8 Truthfulness in Transition: The Value of Insisting on Experiential Adequacy

Cindy Holder

8.1. INTRODUCTION

It has come to be widely accepted that *jus post bellum* includes responsibilities to rebuild.[1] For some scholars, post-conflict reconstruction is the primary subject matter of *jus post bellum*.[2] For others, reconstruction is one of a number of elements.[3] But whether *jus post bellum* is identified with reconstruction or defined more broadly, that post-conflict duties include duties to establish the conditions for sustainable peace is not controversial.

At the minimum, a sustainable peace requires preventing a new outbreak of conflict and foreclosing the occurrence or recurrence of humanitarian

[1] ICISS (International Commission on Intervention and State Sovereignty). 2001. *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. International Development and Research Centre: Ottawa, ON; Bass, Gary. 2004. "*Jus Post Bellum*," *Philosophy and Public Affairs* 32:4, 384–412; Stahn, Carsten. 2008. "*Just Post Bellum*: Mapping the Discipline(s)," *American University Law Review* 23:2, 311–347; Osterdahl, Inger and van Zadel, Esther. 2009. "What Will *Jus Post Bellum* Mean? Of Old Wine in New Bottles," *Journal of Conflict and Security Law* 1, 1–33.

[2] Kellogg, Davida E. 2002. *Jus Post-Bellum*: The Importance of War Crimes Trials," *Parameters* 32, 85–99; Boon, Kristen. 2005. "Legislative Reform in Post-Conflict Zones: *Jus Post Bellum* and the Contemporary Occupant's Law-Making Powers," *McGill Law Journal* 50, 285–327; Cohen, Jean L. 2006. "The Role of International Law in Post-Conflict Constitution-Making: Towards a *Jus Post Bellum* for 'Interim Occupations,'" *New York School of Law Review* 51, 497–534.

[3] Orend, Brian. 2000. "*Jus Post Bellum*," *Journal of Social Philosophy* 31:1, 117–137; Bass 2004; Williams, Robert E. and Caldwell, Dan. 2006. "*Jus Post Bellum:* Just War Theory and the Principles of Just Peace, *International Studies Perspectives* 7, 309–320.

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violations or human rights abuses.[4] Consequently, duties to establish a sustainable peace are increasingly defined in terms of duties to protect and promote international human rights, including duties to effectively investigate human rights violations, to ensure access to effective remedy, and to transform institutional and legal contexts that have facilitated or sustained human rights abuse.[5] In some contexts, then, duties to establish a sustainable peace include duties to investigate gross violations of human rights, disseminate the findings of investigations, and ensure that victims have access to remedies and repair.

But what are investigations by transitional bodies seeking when they take on these tasks? What standards should be used to judge such investigations' success? Often, investigators present themselves as seeking the truth and claim value for their findings based on having produced a better description or explanation than was antecedently available. But are there intellectually respectable grounds for treating truth as a distinguishing feature of some claims that makes them more worthy of acceptance? Is truth worth pursuing for its own sake in transitions from conflict or must it contribute to some other goal to be valuable? In what follows I argue that the value of truth in transitions from conflict lies in the role of truth in ascribing knowledge. The connection between truth and knowledge makes it important to preserve distinctively epistemological grounds for accepting and rejecting claims and narratives. These distinctively epistemological grounds explain how, if it is conceived of as adequate responsiveness to experience, truth is a legitimate and important goal in transitions from violence that is worth pursuing for its own sake. In particular, I argue that there is value in insisting that adequate responsiveness to experience serve as an arbiter in the reception of claims and narratives because when responsiveness to experience plays an arbitral role it becomes possible for bodies such as truth commissions to serve as vehicles by which groups may attain or ascribe knowledge.

In explaining how adequate responsiveness to experience can be specified in a way that makes it possible to arbitrate between claims and narratives on

[4] Bass 2004; Williams and Caldwell 2006.

[5] ICISS 2001; UNCHR (United Nations Commission on Human Rights). 2005. "Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law." Commission on Human Rights resolution 2005/35, General Assembly resolution 60/147. U.N. Doc A/RES/60/147; Williams and Caldwell 2006: 316; Stahn, Carsten. 2007. "'*Jus ad bellum*,' '*jus in bello*' … '*jus post bellum*' – Rethinking the Conception of the Law of Armed Force," *European Journal of International Law* 17:5, 921–943 at 936; Evans, Mark. 2009. "Moral Responsibilities and the Conflicting Demands of *Jus Post Bellum*," *Ethics and International Affairs* 23,147–164.

epistemological grounds, I will rely on a branch of philosophical epistemology called feminist empiricism. Within feminist empiricism, for a claim or theory to be empirically adequate is for it to account for and be responsive to a particular set of experiences of a specific set of subjects. Which experiences and subjects are relevant is determined by the purpose for which knowledge of an event, activity, or object is sought. When combined with philosophical epistemology's traditional emphasis of truth as something that matters in its own right, experiential adequacy builds two elements into the concept of truth that are especially important for transitional justice: that subjects, whether they be collective or individual, are accountable for what they believe; and that faithfulness to what has been lived, both by others and by themselves, is an important element of the claims subjects accept and the narratives they construct. This conception of truth emphasizes the relationship between narratives or claims and what has been lived by specific individuals and communities. To say, then, that a society has knowledge of what happened in a case of widespread and systematic violence is to say that the society's claims or narratives are sufficiently responsive to the experiences of relevant individuals and communities to be counted as true.

8.2. TRUTH IN PHILOSOPHY AND IN LIFE

The starting point for thinking through the role of truth in transitions from conflict is recognition that one of the things that groups seek in the face of widespread and systematic violence is knowledge of what has happened. "Knowledge" is an honorific term: it confers a special status on that which is said to be known, and on the subject who claims to know. Typically, knowledge is taken to reflect a relationship that is special or that is especially valuable between the subject to which knowledge is attributed and the content of the belief, statement, or practice that the subject purports to know. In philosophical approaches to knowledge, qualifying for this special status has traditionally been taken to require at the minimum that what the person believes or claims about that of which she purports to have knowledge must be true. What makes a person's beliefs or claims true, and what must be added to truth if a subject is to count as knowing, continues to be a matter of heated and wide-ranging debate. But that truth is at least a necessary condition for subjects to count as "knowing" is traditionally a starting point of philosophical approaches to knowledge.

The philosophical emphasis on truth in part reflects an assumption that whatever other features are important for a subject to have the kind of relationship to a belief, statement, or practice that sets that person apart as "knowing,"

being able to add "and that is true" seems obviously to be an improvement. Imagine two subjects: one comes to believe things and relates to what she believes in a way of which we approve, and what she believes serves her well; the other comes to believe things and relates to what she believes in a way of which we approve, what she believes serves her well, and what she believes is also true. For most epistemologists (those working in the analytic tradition at least), it is obvious that it is better to be the second person than the first, and that most ordinary people, given the choice, would agree. As Ernest Sosa puts it, "*if*, for whatever reason, we are interested in a certain question, we would prefer to believe correct rather than incorrect answers to that question."[6] Having mental content that serves us well, that we relate to well, and that is also true is something that people in general strive for, and the term epistemologists use to describe instances in which this goal has been achieved is "knowledge."

Yet this is just to say that all other things being equal, we would rather that our claims and narratives be true. Outside of a thought experiment, however, we are almost never offered a choice between methods of generating or vetting claims and narratives that meet the same conditions of propriety, have equally useful products, and differ only in whether they may be characterized as true. Usually what we choose between are methods that meet differing conditions of propriety, that produce claims or narratives of uncertain or varying usefulness, and that may equally well be characterized as true, or equally disqualified from truth. What, then, does the traditional philosophical insistence on truth as an element of knowledge have to offer in the complex epistemological situations we face outside of thought experiments?

What the philosophical insistence on truth offers is this: a stubborn refusal to give up the criterion of responsiveness to something outside of the mental world. Consider the very complex epistemological situation faced by a group of people deciding between competing claims and narratives about widespread and systematic violence. The traditional philosophical insistence on truth as part of knowledge commits the group to seeking something in addition to usefulness for social purposes and cognitive pedigree or structure in these decisions if they wish to describe themselves as acquiring knowledge of that violence. For the group to describe themselves as seeking truth is for them to commit to seek something that can serve as that additional element, beyond usefulness and cognitive pedigree, that distinguishes instances of knowledge.

[6] Sosa, Ernest. 2003. "The Place of Truth in Epistemology" in *Intellectual Virtue: Perspectives from Ethics and Epistemology*, M. DePaul and L. Zagzebski, eds. (Oxford University Press, Oxford), pp. 155–179 at p. 159.

However, scholars working in the area of transitional justice have tended to be skeptical about the value of philosophical approaches to truth for transitional bodies such as commissions of inquiry, and cautious about assigning truth importance in its own right. There are good reasons for this skepticism. As Sara Ahmed points out in the context of a discussion of the *I, Rigoberta Menchù* controversy, the politics of truth is deeply bound up with gendered histories of imperialism and colonization in which violence "is both granted and taken for granted" against some subjects and not others.[7] To describe a subject as telling the truth (or as failing to be truthful) is to assert a version of the world and to assign the subject described a specific place within the world asserted. Many authors have further noted the ways in which the activity of truth-telling, especially in the context of a commission of inquiry, has performative dimensions that both construct and are constructed by the expectations of participants, their immediate audiences, and secondary audiences.[8]

These worries about power and performance aside, there are pragmatic limits on the extent to which any single account can be completely, or even sufficiently, encompassing to count as true in the philosophical sense. As Priscilla Hayner notes, the truths that emerge from official commissions of inquiry are inevitably shaped by factors such as the commission's mandate or terms of reference and the personalities and priorities of its leadership.[9] Further, the nature of the events and activities that transitional mechanisms treat make for inherent limits on how comprehensive any report can be.[10] Partly in response to these concerns, many have gravitated toward pluralistic conceptions of truth, distinguishing between "forensic truth" and "emotional truth," between "narrative truth" and "historical truth," or between "social" or "political truth" and "factual truth."[11] The goal of commissions of inquiry and other transitional

7 Ahmed, Sara. 2003. "The Politics of Fear in the Making of Worlds," *Qualitative Studies in Education* 16:3, 377–398 at 385.

8 Schaffer, Kay and Sidonie Smith. 2004. *Human Rights and Narrated Lives: The Ethics of Recognition* (Palgrave Macmillan, New York); Kelsall, Tim. 2005. "Truth, Lies and Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone," *Human Rights Quarterly* 27, 361–391; Phelps, Teresa Godwin. 2006. *Shattered Voices: Language, Violence and the Work of Truth Commissions* (University of Pennsylvania Press, Philadelphia); Cole, Catherine. 2007. "Performance, Transitional Justice, and the Law: South Africa's Truth and Reconciliation Commission," *Theatre Journal* 59, 167–187.

9 Hayner, Priscilla B. 2001. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (Routledge, New York).

10 Minow, Martha. 1998. *Between Vengeance and Forgiveness* (Beacon Press, Boston, MA).

11 Hunt, Tristram. 2004. "Whose Truth? Objective Truth and a Challenge for History," *Criminal Law Forum* 15, 193–198; Aldana, Raquel. 2006. "A Victim-Centred Reflection on Truth Commissions and Prosecutions as a Response to Mass Atrocities," *Journal of Human Rights* 5, 107–126; Roosa, John. 2007. "How Does a Truth Commission Find Out What the Truth Is? The Case of East Tomor's CAVR," *Pacific Affairs* 80:4, 569–580.

bodies is often qualified as establishing an "official" or "usable" truth,[12] and even discussions of the right to truth tend to emphasize the value of truth as a means to personal healing and social renewal.[13]

Yet, there are dangers in refusing to use "truth" as an arbitral term – as a term that adjudicates between competing claims or narratives – or to give it independent, noninstrumental weight. For example, the struggle for recognition of a human right to truth is closely bound up with the role of denial, silencing, and obfuscation of responsibility as strategic elements in patterns of violence.[14] Collecting and preserving primary documents and witness testimony anticipates a future in which revisionists may have to be disproved, trauma and events are revisited, histories are written, and families seek information and clarity.[15] Martin Imbleau discusses the dangers of instances in which "a typical fair-minded reader might unfortunately believe" false claims that abuses did not happen and notes that one of the things that enables rejection of such claims "and potentially the prosecution of deniers is that the events are historical facts established by judicial bodies."[16] Reports and archives are able to play this role in virtue of a claim to improve subjects' epistemological situation: a claim that making use of the reports and archives places subjects on better epistemic ground with respect to their conclusions than they otherwise would be. The most straightforward account of where this epistemological improvement comes from is that the reports and archives add or at least improve the likelihood of truth.

Moreover, there is a tension between describing the goals of transitional bodies that collect testimony and document abuses as vindicating the standing and experiences of survivors and their families in the face of a history of denial, and characterizing the epistemological standing of the claims and narratives that emerge from that testimony and documentation in terms of "political," "historical," or "victim-centred" truth, rather than in terms of truth *simpliciter*. For example, Michael Marker has pointed out how qualifying the significance

[12] Hayner 2001; Webster, David. 2007. "History, Nation and Narrative in East Timor's Truth Commission Report," *Pacific Affairs* 80:4, 581–591.

[13] Bickford, Louis. 2007. "Unofficial Truth Projects," *Human Rights Quarterly* 29, 994–1035; Minow, Martha. 2008. "Making History or Making Peace: When Prosecutions Should Give Way to Truth Commissions and Peace Negotiations," *Journal of Human Rights* 7, 174–185.

[14] Crocker, David. 2000. "Truth Commissions, Transitional Justice and Civil Society" in *Truth v Justice: The Moral Efficacy of Truth Commissions South Africa and Beyond*, Robert Rotberg and Dennis Thompson, eds. (Princeton University Press, Princeton, NJ), pp. 99–121; Roht-Arriaza 2006.

[15] Baxter, Victoria. 2005. "Civil Society Promotion of Truth, Justice, and Reconciliation in Chile: Villa Grimaldi," *Peace & Change* 301:1, 120–132.

[16] Imbleau, Martin. 2004. "Initial Truth Establishment by Transitional Bodies and the Fight against Denial," *Criminal Law Forum* 15, 159–192.

or scope of a claim can have the discursive effect of containing and shaping its impact.[17] In a case study of how settler scholars and policy makers have dismissed Lummi tribal members' descriptions of violence and racism in the educational system without denying its truth, Marker describes how Lummi testimony was accepted as a faithful reflection of tribal members' experiences without this being taken to require revision of the audience's policy preferences or beliefs.[18] In the case study, the challenge that Lummi people faced was not establishing that their testimony faithfully reflected their experiences, but establishing that faithful reflection of their experiences was relevant to and had implications for the beliefs and conclusions that ought properly to be accepted by people other than themselves.

This tension between vindicating the standing and experiences of survivors through the documentation of their testimony and characterizing that testimony as something other than true *simpliciter* bears out Sharyn Clough's observation that skepticism about the possibility of using facts as an epistemological constraint reproduces a problematic dichotomy between mind and senses, interpretation and world, that risks gutting statements of experience of the potential for critical force.[19] To accept testimony as true *simpliciter* implies content the implications and salience of which is not confined to the testifier. To accept testimony as true in a qualified sense is to imply a distinction between the cognitive value and role of the contents of that testimony for the person who offers it and the cognitive value and role of that testimony's contents for others. The testifier's mental world and interpretive framework appear as a qualification on or a conditioning factor in the uses to which the audience puts the testimony's content.

The potential costs of giving up an arbitral conception of truth can be brought home by considering the traditional connection between truth and knowledge. Jason Stanley points out that a "standard use of knowledge attributions is to justify action."[20] Often a person is described as knowing as a way of explaining his or her decision to pursue one course of action rather than another. In such justifications, the person's action is explained not merely in terms of her or his mental states, but rather in terms of a connection between mental states, actions, and factors that can be made sense of independently of

[17] Marker, Michael. 2003. "Indigenous Voice, Community and Epistemic Violence: The Ethnographer's "Interests" and What "Interests" the Ethnographer," *Qualitative Studies in Education* 16:3, 361–375.

[18] Marker 2003: 364–367.

[19] Clough, Sharyn. 2004. "Having It All: Naturalized Normativity in Feminist Science Studies," *Hyaptia* 19:1, 102–118 at 108.

[20] Stanley, Jason. 2005. *Knowledge and Practical Interests* (Oxford University Press, Oxford), p. 10.

the person's beliefs. Explanations in terms of connections that can be made sense of independently renders a person's behavior both intelligible and also susceptible to critical evaluation by, for example, making it possible and informative to compare the connections that in fact obtained between the person's mental states, actions, and factors with alternative connections that could have obtained.[21] To give up an arbitral conception of truth is to give up as a possible grounds for judging a person's actions to be unjustified that the connections between the mental states, actions, and factors are cognitively defective – for example, because the action relies on beliefs that are not true.

The challenge, then, is to develop a conception of "truth" that can serve as a basis for distinctively epistemological criticism while retaining space for critical assessment of the purchase that such criticism has or ought to have in light of the goals it serves. In the remainder of this chapter, I argue that the way the concept of "truth" has been developed within feminist empiricism answers this challenge and can be useful for transitional bodies such as truth commissions.

8.3. TRUTH IN FEMINIST EMPIRICISM

Feminist empiricism first emerged as an approach to the philosophy of science. Feminist empiricists have developed a conception of truth as empirical adequacy that is specifically designed to maximize the transparency of assumptions about whose experiences matter and what purpose faithfulness to experience serves in a particular context. This conception of truth has been developed and argued for within a larger view that treats knowledge as an inherently social endeavor, so that groups appear as epistemological subjects in their own right, with beliefs and explanations that may be assessed and improved upon. These two features, transparency in assumptions about why the subjects whose experiences matter are the relevant ones for assessing truth, and inclusion of groups as epistemological subjects in their own right, make it possible for transitional bodies to develop and use arbitral conceptions of truth, to insist that this criterion for distinguishing good and bad belief is important in its own right independently from other social goals it may serve, and to do so without denying that the experiences in virtue of which claims and narratives are vindicated or rejected are those of specific subjects with a specific relationship to the events investigated.

[21] Hampton, Jean. 1992. "Hobbes and Ethical Naturalism," *Philosophical Perspectives* 6, 333–353 at 347–349.

Empiricist philosophers of science in general are characterized by a model-theoretic or semantic approach to the truth of scientific explanations. In such approaches, what makes a theory or an explanation true is not that it captures or corresponds to the *phenomenon*, but rather that it fits the *evidence* – the experiences or observations – out of which descriptions of the phenomenon have been built. This is the idea of empirical adequacy: a theory, explanation, or description is true insofar as the way that it characterizes a phenomenon is commensurate with experiences. In nonfeminist versions of empiricism, what counts as a piece of evidence that a theory or explanation must fit – which experiences and observations matter for purposes of assessing warrant for accepting a theory or explanation as true – has often been strictly and narrowly defined, for example, by reference to the conditions under which language becomes meaningful, or the nature of human cognition.[22] Elizabeth Anderson notes that such strict definitions are attempts at "rigging the game," as they arbitrarily limit the questions that may be asked and the forms of explanation that may be offered.[23]

In contrast, one of the distinguishing features of feminist empiricism is an explicit rejection of the possibility that what counts as relevant experiences or observations for purposes of evaluating a theory or explanation's empirical adequacy may be specified a priori, in advance.[24] Instead, feminist empiricists have argued that what counts as relevant evidence for the adequacy of a claim or explanation is and must be identified in context by reference to facts about the subjects engaged in the investigation and the purposes for which the investigation has been undertaken.

Feminist empiricist conceptions of truth retain the traditional connection between truth and knowledge; but what goes into assessments of truthfulness is more transparent, and the subject whose epistemological standing is at stake may be a group. It becomes possible, then, to describe a group as committing itself to certain epistemological goals when it claims to seek truth, and as describing its claims and narratives as having met minimal standards of experiential adequacy when it claims to know what happened. To fail to know is to not meet minimal standards of experiential adequacy, or to not have the right cognitive pedigree or structure, or to not be able to put experiential adequacy or cognitive structure to good use.

[22] Nelson, Lynn Hankinson. 1990. *Who Knows? From Quine to a Feminist Empiricism* (Temple University Press, Philadelphia), pp. 22–26; Campbell, Richmond. 1998. *Illusions of Paradox: A Feminist Epistemology Naturalized.* (Rowman and Littlefield, Lanham, MD), pp. 20–22.

[23] Anderson, Elizabeth. 1995. "Feminist Epistemology: An Interpretation and a Defense," *Hypatia* 10:3, 50–83 at 52.

[24] Nelson 1990, Anderson 1995.

The argument here is not that the *truth* of what an explanation implies or leads us to say will vary, but that the *evidence that is relevant to assessing how close to truth an explanation comes* may vary. As Edrie Sobstyl describes it,

> Sensory data is a record of part of the process by which individuals come to know, so our views about knowers must include it. My interpretation of the meaning of my sense experience may be learned from my community but the experience itself is mine. This is especially important when an individual's interpretation of her own physical experience seems at odds with the meaning attributed to it by the community. . . . We need an epistemic stance that allows us to take such experience seriously and that can use it to transform what the community knows.[25]

Whose experiences matter, what dimensions of those experiences must be answered, and what kind of fit counts as adequate are determined not by the nature of knowledge or cognitive agency as such but by the purposes that epistemological practices serve for situated human subjects. Criticism on grounds of empirical inadequacy is thus always criticism of a particular epistemological practice deployed by subjects with specific features in a specific social, political, and historical context: it is criticism on grounds of *in*adequate responsiveness to the subjects whose experiences matter. In Helen Longino's words, "Empirical adequacy and accuracy (treated as one or separate virtues) need further interpretation to be meaningfully employed in a context of theory choice. Those interpretations are likely to import socio-political or practical dimensions."[26]

This emphasis on function and situation makes for a social view of not just the knowledge that epistemic practices produce but of epistemology itself. For some feminist empiricists, this sociality is limited to the observation that empirical adequacy – more accurately described, perhaps, as *experiential* adequacy – is always assessed within and for purposes given by a social context: that the subjects whose epistemological situation is to be assessed are individuals-in-community (individuals whose epistemic features depend on their communal membership(s)).[27] Yet a more interesting claim about the sociality of epistemology, and one that is especially relevant to the conception of truth that may legitimately be developed and employed by a transitional body such as a truth commission, is that the situatedness of knowledge claims

[25] Sobstyl, Edrie. 2004. "Re-Radicalizing Nelson's Feminist Empiricism," *Hypatia* 19:1, 119–141 at 136.

[26] Longino, Helen. 1995. "Gender, Politics and the Theoretical Virtues," *Synthese* 104, 383–397 at 395.

[27] Grasswick, Heidi. 2004. "Individuals-in-Community: The Search for a Feminist Model of Epistemic Subjects," *Hypatia* 19:1, 85–120.

and of assessments of the experiential adequacy of the theories, assertions, and descriptions on which they rest means that the subjects whose epistemic situations are assessed are necessarily and irreducibly collective.[28] In this view, not just individuals but also, and even primarily, social groups may be justified or unjustified, warranted or unwarranted in the theories, claims, and descriptions to which they subscribe; and so their theories, claims, and descriptions may and must be assessed for experiential adequacy.

Within this view, it is possible to answer the question, posed by Michael Ignatieff and others, of what it would mean for a society to know the truth.[29] For a society to know the truth is for a society to know what happened. Societies have knowledge when they are in an epistemological position from which they may rightly insist that the claims and narratives they accept be accorded a special standing. For a society to have knowledge requires that the society be warranted in the claims and narratives it accepts. Warrant is linked to conditions of propriety in the generation and acquisition of claims. Warrant is also linked to truth. When truth is understood in terms of experiential adequacy it becomes possible to make sense of a transitional body having as one of its goals establishing conditions under which the society may have knowledge of what has happened. If social groups can fail to have sufficient warrant for claims and narratives, then such groups can be described as failing to know and may be criticized for that failure, and for actions that reflect a failure to know. To act on the basis of claims or in accordance with narratives that are experientially inadequate is to act not just in ignorance but in (and potentially out of) disregard of what is epistemologically warranted.

Moreover, the social nature of knowledge means that a group's endorsement of claims, descriptions, or narratives that are experientially inadequate may compromise the warrant that individual constituents of the group may claim for beliefs that presuppose the inadequate claims, descriptions, or narratives. Because of this, both groups and the individuals who constitute them have distinctively epistemological interests at stake in the extent to which the claims, descriptions, and narratives accepted at the collective level are warranted; and so transitional bodies such as truth commissions can serve epistemological purposes for an entire society, whether this is understood as a collectivity or as a set of individuals.

So what makes a group's claims, descriptions, or narratives experientially adequate? Assessments of experiential adequacy cannot proceed exclusively

[28] Nelson, Lynn Hankinson. 1993. "Epistemological Communities" in *Feminist Epistemologies*, Linda Alcoff and Elizabeth Potter, eds. (Routledge, New York), pp. 121–159; Nelson, Lynn Hankinson. 1995. "A Feminist Naturalized Philosophy of Science," *Synthese* 104:3, 399–421.

[29] Ignatieff, Michael. 1996. "Articles of Faith," *Index on Censorship* 25, 110–122; Hunt 2004.

by reference to the experiences of individuals who participated in them; but such experiences will have to play a part in such assessments. Moreover, and perhaps more important, whose experiences are relevant to assessing adequacy, what aspects of those experiences are relevant, and why, must all be made explicit. This brings to the fore questions about how the narratives and descriptions groups construct relate to the experiences of particular individuals, and how the experiences of particular individuals relate to the purpose for which knowledge is sought. Truth as conceived of within feminist empiricism, then, makes it possible to ask how successful a transitional mechanism such as a truth commission is from an epistemological point of view. It suggests that groups may legitimately ask whether a truth commission is sufficiently truthful in its narratives and statements and may legitimately treat a failure of truthfulness as a loss in its own right, even while judging that loss to be acceptable or inevitable in light of other, nonepistemological goals.

8.4. TRUTH IN TRANSITIONAL MECHANISMS

An arbitral conception of truth makes it possible to treat truth-seeking as part of a larger project of knowledge acquisition, and so to treat transitional bodies whose mandate or social justification appeals to truth as potential contributors to the realization of that project. In this, bodies such as truth commissions may legitimately be expected to do more than "restrict the range of permissible lies"[30]: they may be expected to help establish the conditions under which a group or a society may acquire or describe themselves as having knowledge of what is investigated. For example, truth commissions may be expected to help a society meet conditions of warrant related to the ways claims and narratives are generated or accepted, such as publicity and transparency. And they may be expected to establish the conditions for exposing claims and narratives to relevant experiences.

That a transitional body can help establish the conditions for knowledge does not, of course, mean that it will do so. And that a society (or other collective actor such as a provisional authority) has knowledge of what was investigated does not in itself determine how that knowledge will figure in subsequent action. But conceiving of truth as experiential adequacy makes it possible to treat failure to contribute to the conditions for knowledge as *failure*: as falling short of a goal that was possible and that ought to have been adopted. And it makes it possible to describe claims or narratives ruled out on grounds of inadequacy as *lies*: as contrary to a central element of the practice of comparing the claims and narratives accepted against standards of good reasoning.

[30] Ignatieff 1996.

In this way, an arbitral conception of truth helps to clarify the role of transitional bodies in refuting or discrediting denials. In claiming that its conclusions or determinations of fact are true, a transitional body implicitly characterizes acceptance of claims that it contradicts as ignoring the standards of good reasoning – as ignoring, in Elizabeth Anderson's formulation, the constraints that good reasoners employ to ensure that their cognitive attitudes can withstand the test of reflective endorsement.[31] To say that a transitional body's determinations of fact are true is to say that those who deny its conclusions or determinations of fact do so on poor or nonepistemological grounds. More than this, it is to say that those who deny the body's conclusions or determinations demand that their audience give up the benefits or value of good standards of reasoning in this instance. And so characterizing a transitional body's determinations of fact as true opens up two potential lines of criticism against denials: that deniers ignore standards of good reasoning in the claims they accept, and that deniers ask their audience to ignore standards of good reasoning. This in turn creates space for distinguishing between the different ways in which a denial might be wrong or constitute a wrong.

This connection between experiential adequacy, knowledge, and standards of good reasoning also provides a useful framework for treating contestations of a transitional body's conclusions as failing to be true to the witness testimony and documents it has collected. For example, Greg Grandin has argued that reluctance to treat history "as a network of causal social and cultural relations" led truth commissions in Chile, Argentina, and Guatemala to produce reports that "largely denied the conditions that brought them into being."[32] Grandin's criticism is not that the documents or testimony that these commissions collected were false, but that the description of the repression and violence that was produced on the basis of these documents failed to be true. In particular, Grandin argues that the commissions mischaracterized the logic of repression in ways that failed to capture the experiences of both those who were subject to violence and those who perpetrated it.[33] In this, Grandin suggests that the truth commissions failed to establish the conditions for knowledge, and that they did so not because knowledge of what was investigated was not possible, but because the particular strategies, methods of investigation, and assimilation of information they undertook failed to establish an adequate fit between the events or activities of which knowledge was

[31] Anderson 1995: 53–53.
[32] Grandin, Greg. 2005. "The Instruction of Great Catastrophe," *American Historical Review* 110, 46–67 at 48.
[33] Grandin 2005: 53.

claimed and the experiences to which an account of those events or activities had to answer.

Understanding the role of fit with experience in this way adds an additional dimension to Priscilla Hayner's observations about the significance of a commission of inquiry's mandate, its methodological choices, and the time frame for the shape and content of its final report.[34] A transitional body's mandate, the methodologies it adopts and the time frame it investigates can be assessed for their epistemological merits and shortcomings, as they contribute to or undermine a body's ability to identify, marshal, and make use of experiences that must be accounted for if the project or purpose for which knowledge is sought is to succeed. For example, in Indonesia, the court charged with investigating and prosecuting human rights violations in East Timor was limited to the period immediately following the 1999 referendum.[35] This was widely viewed as limiting the court's credibility because establishing the truth of claims about the events it was permitted to investigate (gross human rights violations in 1999–2000) was taken to require exposing those claims to experiences and evidence the mandate excluded from consideration.

The connection between experiential adequacy, knowledge, and good reasoning also makes it possible to use the epistemological merits of a transitional body's mandate, methodologies, and time frame as grounds for nonepistemological criticism. Insofar as conceiving of truth as experiential adequacy makes explicit the connection between the specific experiences and subjects identified as relevant and the project that answering those experiences is supposed to serve, it becomes possible to criticize the project or purpose for which knowledge is sought in terms of which experiences of which subjects the project renders epistemologically salient. For example, one persistent grounds of criticism of the investigative mechanisms set up by the United Nations Transitional Administration in East Timor (UNTAET) has been that there was very little consultation with Timorese communities or attention to Timorese priorities in the design and implementation of those mechanisms.[36] In this criticism, the fact that the priorities and experiences of Timorese were not central in establishing which cases would be investigated, what kind of

[34] Hayner 2001.

[35] Linton, Suzannah. 2001. "Cambodia, East Timor and Sierra Leone: Experiments in International Justice," *Criminal Law Forum* 12, 185–246 at 222–223; Burgess, Patrick. 2004. "Justice and Reconciliation in East Timor: The Relationship between the Commission for Reception, Truth and Reconciliation and the Courts," *Criminal Law Forum* 15, 135–158 at 139.

[36] Linton 2001: 212–215; Chesterman, Simon. 2004. *You, the People: The United Nations, Transitional Administration and State-Building* (Oxford University Press, Oxford), pp. 135–143, 169–174.

evidence would be relevant, and how investigation would be conducted generates questions about the project the investigations served.

As the example illustrates, the connection between truth as experiential adequacy and knowledge provides an intellectual framework for critical reflection on how the project in aid of which knowledge is sought must be conceived to justify epistemic practices that move the perspectives and experiences of those who were directly involved in violence to the margins in assessing what makes claims and narratives about that violence interesting or significant – what makes claims or narratives an "insight" as opposed to a "mere fact." A project that can be successfully executed while moving the perspectives and experiences of those who were directly involved in violence to the margins is one with goals, activities, and aspirations that need not be exposed to those subjects' assessments to succeed. In effect, the experiences of those who were directly involved in the violence are not salient to evaluation of the project's outcomes. This would seem to suggest that either the project is not for those who were directly involved in the violence or that the project can be for those directly involved without treating their perspectives or experiences as authoritative.

In this, experiential adequacy as an element of knowledge attributions explicitly connects the importance of victim-centeredness and the goal of illuminating or transforming what is already widely known. The imperative to "listen to victims' voices"[37] is often understood as a moral imperative: as an imperative to adopt projects and courses of action within and for which the experiences of those who have been subject to violence is central.[38] Truth, understood as experiential adequacy, suggests that this imperative can also be epistemological: an imperative to reject claims and narratives that are not commensurate with or vindicated by the experiences of those who have been subject to violence. Victim-centeredness as an epistemological imperative casts those who have experienced the violence that a transitional body investigates as arbiters of intellectual adequacy. They arbitrate in virtue of the epistemological importance of their experiences: their personal history gives them a special epistemic standing, makes them rightly empowered to determine what is a candidate for belief. These powers of arbitration are constrained: subjects of violence discharge this role insofar as their experiences are central to the purposes or projects in connection with which knowledge is sought. But they are powers of arbitration: capacities to assert a standing; capacities to command a response.

[37] Bickford 2007: 1000.

[38] Minow 1998, Aldana 2006, Bickford 2007.

Understanding how processes may be *epistemologically* victim-centered helps to explain what public acknowledgment can add to what is already common knowledge, and how the conclusions or determinations of fact of a transitional body can transform what is already known. The standard of experiential adequacy suggests that what public acknowledgment can add is illumination: directing attention to aspects of experience that were not previously seen as relevant; establishing connections across experiences and across individuals; offering reconstructions that better cohere with other experiences. To be epistemologically victim-centered is to gauge whether public acknowledgment adds to or transforms what is already common knowledge by looking to whether it illuminates the experiences of subjects of violence.

In this, truth as experiential adequacy clarifies how and why individual acquisition of information is both of central importance and also not the whole story of what it would be for an investigation to successfully contribute to a group's achieving knowledge. It also clarifies how those who offer testimony or documentation to a transitional body such as a truth commission may gain epistemologically from their participation, and why those who offer testimony or documentation are not guaranteed to gain epistemologically. Moreover, gaining, and failing to gain, epistemologically from participation in an investigative body is clearly separable from the potential for individuals to benefit emotionally or psychologically from participation.

8.5. CONCLUSION

In her discussion of the limitations of narrative as an approach to moral agency, Diana Tietjens Meyers makes the point that for narrative to serve as a basis for evaluation, the stories that people may successfully tell about an event must be subject to external as well as internal constraints.[39] That is, whether a story works must depend on more than simply whether, from the perspective of the person telling it, it has internal coherence. Meyers suggests that an appropriate, metaphysically acceptable source of external constraint is the audience to whom a story is offered: for example, can the audience make sense of what they have been told, given other stories they have heard and constructed? One drawback of this approach to external constraints is that its emphasis of coherence within and between stories makes concepts and narratives the focus of attention rather than actual people. In this chapter I've argued that

[39] Meyers, Diana Tietjens. 2004. "Narrative and Moral Life" in Cheshire Calhoun, ed., *Setting the Moral Compass: Essays by Women Philosophers* (Oxford University Press, Oxford), pp. 288–305.

conceiving of truth as experiential adequacy and tying that concept to the conditions under which groups and individuals may be legitimate subjects of knowledge attributions can remedy this problem. Experiential adequacy puts front and center the issues of how the experiences of specific people relate to the questions being asked about an event or situation, and of what counts as a description or a conclusion that is faithful to the experiences of those people.

This feature of experiential adequacy, and the role of such adequacy in knowledge attributions, provides a set of tools for identifying potential divergence between individual-level and societal-level goals with respect to a transitional body's conclusions and determinations of fact, and an intellectual framework for critically reflecting on such divergences. For example, the goal of establishing facts about individual cases and the goal of establishing facts about patterns of abuse appear in the analysis presented here as distinct epistemological goals that could potentially be in competition. Recognizing this allows reflection on how a transitional body's mandate, leadership, and resources may shape its epistemological capacity with respect to various goals, and so how such factors may impact what groups and individuals are able to know.

Conceiving of truth as experiential adequacy also provides a set of tools for thinking through potential divergences between individual and social-level benefits of a transitional body's truth-seeking. In particular, recognizing the role of truth in establishing the conditions of social knowledge, and acknowledging that knowledge is always indexed to a project, provides a framework within which to think through the legacy of investigative bodies for governments, for those who participate in them, and for members of a society more generally. Consider a situation in which a society, a provisional authority, or the international community appear to have gained knowledge without this having translated into actions to improve the lives of those whose experiences made that knowledge possible. On the analysis given here, such a situation implies that either: knowledge was not in fact gained; the knowledge gained has not been acted upon; or the project in aid of which knowledge was sought was one to which the ongoing experiences and lives of those subjects are irrelevant. On the analysis given in this chapter, to describe truth-seeking as successful when it does not concretely improve the lives of those whose experiences have been consulted is to imply a project for which knowledge is sought that depends on victims' experiences being accessible, but not on victims benefiting from access to their experiences. It is to imply a project in which the experiences of some serve as epistemic material out of which benefits are generated for others.

Assessing the experiential adequacy of conclusions and determinations of fact in transitions from conflict is important for at least two reasons, then. First, recognizing the centrality of experiential adequacy to knowledge facilitates critical reflection on whether a transitional administration's epistemic practices are in fact providing them with the capacity to act on the basis of knowledge. In particular, insistence on transparency about whose experiences are being consulted and how those experiences are being used facilitates reflection on how the perspectives and experiences of those who were directly involved in violence must be incorporated for the narratives and explanations to serve a victim-centered project. Assessing conclusions and determinations of fact by reference to experiential adequacy also facilitates critical reflection on the projects in aid of which knowledge is sought. It may be, as Gary Bass has observed, that "peace often means accepting a host of injustices."[40] It may be, for example, that building a sustainable peace is a project that needs the experiences of those who have known violence and abuse, but is not a necessarily a project that will benefit them or significantly improve their lives.

But even if such injustice in the wake of conflict is inevitable, if sometimes peace requires accepting injustices, it is important to acknowledge that injustices have been accepted, and it is important to have a language for articulating what those injustices are. Insistence that truth, in the sense of experiential adequacy, is important and valuable in its own right offers a language and a framework for identifying and explaining the wrong in failures to investigate human rights violations, and in investigations that do not serve those whose rights were violated.

[40] Bass 2004: 408.