

## PART TWO

### False Assumptions and a Failed Relationship

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### Introduction

**THE COMMISSION'S EXAMINATION** of 500 years of relations between Indigenous peoples and newcomers in the land we have come to call Canada has been cast in four stages: separate worlds, contact and co-operation, displacement and assimilation, and negotiation and renewal. We now take a closer look at the third stage, displacement and assimilation. Our focus shifts from an historical overview to an examination of certain government actions and the consequences of the balance of power shifting decisively to non-Aboriginal people. These actions were based, as we will see, on assumptions that were false.

The following chapters focus on four areas of federal policy and action: the *Indian Act*, which was and remains the legislative centrepiece of federal policy; residential schools, through which Aboriginal children were uprooted from families and traditions with the objective of assimilation into non-Aboriginal society; the relocation of entire Aboriginal communities in the name of development or administrative efficiency; and the treatment of Aboriginal veterans who served Canada in wartime but were the victims of governmental neglect in the peace that followed.

Aboriginal people see evidence of profound injustice in many aspects of government policy. We selected these four areas for scrutiny because Aboriginal people have said they were among the most unjust policies imposed on them and that those injustices, while rooted in history, have effects that continue to this day. They were not the only policies that demonstrated false assumptions and abuse of power. The federal government's approach to the Métis people, examined in Volume 4,

Chapter 5, as well as many of the social and economic policies analyzed in Volume 3, show similar characteristics.

We believe it is crucial for Canadians to understand what happened during this extended period of our history — not in some abstract or theoretical way, but in terms of how average Canadians would feel and react had they been treated in a similar way. Canadians will then recognize the inequities perpetrated in their name and agreed to by electorates throughout the decades. The punishing effects linger today in consciousness and the daily lives of Aboriginal people.

In this part we examine the false assumptions, the ingrained views based on ignorance or prejudice, that lay behind the policies examined here. We also draw attention to the abuse of power that took place — not just periodic unfairness, but excessive and systematic political dominance, reflected in both the processes and the outcomes of governance. Each chapter tells its own story. Each should be understood on its own terms, but also in relation to the cumulative impact of the policies described. This larger pattern is most important.

In drawing out the false assumptions and abuses of power that characterized the displacement and assimilation stage of relations, we recognize that causal relationships are complex. Stereotypes are shaped by the times in which they appear. In Chapter 6 we described the shift in political, economic and social conditions that brought the period of contact and co-operation to a conclusion. It was under these conditions that the false assumptions flourished and became incorporated into the public policies of the time. The links between false assumptions and the abuse of power are equally complex. In one sense, the former are the cause and the latter the effect. Once the cycle has begun, however, cause and effect can be, and often are, interactive; abuse of power produces new ideas that are false. Both simple and complex links are evident in the discussion that follows.

## **1. False Assumptions**

Four false assumptions are starkly revealed by the policies examined in this part:

1. The first held Aboriginal people to be inherently inferior and incapable of governing themselves.
2. The second was that treaties and other agreements were, by and large, not covenants of trust and obligation but devices of statecraft, less expensive and more acceptable than armed conflict. Treaties were seen as a form of bureaucratic memorandum of understanding, to be acknowledged formally but ignored frequently. All four areas of policy or action ran roughshod over treaty obligations.
3. The third false assumption was that wardship was appropriate for Aboriginal peoples, so that actions deemed to be for their benefit could be taken without their consent or their involvement in design or implementation.
4. The fourth was that concepts of development, whether for the individual or the community, could be defined by non-Aboriginal values alone. This assumption held whether progress was seen as Aboriginal people being civilized and assimilated or, in later times, as resource development and environmental exploitation.

The fact that many of these notions are no longer formally acknowledged does not lessen their contemporary influence. As we will see, they still significantly underpin the institutions that drive and constrain the federal Aboriginal policy process.

## **2. The Abuse of Power**

The starting point that set the context for later abuses of power was the inherent ineffectiveness of the democratic political relationship as seen by Aboriginal peoples. There has been a profound absence of representation for Aboriginal peoples in Canadian democratic institutions. But more important, such representation, when cast in terms of conventional Canadian democracy, is itself regarded as illegitimate. Aboriginal peoples seek nation-to-nation political relations, and these cannot be achieved simply by representation in Canadian political institutions.

The evidence of a lack of representation in traditional Canadian democratic

processes is not hard to find. First Nations people did not have the right to vote in federal elections until 1960, though some other Aboriginal people had the right earlier. Even after the right to vote was won, the geographic dispersal of Aboriginal people — still a small minority within federal and provincial electoral constituencies — meant that political representation and leverage have been severely limited. Since Confederation, only 13 of the approximately 11,000 seats available in the House of Commons have been occupied by Aboriginal people.

Several other factors also undermined Aboriginal peoples' exercise of political authority: the highly truncated authority Aboriginal governments exercise under the *Indian Act*; the absence until relatively recently of viable national political organizations through which their views can be represented on the national scene; limited access to national political parties; and a highly dispersed and complex bureaucracy, allowing government departments to deflect blame and postpone action.

The false assumptions, operating in the context of an ineffective political relationship — and one seen as illegitimate by Aboriginal people — contributed to abuse of power. Even in the context of the more limited political freedom of the decades in which those assumptions gained ascendancy, that abuse would never have been tolerated had it been imposed on the majority population of the day. Its expression was often more subtle than the exercise of raw power. But viewed cumulatively, what emerged was an abuse of power that was systemic and excessive.

The first attribute of the abuse of power is the raw intrusiveness of the instruments of policy used by the state in Aboriginal matters. These policy instruments did not seek only to influence or guide, as is the case in many other areas of public policy; rather, they invaded Aboriginal peoples' lands, traditions, lives, families and homes, with a cradle-to-grave pervasiveness that other Canadians would have found utterly intolerable if applied to them. The *Indian Act* was the battering ram but, as the following chapters show, it was far from being the sole instrument of invasion.

A second attribute of the abuse of power is the unimpeded exercise of bureaucratic authority and its accompanying institutional inertia. Supposedly guided by overall ministerial direction, but often administered in punitive fashion far from public scrutiny, the departments charged with

responsibility for Indian affairs often displayed unconscionable use of bureaucratic power. For Aboriginal people, no amount of recent administrative delegation can offset the effects of tens of thousands of adverse bureaucratic decisions by officials who exercised complete authority over the minutiae of their daily lives over the decades.

Moreover, the more intrusive the agencies and instruments of policy were, the harder they were to unravel and change. The exercise of unbridled authority leads inevitably to resistance to change and to a perverse inertia, which also sets in among Aboriginal people themselves. The status quo represented by the Department of Indian Affairs and Northern Development and the *Indian Act* is opposed and even detested. But in the absence of any fundamental trust that their interests will be safeguarded, many Aboriginal people express great fear of change.

### **3. The Four Policies in Brief**

Before examining the policies in detail, we provide a brief overview of how false assumptions and abuses of power permeated the implementation of Aboriginal policy.

We begin with an account of the *Indian Act* in Chapter 9. Passed in 1876 under Parliament's constitutional authority for "Indians, and Lands reserved for the Indians," the legislation intruded massively on the lives and cultures of status Indian people. Though amended repeatedly, the act's fundamental provisions have scarcely changed. They give the state powers that range from defining how one is born or naturalized into 'Indian' status to administering the estate of an Indian person after death. Conceived under the nineteenth century's assumptions about inferiority and incapacity and an assimilationist approach to the 'Indian question', the *Indian Act* produced gross disparities in legal rights. It subjected status Indians to prohibitions and penalties that would have been ruled illegal and unconstitutional if applied to other Canadians.

This account also demonstrates how public discussion — as recent as the debates of the last decade about Aboriginal self-government — has reflected and continues to reflect the abiding prejudices of earlier eras. The *Indian Act* still holds a symbolic but powerful grip on the thinking of Canadians.

Perhaps less well appreciated is the way the *Indian Act*, because of its separation of status and non-status Indians, has influenced how national Aboriginal political organizations are structured. The legislation helped institutionalize divisions between Aboriginal political organizations. This is not to suggest that Aboriginal peoples do not have divisions and differences of their own. However, the *Indian Act* legislated key divisions and helped create Aboriginal political structures that made divide-and-conquer politics an easier game to play.

Second, we examine the residential school policy. Of all the nineteenth-century policies formulated to respond to the Indian question, none was more obviously the creature of that era's paternalistic attitudes and its stern assimilative determination than residential school education, the subject of Chapter 10. Adapted in part from models of industrial schools in the United States in the 1880s, the policy initially established boarding schools to teach the arts, crafts and industrial skills. But more important for policy makers of the day, the schools would remove Aboriginal children from their families and cultures and expose them continuously to more 'civilizing' influences. The residential schools policy was applied to the children of Aboriginal people — Indian, Inuit and Métis.

The residential schools policy was constructed on the false assumptions of its day, overlaid with Christian duty. While the civilizing assumptions reflected a state-led policy, its determined implementation rested on an entrenched church/government partnership. Thousands of Aboriginal children were removed from their homes and communities and placed in the care of strangers, whose appointed duty was, in effect, to separate them from their traditional cultures and to 'civilize' them in the ways of the dominant European, Christian society.

Residential school policy was strongly opposed by Aboriginal people. Despite the opposition, and evidence of abusive situations, nothing changed for decades. The damage to thousands of Aboriginal people, once children and now adults, continues to the present day. Bad policies always claim victims. But the effects of bad education policies seep through the decades, from child to parent to family to community, and from one generation to those that follow.

Third, the study of relocations in Chapter 11 reflects quintessentially the assumption that government had the right to act unilaterally on behalf of Aboriginal people without the opportunity for their fully informed participation. Relocations were a widespread practice. They were not rare events to be forgotten in the recesses of collective political memory. The rationales varied: the need to disperse Aboriginal people back to the land or to alleviate population or economic scarcity problems; the desire to centralize or to facilitate less expensive program delivery; and the intention to proceed with natural resource and other forms of economic development.

The rationales varied, but all were influenced by the view that Aboriginal people were unsophisticated and incapable of making their own choices. Moreover, the manner of relocating Aboriginal people — apparently without meaningful consultation or involvement or their free and informed consent, and often at very short notice — suggests that normal democratic rights and processes simply did not apply. Aboriginal people were moved, not because they wanted to be moved, but because they were, in raw political terms, moveable.

The Commission's research shows that the effects of relocations are felt today in significant ways. Many thousands of people were moved, their economic self-sufficiency was often weakened or destroyed, and their adverse health conditions were made worse. Aboriginal political leadership and structures collapsed in the inevitable malaise, not of their own making, that followed.

The chain formed by the linked policies examined in Chapters 9, 10, and 11 must be emphasized from the outset. The *Indian Act* and its incredible intrusiveness made policies on residential schools and relocations easier to implement — indeed, perhaps almost inevitable.

Fourth, the chapter on Aboriginal veterans (Chapter 12) demonstrates the pervasiveness of the wardship approach. Many Aboriginal peoples had a history, before the nineteenth century, of military and related alliances with European nations. As we saw in Part One of this volume, these alliances entailed reciprocal duties and obligations, delineated and confirmed through spiritual as well as temporal ceremonies.

Despite subsequent ill-treatment, many Aboriginal people maintained their sense of allegiance to the Crown and volunteered for Canada's armed forces in large numbers in both world wars. Hundreds lost their lives. Although accepted as full citizens while on military duty, returning Aboriginal veterans were treated unfairly after both world wars. They were denied equivalent recognition and many of the benefits their non-Aboriginal comrades enjoyed.

## 4. New False Assumptions

The four false assumptions may well be officially disavowed now, but this does not end the capacity of political institutions to devise new ones.

One such modern variant, evident in the more complex politics of the last three decades and very much current today, is that Aboriginal peoples constitute an interest group, one among many in a pluralistic society. They, along with the labour movement, the agricultural lobby, or any other interest group are to be listened to respectfully, but their demands are subject to the political agenda and trade-offs of the day. They are not seen as having legitimate political authority, as being nations entitled to treatment as nations.<sup>1</sup>

Before the 1950s and '60s, Aboriginal people were not even dignified with the label interest group. They were treated as an object of policy paternalism and wardship. Without the vote, First Nations people could easily be dismissed as politically irrelevant. National political parties, also a key conduit of interest group demands, were hardly hospitable.

Moreover, Aboriginal people had only the beginnings of viable national political organizations. Even when they did form such organizations, governments did not consult them adequately, much less listen to them.<sup>2</sup> In addition, as we have seen, the very structure of some of those organizations was flawed because of *Indian Act* provisions.

The Commission's research shows that the overall policy process with respect to Aboriginal peoples has improved somewhat in the last decade.<sup>3</sup> However, it has been a decade of small gains in the normal (non-constitutional) policy process set against a 200-year history of losses.



Moreover, if pluralism has brought a somewhat greater measure of benefit for Aboriginal people, pluralism alone cannot deliver what is being sought. Aboriginal peoples seek a recognition of their rights as peoples.

This brief overview suggests only an intimation of what Commissioners see as crucial lessons to be drawn from a sad policy history told in four parts. Some important recommendations are made in each area, either in this or subsequent volumes, but in general, these chapters are concerned with overall lessons that Canadians — not just their governments — need to make their own.

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## **Notes:**

**1** G. Bruce Doern, “The Politics of Slow Progress: Federal Aboriginal Policy Processes”, research study prepared for the Royal Commission on Aboriginal Peoples [RCAP] (1994), chapters 2 and 6. For information about research studies prepared for RCAP, see *A Note About Sources* at the beginning of this volume.

**2** Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-79* (Toronto: University of Toronto Press, 1981).

**3** See Doern, “The Politics of Slow Progress” (cited in note 1), chapter 7.