

Concept Paper

“Now Is the Time to Start Reconciliation, and We Are the People to Do So”, Walking the Path of an Anti-Racist White Ally

Margot Hurlbert 

Johnson-Shoyama Graduate School of Public Policy, University of Regina, Regina, SK S4S 4V5, Canada;
margot.hurlbert@uregina.ca

Abstract: Media accounts of hundreds of unmarked graves of children at the sites of residential schools in Canada in 2021 is one more urgent call for all Canadians to start walking the path for reconciliation, decolonization, and anti-racism. In this exploratory reflection utilizing hermeneutical phenomenology, my journey to reconciliation is described. Through a review of Indigenous law and sovereignty, Canadian numbered treaties, and residential schools, this article explores justice, discovering the truth, and advancing reconciliation. In order to achieve justice, first ethnocentrism, or our evaluation of Indigenous cultures according to our preconceived preference for our own standards and customs, must be recognized, exposed, and set aside. Without our own ethnocentric attachment, and consequently with an open mind, we can hear the truth of Indigenous peoples and internalize it. Examples include the truth of the treaties and residential schools. The reconciliation path entails pursuing justice; this includes recognizing both Indigenous sovereignty and Indigenous law. This path doesn't 'restore' relations historically, but does build reconciliation for the future. However, the process will not be comfortable. The reward will be a more equitable and inclusive society.

Keywords: reconciliation; anti-racism; anti-racist ally



Citation: Hurlbert, M. “Now Is the Time to Start Reconciliation, and We Are the People to Do So”, Walking the Path of an Anti-Racist White Ally. *Societies* **2022**, *12*, 31. <https://doi.org/10.3390/soc12020031>

Academic Editor: Gregor Wolbring

Received: 1 December 2021

Accepted: 21 February 2022

Published: 23 February 2022

Publisher's Note: MDPI stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



Copyright: © 2022 by the author. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

1. Introduction

All Canadians have a role in the process of reconciliation. Perhaps there are greater and lesser roles, but each of us have a part to play. It is my hope that advancing anti-racism and supporting equity and justice as a white woman in Canada contributes to reconciliation. This paper explores my personal, never-ending, decolonization story. It is an exploratory reflection utilizing hermeneutical phenomenology through which I create a framework of justice and truth for reconciliation. This conceptual paper briefly outlines my method, explores in the 'Results' section my conception of justice and truth in relation to Canadian Indigenous peoples, and describes what reconciliation is not, and what my envisioned pathway forward is.

My journey has been, and continues to be in learning, reflecting, hearing, and challenging colonization and racism, and being a supporter and ally, whenever and wherever possible. Joining together with Indigenous voices and actions, learning and practicing Indigenous customs and traditions with Indigenous people, and ensuring Indigenous voices are heard are fundamental ally activities. This paper is an exploratory reflection as a white settler on my privilege, by interrogating and considering justice and its practices, and walking the path advancing reconciliation.

As a policy scholar, my actions as an ally are also meant to support Canadian Indigenous policy objectives. One of the guiding principles of the Calls to Action of the Truth and Reconciliation Report (issued in 2015) is the requirement for constructive action to address the ongoing legacies of colonialism that have had destructive impacts on all aspects of Indigenous peoples' lives including their cultures, languages, education, health, justice, and economic opportunities and prosperity; reconciliation is defined as “an ongoing process of establishing and maintaining respectful relationships” [1], p. 16. This is followed by a call

to create a more equitable and inclusive society in order to close the gap in social, health, and economic outcomes between Indigenous and non-Indigenous peoples. While 80% of the 94 Calls to Action are now completed or well underway, many Indigenous people feel action has been too slow.

After the report of the Truth and Reconciliation Commission (TRC, Winnipeg, MB, Canada), I searched for the same understanding of my part in acknowledging and enhancing the change called for by the Commission: pursuing reconciliation. The TRC's report [1] is only one starting point. There is an evolving, diverse Indigenous conversation occurring in Canada, reflecting the dynamic process of reconciliation, healing, and justice between Indigenous peoples and Canada. It is not unitary, it is not static, and it is not for me, or Canada, to determine, but instead to only listen to and support Indigenous people. As advocates of justice and in order to be a white ally, hearing these voices and engaging in an ethical practice that includes truth and justice, will allow us to find where we fit into the interconnected web of reconciliation. This paper details my forty-year practice of justice (first as a lawyer and later as an academic). Through this reflection, and as a consequence of it, I build a conception of Canadian–Indigenous reconciliation.

2. Materials and Methods

This paper is an exploratory reflection utilizing hermeneutical phenomenology as well as textual decentering; with this method, I focus on my subjective lived experience and meaning making in regards to Indigenous people in Canada [2]. I specifically consider the texts of Canadian law, the Canadian number treaties, and documents surrounding residential schools. This method's strength is that it allows for deep introspection and reflection, unavailable in other methods. The limitation of this method is its bias; it is personal, and as such can only be replicated by another's choice.

In my journey to advance constructive actions addressing the legacies of colonialism and creating a more equitable and inclusive society, I attempt to set aside my ethno-centrism and pre-understanding of normative Canadian legal truth in relation to our legal and justice system, and problematize this system in a praxis of post-colonialism [3]. Ethnocentrism fuels our evaluation of Indigenous cultures according to our pre-conceived preference for our own standards and customs. As a result, in order to 'set ethnocentrism aside,' first it must be recognized and exposed. This act then allows us to hear Indigenous people's voices. After this, in order to walk the path as an ally, I explore conceptions of justice, truth, and reconciliation. I chose this order because it reflects my personal journey of reflection as a lawyer with pursuing what is and should be 'justice,' which then led to my struggle with the 'truth' (and specifically whose truth?), and lastly, what reconciliation is and what I can do to advance it.

A foundational journey is first pursuing justice reflexively, the meaning of justice, and then embracing truth, which can only occur through active listening. Although there are many substantive matters that require active listening to hear Indigenous truth, in this reflective journey I consider treaties and the residential school system. I choose these examples as they have had the most impact on me personally. The section ends with two observations concerning reconciliation: it is not simply 'restoring' relations to a previous time or place, nor is it necessarily comfortable.

3. Results

3.1. Justice

My path to reconciliation will be explored first through the active pursuit of justice. First, I recognize and explain the importance of ethnocentrism; this is a prerequisite to the following overview of Indigenous law and Indigenous sovereignty and is required for achieving justice.

For me, the study and advancement of justice has always started as an internal process. As a lawyer, this is my passion and was the starting point of my journey. First, recognizing and deeply questioning our own ethnocentrism on a continuing basis is required. For

example, I continuously reconsider my preference for a materialistic lifestyle, an urban living environment, and a Eurocentric educational system. Second, it is necessary to consider the many sides of issues and recognizing that majority opinions on issues may not be the same as ‘justice.’ For example, my practice in law taught me that when receiving a court’s ultimate decision, people involved in court disputes rarely believe they have achieved justice. Criminal and civil legal disputes are premised on deep disagreements between parties that engender the expense of lawyers, the goal of legal redemption in court, and generally inflexible ‘win-win’ strategies. This legal mindset prevents compromise, restitution, or restoration of relationships [4]. After years in court, even favorable decisions are mired in delay and cost, and does not leave any participants feeling particularly victorious. For this reason, I reconsidered my career of justice, leaving 18 years of practicing law, and moved into academia in 2005. Free of the constraints of a Eurocentric court system determining ‘justice’, in academia I could write about, study, and explore justice.

3.1.1. Acknowledge Ethnocentrism and Practice De-Colonization

The first requirement of understanding and advancing ‘justice’ is recognizing our own ethnocentrism, or our preference for practices and values that reflect the dominant culture and our own culture, in that order. Recognizing the confines of our values, norms, experiences, and perspectives and understanding how normative our thinking is and the confines of our own values, norms, experiences, and perspectives are preconditions for pursuing and advancing justice [4]. Setting aside our ethnocentrism allows us to critique how inclusive, equitable, and accepting our Canadian institutions really are. With our pre-conceived favoritism towards all things which reflect our perceptions of Canadian culture, we can make space to listen to Indigenous people and learn about Indigenous sovereignty and Indigenous law.

As a practicing lawyer, one of my first encounters with my ethnocentrism was studying for my Masters of Constitutional Law, wherein I considered Indigenous claims of Sovereignty and the recognition of inherent Indigenous law. While my traditional law degree obtained in the 1980s and legal practice had always recognized the supremacy of Canadian law, steeped in British constitutional and common law, my thinking of what exactly was Canadian law expanded. For me, Canadian law now includes Indigenous sovereignty and inherent Indigenous law, which I explain below.

3.1.2. Justice Is Indigenous Sovereignty

Indigenous sovereignty is Indigenous identity as nations, communities, and individuals, and the inherent power or natural right to define, perpetuate, and sustain these identities is a political, legal, and human right [5]. The natural expression of sovereignty is self-determination, which in Canada is often expressed as self-government [5]. In Canada, self-government at the community level, as well as the power to generate Indigenous law, an inherent Indigenous right, is protected by section 35 of the Constitution Act, 1982 recognized in *Tsilhqot’in Nation v. British Columbia* [6]. It is also embedded in the Indian Act with election codes (s. 74 Indian Act). Although pre-existing, Indigenous rights were formally recognized in Canada’s constitution in 1982 and subsequent court decisions (especially the Supreme Court of Canada) and legal scholarship have considerably advanced in the past few decades [7,8]. Although historically interpreted narrowly, increasingly case law has expanded Indigenous rights to include self-determination. The recognition of Indigenous peoplehood has been centered in the developing international law of self-determination; for Indigenous people self-determination has been choosing how they relate to the settler colonial state and economy. Linked to sovereignty, self-determination means Indigenous people are able to make their own decisions [9] and own governance.

Indigenous groups are rebuilding traditional systems of governance characterized by key roles for spirituality, community, and tradition which increase citizen participation and Nation building. The 1973 *Calder* court case recognized Indigenous titles and prompted the negotiation of modern treaties, including the Nisga’a Treaty of 2000 [10]. Currently

there are 25 self-government agreements that grant law-making powers in key policy areas, with another 50 in the process of negotiation [11]. Generally, these agreements grant self-government for a territory that jurisdictionally gains autonomy [12]. In the UNDRIP, self-determination focuses on collective rights, social security, and the political and economic rights of Indigenous people, not just in respect to territorial succession [13].

The path for transformation through sovereignty and self-determination is neither clear nor easy. For example, a current conflict over a natural gas pipeline, the Coastal Gaslink pipeline, in British Columbia (B.C.) in Wet'suwet'en unceded territory is illustrative. The Wet'suwet'en were parties in the Delgamuukw decision recognizing unceded territories and Indigenous titles, issues which still have not been resolved with the federal government. Proposed to run from Dawson Creek, B.C. through Wet'suwet'en territory to Kitimat on the coast of B.C., 20 elected First Nation councils (pursuant to the *Indian Act*, R.S.C., 1985, c. I-5.) have signed benefit agreements, but traditional hereditary Chiefs and Indigenous groups across Canada have protested in demonstrations and blockades [14]. Matrilineal traditional Chiefs have since been stripped of their title (although this is in dispute) [14].

3.1.3. Justice Recognizes Indigenous Law

For many Indigenous people in Canada, Indigenous laws and legal orders are the law and have been since time immemorial [15–17]. Some examples and specifics of these laws include the property and sovereignty laws discussed below. For jurisprudential scholars, and those for whom there is only one official version of the law, laws require recognition by courts and legislatures. However, for legal pluralists, a 'living law' or the set of rules that are actually followed by individuals in social life is recognized, which may be very different than the official version of the law [4]. For example, in reconciling water interests in times of drought in the prairie provinces, priority practices diverge from legal water rights [18]. This living law is important in conceptualizing the multiple levels of legal governance existing in a country like Canada, and also for advancing legal reform that recognizes and empowers Indigenous people, as well as their law and customs. In 2019 Miller wrote of experiencing 'shock' when attending law school and learning of the European 'doctrine of discovery' (which was at one time law in Canada), whereby the state owned all land legally vacant upon discovery (because in European law, Indigenous people were not recognized as occupants) [16]. Now the doctrine of discovery has long since been set aside and Indigenous laws recognized, through the advocacy of Indigenous peoples and lawyers [15,19,20].

Legal pluralism recognizes more than one legal system in the same social field [21], such as the concurrent recognition of the federal, state, or provincial and local or municipal law; while each has a separate jurisdiction (although local or municipal systems derive authority from the province) in matters of land, property, or water, each jurisdiction plays a role [22]. Similarly, formal state-run systems of courts and judges co-exist with normative orders established by social rules of groups and communities [21]. In Canada this is reflected by the Canadian civil and common law system whereby French civil and English common law co-exist in Quebec. This precedent exists and allows space for Indigenous culturally specific values, norms, and laws to also exist [15]. For Indigenous scholars, and for me personally, Indigenous laws move beyond pluralism to parallel expressions of self-determination, overlapping with often incommensurable claims to those of the Canadian State [23]. In the words of James Sakej Youngblood Henderson [24]:

The task of Indigenous peoples is to encourage diversity as the prime assumption of legal systems, and to resist any false universality, despite the consequences of existing legal theory (49).

In Australia, Indigenous law includes customary law, government law that specifically and only affects Indigenous people and the relationship between Indigenous people, and customary law and the general common and statute law of Australia [25] (University of Melbourne, 2021). However, in Canada, Indigenous law is defined narrowly as "a source of law apart from the common and civil legal traditions in Canada" [26] (White

2021) or Indigenous people's own legal systems. However, for the purpose of this paper, because Indigenous law and Indigenous onto-epistemologies are the foci for agency and reimagining law, this narrow definition of exclusion is not used, and one more akin to the Australian conception used in this paper. Instead of the narrow Canadian definition, a vision of Indigenous law that is 'braided' is my preference:

The braiding of Indigenous law with international and national law is thus a unique undertaking that helps us to reconceive the very idea of law. As suggested, Indigenous Peoples' law questions the claims of both international and national laws to universality and supremacy. Law can be multidirectional in sources and applications. It might be created by clans, flow from experiences with glaciers or rivers, or be sourced in custom and grassroots practices, as well as being created by legislatures, courts and executive authorities [27].

3.2. Truth

Special regard for the perspectives of the marginalized, poor, and Indigenous people are required as these are often not heard in the legal system and in other systems including education. Recognition of Indigenous peoples' perspectives on the Treaty is central. After an 18-year legal practice, moving from court-decreed and statute law to a living law has been a reflexive journey. After law school and legal practice, I continued to read and interpret numbered Canadian treaties based on traditional contract law and common law interpretations. The practice of law, and my providing a 'legal' opinion would require this, but listening to and hearing Indigenous peoples gives rise to a different 'truth'.

3.2.1. The Treaties

My treaty journey started several years ago, when the Saskatchewan Treaty Commissioner created an education package for Saskatchewan residents based on the understanding that "We are all Treaty People." This is true for all people living where treaties exist (which covers most of Canada with numbered treaties, B.C. with several modern treaties, and the North). For me, this phrase reconfirmed the part I play as a descendent of white European settlers in continuing the knowledge, traditions, respect, and relations of the treaties. However, my knowledge and understanding of the treaties changed over time by deep listening to Indigenous peoples' knowledge and understanding of the treaties.

While completing my Master's in Constitutional Law, I learned about treaties and about the special relation of Indigenous peoples within Canada because of the Royal Proclamation of 1763. However, my learning was overshadowed by my other learning of law and the power of the written word and rules of contract law (laws of agreement between people). Even after law school, my legal training and work as a lawyer required that my legal 'opinions' be grounded in the written word and analysis including our Constitution, governments' statutes, and written court decisions of judges. My legal advice and personal thinking of any legal issue continuously existed within the logic of how a court of law would resolve the legal issue. In this realm, the written word and its plain meaning reigned supreme. As an example, the provision of a 'medicine bundle' in a treaty would be literally interpreted in Eurocentric law as a medicine bundle (perhaps a first aid kit) and not the Indigenous interpretation of access to the State health care system.

After leaving the practice of law, I learned that from an Indigenous perspective, a treaty evolves through continuous discussion, a process of verbal clarification, until a common understanding is arrived at [28]. Oral traditions of the spoken word and oral history is as important and binding as the written word [28]. The recollection of a treaty is a collective memory, not an 'individual' one [29]. All of these practices and traditions are different from the legal rules learned in law school. However, when considering the treaty's relation and historical agreement they cannot be dismissed.

Where I was born, in the lands of Treaty Six, the treaty document is in standard legalese, but the discussions centered on the elimination of the Buffalo, the starvation, disease, and poverty of Indigenous peoples, peace between nations, and the increasing numbers of

white people arriving [29]. There is no mention of land surrender in the recorded speeches at the time of treaty making and there are no words in Cree for the English terms of cede, surrender, or release [28]. In fact, Pound Maker is recorded as stating that the land could not be cut off and taken [30]. This statement is consistent with Indigenous perspectives on kinship and land use (not ownership) [31].

3.2.2. Residential Schools

Destroying or permanently crippling a human group is considered genocide by law [32]. Specific acts of forcibly transferring children of one group to another group also qualifies in international law [33]. In Canada, residential schools were created in the late 19th Century, continuing until 1996 with the colonial purpose of ‘preparing Indians for a life without Indian-ness’ [29], p. 102. John A. MacDonald, then Prime Minister of Canada, made a speech in the House of Commons in 1883 outlining why Indigenous children had to leave their homes and enter a residential school, as the child would otherwise be surrounded by ‘savages’ and would simply be a savage who could read and write, and it was necessary to withdraw children from parental influence in central training industrial schools to acquire “the habits and modes of thought of white men” [34], p. 1108. These colonizing and hurtful statements leave no doubt as to the genocidal goals of residential school laws and policy.

While the discovery of 182 unmarked graves at a former residential school in British Columbia and 751 unmarked graves in Cowesses First Nation in Saskatchewan [35] brought global attention to the atrocities committed in residential schools in Canada, Indigenous peoples have always known these circumstances. The Principal Sinclair of the Regina Indian Industrial School (Regina, Saskatchewan) believed that parents were reluctant to send their children to the school due to death and illness, and in fact between 1891 and 1910, 20% of RIIS student that were enrolled died [36]. Reverend W.S. Moore noted that when he served at Muscowpetung near Fort Qu’Appelle, 17 of 20 children that he sent to the RIIS died at the school or left in a dying condition, and also cited reports of children being abused [36], p. 79.

3.3. Reconciliation

Now, in the 21st century, it is impossible to restore Canada to a previous era. In order to achieve restoration, all people affected must participate in a healing process with an open mind and an open heart. Perhaps it is not so much restoring as it is creating balance and justice in Indigenous–Canadian relations? I spend a lot of time reflecting on what I can do to advance the truth, reconciliation, and healing. A good starting point is to do our utmost to listen and to really hear the experiences and legal thoughts of Indigenous peoples. Attending Indigenous events when invited, including cultural days, pow wows, ceremonies, and residential school memorials, are examples. Reading the TRC report is one starting point in the journey. Reviewing these truths and really hearing them involves invoking an ethical practice. Ethical practice requires, in large part, listening and setting aside judgement, pre-conceived biases and potential ethnocentrism. In order to do this, people continuously revisit the report’s Calls to Action, formally incorporating this practice in their activities including board meetings, setting the educational curriculum and syllabi, and setting conference or workshop agendas.

3.3.1. Reconciliation Is Not Restorative Justice

Making sure I do not advance stereotypes and further misunderstanding is important. It is critical not to conflate Indigenous law and reconciliation with restorative justice. There are some restorative justice characteristics that reflect community justice, which will be discussed. However, reconciliation is much more than that.

Fundamentally, the practice of restorative justice is carried out within the community, by the community, and specifically by those people impacted by disagreements, conflicts, and harms. So, while people practicing restorative justice essentially take back the ‘practice’

of justice from structures that have excluded them (the law profession, the police, the courts [37]), so too do Indigenous people practicing Indigenous justice practices (see Section 3.1). People practicing restorative justice are reclaiming conflict and its resolution, just as Indigenous people practicing Indigenous justice are reclaiming conflict from colonial state institutions and reclaiming Indigenous law and justice.

While restorative justice in mainstream Canadian institutions emerged as an appendix to the criminal justice system [38], it has evolved as a term that is interchangeable with community justice, peacemaking, or collaborative problem solving; restorative justice requires conflict to be embraced without delegating to professionals, the government, and the police; that social problems be recognized and interpersonal problems be situated within this broader context, that individuals participate actively in the resolution of conflict, and that no harm should be done to the most powerless and that the most powerless be protected [4]. Most importantly, restorative justice is about relationship building and collaborative problem solving [4].

Indigenous justice has been practiced well before Canadian restorative justice. Elder Phil Gatensby [39] describes transformational practices designed in the community that create the opportunity for participants to understand the world around them and themselves better. These practices seek to uncover resources that lie within each of us, to build an awareness of power and how to harness it to address imbalances that challenge human beings every day. In Hollow Water Manitoba, communities find their own solutions to problems, and through the process, community members recognize how they have drifted out of balance and are challenged to work towards balance that grows from their Indigenous traditions [40]. Through Gatensby's work, academic reconciliation work is enriched and Indigenous communities have been enriched.

3.3.2. Reconciliation Is Not Comfortable

Advancing reconciliation as an ally entails confronting colonialism, often re-learning Canada's history, and listening to and supporting Indigenous peoples. For many, confronting colonialism today is uncomfortable as it disrupts our patriotism and pride in being Canadian in order to recognize that our Canadian institutions are products of, and perpetuate, colonial structures. Critically assessing and acknowledging current racist practices is difficult because it involves rethinking practices that we have taken part in and are part of, that we believe are just.

Re-learning Canada's history is also difficult. Most recently, in many communities across Canada, statues of John A. McDonald have been removed, but not without discussion. For some, the reigning Prime Minister when Canada formed as a nation garners recognition and respect, and they find it difficult to reject this figure totally given his role in creating residential schools (see Section 3.1). However, for residential school survivors and their descendants, seeing this figure elevated in status and commemorated in public places with a statue is re-traumatizing. Being an ally involves interrogating oneself and being true to one's own complicity in colonial and racialized structures, that as a white woman I benefit from, even though I do not intend to. Being an ally requires listening to, acknowledging, respecting, and supporting the wishes of Indigenous people. It also includes breaking the stereotypes and shattering the barriers that exist in our Canadian Institutions, and being open and accepting of Indigenous people. Removing a historical statue is a small gesture in our journey of reconciliation.

4. Walking the Path

I believe the path to reconciliation will entail significant transformative change. Indigenous peoples will need to be in the driving seat to determine what and where this path is leading—with support from allies where possible. This paper is a starting point in identifying how a white settler woman can reflect on reconciliation and what a white settler woman can do. I am a supporter, an ally, walking beside people on this path—not standing in front or hiding behind—I am a part of the cheering crowd on the sidelines.

One day, Canada may achieve formal justice. This will be a world without oppression and discrimination; a world where everyone has the same opportunities and life chances. In this world, Indigenous peoples and visible minorities will not be over-incarcerated and under-represented in our most rewarding occupations. Indigenous sovereignty and Indigenous law are part of this imaginary future.

Although my role and responsibility of being an ally for Indigenous reconciliation is not always clear (given that Indigenous People are the leaders), I do know that for me, reconciliation will not be ‘restoring’ a relationship and nor will it necessarily be ‘comfortable.’ The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) [38] offers such a legal avenue (so I acknowledge that sometimes advancing rights through court processes are necessary to achieve reconciliation).

UNDRIP [41] is advancing international Indigenous law and rights. UNDRIP introduced the Right to Free, Prior, and Informed Consent (FPIC) for Indigenous Peoples, with Canada becoming a signatory in 2016. In UNDRIP, duties of ‘consultation’ are raised to requirements of ‘consent.’ Article 32.1 states that FPIC is to be obtained prior to the approval of any project affecting Indigenous lands or territories in connection with the development, utilization, or exploitation of minerals, water, or other resources [42–44]. UNDRIP moves beyond the conception of the State granting and distributing rights to people in a Rawlsian distributivist conception of justice (with the state as an arbitrator of conflict and protector of individual rights) and embraces recognition justice [45]. Recognition is key in engaging with the ‘other’ when two groups with fundamentally different ontological positions, aims, and goals exist [46]. Recognition, in accordance with Indigenous law, does not aim to overcome each other’s position, but the recognition of and respect for difference, leading to more meaningful engagement and justice [47], applying the *Sui Generis* principles of parallelism. UNDRIP opens a window for advancing parallelism and honoring the traditions of Indigenous law in imagining a path forward for Earth system law.

5. Conclusions

The path to reconciliation entails significant justice. However, it is for Indigenous peoples to determine their part in this path for themselves—with support from allies where possible. This paper is a starting point in identifying what a white settler woman can do in the supporting role of ally. This paper is a conceptual paper based on my forty-year legal and academic practice of justice. Through exploratory reflection utilizing hermeneutical phenomenology, I set the foundation of truth in relation to numbered Canadian treaties and residential schools in Canada. By hearing the truth, the path for achieving Indigenous law and sovereignty is advanced towards finally achieving reconciliation, although it may not be comfortable or a restoration to prior times.

Acting as an ally, I support Indigenous people and their journey. One day, Canada may achieve reconciliation and formal justice. This will be a world without oppression and discrimination; a world where everyone has the same opportunities and life chances. In this world, Indigenous peoples will not be over-incarcerated and under-represented in our most rewarding occupations. This path will not be based on restoring a previous relationship, and it will not necessarily be comfortable. It will involve hearing Indigenous peoples’ truth and recognizing Indigenous sovereignty and Indigenous law.

Funding: This research was funded by the Canada Research Chairs program file 950-232285.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: The author would like to thank the reviewers for the helpful comments and suggestions.

Conflicts of Interest: The author declares no conflict of interest.

References

1. TRCC (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. 2015. Available online: www.trc.ca (accessed on 18 February 2022).
2. Hurlbert, M. Decentering texts. In *Mills Encyclopedia of Case Study Research*; Albert, J., Ed.; Sage Publications: London, UK, 2010.
3. Young, R.J.C. *Postcolonialism: An Historical Introduction*; Blackwell: Oxford, UK, 2001.
4. Hurlbert, M. *Pursuing Justice*; Brunswick Books: Halifax, NB, Canada, 2018.
5. Borrows, J.J.; Rotman, L.I. *Aboriginal Legal Issues: Cases, Materials & Commentary*, 5th ed.; LexisNexis: Toronto, ON, Canada, 2018.
6. 2014 SCC 44 para 34,45. Available online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do> (accessed on 18 February 2022).
7. Borrows, J. *Revitalizing Canada's Indigenous Constitution*; UN declaration Should Cause Courts to Reject Freezing of Aboriginal Rights at 'Magic Moment of European Contact. Centre for International Governance Innovation. Available online: <https://www.cigionline.org/articles/revitalizing-canadas-indigenous-constitution/> (accessed on 18 February 2022).
8. McNeil, K. Aboriginal rights in Canada: The historical and constitutional context. *Int. J. Leg. Inf.* **2013**, *41*, 16–38. [CrossRef]
9. Rademaker, L.; Rowse, T. *Indigenous Self-Determination in Australia: Histories and Historiography*; ANU Press: Canberra, Australia, 2020.
10. R. v. Calder [1973] S.C.R. Available online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5113/index.do> (accessed on 18 February 2022).
11. Government of Canada. Treaties and Agreements. Available online: <https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231> (accessed on 26 June 2021).
12. Reinders, K. A rights-based approach to indigenous sovereignty, self-determination and self-government in Canada. *SURG J.* **2019**, *11*. [CrossRef]
13. Nicol, H.N. From territory to rights: New foundations for conceptualizing indigenous sovereignty. *Geopolitics* **2017**, *22*, 794–814. [CrossRef]
14. Baker, R. A Who's Who of the Wet'suwet'en Pipeline Conflict. CBC, 2020. Available online: <https://www.cbc.ca/news/canada/british-columbia/wetsuweten-whos-who-guide-1.5471898> (accessed on 18 February 2022).
15. Borrows, J. *Canada's Indigenous Constitution*; University of Toronto Press: Toronto, ON, Canada, 2010.
16. Cameron, A.; Graben, S.; Napoleon, V. *Creating Indigenous Property: Power, Rights, and Relationships*; University of Toronto Press: Toronto, ON, Canada, 2020.
17. Karsten, P.; McLaren, J.; Buck, A.R.; Wright, N. (Eds.) *Despotic Dominion: Property Rights in British Settler Societies*; University of British Columbia Press: Vancouver, BC, Canada, 2007; p. 312. ISBN 0-7748-1072-6.
18. Hurlbert, M.A. An Analysis of Trends Related to the Adaptation of Water Law to the Challenge of Climate Change: Experience from Canada. *Int. J. Clim. Change Strateg. Manag.* **2009**, *1*, 230–240. [CrossRef]
19. Miller, R.J. The Doctrine of Discovery: The International Law of Colonialism. *Indig. Peoples' J. Law Cult. Resist.* **2019**, *5*, 35–42. [CrossRef]
20. Milward, D.L. *Aboriginal Justice and the Charter: Realizing a Culturally Sensitive Interpretation of Legal Rights*; UBC Press: Vancouver, BC, Canada, 2014.
21. Merry, S.E. Legal Pluralism. *Law Soc. Rev.* **1988**, *22*, 869–896. [CrossRef]
22. Calavita, K. *Invitation to Law and Society: An Introduction to the Study of Real Law*; University of Chicago Press: Chicago, IL, USA, 2010.
23. Day, R. Who is this we that gives the gift? Native American Political Theory and The Western Tradition. *Crit. Horiz.* **2001**, *2*, 173–201. [CrossRef]
24. Henderson, J.Y. Postcolonial Indigenous Legal Consciousness. *Indig. Law J.* 2002. Available online: <https://scholar.archive.org/work/3h3bmgkwsja3hgwebweypk2pa4> (accessed on 18 February 2022).
25. University of Melbourne. Australian Indigenous Law. Library Guides. 2021. Available online: https://unimelb.libguides.com/indigenous_law/australia (accessed on 18 February 2022).
26. White (Charleson), E. Hee Naih Cha Chist, E. Making Space for Indigenous Law. 2021. Available online: <http://jfkllaw.ca/making-space-for-indigenous-law/> (accessed on 18 February 2022).
27. Borrows, J. Introduction. In *Braiding Legal Orders*; Chartrand, L., Fitzgerald, O.E., Schwartz, R., Eds.; CIGI Press: Waterloo, ON, Canada, 2019.
28. Taylor, J.L. Treaties and Historical Research Centre (Canada), Canada. In *Treaty research Report Treaty Six (1876)*; Indian and Northern Affairs Canada: Ottawa, ON, Canada, 1985.
29. Neu, D.E. *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People*; Fernwood Publishing, Zed Books: Black Point, NS, Canada, 2003.
30. Erasmus, P. Buffalo Days and Nights. Calgary: Glenbow—Alberta Institute. n.d. Available online: <https://wanderingcartographer.wordpress.com/2021/06/02/mapping-buffalo-days-and-nights-by-peter-erasmus/> (accessed on 18 February 2022).
31. Henry, F.; Tator, C.; Mattis, W.; Rees, T. The colour of democracy. In *Racism in Canadian Society*, 2nd ed.; Thomson: Scarborough, ON, Canada, 1988.
32. Lemkin, R. Genocide as a crime under international law. *Am. J. Int. Law* **1947**, *41*, 145–151. [CrossRef]
33. Andreopoulos, G. *Genocide: Conceptual and Historical Dimensions*; University of Pennsylvania: Philadelphia, PA, USA, 1994.
34. Canada. House of Commons Debates (9 May 1883). Available online: https://www.canadiana.ca/view/oocihm.9_07186 (accessed on 18 February 2022).

35. Cecco, L. Latest First Nations discovery reveals 182 Unmarked Graves at Canada School. *The Guardian*. 30 June 2021. Available online: <https://www.theguardian.com/world/2021/jun/30/canada-first-nations-unmarked-graves-indigenous-residential-school-british-columbia> (accessed on 18 February 2022).
36. Stewart, D. *The Regina Indian Industrial School (1981–1910) Historical Overview and Chronological Narrative*; Benchmark Press: Winnipeg, MB, Canada, 2017; ISBN 13 978-192735359.
37. Christie, N. Conflicts as Property. *Br. J. Criminol.* **1977**, *17*, 1–15. [CrossRef]
38. Daubney, E. Taking Responsibility. In *Report of the Standing Committee on Justice and Solicitor General on Its Review of Sentencing, Conditional Release and Related Aspects of Correction*; Solicitor General of Canada: Ottawa, ON, Canada, 1998.
39. Gatensby, P. Phil Gatensby on Spirituality, Power, & Addiction. Published 23 April 2016. Available online: <https://nationtalk.ca/story/phil-gatensby-on-spirituality-power-addiction> (accessed on 18 February 2022).
40. McCaslin, W. (Ed.) Introduction: Reweaving the Fabrics of Life. In *Justice as Healing Indigenous Ways*; Living Justice Press: St Paul, MN, Brazil, 2005.
41. UNDRIP Adopted by the General Assembly on September 13, 2007. Available online: https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (accessed on 18 February 2022).
42. Boutillier, S. Free, Prior, and informed consent and reconciliation in Canada. *West. J. Leg. Stud.* **2017**, *7*. Available online: <https://ir.lib.uwo.ca/uwojls/vol7/iss1/4> (accessed on 18 February 2022).
43. Medhora, R.P. UNDRIP Implementation Braiding International, Domestic and Indigenous Laws Centre for International Governance Innovation. 2017. Available online: <https://deslibris.ca/ID/10090844> (accessed on 18 February 2022).
44. Morales, S. Braiding the incommensurable: Indigenous legal traditions and the duty to consult. In *UNDRIP Implementation. Braiding International Domestic and Indigenous Laws*, 2nd ed.; Centre for International Governance Innovation: Waterloo, ON, Canada, 2017; Volume 25, pp. 37–44.
45. Rawls, J. *A Theory of Justice: Revised Edition*; Belknap Press: Cambridge, MA, USA, 1971; ISBN 067400781.
46. Taylor, C. The Politics of Recognition. In *Multiculturalism: Examining and the Politics of Recognition by Amy Gutmann*; Taylor, C., Ed.; University Press: Princeton, NJ, USA, 1985.
47. Maciel, R. *Conflicting Ontologies and Balancing Perspectives Report Title: The Internationalization of Indigenous Rights Report Subtitle: UNDRIP in the Canadian Context*; Publisher: Waterloo, ON, Canada, 2014.