

THERESA LADRIGAN-WHELPLEY: Welcome to INTEGRAL, a podcast production out of the Ignatian Center for Jesuit Education at Santa Clara University; exploring the question is there a common good in our common home?

I'm Theresa Ladrigan-Whelpley, the director of the Bannan Institutes in the Ignatian Center and your host for this podcast. We're coming to you from the campus of Santa Clara in the heart of Silicon Valley, California. Throughout this season of INTEGRAL we've been looking at how issues of racial and ethnic justice urgently intersect with the question of the common good. Today we will explore how truth and truth telling are a common good. How do experiences of racial injustice in the United States require a truth telling beyond present legal provisions? Might we need to expand the array of resources available to communities to bring about racial justice and the common good?

MARGARET RUSSELL: The *Declaration of Independence* states, "We hold these truths to be self-evident." Is truth so self-evident anymore? We say that we care about scientific truth and historical truth, and yet post-truth has become the word of the day.

STEPHEN COLBERT (audio clip): Truthiness. Who's Britannica to tell me that Panama Canal was finished in 1914? If I wanna say it happened in 1941 that's my right.

THERESA LADRIGAN-WHELPLEY: To unpack these questions today, we're joined by Margaret Russell, Bannan Institute Scholar and Professor of Law at Santa Clara University, where she teaches constitutional law, civil procedure, and social justice. She's co-founder of two non-profits: The East Palo Alto Community Law Project and the Equal Justice Society. She's co-authoring a book on transitional justice and the US experience entitled *Righting Historical Wrongs*. Welcome Margaret.

MARGARET RUSSELL: Thank you Theresa. Post-truth, in what is surely a sign of our times, Oxford Dictionary's selected post-truth as 2016's international word of the year, defining it as relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief. Oxford's Dictionary editors noted a roughly 2000% increase in use of the word on social media and in news articles over the course of that year. They explained that the final word of the year is meant to capture the ethos or

mood or preoccupations of that particular year and to have lasting potential as a word of cultural significance.

Now let us ponder this for a moment. Where is truth in the United States today? The *Declaration of Independence* states, “We hold these truths to be self-evident.” Is truth so self-evident anymore? We say that we care about scientific truth and historical truth, and yet post-truth has become the word of the day. The rise of the word post-truth, like the phrase “post-racial America” is deeply concerning for me as I think about our nation’s history of racial and ethnic injustices. Truth is a common good. It is a foundational principle of ethics, of peace, of science, of justice. The measure of a healthy society is its capacity to value truth and to know how to find it.

Before post-truth seeped into our vocabularies and collective psyche, we had a much more sign of the times. The 2006 Merriam-Webster word of the year, truthiness, unveiled by Stephen Colbert in 2005 during the first episode of his satirical program, *The Colbert Report*.

STEPHEN COLBERT (audio clip): And that brings us to tonight’s word: truthiness. Now I’m sure some of the word police, the wordinistas at Webster’s, are gonna say hey that’s not a word. Well, anybody that knows me knows that I’m no fan of dictionaries or reference books. They’re elitists. Constantly telling us what is and isn’t true. Or what did and didn’t happen. Who’s Britannica to tell me that the Panama Canal was finished in 1914? If I wanna say it happened in 1941 that’s my right. I don’t trust books.

MARGARET RUSSELL: Colbert later elaborated on his critique underlying his use of truthiness. He said, “It used to be that everyone was entitled to their own opinion but not their own facts. But that’s not the case anymore. Facts matter not at all. Perception is everything - it’s certainty. I really feel a dichotomy in the American populace. What is important, what you want to be true or what is true? Truthiness means what I say is right and nothing anyone says could possibly be true. I feel it to be true. There’s not only an emotional quality, there is a selfish quality.”

Truth-telling, I think, is a core principle and practice in two emerging areas of law-related justice: transitional justice, consists of judicial and non-judicial measures used to address legacies of human rights abuses. It is more commonly thought of in other countries and not in the United

States. Restorative justice, also a new movement in the United States, seeks to repair the harms caused by crimes and other wrongdoing by encouraging dialogues among survivors, offenders, and their communities. How have truth-telling mechanisms operated in the US to address racial and ethnic injustices? What is their potential in times of increasing disregard for the truth?

Many have heard of the South African Truth and Reconciliation Commission, or TRC, which operated from 1995 to about 2002 to investigate the abuses of the apartheid years of 1960 to 1994. The commission's chair, Archbishop Desmond Tutu, recounted in his memoir, *No Future Without Forgiveness* that truth enables us to transcend the conflicts of the past and hold hands as we realize our common humanity. He describes truth telling as the capacity to look the beast in the eye and recognize the horrors that people can inflict upon one another.

DESMOND TUTU (audio clip): The reason for this commission is opening wounds, cleansing them so that they do not fester and saying, "We have dealt with our past as effectively as we could. We have not denied it we have looked the beast in the eye."

MARGARET RUSSELL: Only through this kind of truth-telling can we move forward to healing and reconciliation. We need truth commissions, such as the Chicago commission which last year ordered reparations to individuals who were terrorized for a long period of time by a corrupt police officer. We need more opportunities to have commissions of inquiry about disadvantage, about discrimination, about racial violence.

One issue I uncovered in looking at truth commissions was the role of commissions of inquiry in uncovering a long history of forced sterilization in the state of California. This disproportionately affected women of color, as did programs in Indiana, Puerto Rico, and other states.

To use California as an example, beginning in 1909 and continuing for 70 years, California led the country in the number of forced sterilization procedures performed on men and women. About 20,000 of them took place in state institutions comprising $\frac{1}{3}$ of the total number performed in the 32 states where such action was legal.

Other powerful examples exist. The Greensborough, North Carolina truth and reconciliation commission was established in 2004 as a non-governmental community based body to study an event in 1979 in which members of the Ku Klux Klan and the American Nazi Party shot into a group of protestors. It resulted in a report and recommendations for the reconciliation and healing of the community many members of which are still bearing scars of the racial violence.

In the area of anti-black racial violence, there are numerous examples. In 1993, the Rosewood, Florida commission issued a final report about a series of violent acts that swept through a community of Rosewood, Florida in the 1920s and eliminated it. Rosewood no longer exists as a community. In 2001, the final report of the 1921 Tulsa, Oklahoma race riot commission similarly explored the depth to which an entire, flourishing African-American community was wiped from the map and permanently disabled through racial violence.

In 2006, the 1898 Wilmington race riot commission also issued a final report detailing similar acts of racial violence. In thinking about these early 20th century examples and late 19th century examples against African-Americans, which included lynching, property destruction, and dispossession, it's possible to look at situations of anti-black violence in our streets and to wonder whether or not truth commissions will uncover the extent of violence that contributes to that reality.

Well what is the truth? As I mentioned, truth is hotly contested. Some think that it doesn't exist. Truth commissions and international discussions about human rights often rest upon four basic definitions of truth, four types of truth, all of which are equally important in a holistic conception of truth as a common good.

The first is most recognizable to us and that is the notion of forensic or factual truth. The US legal system in its adversarial modes is obviously built upon that. The second type of truth is really called a truth-telling or narrative kind of truth and that's the example you heard in the clip. Truth-telling, or narrative truth, is subjective. It is the story of the oppressed person, the victim of the injustice. It is encouraged to be told from that person's perspective and through that person's words. And the important thing is to listen and recognize that that is a kind of truth that has been all too infrequent in the ways that our legal system has dealt with racial and ethnic injustice.

Narrative is a way of filling out more broadly the deeper, long-lasting harm of historical injustice. That brings us to the third and fourth versions of truth: social truth and reconciliation. Now these are broader than the individual. Instead of looking at autonomous bad actors, the idea of social truth and reconciliation truth looks to values and goals and group communication of how to move forward. By delving into all forms of truth, that is the narrative, the factual, the social, and the healing, truth commissions are trying to propose a mechanism that is not a replacement for a legal system but it augments a legal system.

So what is our call to action as members of a community? My first bit of advice would be to think about what truth means in your own life. Sit with that, engage with the notion of what truth is with the people closest to you. Don't give up on truth. Secondly, promote the truth. There's so many ways we can promote the truth through conversations, thinking about the way we talk to others, thinking about the way we treat each other, standing up for people from different groups. If they are misunderstood, discriminated against, or harmed, don't shy away. Find a way to communicate the truth and advocate for justice.

And third, most practically, think about ways in your own community in which you can advance the truth. A wonderful development in the last couple of months is the rise of social justice activism, a realization that if government entities are not going to represent principles of justice and equality, then we must. We must stand forward, we must find other ways of truth telling, we must get stories out, and we must propose methods of healing.

We are a nation that in the area of racial and ethnic justice, has papered over the truth, has actually actively fostered untruths. It's created some wounds that have yet to be healed. Some think they will never be healed, some think that there will never and can never be reconciliation in this country. I disagree. I would like to light a candle for truth in the hope that it leads to justice.

THERESA LADRIGAN-WHELPLEY: Thanks for listening to INTEGRAL, a Bannan Institute podcast of the Ignatian Center for Jesuit Education at Santa Clara University. Special thanks to Professor Margaret Russell for her contribution to today's episode and for all the contributors to our first season. In the next season of INTEGRAL, we will be exploring the issues of economic

justice and the common good. So stay tuned, that's launching in early April.

Technical direction for INTEGRAL was provided by Craig Gower and Fern Silva. Our production manager is Kaylie Erickson. Thanks to Mike Whalen, Katrina Story, Preston Yeung, and Charmaine Nguyen for advisory and editorial support. I'm Theresa Ladrigan-Whelpley and this is INTEGRAL.

Sources:

- Stephen Colbert, "The Word - Truthiness," available at"
<http://www.cc.com/video-clips/63ite2/the-colbert-report-the-word---truthiness>
- Desmond Tutu, TRC, available at: <https://www.youtube.com/watch?v=5FjwkE8iJNU>