as the site of one's identity.”⁵⁵ As a form of this accountability, Andrée Michaud rewrites the Quebecois motto “je me souviens” (I remember) with “I remember what has been done to Aboriginal peoples. I must not forget.”⁵⁶ In her answer, Joan Pawnee-Parent says: “*I remember* smoke signals of some forefather” and “I

⁵³ Ibid., 661.

⁵⁴ See Byrd, *The Transit of Empire*, and Mamdani, “Beyond Settler and Native as Political Identities.”

⁵⁵ Braidotti, *Metamorphoses*, 12.

⁵⁶ “Je me souviens de ce qui a été fait aux peuples autochtones. Je ne dois pas oublier.” Andrée Michaud, *Azi*, 190.

remember smoke signals to make for the continuation of the world.”⁵⁷ This politics of accountability leads to a continuous defining, replacement, and displacement of commonality. The commonality constructed among the writers of *Aimititau!* is rooted in this open-ended process, as the epigraph suggests: “It is for this reciprocity and communicability that we produce the humanity. This one has not already its shape.”⁵⁸

Coalitional politics can be seen as the cartography of different identity positions (strategic, political or ethical) at a particular moment. They are also processes of signifying commonality; it cannot be given in advance. Therefore, they go beyond the inclusion of differences into an already defined project, and the exclusion of these differences because they do not fit into this project. Collective identity is not a “we” within which are included other differences; “we” has to be defined in the relationship. Literature allows for the construction of this common humanity that needs to be defined through the practice itself, through the relationships between different subjects, and through the transformation of the relationships.

To base coalitional politics on solidarity would reassert the need for foundation. In this sense, the political project of *Aimititau!* would be limited if the idea that the will for solidarity is enough—for establishing dialogue and enacting reconciliation—which seems to be assumed at certain moments in the book. The crucial point (and the most productive aspect of the book because of its affirmative power) is the possibility of failure that accompanies the non-obligation to achieve or to arrive at any conclusion.

Coalitional politics are often grounded in a position of power-knowledge, where the subject, engaged in resistance, knows what has to be done and what is the solution. *Aimititau!* presents no conclusion and offers no final claims for “concrete actions.” Braidotti says:

⁵⁷ “*Je me souviens des signaux de fumée de certains de mes ancêtres,*” 198; “*Je me souviens des signaux de fumée à émettre pour la suite du monde!*” Joan Pawnee-Parent, *Ai*, 194 [her emphasis].

⁵⁸ “*C’est à la faveur de ce partage et de cette communicabilité que nous produisons l’humanité. Cette dernière n’existe pas déjà toute faite.*” Achille Mbembe, *Ai*, 7.

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“there are no systematic, linear or teleological stages or phases of becoming; each plateau marks a framed and sustainable block or moment of immanently actualized transformations.”⁵⁹ The literary practice is in itself an emancipatory action: a process, rather than a finality, which recognizes that, although all the writers believe in reconciliation, no one knows how to achieve it.

While law is overtly powerful because of its authority and power to enact changes in the lives of people, literature has the power to remain open and engaged in the becoming of justice in as much as it participates in the symbolic processes of re-signifying justice, reconciliation, and intercultural relationships. The *potentia* or affirmative power of *Aimititau!* can be found in a coalitional practice that challenges the goal of reconciliation, as national unity. Instead, the goals of *Aimititau!* are to develop accountability, to unlearn political identities that are bestowed by colonial institutions, and to be engaged in inter-subjective processes of change for justice. The attention given to subjectivity, and the becoming-subject formation, are crucial to understand the politics of *Aimititau!* They come from the assumption that relations of power pass through the subject; they also allow for contradictory positions that can be used strategically in a process of becoming that participates in the creation of justice.

We can question whether the literary practice in *Aimititau! Parlons-nous!* has any effects on the political or national process of reconciliation in Canada. To attempt an answer, we have to understand the role of this book in relation to other practices of transitional justice. Taken by itself, neither *Aimititau!* nor the Truth and Reconciliation Commission would have the same power. The feminist and anticolonial cartography that we draw in this paper shows that a multiplicity of practices operate through legal, social, political, and cultural fields of signification in a way that underlines the power at the core of the becoming of justice. The understanding that power passes through the subject, through the becoming of the subject, allows for considering the literary exchanges in *Aimititau!* as effective political and material practices of creating justice.

⁵⁹ Braidotti, *Metamorphoses*, 120.

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**The TRC and Gender Violence: Beth Brant’s “A Long Story”
“Have You Ever Heard a Whole Village Cry?”⁶⁰**

We acknowledge, however, that if coalitional politics represent the progressive political force and social terrain established by truth and reconciliation commissions, then these projects are also implicated in the wider political limitations that truth and reconciliation commissions enact through practices of historical erasure. Writers who pre-date the formation of Canada’s TRC thematize the issue of residential school injustices to engage this tension by directing our awareness to constituencies and social outcomes not anticipated by the TRC’s mandate and troubled by presentism in the formation of coalitional politics. Beth Brant’s classic short story, “A Long Story,” for example, depicts the devastating effects of residential school practices on two generations of Indigenous women. In foregrounding the erasure of gender identity over time as a core effect of residential schooling, it stages an intervention in truth and reconciliation narratives by representing gender violence and ongoing social disparities for Indigenous women as social outcomes that contemporary mandates overlook.⁶¹ Published in 1984 in Brant’s edited collection *A Gathering of Spirit*, the story predates the wider cultural framing of disclosure about the residential school tragedy associated with former Grand Chief Phil Fontaine’s public acknowledgement of his own experience of abuse in 1991.⁶² As a

⁶⁰ Question asked by a First Nations woman who spoke before the Supreme Court of the Yukon Territory; see *Fontaine et al. v. Canada et al.*, 2006 YKSC, para. 6.

⁶¹ Exceptions include Beverly Jacobs and Andrea J. Williams, “Legacy of Residential Schools: Missing and Murdered Aboriginal Women,” *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (eds. Marlene Brant Castellano, Linda Archibald, and Mike DeGagné, Ottawa: Aboriginal Healing Foundation, 2008), 121-140, who argue that the residential school system deprived generations of Aboriginal women of their “traditional roles” as “mothers, grandmothers, caregivers, nurturers, teachers, and family decision-makers” (127); and Kim Stanton, “Intransigent Injustice: Truth, Reconciliation and the Missing Women Inquiry in Canada,” in this volume.

⁶² Former Grand Chief Phil Fontaine’s activism has been essential to this struggle. In his capacity as leader of the Assembly of First Nations, he launched a class action suit against the Federal Government in 2005 and was named the

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narrative documenting the residential school experience, it departs from the current focus on residential school survivors' testimonies by drawing attention to the intersections between domestic relations, cultural demands, and women's self-sacrifice in the care or interests of children as these issues overlap to generate the systemic exploitation of Indigenous women.

Set correspondingly in 1890 and 1978, Brant's narrative juxtaposes the government's historical removal of children from Indigenous villages with the contemporary removal of a daughter from a mixed-race lesbian couple's care. The point of view adopted by the story is that of Indigenous women. In the 1890 historical setting characterized through the theme of loss, the first-person account by a mother undergoing a physical and psychological breakdown as a result of the theft of her children focalizes the community's interlocking experience of devastation: "1890 ... It has been two days since they came and took the children away. My body is greatly chilled. All our blankets have been used to bring me warmth. The women keep the fire blazing. The men sit. They talk among themselves. We are frightened by this sudden child-stealing."⁶³ Using imagery made more catastrophic through depictions of blood, wounding, and death, the woman's voice depicts her descent into

"representative of the survivor and aboriginal subclasses." See Courtney Jung, "Canada and the Legacy of the Indian Residential Schools: Transitional Justice for Indigenous Peoples in a Nontransitional Society," *Identities in Transition: Challenges for Transitional Justice in Divided Societies*, ed. Paige Arthur (Cambridge: Cambridge University Press, 2013), 225. The case is noteworthy in transitional justice literature for foregrounding the inability of trials to account for human suffering or to adequately address the "justice" required by residential school survivors' stories of their "devastating experience[s]." See *Fontaine et al. v. Canada et al.*, 2006 YKSC 63, para. 6. Trials as methods of "political and legal compromise" and procedures for confronting the past remain an area of hotly-contested debate within transitional justice studies; see *Fontaine et al.*, para. 63; and Aryeh Neier, "Do Trials Work?" *New York Review of Books*, 19 October 1995. See also reply by Timothy Garton Ash, as well as Neier, "The Nuremberg Precedent.," *New York Review of Books*, 7 October 1993.

⁶³ Beth Brant, "A Long Story," *A Gathering of Spirit: A Collection by North American Indian Women*, ed. Beth Brant (*Degomwadonti*) (Toronto: The Women's Press, 1984), 101.

madness as a response to the removal of her children, which figures their theft as a surreal nightmare that is incomprehensible, cataclysmic, and genocidal: “I begin howling. At night, I dare not sleep. I fear the dreams. It is too terrible, the things that happen there. In my dream there is wind and blood moving as a stream. Red, dark blood in my dreams. Rushing for our village, the blood moves faster and faster.”⁶⁴ Her story concludes with her death through a ritual act of self-mutilation that occurs against the backdrop of a dream in which she is drowning in a wave of blood that spreads to the “Four Directions” and overtakes the natural world.

In contrast to the nightmare of removal in historical time, Brant’s narrative characterizes the custody battle of a mixed-race lesbian couple as marking the continuation of the same logic of government-authorized removal that justified residential school practices. Mary’s dream of her daughter’s death at the hands of her former husband, and the return of her daughter’s body in pieces as she is taught to loathe her mother for being lesbian,⁶⁵ marks the structural relationship represented by the project of racial assimilation that motivates residential school practices in the court-authorized objective of eradicating lesbian identity by awarding sole custody rights to the child’s father. Like her historical counterpart, the woman teeters on the edge of madness:

A noise gathers in my throat and finds the way out. I begin a scream that turns to howling, then turns to hoarse choking. I want to take my fists, my strong fists, my brown fists, and smash the world until it bleeds. Bleeds! And all the judges in their flapping robes, and the fathers who look for revenge, are ground, ground into dust and disappear with the wind. The word... lesbian. Lesbian. The word that makes them panic, makes them afraid, makes them destroy children.⁶⁶

Contrary to the self-mutilation and death that removal and loss bring about historically, Brant portrays Mary’s resistance to her self-erasure

⁶⁴ Ibid., 105.

⁶⁵ Ibid., 101.

⁶⁶ Ibid., 106.

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by showing her protagonist engaging in acts of destruction through which she tears down the institutions of heterosexual marriage and domesticity represented by Patricia's bedroom, an act that calls attention to the very institutions whose safe-guarding authorized Patricia's removal and justified her symbolic death in order to salvage her from her Indigenous-lesbian mother's influence.

As a narrative that engages the issue of residential school experience and its inter-generational effects for the present, "A Long Story" suggests that the justice project authorized by truth and reconciliation commissions is incomplete because such projects owe justice and narrative presence to other figures unanticipated by these commissions and unable to speak for themselves. These are the transnational communities of Indigenous women from Canada and the United States whose children were taken during the long period of forced residential-school removal. In a canny framing of the objective evidence that commissions rely on to establish their narrative truth-claims, Brant's story incorporates photographs, newspaper clippings, and non-fiction accounts of "[l]egal kidnapping"⁶⁷ to concretize her fictional point of view and to align her characters' stories with factual accounts: "About 40 Indian children took the train at this depot for the Philadelphia Indian School last Friday. They were accompanied by the government agent, and seemed a bright looking lot. From *The Northern Observer*, Massena, N.Y. July 20, 1892."⁶⁸ Brant's purpose in asserting such an alignment is twofold: on the one hand, as a storyteller she draws attention to the legal-feminist insight theorized by Anne Orford that "the commissioning of truths is one means by which institutions of transitional justice attempt to narrate or make plausible the movement from one regime to another;"⁶⁹ on the other, she fosters recognition that because "the ability to name what counts as truth is

⁶⁷ Brant introduces her story by quoting from Anna Demeter's *Legal Kidnapping: A Mother's Account of What Happens to a Family When the Father Kidnaps Two Children*: "I am only beginning to understand what it is for a mother to lose a child," (n.p.).

⁶⁸ *Ibid.*, 100.

⁶⁹ Anne Orford, "Commissioning the Truth," *Columbia Journal of Gender and Law* 15 (2006): 881.

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an effect of power,... the search for truth... signals the likelihood of injustice being done to those without such power.”⁷⁰ In calling attention to silence as a double-movement—both imposed from without through government legislation that relies on legal frameworks and adopted from within as a strategy to counter the madness associated with loss and grief—Brant’s story underscores the need for forms of redress that a) deploy language as representation to enable acts of self-inscription that widen the cultural terrain within which the “legal personality of Indigenous subjects”⁷¹ is determined by truth and reconciliation projects and b) open up a horizon for reconstituting those subjects erased from history who are unable to speak for themselves. Her narrative anticipates the double-movement of recovery that W. James Booth theorizes as “memory-justice,” a figuring of “memory in the service of justice, a giving of remembrance and dignity to those who were not granted it in their time.”⁷² This demeanor of humility toward the past achieves two goals: on the one hand, it calls into being (i.e. it portrays) “justice as the institutionalized remembrance of the past ... as a duty to the dead and as a condition of reconciliation;”⁷³ on the other, it accords presence to those lost (i.e. it proxies) “victims [who] are no longer alive to hear the response that justice offers them for their sufferings.”⁷⁴ Memory-justice keeps open a path into the past in order to prevent its narrowing, foreclosure, or erasure in the present.

By their very nature, truth commissions propose to enforce closure onto the historical past. Their function, as legal scholars contend, is to undertake a form of public inquiry that acknowledges an injustice, creates a historical record, and facilitates public

⁷⁰ Ibid., 860.

⁷¹ Mark F.N. Franke, “Self-determination Versus the Determination of Self: A Critical Reading of the Colonial Ethics Inherent to the United Nations Declaration on the Rights of Indigenous Peoples,” *Journal of Global Ethics* 3.3 (2007): 361.

⁷² W. James. Booth, “The Unforgotten: Memories of Justice,” *American Political Science Review* 95.4 (December 2001): 778.

⁷³ Ibid.

⁷⁴ Ibid., 779.

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education to prevent the injustice's recurrence.⁷⁵ As Kim Stanton argues, their practices serve as a "mechanism to address deep rifts in societies"⁷⁶ and to "promote social accountability."⁷⁷ But because truth and reconciliation commissions sidestep the question of reparation—that is, like courts, they cannot address the "totality of the harms experienced by plaintiffs"⁷⁸—they negatively raise questions about what a society can claim and envision as its social justice practices. In so doing, they limit the range of justice initiatives that communities are permitted to imagine for themselves. By so limiting, they also raise questions about the struggle over culture and its implication in social justice values.⁷⁹ The open-ended framing of truth and reconciliation commissions obscures the feminist insight that what divides communities in the struggle over culture is a conflict over "differences of ethical and political vision about what sort of political entities 'our' Nations should be."⁸⁰ Our argument is that we should not permit legal practices or truth and reconciliation commissions that function as foreclosing legal mechanisms⁸¹ to appropriate such authority or to refashion culture in the service of

⁷⁵ Kim Stanton, "Looking Forward, Looking Back: The Canadian Truth and Reconciliation Commission and the Mackenzie Valley Pipeline Inquiry," *Canadian Journal of Law and Society/Revue Canadienne Droit et Société* 27.1 (2012): 87.

⁷⁶ *Ibid.*, 96.

⁷⁷ *Ibid.*, 87, 94.

⁷⁸ *Ibid.*, 97.

⁷⁹ By culture we simply mean the hegemonic scripting of a set of social relations. See Uma Narayan, *Dislocating Cultures: Identities, Traditions, and Third World Feminism* (New York and London: Routledge, 1997), 20, 32.

⁸⁰ *Ibid.*, 32.

⁸¹ Not all truth commissions work in this way; see Corntassel and Holder, "Who's Sorry Now?" for a comparison of truth commissions in Canada, Australia, Peru, and Guatemala; and James "Uncomfortable Comparisons," for a social scientific analysis of Canada alongside Chile, South Africa, Uganda, and El Salvador, comparing truth commissions against the socio-political contexts in which they occur. In assessing Canada's TRC, Courtney Jung argues that legal mechanisms achieved two important foreclosures in denying a justice horizon to former students that could build reconciliation within Canadian society more widely: they withheld legal avenues of redress, and they insulated the government and churches from future legal scrutiny (233).

partial colonial reconciliation. Beth Brant's "A Long Story" explains why. In showing how the colonial logic of residential schooling leads to the erasure of Indigenous women's gender identity in the present, her narrative takes issue with one of the key political representational practices of transitional justice—its capacity to inscribe "the authentic face of public Aboriginality that the nation-state will accommodate."⁸² Brant's metaphor of a "blood stream"⁸³ rising and extending to the "Four directions" is thus both prophetic and disturbing: it not only calls attention to the troubling connotation of "blood money" invoked by the terms of the settlement agreement as "an attempt to buy the silence or acquiescence of victims,"⁸⁴ a connotation affirmed in the Court's language approving the Settlement Act;⁸⁵ it also conveys the implication of a powerful force sweeping aside all aspects of life and their complexities, "becoming a thing there is no name for."⁸⁶

Because truth-telling by its very act engages the paradox of representation,⁸⁷ we argue that Brant's story exceeds the "masculinist politics" that "establish the terms of reference for an official inquiry, truth commission, or ad hoc war crimes tribunal" by showing how politics are implicated in narratives in ways that not only demonstrate how political decisions "always frame the nature of the truth to be produced,"⁸⁸ but also how Indigenous women are doubly displaced in

⁸² Orford, "Commissioning the Truth," 873, citing Chandra-Shekeran.

⁸³ Brant, "A Long Story," 105.

⁸⁴ Courtney Jung, "Canada and the Legacy of the Indian Residential Schools: Transitional Justice for Indigenous Peoples in a Nontransitional Society," in *Identities in Transition: Challenges for Transitional Justice in Divided Societies*, ed. Paige Arthur (Cambridge: Cambridge University Press, 2013), 233.

⁸⁵ See the concluding paragraph by Justice Veale, which states, "To summarize, I certify the class action and approve this Settlement Agreement as fair, reasonable, and in the best interests of the class as a whole. ... [I]t is a political and legal compromise that *rewards* all survivors to some degree and pays reasonable compensation to those with claims of sexual assault, serious physical assault and serious psychological harm," para. 63, [our emphasis]. *Fontaine et al. v. Canada et al.*, 2006 YKSC 63.

⁸⁶ Brant, "A Long Story," 105.

⁸⁷ See Dawes, "Human Rights in Literary Studies."

⁸⁸ Orford, "Commissioning the Truth," 861.

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social discourse. Brant's story discloses Indigenous women confronting "penalty of choices scenarios" in which they must choose among competing harms: either they self-sacrifice to secure the safety of their children (Indigenous women in historical time), or they forfeit their children's welfare in order to preserve the safety of their personhood (Indigenous women in present time). Either option leads to a form of self-erasure in punishment or death.

In feminist-legal scholarship this idea finds expression in the work of Ayelet Shachar, who argues that the legal opposition of culture to gender for women ushers in a political impasse: individuals must accept violation of their rights in "intra-group situations as the precondition for retaining their group identities" (i.e. they must conform), or they must "forfeit their group identities" to assert their individual rights (i.e. they must exile from the group).⁸⁹ For Indigenous women, the opposition of race and gender has overlapping effects under colonial relations in ways that facilitate gender violence and social discrimination as intersecting harms. Storytellers, such as Brant, and coalition-building authors, such as Morali, draw attention to these harms in order to illustrate how Indigenous women's race and gender identities are doubly implicated in their social isolation and silencing that residential school practices both precipitated and intensified.

The ethical function for literary texts that we propose addresses these interlocking effects by opening up through cultural narratives a different understanding of our contemporary moment and its implication in the historical past. Because Brant's story focuses on the heterogeneity of Indigenous women's gender identities, historically and in the present time, it urges us toward a vision of culture theorized by Veena Das as its "double life": on the one hand, culture that is decolonizing because of "its potential to give radical recognition to the humanity of its subjects," as well as its capacity to express "passions" and "interests;" and, on the other,

⁸⁹ Ayelet Shachar, "The Puzzle of Interlocking Power Hierarchies: Sharing the Pieces of Jurisdictional Authority," *Harvard Civil Rights-Civil Liberties Law Review* 35.2 (2000), 405.

culture that is affirming because it represents a site of human interaction that expresses “ideal[s] of empowerment” freed from “unnecessarily confining premises.”⁹⁰ Culture as the form and content for the expression of these ideals of empowerment represents a transformation of its social meanings that Indigenous storytellers and feminist coalitional politics urge us to contemplate. These writers challenge the appropriation of culture through legal mechanisms. They also alter its instrumental use by revising its adoption as a form of colonial technology to provide a counter-narrative about social and historical loss and justice principles that remain to be realized.

Why is this counter-narrative in Indigenous storytelling, feminist coalitional politics, and feminist transitional justice necessary? According to Rosemary Nagy, transitional justice projects fail in addressing the needs of women. They fail, she argues, for several reasons:

- the problem of ‘truth’ is structured around extraordinary violence
- “masculinist determinations of political violence disregard and treat as ‘ordinary’ the private or intimate violence that women experience in militarized or unequal societies”
- commissions fail to reflect “the myriad of social and economic harms that are disproportionately placed upon women”
- women’s narratives show how structural violence in terms of gender is made “peripheral”
- women bear witness on behalf of missing relations as “indirect” or “secondary victims;” consequently women’s stories of violence do not fully emerge
- women are often “victim-survivors” forced to express their experiences through one-sided accounts and conventional representations as victims of sexual violence, without

⁹⁰ Veena Das, “Cultural Rights and the Definition of Community,” *The Rights of Subordinated Peoples*, eds. Oliver Mendelsohn and Upendra Baxi (Oxford: Oxford University Press, 1997), 123.

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acknowledgements that sexual violence is difficult to give public testimony about⁹¹

Feminist transitional justice scholars caution: “[t]he ends of transitional justice (peace, reconciliation, healing, national unity) require that the institutions of the state take responsibility for recording and documenting the events, causes, conditions, nature, and extent of acts of genocide and human rights violations.”⁹² We argue that if these responsibilities do not account for the complexity of Indigenous peoples’ experiences, both presently and in the past, they have little hope of addressing the justice needs of Indigenous women. We have been arguing that legal mechanisms can look to Indigenous coalitions and storytelling practices for an understanding of how to read for systemic violences against Indigenous women and thus alter the masculinist politics of these mechanisms to achieve broader remedies that end violence and reimagine social justice aims.

⁹¹ Nagy, “Transitional Justice as Global Project,” 286, 285-286, 286, 284, 286, 286.

⁹² Orford, “Commissioning the Truth,” 856.