

Ronald Niezen, *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools*. Toronto: University of Toronto Press, 2013. 173 pages. ISBN 9781442606302. \$24.95 paperback.

Ronald Niezen begins *Truth and Indignation* by stating that his motivation to write the book arose in part from a desire to include the perspectives of former educators who worked within the Indian Residential Schools. He states that interviews conducted by his research assistant made him aware of "the priests' unusual (from the perspective of dominant public discourse) views concerning the history of these schools" (xi). In essence, he suggests that the Canadian Truth and Reconciliation Commission (TRC) process has failed to be inclusive of the views of these former educators, and that the "dominant public discourse" is one that favours the perspective of the children who attended the schools. Niezen asserts that the TRC's "prevailing narrative" (94) shuts down any variation by former educators from their expected "narrative of contrition" (91). He concludes that truth commissions are "poor historians" (130) for their reliance upon survivor testimony.

Niezen's book is an early entrant into what will doubtless become an expanded collection of TRC-focused studies. He acknowledges that some readers may disapprove that he has published the book while the TRC is still underway, but states that this action enables an "unusual exercise in scholarly accountability" (xii) whereby readers can compare their observations of the TRC's work to those in his book while the TRC process continues.

Canada's TRC is unique in the world of transitional justice mechanisms because it is the only truth commission to have its genesis in a legal settlement agreement rather than as a result of a broad societal recognition of the need to address a record of significant human rights abuses.¹ The TRC resulted from many years of survivors' attempts to have the government and churches who jointly ran the schools acknowledge the harms wrought by them, with the concomitant losses of culture, language and family that have reverberated through generations. Survivors pursued multiple legal avenues, including criminal prosecutions, civil suits, an alternative dispute resolution process, submissions to commissions of inquiry, and ultimately class action law suits, in order to have the profound impact of the schools upon their communities addressed.

It was finally the class action lawsuits that produced the settlement agreement, following protracted and intense negotiations by more than seventy lawyers representing all of the parties: survivors, churches and the federal government. The settlement agreement has five parts: the TRC, the Common Experience Payment, the Independent Assessment Process, and separate funds for Commemoration and Healing programs.

When determining the TRC's terms of reference (Schedule N of the settlement agreement), the negotiators benefited from comparative international information about dozens of prior truth commissions. The negotiators made a decision to focus on survivors. The decision to preclude perpetrators from being exposed to criminal or civil liability was made in full consideration of the merits and costs of naming names versus maintaining anonymity. The negotiators specifically chose not to follow the South African model of offering amnesty from prosecution in exchange for 'truth' from perpetrators. The negotiators chose to have a TRC process that did not require legal representation in order to participate. They chose to focus on the stories of survivors, in no small part because those stories were not part of the dominant narrative in Canada and the negotiators for the survivors strongly felt that those stories needed to be told and heard.

It is therefore unfortunate that this context does not ground Niezen's *Truth and Indignation*. Although he discusses the genesis of the TRC in a legal settlement agreement, as well as its component parts, he does not adequately acknowledge the importance of the negotiations described above. Instead, Niezen positions his book as provocative by arguing for the greater inclusion of "perpetrator" stories, though it is the negotiators mentioned above who must answer for this exclusion, not the TRC. Niezen notes that Canada's TRC is unusual in its preference for information gathering over judicial process, but again, this is a direct result of the negotiators' preferences. He implies that priests and nuns have been prejudiced by this structural aspect of the mandate. However, each element of the TRC structure was closely and intensively negotiated by lawyers representing all parties to the settlement agreement.

This lack of sensitivity to the relevant negotiation and comparative contexts is equally missing in his discussions of prevailing narratives of trauma at and around the TRC. Niezen's assertions about survivor narratives trumping those of former educators ignores the dominant narrative for most of the last century: there may have been a few bad apples but overall the schools were an expression of the desire of the churches and government to help Indigenous peoples for the good of their children. Likewise, the so-called "While I have the Microphone" moments (99) in survivor testimonies that he insists "are really about legal or political lobbying" (149) speak against this dominant narrative. Contrary to what Niezen suggests (102-103), testimony about the disruption of a community's traditional governance, or a difficulty with the criminal justice system or the child welfare system, is not fundamentally unrelated to the residential school system. Rather, these difficulties reflect the interconnectedness of the larger context of colonialism within which the schools are situated, and its ongoing nature, legacy, violence and narrative.

Niezen states that the TRC will succeed if it reaches a large number of people and persuades them of the harms done by the schools and the need to overcome those harms (6), yet he is highly critical of the attempts by survivors to have their stories widely heard and circulated (11), and he applauds a survivor who requested that cameras be turned off before he would give his story (12). Niezen makes assumptions about why people choose to speak to the TRC, such as "Participants speak at the hearings in order to win some kind of approval from their listeners" (102). My understanding is that the purpose of testimony is to ensure that such structural violence never again happens to children in this country. This work is particularly important given that there are more Indigenous children in the care of child welfare agencies now than were in the schools at the height of their operations.

Indeed, the purpose of a truth commission is to create a historical record such that the human rights abuses contained therein will not be repeated. While it is unfortunate that any happy memories and dedicated work of priests and nuns in the residential schools are marred by the TRC's creation of a historical record, the mass human rights abuse perpetrated by Canada and the churches against thousands of children, and by extension, their communities and descendants, warrants knowing, no matter how difficult and painful to hear.

The TRC is by no means perfect. In attempting to avoid the mistakes of other truth commissions, it has made many of its own. It remains to be determined whether the TRC is even being heard, as it has been largely ignored by the dominant Canadian society with most non-Indigenous Canadians unaware of it. Critical analysis of the TRC's origin, mandate, policies, processes and outcomes is certainly needed and valuable. However, Niezen's framing of the testimony provided to the TRC and the putative objectives of the TRC are troubling. This book is a disappointing examination of the process due to its failure to adequately account for the colonial context in which it is written, and the failure to adequately acknowledge the role that the carefully negotiated terms of reference play in how the TRC mandate has unfolded.

Notes

1. See Stanton, Kim. "Canada's Truth and Reconciliation Commission: Settling the Past?" *International Indigenous Policy Journal* (2011) Vol 2, Issue 3, Art. 2 <<http://ir.lib.uwo.ca/iipj/vol2/iss3/2/>>.

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