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Who Needs to Tell the Truth? – Epistemic Injustice and Truth and Reconciliation Commissions for Minorities in Non-Transitional Societies

Kerstin Reibold 

UiT – The Arctic University of Norway, Tromsø 9037, Norway
Email: Kerstin.reibold@uit.no

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Abstract

Truth and Reconciliation Commissions (TRCs) have become a widely used tool to reconcile societies in the aftermath of widespread injustice or social and political conflict in a state. This article focuses on TRCs that take place in non-transitional societies in which the political and social structures, institutions, and power relations have largely remained in place since the time of injustice. Furthermore, it will focus on one particular injustice that TRCs try to address through the practice of truth-telling, namely the eradication of epistemic injustice. The article takes the Canadian and Norwegian TRCs as two examples to show that under conditions of enduring injustice, willful ignorance of the majority, and power inequality, TRCs might create a double bind for victims which makes them choose between epistemic exploitation and continued injustices based on the majority's ignorance. The article argues that the set-up and accompanying measures of TRCs are of the utmost importance if TRCs in non-transitional societies are to overcome epistemic injustice, instead of creating new relations of exploitation.

Keywords: Truth and Reconciliation Commissions; Indigenous people; epistemic injustice; non-transitional societies; willful ignorance; historic injustice; enduring injustice; epistemic exploitation; minorities

1. Introduction

Truth and Reconciliation Commissions (TRCs) have become a widely used tool to reconcile societies in the aftermath of widespread injustice or social and political conflict in a state. They are temporary, official bodies set up to investigate and report on a pattern of human rights abuses in the past by engaging directly with the affected population (Ferrara 2014: 4). Far from just investigating and reporting past human rights abuses, however, they are employed in a bid to create the foundations for a more peaceful and just future. They aim to do so by bringing to light the truth about past injustices

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and furthering reconciliation between victims and perpetrators of these injustices. Traditionally, TRCs have been employed in societies that underwent a social and political transition, e.g. in South Africa after the Apartheid regime or in Peru after the end of the Fujimori regime (Hayner 2011). Recently, however, more and more non-transitional societies have taken to set up TRCs to promote reconciliation with estranged minorities that have experienced state-led or state-sanctioned violence. For example, Canada (2008–2015) has set up a TRC with regards to the residential school system that severed Indigenous children from their families and caused the death and traumatization of many. Norway (2018–2023), Finland (2019–2023), Sweden (2022–2025), and Greenland (2014–2017) have similarly chosen the format of a TRC to address the mistreatment of their respective Indigenous population, and in the USA local initiatives have used TRCs to come to terms with racial violence against the Black population (Greensboro TRC 2004–2006) and Indigenous groups (Maine Wabanaki-State Truth and Reconciliation Commission 2012–2015).

This article focuses on TRCs of the latter kind, that is, TRCs that take place in non-transitional societies in which the political and social structures, institutions, and power relations have largely remained in place since the time of injustice. Furthermore, it will focus on one particular injustice that TRCs try to address through the practice of truth-telling, namely the eradication of epistemic injustice. The article argues that the set-up and accompanying measures of TRCs are of the utmost importance if this goal is to be reached. Otherwise, TRCs risk being epistemically exploitative and put victims in a double bind that further burdens them. Thereby, TRCs might try to alleviate enduring injustices but also create new ones. The article is structured as follows: the second part engages with the goals of TRCs and especially focuses on the Canadian and the Norwegian TRC and their declared objectives. Here it will become clear that many of these goals are connected to the reversal of (epistemic) injustices. The third part discusses how a situation of epistemic exploitation can arise in the context of TRCs. TRCs might create a double bind for victims which makes them choose between epistemic exploitation or continued injustices based on the majority's ignorance. This part reveals that this problem mostly occurs in situations in which the majority has no incentive to overcome their (willful and/or motivated) ignorance and the burden of educating the majority about past wrongs lies with the victims. Here it also becomes clear why the described problem is especially prevalent in non-transitional societies. Namely, in non-transitional societies, participating in a TRC is one of the few ways in which the victim group can counter willful ignorance which is used to deny them justice. Based on this insight, the fourth part concludes with some suggestions for the set-up of TRCs for minorities in non-transitional societies.

2. TRCs as alleviating injustices

According to Hayner (2011: 11/12), a TRC “(1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review.” Using the examples of the Norwegian and Canadian TRCs we can recognize all five characteristics. Both TRCs received their mandate from the respective states and had a set amount of years to do their work (feature 4 and 5). The Norwegian TRC focuses on the Norwegianization policy (Fornorsking) of the Sami, Kven, and Forest Finns

(Skogfinn) that took place between 1850 and 1959 (Steinlien 1989). The Canadian TRC was established to examine Indian residential schools that operated between 1880 and 1996 (Marshall and Gallant 2021). Thus, both TRCs investigate specific government policies that took place over the span of decades, yet had officially ended at the time of the TRC's establishment. They do not engage with other unjust policies or instances of harm that were aimed at the respective minority groups¹ in the present or the past. Both countries focus on policies of forced assimilation which included the prohibition of the minority languages, schooling that ignored minority culture and history and instead only provided education in the mainstream culture, and often also the mistreatment and discrimination of the respective group and especially children. The TRCs do not address other, often related, injustices such as land theft or displacement, which often continue in the present. Yet, this constrained focus is not entirely backward-looking as both TRCs acknowledge that the past policies affect the present in many ways. The TRCs therefore include enduring effects of the past in their investigation. For example, the mandate of the Norwegian TRC states that the Commission will

1. Perform a historical survey to map the Norwegian authorities' policy and activities towards the Sámi and Kvens/Norwegian Finns locally, regionally and nationally.
2. Carry out an investigation of the effects of the Norwegianisation policy. The Commission is to consider how the Norwegianisation policy has affected the majority population's attitudes to the Sámi and Kvens/Norwegian Finns, and will investigate the consequences of Norwegianisation up until the present day. (Sannhets- og forsoningskommisjonen 2023: 76/77)

Thus, while the examined event is in the past, the Commission pursues a twofold aim. First, the historical survey serves to account for a part of the Norwegian past that so far has been underexamined and that the Norwegian public knows little about. Thus, the first goal can be understood as "setting the record straight" with regards to the Norwegian history and self-understanding but also with regards to Sami experience that has not been acknowledged in the public discourse so far. The importance of such a historical survey becomes especially relevant with regards to the mandate's second point. It studies the consequences of the past injustice both on the majority and the minority. It recognizes that the policy, and maybe even more the justifications and narratives that accompanied it, have shaped the picture of Sami and Kven in Norway. As a result, Sami still experience high levels of ethnic discrimination in Norway today (Hansen *et al.* 2008). Moreover, many Sami also report shame about their "Saminess" which is seen as inferior by many Norwegians (Minde 2003). The Commission recognizes the connection between past and present injustice as well as one of the main mechanisms driving it, namely the sustained negative view on Sami that leads to discrimination and poor mental health among the Sami.

A similar twofold goal, correcting the historical record and unearthing the enduring effects of past injustice, can be found in the mandate of the Canadian TRC, which states:

¹ I will mainly refer to minorities in this text for two reasons. First, the two cases discussed in more depths (Norway and Canada) have established TRCs for their Indigenous groups but in the case of Norway include also the Kven and Forest Finns which fall rather in the category of a national minority. Second, the article's general argument applies to Indigenous peoples but also national and other minorities in so far as they, too, have experienced sustained and grave injustices and live in non-transitional societies.

The goals of the Commission shall be to:

- (a) Acknowledge Residential School experiences, impacts and consequences; ...
- (d) Promote awareness and public education of Canadians about the IRS system and its impacts;
- (e) Identify sources and create as complete an historical record as possible of the IRS system and legacy. The record shall be preserved and made accessible to the public for future study and use. ("Schedule 'N', The Mandate for a Truth and Reconciliation Commission of Canada (TRC)" 2007)

Thus, both commissions acknowledge that there are ongoing negative consequences for the victims of the past assimilation policies and that the TRCs aim at documenting past injustices as well as those current injustices and harms that directly stem from the past injustice. Moreover, both TRCs go beyond the pure documentation as they also have the mandate to "propose measures to contribute to further reconciliation" ("The Truth and Reconciliation Commission" n.d.). "The [Norwegian] Commission will, among other things by disseminating knowledge about the history of Norwegianisation and its consequences, propose initiatives and lay the foundations for continued reconciliation in society" (Sannhets- og forsoningskommisjonen 2023: 89). This last point is more action-oriented and testifies that it is not enough to simply record the truth about past and current injustices but that further measures must be taken. They thereby focus on what Spinner-Halev calls "enduring injustices," that is, injustices that have their roots in the past, which have endured even after the initial injustice ceased and "liberal justice" has been established, and which can only be properly addressed when taking the past into account (Spinner-Halev 2012). Yet, in order to take the past into account, it first must be correctly recollected and remembered. Consequently, the different tasks of the two TRCs are intricately connected. Moreover, they can be understood as reacting to a situation of willful or motivated ignorance on the side of the majority that causes the affected minority groups to suffer, on top of other injustices such as discrimination, testimonial, and hermeneutical injustice.

Willful or motivated ignorance describes a situation in which a group consciously or unconsciously avoids learning about certain facts and experiences connected to injustices that benefit them. In such a situation, "it is not in the immediate interest of the dominantly situated to acquire and maintain epistemic resources calibrated to the marginally experienced world, since doing so moves epistemic power away from dominant situatedness and can make clearer the injustices that maintain dominant privilege" (Pohlhaus 2012: 721). In the case of Indigenous peoples, there can be several motivations underlying such willful ignorance toward the injustice they experience. Bruyneel (2016) speaks of a historic amnesia that allows nations to forget the violence on which they were build and upholds a positive self-image of the national history and identity. Thus, willful ignorance or historic amnesia allows the majority population to uphold a positive identity as members of their nation and to avoid feelings of shame or guilt.²

²Learning about their own history may benefit the majority in the sense that they get a more accurate picture of their history and collective identity. Yet, the concept of willful ignorance assumes that any such benefit is outweighed by the benefits strategic ignorance can bestow on a group. Moreover, the argument

At the same time, it enables the majority population to overlook enduring injustices, such as continued land theft, or to blame the victims of these injustices for the symptoms they are exhibiting. Mental health problems and their frequent consequences such as alcoholism, addiction, violence, or unemployment are seen as a problem that lies with the affected minority rather than as a consequence of intergenerational trauma and sustained discrimination and social precarity. Regan (2010: 11) remarks that “In this way, we avoid looking too closely at ourselves and the collective responsibility we bear for the colonial status quo. The significant challenge that lies before us is to turn the mirror back upon ourselves and to answer the provocative question posed by historian Roger Epp regarding reconciliation in Canada: How do we solve the settler problem?” Such ignorance about the roots of enduring injustices not only allows the majority to avoid responsibility, it equally further harms the affected minority by blaming them for their own suffering and/or leading to ineffective ways of addressing these injustices as the root problem is misdiagnosed.

Consequently, the TRCs goals of recording and making public the truth about past events and tracing their impact to the current day can be seen as one of the main pre-conditions for overcoming the widespread willful ignorance of the majority and for preparing the ground for rectifying the injustices the respective minorities have experienced and are experiencing. Herein also lies a difference to transitional societies. Not all injustices are righted in transitional societies after the institutional and power structures have been changed. Old elites often continue to have considerable economic power as well as, at least in the time directly after the transition, hold the loyalty of military forces (van Zyl 1999). They thereby can oppose, for example, redistributive policies that would rectify some of the (enduring effects of past) injustice. Nevertheless, the new government usually has no reason to obscure past injustice. Rather the opposite, speaking about the wrongfulness of the past regime can be one way of consolidating the legitimacy of the new regime. Thus, willful ignorance of the government, and consequently of the governed, is not a major contributing factor to enduring justices.

In non-transitional societies, in contrast, enduring injustices are tied to willful ignorance. If the government wants to present itself as just, and thus legitimate (cf. Nine 2012), it must obscure and ignore the effects of its own, unrectified, historic injustices. Enduring injustices in non-transitional societies thus have a specific epistemic component in that willful ignorance, and the testimonial and hermeneutical injustice enabling it, not just compound but also uphold these injustices. Moreover, even though TRCs have an epistemic function in both transitional and non-transitional societies, these differ. While the focus of a TRC in transitional societies is usually to *find* the truth, the focus in non-transitional societies is to *make the truth heard and known*. In transitional societies, the old elites who were responsible for the committed wrongs, often try, and succeed, to erase documents, etc., that hold detailed knowledge about the committed wrongs. Additionally, victims were usually silenced during the old regime’s reign so that there are no already existing victim testimonies. TRCs then are employed to reconstruct the past wrongs and to collect testimonies that previously could not be uttered. In non-transitional societies, the situation is different. As the institutions and regime is continuous, detailed records of past injustices often exist. While local institutions might be reluctant to give access to them, the state has the power to order them to do so. As the original injustice is often longer past and the non-transitional societies

advanced here is not just focusing on whether the majority benefits from learning about historic injustices but also on *how* they learn about these.

discussed here are democracies that guarantee freedom of speech, there are normally also victim testimonies in various forms available. The issue here is not that the government has little access to information about the truth but that the available sources, be they government documents or victim testimonies, have been ignored, silenced, and/or disbelieved.³

Therefore, widespread ignorance about past injustices is often one of the main motivations behind setting up a TRC in a non-transitional context. In Canada, residential school survivors demanded a TRC as part of a settlement with the government and the need for it becomes obvious if one considers that only about half of the Canadian population knew that residential schools existed (Niezen 2016: 923). Similarly, Asa Lindhagen, Sweden's Minister of Gender Equity, commented on the need for a TRC by saying that "They also testify to a great ignorance among the majority population about the Sami people, their living conditions, culture and history and rights as Indigenous peoples. Sweden must be a country free from racism and efforts are needed to reach this" (Eye on the Arctic 2020). The final report of the Norwegian TRC similarly identifies a the lack of knowledge about the Sami, Kven, Forest Finns, and the Norwegianization policy they suffered (Sannhets- og forsoningskommisjonen 2023: 90). Ignorance about past injustices, however, does not only obfuscate the majority's role in and responsibility for historic and enduring injustice. In a vicious circle, it also leads to and is upheld by testimonial and hermeneutical injustice.

Testimonial injustice occurs when a group is perceived as less credible in its ability or willingness to make true statements (Fricker 2007). In the context of widespread willful ignorance about forced assimilation, testimonial injustice takes place, for example, if people express disbelief about the mistreatment of children in residential schools and discount such testimonies as singular cases or if accounts of enduring negative effects of these policies, such as trauma or depression, are viewed as attesting to the emotional pathology of the speaker rather than to the grave injustice of said policies. Hermeneutical injustice describes the lack of epistemic resources that keeps certain groups from communicating their experience and sometimes even from making sense of them (Fricker 2007). For example, if concepts such as cultural pain or trans-generational trauma do not exist or are not used in public discourse, this might hinder individuals that experience such pain or trauma to understand their own experience. As a consequence, they might adopt the default explanation that the dominant society gives, e.g. that they are simply weak or have a culture that produces dysfunctional group relations. Even if, as is often the case, the affected people have the vocabulary necessary to describe their experience, they might be unable to communicate their experience in an easily understandable manner within public discourse because their audience does not possess the same concepts. Thus, they can be silenced even if they are allowed to speak as there is no proper uptake of what they are saying.

TRCs can be seen as not just combatting the willful ignorance of the majority but also as helping to overcome testimonial and hermeneutical injustice. "Being prepared to speak out and acknowledge the pains of the past reconstitutes those once marginalized from history, as its victims, with the right and power to speak" (Posel 2008: 123). TRCs give victims a voice and, as state-sanctioned, official bodies, credibility. In the

³In the wake of finding mass burials of Indigenous children at the sites of Canadian residential schools, RoseAnne Archibald, the national chief of the Assembly of First Nations, said: "For many Canadians and for people around the world, these recent recoveries of our children – buried nameless, unmarked, lost and without ceremony are shocking, and unbelievable. Not for us, we've always known" (cited in: Austen 2023).

words of Juan Mendez, the testimonies become “knowledge that is officially sanctioned, and thereby [are] made ‘part of the public cognitive scene’” (Hayner 2011: 26). They thereby help to overcome testimonial injustice. Similarly, they bring concepts that before might have been restricted to usage within the minority communities into the public discourse and thereby counter some of the hermeneutical injustice (Koggel 2018). Thus, TRCs can be seen as directly addressing testimonial and hermeneutical injustice and thereby indirectly laying the foundations for overcoming other enduring injustices that partially have persisted because of the willful ignorance of the majority.

These functions of TRCs explain why Indigenous peoples and other minority groups might strongly push for the establishment of such commissions and why they see them as an important step toward establishing justice and after this, potentially, reconciliation. The next section, while acknowledging the importance and usefulness of TRCs, will pay closer attention to possible pitfalls to the goals of TRCs. It will first look at how the Norwegian and Canadian TRC have been conducted and which principles have informed their inquiries. It will then analyze whether the methods employed have contributed to respecting the stated principles and reaching the goals envisaged. It will thereby uncover two potential problems for successful TRCs. First, it will discuss whether the focus on victims leads to a form of epistemic exploitation. Second, it will explore in how far victims find themselves in a double bind in which they must decide between being epistemically exploited and risking the continuance of enduring injustices.

3. TRCs as sites of epistemic exploitation

The Canadian TRCs collection of statements and documents pertaining to the residential schools system was to follow the principles of being “accessible; victim-centered; confidentiality (if required by the former student); do no harm; health and safety of participants; representative; public/transparent; accountable; open and honourable process; comprehensive; inclusive, educational, holistic, just and fair; respectful; voluntary; flexible; and forward looking in terms of rebuilding and renewing Aboriginal relationships and the relationship between Aboriginal and non-Aboriginal Canadians” (“Schedule ‘N’, The Mandate for a Truth and Reconciliation Commission of Canada (TRC)” 2007). This section will ask whether the principles that were supposed to guide the TRCs work have been honored. It will argue that it is questionable whether the process has been just, fair, respectful, honorable, and voluntary and that it adequately prioritized the health and safety of victims. Instead, it imposed unjustified burdens on the victims in what can be called a structure of epistemic exploitation. In this sense, the procedures of the Canadian and Norwegian TRCs were fit more for a Truth Commission rather than a Truth and *Reconciliation* Commission.

Cook (Cook 2018: 10) writes “It is believed that the problem of settlers’ historical amnesia is due to a lack of information, a lack of recognition, and so the remedy is more information, more recognition. As such, the TRC’s underlying epistemic claim is that a collection of facts and testimonies can and will reconcile relationships between Indigenous peoples and settler Canadians. It assumes that settler Canadians simply need to hear testimonies of residential school survivors in order to challenge our historical amnesia about the role residential schools have played in the creation of the settler-colonial nation-state now called Canada. Cook is skeptical whether TRCs can fulfill this role if what they are trying to overcome is not some natural forgetting or amnesia but a willful and motivated ignorance that actively resists learning about the

truths that the TRCs brings to light. While these concerns are valid and important to consider, this article will focus on a problem that arises even if we have a more positive view on TRCs and their ability to bring about change by making it impossible to preserve the state's narrative of being a just while leaving past injustices and their enduring effects unaddressed. This problem with current TRCs in non-transitional societies is that of epistemic exploitation. "Epistemic exploitation occurs when privileged persons compel marginalized persons to educate them about the nature of their oppression" (Berenstein 2016).

As section 2 has shown, the Canadian and Norwegian TRCs have been employed precisely because there was a need to educate the majority, which in many respects are privileged in comparison to Indigenous peoples in these countries, about the past injustices and oppression that Indigenous people have suffered. Both TRCs were strongly victim-centered which helped to make the voices of the affected people heard and gave their testimonies a platform that increased their credibility in the eyes of the majority. Both the Norwegian and the Canadian TRC have engaged "directly and broadly with the affected population, gathering information on their experiences" (Hayner 2011: 12). The Norwegian TRC held open meetings in which all affected could testify about their experiences during the times of the Norwegianization policy but equally about the effects it has had on them. Additionally, it offered the option of sending in testimonies that informed the concluding report, could lead to follow-up interviews, and would be made public if the person submitting the report wished. The Canadian TRC similarly centered the voices of the victims of residential schools and received more than 6,750 statements from former residential school survivors, their families, and communities. Thereby, the concerned were given a voice in the public forum that they lacked before. So if the victim focus helped to eradicate testimonial and hermeneutical injustice and the concerned groups themselves pushed for the establishment of a TRC, why worry that it might also be epistemically exploitative?

The reason for this worry does not lie in the fact that victims educated the majority about their own oppression, but rather in the fact that this educational activity was compelled while there were other routes to educating the majority available. I use "compelled" here not in the sense of coerced, that is of having been subjected to external force in order to do something. "Compelled" here describes a situation in which an actor is faced with a situation in which their interests are so strong or urgent and their alternatives so restricted that abstaining from a certain course of action cannot be expected. The compelling factor in the given situation, I argue, is the combination of sustained injustice, discrimination, and inequality that Indigenous people experience with the willful ignorance of the state and the majority which allows to let these injustices go unchallenged. Due to their continued minority position, also and especially in terms of power (cf. Lippert-Rasmussen and Lægaard 2020), options of overcoming such willful ignorance are limited and an officially recognized TRC might seem like the best, if not only, option to address the present epistemic injustices and associated ignorance in a timely manner.

Power imbalance, restricted options, and urgent need do not just provide fertile ground for compulsion. Such compulsion to do certain things also often is part of exploitation. In the case of TRCs in non-transitional societies, such exploitation can be epistemic if no measures are taken to counteract the pressures on minority members to take part in the TRC, and thus to educate the majority about their own oppression. Here it is helpful to draw on Miller's definition of exploitation and compare it with the

situation in which the Canadian and Norwegian TRC has taken place. Miller (1999: 204/5) says about exploitation:

First, it is a property of transactions between at least two parties, in which each party has some freedom of manoeuvre: in particular, it must have been open to the exploiter to engage in an alternative transaction which would have left the exploited party better off in some respect. ... Second, an exploitative transaction must be unfair when it is measured against a suitable benchmark. The exploiter must have gained more from it, and the exploited gained less from it, than would have happened in the benchmark situation. This is not to say that the exploited party has gained nothing. ... Third, there must be a power inequality between the two parties which explains why the exploiter is able to conduct the transaction on terms that are comparatively favourable to him. Often this means that the exploited party is vulnerable, either in the absolute sense of being in a desperate situation (a starving man who must get a job to stay alive) or in the sense that relative to the potential exploiter he has little bargaining power (if I have something that you very badly want, and all you can offer in exchange is something that I don't care much about, then I am well placed to drive a hard bargain).

Let's look at each of the criteria in turn, starting from the last criterion.

3.1. Power imbalance and urgent need as creating a double bind for some TRC participants

The third criterion of Miller's exploitation definition draws attention to the context in which exploitation takes place and which makes it possible, namely a power imbalance between exploiter and exploited as well as some kind of urgent need coupled with a lack of alternative options on the side of the victims. Together, these factors explain why someone would willingly participate in an exploitative interaction. How does that apply to current and past TRCs in non-transitional societies? As mentioned before, Indigenous people in Canada and Norway, but also all other non-transitional countries that have conducted or are currently conducting TRCs, are in a minority position in which they have less power than the majority and the government representing that majority.⁴ Moreover, Indigenous people and many other minorities that were subject to past injustice are vulnerable in various ways – economically, socially, culturally, health-wise, etc. (Axelsson and Sköld 2006; Huyser *et al.* 2022). Many of these vulnerabilities as well as the group's low political and bargaining power are direct or indirect effects of past and enduring injustices. They leave these groups in a position where they must often act on the terms of the majority to secure goods and interests important to them. Regarding TRCs in non-transitional societies, the need in question is often that enduring injustices are recognized, correctly understood, and addressed by the ones responsible. Discriminatory attitudes need to be acknowledged and changed, speakers from the victim group must be accorded the same credibility as other speakers, funds for dealing with lasting effects of past injustices must be made available, etc.

⁴The TRC in Greenland constitutes somewhat of an exception here as Greenland has considerable autonomy from Denmark, the Inuit in Greenland are not an absolute minority, and the TRC here was conceptualized not as a process reconciling Inuit and Danish but as a process internal to and restricted to Greenland.

Thus, the minority group has a strong need while the majority not just lacks a matching need, but even benefits from continued ignorance which allows to ignore the responsibility to meet the costly needs of the minority. If one of the fundamental preconditions for having these needs met is to establish epistemic injustice, that is, to break through willful ignorance by making the victims' voices heard, and if a TRC is perceived as one of the few options to achieve such epistemic justice, minority members might find themselves in a double bind. Affected members might feel a duty to participate in the TRC to work toward justice for their own group. At the same time, some of those feeling this duty might not want to testify as it means reliving trauma, making private experiences (sometimes also of other family or community members) public, and spending considerable emotional energy and time on one's testimony.⁵

Of course, not everyone testifying in a TRC does so unwillingly. For many, such testimonies can be a form of getting closure or even empowerment. Yet, given that the impact and power of the collected testimonies and the resulting report might at least partially be influenced by the number of people contributing, even unwilling community members might feel the pressure to contribute. These members are placed in a double bind in which they have to decide between contributing against their will in order to secure urgently needed justice for their group or to remain silent and thereby risk that their situation remains unchanged. The starker the injustices experienced by the group are, the stronger this double bind can be expected to be. The need to address these injustices is both more urgent and the testimonies about them potentially more traumatizing. Thus, in such contexts, which are found in many non-transitional societies with a colonial past, minority members might feel compelled to participate in a TRC and educate the majority about their own oppression because unequal power relations do not leave them with another option to address the injustices they suffer. This brings us to the second criterion.

3.2. A just benchmark: burden-sharing and decreased vulnerability

The second criterion asks for an appropriate benchmark against which to measure the benefits each party derives from the exploitative interaction. Before determining what a just benchmark would be, two notes are in order. First, whether or not perpetrator, here primarily the state, has an incentive to meet the just benchmark should not matter in setting it. After all, most exploitative situations are structured in such a way that there are little to no incentives for the exploiter to act justly, which is exactly why they act exploitatively. Second, this criterion does not demand that the exploiter benefits overall more than the exploited but that they benefit more than in a just benchmark situation. It is easy to see why such a requirement makes sense. If exploitation could only take place if the exploiter benefits overall more than the exploited, many forms of exploitation would not register. For example, if a starving man gets a job with unfairly low pay and bad working conditions, the exploiter gains financially. Yet, the starving man presumably gains his life which would be the bigger overall benefit. Nevertheless, we would classify this as a case of exploitation because the employer pays less than in a just benchmark situation in which the man was not starving and thus had more bargaining power to ensure a higher salary. Similarly, for TRCs to be

⁵I thank Dr. Bernard C. Perley who has spoken with me about this topic at the Princeton Indigenous/Settler Conference (April 4–6, 2019) for important impulses on thinking through TRCs and the burdens they impose.

part of a pattern of epistemic exploitation it is not necessary that the majority (state) gains more than the concerned minority. Rather, what needs to be shown is that the TRCs occur in a context that places burdens on the minority that they would not have to shoulder in a just benchmark situation.

To determine such a benchmark, it is important to consider the claims which the majority state makes about the aims of the TRC and the context it occurs in. Namely, TRCs are not just investigative bodies for finding the truth. They are also seen as tools of reconciliation. They are supposed to support an ongoing reconciliation process between minority and majority that re-establishes good relations between both groups. This role of TRCs is essential in that it places certain obligations on the majority state without which the claim that they are serving reconciliation cannot be sustained. Reconciliation is often understood as re-establishing good relations (Asch 2018; Borrows and Tully 2018; Griswold 2007). For reconciliation to occur, the perpetrator is called upon to acknowledge and confess their wrongdoing, to repent, and to rectify it (Griswold 2007; Sannhets- og forsoningskommisjonen 2023: 89). Thus, in contrast to a court hearing, it is not the victim's side that must prove the wrongdoer's guilt. Instead, the perpetrator is expected to confess and acknowledge their wrongs themselves. In the context of TRCs, the majority population, and especially the state, must be willing to do their part in addressing past injustices without having to be pressured into it by the overwhelming testimonies of victims. Here it is worth pointing out the relevant difference between a court case or the investigations of a Truth Commission and a TRC. In the former, the primary aim is to uncover the truth and then administer some form of retributive justice (punishment, reparations, etc.). TRCs, in contrast, do not pursue retributive justice but rather restorative justice (Maepa 2005: 74).

Restorative justice aims at “undoing” the negative effects of past injustices as far as possible and restoring the relations between victim and perpetrator (Wilson 2001: 544). As such, it is conducive to reconciliation, understood as renewed positive relations between victim and perpetrator (Griswold 2007). Important in this context is that restoring relations is a two-way process in which perpetrators show their willingness to acknowledge and apologize for the wrong done. As such, “restorative justice strives to promote healing through structured communication processes among victims, offenders, community representatives and government officials” (Gilbert and Settles 2007: 7). This view of the aim of TRCs, restorative justice and reconciliation, clearly sets the suitable benchmark quite differently than a court process. In the context of a TRC, voluntary, open, and honest involvement of the individual and institutional wrongdoers is key to create the conditions for reconciliation. The state's role is especially prominent here for several reasons. It is one of the main perpetrators, it has a responsibility for bringing about justice, it has the power and information to bring about justice, and it claims that it wants to reconcile with the minority affected. Without the state's active and supportive involvement, the truth might still be found, or rather made non-ignorable, thanks to victim testimonials. Yet, the process resembles a court case rather than showcasing commitment from both sides to record the truth and mend relations. One might still talk about a truth commission in such circumstances, but the majority's claim that they are also a tool of reconciliation would sound hollow.

Thus, in the case of Truth *and Reconciliation* Commissions, a just benchmark situation is one in which the burdens of making the truth widely known are distributed equally and the rectification of injustices does not depend on the victims participating in a TRC. An appropriate benchmark would be a situation in which the main burden of confessing injustices, unearthing the documents proving them, amplifying the voices of

victims who have already testified, and taking on the shame and guilt that comes with such revelations would lie with the perpetrators. The state, as one of the main actors that allowed the past injustices and later helped to conceal them, would take on the role of actively educating the public about the past injustices and their effects and would lend credibility to the voices of the minority groups and those members that have spoken out or want to speak out. The state should amplify the voices of those who already gave testimony, in the form of memoirs, films, interviews, etc., and use its power to give them reach and credibility. Ensuring such credibility, and thus combatting testimonial injustice, involves that the state takes full responsibility for the committed wrongs, including recognizing them publicly instead of tolerating or even supporting harmful counter narratives.⁶

Importantly, the state's educational efforts would be dominantly guided by the voices of the minority group itself. That is, the state should not speak for or instead of the minority because it risks perpetuating old, inaccurate narratives or missing key points. Letting the affected communities speak for themselves and supporting their voices contributes to remedying hermeneutical injustice as it allows those groups to find, articulate, and introduce into the wider public those concepts that are needed to understand their experiences and positions. In the scenario described here, the assumption is that there already exist enough testimonials from which the majority could learn. Consequently, the main problem the TRC addresses is not a lack of information but a lack of uptake. As described in section 1, such an assumption might not hold in new transitional societies but is well-founded in non-transitional societies that are democracies protecting freedom of speech and in which the original injustice has occurred long enough ago that victims have spoken about it in the meantime.

In a just benchmark situation, wrongdoers thus would be equally involved in terms of taking on burdens of education and the state would play an active role in ensuring testimonial and hermeneutical justice for the concerned group. In contrast to this, current TRCs in non-transitional societies burden victims with providing proof of their suffering and reliving the shame and hurt that the injustices have caused them. Although the victims certainly gain something from a TRC, especially in terms of testimonial and hermeneutical justice, they still are burdened more when compared to the ideal benchmark situation.

First of all, participating in a TRC requires time and effort. One might have to travel to a certain place to testify, take the time to testify, and possibly provide more information later. Beforehand, one must think about what to say and how to say it. As people speak about experiences that are deeply personal and hurtful and might even do so on a public stage toward a public that they might not be able to fully trust, this preparation can take immense work and time. Emmalon Davis (2016: 492) draws attention to the pressures people might experience in situation in which they "are placed under tremendous pressure to deliver on behalf of their entire constituency. Indeed, targets may experience anxiety, embarrassment, or even anger at having their social identity made into a public spectacle." Moreover, recounting these experiences and their effects can be extremely emotionally challenging and draining and in the worst case might lead

⁶See Melanie Altanian's work on genocide denial for an in-depth account of how the state can contribute to oppressing victim testimonials by creating an atmosphere of epistemic oppression in which testimonies are contorted and discredited (Altanian 2021). Even though most non-transitional democratic societies do not employ censorship or deny past wrongdoing outright, traces of many of the described structures and strategies are still present.

to a re-traumatization.⁷ Apart from the time, effort, and emotional burdens that testifying imposes, it also can lead to difficult questions about how much of one's own private sphere as well as possibly that of one's family or community one wants to expose to the public gaze.

Having to share private experiences and stories might be felt as humiliation and might constitute a specific kind of disrespect as the victims are expected to submit their private life and reasoning to the scrutinizing gaze of the majority (Ottonelli 2017: 610/11). There is a difference between people knowing that one is, for example, a residential school survivor, and thus has been exposed to cruel and discriminatory treatment or whether people know the exact details of one's suffering. The associated disrespect of being demanded to reveal one's private experiences in detail might be felt especially strongly if claims by the majority population are not subject to the same level of scrutiny (Ottonelli 2017: 612). Thus, the flipside to having a forum in which one's voice is heard is that it comes with renewed pain, vulnerability, and effort on the side of the victims whereas the perpetrators or the general public do not share equal burdens. The Canadian and Norwegian TRCs focused on engaging former victims and their families and communities that suffer from the consequences of the past assimilation policies. Notably, neither TRC questioned persons that were involved in the wrongs of the past such as teachers at residential schools or legislators.⁸

The recent TRCs thereby stand in contrast to the TRC held in South Africa in which perpetrators were called upon to testify about their crimes and to answer any questions their former victims and/or their families had in exchange for amnesty. Even more, the South African TRC held the power to subpoena key figures in the past human rights violations and was entitled to hold several institutional hearings that investigated the role different political, social, and cultural institutions had played in these injustices (Hayner 2011: 28/29). Neither the Norwegian nor the Canadian TRC had similar powers or even the mandate to engage with the side of the responsible perpetrators and the institutions involved in the past injustices. While the state in non-transitional societies might not be able to subpoena individuals in the context of a TRC, it can order the relevant institutions to contribute to gaining information about past injustices, e.g. by opening their archives or making their properties accessible for investigations. Both Norway and Canada have given the commissions the right to access national archives (Haugen 2021; Truth and Reconciliation Commission of Canada 2012). At least in the Canadian case, however, the right has been given but not sufficiently enforced. Thus, the Interim Report of the TRC cites a lack of cooperation by churches and federal governments as one of the main impediments to collecting evidence and gathering knowledge about the residential school system (Truth and Reconciliation Commission of Canada 2012). In the face of such resistance, personal testimonies become central – and thus the double bind that leads to epistemic exploitation more likely. The burden of educating the majority thus rests with members of the oppressed group and they might feel responsible for taking it on whether they want to or not.

The majority population and responsible institutions, on the other hand, can take on the role of an audience that might be shocked about what they learn but that is

⁷Acknowledging these burdens, the Sami Competence Centre for Mental Health and Addictions (SANKS) officially provides support services in the context of the Norwegian TRC which is at least one step toward lessening the burden on TRC participants.

⁸While people involved in the committed wrongs were allowed to testify (and a very small number did), these testimonies were not encouraged or even demanded by the state or the commissions.

ultimately innocent in their ignorance and even praiseworthy for having set up a commission that addresses past injustices. As mentioned before, perpetrators or representatives of the institutions enabling the past injustice have not been called upon to contribute to the testimonies. They are spared the public gaze and associated shame and guilt that can come with confessing what has happened in the past. Likewise, the state has not taken initiatives to educate the general public such as including knowledge about the history of the concerned minorities in the school curriculum or making past injustices more visible in state-led interventions into public debate. Indeed, the very lack of such education has made TRCs necessary. Thus, society has outsourced the (emotional) labor of providing education about this topic to those who are already suffering from it in the first place.

Federal MP Pat Martin said in the context of the Canadian TRC “I think I can safely say that if you could get these stories to average Canadians, you would tap into a great deal of goodwill, because no one in this room will ever forget what we’ve heard today” (de Costa 2017: 185). Remarkable in this quote are two things. First, a quasi-promise is made that there will be “good will,” possibly meaning more tolerance, support, and understanding, from the average Canadian if they learn about the experience of residential school survivors. Second, the stories that testify to these experiences need to be brought to Canadians and will impress them because of the personal experiences shared – they do not need to seek them out or engage in learning about these events that is “dry and boring” instead of a dramatic, engaging display of personal suffering. This quote therefore aptly sums up the unequal bargain that TRCs propose: support and understanding from the majority, if Indigenous peoples take on the burden of educating the majority instead of expecting them to make an effort toward clearing up misconceptions about the national history and the situation of Indigenous peoples.

Besides demanding just burden-sharing, a just benchmark situation might also call for equalizing the bargaining power of both parties, thereby adding a procedural component to the more substantive claims about burden distribution. In transitional societies, power relations often have become more balanced, if not completely flipped. The same cannot be said in non-transitional societies. A majoritarian democracy cannot secure equal bargaining power between minority and majority. However, the position of minorities can be bettered by allowing them special representative organs that have substantial impact on the majority government or veto powers in areas that are core concerns for the minority’s well-being (Kymlicka 1996). Sami parliaments in Norway, Sweden, and Finland, despite having different powers, can be seen as a step in that direction, similarly as provisions that demand the Free, Prior, and Informed Consent (FPIC) of Indigenous people to projects affecting their homelands (cf. Josefsen *et al.* 2015; Leydet 2019). Most importantly for the case discussed here is maybe the alleviation of existing injustices that make addressing willful ignorance of the majority so urgent.

A better economic position and more control over their own lands would go a long way in decreasing the currently urgent need, especially in Canada (Human Rights Watch 2023), of affecting change. Starting to alleviate other than epistemic injustices would contribute to making minority groups less vulnerable, their need less urgent, and thereby their bargaining position stronger. Less general vulnerability and need would lessen the double bind described above even if TRCs were not accompanied by the state taking on duties of educating the minority. Yet, neither TRC was supplemented by such developments. The position of the Sami in Norway can be said to be more equal thanks to higher socio-economic equality and representation by the

Sami parliament (Hansen *et al.* 2010: 112). Nevertheless, in the last months before the end of the TRC, Norway went through a huge controversy involving the lacking respect of the Norwegian government for Sami land and cultural rights (Ministry of Petroleum and Energy 2023; Ravna 2022; Supreme Court of Norway 2021) and discrimination still has a measurable impact on Sami health (Hansen *et al.* 2010). In Canada, enduring injustices and resulting vulnerabilities of Indigenous peoples outside those directly connected to residential schooling were bracketed from the beginning. Issues such as sexualized violence, land conflicts, police discrimination, etc., persisted alongside the work of the TRC.

Thus, in a just benchmark situation the burden of educating the majority would be fairly distributed between the state (which provides credibility and forums that guarantee uptake as well as proof of its own wrongdoing) and the minority group (which provides their unique perspectives and a counternarrative to the dominant knowledge) and the vulnerable position of the minority group would be alleviated to give its members more bargaining power or in this context less pressure to address epistemic injustices in order to alleviate other stark injustices. Consequently, the double bind leading to epistemic exploitation would be resolved as minority group members would not be put in a position where current injustices make addressing the willful ignorance of the state and the majority crucial and in which participating in a TRC seems one of the few viable options to do so. In such a situation, the danger of TRCs becoming sites of epistemic exploitation would be minimized, if not even eradicated. Yet, the context in which both the Norwegian and Canadian TRC were conducted fell short, though in varying degrees, of this benchmark. Instead, the burdens of educating the majority were unequally distributed in such a way that the second criterion for exploitation is met. This leads us to the last criterion of Miller's definition of exploitation, namely the condition that "it must have been open to the exploiter to engage in an alternative transaction which would have left the exploited party better off in some respect" (Miller 1999: 204).

4. Avoiding epistemic exploitation in TRCs

If the party that has more power and benefits more from the interaction than a just benchmark situation would allow can nevertheless not act in a manner that would honor the just benchmark situation, they cannot be said to be responsible for or engaging in exploitation. They must have the power and possibility to do things differently. One might argue about how much individuals or even individual institutions have (had) the power to change the situation so that it meets the benchmark outlined above.⁹ It is fairly clear, however, that the state and its central institutions do have this power. Moreover, the state has created the structures and laws that allowed past injustices and entrenched enduring injustices. Thus, it can be regarded as one of the main perpetrators. The state therefore both has the power and the responsibility to remedy the

⁹It is indisputable that individuals can at least contribute to making the situation fairer, for example, by educating themselves and those around them. Likewise, institutions and collective actors either involved in the original injustice, e.g. churches in Canada, or in the enduring injustices, e.g. the police or fossil fuel companies vying for Indigenous land, do have alternative ways of acting and thus bear partial responsibility and are complicit in the (epistemic) exploitation. Nevertheless, the actor who most clearly has the power to act in a different way is the state and its central agency which is why the state is the focus point in this article.

(epistemic) injustice. For example, the state possesses alternative ways of providing education about past injustices, yet the majority state has not employed them. Additionally, it was a repeated failure as many of the injustices lie back several decades, so that there has been plenty of opportunity to educate the majority about these injustices. Given that both the Norwegian and the Canadian state had such alternative actions open to them but instead chose to address the injustices through a TRC, we can say that epistemic exploitation took place as the willful ignorance of the majority (state) compelled Indigenous peoples to undertake educating the majority about their oppression. So how can such an outcome be avoided? What are the alternatives that states could have taken but did not?

Some of the requirements have already been outlined in the previous section when describing a just benchmark situation. To recap, it is important to create a context in which only those who genuinely wish to testify in the TRC participate whereas those who currently only testify because they see it as the only way to address past and current injustices are relieved from this pressure. To achieve this aim, the above-described double bind – testify at high personal cost or not testify and risk injustices to continue – must be dissolved. There are several changes that can contribute to this. First, TRCs should be employed as one among many tools to address testimonial and hermeneutical injustice, to overcome willful ignorance, and to address enduring injustices adequately. Emphasis should be placed on educating the majority even if few people testify in the TRC or decide to remain anonymous.

States have a variety of ways to educate citizens about important facts. Memorial days such as the National Sorry Day or National Day of Healing in Australia can draw attention to the past injustice and establish it as a fixed fact within the national narrative. Inclusion of formerly neglected facts into schoolbooks can teach children from the start what happened in the past and what the (enduring) effects of these injustices are. Special funding for filmmakers, writers, artists, museums, etc., can support that the topic in question becomes more visible through art and media that engages with it. Politicians themselves can take care to highlight past injustices and their effects when speaking about the relevant historic time span and/or programs or debates concerning the group in question.¹⁰ Last but not least, the voices of those willing to testify and to make public statements should be adequately amplified so that they are heard even by those not actively seeking out that information and so that victims being heard does not depend on their numbers.

Many of the suggested measures have been taken, or are recommended to be taken, by states after the TRCs concluded and published their final report with recommendations to that effect. However, if such measures only take place *after* the TRC, the pressure to testify and thereby help make the TRC a success remains. In such a scenario, victims might feel compelled to participate so that all relevant aspects of the past injustice are covered and thus represented in the final report and its recommendations.

¹⁰Here, care should be taken to strike the delicate balance between an appropriate focus on the past injustices and their enduring effects and the danger of reducing a group to victims only. An exclusive focus on the group's testimonies of past injustice might produce another epistemic harm, namely compulsory representation (Davis 2016: 490). It takes place when a group member's testimony is only respected in so far as it provides information on a specific topic that the majority sees as the special expertise or experience of a social group. Epistemic agency and respect thus are restricted to information over a specific topic instead of being extended to the members of the group in general. TRCs thus can risk a certain kind of tokenism in which giving a minority a stage to be heard on a certain topic hides the continuing inequalities and epistemic injustice the group experiences in other areas of public debate (cf. Davis 2016).

Moreover, they might also feel that numbers matter in the sense that the final report will gain more traction if it speaks on behalf of a large number of involved victims. Therefore, promoting public education after the TRC is too late if epistemic exploitation and the described double bind should be avoided.¹¹ Rather, these measures should be taken concurrently with the ongoing TRC and in an ongoing dialogue with the affected communities and individual victims.

A related, yet more difficult part is whether and how perpetrators can and should be involved in the process. If perpetrators are repentant and tell the truth, their contributions can be powerful in educating the majority and bringing about a change of mind in the majority. However, as section 3 mentioned, there is a lack of incentive for such behavior in non-transitional societies. If there are no good incentives, involving perpetrators might backfire. They might try to justify their actions or try to minimize the harms. If this happens, it will not only hurt the victims anew but also reinforce negative stereotypes about the victims and make willful ignorance easier to defend. Moreover, being confronted with individual perpetrators might cause considerable psychological distress to their victims. Thus, whether and how individual perpetrators should be involved will depend on the context. Are the perpetrators willing to testify truthfully in the name of seeking reconciliation? Are victims willing to engage with the perpetrators and/or can it be ensured that they will not be exposed to them unless they want to be (e.g. through having separate testifying sessions and showing explicit warnings before such testimonies are shown in public media or by having perpetrators mainly confess to researchers who use their testimonies to provide general information to the public)? The answer to these questions will vary in each situation, yet they should be asked in the hope that at least some individuals might come forward and share the burden of testifying with the victims and lend their voices to support the reports of the victims. The latter can be especially important in the face of widespread testimonial injustice which causes victim testimonies to be discounted.

A less fraught and maybe even more important part should be played by the institutions responsible for allowing, supporting, and/or organizing the injustices in question. Catherine Lu (2017) emphasizes that in cases of structural injustices a focus on individual perpetrators can obfuscate the structures that have allowed and sometimes still sustain the injustices in question. Therefore, directing attention to the institutions that are implicated in the injustices can help to uncover the structures and misconceptions that allowed past injustices and perpetuate enduring injustices. Moreover, investigations into current structures and prejudices of these institutions might also ensure that addressing enduring injustices does not solely depend on victims' testimonies and the reactions they elicit in the majority. One reason why victims might feel compelled to participate in a TRC is that they see it as the only way to effectively address prejudices in the majority society that lead to discrimination and a reluctance to adequately fund and establish services that help their communities deal with the enduring effects of the injustices. This worry can be assuaged if the state convincingly shows that it is willing to investigate within its own institutions how it contributes to enduring harms that the group experiences.

¹¹In the Norwegian context, not only were there no concurrent efforts at educating the majority already during the TRCs active period, even the TRC's existence itself was largely unknown to the public. Only 37% of Norwegians knew about the TRC in May 2022 and even the final TRC report received little national media attention (Lingaas 2023). This calls in question whether the TRC can be an effective tool for securing epistemic justice at all.

Moreover, while state institutions are bound to the majority's will up to a certain point, they usually also can exercise some discretion, e.g. when it comes to deciding what gets funded and how high the funding is. This room for discretion is important as some of the most harmful enduring effects of past injustices could be eliminated through direct state action. For example, one of the most frequent demands in the Canadian TRC hearings was for increased funding for culture-specific mental health services (Truth and Reconciliation Commission of Canada 2012). Such mental health services are critical for many communities in which rates of depression, intergenerational trauma, substance abuse, and suicide are high. The state already has a responsibility to provide the health services needed and one way of helping more effectively would be to hire providers that are schooled in culture-specific mental health services. Doing so would relieve pressure from the affected communities which at the moment need to mobilize and participate in forums such as the TRC to get their demands heard and fulfilled. Thus, listening to the already articulated needs of victims and striving to meet them so as to alleviate (enduring) injustices is a powerful way of removing the current double bind regarding TRCs. After all, if one does not need to participate to ensure justice, one can choose more freely whether one wants to testify or not. Lastly, one way of ensuring that such injustices get addressed independently from TRCs might be to introduce certain minority rights and protections that do not reverse power relations but make them more equal.

5. Conclusion

Chief Robert Joseph, hereditary chief of the Gwa wa enuk First Nation, stated (de Costa 2017: 185): "As we are all moving toward reconciliation, we all need to discover the truth and sometimes it will be shocking and tragic. But it will lead to a deeper understanding." The last section has problematized the current TRCs in which discovering the truth and creating a basis for deeper understanding has been placed primarily in the hands of the former victims. The reason is that old power structures persist and allow the majority population to ignore the voices of and injustices still suffered by the victims. In such situations of unequal power and willful ignorance, victims might find that their best opportunity to educate the majority about past and enduring injustices and thus to garner support for addressing them is a TRC. However, some victims might then find themselves in a double bind. Either they submit to the epistemic exploitation or they refuse to participate but risk that the injustices they suffer from continue. In the first case, the TRC repeats a pattern of exploitation and oppression that has created the need for the TRC in the first place. In the second case, the TRC might remain without effect as there are too few testimonies and the majority might not perceive them as representative of the whole group, or they will fail to draw enough attention to be even noticed.

The article proposes that if non-transitional societies seek reconciliation, they must be careful that TRCs do not place victims in such a double bind. The article has discussed several factors that contribute to an epistemically exploitative situation – willful ignorance, unequal power relations, and enduring injustices. It has then made several suggestions as to how states can create circumstances in which the different factors that enable exploitation are removed. Currently, it can be doubted whether the Canadian and Norwegian TRC adhered to the principles of being fair, just, respectful, honorable, and voluntary. If current TRCs in non-transitional societies are at least partially a site of epistemic exploitation, they contradict these principles in subtle yet

powerful ways. Still, it is important to stress that TRCs as officially sanctioned public forums are important tools to make so far silenced or discredited voices heard and that former victims may decide to testify to have their experiences recognized and to get some closure. Thus, TRCs should still be conducted – especially if victims ask for them. This article analyzed the dangers of TRCs in non-transitional societies and suggested factors that mitigate the risk of epistemic exploitation in such settings. It thereby helps to create TRCs that truly contribute to reconciliation instead of, while erasing some epistemic injustices, also commit new (epistemic) injustices.¹²

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Kerstin Reibold is a postdoctoral researcher at UiT – The Arctic University of Norway. She has worked on Indigenous land and self-determination rights in the context of settler states and with special attention to the role that supersession and the affirmation of moral status equality should play in such discussions. She also works on issues of epistemic injustice and trust. Email: kerstin.reibold@uit.no

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