

Article

# The Truth Will Set You Free? The Promises and Pitfalls of Truth-Telling for Indigenous Emancipation

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## Abstract

First Nations in Australia are beginning to grapple with processes of treaty-making with state governments and territories. As these processes gain momentum, truth-telling has become a central tenet of imagining Indigenous emancipation and the possibility of transforming relationships between Indigenous and settler peoples. Truth, it is suggested, will enable changed ways of knowing what and who “Australia” is. These dynamics assume that truth-telling will benefit all people, but will truth be enough to compel change and provide an emancipated future for Indigenous people? This article reports on Australian truth-telling processes in Victoria, and draws on two sets of extant literature to understand the lessons and outcomes of international experience that provide crucial insights for these processes—that on truth-telling commissions broadly, and that focusing specifically on a comparable settler colonial state process, the Canadian Truth and Reconciliation Commission. The article presents a circumspect assessment of the possibilities for Indigenous emancipation that might emerge through truth-telling from our perspective as a team of Indigenous and non-Indigenous critical scholars. We first consider the normative approach that sees truth-telling as a potentially flawed but worthwhile process imbued with possibility, able to contribute to rethinking and changing Indigenous–settler relations. We then consider the more critical views that see truth-telling as rehabilitative of the settler colonial state and obscuring ongoing colonial injustices. Bringing this analysis into conversation with contemporary debate on truth-telling in Australia, we advocate for the simultaneous adoption of both normative and critical perspectives to truth-telling as a possible way forward for understanding the contradictions, opportunities, and tensions that truth-telling implies.

## Keywords

Australia; Canada; Indigenous–settler relations; reconciliation; truth and justice; truth and reconciliation; truth commissions; truth-telling

## Issue

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## 1. Introduction

In 2022 the state of Victoria established the Yoorrook Truth and Justice Commission, marking a new era in Australian truth-telling focused on the history of invasion and colonisation of First Nations’ territories (*yoorrook* is a Wemba Wemba word meaning “truth”). Although

there had been previous truth-telling processes in Australia, until the creation of Yoorrook none had been explicitly labelled as such. Yoorrook has a mandate to investigate “past and ongoing injustices experienced by Traditional Owners and First Peoples in Victoria in all areas of life since colonisation” with aims to:

- Establish an official record of the impact of colonisation on Traditional Owners and First Peoples in Victoria.
- Develop a shared understanding among all Victorians of the impact of colonisation, as well as the diversity, strength, and resilience of First Peoples' cultures.
- Make recommendations for healing, system reform, and practical changes to laws, policy, and education, as well as to matters to be included in future treaties (Yoorrook Truth and Justice Commission, 2022a, p. 75).

The demand for truth-telling in Australia re-emerged in 2017 as a component of the Uluru Statement from the Heart, a collective call from a broadly representative group of Aboriginal and Torres Strait Islander people for a “fair and truthful relationship with the people of Australia and a better future for our people based on justice and self-determination” (Referendum Council, 2017, para. 10). Work towards the Uluru Statement was led by the government-appointed Referendum Council, which staged a series of regional, deliberative dialogues around the continent designed to seek Indigenous views on proposals to “recognise” Aboriginal and Torres Strait Islander peoples in the Australian Constitution. The process leading up to the Statement has been much lauded, and there was certainly a consensus among the delegates at the final convention at Uluru in May 2017. It should be noted, however, that some delegates had earlier walked out of some regional dialogues claiming that their dissenting views were being ignored. The Uluru Statement calls for “the establishment of a First Nations Voice enshrined in the Constitution,” complimented by “a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history” (Referendum Council, 2017, paras. 9 and 11)—a call that is captured by the slogan “Voice, Treaty, Truth.” The federal government elected in 2022 has committed to “Voice” with plans for a referendum to be held in 2023. The 2022 federal budget also committed a modest amount to begin the work of establishing a Makarrata Commission. Significantly, there are also now treaty processes underway in several sub-national jurisdictions, and each of these treaty processes is accompanied by a commitment to truth-telling work. Thus, while Yoorrook is the first official truth-telling commission of its kind, others seem likely to soon follow in the Northern Territory (2022), Queensland (2021), and Tasmania (Warner et al., 2021). Indeed, in each of these jurisdictions, truth has been posited as an essential element of the treaty. As Kate Warner, who was appointed to consult about the treaty process with Aboriginal people in Tasmania, argued: “Once people understand the truth—the ongoing effects of dispossession—that will make it easier to accept terms of a treaty and the need for some remedy” (as cited in Blackwood, 2021).

Truth-telling, then, has become a central tenet of imagining Indigenous emancipation and the possibility of transforming relationships between Indigenous and settler peoples. As Appleby and Davis (2018, pp. 503–504) contend, the demand for truth in Australia is explicitly linked to the demand for political transformation. First Nations on this continent, they suggest, are not just seeking clarification of facts or recognition for victims but are instead seeking to renegotiate the foundations of the relationship between Indigenous people and the state. Truth, it is suggested, will enable changed ways of knowing what and who “Australia” is, forcing settler Australia to confront the legacies of its ongoing and illegitimate occupation of First Nations territories. This assumes that truth-telling will benefit all people, but most especially First Nations.

This article examines whether truth will in fact support the emancipated future for Indigenous peoples that is implied in public calls for truth-telling work. In what follows, we consider how truth-telling has the capacity to transform the relationship between Indigenous and settler peoples. We draw on what is known about the transformative potential of truth-telling and seek specifically to understand the kind of emancipation that may be possible for Indigenous peoples by considering outcomes of a similar process in a comparative settler colonial context: the Canadian Truth and Reconciliation Commission (TRC).

The tensions between Indigenous and settler aspirations for truth reveal two approaches at play: a normative view that foregrounds the promise of truth and a critical view that suggests truth-telling might contribute to sustaining settler colonialism. A normative approach to truth-telling sees such work as a potentially flawed but worthwhile process imbued with possibility, able to contribute to rethinking and changing Indigenous–settler relations. The normative approach, which we describe below as “the promise of truth” seeks to “foster a more inclusive democratic dialogue by providing official spaces for previously marginalized or silenced populations to share their stories” (Leebaw, 2008, p. 112). Truth, in this view, is positioned as a kind of agreement between Indigenous and settler peoples, rather than as a process centring the state and its violence (Henry, 2015). By contrast, we also consider a critical approach to truth-telling, described below as “the colonisation of truth.” From this critical view, truth-telling is seen primarily as rehabilitative of the settler colonial state while obscuring ongoing colonial injustices. In advocating for this dual critical/normative view of truth-telling we are acknowledging that no truth-telling process will be perfect. Truth will involve what we consider a process of “important mistakes” that should not be understood as a failure of truth-telling but rather as opening a space that might instead become a site of refounding—of trust and validation of the work that is required, always between Indigenous peoples and the settler state.

In the following sections, we first provide some background on the place of truth-telling in the transitional

justice literature, highlighting the different aspirations that Indigenous and non-Indigenous peoples might bring to such processes. We then examine the promise of truth for transformation in Indigenous–settler relations, followed by a more critical analysis of how truth-telling may be colonised and function to sustain settler colonialism. In our analysis of both the promise of truth and its colonisation in practice, we examine the key themes of narrative and memory, trauma and healing, and responsibility and justice. We then look back to consider what Australia may have learned about truth-telling through past experience on this continent. Through this analysis we develop the normative/critical approach to truth-telling, suggesting where truth might lead to Indigenous freedoms and where it is more likely to shore up colonial control. We conclude by arguing that proponents of truth-telling must hold both the normative and critical perspectives in view in order to fully appreciate and manage the contradictions, opportunities, and tensions that “truth” suggests for Indigenous freedom.

## 2. Truth-Telling and Indigenous Peoples

Truth commissions are temporary, state-sanctioned inquiries that typically last from one to five years, and are intended to investigate particular events and examine a specific series of violations over a defined period of time (Hayner, 2010). Often led by high-profile figures with a respected human rights record, their work usually involves collecting testimony from victims and (sometimes) perpetrators, through a team of investigators and other support staff (Hamber, 2012, p. 329). Conceptually, truth commissions tend to be complex, political, and moral enterprises that “both invoke and recast history and law” (Du Toit, 2000, p. 122). Beginning in the 1980s, truth commissions have emerged as a popular method of dealing with the past in deeply divided societies. As a result of this focus, however, analysis of truth-telling processes in established Western democracies has rarely been considered from a settler colonial perspective (Henry, 2015). This means such analyses are only marginally relevant in settler colonial societies where resolution of conflict is not possible (by definition, the settler society will continue to occupy Indigenous lands), but where structural transformation in the relationship (through treaty or other means) remains an aspiration. It is only relatively recently that truth-telling processes have been used as a response to settler colonial violence—most notably via the Canadian TRC.

What First Nations seek from truth-telling is often markedly different from the desire for unity and reconciliation that motivates the state. Indeed, rather than a transition towards a shared, integrated society, Indigenous peoples may seek a transformation of settler societies to enable their freedom and the exercise of their sovereignties as distinct and self-governing peoples (Maddison & Shepherd, 2014, p. 16). And rather than seeing truth-telling as an end to a process of relational trans-

formation, Indigenous peoples may be seeking to record their truths as a way of (re)opening a conversation about contested sovereignties and self-determination (Keynes, 2019). In other words, First Nations and settler states may pursue truth-telling processes for quite different ends. While settler governments may try to use the conclusion of a truth commission to “draw a line through history,” taking responsibility for human rights abuses that it now emphasises are “firmly in the past,” First Nations may be seeking to build “not a wall but a bridge,” using truth-telling to “draw history into the present, and to draw connections between past policy, present policy, and present injustices,” highlighting the complex ways in which “present policies reinscribe historical injustices and relations of oppression” (Jung, 2011, p. 231).

These differing aspirations reveal a deeper dynamic at play. There is considerable risk attached to the settler state’s hopes for truth-telling. Historian Penny Edmonds has described such hopes in Australia as the seeking of “affective refoundings of the settler state” (Edmonds, 2016, p. 2); refoundings that might be understood as “settler moves to innocence” (Tuck & Yang, 2012, p. 10). Through truth-telling, the state seeks a moment of colonial completion, a moment in which it can place the harms of colonisation in the past and move forward as a notionally postcolonial, newly legitimate political order.

The Canadian TRC, which advanced a clear political commitment to the transformative potential of truth, has proven instructive for Australian jurisdictions seeking to establish truth-telling processes focused on Indigenous–settler relations here. The Canadian TRC, which ran from 2008–2015, is discussed as a model for both Victorian and Northern Territory treaty processes (First Peoples Assembly of Victoria, 2021; Northern Territory Treaty Commission, 2021). The focus of Canadian truth-telling was on promoting healing, reconciliation, and providing reparations by creating a platform for survivors of assimilationist residential schools (MacDonald, 2019). The mandate for the Canadian TRC, contained in Schedule N of the Indian Residential Schools Settlement Agreement (2006, p. 1), posited the Commission as the product of “an emerging and compelling desire to put the events of the past behind us so that we can work towards a stronger and healthier future.”

Mixed views about the effects of truth-telling processes have been evident in Australia. While the Yoorrook Truth and Justice Commission is the first process to be labelled a truth commission, there have been three “truth-commission-like” processes that have contributed to Australian efforts to deal with the past: the Royal Commission Into Aboriginal Deaths in Custody (1989–1991), the Inquiry Into the Separation of Aboriginal Children From Their Families (1995–1997), and the work of the Council for Aboriginal Reconciliation (1991–2000). Although each of these processes followed quite different methodologies, each was commissioned to investigate forms of historic violence against

Aboriginal and Torres Strait Islander people and to educate the wider population about their contemporary impacts (Read, 2010, pp. 186–187). The Inquiry into the Separation of Aboriginal Children From Their Families, for example, received written submissions and oral evidence from Indigenous organisations, government representatives, former government employees, church representatives, and NGOs, including confidential evidence taken in private from Indigenous people affected by the policies and from adoptive and foster parents. The inquiry report, titled *Bringing Them Home*, included harrowing evidence of the forcible removal of Indigenous children that, it charged, constituted an act of genocide contrary to the UN Convention on Genocide (Short, 2008, pp. 93, 98). Read (2010, p. 288) describes the accusation of genocide as opening a “hornet’s nest.” The federal government contested the report’s findings, unleashing a period in Australia known as the “history wars” (Macintyre & Clark, 2004).

Despite official government resistance to the findings of the report, however, the subsequent debates were influential in opening political space for a renewed examination of Indigenous–settler relations. Nevertheless, political intransigence ensured that Australia’s truth-telling processes did not produce significant transformation in terms of reparations, legal reforms, or in advancing towards genuine recognition of Indigenous sovereignty. Crucially, both Indigenous deaths in custody and high rates of child removal remain key concerns. These failures are important reminders of the difficulty of securing justice and emancipation through processes like commissions. Indeed, in its report to the newly announced Yoorrook Truth and Justice Commission, the First Peoples Assembly of Victoria (2021, p. 7) insisted that this new process “cannot follow the mould of past Royal Commissions.” Indigenous control of truth-telling is seen as essential for creating different outcomes in future truth-telling work, with the Northern Territory process highlighting the significance of the fact that it would be “Aboriginal people creating the terms” for the process there (Northern Territory Treaty Commission, 2021, p. 6). So, while there is past disappointment there is also much hope that new processes of truth-telling in Australia will provide a genuine pathway towards Indigenous emancipation. We explore some of these hopes in the next section.

### 3. The Promise of Truth

#### 3.1. Narrative and Memory

In emergent Australian processes, the promise of truth-telling is expressed in terms of its potential to change national narratives and produce a new, shared collective memory that acknowledges crimes of the past. As Dutton (2022, p. 312) has written, “one of the central tenets of the colonial project is the way control is used to maintain a narrative of dominance, white superiority and so-called

truth.” Overturning the colonial narrative and replacing it with narratives that centre the harms of colonisation will, it is hoped, generate momentum for emancipatory change. This view was evident during the Referendum Council’s dialogue processes where, for example at the Dubbo dialogue, the record of the meeting reports one group as noting:

It was important to correct the record. Delegates spoke of the need to acknowledge the illegality of everything done since colonization, the first act of aggression on first contact, the extreme cruelty and violence of the government, and the impact of the forced removals. (as cited in Appleby & Davis, 2018, p. 504)

Similarly, the First Peoples Assembly of Victoria (2021, p. 7) has supported the potential for the Yoorrook Truth and Justice Commission to create “a new public narrative.” The Northern Territory Treaty Commission (2021, p. 30) states that “fragments of Aboriginal truth-telling” are “scattered throughout mainstream interpretations of history” and explain their desire to place Aboriginal people at the centre of a Northern Territory narrative, “on their own terms,” to generate better outcomes in the treaty process.

Similar aspirations attended the Canadian TRC. In essence, the TRC process sought to inform all Canadians about what had happened in Indian Residential Schools. Nagy (2013) makes a direct link between the call for truth and the creation of a new narrative, arguing that because the TRC was established following First Nations’ advocacy, the debate should focus on how meaningful findings—such as one of genocide—could spur structural transformation in Indigenous–settler relations. As we will see next, this aspiration has partially been realised.

#### 3.2. Trauma and Healing

Another of the possible merits of formalised truth-telling through commissions—as opposed to more strongly justice-focused approaches such as trials or criminal tribunals—is their possible contribution to the healing and recovery of victims. Where trials focus on the motivations of perpetrators, commissions are more focused on the feelings and experiences of victims (Daly & Sarkin, 2007, p. 61). Victims are supported to tell their own stories of atrocity and injustice, framed from their own perspectives, recognising them as “legitimate sources of truth with claims to rights and justice” (Du Toit, 2000, p. 136). Commissions allow for the excavation and expression of raw emotions of fear and anger, expressions of painful struggle, defeat, and survival (Villa-Vicencio, 2009, p. 75). As Martha Minow suggests: “Tears in public will not be the last tears, but knowing that one’s tears are *seen* may grant a sense of acknowledgment that makes grief less lonely and terrifying” (Minow, 2000, p. 244).

The Letters Patent that established the Yoorrook Truth and Justice Commission expressed this aspiration, stating that “Hearing First Peoples’ stories and acknowledging the truth about their experiences is essential for healing and justice for First Peoples” (State of Victoria, 2021, p. 2). The Northern Territory Treaty Commission (2021, p. 10) also expresses such aims, arguing that truth-telling “works to restore dignity and to begin a process of healing from the past...promoting individual and group healing through acknowledgement and validation of past trauma.” There is also clear awareness of the risks involved for Indigenous people who share their experiences with a commission. The Yoorrook Truth and Justice Commission (2022), for example, has committed that all hearings will involve counsellors, health professionals, and other support staff. There is a strong focus on preventing re-traumatisation and ensuring Indigenous control over processes.

### 3.3. Responsibility and Justice

Finally, in this section, we consider the hopes that truth-telling will lead to settler responsibility and justice for First Nations. For many Indigenous people, truth holds out the promise of emancipation because it may compel settlers and settler states to take responsibility for the harms of colonisation. There is the hope that with responsibility there will come justice; that truth will lead colonisers to return land, make reparations, and enable Indigenous self-determination. This view was evident throughout Australia’s official decade of reconciliation, during which the education of non-Indigenous peoples to “change their hearts and minds” was positioned as the first step towards change (Keynes, 2021). This strategy rested on the belief that the telling of truths was a crucial step towards further structural or institutional change. As Davis (2022, p. 26) argues: “Nascent truth-telling processes in Australia have charted a course expressly aligned with transitional justice, a global industry of theory and practice aimed at transitioning societies from conflict to democratic peace.”

Almost a decade on from the end of the Canadian TRC, there remains much optimism about its transformative potential through a commitment to the 94 Calls to Action (rather than recommendations) addressing “legacy” (redress for past harms) and “reconciliation” (future actions) issues. These Calls to Action are being taken up by a range of public and private institutions and most notably through the passage of Bill C-15, which responded to Call to Action number 43 by implementing the United Nations Declaration on the Rights of Indigenous Peoples into domestic legislation. In the last decade, the Canadian national government’s Indigenous rights, recognition, and implementation framework has led to the establishment of a national Reconciliation Council, a Cabinet Committee to “decolonise” Canada’s laws, and reforms to improve land and self-government negotiations and fiscal policy (King & Pasternak, 2018).

Not all of these changes can be directly attributed to the TRC, but it is reasonable to consider that at least some of these outcomes have been enabled by growing public awareness of, and support for, historical injustices against First Nations across Canada made possible through the work of the TRC (MacDonald, 2019).

## 4. The Colonisation of Truth

The hopeful, normative analysis we have outlined above suggests some of the aspirations for truth-telling in terms of Indigenous emancipation and the transformation of Indigenous–settler relations. Counter to this promise, however, is a more critical analysis that points not only to the potential shortcomings of truth but also to the further harms that truth-telling processes might enact. In this section we consider the ways in which truth has been colonised by and, at times, serves, the interests of the settler colonial order, leading not to Indigenous emancipation but to the consolidation of the colonial status quo. As with our analysis of the promise of truth, here we consider how truth has been “colonised” across the domains of narrative and memory, trauma and healing, and responsibility and justice.

### 4.1. Narrative and Memory

When considering the promise of truth in relation to narrative and memory, the critical view contends that no “truth” of historical injustice—indeed, no history at all—will ever be stable or uncontested. To assume otherwise is to misread the way in which historical conflicts, such as the conflict produced and sustained by invasion and colonisation, are (re)produced in narratives that, as Little (2014, pp. 12–13) contends, enables “disparate details and events” to be “brought together into a single narrative” that “pushes contradictions and complexities to one side.” Despite the inherently fragmented nature of narrative and memory, there is a persistent desire attached to truth-telling work that seeks to record a single, official historical truth. This is evident, for example, in the Yoorrook objective noted above, i.e., to establish an official record of the impact of colonisation on Traditional Owners and First Peoples in Victoria.

For First Nations, this desire for an official truth may be driven by the need to establish a basis for negotiating treaties and reparations. Documented historical losses of land, people, language, and culture are an important evidentiary element in such negotiations. But while Indigenous peoples might desire a single official record in order to “inscribe their own historical experience in the history of the nation” (Jung, 2011, p. 242), as state institutions, truth commissions may seek this official history in order to restore aspects of settler legitimacy.

Indeed, in their focus on historical narratives, truth commissions may contribute to an understanding that the injustices inherent to the formation of modern state institutions are located firmly in the past rather



than acknowledging them as ongoing colonial structures (Wolfe, 2006). As Coulthard (2014, p. 127) argues in relation to the Canadian TRC, rather than acknowledging the ongoing nature of Canadian settler colonialism, the commission “temporally situates the harms of settler-colonialism in the past and focuses the bulk of its reconciliatory efforts on repairing the injurious legacy left in the wake of this history.” Or as Strakosch (2016, p. 29) suggests in relation to Australia, creating an official record can be a means through which the colonial order draws a line under the past in order to “move forward as an inclusive Australian nation.” This tension is evident in the temporal framing of colonisation outlined in a report to the Yoorrook Truth and Justice Commission from the First Peoples Assembly of Victoria (2021, p. 12), which reflects on the objectives of the commission as set out in the Letters Patent that created it:

Some of these [goals] look “back” to acknowledge First Peoples’ lived experiences of colonisation, the[ir] ongoing impact, and identify who was responsible for the harms. Other objectives look “forward” to create a new public narrative that includes positive stories of resilience and identifying what changes are needed to repair and prevent new harm.

Such a statement acknowledges ongoing, contemporary injustice while also suggesting that many of the harms of colonisation are situated in the past. The suggestion here is that truth-telling about this past will inform a more emancipated future for Indigenous Peoples, brought about by the act of truth-telling itself.

It is evident, however, that the outcomes of truth commissions are generally far more complex, ambivalent, and ambiguous than the production of a singular narrative of past harms that will function to prevent future harms from being perpetrated. In a comparative study of the outcomes of the Canadian TRC and outcomes of truth-telling on Japanese internment in Canada, Matsunaga (2021) argued that by producing events as unique instances of harm rather than systemic violence, the state aims to protect itself from much more significant acts of restitution. There is the risk that the truths told during formal processes may focus on individual circumstances at the expense of a focus on the ongoing structures of colonialism (Hobbs, 2018), which have always been, and continue to be, the greatest source of harm for Indigenous peoples. In their discussion paper on designing their truth-telling process, the Northern Territory Treaty Commission (2021, p. 20) recognises this issue and proposes to “not just examine atrocities, but the socioeconomic and institutional conditions that allow these to occur.”

#### 4.2. Harm and Trauma

A second area of critical analysis concerns the hope that truth will promote healing through an acknowledge-

ment of harm and trauma. Truth-telling work inevitably involves the recounting of harmful and traumatic events, in the hope that reading these onto the public record will help to shape a wider public consciousness. Schaffer and Smith (2004) argue that the proliferation of life stories and personal narratives has come to define modern narratives of human rights. Along these lines, Reynaud (2014, p. 370) explores the “feelings rules” of the Canadian TRC, where the commission sought to create an authentic emotional expression of hurt and pain while at the same time shoehorning this into dialogues of reconciliation. There is deep ambivalence here as the significance of telling an individual or family story may have deep meaning for the teller, but in receiving these truths the settler state may diminish their impacts. The telling itself might be constructed as the reparative act, as though it is enough to merely establish an institutional mechanism for listening to narratives of harm and trauma without commitment to reparative acts that might lead to emancipation.

There is also risk attached to any process in which Indigenous peoples must represent themselves as victims of the colonial order. Tanana Athabascan scholar Dian Million argues that the discursive and subject-forming logic of trauma is counterintuitive to calls for recognition of Indigenous polities as self-determining, self-governing entities and suggests that the public embrace of “trauma” may in fact work to sidestep challenges to state sovereignty (Million, 2013). She is not alone in imploring critique of a preoccupation with trauma narratives that turn personal suffering into stories of universal horror in ways that can obscure broader processes and ameliorative strategies beyond “listening” (Feldman, 2004; Henderson, 2015). Coulthard (2014, p. 126) suggests that the expectations of Indigenous peoples in the wake of a truth-telling process centre on what the settler state sees as their “seemingly pathological inability to get over harms inflicted in the past.” Counter this view, Coulthard suggests that this refusal to “move on” is a manifestation of Indigenous peoples’ “righteous resentment,” an expression of their “bitter indignation and persistent anger at being treated unjustly by a colonial state both historically and in the present,” a sign of “critical consciousness” and “awareness of and unwillingness to reconcile ourselves with a structural and symbolic violence that is still very much present.” For Coulthard (2014, p. 127), the risk in truth-telling is that, in relaying their experiences of harm and trauma, Indigenous peoples become “the primary object of repair, not the colonial relationship.”

The First Peoples Assembly report to the Yoorrook Truth and Justice Commission recognises some of these potential risks, arguing that the commission must be a “safe space” for Indigenous people (First Peoples Assembly of Victoria, 2021, p. 7). The report acknowledges that “the risk of re-traumatisation is ever present” in truth-telling work and contends that “the Commission must avoid replicating systemic injustices itself” by not protecting Indigenous peoples from potential harms.

A critical analysis of truth commissions also considers the ways in which such institutions define the types of harm and trauma that they will consider by framing the dimensions of a conflict. Commissions tend to define the category of “victimhood” in ways that are less challenging to the contemporary political order. The South African TRC was explicitly criticized for its narrow focus on particular types of harm and trauma—limited to gross violations of human rights that were already illegal under apartheid—which rendered the apartheid era a story of specific human rights violations rather than one about “long-term, systemic abuses born of a colonial project with economic objectives” (Miller, 2008, p. 280). The Canadian TRC has faced similar criticism for its exclusive focus “on the tragedy of residential schools” rather than the ongoing harms of settler colonialism (Coulthard, 2014).

#### 4.3. Responsibility and Justice

This limited view of the harms of colonisation also directs us to a critical analysis of the limitations of truth-telling as a means of achieving Indigenous emancipation through settler responsibility and attention to justice. There are two elements to this critical view that we consider here.

The first element concerns the widespread debate about the capacity of truth commissions to hold the perpetrators of colonial harm and violence to account. The Canadian TRC excluded the possibility of prosecuting any individual implicated in testimony. There are mixed views on this institutional design choice. Nagy (2013) points to the positive possibilities that the absence of prosecution powers might enable, specifically by providing space for survivors to share their stories without pressure to “prove” these truths or meet other legal obligations and requirements. Stanton (2011) suggests that the Canadian TRC’s lack of judicial power and ability to prosecute could encourage participation by “perpetrators” and that the formality and coherence of the TRC could create real force to challenge the dominant narrative. However, Stanton also concedes the limited outcomes from truth-telling that might be possible once prosecution has been excluded, suggesting that the practical impact could be limited to a national apology (which had already been delivered in 2008) and individual reparation payments (which were linked to the TRC’s process). Indeed, often when injustices are identified as matters for redress through truth-telling processes, these truths are merely to be “recognised,” “apologised for,” and “reconciled.” The completion of a truth commission may suggest to some that the important work of redress is already done.

This view of the limits to justice and responsibility that truth-telling might enable leads to our second element of concern: How is the justice that might flow from truth conceptualised? In Canada, “truth” was explicitly tied to the idea of “reconciliation.” James (2017, p. 362)

argues that reconciliation has become a “master keyword” in Indigenous–settler relations in Canada. In a study of media use of the term across Canada, James concludes that understandings of reconciliation are “primarily affective,” focused on producing “harmonious relations achieved by a combination of survivor healing through truth-telling and settler knowledge acquisition through learning” (pp. 3–6). While these understandings may be used as a bridge to more substantive forms of emancipation for Indigenous peoples, such as through the return of land, legal jurisdiction, and access to resources, for the most part, the reduction of settler and state responsibility to “listening” and “healing” directs attention away from addressing the colonial roots of harm. Critical Indigenous scholars continue to warn of the limitations of this approach. For example, a report from the First Nations-led Yellowhead Institute (King & Pasternak, 2018, p. 4) found that the Canadian government reforms ostensibly arising from the TRC recommendations in fact served to “emphasize the supremacy of the Canadian constitutional framework” and de-link land rights and service provision, ultimately neglecting land restitution and treaty obligations.

#### 5. Truth and Freedom

This normative and critical analysis of truth-telling suggests the deep complexities that lie behind what is often assumed to be an unproblematically good thing. Truth is painful and difficult to control. History tells us that to think otherwise is foolish. Truth assumes a form of validation that the settler state has never in reality been able to offer Indigenous people. To pursue freedom through truth requires releasing these expectations while continuing to do this urgent work anyway. Keeping both the normative and critical perspectives in view may provide a space through which truth can also make mistakes; a space in which to voice otherwise unsayable, difficult and transient ideas and experiences, a space to understand the historical and lived experience of Indigenous people’s lives, which exist alongside and despite the settler state.

The emerging truth-telling processes in Australia are not the first attempts to grapple with colonial harms on this continent. We can see elements of all the hopes and concerns about truth-telling that we have outlined above in Australia’s past experiences, particularly through the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families. It was through this inquiry and in subsequent debate about its findings that Australia came to know of the Stolen Generations (Read, 1999)—those Aboriginal and Torres Strait Islander people removed from their families at the hands of the settler state.

This early truth-telling process in Australia had significant impacts. Knowledge of the Stolen Generations is perhaps the only publicly accepted (although certainly not by everyone) narrative of significant wrongdoing

towards Aboriginal and Torres Strait Islander peoples (Read, 2010, p. 288). The 2008 state Apology to the Stolen Generations (Rudd, 2008) was an eventual acknowledgement that these experiences had been heard and believed and, for those individuals and families, the Apology was truly meaningful. In hindsight, however, perhaps the Apology holds an unworthy gravitas, a watershed moment that in fact allowed the nation to proceed as usual (taking children away from their families) rather than a moment of new freedom for Indigenous families wanting to live without fear of their children being removed.

This inquiry also led to further harms. Tony Birch recalls the experience of a friend who is a part of the Stolen Generations, and who had hoped that “big change” would result from the truths recounted in the *Bringing Them Home* report (Birch, 2021). The reality, however, was the experience of re-traumatisation at the hands of raging right-wing media fanning the flames of the history wars, those who denied the experience of child removal as “false memory syndrome” and an exaggeration of what really happened in the Australian colony. Not only was Birch’s friend dispossessed of their family; they were also dispossessed of their right to truth-telling and their freedom to remember.

This experience of truth-telling also did not lead to responsibility and justice. Removing Indigenous children from their families remains an industry in Australia. Aboriginal children removed from their family account for 40 percent of children in the child protection system nationally (Weston, 2022, p. 15) and since the *Bringing Them Home* report was released twenty-five years ago rates of Indigenous child removal have only increased. In 2022, Aboriginal and Torres Strait Islander children are eleven times more likely to be removed from their families than non-Indigenous children (Chamberlain et al., 2022, p. 253).

It is not surprising then that, in October 2022, the Yoorrook Truth and Justice Commission announced its intention to deliver a critical issues report in June 2023 on systemic injustice experienced by First People in child protection systems (and in criminal justice), stating action on these issues cannot wait. The number of Indigenous children in child protection is predicted to more than double by 2029. The document stresses that Yoorrook will not duplicate the work of the “many reports and inquiries that have already been undertaken in this area....Rather, Yoorrook will [draw] on its unique perspective as a First Peoples’ led inquiry” (Yoorrook Truth and Justice Commission, 2022a, p. 3). Yoorrook’s statement insinuates the limitations of the *Bringing Them Home* report and the 2008 apology as only historical and suggests that there is an alternative way to “tell the truth.”

For truth to lead to genuine emancipation, however, remains a daunting prospect. The truths told in the *Bringing Them Home* report are not truths that can be reconciled with and sustained alongside the contempo-

rary Australian settler state. Indeed, the truth of child removal as a practice common to settler colonial states seeking to eliminate the future of Indigenous populations undermines entirely the foundation of Australia’s liberal-democratic order.

For Yoorrook and other emerging truth commissions in so-called “Australia” to move beyond the status quo, a wide framing of stories will be important to grasp the totality of ongoing colonisation as well as diverse community experiences. The question, for now, is how much the new and emerging institutions focused on First Nations’ truth-telling will be able to transcend past experiences. We are not advocating that the critical analysis of truth-telling should mean that we abstain from such processes in the future. Rather, we are suggesting that holding both normative and critical analyses in view can inform cautious participation in both official processes and in extra-official campaigning and mobilisation.

## 6. Conclusion

Truth is not linear or representative of all lived experience. Truth is tricky. It can appear to open spaces for new understandings while simultaneously shutting these spaces down and reinforcing the colonial status quo. We offer this framework of both critical and normative analysis in the hope that it will support a new history of Indigenous-settler relationality that is reflective and self-critical; in the hope that through truth-telling we may begin to know ourselves in our entirety, in our diverse experiences, while also knowing that truth is never finished and has yet to begin in Australia. This, surely, would be a kind of freedom.

The Canadian and Australian examples above demonstrate the ways in which truth-telling can be reduced to the performance of old antagonisms in a civil forum over highly specific events, for the purpose of being able to “move on” from the past. Truth-telling processes that deny structural conflict by focusing only on particular cases of wrongdoing (such as the residential schools in Canada or the Stolen Generations in Australia) have multiple effects, not all of which lead towards Indigenous emancipation.

Whether or not the new momentum around truth-telling in Australia will contribute to Indigenous emancipation is not yet clear. There is hope, certainly, and there is concern that the state will—knowingly or otherwise—co-opt such processes for their own ends. As Australia navigates this complex terrain we advocate for the simultaneous adoption of both normative and critical perspectives on truth-telling as a possible way forward for understanding the contradictions, opportunities, hopes, and tensions that are in play.

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### Conflict of Interests

The authors declare no conflict of interest.

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