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Truth Telling as Reparations

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Abstract:
International instruments now defend a “right to the truth” for victims of political repression and violence and include truth telling about human rights violations as a kind of reparation as well as a form of redress. While truth telling about violations is obviously a condition of redress or repair for violations, it may not be clear how truth telling itself is a kind of reparations. By showing that concerted truth telling can satisfy four features of suitable reparations vehicles, I defend the idea that politically implemented modes of truth telling to, for, and by those who are victims of gross violation and injustice may with good reason be counted as a kind of reparations. Understanding the doubly symbolic character of reparations, however, makes clearer why truth telling is unlikely to be sufficient reparation for serious wrongs and is likely to be sensitive to the larger context of reparative activity and its social, political, and historical background.

I defend here the idea that politically implemented modes of truth telling to, for, and by those who are victims and heirs of gross violation and injustice may with good reason be counted as a kind of reparations. This does not require me to defend the idea that truth telling is sufficient reparation for serious wrongs, or that the effectiveness of orchestrated truth telling as a form of reparations is independent of whether or not other forms of reparations are given. Typically truth telling is not sufficient by itself as a form of reparations, and its meaning
and force as a form of reparations is apt to be affected, perhaps determined, by whether other reparations are also offered or attempted, but this is as true of other measures readily recognized as reparations, such as compensation.

I begin with a brief look at the principle of victims’ and societies’ “rights to know” or “rights to the truth” concerning human rights abuses that has emerged in United Nations documents in the past decade. The major part of my argument involves providing an account of the aim of reparation that particular reparations measures serve, and of four conditions that specific vehicles used to provide reparations must meet. On this basis, I defend concerted tellings of certain truths as a suitable and significant vehicle for reparations in particular situations. I also argue that the understanding of reparations measures I have provided, in particular my claim that reparations work on a doubly symbolic level, suggests we might take a more realistic view of how modest even if crucial is the reparation that any specific reparations measure is likely to achieve. I attempt to underscore both the urgency and the limitations of reparations programs.

1. Emerging International Norms: A Right to Truth

International human rights discourse now encompasses a “right to know” or “right to truth.” The truth in question consists in facts about the occurrence, circumstances, causes, and perpetrators of all gross human rights violations and serious breaches of international humanitarian law. The right is both individual and collective; rights-bearers are victims, their families and representatives, and “society” or “a people.” Obligations fall upon governments not only to protect human rights but also to effectively investigate gross violations and to make the information discovered available. The right to truth has evolved rapidly over the past decade, driven in part by the proliferation of truth commissions and other investigative mechanisms (Rotberg and Thompson 2000; Hayner 2001; Borer 2006; Bickford 2007). The right is currently described as “inalienable,” “autonomous,” and “nonderogable,” recognized and elaborated progressively by international treaties and instruments, national legislation in some countries, national, regional, and international jurisprudence, and international and regional intergovernmental organizations (United Nations 2006a and 2007).

Some U.N. documents that contributed to articulating this right are ones that define principles for “combating impunity” of human rights violators; they were motivated in part by policies of amnesty from criminal prosecution that not only shielded perpetrators from liability but also threatened to bury or blur the fact of their wrongdoing. The three points of focus for principles to combat impunity, first formulated in 1997, have remained: the right to know; the right to justice; and the victims’ right to reparation (United Nations 1997). Consistent with the original formulation, the current 2005 update of the principles describes the “right to know” (also sometimes described elsewhere as a right to the truth or a right to information) not only as the “imprescriptable” right of victims and their families to know what happened but also as the “inalienable” right of “a people” to know the “history of oppression” that is “part of its heritage” (United Nations 2005b, Principles 2, 3, 4). There is a corresponding duty of the state to preserve “collective memory from extinction … guarding against the development of revisionist and negationist arguments” (Principle 3). The measures proposed to implement fulfillment of these rights include the operation of an independent and effective judiciary, but they currently emphasize the establishment of truth commissions or other official commissions of inquiry, with an emphasis on “securing such parts of the truth as were formerly denied” (Principles 6–13), and on preserving and rendering accessible and correctable archives relating to the violations (Principles 14–18). The current 2005 formulation of the principles stresses the importance of broad consultation, participation of victims and other citizens, and ensuring the representation of women or other groups especially vulnerable to or targeted for human rights violations, while giving new attention to matters of confidentiality and privacy (see United Nations 2005a on revisions and new emphases). The “right to know” receives detailed scrutiny in this “best practices” model of measures to combat impunity. Effective measures to get to the truth and make it available are needed.
both for “recognition of the dignity of victims and their families” and to combat denial (Principle 6). Full and effective exercise of the right to know is considered “a vital safeguard against the recurrence of violations” (Principle 2).

Rights to reparation are articulated separately in another series of U.N. documents of the past decade that have shaped understandings of the right to truth (United Nations 1996, 2000, and 2006b). Since 2000, in these “victim-oriented” documents that focus on remedies and reparation, rights to truth have appeared in a dual role. Access to “factual information concerning the violation” is one of three principal kinds of remedy for individual victims of gross violations of international human rights law and serious violation of international humanitarian law; the other remedies are access to justice and reparation for harm (United Nations 2006b, Article VII). Rights to truth also reappear within the category of reparation to individuals. Reparations measures are divided into five categories: restitution, compensation, rehabilitation, satisfaction, and guarantees of nonrepetition. “Satisfaction” includes, among eight diverse measures, at least four related specifically to truth telling: “verification of the facts and full public disclosure of the truth”; search for the whereabouts and identities of the executed, the disappeared, and abducted children, and assistance in recovery, identification, and reburial of remains of murdered victims; public apology, “including acknowledgment of the facts and acceptance of responsibility”; and “inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels” (Article IX).

Furthermore, recent formulations include an additional article, distinct from one that specifies remedies or reparations, that “victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations” (Article X).

These international guidelines regarding truth telling in the aftermath of political violence and repression are directed to states as their responsibility. This principle of state responsibility is now widely accepted in principle. Criminal trials, mass reparations, and other remedies to hold perpetrators accountable, to address indignities and harms to victims, and to reinstate acceptable standards are increasingly expected from and taken up by successor governments that may or may not have continuity with previous ones guilty of or complicit in the violations, although this does not preclude substantial roles for many local, national, and international governmental and nongovernmental institutions as well in pursuing these ends. For my purposes here I assume rather than defend state responsibility, although I believe it is defensible. Instead, I propose here to provide a moral rationale for orchestrated truth telling (usually but not always conducted by states) as itself a remedy and, more specifically, a form of reparations to individual victims.

That the finding and telling of truth should be seen as a condition of remedies and reparations is not surprising. It is obvious that establishing the facts of a violation is required in order to address or redress it, that is, to make the case that remedies and reparations are required and to decide which are appropriate. It is not so obvious that finding and telling the truth about violations could itself be considered a kind of remedy or itself count as a kind of reparation. Richard Falk (2006) offers what might be construed as a somewhat deflationary, or at any rate politically pragmatic, account of the phenomenon of truth as reparation; he suggests that among the obligations that states might recognize in postauthoritarian or postconflict settings, “satisfaction” through truth telling might be favored on grounds of expediency. Falk notes that the post–World War II era witnessed a historically unprecedented movement from a purely “state-centric” orientation in international law toward an acceptance of state responsibility to individuals, rather than to other states. But, he adds, “such a drive for corrective justice was tempered by resource constraints and by the search for normalcy or social peace, tending to produce compromise approaches, especially encouraging an approach to feasible levels of ‘satisfaction’ for victims by reliance on truth and reconciliation processes adapted to the particularities of a given country. The
end result is an acknowledgment of the past, but without great efforts either to punish perpetrators or to compensate victims. Symbolic forms of redress prevail, with both corrective and deterrent goals” (2006, 490). Falk’s point is not implausible politically, but also not decisive morally. Truth commissions, documentation of massacres, or truth trials might be cheaper and more feasible, financially and politically, than criminal prosecutions, civil litigation, or massive material reparations programs. Nonetheless, we still might ask the question: What case can be made morally for truth telling itself as one form of genuine reparation rather than a less costly substitute for it?

2. The Nature and Aims of Reparations Measures

I begin with the following conception of reparations: reparations are intentionally reparative actions in the form of goods (material and interactive) given to those wronged by parties who acknowledge responsibility for wrongs and whose reparative actions are intended to redress those wrongs. It follows that it is not in itself what is given to or done for a victim of wrong, nor the person or entity who gives or does it, nor even the act of giving or doing it that constitutes reparations; what constitutes reparations are these only in the context of a communicative act by the giver: a message of acknowledgment, responsibility, and intent of rendering just treatment deserved by a victim who has been wrongly treated. I shall refer to the vindicatory communicative element that symbolizes or represents the reparative message—the message of acknowledgment, responsibility, and intent to do justice—as the “expressive” dimension of any act of or attempt at reparations.

Two distinctions have become commonplace in discussions of reparations. Reparations measures are divided into those that offer a benefit directly to individual victims of wrong and those that offer a benefit to groups or collectivities of affected individuals. It is also common usage now to speak of reparations measures as either “symbolic” or “material” ones, where the term “symbolic” is meant to cover any measures, individual or collective, that do not have monetary value. While this distinction is important, the terminology is not entirely helpful. Properly speaking, an act or object is “symbolic” if it is or involves a representation of something else not actually present, and so what is symbolic is opposed to what is real or actually present and directly acting. Using “symbolic” to denote acts or objects without monetary value to victims effectively implies that it is monetary or other materially valuable acts and objects that are the only “real” reparations, and that reparations such as memorials or apologies are acts and objects just “standing in” for the unavailable “real” goods, which are necessarily ones of monetary value.

This is unfortunate to the extent that it obscures two facts about reparations. First, reparations are all of them symbolic, and cannot be otherwise in being reparations. What I have called the expressive dimension—the communicative act of expressing acknowledgment, responsibility, and intent to do justice—that constitutes reparations is a necessary feature, no matter what material or monetarily valuable instruments, goods, or services are offered. Second, this common use of “symbolic” might suggest that an apology or a memorial isn’t itself (or isn’t the vehicle of) a real-time and effective transaction with concrete effects among human beings. Apologies necessarily use words, and memorials use visual, tactile, and verbal materials in representative ways in order to conduct this transaction; so too is the monetary payment the symbolic use of a financial instrument to conduct the same kind of transaction. In every case, however, the transaction is a real event or process aimed at an alteration in the relationship and standing of the parties. If the transaction is successful, it produces real effects of psychological, moral, social, or political kinds. Indeed, if the transaction misfires or is poorly executed the effects are likely to be quite real as well: resentment, outrage, bitterness, cynicism, litigation, and protest, to name a few. I shall have more to say about the doubly symbolic nature of all reparations measures in conclusion.

Truth being told about wrongs is obviously a condition of addressing them through repair. Because all reparations depend upon the expressive dimension that acknowledges offense, responsibility, and intent to do justice, truth telling about a wrong is also a constitutive element of that expressive function. So, truth telling is
clearly both a condition and a constituent of reparations measures. I want to defend the proposition that truth telling in the appropriate context might by itself be an act of reparations. In order to do this, I first offer a view about the goal of “reparation” at which specific reparations measures aim.\(^8\) I then offer an account of what makes any particular “vehicle” of reparations appropriate to the task of embodying the expressive dimension that acknowledges violation, responsibility, and the need for justice.

First, what aim or end do reparations embodied in various vehicles serve? Recent writings on reparations traverse several different idioms of damage and repair, including psychosocial, legal, political, and moral ones. Psychosocial perspectives address relieving the suffering, distress, anger, and sense of violation experienced by victims.\(^9\) Legal ones focus on restoring the status quo ante or making the victim whole. Current political discussions speak in terms of equal citizenship, parity of public status and recognition, and civic and social trust.\(^10\) The moral idiom in discussions of reparations usually refers to the restoration or recognition of the dignity of victims and the reaffirmation or reconstruction of a moral order. \(\text{"Material" harms are distinguished from the “moral” or “dignitary” harms of insult, disrespect, disregard, and abuse from which they are inseparable, and which thus require responses that do more than offer material relief.\(^11\)}}\) I offer a particular way of understanding the regulative ideal of reparations that foregrounds moral aims, while recognizing the importance of the psychological and political conditions to implementing and expressing them.

In my work on moral repair—the attempt to reconstruct or introduce recognizably moral patterns of relationship after wrongdoing—I identify three central conditions of functioning moral relations that are threatened or damaged by serious wrongs (Walker 2006c, 23–28). One is the confidence that there are mutually recognized and defensible shared standards that define roughly aligned normative expectations between parties. A second is trust that parties may rely on each other to be responsive to these standards, either by conforming to them or by acknowledging that failure to conform creates liabilities and possibly obligations. The trust in question may be either rather general or specific to relationships with distinct histories. Third, and less commonly recognized, parties must sustain hopefulness about the defensibility and mutual acceptance of moral standards and about the trustworthiness of individuals to respond to them. While discussions of reparation usually focus on restoring trust, and on individuals' sense that shared standards are (now or once again) such as to affirm their dignity and protect them, hopefulness is a fundamental condition of moral relations. Hopefulness requires a motivating belief that there is a possibility, even if slight, that defensible standards are shared and that individuals are disposed to respond to what the standards require. Hopefulness can be essential to restoring trust, because the trust we place in each other in acting on coordinated normative expectations set by shared standards is often disappointed. Hence, the mutual reliance involved in trust needs to be maintained by hopefulness at least about the general reliability of fellow moral actors, whether or not future reliance on wrongdoers is possible or wise. The centrality of hope has important consequences for understanding repair and, more specifically, reparations measures.

Reparations measures of all kinds are meant to carry the message of acknowledgment, responsibility, and intent to do justice, and so expressly to offer assurance that standards defining the wrong are indeed shared and that responsibility and obligations of repair are accepted. Reparations measures use appropriate vehicles (as I shall explain shortly, ones that open an interaction, and are useful, fitting, and effective) to deliver this message and to invite renewed trust between victims, wrongdoers or responsible parties, and their societies. But all reparative gestures, even when they tend monetary compensation, material goods, or property, are inevitably symbolic: they are a kind of representation by exemplification of the “right relationship” that wrongdoing has denied or broken. Reparative gestures cannot do more than token the possibility of morally
acceptable relations henceforward; so while they invite trust, what they offer immediately, if they seem genuinely motivated, is hope. They establish the possibility of a respectful interaction in light of shared standards, and they aim to motivate and energize thought, feeling, and action toward making that form of interaction reliable.

What features are necessary to a proper vehicle of reparations? I suggest that a reparations vehicle must be interactive, useful, fitting, and effective in ways I shall now explain.

1. Interactive. The vehicle is suitable to be the focus or embodiment of an interaction between responsible parties and victims. Responsible parties include the actual perpetrators of wrong, but also parties otherwise responsible (for example, by complicity or culpable inaction), and always in some ways the communities that are the reference point for the norms violated and for the reaffirmation of norms and of the victims’ desiringness of repair. Victims are construed for the purposes of this interaction as those who have suffered intentional harms directed at them. In keeping with current legal and political understandings, however, reparations may be offered to others unavoidably and severely affected by wrongs, such as families, close relations, and dependents of direct victims. This interactive aspect represents acknowledgment of relationship and the intent to repair it.

2. Useful. The vehicle is useful for victims in a particular sense: it is suitable for being experienced by victims and their communities as given for their own use either to replace what was lost, to use as a means to pursue interests otherwise thwarted by the wrong and its harms, to use as a means to pursue interests that replace and in some degree compensate for those interests that can no longer be pursued due to the wrong and its harms, or to provide some degree of satisfaction or relief specifically for the pain, suffering, and grief caused by the wrong and its harms. The limiting case is restitution, where the very thing lost or destroyed is returned or restored in a way that affirms its rightful ownership and the wrong of interference. More commonly, reparations offer something the victim of wrong can use to deal with the loss and damage the wrong has caused, and since these losses and harms are various, reparative measures vary. This element represents the acknowledgment of the victim’s experience of suffering and loss.

3. Fitting. Reparative measures must, however, be fitting. The vehicle is related to the wrong and harm that was endured in such ways as to seem fitting and deserved, especially to the victims but also to others in their community, as a response to that particular sort of wrong and loss, to the diminished opportunities and well-being it causes, and to the pain, suffering, and grief inflicted. The common requirement of “proportionality” of compensation to injury is one aspect of this more general idea. Fittingness represents an appreciation of the nature, meaning, and magnitude of what is “due” as a matter of justice.

4. Effective. The vehicle is given in such a context and with such support that victims of wrong are likely to be able to access and use it so they can take up the intended interaction and experience what is given as fitting and deserved. Care for effectiveness represents seriousness and sincerity in the attempt at reparation, and a focus on the victim’s concrete experience of repair.12

These four criteria typically operate implicitly. When reparations proposals are contested, the issue is not usually whether any of these four conditions express reasonable expectations of reparations; rather, questions about proposed reparations are usually about whether particular measures in fact fulfill these conditions, which are implicitly assumed. A formulaic or evasive reparations measure, like a pronouncement that does not engage the wishes or require the awareness of response of victims, or a failure of the appropriate authorities to address the victims, violates the first interactive condition and may aggravate the victims’ sense of being disregarded. The sad and tangled case of women enslaved in brothels by the Japanese Army in World War II illustrates repetitive failures of the so-called “comfort women” to secure the address and response of the Japanese government or legal system—a question of appropriate interaction and accountability—that they sought as a
condition of accepting monetary reparation.\textsuperscript{13} The second and third conditions, \textit{value and fit}, address victim perceptions of whether a reparations vehicle acknowledges and expresses appreciation of the nature of the loss victims have suffered. The Lakota Sioux do not accept the proposed compensation payment by the U.S. government for the unconstitutional taking of the Black Hills; the loss of the Black Hills is not a question of economic value for the Lakota, and payment for them does not fit the offense of cultural destruction, genocidal dispossession, and denial of sovereign nationhood (\textit{Tsosie 2007} and \textit{Barkan 2000}). A question about the \textit{effectiveness} condition arises, for example, for women who might receive lump-sum payments as victims of atrocity or torture in patriarchal societies in which women will realistically have no effective control over the economic resources tendered (\textit{Rubio Marin 2006}, 34–35).

My account of the four conditions, admittedly schematic, is intended as normative: I claim that defending a particular vehicle as a kind of reparations requires that a good enough case can be made for it in terms of these conditions, and that vehicles in fact offered or used as reparations are \textit{correctly} vetted and contested on roughly these grounds. What now of truth as reparations?

3. Truth Telling as Reparations

Concerted acts or processes of “telling truths” in cases of severe and violent abuses and extended eras of oppression or repression, I argue, are a kind of reparations. An interview with Chilean truth commissioner José Zalaquett gives a good example of how a truth-telling process can be “concerted,” in more than the sense that it is institutionally commissioned. Zalaquett describes briefly the process surrounding the Chilean National Commission on Truth and Reconciliation:

\begin{quote}
Even though Aylwin [the newly democratically elected president of Chile] himself had opposed the military regime and certainly was not in any way associated with its crimes, he appeared on national television when the commission's report was made public, and, in the name of the Chilean state, he atoned for the crimes that were committed. He sent a copy of the Commission's report to all the victims' families with a personal letter. More generally, President Aylwin decided to give this whole process the proper ritual. Nationwide public television appearances marked the establishment of the Commission, receipt of its report, and communication of its results. After that, the report was circulated in newspaper supplements; it was published in book form; and it was news in the papers every day for four weeks. … There was a great deal of discussion at the community level in churches, annual meetings of professional associations, university campuses, and the like. (\textit{Roht-Arriaza 1999}, 198–99)
\end{quote}

I include as acts or processes of concerted and official truth telling at least the following, when implemented as a policy: engaging in needed investigations and making the results of investigation about wrongs, actors, and institutions publicly accessible; making formerly secret documents public; exhuming human remains with the assistance of forensic experts; facilitating the access of victims to information; giving victims a public voice in articulating their experience of violence and injustice; and taking measures, especially educational, archival, or memorial, to disseminate and authoritatively promulgate truths and to preserve truths for future generations.\textsuperscript{14}

The power of truth telling as reparations rests on the fact, widely evidenced, that oppressive and abusive power arrangements, both episodic and prolonged intergenerationally, require extensive coordination of social and epistemic orders.\textsuperscript{15} Put simply, people invested in the conviction that their society is well ordered must be able to sustain certain beliefs that support their acceptance of and confidence in aspects of their social order, and be able to ignore or reject beliefs that are incompatible with that confidence. The operation of mutually stabilizing social orders and beliefs, however, is not at all simple. Where there is or has been violence, persecution, or oppression within a society, shared convolutions in belief, gross and subtle, create epistemic diversion and deniability in place of acknowledgment and accountability for those who \textit{need not to know}. These convolutions
include outright denial, defensive reinterpretations, “double discourses” that simultaneously deny facts and provide justifying or minimizing explanations and euphemisms for the very thing denied, and safe incuriosity protected by tacit agreements not to know more or not to say publicly what some or many know. Elliot Jaspin, writing on largely unresearched racial expulsions in the post-Reconstruction United States, speaks of “the fable” that offers “a different and far more pleasing story of what happened,” and a stock of euphemisms that misname what has occurred and reduce systemic violence, communal action, and policies of repression to unfortunate “incidents.”

These defenses against acknowledgment and accountability have profound effects on communities and societies and specific and destructive effects on victims of wrong (and often on their survivors or even their descendants in unresolved histories of injustice). Reparative truth telling addresses two intertwined and superadded harms that often befall victims: their epistemic impeachment and their degradation from the moral status of a credibly self-accounting actor. These harms constitute a fundamental form of moral disqualification, a morally annihilating insult added to the original injury.

To be a target of political violence and repression or systemic oppression is to be treated with intent to degrade, as deserving a form of treatment that would be abusive if undeserved, or to be treated instrumentally with insufficient regard for one’s humanity and dignity. Significant parts of abusive and oppressive practices (whether episodic or intergenerational) are invariably devoted to creating diminished statuses and stigmatized social identities that make it easier to justify the practices, to concealing certain treatment or effects, or to fabricating support for treatment that would otherwise be patently unacceptable. In the case of historical injustice, to be a member of a group subjected to unredressed systemic and intergenerational oppression is typically to live both with the inertial effects of this kind of diminished status and with widespread and normal social denial of either the detailed history of the oppression, or the persisting effects, or both. The result is that it becomes difficult and even unreasonable for many others to believe what one knows is true; victims labor under excessive burdens of proof, are deprived of basic credibility in giving their own accounts, and find that their standing to demand accountings of others is ignored or rejected.

The most profound disqualification from participation in the practices of mutual accounting that make up moral life is to be unable to command an accounting from others and to lack the standing credibly to give accounts of oneself. Where this occurs, even with respect to a particular matter, this is a disqualification, at least locally, from the relation of accountability itself. The concerted truth telling that is becoming part of the standard menu of internationally recognized best practices following conflict and repression is an attempt to intervene and disrupt the momentum toward epistemic impeachment and degradation of the moral status of victims that so commonly results from denials of grave wrongs. Because of this common situation, truth telling can be an interactive, useful, fitting, and effective vehicle of reparations in the following ways.

Interactive. The tellings of truths about violence and injustice are occasions when an assertion or admission is made to someone with the intent to inform and with the possibility that information provided might be circulated more widely, subject to discussion and dispute, or made the basis of other actions such as demands for additional investigation or revelation, criminal prosecution, or other reparation. Truth-telling projects come in many forms and face many limitations, but truth telling that puts fresh evidence and testimony into circulation and at the disposal of victims, parties responsible for wrongs or their repair, and their societies potentially opens a field of epistemic and moral interaction. It enhances the power of victims and witnesses to speak with basic credibility about what victims have suffered and its effects; it closes off some routes of escape for their listeners through denial or diversion.

Useful. What does it mean to speak of a truth-telling instance or process as useful? Monetary compensation or services or scholarships can obviously be put to use by victims to make good for certain kinds of losses and to
satisfy the sense that choices must be given in response to lost freedoms, and powers to act given in response to having been powerless. If by comparison speaking of the “uses” of truths and their tellings seems metaphorical, it is likely because the moral and epistemic effects upon individuals of silence, pervasive denial, and massive distortion in the aftermath of wrongs seem less tangible and immediate to some people than do physical violation or material losses. I believe it seems so, however, only to those who do not themselves suffer the consequences of that silence, denial, and distortion for their own agency and credibility.

“Denial” is the common term for what truth telling is needed to confront. Governments and individuals seek actively to cover up policies and events for which they prefer not to have to account, and “deniability” is a widely practiced strategy in institutions of many kinds. Yet denial is but one aspect of constructing and maintaining an alternative story or “fable” that partakes of lies and silences, but also of strategically altered or edited truths. If variations on the fable have sufficient social currency to constitute a reflective equilibrium of widely shared beliefs, then the reported experience of victims of and witnesses to violence and injustice—whether torture survivors, people who live with daily racism or heterosexism, or witnesses to an atrocity—becomes dubious if not literally incredible. More insidious, their attempt to report it places upon them a disproportionate if not impossible burden of proof, and it discredits them as reliable knowers or testifiers in the eyes of those for whom some version of the fable is a touchstone. In cases of historical injustice there is a peculiar depth and opacity to the fable, which acquires, ironically, the prestige of history: “After all, it survived the test of time, and only truth is powerful enough to remain in its purity. We humans love to believe in the power and resilience of truth” (Bilbija 2005, 113). Not only denial, then, but fabulation, distortion, and epistemic diversion suffice to preempt certain questions, to make certain inferences unavailable, or to render certain truths incredible and those who tell them untrustworthy. The uses of authoritatively declared truths about violence and oppression, then, include the ability by victims and by others who support them to claim both the truth of what has happened and the basic credibility of victims and witnesses, their standing to give accounts that reasonably require consideration by others.

Fitting. It is evident that the content of truths that need to be told and will be sought by victims are those about the reality, nature, extent, and authorship of the policies and acts of violence they have suffered. In this dimension, when authorities or processes tell too little about what needs to be understood, or admit to generalities while withholding details, or admit to instances while obscuring patterns, the resentment or bitterness of victims may be greater than in cases of flat silence or denial. So “fit” in truth-telling reparations is about the scope, detail, and net effect of what is told in terms of its impact upon what and whom it is reasonable to believe. It bears also upon the occasions and the authority of particular tellings. Official apologies for violence and injustice, in particular, are correctly scrutinized for their characterization of offenses, their mode of addressing those wronged, the nature and extent of the responsibility they claim, and the authority and publicity with which they are offered. As a matter of justice, punishment is to be proportionate to crime, compensation proportionate to injury, and reward proportionate to achievement—all forms of fit. So too the scope, authority, and consequences of truth tellings need to fit the nature and size of the epistemic distortion and moral disregard that prompt the need for truth telling in the first place.

Effective. The issue of effectiveness in reparative truth telling is whether the truths that are told and the ways they are made public are going to have a lasting impact on common socially shared presumptions. Truths lay claim on us communally only if they are defended in authoritative places and to the extent that a wide array of surrounding beliefs hold them firmly in place. It is never just a question of establishing one thing; it also entails entrenching and continuing to fortify a rough reflective equilibrium of common belief that makes it reasonable to believe what in fact is true, and reasonable to credit those who say it and assume it. Discrete exercises in truth tellings are subject to contestation and are threatened with irrelevance, forgetfulness, or witting or unwitting distortion over time. Truth telling as a form of reparations entails a commitment not only to discover,
announce, and archive facts but also to create conditions under which it is reasonable and remains reasonable to believe what is in fact true about episodes of violence or oppression. This means a commitment to creating an alteration in common belief comprehensive enough to shift burdens of proof and credibility, and it requires a concerted effort of dissemination, education, and continuing discussion and defense of what is true. For liberal societies, choices must be made about how to make effective truth telling compatible with such values as freedom of expression and association. Measures will likely include public education in narrow and broad senses, historiography that is conscious of pressures toward evasion, the preservation and public accessibility of relevant documents, and memorialization. The effectiveness of these can be judged only in intergenerational terms.20

4. The Limits of Truth Telling as Reparations

Truth telling has multiple values as a reparative activity. Truth telling is obviously a condition of other kinds of reparations, naming what there is to remedy, and thereby grounding assessments of the usefulness and fit of various reparations measures individually and in concert.21 I have argued that orchestrated truth telling itself is a reparations measure of independent importance. To take the view that truth telling can itself constitute reparations is not to assume that truth telling alone can suffice as reparations for serious wrongs. But neither is it true that material reparations, such as compensation programs, are alone necessarily sufficient contributions to the larger process of reparation.

No specific measures of redress—criminal trials of major figures, monetary payments to victims and their survivors, institutional reforms aimed at prevention—are guaranteed to produce and maintain the moral conditions of confidence, trust, and hope and their political embodiment in voice, recognition, civic respect, and guarantees of equal standing and protection. All reparations measures are doubly symbolic: something is offered or tendered with the intention of expressing acknowledgment of offense, responsibility, and obligation to repair, and each carries this message by a kind of exemplification. The transaction purports to express to the victims and to society the respectful, reparative, and responsibility-taking attitude appropriate to responsible parties by embodying that attitude, and the expression of the attitude in the attempt at reparations betokens a more acceptable form of future relationship. All reparations measures are thus vulnerable to being defeated in two ways: by their failure to achieve convincing exemplification of the appropriate attitude (for example, by their being insufficiently interactive, unfitting, useless, or ineffective), or by the failure of the exemplified attitude to be consistently adopted and displayed in other and future interactions. This is the inherent poignancy and limitation of reparations: terrible wrongs can never be “righted”; we can only attempt to transform their effects and eventual outcomes. Yet truth telling, just like any suitable reparations vehicle, has the potential to effect quite real and profound changes in our intertwined epistemic and moral worlds. Like any reparations measure, concerted truth tellings invite trust but more immediately offer grounds for hope of renewed relationships between victims and their communities, if not between victims and those responsible for their harm.

Footnotes

1For a discussion of the “emerging principle” of a right to the truth, see Méndez 1997 and 2006. The principle has recently emerged explicitly in U.N. documents specifically examining a right to the truth. See United Nations 2006a and 2007.

2Arguably, two other measures of “satisfaction” are related to establishing the truth as well: commemorations that remember victims and their fates, and official declarations “restoring the dignity, the reputation and the rights of victims and of persons closely connected with the victim” (United Nations 2006b, Article IX).
See United Nations 2006a for a detailed account of the many links among state duties to seek and preserve the truth and other state responsibilities to prevent, or failing this, to investigate and redress, human rights violations.

4 See Colonomos and Armstrong 2006 on the West German reparations program for individual Holocaust victims (as well as to the State of Israel) as an “unprecedented landmark.”

5 Bernard Boxill (1972, 118–19) made the important point that reparation unlike compensation for disadvantage essentially requires acknowledgment of injustice and an affirmation that compensation is owed due to injustice and out of respect.

6 On the conceptual terrain and this established terminology, see de Greiff 2006, 452–53. De Greiff follows and refines established usage that does not treat truth telling as such as a reparations measure, but does treat various “symbolic” measures, including collective symbolic measures such as memorialization, as reparations.

7 Another common usage distinguishes between “material” and “moral” reparations; this is more helpful, since it allows the necessary symbolic dimension of all reparations while marking the difference between reparations that involve an exchange of monetarily valued goods from those that involve other interpersonal exchanges that convey respect, recognition, compassion, contrition, and so forth. On moral reparations, see United Nations 1997, paragraph 42.

8 Hamber 2006 usefully distinguishes “reparations,” the particular measures, from “reparation,” the end or effect desired. For Hamber, a psychologist, this aim is a kind of psychological state. I adopt his distinction but use “reparation” to cover desired effects not only of psychological but also of moral and political kinds. Restorative justice advocate Howard Zehr (1995, 28) uses a nicely ambiguous and resonant phrase for what effective redress may be about: he says victims seek “an experience of justice.” Rebecca Tsosie (2007, 51), writing from a Native American perspective, emphasizes a “sense of peace rather than ongoing conflict.”

9 Herman 1992 is a classic text on the trauma of victims of individual abuse and political violence. See also Walker 2006a.

10 Legal formulas commonly associated with compensatory justice—of making victims “whole” or restoring the status quo ante—are increasingly viewed as too narrow to capture the logic of, or demands on, mass reparations for systemic or historical injustice. De Greiff 2006 argues the need for a political, rather than legal/juridical, conception of reparations for massive programs. See also Walker 2006b; Brooks 2004; and Roht-Arriaza 2004. Winter 2006 defends a legally based corrective justice model even in application to historical injustice. Malamud-Goti and Grosman 2006 argues for the necessity and complementarity in practice of civil litigation and mass political programs. See also Satz 2007.

11 Boxill 1972 distinguished reparation from mere compensation, which is possible without any admission of wrong and which need not have a reparative rationale. See Roht-Arriana 1999, interviewing Chilean truth commissioner Jose Zalaquett on “moral reconstruction.” The South African Truth Commission made the idea of restoring the dignity of victims central; see essays in Rotberg and Thompson 2000.

12 A fuller account of the expressive dimension of reparations, the four criteria, and the dual expressive value is given in Walker forthcoming.


See Walker 2007, especially chapters 3 and 7, for more detailed examination of the need for epistemic and social moral authority to be mutually supporting. See also Mills 1997, 91–109, on the “epistemology of ignorance” involved in racial domination, and Fricker 2007 on “prejudice in the credibility economy.”

On the “double discourse” see Cohen 2001, 82.

Von Platz and Reidy 2006 distinguishes simple “entitlement violations,” in which someone is deprived of an accepted entitlement, from cases in which there is either an unjust exclusion from entitlement of someone who fulfills the desert basis, or unjust exclusion from entitlement in which the desert basis of the entitlement is itself indefensible.

Cohen 2001, 235 (quoting Michael Taussig), speaks of a “relocation” of collective memories. One form of relocation is to focus on the most historically distant harms, so that it becomes easier to say that injustices occurred “too long ago,” as is often argued with respect to the injustices of U.S. enslavement of African Americans. Yet, as Andrew Valls observes, “the Jim Crow system, and all of the wrongs that it involved, is of more recent vintage than, for example, the many wrongs associated with World War II” (2007, 117).

Several societies have criminalized denial of the Nazi Holocaust and other crimes against humanity, as an attempt to fix some parts of common social belief, at least for purposes of public discourse. Cohen 2001, 268–69, lists Germany, Israel, Austria, France, Canada, and Switzerland as countries that have criminalized denial. Teitel 2000, 105–8, discusses “profound dilemmas” for liberal societies over legislative attempts to preserve historical truth. The means of telling and preserving truth that are compatible with a liberal society’s values no doubt include publicly accessible archives and educational curricula. See Bickford 1999 on the importance and fragility of archives in some Latin American cases. Shriver 2005 discusses in considerable detail the progression of U.S. high school texts dealing with African American and Native American histories, as well as German Holocaust memorialization.

De Greiff 2006, 467, explains the need for reparations measures to be internally and externally “coherent.” Reparations are internally coherent when various benefits cohere and support one another and are externally coherent when reparations programs are complementary and mutually supporting with other transitional mechanisms, such as criminal prosecution, in pursuing (on de Greiff’s account) proper recognition of victims and civic trust in citizens and institutions.

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