

**SPECIAL ISSUE ARTICLE**

# Rethinking the right to know and the case for restorative epistemic reparation

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## 1 | INTRODUCTION

In the spirit of this special issue to center on wronged individuals and groups, their account of how the wrongs should be understood and repaired, and what actions promote repair, this article focuses on individuals and groups wronged by genocide and their entitlement to *epistemic reparation* in the aftermath of genocide. I argue that epistemic reparation requires not only fulfillment of the informational needs of victims, survivors, and descendants, including access to archives, documents, and provision of knowledge about violations. In addition, taking into account the idea of *epistemic injuries*, which are part and parcel of genocidal atrocities, epistemic reparation also ought to include recognition and re-establishment of victims' epistemic standing or *epistemic recognition* in short. This insight is suggested by the fact that genocide is enabled, “justified” and even prescribed through a *genocidal epistemology*, an *epistemology of ignorance* constituted by not only the propagation of falsehoods and misinformation about social reality but also abuses of epistemic authority and epistemic authoritarianism, which systematically exclude targeted groups from the community of epistemic trust. *Epistemic trust* is the kind of trust that allows us to gain or generate knowledge and other kinds of epistemic inputs from and with others. For example, we trust that others *tell us the truth*—or at least, what they hold to be true and to not intentionally deceive us—and we trust others to *recognize us as* trustworthy epistemic contributors, or to do their best to understand our words as we intend them. To

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be systematically and unwarrantedly *epistemically distrusted* means to be deprived of the epistemic recognition and consequently, social uptake necessary to participate, for example, in the generation of a shared understanding of social reality and to revise misunderstandings imposed by those with dominating power—in the case at hand, genocide advocates and perpetrators. Accordingly, epistemic reparation ought to include the revision of dysfunctional epistemic practices that underlie and sustain a genocidal epistemology. This would make epistemic reparation not only instrumentally valuable insofar as it may, for example through educational and informational measures, prevent the recurrence of these wrongs, but also intrinsically valuable insofar as it re-asserts and repairs survivors and descendants' *epistemic standing*. It provides them with epistemic recognition that has been systematically withdrawn from them, making epistemic reparation a crucial element of restorative justice.

In what follows, I start by introducing the idea of a “genocidal epistemology” based on the example of the Armenian genocide of 1915–1917. This historical genocide continues to be systematically denied by the succeeding governments of Turkey, making it a useful case study for exploring the value of epistemic reparation. The methodological impetus here is to generate insights on (restorative) justice from the negative: a case in which justice has failed and continues to fail. The underlying idea is that what matters for justice or injustice is not only knowledge but also, and perhaps more crucially, (willful) *ignorance*. I discuss how these atrocities were “justified” based on a genocidal epistemology driven by ethno-nationalist ideology grounded in both racial and religious domination. Such a genocidal epistemology is generated and maintained by practices of ignorance on behalf of perpetrators, whereby the targeted groups were not only to be distrusted morally or socially but also epistemically.<sup>1</sup> These are the background conditions against which I develop my subsequent analysis of the *right to know* and its epistemically restorative potential.

Hence, second, I address the right to know, one of the United Nations Commission on Human Rights (UNCHR) core pillars for combating impunity in the aftermath of crimes under international law, and discuss its principles through the lens of *epistemic correctives*. More specifically, I argue that these principles, in acknowledging *epistemic rights*, function as correctives against the pressure of pernicious ignorance that persists in the aftermath of such crimes on behalf of perpetrators in an attempt to achieve or maintain absolution or impunity, as well as to normalize injustice, that is, consolidate domination. I then introduce an example of historical knowledge that can be regarded as a crucial epistemic corrective against pressures of Armenian genocide disinformation: knowledge of the Ottoman tribunals that attempted to prosecute perpetrators in the aftermath of the Armenian genocide and accordingly, the crucial role of the Armenian genocide in the history of international law and the concepts of “crimes against humanity” and “genocide” in particular.

Third, I highlight that the problem of genocide denialism and thus failure of epistemic reparation is not primarily the lack of relevant historical knowledge, but the epistemic practices and processes that systematically distort, occlude, or obscure such knowledge. Based on this, I propose an account of epistemic reparation that corrects a corrupted genocidal epistemology and guards against ongoing epistemic harms toward victims-survivors as well as descendants. Not only should it go along with a provision of crucial information, evidence, and knowledge about violations, but also with epistemic recognition: While the right to know is a crucial step in the formal recognition of epistemic rights, epistemic reparation must also be rooted in a commitment to restore the victims' epistemic standing and capability of epistemic contribution.<sup>2</sup>

## 2 | JUSTIFYING GENOCIDE: ESTABLISHING A “GENOCIDAL EPISTEMOLOGY”

[C]ollective harms and atrocities (such as genocide) are typically preceded by symbolic stigmatizations of the targeted population and by particular expressive harms that become socially accepted and even habitual (the use of slurs and denigrating language against that group; attitudes and discourses that make them suspect and cast doubt on their acceptability; the demonization of their behavior, culture, and customs; etc.) (Medina, 2013, p. 250)

The social acceptability and habituation of verbal violence and stigmatizing expressive treatments indicate, however, that denialism, distortion, and justification precede genocide, too. Historically and until today, Armenians are depicted as treacherous and the Armenian genocide is regarded as a national security issue against which the Turkish state and citizens must remain vigilant. Of course, within an oppressive system, resistance will always be perceived or interpreted as a threat. In this section, I elaborate on these socially unjust conditions that were consolidated by the genocide and its ongoing denial. This suggests that an unjust social order had attained legitimacy already prior to the genocide, such that authorities could gain the uptake needed for the implementation of genocidal policies. After all, its success depended on the voluntary participation of a vast part of the (Muslim) population and policies of demographic engineering contributed considerably to this.<sup>3</sup>

I take these cues of focusing on the “justification of injustice” from Pauer-Studer and Velleman 2011, who are critical of the view that Nazi crimes were *obvious cases of immorality* in the context of the Third Reich. After all, “if their immorality had been as obvious to the perpetrators as it is today, the crimes might never have occurred” (p. 330). Rather, they argue that moral reasoning could misfire on such a broad scale because morality became distorted *at the level of its social articulation*. In a social and normative context infused by Nazi ideology, perpetrators were led to mischaracterize their situation “and consequently misinterpreted and misapplied the guidelines of their conventional morality” (p. 334). Hence, perpetration was enabled through distortions at the stages of moral *interpretation* and *application*, among other things, because of misconceptions of reality provided by their social context. This can entail “empirical falsehoods about ‘[the] community’s particular circumstances’ (Herman, 1993, pp. 83–84)—for example, what Arendt called ‘the lie most effective with the whole of the German people’ (Arendt, 1994, p. 52), namely, that Germans were engaged in a *Schicksalskampf* against a race intent on annihilating them” (Pauer-Studer and Velleman 2011, p. 352). Such empirical distortions were accompanied by normative distortions. Perpetrators considered their actions morally justified, because “moral principles were filtered through socially conditioned interpretations and perceptions that gave events a distorted normative significance” (p. 340). This was the case, for example, when the gassing of Jews was viewed by the medical staff as “humanitarian treatment for people who were going to die one way or another” (p. 345) and that it was a humane way of saving them from typhus epidemics, illustrating a distorted medical code of ethics.

It is commonly argued—and most evident in the case of the Nazi genocide of European Jewry, as mentioned above—that genocides are based on a very effective lie supported by conspiracy propaganda on behalf of the perpetrating group, namely that the targeted group presents an existential threat intent on annihilating them. The threat posed by the targeted group is exaggerated, often through their assimilation into a much more powerful enemy. In the case of Armenians, for example, the enemy of Western or Russian imperialist powers. However, the

justification of genocide and its inherent denialism (of wrongdoing) consists of more than systematic disinformation, the spread of empirical falsehoods, or propagandistic lies about a community's particular circumstances. Unlike lying, *denying* precludes the acceptance of certain truths or facts. It rather points to a motivated, "active effort not to see, no matter what the evidence may be; as a result of constant distortion and redescription" (Medina, 2013, p. 35) of the injustice.

Drawing on these insights, the "justification of genocide" is conditional upon the active or willful exclusion of targeted groups from the community of epistemic trust. Their exclusion from practices that generate shared knowledge and understanding of social reality and in particular, social grievances, enables the generation and maintenance of *willful ignorance* required for complicity and perpetration. In the following, I apply these insights to the case of the Armenian genocide. My main focus will be on the overarching, institutionalized ideology and social and normative system whereby ruling authorities could cultivate and impose a way of (un)knowing based on which perpetration could be broadly enabled, rationalized, and justified, granting not only the success of the genocide but also its long-term denialism.<sup>4</sup>

## 2.1 | Justifying genocidal policies: The ideology of (pan)-Turkism

How was social reality misrepresented and misinterpreted in the Ottoman Empire, thus providing a cognitive framework justifying genocide? One main element here is the Young Turks' ideology of Turkish racial supremacy, or Turkism, and their claim of a life-or-death struggle against internal and external enemies, including and perhaps especially the Armenian enemy. This exaggeration of Armenian power and threat to the empire could lend support to the view that Armenians deserved harsh treatment and that they were not innocent victims (what some scholars call the "provocation thesis"). Of course, being perceived as a "threat" needs to be put in context: Threatening to what or whom? The following brief discussion of the late Ottoman and Turkist/Turkish nationalist social and normative order seeks to give some answers to these questions.

A few years after the Young Turk revolution in 1908 that had forced Sultan Abdul Hamid II. to restore the Constitution of 1876, the subsequent military coup of January 23, 1913, put an end to liberal opposition. Instead, the ideology of (Pan-)Turkism or Turanism as well as the theory of a homogenous (Turkish-)national polity and the economy was propagated by the ruling "Committee of Union and Progress" (CUP). The coup was engineered by a small circle within the party and established what European observers described as a triumvirate consisting of Enver Pasha, Talaat Bey, and Djemal Pasha. However, the group was split and it was ultimately War Minister Enver Pasha's and Interior Minister Talaat Bey's factions that would lead the Empire into the First World War (alongside Germany) and organize the Armenian genocide from 1914 onwards.<sup>5</sup> Ziya Gökalp, a prominent CUP propagandist, had as a central committee member crucial influence over shaping the party's economic and Turkish-nationalist policies. (Kaiser, 2014, pp. 82–83) As the party's leading ideologue, he advocated extremist views that had a particular influence on Talaat. (Kieser, 2018, pp. 11–12, pp. 98–106) In one of his poems he suggested, "The country of the Turks is not Turkey, nor yet Turkestan, their country is a broad and everlasting land – Turan" (transl. and cited in Heyd, 1950, p. 126). Gökalp's definition of a nation is that of "a society consisting of people who speak the same language, have had the same education and are united in their religious, moral and aesthetic ideals—in short, those who have a common culture and religion" (p. 63). He further deemed the total and

unquestioning service to the nation the basis of morality. Besides the traditional exclusion of Armenians or Christians in general from state power, this ideology also excluded them from the moral community and society at large. This is a crucial break with traditional Ottoman society, in which Armenians were at least tolerated and given a place in society, even though an inferior one—as discussed below.

Having thusly legitimized their exclusion from the “Turkish nation” in the making, the theory and policies of a Turkish-nationalist economy further sought to deprive them of their economic livelihood. The first applications of this theory and policies were boycotts between 1912 and 1914 of Greek businesses, which were extended to Armenians and Assyrian/Syriac/Chaldean Christians. This was followed by the deportation policies and replacement of businesses by Turkish and Muslim entrepreneurs and landlords. At the same time, the government sought to use Armenian houses and farms for an ambitious settlement program involving Muslim immigrants from the Balkans in order to create Muslim and Turkish majority populations.<sup>6</sup> As Kaiser (2010, p. 381) notes, “[b]y ‘Turkifying’ entire regions as well as other non-Turkish and non-Muslim communities, the CUP sought to remove competing claims to Ottoman territory.” Such settlement policies during the Balkan Wars from 1912–1913 further bolstered the “national awakening” and thus grassroots support for anti-Armenian, or more generally anti-Christian policies and atrocities during the genocide. (Çetinkaya, 2015) However, the confiscation and plundering mostly enriched the high functionaries, former officers, Unionist bureaucrats, and local elites supporting the CUP. Hence, the government policy to destroy the empire’s non-Turkish communities was adopted well before the beginning of the First World War, though the Armenian genocide came with the enforcement of a new confiscation policy which, like the deportation policy, was given the semblance of (retroactive) legality.<sup>7</sup>

The proclamation of Jihad following the Ottoman Empire’s entry into the First World War further energized the Muslim subjects of the empire and beyond. This contributed to an atmosphere of distrust towards Christians and incitement to both violence and mass pillage, ultimately facilitating the implementation of genocidal policies in different regions. While religious motives were surely present in the grassroots support for anti-Armenian atrocities, the institutional and theoretical legitimacy for such actions through the social and economic policies, laws and decrees, and overarching theories of nationalistic awakening were given in terms of exclusionary racist conceptualizations of the (Muslim-) Turkish nation that ought to be “engineered” (Şeker, 2013, p. 3), liberated and defended. Nevertheless, insofar as the enabling conditions for the implementation of genocidal policies are concerned, I suggest that the propagated justificatory framework for genocide could be effective because it ignited some of the preceding, religious-politically discriminatory prejudices of the target groups.

## 2.2 | Justifying genocidal policies: Preceding patterns of religious-political prejudice

...apart from the intentions of the leaders and the immediate circumstances resulting in the decision to exterminate an entire nation, genocides are rooted in the fertile ground of past socio-political discrimination and the collective phantasms shaped by the unequal relations between the dominant and the dominated groups. (Astourian, 1990, p. 112)

Drawing on Astourian's claim that the "Armenian genocide must be set against the background of the institutions and cultural and religious values of the Ottoman state" (p. 118), I suggest that the religious-political element deserves further attention, even if only to show that Armenians were "othered" already before the genocide and the contexts of war and nation-state building.<sup>8</sup>

One of the key events or transitions that broke with the traditional Ottoman social-political order was the *Tanzimat Era* (1839–1876), a period where various national revolutions have taken place in Europe and ideas of equality have been propagated. It is, therefore, also a time when the Ottoman Empire had to negotiate the extent of their "Europeanisation" against the background of an Islamic self-understanding and social order. During this time, two relevant Imperial edicts were passed: that of 1839, where "Sharia-based discrimination of non-Muslims was abolished, and equality for all Ottoman subjects regardless of religious and ethnic affiliation was proclaimed" (Grigoriadis, 2012, p. 283), and of 1856, where the "protection of fundamental human rights and civil liberties and their extension to non-Muslims were specified" (ibid.). These reforms promoted the policy of *Ottomanism* or the idea of an Ottoman nation that shall grant all *millet*s loyal and subject to the Sultan equality in education, government appointments, and administration of justice regardless of religion or ethnicity. This opened the door for resentment, anti-constitutionalism, and discussions concerning a "natural inequality" between Muslims and non-Muslims by the heretofore ruling class, the religious establishment, and most officials, who feared an undermining of the established power relations and a potential end to Ottoman-imperialist domination—indeed constituting a breach with Islamic law and centuries of Ottoman tradition. The Muslim ruling class sought to reinstate its domination, ultimately resulting in the first large-scale atrocities and massacres against Ottoman Armenians and Assyrians, known as the *Hamidian massacres* from 1894 to 1897.<sup>9</sup> This happened during the reign of Sultan Abdul Hamid II. (1876–1909), who ended the Tanzimat era in an attempt to establish a new version of an Islamic state. During his reign, the Ottoman Empire had come to have a clear Muslim majority for the first time in Ottoman history (Ihrig, 2016, p. 21). This was also partly due to the resettlement of Muslim immigrants among or in replacement of seemingly "hostile" or "disloyal" elements. Ottoman lands thereby became a new home for Muslims fleeing Russian persecution, like Crimean Tatars and Circassians, and later during the Hamidian and CUP reigns, refugees from the Caucasus and the Balkans, as discussed above.<sup>10</sup>

Hence, religious-political conditions played a crucial role in the Armenian genocide as well as the preceding persecutions—even if in the former case, the Young Turks used religion and Islamic rhetoric primarily when it served their particular strategic ends. Nevertheless, the point is that such rhetoric was met with fertile grounds in light of the traditionally presumed inferiority of non-Muslims, that is, "infidels" among Ottoman society. Interestingly and most likely in order to justify the Ottoman-German alliance, a part of the German press denied that religion played any role in the persecution of Armenians even in the evident case of the Hamidian massacres. For example, *The Post* newspaper stated, "No Christian except for Armenians has been killed. They have been killed as members of a seditious people" (*Die Post*, October 29, 1896, as cited in Ihrig, 2016, p. 46). By denying the victims' Christianity as a significant factor in their persecution, "the papers not only shifted focus to their alleged national and racial qualities, but simultaneously began justifying the killing in a more global fashion" (Ihrig, 2016, p. 46). Such essentialist and racist anti-Armenian discourse presented "both a duplicate and an extension of modern German anti-Semitism" (p. 60).<sup>11</sup> This marginalization of the religious factor did not correspond to reality on the ground and even further obscures the massacres of Assyrian/Syriac/Chaldean Christians. Notwithstanding their actual prevalence among the Ottoman Muslim population, anti-Christian and anti-Armenian idioms and proverbs lend further

support to the existence of denigrating prejudices of Armenians or Christians more generally, who were to be distrusted both morally and epistemically: “Fidelity from a ghiaour [turk. infidel], [is as unlikely as] healing from poison,” “From amongst ghaiours, it is impossible [or, wrong] to make friends,” “Intriguer like an Armenian,” or “Spiritual knowledge in the Armenian, and [physical] might in the Jew do not exist” (transl. and cited in Astourian, 1999, pp. 28–30). Such prejudices imply that their epistemic contributions were to be met with low credibility based on their cultural (including religious) identity; and their exclusion from or unequal participation in practices that generate social meaning made sure that they could not contribute effectively to a more accurate, shared understanding of their experiences and social relations in the late Ottoman Empire. Throughout the 19th and 20th centuries, Ottoman authorities could ignite these prejudices for their strategic ends.<sup>12</sup>

Against this background, we can make sense of the impact of such social-historical conditions on epistemic practices and the genocidal epistemology they generate and maintain, by drawing a structural parallel between “Turkishness” and “whiteness”: Charles Mills defines “whiteness” as a political construction that brings with it a “cognitive model that precludes self-transparency and genuine understanding of all social realities,” ensuring that whites will live in a “racial fantasyland, [or] a ‘consensual hallucination’,” and that the root of all this is the “cognitive and moral economy psychically required for conquest, colonization, and enslavement” (Mills, 1997, pp. 18–19). What, then, is the role of the right to know in response to such ignorance constituting a genocidal epistemology?

### 3 | RETHINKING THE RIGHT TO KNOW AS AN EPISTEMIC CORRECTIVE AGAINST PERNICIOUS IGNORANCE

The UNCHR acknowledges the *right to know*, alongside the *right to justice*, the *right to reparation* and *guarantees of non-recurrence*, as a central pillar of a “holistic” approach to transitional justice, hence a state’s obligation to combat impunity and thereby protect and promote human rights in the aftermath of “serious crimes under international law.”<sup>13</sup> This means that they are not to be seen as rights and principles that can be addressed in isolation from one another. Rather, they depend on one another to achieve justice. For example, so-called “symbolic” reparations alone—such as political apologies—are not sufficient if they are not accompanied by real institutional reforms and transformations that address and repair the unjust material conditions in order to achieve full moral repair and make recurrence of social violence less likely. Further, educational measures such as the establishment of memorials and museums can be used to misinform and mislead the public if they are not properly based on respect for victims’ epistemic rights; such as if they disregard crucial insights generated by those who experienced the injustice, or focus exclusively on victimhood without acknowledging the responsibility of perpetrators and conditions of perpetration. Moreover, legal prosecution and punishment of individual perpetrators will be insufficient to address and repair the systematic, social, and structural conditions that enabled vast societal complicity and support for such atrocities.

I take these to be fairly uncontroversial remarks to highlight something that will be the main focus of this paper, namely the relationship between the *right to know* and the *right to reparation*. Principle 34 of the UNCHR Report (2005) determines the scope of the right to reparation as follows: “The right to reparation shall cover all injuries suffered by victims; it shall include measures of restitution, compensation, rehabilitation, and satisfaction as provided by international law.” First, I suggest—as many have done—to broaden or even shift the focus of

the right to reparation from corrective measures to *restorative measures* that aim at restoring present and future relations between perpetrators and victims and their communities. Second, I suggest that taking the right to reparation seriously also means repairing a normatively distorted, genocidal epistemology and the dysfunctional epistemic practices (of ignorance) based on which genocide was enabled, justified, and even prescribed; hence, the epistemic conditions for perpetration and the *epistemic injuries* thereby incurred. As we shall see, however, the general principles (GP) derived from the *right to know* seem to lack this restorative, that is, epistemic-relational dimension, likely due to a narrowly understood scope of epistemic rights and epistemic injury respectively. According to the UNCHR (2005, p. 7), the right to know includes the following GP:

(GP 1) The Inalienable Right to the Truth: “Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.”

(GP 2) The Duty to Preserve Memory: “A people’s knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfillment of the State’s duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.”

(GP 3) The Victims’ Right to Know: “Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims’ fate.”

I suggest an understanding of these principles as *epistemic correctives*, insofar as they seek to resist the pressures of and prevent different forms of pernicious ignorance in the crime’s aftermath.<sup>14</sup> (GP 1) addresses the *pressure of recurring violations*. As such, the right to the truth is proposed to establish knowledge about the circumstances and reasons of perpetration in order to correct them. In other words, to correct the empirical and normative distortions through which perpetration was enabled, justified, and even prescribed. It thereby also fundamentally addresses moral ignorance: Without fulfillment of this right to the truth, moral ignorance—ignorance about the wrongfulness of perpetrated acts—will prevail and likely give rise to further wrongdoing. In that sense, the right to the truth is important for a post-genocidal society more generally: it prevents the perpetration of further harms and guards the formerly victimized party from ongoing harms or credible threats of further wrongdoing. (GP 2) addresses the *pressure of negationism or denialism* that aims to distort, obscure, and obliterate the collective memory of the injustice. This duty to preserve memory is based on a commitment to the moral claim that a people’s knowledge of the history of its oppression is part of its heritage and as such, must be ensured and protected against the aforementioned pressures. The moral dimension of this commitment is related to concerns for the victims’ self-conceptions in relation to their (chosen, perceived, or imposed) group membership. As such, this duty is proposed to



correct unjust impositions of collective memory and accordingly, identities and social relations. This is because of the importance of memory as a source of identity, both individual and collective, and its potential to shape how we understand and position ourselves in relation to others. (GP 3) addresses the *pressure of limitations of the legal system*, or so I suggest. The victims' right to know is independent of any engagement with the perpetrating side—which is the primary focus of legal prosecution. It aims to correct ignorance pertaining to individual experiences of victimhood, hence taking seriously individuals' and their family's needs for knowledge, understanding, and closure. It is important to highlight such a victim-centered right to know, insofar as punishment of perpetrators alone does not sufficiently address the victims' and their families' reparative needs.

I take these to be some of the pressures (towards failure) that the GP of the right to know seek address and correct. I now introduce an example of historical knowledge particularly relevant to resist some of the pressures of pernicious ignorance in relation to the Armenian genocide. Such is the knowledge of the Ottoman tribunals that attempted to prosecute perpetrators in its aftermath and the crucial role of the Armenian genocide in the history of international law and the concepts of “crimes against humanity” and “genocide” in particular.

### 3.1 | Condemnation of genocide before “genocide”

As Garibian (2016) convincingly argues, an effective way in which to confront and defuse Armenian genocide disinformation—in particular, the claim that there is “no general consensus” as regards the normative characterization of the crime—is by adopting a historical perspective within the legal discourse and to take into account the history of international criminal law in relation to the Armenian genocide. In the case at hand, this pertains particularly to two important historical facts: That the Ottoman atrocities committed against the Armenian population “were the original reason for the creation and definition of the concept of crime against humanity and subsequently, in conjunction with the persecution of the Jewish people, for that of the crime of genocide,” and further, that the Armenian case led to “the first, abortive attempt to set up an international tribunal for the prosecution of the mass violations in question, before this became a reality in 1945” (Garibian, 2016, p. 241). The following brief overview should substantiate these points.

For the first time on May 24, 1915, an international, joint statement (by France, Great Britain, and Russia) has condemned the acts of another government as “crimes against humanity and civilization” (as quoted in Garibian, 2016, p. 242, footnote omitted).<sup>15</sup> While this was a joint political statement or condemnation, concrete steps to prosecute these crimes were taken immediately after the First World War when the Allies demanded, due to a lack of appropriate legal instruments, that the Ottoman state set up an extraordinary tribunal to prosecute those responsible for the crimes against Armenians based on the Ottoman Penal Code. As early as December 14, 1918, a Courts-Martial was established by Imperial authorization in order to prosecute the Young Turk cabinet and the leadership of the CUP:

Its stated aim was to judge crimes, which had “revolted all humanity,” were “of a nature that would forever cause the conscience of humankind to quiver with horror” and were contrary to the “rules of law and of humanity.” The chief culprits (including Talaat Pacha) were sentenced to death *in absentia*, while lower-ranking

*Ittihadists* were given prison sentences of 15 years with hard labor, and some former ministers were acquitted. (Garibian, 2016, p. 245, footnotes omitted)

The charges focused specifically on the systematic massacres and deportations, as well as illegal, personal profiteering. (Balint, 2013, p. 87) When the Paris Peace Conference took up its work from January 18, 1919 to January 21, 1920, further international attempts were made to prosecute the Young Turk leadership:

[T]he group known as the Commission of Fifteen, led by the American Secretary of State Robert Lansing, had the job of examining individuals' responsibility for breaches of the laws and customs of war. Alongside its work in preparation for the trials of German war criminals, it envisaged prosecuting Turkish officials for "crimes against the laws of humanity" committed against the Armenian population of the Ottoman Empire outside the scope of the international armed conflict. In a report dated March 5, 1919, the Commission specified the breaches in question: systematic terrorism, murders and massacres, violations of the honor of women, confiscation of private property, looting, confiscations of property belonging to communities or educational and charitable institutions, wanton destruction of public or private property, deportation and forced labor, executions of civilians on false allegations of war crimes and violations against civilian and military personnel. (Garibian, 2016, p. 242)

By taking into account these crimes against the laws of humanity committed against Armenians also in its definitive report of March 29, 1919, "the Commission of Fifteen would facilitate the subsequent insertion of several articles into the Treaty of Sèvres of August 10, 1920 calling for the prosecution of Turkish officials by an *international tribunal*. [...] This was a first in international law" (pp. 245–246). However, these tribunals ended with the rising nationalist movement under Mustafa Kemal and its opposition to the Sultan, especially because of his cooperation with the Allies, condemnation of the CUP, and support for the Treaty of Sèvres—essentially considered an act of treason. After the takeover of the Constantinople Sultanate by the Angora government on November 6, 1922, the Angora National Assembly decided in March 1923 that "all those imprisoned by decisions from both civil and military courts were granted a general amnesty" (Akçam & Dadrian, 2011, p. 262). The Treaty of Sèvres would have covered essential provisions for what have now become Turkish nationals belonging to racial, religious, or linguistic minorities, particularly for victims of the deportations, forced religious conversions, and so forth. These provisions can be found particularly in Part IV: Protection of Minorities, Articles 140–151 of the Treaty. For example, Article 142 pointed out that the *enforced conversions to Islam were invalid*, stressing their right to keep and express their own religion. Article 144 further urged the Turkish Government to recognize *the injustice of the law of 1915 relating to Abandoned Properties*. It can thus be considered as one of the first manifestations of the growing role of international protection of human rights and more particularly recognition of the special protection of national minorities. (Schabas, 2009, p. 19).

The Treaty of Sèvres was never ratified, but replaced by the *Treaty of Lausanne* after the Turkish victory in the Greco-Turkish war in 1922 and the recognition of the Angora government by the Allies. Elements that were part of the Treaty of Sèvres such as the prosecution of crimes against humanity, as well as the cessation of territory to Armenia were dropped. While the Treaty of Lausanne also included some minority protection clauses, Ekmekçiöğlü (2014)

points out that these paradoxically entrenched the divisions that had already been formed in the Ottoman Empire during the preceding violent decades. In fact, the subsequent Kemalist government continued with Turkification policies and introduced various measures aimed at the economic and social marginalization of non-Muslims and the emergence of a Turkish bourgeoisie, demonstrating the ideological and institutional continuity of Turkism into the newly founded Turkish Republic. (Grigoriadis, 2012, p. 284).

Despite this failed attempt at justice and reparations and the culture of impunity it entrenched, these trials are of undeniable historical and legal importance. Indeed, knowledge of these historical trials can function as a crucial moral-epistemic corrective against disinformation and denial campaigns. However, the pressures posed by genocidal epistemologies and their legacy, including denialism, are not primarily due to a lack of sufficient evidence and knowledge; often, they are owed to practices and processes that distort, occlude, or obscure relevant available knowledge, hence continuing to normalize injustice and consolidate domination.<sup>16</sup> In what follows, I elaborate on this notion of *willful ignorance* and its relation to epistemic injury, proposing an account of restorative epistemic reparation in response.

#### 4 | EPISTEMIC REPARATION: CORRECTING PROPOSITIONAL IGNORANCE, REVISING PRACTICES OF IGNORANCE

Linguistic violence is part and parcel of genocidal violence, as Tirrell (2012, p. 176) vividly demonstrates in the context of the Rwandan genocide:

Linguistic violence is violence enacted or delivered through discursive behaviors, that is, through speech acts that would ordinarily constitute social or psychological damage to the targeted person, as well as through speech acts that generate permission for physical damage, including assault and death.

But if language can be violent, or make certain forms of violence permissible, it can also be used in restorative ways, and in her work on *apologies*, Tirrell (2013) focuses on the restorative use of language in the aftermath of genocide. Genocide, she argues, entails serious, “world-shattering” recognition harms, which undermine “an agent’s sense of having a legitimate claim to moral status” (p. 166). Restoration of their moral status, that is, bringing them back into the human community “requires recognition of [their] personhood, through the exercise of typically human functions, with language primary among these. Apology offers recognition of and “regret” about the harm, plus hope for a better future.” (ibid.) Tirrell thereby suggests that the speech act of apologizing is a necessary component of moral repair.

In what follows, I introduce a further dimension or type of recognition harm, namely *epistemic recognition harm*. This is rooted in the idea promoted by recent scholarship on epistemic injustice that we also stand in reciprocal relations of *epistemic recognition* with others and that there can be conditions or situations that render such relations seriously dysfunctional and harmful. The proposal here then, complementing Tirrell’s aforementioned account, is to bring victims back into the human community through recognition of their *epistemic standing* and provision of the social uptake necessary for their *Capability of Epistemic Contribution* (Fricker, 2015). Fricker defines this as a “social epistemic capability on the part of the individual to contribute to the pool of shared epistemic materials—materials for knowledge,

understanding, and very often for practical deliberation” (p. 76). Acknowledging such a central human capability and thus, what may ground particular epistemic rights<sup>17</sup> introduces us to a further form of violence enacted or delivered through discursive behaviors, namely *epistemic violence*. This is defined by Dotson as “the failure, owing to pernicious ignorance, of hearers to meet the vulnerabilities of speakers in linguistic exchanges” (Dotson, 2011, p. 238). Epistemic violence not only points to epistemic rights violations we may encounter in epistemically relevant linguistic exchanges such as testimony, but also its enabling background conditions, namely pernicious reliable ignorance. Indeed, a genocidal epistemology requires and is reinforced by the systematic violation and disablement of victims’ capability of epistemic contribution. Let us now hone in on the relationship between ignorance, power, and the idea of restorative epistemic reparation.

While we often say “knowledge is power,” one might assume that ignorance—understood as lack of knowledge—disempowers. However, whether or not ignorance disempowers and *whom* it disempowers depends not only on the subject matter, but also on the kind of ignorance we are dealing with. We need to ask: Who is ignorant with regard to what subject matter and might such ignorance in fact be willfully and perniciously generated and maintained based on flawed cognitive norms and motives—for example, in order to defend and protect dominant privilege? Moreover, the other side of this coin is of course that those who carry threatening knowledge—such as knowledge of oppression—are intentionally disempowered. They are indeed rendered *powerless knowers*. Note that by “threatening knowledge” I mean knowledge that threatens a status quo characterized by unjust power relations. Take the case of genocide and its aftermath. Genocide consolidates domination of the perpetrating party, including the normalizing understandings related to the injustice, which serve to defend and protect dominant privilege. Such ignorance, then, is not to be understood merely in terms of an absence of knowledge (i.e., propositional ignorance), but also as substantive epistemic practice, a problem of *ignorant agency* guided by particular attitudes, cognitive norms, and evidential policies.

This shifts our analytical focus to the constitutive elements of ignorant agency; the structural social conditions that produce identities, social locations, and modes of belief formation, which become epistemically disadvantageous or defective. (Alcoff, 2007, p. 40) This is most evidently the case under structural social conditions of domination and oppression, which tend to cultivate various *epistemic vices* on behalf of dominantly situated epistemic subjects. These may include *epistemic laziness, arrogance, and closed-mindedness* with regard, especially to matters pertaining to practices of social violence. (Medina, 2013, p. 35) Such cultivated inattention and insensitivity to social violence and the stigmatizing prejudices that enable it are constitutive of the kind of active or willful ignorance produced by oppressive and particularly genocidal systems. It provides perpetrators with a particular perception and interpretations that give their actions distorted meaning; and it is essential to such ignorance that it devalues, excludes, and misrecognizes epistemic contributions provided by the victims. Hence, without addressing the genocidal epistemology and the willful ignorance that sustains it, denialism will continue to have a robust basis and remain a source of epistemic harm to victims, survivors, and descendants. It is against this background that we should formulate the need for and scope of epistemic rights and restorative epistemic reparation.

The underlying assumption here is that impunity in the aftermath of injustice, hence a failure of our ideal of transitional justice, is the norm rather than the exception and it is maintained by denialism—in the form of justification, rationalization, relativization, or trivialization of the injustice (Hovannisian, 1999). Granted these existing pressures posed by cultures of impunity and the ignorant agency they cultivate, the right to know can plausibly be

understood as an epistemic corrective. It guards against common efforts to distort, obscure, and obliterate knowledge about perpetrated injustices, which requires the ongoing exclusion or discrediting of victims' epistemic contributions. As it is formulated now, however, the right to know mainly considers entitlements to information and knowledge that are of particular moral, social and political relevance to victim-survivors and descendants. Providing access to epistemic goods such as information and knowledge about violations is not sufficient for *restorative* epistemic reparation. A further requirement is the revision of unjust epistemic practices and relations through which a genocidal epistemology was generated and maintained—essentially based on the systematic withdrawal of epistemic recognition from victims. Theories of active or willful ignorance show that there can exist epistemically substantive flaws in the very epistemic practices in need of reparation. To restore the victims' epistemic standing against this background, they need to be recognized as *authoritative contributors to the common pool of epistemic resources based on which knowledge and understanding of the injustice are generated*. This ensures that victims are indeed acknowledged as authoritative epistemic contributors and not only receivers of evidence and knowledge about violation and injustice. In short, one could say that the *right to know* (as the right to certain knowledge or other epistemic resources) should be extended in its scope to include the right *to be recognized as a knower* (as the right to epistemic contribution). I shall briefly elaborate on this idea in the remainder of this paper.

Acknowledging epistemic rights, or the “general idea that human wellbeing has an epistemic dimension” depends, according to Fricker (2015, p. 76), “on the idea that functioning not only as a receiver but also as a giver of epistemic materials is an aspect of human subjectivity that craves social expression through the capability to contribute beliefs and interpretations to the local epistemic economy.” If we accept this idea, epistemic reparation measures and policies ought to consider not only the right to receive epistemic materials, but to participate in their generation. Hence, it must be ensured that victims receive the social uptake required for rehabilitation of their capability of epistemic contribution, that is, their “enjoyment of epistemic relational equality” (Fricker, 2015, p. 87). As already mentioned, a genocidal epistemology is generated and maintained based on the systematic, unwarranted exclusion or rejection of the epistemic contributions of the marginalized and victimized. In the context of the Armenian genocide and the preceding persecutions, Armenians and their intellectual contributions, social grievances and struggles, demands for reform, and resistance movement were persistently ignored, demonized, misrepresented, and violently suppressed by Ottoman authorities. Without properly addressing such misconceptions constituting genocidal epistemologies, they will continue to provide fertile ground for practices of silencing. Survivors and descendants will continue to be deprived of the social uptake needed for their capability of epistemic contribution, thereby subjecting them to ongoing testimonial and hermeneutical injustice (as I have argued elsewhere, e.g., Altanian, 2021a, 2021b).

Restorative epistemic reparation is thus not only instrumentally valuable insofar as it might prevent the recurrence of wrongs, but intrinsically valuable, insofar as it re-asserts and repairs survivors' and descendants' epistemic relational equality. Applying these insights to the three GP of the right to know suggests the following, extended formulations of a state's corresponding epistemic duties for combating impunity. Recall that (GP 1) pertains to the justificatory framework of a genocidal epistemology. For (GP 1) to be epistemically restorative, it ought to entail a duty to recognize victims' epistemic contributions in correcting the distorted epistemology based on which genocide perpetration was justified. (GP 2) pertains to collective memory. For it to be epistemically restorative, it ought to entail a duty to recognize the victim group's epistemic contributions, particularly to the societal practice of giving meaning to the past. (GP 3) pertains

to individuals and their families right to certain kinds of knowledge, in recognition of their informational needs that carry crucial personal and moral value. Re-integrating victims-survivors in the generation of knowledge and understandings of the circumstances of perpetration and in generating meaning about what happened is crucial to help them maintain intellectual courage and epistemic self-confidence, ultimately, in order for them to indeed keep their knowledge and memory crucial for personhood. To a certain extent, (GP2) acknowledges the victim group's epistemic authority in relation to its (historical) experiences of injustice, by stating that “[a] people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfillment of the State's duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations.” However, it still falls short of explicitly recognizing their status as authoritative epistemic contributors—of evidence, archives, and other epistemic resources—required for knowledge and understanding of those violations and the collective memory based on it.<sup>18</sup>

In order to repair and resist the epistemically unjust legacies of a genocidal epistemology, these epistemic contributions have to be particularly recognized by representatives of the perpetrating group. Drawing on Margaret Urban Walker's notion of “making amends,” which refers to perpetrators' attempts to make things right, Almassi (2018, p. 10) conceives of such epistemic reparation-qua-amends not in terms of compensation, but “acts of demonstration that underwrite processes of relational repair in accordance with victims' perspectives and priorities.” Epistemic amends enable victims to trust that “they will be believed, understood, properly interpreted [...] which is why prioritization of victim subjectivities is so crucial for determining the actions and outcomes needed to make amends after the perpetration, experience, and acknowledgement of epistemic injustice.” (ibid.) Thus, reparation of epistemic injustices inherent in the perpetration of genocide requires centering victims' situatedness and epistemic resources developed from such situatedness. Campbell (2014, p. 165) convincingly showed in her analysis of challenges faced by Truth and Reconciliation Commissions (TRC) in Settler societies like the Canadian Indian Residential Schools (IRS TRC) that in order for it to fulfill its commitment to supporting the establishment of “new relations embedded in mutual recognition and respect,” one should first identify the disrespectful challenges and contestations of memory and testimony that survivors face when remembering and sharing their experiences or histories. To provide them with due epistemic recognition requires becoming aware of and correcting for the legacy of colonialism through disrespectful challenges to memories and perspectives that they continue to face, hence the legacy of unequal moral and social-political, as well as epistemic standing. Campbell's analysis helps us see that even if epistemically restorative measures such as TRCs are implemented, the testimonies of victim-survivors do not meet a prior epistemic gap, or interpretive “terra incognita.” Instead, they bump into existing myths and narratives that “rationalize continued unequal treatment of those formerly colonized” (ibid.). One upshot of this is that their testimony will tend to be met with default skepticism and diminished credibility, in virtue of their already socially marginalized position. Hence, acknowledgment of different and in particular, oppressed “epistemic standpoints” (Harding, 1993), situated knowledge (and ignorance) and the legacy of genocidal epistemologies that continue to shape unequal epistemic relations is necessary for restorative epistemic justice in the aftermath of colonial and imperial atrocities, including genocides.

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## ENDNOTES

- <sup>1</sup> Since the term “justification” here is employed in the sense of “socially acceptable but faulty justificatory practices,” making them (epistemically) “substantive practices of ignorance” (Alcoff, 2007, p. 40), I will refrain from putting the term in scare quotes in the remainder of the article.
- <sup>2</sup> As suggested by an anonymous reviewer, this could be taken as arguing for a logical extension of the victim's *right to know* to the victim's *right to be recognized as knowledgeable*. Since I am not solely interested in their contribution of knowledge, but in different kinds of inputs conducive to both knowledge and understanding of the injustice, I will speak of their capability of epistemic contribution more broadly. [Corrections made on 7 February 2023, after first online publication: Endnote 2 have been updated in this version.] The core idea to be developed here is that if we recognize victims' epistemic rights as a normative basis for principles to combat impunity and restorative justice, we ought to not only acknowledge the *receiving* but also the *giving* side of their “epistemic well-being.”
- <sup>3</sup> For a historical overview of the Armenian genocide, contextualized within wider Ottoman demographic policies and late Ottoman history, see Kaiser (2010).
- <sup>4</sup> On the role of Imperial Germany in the justification of the Armenian genocide, see Ihrig (2016).
- <sup>5</sup> For a historical account of the Ottoman leaders' decision to enter into war, see Aksakal (2008). On Talat Bey's central role in the genocide, see Kieser (2018).
- <sup>6</sup> On demographic resettlement as a central policy of the CUP, see Dündar (2006).
- <sup>7</sup> On the “fictional” character of the legality of Ottoman government policies, both regarding the “deportation law” and the law on so-called “abandoned properties,” see Kaiser (2006), as well as Kaiser (2019) on the role of provincial officials in the massacres and extortions of movable properties accompanying the deportations particularly in the province of Erzurum and how atrocities were part of an organized system of predation.
- <sup>8</sup> For a more recent historical account, see, for example, Astourian (2021).
- <sup>9</sup> On the Hamidian massacres of 1894–97 and their analytical distinction from the later Armenian genocide, see Suny (2018).
- <sup>10</sup> See Şeker (2013) on the practice of colonization through deportation and settlement as principal means that accompanied military conquest in the making of the Ottoman Empire.
- <sup>11</sup> On the development of German racial stereotypes of Armenians, see also Kaiser (1997, pp. 9–32). German anti-Armenian rhetoric continues well into the Hitler regime. The Nazi party even drew lessons from the Turkish experience, which were formulated in the SA's weekly paper, *Heimatlant*. For a discussion of this, see Ihrig (2016, pp. 320–332).

- <sup>12</sup> These sustained patterns of prejudice and the use of “infidel” and “Armenian” as derogatory terms are also attested to in Balancar’s (2013) collection of survivor testimonies from Diyarbakir. For a historical study of the extermination of Armenians in Diyarbakir, see Kaiser (2014).
- <sup>13</sup> This phrase “encompasses grave breaches of the Geneva Conventions of August 12, 1949, and of Additional Protocol I thereto of 1977 and other violations of international humanitarian law that are crimes under international law, genocide, crimes against humanity, and other violations of internationally protected human rights that are crimes under international law and/or which international law requires States to penalize, such as torture, enforced disappearance, extrajudicial execution, and slavery” (United Nations Commission on Human Rights, 2005, p. 6).
- <sup>14</sup> This is inspired by Fricker’s elaborations on failure-first methodology (2015, pp. 73–74). Here, the idea is to focus on “endemic” pressures through which ideals tend to fail, hence a precarious state (of the human condition) as a starting point for theorizing justice; that is, for formulating “counter-pressures” that successfully correct the prevailing failures and dysfunctions constituting injustice.
- <sup>15</sup> See also Trumpener (1968, pp. 209–210). The condemnation was issued following the annihilation of the Ottoman Armenian cultural, intellectual, and political elite and the massacres and deportations of the Armenian population in the Eastern provinces into the Syrian Desert.
- <sup>16</sup> After all, if one is intent on denying the Armenian genocide, one may as well dismiss the legitimacy of these trials altogether on the alleged grounds that they were imposed by the victorious powers to punish and break apart what is left of the Ottoman Empire for their own imperialist interests. A case in point is the ongoing official Serb denial of the Srebrenica genocide, that is, the questioning of the legitimacy of the ICTY and its respective genocide convictions.
- <sup>17</sup> In the first comprehensive philosophical account of epistemic rights and corresponding epistemic duties, Lani Watson draws her basic taxonomy from Article 19 of the UN Declaration of Human Rights, particularly its highlighting of a person’s rights to seek, receive, and impart information. (Watson, 2021, p. 35) I suggest that the considerations pertaining to the capability of epistemic contribution can be taken as substantiation of a person’s right to impart information.
- <sup>18</sup> I would also insist here that knowledge and understanding of those violations ought to be regarded as part of the heritage of the oppressed *as well as* oppressor group.

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