Truth commissions, special criminal tribunals and lustration processes seek to establish collective knowledge of past abuse. This goal of collective knowledge commits such institutions to identification and deployment of arbitral truths: truths that tell between beliefs, assertions and narratives, rendering the cognitive space within which the past is discussed such that actions become intersubjectively defensible and – perhaps more importantly – susceptible to intersubjective criticism.

In this paper I use the example of the Truth and Reconciliation Commission of Canada to explore the limitations of non-arbitral conceptions of truth in the context of transitional justice institutions, and the potential value within such a setting of conceptualizing truth as vindication by experience. Vindication by experience as a basis for arbitrating between beliefs, assertions and narratives exposes the ways in which decisions about which subjects’ experiences, and which dimensions of those experiences, matter structures the cognitive space within which collective knowledge projects are pursued. It makes it possible to ask how the experiences that are taken to be vindicating fit the knowledge projects to which they are harnessed. And it makes it possible to more closely examine the projects themselves as reflection on the relevance of some experiences but not others may reveal features of the projects that are otherwise obscured.

Introduction
Early in Volume I: Summary of the Truth and Reconciliation Commission of Canada’s Final Report there is a description of diverging characterizations of one of the last residential school to operate in BC, the Christie Indian Residential School on Meares Island. A district superior for the religious organization responsible for the school stated the following during a regional TRC event:

What I experienced over the six years I was at Christie residential school was a staff, Native and non-Native alike, working together to provide as much as possible, a safe loving environment for the children attending Christie school. Was it a perfect situation? No it wasn’t a perfect situation… but again, there didn’t seem to be, at that time, any viable alternative in providing viable education for so many children who lived in relatively small and isolated communities.

The report notes that members of the audience interrupted this statement with calls of “Truth, tell the truth” and that the Chair intervened, asking the audience to allow the speaker to finish his statement. Later in the day, a former student of Christie school

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1 For a detailed description of residential schools in B.C, specifically and in Canada generally see Suzanne Fournier and Ernie Crey *Stolen From Our Embrace: The Abduction of First Nations*

gave testimony that directly contradicted the claim that staff worked to provide a safe and loving environment, stating

That priest talked about how loving that Christie residential school was – it was not. That priest was most likely in his office not knowing what was going down in the dorms or the lunchroom... There were things that happened in Christie residential school, and like I said, I'm just starting my healing journey. There are doors that I don't even want to open. I don't want to open those doors because of what it would do to me.³

The report describes these statements as “two, seemingly irreconcilable truths”.⁴ But the commonsense reaction to these statements is not that they are irreconcilable truths, but that one of these statements is not a truth at all. The commonsense reaction is that both of these people may sincerely believe that what they are saying is true, but at least one of them must be mistaken because if the former student’s statement about the school is true, then the district supervisor’s statement, however sincerely believed, cannot be true. The district supervisor’s claim that staff at Christie schools worked to provide a safe and loving environment had a false belief.

The tools and theoretical frameworks standardly available for engaging with truth commission testimony make it surprisingly difficult to describe the district supervisor, or anyone else’s beliefs about a massive and systematic human rights violation such as the Indian residential school system within Canada, as not simply inconsistent with other testimony or with historical evidence but as false and important to give up for that reason.

This difficulty arises because of a tendency within literatures treating the production of truth in the context of truth commissions to promote non-arbitral conceptions of truth and to resist an arbitral conception of truth. There are good reasons for this tendency, as traditional ways of conceptualizing truth in arbitral terms have been highly problematic. However it is possible to use truth as an arbitral term without reproducing the problematic aspects of traditional accounts if it is conceptualized as vindication by experience. And in this paper I will give several reasons why an arbitral conception of truth is important. These reasons focus primarily on the relationship between knowledge and action and the role of truth, understood as vindication by experience, as a distinctive, and distinctively valuable, basis for evaluating action. To illustrate this, I’ll be using the example of recent attempts in Canada to establish comprehensive knowledge of the residential schools system as part of a national project of reconciliation.

Truth and Knowledge
Truth commissions, special criminal tribunals and lustration processes seek to establish collective knowledge of gross and systematic abuses of human rights. “Knowledge” is an honorific term: it confers a special status on that which is said to be known, and on the subject who claims to know. Typically, knowledge is taken to reflect something special, or especially valuable, in the relationship between the subject (the knower) and the content of the belief, statement, or practice that is supposed to be known.

³ Final Report, p 15
⁴ Final Report, p. 16
Knowledge may be collective in the sense that its conditions of production and attribution are inherently and ineliminably social: that knowledge is always pursued, attributed and taken up by social beings, within a social context, for purposes given by social groups. The knowledge sought by truth commissions appears to be collective in a deeper, more interesting way: that the subject whose epistemic situation is to be improved is irreducibly collective: that what is known will be known by and as a group. In philosophical approaches to knowledge, qualifying for this special status has traditionally been taken to require at the minimum that what the person believes or claims about that of which she purports to have knowledge must be true. What makes a person’s beliefs or claims true, and what must be added to truth if a subject is to count as knowing, continues to be a matter of heated and wide-ranging debate. But that truth is at least a necessary condition for subjects to count as “knowing” is traditionally a starting point of philosophical approaches to knowledge.

The philosophical emphasis on truth in part reflects an assumption that whatever other features are important for a subject to have the kind of relationship to a belief, narrative, or practice that sets that person apart as “knowing,” being able to add “and that is true” seems obviously to be an improvement. As Ernest Sosa puts it, “if, for whatever reason, we are interested in a certain question, we would prefer to believe correct rather than incorrect answers to that question.”\(^5\) Having beliefs, narratives or practices that serve them well, that were acquired or developed in or through an approved method, and that are also true is something that people in general strive for. In traditional epistemology, this widely held, and widely valued, goal is taken to be at the heart of the concept of “knowing”, and to be a key element of its rhetorical force.

**Knowledge and Evaluation**

But what does “trueness” really add that being served well and acquiring or developing in an approved method do not? This question is especially pressing in light of the fact that people choosing between beliefs, narratives and practices are very rarely in a situation where the methods meet the same conditions of propriety and the practical benefits are the same so that the only difference is whether the competing objects of adherence may be characterized as true. Often the conditions for approval of a method are incommensurable, the beliefs, narratives or practices are of uncertain or varying usefulness, and there are elements that support a characterization as true in some respects and undermine such a characterization in others. Why think that the general preference for trueness that applies in the abstract case carries over to the complex epistemological situations people actually face?

What trueness offers is responsiveness to something outside of the mental world. To insist on truth is to insist on something beyond the contents of subjects’ minds as a reference point in knowledge attributions. Such insistence does more than simply add an item to accepted method and usefulness: it transforms those criteria by qualifying when methods can be accepted, and what kind of usefulness counts. Truth creates the possibility of distinguishing epistemological considerations from other bases of evaluation. It is what makes the honour conferred in a knowledge attribution distinctive in type.

Failure to create space for distinctively epistemological considerations undermines the possibility distinctively epistemological honour. It also undermines the possibility of distinctively epistemological obligations and criticism. For example, in a

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case study of how settler scholars and policy makers have dismissed Lummi tribal members’ descriptions of violence and racism in the educational system without denying its truth, Michael Marker describes how Lummi testimony was accepted as a faithful reflection of tribal members’ experiences without this being taken to require revision of the audience’s policy preferences or beliefs. As Marker describes it, the challenge that Lummi people faced was not establishing that their testimony faithfully reflected their experiences; it was establishing that faithful reflection of their experiences was relevant to and had implications for the beliefs and conclusions that ought properly to be accepted by people other than themselves. Settler scholars and policy makers were prepared to accept that Lummi narratives were true for those offering the testimony; they were not prepared to accept the narratives as true in the traditional philosophical sense – as true *simpliciter*.

Accepting the testimony as true *simpliciter* implies that the content of the testimony had features that made it cognitively salient -- that the content is cognitively valuable for everyone – that it offers cognitive content that ought to be adopted by everyone insofar as truth matters to them. Accepting the testimony as true in a qualified sense distinguishes between the cognitive value and role of the contents of testimony for the person who offers it and cognitive value and role of that testimony’s contents for others. The testifier’s mental world and interpretive framework appear as a qualification on or a conditioning factor in the uses to which the audience puts the testimony’s content.

The centrality of truth understood in establishing obligations to adhere, and in establishing a basis for commanding a response is key to its value in transitional contexts. It is also central to the wariness with which many in transitional justice literatures have approached the concept. To describe a subject’s account as true (or false) is to assert a version of the world and assign the subject described a specific place within it. Moreover, the activity of truth-telling, especially in the context of a truth commission or other transitional institution, has performative dimensions that both construct and are constructed by the expectations of participants, their immediate audiences, and secondary audiences.

These worries about power and performance aside, there are pragmatic limits on the extent to which any single account can be completely, or even sufficiently, encompassing to count as true *simpliciter*. As Priscilla Hayner notes, the truths that emerge from official inquiries are inevitably shaped by factors such as the commission’s mandate or terms of reference, the personalities and priorities of its leadership, the methodologies employed, and the social and political context within which it proceeds.

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In the face of these concerns, the dangers of undermining the epistemological impetus of describing something as true by qualifying that description as “forensic”, “emotional”, “narrative truth” or “historical” truth, or by distinguishing between truth in the “social” or “political” sense versus the “factual” sense may appear as a form of moral or strategic prudence. However, it is ambiguous whether or how truth can adjudicate between competing claims or narratives when qualified in this way, or whether it has independent, non-instrumental value. In particular, it is ambiguous how truth can function as an arbiter, serving as grounds for adherence and rejection in its own right. What does it mean to say something is “false” when truth is conceived of pluralistically?

This question becomes especially pressing given the role of denial, silencing, and obfuscation of responsibility as strategic elements in patterns of violence. Part of what is supposed to justify the human and material costs of documenting and archiving gross and systematic human rights abuses is the moral importance of acknowledging that the abuses are or were real, and establishing grounds for criticizing denial and minimization as rationally unfounded. Official reports are sometimes described as establishing an “official” or “usable” truth. But their ability to play establish an obligation to accept their contents for all, regardless of political stripe, depends crucially on that usability having an epistemological dimension: on the claim that relying on the official report is likely to produce a better epistemological situation for those within a society than the alternative.

Epistemological Criticism and Vindication by Experience
What’s needed, then, is a feature of the content of a belief, narrative or practice that can serve as grounds for adherence by everyone who cares about truth, without falling into the colonizing and imperial traps of traditional philosophical approaches to truth. One very promising account of what this feature may be can be found in feminist empiricism. Within this literature, what makes beliefs, narratives and practices worthy of adherence is vindication by experience of relevant subjects. This approach recognizes and insists on the importance of recognizing that the subject who appears (the subject seeking knowledge) and the subject whose experiences are relevant may, and usually do, come

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apart: that the subject whose experiences vindicate is usually not the same as the subject who seeks a relationship to beliefs, narratives or practices that include truth. Feminist empiricism also explicitly acknowledges, and emphasizes the importance of acknowledging, that the subjects who seek knowledge are ineliminably social and usually collective.

These acknowledgements have two effects. First, they force transparency about whose experiences are arbitral, which aspects of the experiences arbitrate, and for whom the arbitration happens. Second, they force transparency about the project(s) within which the search for knowledge is embedded and the purpose(s) that it is supposed to serve. Assessing the truthfulness of a narrative is explicitly tied to specific experiences of specific subjects. Explaining why those experiences and why those subjects proceeds by reference to the purpose that the questions asked are supposed to serve and the project within which that project makes sense. Identifying the purpose and the project within which that purpose makes sense as one to be pursued clarifies whose epistemological situation is to be improved and in what respects – it exposes for whom and in what regards truth is sought.

To ask whether the contents of beliefs, narratives or practices included or produced by bodies and reports are true in the sense of being vindicated by experience, then, is to open up a range of important questions about the purposes and projects within which investigations and reports are oriented, and the subjects that investigations and reports serve. Thinking through whose experiences must have been consulted and which aspects of those experiences must have been taken to be matter for content that is now rejected as false to have previously been assessed as also opens up questions about past purposes and projects, and the subjects that those purposes and projects served.

Vindication by Experience and the Truth and Reconciliation Commission of Canada

The value of asking about the truth simpliciter in the context of truth commissions especially, and what is missed when such questions are not asked, can be illustrated using the Truth Commission of Canada’s (TRCC) hearings and report on residential schools.

The residential schools policy was a cooperative venture between Canada’s federal government and religious organizations in which children were separated from their families and sent to religiously administered boarding schools. The schools’ main purpose was to sever children’s ties to their communities and families of origin in order to eradicate indigenous communities. It is estimated that over 150,000 children passed through the schools, which were chronically underfunded, delivered minimal educational benefits and were frequently sites of chronic neglect and abuse. Food shortages, neglect and violence were common within the schools; many children died, some simply disappeared.12

The TRCC was established as a part a class action settlement between the parties responsible for establishing and operating the schools and the thousands of students who attended the schools. As with other truth commissions, the TRCC’s mandate and terms of reference significantly shaped its operations and the contents of

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12 A report on the schools from the Department of Indian Affairs Medical Inspector in 1907 indicated that in western Canada children entering the residential schools had a mortality rate of between 35 per cent and 60 per cent in the first five years after admission (Zia Akhtar, ‘Canadian Genocide and Official Culpability’, International Criminal Law Review 10 (2010): 115.)
its final report, and its relationship with government agencies and government political representatives was complex.

As with other truth commissions, the TRCC self-consciously strove to be victim-centred and included an explicit commitment to reconciliation. The example with which this paper opened played out against this background. As noted above, a former school official testifies that school staff sought to establish as loving and safe environment for the children there. This testimony is rejected by many former students; one explicitly characterizing it as false. The school official is shaken.

The school official's testimony is sincere. It would be characterized by many in the transitional justice literature as an emotional truth for many of those worked in the schools. But is it true *simpliciter*? Asking this opens up an important line of questions about features of the TRCC, the choices made in the construction of its report, and the larger project within which its task was embedded that are otherwise difficult to surface. It also makes it possible to ask questions about past framing and discussion of the residential schools.

For example:
- the TRCC report takes former students to be those whose experiences are arbitral

- the experiences of former students that are taken to be relevant are their experiences of personal well-being, primarily during their time at the schools; testimony of well-being before and after the schools were part of the information gathered, but it was interpreted through the lens of experiences during the years at school

- very few former staff participated; that few former staff participated is not explanatory of why survivors’ experiences were arbitral. There is an interesting question as to whether the arbitral status of former students was related to the reluctance of staff to participate

- looking at the example from the beginning of the paper, one of the most striking features is that the intentions of the staff ended up being irrelevant to determining *whether it was true that the schools aimed at providing a loving and safe environment for the children*. This is striking because historically the intentions of those who administered the schools and the government have been at the heart of the discussion of what the schools were like and whether the government violated basic human rights in the residential schools policy

- the prior dominance of the question of intentions is revealing: it says a lot about whose experiences of the schools were taken to matter. This in turn says a lot about the purpose of prior examinations of the questions regarding the schools.

- the purpose given for the TRCC’s report has been given as “reconciliation”. If the subject whose purpose this includes indigenous peoples in Canada, the absence of testimony from former staff and from government officials raises questions about whether this goal has in fact been served by the information gathering, because reflection by settlers within Canada and a reorientation of settler culture is a necessary element for reconciliation from an indigenous perspective. If the absence of staff and government participation does not necessarily undermine reconciliation, then the composition of the subject whose project is served, and the nature of that project becomes an interesting and important question for investigation.