

## Truth and Reconciliation Commissions: A Review Essay and Annotated Bibliography<sup>1</sup>

Kevin Avruch and Beatriz Vejarano

Since 1973, more than 20 “truth commissions” have been established around the world, with the majority (15) created between 1974-1994. Some were created by international organizations like the United Nations (UN), a few by nongovernmental organizations (NGOs), and the majority by the national governments of the countries in question. Counting “Commissions of Inquiry” with “Truth and Reconciliation” commissions, a partial list is as follows:

The UN sponsored, financed, and staffed the truth commissions in El Salvador (1992-1993). Commissions sponsored by NGOs include Rwanda (1993) and Paraguay (1976). In South Africa, the African National Congress (ANC) sponsored two commissions of inquiry (1992 and 1993) investigating its own conduct during the anti-Apartheid struggle. The better-known South African Commission of Truth and Reconciliation was established by South Africa’s post-Apartheid parliament in 1995; the Commission’s report was issued in October, 1998. Other governmentally sponsored commissions (several of which never published final reports) include Argentina (1983-1984, resulting in the powerful report *Nunca Mas*, “Never Again,” translated into English and published commercially in 1986 in Britain and the U.S.); Bolivia (1982-1984; disbanded without issuing a final report); Uruguay (1985); Zimbabwe (1985, report never publicly released); Chile (1990-1991); Chad (1991-1992); Germany (1992-1994); Guatemala (1997-1999); Haiti (1995-1996); Nigeria (1999); Philippines (1986, report never completed); Sierra Leone (called for in 1999, still underway); Uganda (1974 and 1986-1995); Brazil (1986); East Timor (1999-2000); Ethiopia (1993-2000); and Honduras (1993). For more details on these and other commissions see Hayner (1994, 2001), Kritz (1995), Popkin (2000), Roht-Arriaza (1995), and Popkin and Roht-Arriaza (1995). On the role of NGOs see Van der Merwe and Dewhirst (1999). The website of the U.S. Institute of Peace ([www.usip.org/library/truth](http://www.usip.org/library/truth)) is another fine resource, with links to many other relevant sites, some including the full text of commission reports.

As is evident from this list, the majority of such commissions are governmental. Typically, these were “transitional governments,” since the early 1980s newly emerging and often very fragile democracies sought (or were forced – the difference is not a trivial one) to present a formal accounting of the violence, crimes, and civil and human rights abuses of the previous regimes (Kritz 1995). The commissions, most united by having the word “truth” somewhere in their title, nevertheless demonstrate great diversity. They function in a wide variety of sociopolitical settings with varying levels of support (international, governmental, and popular), resources and constraints, and with varying

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<sup>1</sup> This article originally appeared in *SOCIAL JUSTICE: Anthropology, Peace, and Human Rights*. Volume 2(1-2):47-108, 2001.

degrees of success. Definitions of “success” are themselves diverse and hardly uncontroversial. They have also generated a tremendous literature in a relatively short period of time, some unalloyedly positive and admiring, many critical, and a great deal of them suffused with a moral and religious passion – all this in addition to the legal and social science analytical sort.

The purpose of the bibliography that follows is to give students, researchers, and practitioners, many of them new to the field, a sense of the scope of this burgeoning literature and, by consulting the annotations attached to many of the more influential works, a sense of its depth and thematic concerns, as well. (The bibliography is limited to works published in English.)

The bibliography is organized into the simple functional categories of books and chapters in books (about a third of all entries), articles in scholarly and specialized journals (about half of all entries), and a sampling of recent articles that appeared in nonspecialized or general interest periodicals (about one-fifth of the total items). Of course we could have organized the bibliography in many different ways, for example by country or region, in which case the majority of entries would pertain to South Africa, with Latin American commissions next; or by those dealing with theoretical, moral, or ethical “abstract” issues and those oriented closely to praxis: implementation and organizational concerns. Or we could have organized the entries by the main themes they support – in which case those writings that deal with aspects of defining or delivering (or diverting or defaming) “justice,” broadly conceived, would predominate. But since we suspect that readers bring different needs and interests to this bibliography, the most mechanical of organizational models, supplemented and enriched by the annotations provided, will serve best.

Notwithstanding this last statement, it is of interest to present the results of a preliminary and rough “meta-analysis” of the corpus of works that follow. Certain key themes do come up again and again in the literature, as research foci, as basic assumptions and presuppositions – some of them unexamined – pertaining to the work of the commissions, as areas of abiding unease and controversy. The brief remarks that follow hardly exhaust all of the themes manifest in these works, but they do reflect some of the more emphatically expressed or, alternatively, unsettled among them. These themes reflect some moral, political, and conceptual dilemmas at the heart of the work of the commissions, including problems of justice, truth, reconciliation, democratization, and – largely unexamined and under-theorized – the problem of culture.

## **The Problem of Justice**

Perhaps, as noted above, no other concern has dominated discussions of truth commissions, especially from legal scholars, as has the issue of justice (cf. Roht-Arriaza 1995; Landman 1996; Kaye 1997; Nino 1997; Minow 1998; Neier 1998; Ball 1999; Popkin 2000; Rotberg and Thompson 2000). For many, the proper response to the perpetrators of human rights abuses, violence, ethnic cleansing, or genocide, must be criminal proceedings by some sort of tribunal, a court of law (international law, perhaps)

duly authorized to render judicial dispositions: to establish justiciable facts of the matter, to render verdicts and, if called for, to punish. But truth commissions (including the more ambitious truth and reconciliation commissions) cannot by their nature deliver this sort of justice. And so a significant part of the literature is devoted to the delineation (and defense) of quasi-justice forms and entities, among them “transitional justice,” “restorative justice,” or “retroactive justice,” most of which aim, in the end, to move away from criminal verdicts – retributive justice – and toward “truth-seeking” and reconciliation (e.g., Assefa 1993; Hurley 1994; Kritz 1995; McAdams 1997; Nino 1997; Little 1999; Hayner 2001; Rotberg and Thompson 2000; Tutu 2000). These alternative forms of justice mean that the work of truth commissions falls, in Martha Minow’s (1998) phrase, somewhere in the morally, politically, and emotionally fraught continuum between “vengeance and forgiveness.” A great deal of the controversy, not to mention passion, that surrounds the workings and assessment of these commissions by different parties, has to do with the tension existing between the two poles of this continuum: the putatively primordial human impulses to wreak vengeance or to offer forgiveness, for terrible wrongs done. The tension has to do as well with arguments about whether notions of “justice” and “truth” are related necessarily or merely contingently.

## The Problem of Truth

As we have mentioned, “truth” in relation to justice – and, excepting “commissions of inquiry,” noted in its defining place in the titles of most of these commissions – should be recognized as one of the key and problematic themes discussed in the literature. For, of course, from truth’s defining place in the commission’s title does not follow an easy definition of truth.

In a world in which it is yet possible for many people, in the face of overwhelming evidence of every imaginable sort, still to deny the magnitude, intention, or very existence, of the Holocaust, it is not surprising that the authenticity of more poorly documented human disasters may be made objects of great contention. With respect to the “truth,” many truth and reconciliation commissions find themselves operating in epistemologically relativistic and rhetorical worlds that would make the most steadfast of academic postmodernists blush.

The issue of the complexity and multiplicity of truth is a central one linking the problematic demands of justice and the hopes for reconciliation. It is also the arena in which the parties’ competing versions of history and the politics of memory play themselves out. Particularly in a dirty war, Lerche (2000) argues, all sides have their own version of the truth of “what really happened.” In reflecting, especially on the South African Commission, several authors in the important collection by Villa-Vicencio and Verwoerd (2000) address the complexity of truth-seeking, and they propose different genres of “truth” to satisfy the different demands made on it, among them: historical truth, moral truth, factual or forensic truth, personal or narrative truth, social or dialogue truth, and healing and restorative truth. Some of these sorts of truth aim to make an ineffaceable inscription on history. “Forensic truth,” for example, from a field almost single-handedly established by Clyde Snow and the many physical anthropologists he has

trained and supported over the years (those at the Argentine Forensic Anthropology Team or the Foundation for Forensic Anthropology of Guatemala), aspires to uncover overwhelming material evidence – to establish an incontrovertible “facticity” – and present it in so compelling and scientifically irreproachable a way such that “no one can argue that these killings didn’t happen.” Some of these truths endeavor to create authoritative and indelible memory. At the South African Truth and Reconciliation Commission, “narrative” or “personal” truths, emerging especially through victims’ and perpetrators’ public testimony, seek to ensure that individual acts of oppression and oppressed individuals cannot be forgotten. It is, as Henderson (2000) and many others have argued, a kind of insurance against collective amnesia: after the Truth and Reconciliation Commission, no one in South Africa will again be able to say, “I do not know what really happened.”

However – even leaving aside the extant massive facticity about the Shoah that yet deters no Holocaust denier – it is one thing to make public that security forces engaged in torture or disappearances, “to establish the facts,” and quite another to establish a society-wide consensus on what they mean. The Apartheid security forces and the Latin American generals and colonels apparently believed that they were fighting Communist subversion under emergency conditions that demanded extraordinary measures to protect national security; and many believe it today, even some among them who appeared before various commissions and admitted their acts and expressed regret for their victims and offered apologies to the survivors. Shared facts do not necessarily conduce to shared truths. And even if they did, in some objectivist and positivist universe – and although truth is always a good thing (in some moral ones) – Michael Ignatieff (1996) remarks, “as the African proverb reminds us, ‘truth is not always good to say’.”

Finally, the problematics of truth always circle back in these matters to the exigencies of justice, including punishment (Popkin 2000). Especially when combined with immunity from prosecution, with pardons, or with amnesty, the wages of truth-telling may become contested (e.g., Christodoulidis 2000). In South Africa, where the granting of amnesty by the Commission has been one of the most controversial aspects of its functioning, Bishop Tutu (1999) argued that “freedom was exchanged for truth.” Heribert Adam (1998) writes of “trading justice for truth.” Now is raised the ethically impacted problem of fungibility, the question of whether truth is a commodity that can be traded – and if so, for what and at what price (Henderson 2000)?

## The Problem of Reconciliation

For Bishop Tutu and many others, the only reasonable price would be one able to “purchase” peace, implying reconciliation, and perhaps forgiveness. This indeed is how he solves the problem of justice, distinguishing *retributive* from *restorative* forms. Moreover, Tutu says, the restorative justice reflects a fundamental and venerable *African* value of healing and nurturing social relationships at the expense of exacting vengeance, of nothing less than a quality of humane sociality: *ubuntu* (e.g., Gobodo-Madikizela 1997, Winslow 1997, Battle 2000, Borris 2000, Tutu 1999 and 2000, Villa-Vincencio and Verwoerd 2000).

It is worth considering the particularly African sources of restorative justice at some length from a more coherent cultural point of view (see below); but we must also ask about the mechanisms by which truth-telling connects to peace and reconciliation and the role of forgiveness in all this. Montville (1989, 1995) and Lederach (1997), among others, have considered the role of reconciliation in the larger context of postconflict peacemaking. For Montville, the process of reconciliation can be broken down into the formula of *acknowledgment* and *contrition* from the perpetrators, and *forgiveness* from the victims. This can come about in specially designed workshops (he has not particularized these processes to truth and reconciliation commissions, in fact) wherein, under the guidance of trained third parties, contestants partake in “walks through history.” The goal (and here Montville echoes Tutu’s notion of *ubuntu*) is to affect a healing process, which cannot begin until there has been some public acknowledgment of what has happened. Montville goes further, saying justice is a form of healing – yet another genre proclaimed of an already overdetermined form. In fact, proponents of reconciliation often turn the discourse of justice into the language of therapy and healing, or the moral and religious discourse of forgiveness. Along with notions of punishment or retribution, what is also lost in this transformation, to many critics, is the notion of equity.

One of the key problems here involves the concept of transfer effects – how to move reconciliation and forgiveness, even if affected at the individual level between victim and perpetrator – and the South African case featured a few dramatic instances of this – to the societal or national levels. Proponents of reconciliation do not limit its application to the individual (or psychologically therapeutic) level. However, it is precisely in trying to apply what may be therapeutically effective at the interpersonal level to the collective level that reconciliation often seems to lose clarity and become more ambiguous as an approach to peacebuilding. Can we talk about individual healing in the same breath as national healing? How exactly is the shift from the individual to the societal going to be brought about? Lerche (2000), Goodman (1999), Ignatieff (1996) evince some skepticism here, while Tutu (2000), Lederach (1999), and Montville (n.d.) are more hopeful. In an interesting analysis of the South African case, Wilson (2000) underlines the value inherent in recognizing individual suffering and collectivizing it, as the South African TRC did through its televised hearings. A new political identity was constructed, that of “national victim.” In this way, individual suffering was brought into a public space to be shared by all, “made sacred in order to construct a new national collective conscience.” In contrast, Winslow (1997) argues that while the South African TRC has worked in some ways to affect reconciliation at the collective level, this can occur at the expense of individual, psychological healing. Healing at the individual level is independent of collective reconciliation.

Clearly, the whole area of reconciliation and forgiveness remains a contested one, raising many more questions in the literature than answers.

One such question is this: Is contrition and forgiveness, and even reconciliation, affected at a collective level, adequate for a nation’s “coming to terms with its past?” One premise of most truth commissions is to answer this question in the affirmative. Another is to argue that reconciliation, so crucial to peace and stability, is part of how

these commissions successfully affect the transition from regimes based upon violent oppression to those operating under the democratic rule of law.

## **The Problem of Democratization**

As noted above, truth and reconciliation commissions are usually established by “transitional governments” coming to power in place of repressive regimes and after periods of widespread violence, state terror, or ethnic conflict. This is how their work is identified with “transitional justice” (e.g., O’Donnell et al., 1986; Kritz 1995; Rosenberg 1995; Skaar 1999). The transition is one to democracy and the rule of law, and according to Hayner (2001) in the post-Cold War order nothing less than the future of peace and democracy may rest on the success or failure of these commissions.

But making these commissions into the handmaidens of democracy is not so simple (Rosenberg 1995). Not surprisingly, the problem of justice, especially when commissions grant amnesty widely, returns. Kaye (1997) gives several reasons why transitional governments should opt for full accountability for past crimes. Not only is it a moral obligation and a legal requirement under international law to bring to justice perpetrators of human rights violations, it is also the practical option, for two reasons. First, without punishment there will be no deterrent to prevent military or security forces from carrying out the same violations in the future. Secondly, accountability is an essential prerequisite for a successful democratic transition. If past violations of human rights go unpunished, it will undermine the rule of law and the very foundations of the new democratic institutions that are being built. However, there are practical difficulties associated with defining “accountability” in the fullest legal sense. For one thing, the fragility of transitional governments needs to be emphasized. The old elites of the repressive regime, political or military, often retain the power to destabilize or overthrow the new regime if they fear punishment or retribution at its hands. The case of Chile is a classic example: how to obtain justice given the constraints of amnesty laws and presidential pardons? In fact, the record of truth commissions in Latin America shows that the military and police apparatus survived the scrutiny with their legitimacy undermined but their power largely intact.

The problem here becomes one of trying to use the commissions to inculcate a “culture of democracy” in the face of what many critics have called – given widespread amnesty and less-than-full accountability – a “culture of impunity” (Zalaquett 1992; Roht-Arriaza 1995; Mendez 1997).

## **The Problem of Culture**

The problem of culture did not arise in our rough “meta-analysis” of themes in the literature in anything like the way that justice, truth, reconciliation, and democratization did. Except for scattered references like the ones above to “the culture of impunity,” in fact, the notion of culture hardly arises at all – and that is precisely the problem. Hahn (1987) writes (in a rather prescriptive mode) about the Buddhist approach to settling disputes and reaching reconciliation, while Hope (1987) claims forgiveness as a “core

value” of Christianity and other major religions. But the South African theologian Mark Hay (1999), supportive of the TRC’s mission, worried that, especially at the beginning of its tenure, “it portrayed itself too much as a Christian initiative.” And although Bishop Tutu seeks to identify the deeply Christian basis of reconciliation in the TRC with the African value called *ubuntu*, ethnographic work by Richard Wilson (2000) in the local *lekgotla*, or township courts, establishes an alternative notion of justice for the human rights abuses of Apartheid, one that is opposed to the restorative kind of the TRC, one that emphatically calls for punishment and retribution.

None of this should surprise anthropologists, who are used to seeing supposedly monolithic and thoroughgoing cultural values or norms break down, if not disappear, in the diversity and contentiousness of culture at the level of localities and situated individuals. Most of the truth and truth and reconciliation commissions covered in the literature have worked (when they do) in Christian countries, and have recourse to broadly (if not perfectly) shared Christian values. But any attention to culture should alert us to the recognition that such notions as justice, truth, forgiveness, reconciliation, and accountability – to name a few – are always socially constructed and culturally constituted. Research in conflict resolution has already established different modalities for Islamic and “Western” cultures around such key ideas as justice, peace, and reconciliation – and contrition and forgiveness – and there is no reason to think that cultural differences stop there. Here then is one area for further research suggested by our review of the extant literature that follows: for whatever the value of these commissions may be, they will certainly face new sets of challenges if and when they seek to work to ascertain truth(s), or to affect reconciliation, in cultural settings different from the ones attempted thus far – and, perhaps even more so, if and when they seek to do their work *across* significant cultural borders.

## TRUTH AND RECONCILIATION COMMISSIONS

### *ANNOTATED BIBLIOGRAPHY*

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#### *Books and Book Chapters*

Asmal, Kader; Louise Asmal; and Ronald Suresh Roberts. 1997. *Reconciliation through Truth: A Reckoning of Apartheid's Criminal Governance*, 2<sup>nd</sup> Edition. New York: St. Martin's Press.

This book serves as a primer in South African transition politics, scanning the key issues and debates of the post-apartheid period. The authors demonstrate how the old system violated the world's fundamental human norms – and how the new country is raising and enhancing the status of the international norms that apartheid so ruthlessly violated. The book's emphasis is on identifying the nature and scope of past misdeeds and taking methodical steps to remove them.

Assefa, Hizkias. 1993. *Peace and Reconciliation as a Paradigm: A Philosophy of Peace and Its Implications on Conflict, Governance, and Economic Growth in Africa*. Nairobi, Kenya: Nairobi Peace Initiative Monograph Series, No. 1.

Ball, Howard. 1999. *Prosecuting War Crimes and Genocide: The Twentieth Century Experience*. Lawrence, KS: Kansas University Press.

Howard Ball presents a detailed account of some of the most notorious war crimes and acts of genocide in the twentieth century. His basic focus is on the efforts by the international community to define crimes that have a universal jurisdiction and to hold individuals accountable before international tribunals. Albeit superficially, he refers to the conflict between the tenets of *realpolitik* and justice for individuals. However, Ball's clear belief that priority should be given to prosecuting violations of international humanitarian law prevents him from evaluating the potential trade-offs involved in promoting universal principles of justice lacking sensitivity to national context. The author also fails to consider the potential benefits of the numerous alternative solutions, especially truth commissions, lustration, and amnesty, which have become part of the repertoire of transitional justice. If nothing else, the sheer impracticality of legal proceedings in every case of wrongdoing demands attention to these alternatives.

Boraine, Alex and Janet Levy, (Eds.). 1995. *The Healing of a Nation?* Cape Town: Justice In Transition.

\_\_\_\_\_. 2001. *A Country Unmasked: South Africa's TRC*. New York: Oxford University Press.



Borris, Eileen R. and Paul F. Diehl. 1998. "Forgiveness, Reconciliation, and the Contribution of International Peacekeeping." In: Langholtz, Harvey J., (Ed.). *The Psychology of Peacekeeping*. New York: Praeger Publishers.

Christie, Kenneth. 2000. *The South African Truth Commission*. New York: Palgrave Publishing.

Cochrane, James, et. al. (Eds.). 1999. *Facing the Truth: South African Faith Communities and the Truth & Reconciliation Commission*. Athens, OH: Ohio University Center for International Studies.

Chubb, Karin, et.al. 2001. *Between Anger and Hope: South Africa's Youth and the Truth and Reconciliation Commission*.

Feldman, Lili Gardner. n.d. *The Special Relationship Between West Germany and Israel*. Boston: George Allen & Unwin.

\_\_\_\_\_. 1998. "Reconciliation and Legitimacy: Foreign Relations and Enlargement of the European Union." In Banchoff, Thomas and Mitchell Smith, (Eds.). *The Legitimacy of the European Union*. New York: Routledge.

A very interesting application of the concept of reconciliation as a transformative process to post-war European construction and to the internal and external legitimization of the European Union. The EU as model of how to achieve reconciliation in diversity, even in discord and contestation: unity and diversity combined. A bit idealistic, glosses over too quickly the internal – and infernal – disputes and bureaucratic machinations in the EU.

Goodman, David. 1999. *Fault Lines: Journeys into the New South Africa*. Berkeley, CA: University of California Press.

"Unmaking apartheid," writes Goodman, "is at the heart of reconciliation...[but] the results of this reconciliation process have been decidedly uneven, alternately thrilling and wrenching, inspiring and disappointing...Reconciliation has often proven to be elusive. Contradictions simply linger."

Hamlin, Bryan T. 1992. "Moral Re-Armament and Forgiveness in International Affairs," Platform 4 Series. London: Grosvenor Books. (Moral Rearmament pamphlet.)

Hayner, Priscilla B. 2001. *Unspeakable Truths: Confronting State Terror and Atrocities*. New York: Routledge.

This book is a profound, detailed, and conclusive exploration of past truth commissions, and of the pain, injustice, and legacy of hatred they are meant to absolve. Hayner examines the 20 major truth commissions established around the world thus far, concentrating particularly on South Africa, El Salvador, Argentina,

Chile, and Guatemala, where official inquiries into the atrocities of the past seemed the only treatment available to heal the symptoms developed under years of tyranny. As she explores the inner workings of the truth commissions, Hayner discovers that victims are torn between two contradictory needs: the need to remember and the need to forget. She suggests that in the new post-Cold War order, the future of democracy and peace may rest on this debate.

Hurley, M. 1994. *Reconciliation in Religion and Society*, Institute of Irish Studies, Queens University of Belfast.

Huyse, Luc. 2001. "Amnesty, Truth, or Prosecution?" In Reychler, Luc and Thania Paffenholz, *Peace-building: A Field Guide*. Boulder, CO: Lynne Rienner Publishers.

This article is a brief but thoughtful primer on the "prosecute and punish vs. forgive and forget" dilemma faced by young democracies trying to solve the question of what to do about the crimes of the old regime.

\_\_\_\_\_. 2001. "Dealing with the Past in South Africa." In Reychler, Luc and Thania Paffenholz, *Peace-building: A Field Guide*. Boulder, CO: Lynne Rienner Publishers.

This article examines the South African Truth and Reconciliation Commission as one possible model for dealing with the past in transitional societies. In a clear prose, Huyse reviews the history of the TRC, its mandate, instruments and problems, and a brief but meaty evaluation of its accomplishments and drawbacks.

Jeffery, Anthea. 1999. *The Truth about the Truth Commission*, South African Institute of Race Relations.

Justice and Society Program of the Aspen Institute. 1989. *State Crimes: Punishment or Pardon*. Queenstown, MD: The Aspen Institute Press.

Kritz, Neil J., (Ed.). 1995. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. Washington, DC: U. S. Institute of Peace, 1995. Three volumes.

T. Garton Ash calls this 3-volume work "an invaluable compendium," with comprehensive coverage up to 1994, and preface Nelson Mandela. The work contains a very useful comparative survey of 15 truth commissions, from 1974 to 1993, by Priscilla B. Hayner.

Krog, Antjie. 1998. *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. Johannesburg: Random House.

Antjie Krog, a prominent South African poet and journalist, led the South African Broadcasting Corporation team that for two years reported daily on the TRC hearings. Extreme forms of torture, abuse, and state violence were among the daily dealings of the TRC. Many of those involved with its proceedings, including Krog herself, suffered personal stress and even illness in the face of both the relentless onslaught of horrors revealed at the hearings and the continuing deceit of unrelenting perpetrators. Like the TRC itself, *Country of My Skull* gives a central place to the power of the testimony of the victims.

Kurtenbach, Sabine. 2001. "Dealing with the Past in Latin America." In Reychler, Luc and Paffenholz Thania, *Peace-building: A Field Guide*. Boulder, CO: Lynne Rienner Publishers.

Lederach, John Paul. 1997. *Building Peace: Sustainable Reconciliation in Divided Societies*. Washington, DC: U. S. Institute of Peace Press.

In Lederach's conceptual framework, reconciliation "represents a place, the point of encounter where concerns about both the past and the future can meet. Reconciliation-as-encounter suggests that space for the acknowledging of the past and envisioning of the future is the necessary ingredient for reframing the present. For this to happen, people must find ways to encounter themselves and their enemies, their hopes and their fears."

\_\_\_\_\_. 1999. *The Journey toward Reconciliation*. Scottsdale, PA: Herald Press.

This is primarily a book of stories that shaped Lederach's thinking about reconciliation – from the Bible, his family, his work, and his church. It is a personal testimony, deeply spiritual and insightful, often humorous (Among the funniest are the 10 "unspoken commandments" of reconciliation in the Mennonite Church.). In Lederach's now familiar paradigm, peacebuilding is talked about as a series of activities that together lead to the creation of a place where Truth, Mercy, Justice, and Peace can meet. That place is Reconciliation. Lederach reflects on the dangers that lurk in the peacebuilder's path: disillusionment, delusions of grandeur, power trips and so on, and dwells considerably on the peacebuilder's own inner reconciliation as a condition for effective peacebuilding.

McAdams, James A., (Ed.). 1997. *Transitional Justice and the Rule of Law in New Democracies*. Notre Dame, IN: University of Notre Dame Press.

This study originated as an interdisciplinary symposium on "Political Justice and the Transition to Democracy," held at the University of Notre Dame in April of 1995. It is a sampling of cases in the postwar period in which new democracies have sought to involve their courts in the quest for retrospective justice. The authors of the articles, dealing with diverse countries and political settings, have different, sometimes even conflicting, views on when and how democratizing

regimes should address the issue of transitional justice. But they all believe that the legacy of human rights abuse in these countries cannot be ignored. They are also convinced that the responses that the leaders of these states hammer out to this challenge will be directly relevant to the quality and sustainability of democracy.

Meredith, Martin and Tina Rosenberg. 1999. *Coming to Terms: South Africa's Search for Truth*. New York: Public Affairs.

In this thorough and detailed account of South Africa's TRC, Meredith looks into the key cases presented to the commission – both those involving sensational allegations and famous figures such as Steve Biko and Winnie Mandela, and those that dealt with the every-day violence, injustice, and torture that shaped the lives of average South Africans for decades. His ability to set these dramatic testimonies into political and social context helps the reader understand the commission's full impact. In the second part of the book, Tina Rosenberg takes a more global look at how nations deal with a repressive past, drawing on her own conversations with both victims and victimizers in Latin America, Eastern Europe, South Africa, and Bosnia. She evaluates the strategies different countries have tried in the name of truth and justice, and looks at controversial international developments that open new possibilities for countries wishing to hold past dictators accountable for their crimes.

Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston, MA: Beacon Press.

This book is written from the perspective of an empathetic jurist (Minow is law professor at Harvard). Truth commissions appear as one possible path between vengeance and forgiveness. Minow explores the comparative merits of TRCs and litigation. Often a better option politically than criminal prosecution, TRCs raise the specter of legal unaccountability. The cloud of the equation amnesty = impunity hangs over most TRCs. The author questions the therapeutic effects of TRCs: Do TRCs contribute to individual and collective healing? Other complex issues Minow explores are the compatibility (or lack thereof) between justice and healing; the down sides of the religious (forgiveness) and psychological (healing) perspectives: do they shortchange justice?; TRCs and the difference between retributive and restorative justice; and what about reconciliation and the longer-term vision of social transformation? Minow concludes that TRCs should set their goals more modestly to avoid skepticism and disappointment, yet she proposes 12 goals for TRCs (p. 88) that are hardly more modest.

Montville, Joseph V. 1995. "Complicated Mourning and Mobilization for Nationalism." In Brown, Jerome, (Ed.), *Social Pathology in Comparative Perspective: The Nature and Psychology of Civil Society*. Westport, CT: Praeger.

Montville offers a contribution to a scientific theory on the psychology of peacemaking. He regrets that the knowledge of the individual and group need for recognition, acceptance, and respect does not feed into the international community's conduct of political relations. Montville urges that individual and group needs for preservation of identity and self-concept be taken into account in international relations and peacemaking.

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.1989. "The Healing Function in Political Conflict Resolution," in Sandole D. and H. van der Merwe, (Eds.), *Conflict Resolution, Theory and Practice*. Manchester, England: Manchester University Press.

This article deals with reconciliation as applied to ethnic and religious conflicts and the healing components of contrition and forgiveness as key elements of peacemaking. Montville walks us through the three steps leading to reconciliation in problem-solving settings: joint analysis of the history of the conflict; recognition of injustices and resulting historic wounds; and acceptance of moral responsibility. For Montville, historical analysis is particularly important in the political conflict resolution process. He shows how such a process can be applied to conflicts such as those in Northern Ireland and the Middle East.

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. n.d. "The Psychological Burdens of History." In *A Handbook on International Conflict Management and Resolution*. Washington, DC: U.S. Institute of Peace Press.

Montville makes the case for psychodynamic approaches in international conflict management and resolution where traumatic, unhealed losses dominate the individual and collective psychologies of a group or nation. His thesis is that any conflict resolution method that does not address the psychological needs of the victims and victimizers can only have a superficial effect on the resolution of conflict, especially of ethnic and sectarian conflict.

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. n.d "Reconciliation as *Realpolitik*: Facing the Burdens of History in Political Conflict Resolution," submitted for publication in Jeong, Ho-Won, (Ed.), *From Conflict Resolution to Peace Building*.

Montville's contribution can be seen as a refinement of political psychology. His thesis, stated also in other articles, is that any conflict resolution strategy that does not address the psychological needs of the victims and victimizers can only have a superficial effect on resolution, especially of ethnic and sectarian conflicts. He argues that what he calls the new *realpolitik* recognizes that conflict resolution and peacebuilding can succeed only if the circumstances that originally produced a group's sense of victimhood are recognized and dealt with. Thus the only practical approach to so-called intractable conflicts is one that aims for the actual reconciliation of peoples and nations. This necessitates the acceptance by the parties of moral responsibility, since, in Montville's words, "there is an inescapable link between justice and peace."

Neier, Aryeh. 1998. *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice*. New York: Times Books.

Aryeh Neier, former Executive Director of Human Rights Watch, has crafted a work that is at once an exhaustive history and a future-oriented treatise on war tribunals. Focusing particularly on the genocidal actions carried out in Rwanda and the former Yugoslavia, *War Crimes* enumerates and examines the many issues surrounding the prosecution of war crimes, including accusations of "victor's justice," international jurisprudence, and the accountability of lower-ranking officers in human rights violations. Many times, Neier recalls, the parties responsible for war crimes have managed to escape justice due to the necessities of a favorable transition of political power. As a possible solution, Neier argues in favor of the creation of a permanent international war crimes tribunal.

Niño, Carlos Santiago, 1997. *Radical Evil on Trial*. New Haven, CT: Yale University Press.

Using Argentina as reference, Niño explores the relationship between retroactive justice for massive human rights violations and the consolidation of democracy. He studies at length the problems of carrying out retroactive justice at three levels: moral, political, and from the angle of legal theory. He deals extensively with the case of Argentina and the human rights abuses committed there during the 1970s, and evaluates the successes and failures of the Argentine democratic government's way of dealing with the atrocities.

There is a very interesting chapter on the moral problems involved with addressing massive human rights violations, specifically the issues of conceptual relativism and the justification of investigating and punishing such atrocities.

O'Donnell, Guillermo; Philippe C. Schmitter; and Laurence Whitehead, (Eds.). 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.

This book resulted from the Woodrow Wilson Center's Latin America Transitions Program, established in 1979. It focuses systematically and comparatively on the process of transition from authoritarian regimes. Its analytic and normative focus on the prospects of building democratic or polyarchic politics in the wake of authoritarian transition provides a vantage point that organizes the materials in useful ways. Its comparisons of cases in Latin America and in Southern Europe, and of cases of transition from bureaucratic authoritarianism, military populism, and despotism, allow for considering several different variables. The book is rich in nuanced, contextually sensitive analysis, and each of the case studies is written by a leading authority. Although the methods, perspectives, and styles of the various authors differ, their agreement on shared assumptions makes this a coherent volume.

Popkin, Margaret. 2000. *Truth without Justice*. University Park, PA: Pennsylvania State Press.

In both historical and comparative perspectives, *Peace without Justice* examines the obstacles to attaining both truth and justice, and to developing a reliable and accessible justice system in El Salvador. This book grew out of the author's many years working as a human rights advocate in El Salvador during that country's armed conflict and reflects on her interviews with a variety of Salvadorans and others involved in negotiating and implementing the peace accords and attempting to reform the justice system. The book examines critically the roles played by the United States and the United Nations in El Salvador and explores their respective contributions. Based on her Salvadoran experience, the author discusses both the importance and the limitations of international assistance in establishing accountability, the role of the Truth Commission for El Salvador and other measures (chapter 4), and an effective, independent, and reliable criminal justice system. *Peace without Justice* also discusses the essential role of civil society in attempts to establish accountability and an effective justice system for all, and looks at the reasons for, and the consequences of, the limited role played by Salvadoran civil society. The book shows the complexity of these processes and extracts useful lessons from the Salvadoran experience.

Ratner, Steven R. and Jason S. Abrams. 1997. *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy*. New York: Oxford University Press.

In this book, Abrams and Ratner seek to shed light on the question of whether or not international criminal law can provide a meaningful sanction for atrocities by governments and others in a position of power against those under their control. To this end, the authors consider systematically the international body of laws governing accountability of individuals for human rights abuses, and provide a detailed, in depth review of the legal and moral difficulties in bringing perpetrators of genocide to justice.

Roht-Arriaza, Naomi, (Ed.). 1995. *Impunity and Human Rights in International Law and Practice*. New York: Oxford University Press.

This book looks at what should be done – and what is being done – to combat the problem of impunity, or lack of sanctions, for certain serious violations of human rights. Beginning with a general consideration of theories of punishment and redress for victims, *Impunity and Human Rights in International Law and Practice* explores how international law provides guidance on issues of investigation, prosecution, and compensation. It then reviews some of the more well-known historical examples of societies grappling with impunity. The first part focuses on the legal issues, moving from a general consideration of the theories of punishment and redress to a detailed look at the conventional and customary international law that defines state obligations to investigate, take

action against, and provide redress to victims of serious violations of human rights. Parts II through IV consist of a series of country case studies on how the problem of impunity has been dealt with in practice in Europe, Latin America, Africa, and Asia. A concluding chapter sums up the lessons learned, reviews the role of international law and organizations, and recommends future actions.

Rotberg, Robert I. and Dennis Thompson, (Eds.). 2000. *Truth v. Justice: The Morality of Truth Commissions*. Princeton, NJ: Princeton University Press.

Truth commissions are an increasingly common feature of countries in transition from authoritarian regimes to some kind of democratic government. To many, they are the best – or only – way to achieve a full accounting of crimes committed against fellow citizens and to prevent future conflict. Others question whether a restorative justice that sets the guilty free, that cleanses society by words alone, can deter future abuses and allow victims and their families to heal. In Rotberg and Thompson’s book, leading philosophers, lawyers, social scientists, and activists representing several perspectives look at the process of truth commissioning in general and, in more depth, in post-apartheid South Africa. They ask whether the truth commission, as a method of seeking justice after conflict, is fair, moral, and effective in bringing about reconciliation. The absence of justice is, in the South African TRC’s own words, the most common charge made against it. In that respect, this volume of essays is a useful and timely reminder of the tough and messy compromises that were made between the competing demands of justice and retribution, peace and forgiveness. Is it fair to claim that no justice was done? Not if a distinction is made between “retributive” justice (done in a limited way) and “restorative” justice, says one of the authors of the essays. Others chastise the commission for its excessive moral, not to say religious, high-mindedness. However, most of the contributors agree that the South African TRC is the most far-reaching and imaginative of its kind. The authors explore the history, causes, conflicts, and contradictions of truth commissions, and critique the potential and limitations of the process. The diverse group of contributors brings exceptional breadth and depth to the subject.

Shea, Dorothy C. 2000. *The South African TRC: The Politics of Reconciliation*. Washington, DC: United States Institute of Peace Press.

Shea investigates the role of the TRC in South Africa’s transition from apartheid to democracy. She begins by examining the extent to which the creators of the TRC learned from the experiences of earlier, Latin American commissions. She then focuses on the politics of the TRC and its impact on the TRC’s handling of such issues as amnesty, reparations, and prosecutions. The volume concludes by drawing lessons from the TRC’s generally positive performance for other transitional societies contemplating setting up their own truth commissions.

Tutu, Desmond Mpilo. 2000. “Reconciliation in Post-Apartheid South Africa:



Experiences Of the Truth Commission.” In Hopkins, Jeffrey (Ed.), *The Art of Peace: Nobel Peace Laureates Discuss Human Rights, Conflict and Reconciliation*. Ithaca, NY: Snow Lion Publications.

There is little theory here but a great deal of practice at the highest level. The setting is an informal conversation among Nobel Peace laureates, full of humor and serious reflection. Tutu defends the amnesty-for-truth compromise made by the South African TRC, in his view a better option than Nuremberg-type trials or a Chile-style blanket amnesty. Rigoberta Menchú and Bobby Muller, however, probe the personal accountability and justice issues associated with amnesty. Based on his experience, and on a hopeful note, Tutu tells the peoples of Bosnia, Kosovo, Sierra Leone, Angola, Burundi, and others: “[after South Africa] your problem can’t ever be described as intractable again.”

\_\_\_\_\_. 1999. *No Future without Forgiveness*. New York: Doubleday.

*No Future without Forgiveness* is Archbishop Tutu's personal memoir of his time as chair of the South Africa Truth and Reconciliation Commission. It records his insistence on the need to discover a "third way" in the healing of the national psyche and his powerful belief that "we can indeed transcend the conflicts of the past, we can hold hands as we realize our common humanity." Tutu argues that true reconciliation cannot be achieved by denying the past nor is it easy to reconcile when a nation "looks the beast in the eye." Tutu presents a bold spirituality that recognizes the horrors people can inflict upon one another and yet retains a sense of idealism about reconciliation.

Villa-Vicencio, Charles and Wilhelm Verwoerd, (Eds.). 2000. *Looking Back – Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Capetown: University of Capetown Press.

This book is a very rich, thoughtful, incisive collection of articles. Most of the chapters are written by commissioners, senior staff members, and others closely associated with the Commission. Villa-Vicencio was Director of Research of the South African TRC. The importance and complexity of seeking to overcome silence and denial is covered from the perspectives of two victims and a clinical psychologist. Several authors address the complexity and the nature of truth: historical truth, moral truth, and different notions of reality. Others emphasize the fact that the process of reconciliation has only just begun. There are reflections on the nature of the Commission and on the perceived narrowness of its mandate. Some chapters continue the debate started elsewhere on the nature of justice: transitional justice, restorative justice... Priscilla Hayner’s chapter on the South African Commission in relation to other truth commissions helps define the nature and possibility of justice in transitional societies. Another crucial topic: the relation between TRCs and international law.

Zehr, Howard. 2001. “Restorative Justice” in Reychler, Luc and Thania Paffenholz,

*Peace-building: A Field Guide*. Boulder, CO: Lynne Rienner Publishers.

## Articles

### *In scholarly and specialized journals*

Abrams, Elliott. 2001. "Truth without Justice?" *Policy Review*, February.

"The past is never dead. It's not even past,' William Faulkner wrote. Then how is it to be handled, as a nation emerges into some form of democracy? Shall the former rulers be tried and jailed, or even shot? Shall Nuremberg tribunals be established? Or shall the officials of the former regime be amnestied, as if some form of collective amnesia had overtaken the people?" Abrams, who served as Assistant Secretary of State for Human Rights and Humanitarian Affairs in the Reagan administration, tackles these issues. Referring to the South African TRC as an example of truth-telling exercises, he concludes that if the needs of history were served by it, whether those of justice were served remains the true debate. "There is a moral cost," he adds, "when justice is subordinated to 'truth,' 'history,' 'reconciliation,' or any other goal."

Abregu, Martin. 2000. "Human Rights after the Dictatorship: Lessons from Argentina." *NACLA Report on the Americas*, July.

Ackerman, Alice. 1994. "Reconciliation as a Peace-Building Process in Postwar Europe: The Franco-German Case. *Peace & Change*, 19(3), July.

This important article explores theoretical and empirical advances into reconciliation as a process. Then it discusses the policy dimensions of reconciliation, analyzing how post-war West Germany incorporated reconciliation in its policies toward East and West.

In this context, reconciliation functions as a post-war reconstruction policy designed to build peace among peoples with long-standing animosities by creating a political, economic, social and cultural relationship that is on-going and continuous.

For Ackerman, reconciliation as process involves the creation of structures that make for durable peaceful relationships between states – and thus the transformation of conflict. The final objective of reconciliation is "structural peace," a condition of durable peace based on multilateral and bilateral structures (regional organizations, bilateral fora, mechanisms of consultation).

Reconciliation does not eliminate conflict of interest, but it does provide structures and mechanisms that can eliminate the basis for war. In her *theory on special relationships*, Ackerman provides a model of reconciliation that encompasses 1) the interplay of two processes of interaction on the governmental & societal level; and 2) the creation of cooperative linkages on a bilateral or multilateral level or both that become institutionalized over time.

Andrews, Molly. 1999. "The Politics of Forgiveness," *International Journal of Politics, Culture & Society*, 13(1), Fall.

In-depth interviews with 40 members of various underground oppositional organizations are drawn on to determine the efficacy of the former East German Truth Commission to bring about justice to wronged individuals and encourage forgiveness toward state actors. The East German situation raises numerous questions concerning the meaning and acceptance of forgiveness. Three aspects of an individual's responsibility to forgive are identified: facilitating self-healing, preserving humanity, and fulfilling the wishes of divine beings or the community. It is claimed that East German citizens' declining self-worth and desire to avoid responsibility have contributed to obstructing the forgiveness process. In addition, East German residents' beliefs that they have been persecuted by West German agencies must be addressed before the forgiveness process can be continued. Although the possibility of total forgiveness remains indeterminable, it is concluded that German society will remain fragmented unless both parties strive for justice and forgiveness.

Battle, Michael. 2000. "A Theology of Community: The Ubuntu Theology of Desmond Tutu." *Interpretation*, 54(2), April.

"My immediate concern in this article," writes Battle, "is that the South Africa nation has depended heavily on Tutu's voice to articulate why forgiveness is better than retributive justice. What will happen, however, when South Africans are faced with future political crises while having perhaps little recourse to major public, spiritual leaders like Tutu?" He adds: "My argument is that Tutu acts as both theological and political agent of a utopian community within the context of warring factions. It is vital to see Tutu's theological contributions, particularly his articulation of forgiveness and repentance, in order to understand the impetus for his political involvement. Without such a vision of forgiveness and repentance, there is no future for South Africa."

Boot, Machteld and Richard Van Elst. 1998. "Truth Trials and Tribunals." An interview with Richard Goldstone of the International Criminal Tribunal at The Hague. *Index on Censorship*, 27(3), May.

Richard Goldstone, the former chief prosecutor of the International Criminal Tribunal at The Hague, is interviewed about the establishment of an International Criminal Court and its relationship to truth commissions.

Borris, Eileen R. 2000. "The Healing Power of Forgiveness." Paper prepared for course on Reconciliation Processes, Institute of Conflict Analysis and Resolution, George Mason University, Fairfax, Virginia, March 13-15.

An introduction to the psychological and spiritual aspects of forgiveness. The goal for Borris is to come to terms with the past, and seek liberation from the past, through forgiveness. Borris reviews how ancient philosophies and religious traditions treat the concept; also, the cognitive and emotional changes that take place as the process of forgiving evolves. Her primary sources are Jungian psychology and religion.

\_\_\_\_\_. 1997. "Forgiveness, Social Justice and Reconciliation." Paper prepared for Fifth International Symposium on the Contribution of Psychology to Peace. University of Melbourne, July.

Bozzoli, Belinda. 1998. "Public Ritual and Private Transition: The Truth Commission in Alexandra Township, South Africa, 1996." *African Studies*, 57(2).

Buergenthal, T. 1994. "The United Nations Truth Commission for El Salvador" *Vanderbilt Journal of Transnational Law*, 27(3).

Cardenal, Rodolfo. 1994. "The Collapse of the Salvadoran State," *Journal of Third World Studies*, 11(1), Spring.

This article examines the findings of the El Salvador Truth Commission on the state's conduct during the internal conflict in the 1980s. The commission heard oral and written testimony from more than 1000 people, who reported on 7357 acts of serious violence and 7312 victims. The armed forces were responsible for the largest number of crimes, followed by paramilitary forces, security forces, and death squads. The public authorities did not properly investigate acts of violence; when they were investigated, cover-ups of official complicity were rampant. The commission report's most significant finding is that the consolidation of peace and democracy in El Salvador is not merely a matter of a peace accord, but a total structural reform of the state in which civilians have control over all military, intelligence, and security forces.

Cárdenas, Sonia. 2000. "Combining Legal and Political Approaches: Recent Scholarship on Human Rights in Latin America." *Latin America Research Review*, 35(2), Spring.

Christodoulidis, E. A. 2000. "'Truth and Reconciliation' as Risks," *Social & Legal Studies*, 9(2), June.

This article aims to situate the work of the TRC in South Africa within a theoretical context that may explain how its attempt to overcome the tensions between truth seeking and amnesty giving stumbled on its use of law to bring about reconciliation. It locates the root of the problem in the dual nature of the TRC as public confessional and legal tribunal, and underlying it the incongruent logic of law on the one hand and reconciliation on the other.

Coger, Dallvan M., et al. 1999. "Truth, Reconciliation, and Amnesty in South Africa – Facing the Truth: South African Faith Communities and the Truth and Reconciliation Commission," *African Studies Review*, 42(3).

De Ridder, Trudy. 1997. "The Trauma of Testifying," *Track Two*, 6(3 & 4), December.

Psychologist de Ridder advocates far greater support for those who have gone through the TRC experience.

Du Toit, F. 1999. "Public Discourse, Theology and the TRC: A Theological Appreciation of the South African Truth and Reconciliation Commission," *Literature & Theology*, 13(4).

Eade, Deborah and Carolina Knowles, (Eds.). 1997. "Building Bridges in Southern Africa: Conflict, Reconstruction, and Reconciliation in Times of Change," *Development In Practice*, 7(4).

Edelstein, Jillian, 1999. "The Truth Commission," *Granta*, 66.

*Editor & Publisher*, 1993. "Truth Commission Report on El Salvador: A UN-sponsored Report on the Country's 12-year Civil War Documents the Government's Sabotage of the International Press and its Attack on Leftist Guerrillas," 126(22), May 29.

Ensalaco, Mark. 1994. "Truth Commissions for Chile and El Salvador: A Report and Assessment," *Human Rights Quarterly*, 16(4), November.

By way of an assessment of the Chilean and Salvadoran experiences, Ensalaco argues for the customary utilization of truth commissions. He examines the mandates of the Chilean and Salvadoran Commissions on the Truth and indicates how the different political contexts in which the two commissions were established explain important variations between them. The Salvadoran investigative body only documented representative cases of human rights abuses, but it was part of a larger reform movement taking place. The Chilean study was more comprehensive, but the Commission had less authority and was the sole agency concerned with addressing abuses. Ensalaco notes that both represent distinct, but equally useful, models of truth commissions. He argues that both commissions made appreciable contributions to the cause of justice and the protection of human rights, that the investigatory and advisory roles performed by the commissions are echoed in international human rights and humanitarian law, and that democracies can only be consolidated on the basis of the truth and where attention has been paid to the reform of political institutions to guarantee that they effectively protect and promote human rights. Ensalaco shows how the Salvadoran Truth Commission went much further than the Chilean in many important respects.

Fitzgibbons, Richard P. 1986. "The Cognitive and Emotive Uses of Forgiveness in the Treatment of Anger," *Psychotherapy*, 23.

Galtung, Johan. n.d. "After Violence: 3R – Reconstruction, Reconciliation, Resolution: Coping with Visible and Invisible Effects of War and Violence."  
URL located at: <http://www.transcend.org/TRRECBAS.HTM>

Galtung argues that all three Rs are essential to stabilization and progress in post-conflict situations, and omitting any one of them will undermine efforts to achieve the other two.

Geula, M. 2000. "South Africa's Truth and Reconciliation Commission as an Alternate Means of Addressing Transitional Government Conflicts in a Divided Society," *Boston University International Law Journal*, 18(1).

Gobodo-Madikizela, Pumla. 1997. "Healing the Racial Divide? Personal Reflections on the Truth and Reconciliation Commission." *South African Journal of Psychology*. 27(4), December.

This paper highlights some of the challenges faced by the South African TRC, its significance for survivors and families of victims of gross violations of human rights, and some of the public responses to the process. The issue of granting amnesty to perpetrators is discussed. It is proposed that the argument that the TRC amnesty provision sacrifices reconciliation for justice frames the debate only in terms of punitive justice, which is inadequate for understanding the full significance of what the TRC has already achieved. The article makes some observations about the role of denial in the face of what has been disclosed through the TRC public hearings.

Goodman, David. 1999. "Why Killers Should Go Free: Lessons from South Africa," *The Washington Quarterly*, 22(2), Spring.

South Africa's much-heralded TRC has endured a few years of negative press, with skeptics inside the country and around the world wondering why it was ever formed.

Goodman tells us why the Commission made a lot of sense after all. The writer reconciles his former opinions of the TRC with the commission's results. At face value, the deal offered by the commission seemed preposterous – admitting crimes, as long as they were of political intent, led to forgiveness without sentence, which appeared to be a massive miscarriage of justice. These criticisms of the commission now appear facile, however, because the flawed, compromised, national process of introspection actually worked. Instead of apartheid's torturous secrets, there is now truth, and this is the value of the confessional process to a nation struggling to deal with its brutal past.

Graybill, Lyn S. 1998. "South Africa's Truth and Reconciliation Commission: Ethical and Theological Perspectives," *Ethics & International Affairs*, 12(43).

\_\_\_\_\_. 1998. "Pursuit of Truth and Reconciliation in South Africa," *Africa Today*, 45(1).

Hamber, Brandon. 1997. "Lessons for South Africa about Truth, Justice and Crime in Brazil," *Latin American Report*, 2.

Hanh Thich Nhat. 1987. "Seven Steps to Reconciliation." *Fellowship*, July/August. Excerpt from Thich Nhat Hanh's book *Being Peace*. Berkeley, CA: Parallax Press, 1987.

A very different approach, the Buddhist way of settling disputes and reaching reconciliation. Hanh's approach is apparently simple yet deceptively profound. If it has been practiced for more than 2500 years in India, China, Vietnam, Japan, and Korea, among other places, perhaps it works.

Hay, Mark. 1999. "Grappling with the Past: The Truth and Reconciliation Commission of South Africa" *African Journal of Conflict Resolution* 1(1).

Hayner, Priscilla B. 1999. "Reflections on the Sierra Leone Truth and Reconciliation Commission," July 19. URL located at:  
<http://www.article19.org/docimages/728.htm>

Demonstrates deep comparative knowledge of TRCs. Hands-on approach: if you had to set up your own TRC, what are key issues you should think about? Hayner tells you: primary purpose or mission of your TRC; investigative mandate; how should Commission members be selected; to hold public hearings or not; role of the international community in the TRCs operations. Short and practical.

\_\_\_\_\_. 1998. "Truth Commissions: Exhuming the Past," *NACLA Report on the Americas*, 32(2), September-October.

The creation of truth commissions in transitional governments emerges from the need to present a formal accounting for the crimes and abuses perpetrated during the previous periods of internal conflict. More than 20 truth commissions have been established all over the world since 1973 to provide official truth seeking in response to popular demands. Although truth commissions do not have the power to implement their recommendations, they offer a glimmer of hope to the victims of crimes and abuses.

This is a brief comparative study of the Commissions in Chile, El Salvador, and Guatemala, showing their relative strengths and limitations.

\_\_\_\_\_. 1996. "International Guidelines for the Creation and Operation of Truth

Commissions: A Preliminary Proposal.” *Law and Contemporary Problems*, Vol. 59(4), Autumn.

This article is part of a special issue on accountability for international crimes and human rights violations. The writer discusses guidelines for the creation and operation of truth commissions. She considers the guidelines set out by the UN and questions the stated assumption that establishing and publicizing details about past abuses will always reduce the likelihood of future abuses or conflict, as well as the resulting recommendation that there is a “duty to remember” that cannot be questioned. She sets out a list of proposals for the creation and operation of a truth commission.

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. 1994. “Fifteen Truth Commissions – 1974 to 1994: A Comparative Study.” *Human Rights Quarterly*, November.

Truth commissions, such as the UN Commission on the Truth for El Salvador, have served the function of acknowledging the human rights abuses that have occurred during periods of conflict or government control. Study of these national government, UN and nongovernmental agencies indicates that 15 were formed in 1974-1994. While the truth commissions have had varying success, most have been cathartic for the citizens subject to abuses and international law violations. Documentation of the violations prevents historical accounts from being revised at a later date.

Henderson, Willie. 2000. “Metaphors, Narrative and ‘Truth’: South Africa’s Truth and Reconciliation Commission,” *African Affairs*, 99(396).

Review article of the Report of the Truth and Reconciliation Commission of South Africa (International Edition) and of Desmond Tutu’s book, *No Future Without Forgiveness*. This review article attempts, by reflecting upon ways of talking about “truth,” to deal with the justification of the work of the TRC given by Tutu in his introduction and the criticisms made by the minority position. Consideration of both these positions raises questions about the nature and possibilities of the whole enterprise. It also considers Tutu’s position as outlined in his autobiographical book.

Honwana, Alcinda. 1998. “Sealing the Past, Facing the Future: Trauma Healing in Rural Mozambique,” *Accord* No. 3: The Mozambican Peace Process in Perspective. URL located at: [http://www.c-r.org/acc\\_moz/honwana.htm](http://www.c-r.org/acc_moz/honwana.htm)

Hope, Donald. 1987. “The Healing Paradox of Forgiveness,” *Psychotherapy*, 24.

The concept of forgiveness is reviewed and related to the process of psychological healing. Choosing to forgive is a paradoxical act that releases a person from the need to seek repayment or revenge for past insults or disappointments through a reframing process. Forgiveness as a core value of Christianity and other major



religions. The paper's key argument is that understanding the dynamics of forgiveness can serve as a powerful therapeutic tool.

Ignatieff, Michael. 1996. "Articles of Faith." Abridged from the article published in *Index On Censorship*, 5(96), September. URL located at: <http://www.niza.nl/uk/publications/001/ignatieff.htm>

Ignatieff's tone is skeptical, benevolently critical. He despairs at the assumptions behind the South African TRC – mere "articles of faith" – and explores the concept of truth in TRCs ("truth is not always good to say"): What truth? Whose truth? Other questions discuss factual vs. moral truth, the problems of "shared truth," what TRCs can and cannot do, the relation between truth and identity, and can justice or truth really heal? Conclusion: perhaps reconciliation is better served by public rituals of atonement.

Jeffery, Anthea. 2000. "The Truth about the Truth Commissions," *Human Rights*, 27(2), Spring.

South Africa's Truth and Reconciliation Commission was established in 1995 to foster reconciliation among South Africans by revealing the truth about the killings and other gross violations of human rights committed on all sides of the conflicts of the past. Jeffery offers a look at how effective the Commission really was. This article is derived from Anthea Jeffery's book, *The Truth about the Truth Commission*, published in July 1999 by the South African Institute of Race Relations.

Jones, L. Gregory. 2000. "Crafting Communities of Forgiveness," *Interpretation*, 54(2), April.

\_\_\_\_\_. 1999. "Truth and Consequences in South Africa. A PBS Documentary Asks What the Truth and Reconciliation Commission Achieved," *Christianity Today*, 43(4), April.

Kaye, Mike. 1997. "The Role of Truth Commissions in the Search for Justice, Reconciliation and Democratization: The Salvadorian and Honduran Cases." *Journal of Latin American Studies*, 29, October.

The truth commissions in El Salvador and Honduras attempted to offer the transitional civilian governments a way to balance their moral and legal obligations with practical constraints. Namely to reconcile calls from different sectors of society to either punish or forgive those responsible for past human rights violations and to establish new and independent institutions without precipitating a backlash from vested interests which could derail the whole democratic transition. This paper examines the parameters in which these truth commissions operated, and evaluates the role they played in trying to facilitate the democratization process in Honduras and El Salvador. The writer maintains that

the public debate about what happened during the years of repression and the exoneration of the victims who had been condemned as terrorists and criminals, along with the identification of The Disappeared, did go some way to promoting reconciliation in El Salvador and Honduras. He states that El Salvador's Truth Commission and Honduras's Valladares Report played a significant part in the establishment of accountable institutions that could begin to deal with the problem of impunity. Further, he maintains that the judiciary of both countries was improved by the work of the truth commissions.

Klaaren, Jonathan. 1998. "The Truth and Reconciliation Commission, the South African Judiciary, and Constitutionalism," *African Studies*, 57(2).

Kraybill, Ron. 1988. "From Head to Heart: The Cycle of Reconciliation." *Conciliation Quarterly*, Fall.

Krog, Antjie. 1998. "The Truth and Reconciliation Commission – A National Ritual," *Missionalia*, 26(1), April 1.

Landman, Stephan. 1996. "Alternative Responses to Serious Human Rights Abuses: of Of Prosecution and Truth Commissions." *Law and Contemporary Problems*, 59(4), Autumn.

This article is part of a special issue on accountability for international crimes and human rights violations. The writer considers the efficacy of truth commissions as an alternative to prosecution when dealing with human rights violations. Through a truth commission, past misdeeds may be disclosed and memorialized, and the commission may serve as a catalyst in promoting social healing and as a deterrent for future misconduct. However, the committee has limitations: it cannot punish malefactors and may tempt some societies not to undertake the work required to bring justice to the nation. The truth commission alternative, Landman recommends, should be sanctioned only when it reflects the democratic will, can fully and effectively investigate prior wrongdoings, is coupled with a program of compensation for the victims, and does not seek to excuse the gravest sorts of crimes.

Lerche, Charles O., III. 2000. "Truth Commissions and National Reconciliation: Some Reflections on Theory and Practice." *Peace and Conflict Studies*, 7(1), May.

This article provides a broad, useful, overview of contemporary truth commissions and the issues they raise. Lerche surveys commonalities and differences among various TRC experiences: South Africa, Guatemala, Chile, and Argentina. He reviews commentaries on TRCs. Further, he explores the concept of reconciliation and the tension between reconciliation and justice. Other controversial issues Lerche approaches: amnesty as price for truth (the "evil" compromise); reparation; individual healing vs. national healing; "forgive and

forget” (“false reconciliation”); TRCs, democratization and transitional regimes; truth: whose truth? factual truth vs. moral truth; TRCs as alternative to courts and war crimes tribunals; TRCs and conflict transformation.

Little, David. 1999. “A Different Kind of Justice: Dealing with Human Rights Violations in Transitional Societies,” *Ethics & International Affairs*, 13.

In “transitional societies” like South Africa and Bosnia, which are currently moving from authoritarianism, and often-violent repression, to democracy, questions arise about the appropriate way to deal with serious human rights offenders. Will a system of retributive justice bring about the healing and harmony necessary for peace and stability? Or is a “different kind of justice” required, one explicitly aimed at reconciliation, and designed to repair and restore relations, and, perhaps, to forgive offenders rather than prosecute them? Are these systems mutually exclusive, or can they be combined in some way? In an effort to clarify terms and sharpen practical choices, this essay distinguishes between retributive and restorative justice and relates the distinction to constructive proposals concerning the ideas of forgiveness and reconciliation. The essay then applies the proposed framework to two recent efforts to cope with the problem: the truth and reconciliation commissions of South Africa and Bosnia and Herzegovina.

Méndez, Juan E. 1997. “Accountability for Past Abuses,” *Human Rights Quarterly*, 19, May.

The writer discusses holding perpetrators of massive human rights violations accountable and considers the experience of attempts to restore truth and justice to the legacy of abuse remaining from the recent past. He argues that grave and systematic violations of human rights present states with obligations that are multifaceted and can be fulfilled separately but that should not be seen as alternatives to each other. He questions the belief that the international community should not attempt to impose any rules about what should be done about the recent past in any particular country just because democratic leaders supposedly know what their societies need at any given time. He also questions the belief that democratic leaders should strive to restore the truth about the recent past and should forego attempts to restore justice. He concludes that the international community should work to find the means to support the efforts made by some national leaders and by organizations of civil society to achieve accountability.

Minow, Martha. 1998. “Between Vengeance and Forgiveness: South Africa’s Truth and Reconciliation Commission,” *Negotiation Journal*, 14(4), October.

Citizens of South Africa are confronting a painful past through the TRC, which has heard thousands of reports about murders, tortures, and other human rights abuses of the apartheid era. The TRC is grounded in a constitutional commitment

to the African concept of *ubuntu*, or humanness. Amnesty is available on a conditional basis to alleged perpetrators. The author assesses the potential restorative power of truth telling; the significance of sympathetic witness; and the tasks of both perpetrators and bystanders in the TRC process. Aspirations for justice are considered along with restoring dignity to victims, offering a basis for individual healing, and promoting reconciliation of a divided society.

Moses, Rafael. 1990. "Acknowledgement: The Balm of Narcissistic Hurts," *The Austin Riggs Center Review*, 3.

Muchenga Chicuecue, Noel. 1997. "Reconciliation: The Role of Truth Commissions and Alternative Ways of Healing," *Development in Practice*, 7(4).

*NACLA Report on the Americas*. 1998. "Unearthing Memory: The Present Struggle over the Past," 32(2), September/October.

A special section on the struggle over the past in Latin America: the transition in Chile; the role of truth commissions; Guatemala's Recovery of Historical Memory Project; and militarization and memory in postwar Peru.

\_\_\_\_\_. 1999. "Time for a U.S. Truth Commission," 32(6), May/June.

The article argues that the US must come clean about its involvement in the numerous dirty secrets of killings and murders that have occurred in Latin America, just as they have done with the murder of Mayans in Guatemala.

Natrass, Nicoli. 1999. "The Truth and Reconciliation Commission on Business and Apartheid: A Critical Evaluation," *African Affairs*, 98(392), July.

Unlike truth commissions elsewhere, the South African TRC investigated the role of business in its exploration of the past. In so doing, it moved beyond its brief to examine gross human rights violations by individuals acting with political motives.

North, Joanna. 1987. "Wrongdoing and Forgiveness," *Philosophy*, 62.

Norval, Aletta. 1999. "Truth and Reconciliation: The Birth of the Present and the Reworking Of History," *Journal of Southern African Studies*, 25(3).

Odendaal, Andries. 1997. "For All Its Flaws: The TRC as a Peacebuilding Tool," *Track Two*, 6(3 & 4), December.

Odendaal reflects on the paradoxes and lessons of the TRC process.

Penwill, Richard. 1997. "'Not a Legal Concept'," *Track Two*, 6(3 & 4), December.

Jurist Penwill reflects on the TRC's capacity for reconciliation and much else that courts cannot do.

Popkin, Margaret and Naomi Roht-Arriaza. 1995. "Truth as Justice: Investigatory Commissions in Latin America," *Law & Social Inquiry*, 20(1), Winter.

The authors evaluate efforts to acknowledge and come to terms with previous human rights violations in Latin America: national truth commissions in Chile and El Salvador, an inquiry led by an individual commissioner in Honduras, and a truth commission in Guatemala. The successes and shortcomings of each are discussed in terms of four implicit goals: 1) establishing an authoritative record to refute the denials of the abusive regime; 2) redress and vindication of victims; 3) design and implementation of recommendations for avoiding future rights abuses; and 4) accountability of perpetrators through identification and/or punishment. It is concluded that the commissions have been most successful in reaching the first goal but have been very limited in ending impunity and making structural changes to prevent future abuses. The authors argue that truth commissions may actually impede accountability by substituting for appropriate judicial action.

Rolston, Bill. 1996. "Turning the Page without Closing the Book," *Index on Censorship*, 25(5), September-October.

Rolston examines the need for a truth commission to address human rights in Northern Ireland, suggesting such a commission would be premature. State forces have committed a variety of human rights violations, and few mechanisms exist to ensure accountability. In light of this record, it is argued that the public would distrust the findings of a British state-sponsored truth commission. A comparison of the impact of truth commissions in South Africa, Chile, the Philippines, and Brazil suggests that justice may be served if human rights abuses are systematically documented through nonofficial mechanisms.

Rosenberg, Tina. 1995. "Overcoming the Legacies of Dictatorship," *Foreign Affairs*, 74, May/June.

One of the first questions a newly democratic nation must face is what to do with the dictators from its autocratic past. This confrontation of the past serves both to heal tyranny's victims and to alter the conditions that nurtured dictatorship in order to prevent its return. Some of the avenues explored by new democracies include choosing to leave the past behind and start anew, an official apology by the new head of state, monetary or symbolic reparations to the victims or their families, employment bans and purges to keep abusers from positions of public trust, truth commissions, and trials of political leaders or of those who carried out torture and murder. Some nations have met the challenge of overcoming their past, but most have merely reinforced old antidemocratic habits. The writer compares the efforts to overcome an autocratic past in the former military

dictatorships of Latin America and the former communist dictatorships of Eastern Europe.

Ross, Fiona. 1997. "Blood Feuds and Childbirth: The TRC as Ritual," *Track Two*, 6(3 & 4), December.

Anthropologist Ross assesses the TRC's frameworks for creating a "shared past" and its capacity for conflict resolution.

Ruden, Sarah. 2000. "Harsh Politics, Extravagant Forgiveness." *Christian Century*, July.

This is supposed to be a review of Desmond Tutu's book about his experiences as Chairperson of the TRC, *No Future Without Forgiveness*. But it is really a highly articulate, carefully argued critical appraisal of the TRC's "breathtaking concessions" and lack of follow-up on its own decisions. "The 'Mandela miracle' has rightly impressed the whole world," she writes, "but many who did not benefit from it must feel, in the routine horror of the townships, as if they are locked behind the backdrop of an extravagant play."

Sarkin, Jeremy. 1996. "The Trials and Tribulations of South Africa's Truth and Reconciliation Commission," *South African Journal on Human Rights*, 12(4).

Sarkin, J. 1997. "The Truth and Reconciliation Commission of South Africa," *Common-Wealth Law Bulletin*, 23(1/2).

Seidman, Gay W. 2000. "Blurred Lines: Nonviolence in South Africa," *PS: Political Science & Politics*, 3(32), June.

Simpson, Graeme. 1997. "Reconstruction and Reconciliation: Emerging from Transition," *Development in Practice*, 7(4).

Skaar, Elin. 1999. "Truth Commissions, Trials – or Nothing? Policy Options in Democratic Transitions," *Third World Quarterly*, 20(6), December.

The writer examines how newly elected democratic governments have dealt with human rights violations committed by officials of previous authoritarian regimes. Using empirical evidence from approximately 30 mainly Latin American and African countries that have undertaken democratic transition since the mid-1970s, she demonstrates that a government's choice of human rights policy depends largely on the relative strength of the public's demand for justice and truth and the outgoing regime's demand for impunity and amnesty. Skaar reveals the policy choice favors trials when the outgoing regime becomes weaker and tends away from trials when the outgoing regime becomes stronger. She further demonstrates that truth commissions are the most likely outcome when the relative strength of the conflicting demands is about equal. She indicates that the government always does less than expected when human rights policy deviates from predictions.

Finally, she contends that these arguments hold both at the time of regime change and during the phase of consolidation of democracy.

Sooka, Yasmin. n.d. "TRC South Africa: The Role of Civil Society in Dealing with Past and Present Conflicts." URL located at:  
<http://infid.ngonet.be/baliconfpaperyasminsooka.html>

This is an interesting inside look at South Africa and the TRC by one of its Commissioners. A long chapter on historical background puts the TRC into perspective. The author explores the intriguing question of to what extent the pace and agenda of the ANC-NP peace negotiations that led to the "miracle" of 1994 were driven by violent elements with vested interests. She dwells at length on why there has been "no real change in the power structure." She highlights the key role of civil society before, during, and after the end of white rule, and expresses regret at the TRC's limitations, especially its inability to focus on the socio-economic implications of apartheid, where the greatest inequities existed (and continue to exist).

*South African Journal of Physiotherapy*. 2000. "The Truth and Reconciliation Commission Document – So What Has Changed?" 56(2).

Summerfield, Derek. 1997. "South Africa: Does a Truth Commission Promote Social Reconciliation?" *British Medical Journal*, 315(7120).

Thloloe, Joe. 1998. "Showing Faces, Hearing Voices, Tugging at Emotions: Televising the Truth and Reconciliation Commission," *Nieman Reports*, Cambridge, MA: Harvard University, 52(4), Winter.

Thloloe discusses how journalists were instrumental in the reconciliation of South Africa by bringing together victims and perpetrators in a way that the TRC could not. According to the author, televising the TRC hearings brought out the true story of the personal horrors of apartheid.

Thompson, Martha. 1997. "Conflict, Reconstruction, and Reconciliation: Reciprocal Lessons for NGOs in Southern Africa and Central America," *Development in Practice*, 7(4).

Van der Merwe, Hugo. 1997. "Reconciliation: What Role for Victims and Perpetrators?" *Cantilevers*, 3, First Quarter.

Van der Merwe, Hugo and Polly Dewhirst. 1999. "Non-governmental Organizations and the Truth and Reconciliation Commission: An Impact Assessment," *Politikon: South African Journal of Political Studies*, 26, May.

This article examines the relationship between NGOs and the TRC. Based mainly on interviews with NGO and TRC staff, the article outlines the various ways in

which NGOs participated in the development of the TRC legislation and engaged with TRC structures. The shape of this engagement was very uneven depending on the stage of the TRC process: the strongest input came at the point of lobbying in response to draft legislation. Different NGO sectors (human rights, conflict resolution, mental health) also had different levels of engagement at different states of the process. The article evaluates the impact that NGOs had on the TRC (and vice versa), and critically evaluates the general principles and strategic concerns raised by the TRC. The constraints on the development of an effective relationship are found to be located both in the structure and processes of the TRC, as well as within the NGO sector itself as it struggles to redefine its role in the new political context.

Van Zyl, Paul. 1999. "Justice in Practice – Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission," *Journal of International Affairs*, 52(2).

This article is part of a special issue of the JIA on the role of institutions in the search for international justice. The writer investigates the form and mandate of South Africa's TRC and evaluates its contribution to the evolving discussion on the nature of international justice and the mechanisms for achieving it. In Van Zyl's view, new democracies emerging from a period of massive violations of human rights are unable to prosecute all those who perpetrated crimes during the previous regime; therefore, efforts to come to terms with the past must not focus solely on efforts to prosecute. Further he contends that the nature of South Africa's democratic transition, and the inability of the justice system to prosecute perpetrators of human rights violations, made it necessary to establish the TRC. Truth commissions, he explains, require that everyone examine their role in past conflicts, and they facilitate proactive discussions about the best ways to avoid further conflict. Furthermore, they often generate civic and governmental support for initiatives by placing victims rather than perpetrators at the center of public attention.

Volf, Miroslav. 2000. "The Social Meaning of Reconciliation," *Interpretation*, 54(2), April.

Walsh, Brian. 1996. "Resolving the Human Rights Violations of a Previous Regime," *World Affairs*, 158, Winter.

The writer discusses the decision of governments to adopt one or more of the five policy options for dealing with the perpetrators of human rights violations, and he examines how these governments satisfy the objectives of reconciliation, deterrence, justice, and legitimacy. The policy options for dealing with human rights abuse are granting amnesty, establishing a truth commission, seeking reparations for victims, seeking prosecution in domestic courts, and seeking international prosecution. The writer considers the issues of reconciliation, justice, deterrence, and legitimacy and examines the approach adopted in Rwanda, which



is an interesting attempt to minimize the conflicting nature of prosecutions and reconciliation.

Weiner, Lauren. 1993. "El Salvador Confronts the Truth Commission Report," *Freedom Review*, 24(6), November.

Weissbrodt, David and Paul W. Fraser. 1992. National Commission on Truth and Reconciliation (Rettig Commission): Report of the Chilean National Commission on Truth and Reconciliation. *Human Rights Quarterly*, 14(4), November.

Wilson, Richard A. 2000. "Reconciliation and Revenge in Post-Apartheid South Africa – Rethinking Legal Pluralism and Human Rights," *Current Anthropology*, 41(1), February.

Human rights are a central element in the new governmental project in the new South Africa, and Wilson's article traces some of the specific forms of connection and disconnection between notions of justice found in the townships and rights discourses as articulated by the TRC. According to the author, the introduction of human rights in post-apartheid South Africa has had varied social effects. Religious values and human rights discourse have converged on the notion of reconciliation on the basis of shared value orientations and institutional structures. He adds that there are clear divergences, however, between human rights ideas and the notions of justice expressed in local *lekgotla*, or township courts, which emphasize punishment and retribution. The article concludes that the plurality of legal orders in South Africa results not from systemic relations between law and society, but from multiple forms of social action seeking to alter the direction of social change in the area of justice within the context of the nation-building project of the post-apartheid state.

\_\_\_\_\_. 1998. "Violent Truths: The Politics of Memory in Guatemala," *Accord: An International Review of Peace Initiatives*, 2. Negotiating Rights: The Guatemalan Peace Process. URL located at: [http://www.c-r.org/acc\\_guat/wilson.htm](http://www.c-r.org/acc_guat/wilson.htm)

\_\_\_\_\_. 1996. "The Sizwe Will Not Go Away: The Truth and Reconciliation Commission, Human Rights and Nation-Building in South Africa," *African Studies*, 55(2).

Winslow, Tom. 1997. "Reconciliation: The Road to Healing? Collective Good, Individual Harm?" *Track Two*, 6(3 & 4), December.

Winslow wonders whether individuals and the South African nation can be healed at the same time – and whether reconciliation does indeed heal. He argues that, on a collective basis, the healing benefits of the TRC have been immense and that because of the TRC "there is no turning back." He is convinced of the TRC's

contribution to reconciliation and healing at the macro level. However, he is less conclusive on the healing of individuals. Although some few “miracles of reconciliation” have occurred between victim and perpetrator, some aspects of the national reconciliation process, such as the “sunset clauses” protecting the jobs of the police and military, have fueled, not healed, victims’ trauma. More importantly, he adds, the lack of change in the socio-economic situation of the survivors creates anger and skepticism that are displaced onto the TRC. In an interesting aside, Winslow admits the healing value of the TRC on an individual level when the victims assume the role of interrogators, reasserting control over the amnesty process, challenging the perpetrators, and thereby equalizing power relations. He concludes that reconciliation is not necessary for healing; that is, healing on an individual level is not dependent on reconciliation. However, he shows how national reconciliation can play in the individual healing process for survivors of political violence.

Yoder, Jennifer A. 1999. “Truth without Reconciliation: An Appraisal of the Enquete Commission on the SED Dictatorship in Germany,” *German Politics*, 8(3), December.

Zalaquett, José. 1992. “Balancing Ethical Imperatives and Political Constraints: The Dilemma of New Democracies Confronting Past Human Rights Violations.” *Hastings Law Journal*, 43(6), August.

Since the early 1980s, newly emerging democracies have been confronting the ethics of how to address a legacy of human rights violations committed by former governments. Unlike the circumstances surrounding the war crimes trials in the wake of World War II, when recently deposed rulers were powerless, in many contemporary political transitions the perpetrators of past abuses continue to wield considerable power. As new governments attempt to repair the damage caused by their predecessors and to prevent the recurrence of human rights violations, they must avoid provoking a backlash. Zalaquett argues that these new governments must adopt, through democratic means, a human rights policy that focuses on discovering the truth regarding past human rights violations. As long as the principles of international law are respected, he suggests, each nation may tailor its human rights policies in accordance to its inclination toward severity or clemency. Using Chile as his case study, Zalaquett examines the policies adopted by the democratically elected Aylwin government in the aftermath of the Pinochet military regime. In Chile, political constraints prevented widespread prosecution of past abuses. Instead, the government attempted to reveal the true story of every individual who was reported as dead or “disappeared.” To accomplish this task, Aylwin appointed an impartial commission. The commission, of which Zalaquett was head, investigated human rights abuses committed by the previous government and published a detailed report recommending reparations for the families of the victims and preventive measures to ensure that such abuses are not repeated in the future. Zalaquett concludes from the experience of Chile that even

in the face of challenging political constraints, nations can confront the atrocities of the past responsibly and effectively.

### ***General Interest Periodicals***

Adam, Heribert. 1998. "Trading Justice for Truth," *The World Today*, January.

The conflicts in the former Yugoslavia and in central Africa have highlighted the problems of national justice and reconciliation. Adam offers an examination of South Africa's TRC, which is designed to bring together publicly the violators of human rights and their victims to promote national unity. And he asks: Can this version of truth unify a nation?

Ash, Garton Timothy. 1997. "True Confessions," *New York Review of Books*, July 17.

Ash provides a direct observer's look into the mechanics and operation of the South African TRC and a sharp analysis even as the process was unfolding. Little theory here, but points out inherent contradictions and weaknesses of the TRC, while recognizing the noble intentions of the exercise – and of Bishop Tutu. Hard on de Klerk and on ANC leadership. Ash concludes that instead of TRC, that body should have been called, somewhat more modestly, "Commission for Knowledge and Acknowledgment." Good critical primer in journalistic style.

Bell, Malcolm. 1998. "Guatemala Offers Model for Facing Harsh Truths," *National Catholic Reporter*, 34(33), July 3.

Bell suggests that the US should follow Guatemala's lead in reporting on the atrocities committed in its past. According to the author, this country needs a truth commission to conduct interviews, search files, and render a full and fair report on the government's human rights violations.

Doyle, Kate. 1999. "Helping Guatemala Find the Truth," *New York Times*, March 1.

Along with a certain degree of shame, the US can take pride in the report released by the Historical Clarification Commission of Guatemala, which investigated the civil violence that racked that country for more than four decades. Doyle's report documents the American role in providing financial aid and training to Guatemalan Army units that committed atrocities. But what makes the findings remarkable is that they are based on once-secret files provided to the Guatemalan truth commission by the US government itself. This cooperation, suggests Doyle, should set a precedent as other nations, especially in Latin America, try to come to terms with their cold war history.

Elshtain, Jean Bethke. 1997. "The Hard Questions: True Confessions – The Moral and

Political Wisdom of South Africa's Truth Commission" *The New Republic*, November 10.

Ignatieff, Michael. 2000. "The Right Trial for Milosevic," *The New York Times*, October 10.

The dilemma of balancing the demands of justice against the imperative of an orderly transition of power in Belgrade. Reconciliation with Serbia is an urgent priority, but it should not come at the expense of justice, Ignatieff argues. After Milosevic's arrest, Ignatieff's argument acquires timeliness and relevance.

Johnson, R. W. and Anthea Jeffery. 1999. "The Truth about the Truth Commission," *The London Review of Books*, 21(20).

Kempton, M. 1993. "Truth and El Salvador: Findings of the Commission on the Truth about El Salvador Concerning El Salvador's Recent 10-Year Civil War," *New York Review of Books*, 40(8), April 22.

Lansink, Annette. 2000. "Forget Revenge...What about Compensation?" *Africa News Service*, March 30.

"In order to create a society founded on lasting peace and justice," writes Lansink, "we need to finish where the TRC left off and acknowledge the essential role of some form of restitution."

Larmer, Brooke. 1996. "When the Truth Isn't Enough: Struggling to Draw the Line between Justice and Vengeance." *Newsweek*, 127(16), April 15.

According to Larmer, nations recovering from war and tyranny must balance the victims' need for justice with the fear of reviving the hostilities that led to war. Truth Commissions in Haiti and South Africa aim to document but not prosecute past offenses. In Rwanda and former Yugoslavia, war-crime trials are inevitable. Larmer discusses the comparative virtues of Commissions and trials.

Lyons, Beth S. 1997. "Between Nuremberg and Amnesia: The Truth and Reconciliation Commission in South Africa," *Monthly Review*, 49(4), September 5.

The writer discusses the amnesty provision included in South Africa's Interim Constitution to promote reconciliation and reconstruction and considers its implications for the TRC. She considers whether amnesty was too high a price to pay for the liberation movement to get the change of a transition to majority rule while avoiding civil war. She examines whether amnesty, currently being implemented under an ANC-led and dominated regime, is compatible with the objectives of the ANC, a liberation movement. She contends that the schizophrenic reality of the ANC as a state power and the ANC as a liberation organization is pervasive throughout the political context and that the TRC is

affected by this reality. She asserts that the conflict between a process that is procedurally neutral and nonpartisan by statutory definition, but in reality is one that releases torrents of rage at injustice, is both the TRC's strength and its weakest point.

Massing, Michael. 1993. "Bringing the Truth Commission Back Home: Raymond Bonner and News from El Salvador that Didn't Fit." *Harper's*, 287(1718), July.

Navarro, Mireya. 1999. "Guatemalan Army Waged 'Genocide,' New Report Finds." *New York Times*, February 26.

A truth commission report made public today concluded that the US gave money and training to a Guatemalan military that committed "acts of genocide" against the Mayans during the most brutal armed conflict in Central America, Guatemala's 36-year civil war. That US support helped Guatemalan military and paramilitary units engage in kidnapping, torture, and executions, a staff member of the commission said. The aide, who spoke on the condition of anonymity, said the panel also found evidence that the US had knowledge of genocide and still supported the Guatemalan military. The commission, set up as part of a UN-supervised peace accord that ended the war in 1996, concluded that either the government or allied paramilitary groups were to blame for more than 90 percent of the 42,000 human rights violations, 29,000 of which resulted in deaths or disappearances.

*National Catholic Reporter*. 2000. "Discoveries Underline Need for Truth Commission," 36(29), May 19.

In December 1981, the US-trained Atlacatl Battalion in El Salvador killed, as conservative estimates put it, between 700 and 926 civilians in a massacre that took on the name of one of the remote villages, El Mozote, where the slaughter occurred. According to this article, the US needs its own truth commission and full disclosure of CIA, military, and other government agency documents that will shed full light on the US role in Central America in recent decades.

*New York Times*. 1999. "Guatemala's Nightmare Past," February 28.

In the annals of recent Latin American brutality, no nation can match Guatemala. The civil war that ended in 1996 went on for 36 years and killed hundreds of thousands, the vast majority of them Mayan civilians. Now the country's truth commission, known as the Commission for Historical Clarification, has issued a report whose unflinching description of what happened captures the scale of Guatemala's tragedy. It is up to Guatemala's government, says the Editorial, to show that the country has indeed changed, by embracing the report and moving quickly to carry out its recommendations.

Roberts, Tom. 2000. "Inside NCR," *National Catholic Reporter*, Kansas City, 36(37),

August 25.

A 1999 UN-sponsored truth commission report calls what happened in Guatemala “genocide.” The report holds the US responsible for supporting brutal military dictators, for using the CIA to aid the Guatemalan military, and for training Guatemalan army officials in counterinsurgency tactics that resulted in widespread torture and death.

\_\_\_\_\_. 1999. “Guatemala: Truth Commission Report Details Years of Military Abuses,” *National Catholic Reporter*, 35(19), March 12.

The Commission for Historical Clarification’s report, “Guatemala: Memory of Silence,” is discussed. The document details the country’s 36-year civil war and blames the government and military for decades of torture.

Simpson, G. and P. Vazyl. 1995. “The Commission for Truth and Reconciliation in the New South Africa,” *Temps Modernes*, 50(585), November-December. In French.

*The Economist*. 2000. “National Reconciliation – Is Truth Enough?” Book review of Rotberg, Robert I. and Dennis Thomson, *Truth v. Justice: The Morality of Truth Commissions*. Princeton: NJ: Princeton University Press.

\_\_\_\_\_. 2000. “The Trouble with Amnesties,” August 19.

“Most people agree the good outweighs the bad. If it takes an amnesty to bring a cruel government (or a deadly war) to an early end, so be it: the amnesty is worth giving. But once given, must it be adhered to?” What would happen to South Africa’s stability, asks the article, if amnesties granted by its TRC were now reversed?

\_\_\_\_\_. 2000. “South Africa – Half Truth,” June 17.

This brief article points out the slow implementation of TRC’s post-hearing work: decisions are still dribbling out of the overloaded amnesty committee; the reparations team has barely begun; the government has limited funds for reparations. In short, says the article, “a people’s history, part truth, patchy justice.”

\_\_\_\_\_. 2000. “In Search of Truth and Justice: Accounting for the Violence in East Timor,” February 5.

Two commissions published reports on January 31, 2000 in relation to the violence that occurred in East Timor in September 1999, and both of them implicated the Indonesian armed forces. The violence began after almost 80% of East Timor’s electorate voted to separate from Indonesia. The commissions were sponsored by the Indonesian government and the UN respectively, and both came

to roughly the same conclusion. Their findings indicate, says the article, that anti-independence militias, helped by members of the armed forces, committed wholesale murder, rape, and torture, in addition to the forced removal of thousands of East Timorese.

\_\_\_\_\_. 1998. "Leaders: A Lesson from South Africa," October 31.

South Africa's TRC has finished its task. To its credit, the commission seems to have been even-handed in its uncovering of the facts.

\_\_\_\_\_. 1997. "Confronting the Past: New Democracies Need to Investigate the Crimes of Displaced Despots," 345, November 1.

This article argues new democracies must examine the crimes of displaced autocrats, if only to avoid repeating history. In many countries, victims' grievances have often been too strong to let past crimes be forgotten. However, new democracies have not had the means to investigate every crime or to prosecute thousands of officials in former regimes, and discovering the truth and determining individual culpability has proved divisive and difficult. Nevertheless, the very fact that so many governments have delved into the past signifies their people's desire for justice. By exploring the sins of the previous regime, new governments have publicly invited their own people to judge them by a higher standard of behavior. The writer argues that recent trials and truth commissions have not really been about the past – instead, they have been about building a future in which the rule of law prevails, especially over the rulers themselves.

\_\_\_\_\_. 1997. "Burying South Africa's Past: Of Memory and Forgiveness – What has the Truth and Reconciliation Commission Accomplished?" 345, November 1.

The writer evaluates South Africa's TRC, set up in an effort to rescue the country from denial and lies about the past, to give dignity to those who had suffered and to extend forgiveness to those guilty of horrible crimes during apartheid. He examines the commission's approach of confronting the past and the success of its centerpiece: amnesty to those whose crimes were politically motivated and who disclose all they know. Although the commission has several problematic elements, he argues that it has contributed to reconciliation in South Africa by consolidating racial peace and by building political stability.

Thurrow, Roger. 2000. "Healing Pains: South Africa Shows Just How Tricky Is Reconciliation's Path – A Truth Commission Pried into Apartheid Horrors, but What of 'Justice'? – A Blind Man Grows Restless," *Wall Street Journal*, July 17.

According to Thurrow, in South Africa the noble search for truth is being endangered by an ignoble reality: that life for many individual victims hasn't materially improved since apartheid ended. The commission saw this coming, he adds, and recommended direct payments to those who suffered the fiercest human

rights abuses under apartheid, as well as the establishment of community-development programs. Without victims seeing real material transformation in their lives, Archbishop Tutu has warned, “you can kiss reconciliation good-bye.” This testimony became a metaphor for the TRC, which had set out to free South Africa from its own darkness by illuminating the horrors of apartheid. But reconciliation, argues Thurow, is proving to be a complex, painful, and even controversial matter.

*U. S. News & World Report*. 1998. “Anger in South Africa. Truth Commission Hearings Satisfied No One.” 125(6), August 10.

Wieseltier, Leon. 2000. “TRB from Washington: Sorry.” (Pope John Paul II’s sermon on forgiveness). *The New Republic*, March 27.

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*Kevin Avruch is Professor of Anthropology and is on the faculty of the Institute for Conflict Analysis and Resolution (ICAR) of George Mason University.*

*Beatriz Vejarano is an ICAR graduate (MS, 2001) presently working with a human rights organization in her native Colombia.*