

A psychological perspective on truth commissions: What do we know?

Truth commissions, while often helpful, are not inherently individually or socially beneficial. If not carefully designed and implemented, they can harm, rather than help, victims and societies at large.

Truth vs. Justice

Post-conflict settings are inevitably politically unstable, and truth commissions must straddle what some see as a dichotomy between truth and justice. There are three major camps in this debate (Wiebelhaus-Brahm, 2010). The first group sees truth commissions' investigation of the past as harmful by nature, ensuring resentment from all sides, increasing the likelihood of traumatization and extra-judicial retribution (e.g., Snyder & Vinjamuri, 2003). The second views truth commissions as a viable solution, but only in the case that trials are not feasible – they are a passable second best option (e.g., Albon, 1995). The third advocates truth commissions, viewing them as a useful alternative to prosecutions, particularly in deeply divided societies (e.g., Minow, 1998).

The more cynical view truth commissions as trading justice for truth. Unless truth commissions lay the groundwork for future trials, it is argued that they may actually hinder criminal justice (justice that would lead to long-term peace and stability). Commissions can provide perpetrators an opportunity to justify their crimes, and can even provide a smokescreen for continuing them, avoiding serious accountability. They may be thought of as merely a “popular way for newly minted leaders to show their bona fides and curry favour with the international community” (Tepperman, 2002, p. 128). Truth commissions may also harm victims and society at large: When they uncover instances and patterns of violence with no serious accountability, a commission may increase resentment among those who testify and those who are exposed to testimony, increasing the likelihood of continuing cycles of violence (Snyder & Vinjamuri, 2003).

Truth commission proponents argue that truth-seeking is itself a form of justice; simply through investigation, hearings, and publicity, commissions can advance a form of justice themselves. Moreover, advocates claim that truth commissions do not weaken the prospects of criminal justice, and in many cases, their findings and recommendations aid future criminal

sanctions. Particularly in deeply divided societies, a truth commission may not just be a secondary alternative to trials, but a superior solution (Minow, 1998). Trials can be deeply divisive, perpetuating societal schisms. Truth commissions on the other hand, can avoid this divisiveness, while signaling an official recognition of crimes and a refusal to allow their recurrence. They may also help survivors to a greater degree than trials by providing a supportive forum to tell their stories and recommending reparations packages to help them recover economically (Hayner, 2011)¹.

Advocates claim that the “trade off” between truth and justice is an obsolete dichotomy, and the debate should be about how commissions can most effectively promote accountability (e.g., Esterhuyse, 2000). Truth commissions should not be considered an alternative to criminal justice, particularly for those most responsible for widespread abuses. Rather, they promote immediate stability, while working hand in hand with trials or informing future proceedings if immediate prosecutions are deemed impossible (Olsen, Payne, & Reiter, 2010). Proponents claim that truth commissions may facilitate justice processes while concurrently promoting societal stability and peace (Hayner, 2011).

Mechanisms

Truth commissions employ a number of methods to advance post-conflict healing and reconciliation, each of which is delicate and contextually bound.

Truth

The most basic method truth commissions use to achieve their objectives is the discovery of previously unknown facts. Although some mandates limit the scope of inquiry, generally, truth commissions seek to establish as full a historical record as possible. The large number of testimonies sought in the process of truth commissions (the South African Truth and Reconciliation Commission, for example, took testimony from over 21,000 people) positions them to uncover a detailed account of violence across time and locations. This may be contrasted with courts, which, due to their narrow focus on individual perpetrators and crimes, are less able to investigate historical patterns (Minow, 1998).

¹ Designing a reparations package is another vital task for truth commissions, but will not be discussed in this testimony.

In some situations, particularly those in the aftermath of war, the onus may be slightly different. Most earlier truth commissions took place in societies characterized by governmental oppression—there was a great deal of hidden information, of truth to be discovered. “Truth seeking” was a priority in situations such as these. As the model developed, with South Africa’s Truth and Reconciliation Commission (TRC) as the turning point, commissions have utilized increasingly advanced methods of “truth-telling,” publicizing the truth that has been uncovered (Millar, 2010a). “After the [South African] TRC, the idea of a truth commission holding public hearings—especially victim-centered hearings—became the norm” (Freeman, 2006, p. 24). Since South Africa’s TRC, particularly in societies transitioning from civil war, truth commissions aim to bring into the open and publicize what is known but not spoken. Hence, truth commissions have aimed to advance reconciliation through performative truth-telling at public hearings.

Advocates hope that truth-seeking and -telling will help survivors, promoting psychological healing (e.g., Lederach, 1997; Kriesberg, 2004) and justice (Teitel, 2003). Commissioners and statement-takers listen to victim stories, uncover hidden atrocities, may hold public hearings, and almost always publish a report recounting survivor experiences (Hayner, 2011). Accordingly, survivors are given a voice, and their experiences are brought to public attention, with the aim of mainstreaming what has been marginalized, and providing official acknowledgement of abuse (Hamber, 2007).

Both truth-seeking and -telling may also aid bystanders, or broader society (Millar, 2010a). Through fulfillment of the previously denied “right to truth,” or hearing tales of suffering or apology, it is thought that previously antagonistic individuals or groups may be helped to leave their grievances behind (Teitel, 2003). People may generalize from specific stories of apology and forgiveness to their own lives. As such, “truth and reconciliation commissions are advocated for their contribution to social catharsis” (Pupavac, 2004, p. 150). In conjunction with leaving problematic histories behind, truth commissions aim to help societies avoid repeating the past. George Santayana (1905) famously argued that those who cannot remember the past are condemned to repeat it. Accordingly, the society must discover and remember what happened, so that together, they can prevent it from happening again.

However, several empirical investigations have questioned the universal efficacy of the truth-investigation and –publicity model, showing that re-discovering and publicizing a history

of violence does not always advance healing or reconciliation. Rosalind Shaw (2005) argues that, in Sierra Leone, “social forgetting is a cornerstone of established processes of reintegration and healing” (2005, p. 1), and goes on to describe the “frictions” that ensue as models that are assumed to be universal come into contact with, and are altered by, local realities (Shaw, 2005; 2007). Millar (2011), builds on Shaw’s research, investigating the Sierra Leonean acceptance of the country’s truth commission. He concurs with the earlier research, concluding that local cultural dynamics worked against acceptance of the truth-seeking model. In actuality, the pursuit of the country’s history of violence aided neither healing nor justice, and was seen as undermining local concepts of individual agency and secrecy.

Justice

Truth commissions have a complicated relationship to the concept of justice. A truth commission may be linked (implicitly or explicitly) to an expectation that there will be no trials, and hence become a replacement for criminal justice. In cases like these, governments can be accused of trading truth for justice (Guttman & Thompson, 2000). However, this is increasingly rare, and, in the more common cases where there is not a blanket amnesty, truth commissions often contribute to retributive justice. Commissions are not courts and are not able to enforce punishment themselves, but may make recommendations to the judiciary to that end, leading to criminal trials, lustration, or community service. Commissioners can provide prosecutors with the results of their investigation, with the names of suspects, and with recommended punishments. Of course, whether the recommendations are followed depends on political will and the feasibility of government action (Hayner, 2011).

Even without prosecutions, truth commissions may hope to contribute to a different kind of justice. Simply the discovery of truth can be thought of as providing survivors with a form of justice, through offering a full accounting of what had previously been denied, acknowledging their experiences (Landsman, 1996). Perpetrators may be publicly shamed through survivor testimony, and the truth commission may list names in its final report, providing some form of accountability (Greenawalt, 2000). Or a truth commission may emphasize a more holistic kind of restorative justice, stressing community rather than punishment. This entails empowering and restoring the dignity of survivors, managing demands for retribution, and stressing the shared humanity of all members of the society (Villa Vicencio, 2004). In this sense, justice necessitates

addressing the damages suffered by individuals and communities as a result of past crimes in order to restore a collective experience of relations (Leebaw, 2003).

As with the skepticism surrounding the universal benefits of truth-seeking, there is some doubt as to the universal desire for the two most commonly promoted types of justice: retributive or restorative. After extensive investigation, Millar (2010a) concludes that neither of these two dominant paradigms was desired by survivors in Sierra Leone, and in fact, the promotion of retributive justice was seen as more provocative than helpful. Rather, a needs-based, distributive approach to justice was prominent, stressing economic, cultural, and social rights. Similarly, a representative sample of Nepalese participants emphasized the need for economic support rather than what they perceived as justice (Robbins, 2011). In post-conflict situations characterized by poverty and deprivation, governments, researchers, and practitioners must make sure they are attuned to local desires.

Publicity

Although not all truth commissions choose publicity as a means to advance reconciliation, many do. This idea was popularized by the South African model, with its clear stress on involving broader society, particularly through the human rights committee hearings. The publicized hearings were broadcast as widely as possible: National newspapers ran about 1.4 articles on the TRC per issue for the course of commission hearings; there was extensive radio coverage; the Commission regularly featured on evening news; and the South African Broadcasting Corporation aired a special report every Sunday which was often in the top-10 favorite programs of the week, unprecedented for a political program (Thiessen, 2008). Krabill (2001) argues that the TRC provided a “moment of common experience that transcend(ed) the daily divergence of lives” (p. 570). It is clear that the TRC aimed to reach the South African populace and was relatively successful in doing so.

While it is clearly important to affect perpetrators and survivors who testify, in order to bring about widespread reconciliation, the truth commission must affect society more broadly. If people can be convinced that the commission has discovered the truth about what happened and delivered some form of justice, then perhaps they will personally feel better. Hence the *perception* of truth and justice is perhaps just as important as the *actual* truth and justice delivered (Crane, 2005), affecting cognitive and emotional reactions to the commission.

Truth commissions may also act as a reconciliatory symbol – hearings become a kind of performance (Payne, 2008) or moral theater (Moosa, 2000). In this fashion, the commission enables its audience to participate in acknowledging, mourning, and sympathizing with victims (Minow, 1998), and perhaps come to some understanding with perpetrators. It is not enough to simply uncover the truth. People must understand *why* the truth is being revealed, and that the commission is striving to reconcile a divided society (Tutu, 2000). Most modern truth commissions are explicitly performative in nature, thought to initiate reconciliation partially through their presentation to an audience (Millar, 2010b). Through staging the performance on a national scale, commissions are able to reach entire nations, thus spreading their message as widely as possible.

Empirical Evidence on the Effects of Truth Commissions

Survivors

The majority of relevant empirical research has been conducted on survivors who testify at truth commissions, attempting to ascertain the effects of revisiting a traumatic history, either at an internal, emotional level, or an interpersonal, relational level. Despite the growing body of literature on truth commissions, most evidence remains anecdotal and conclusions tenuous. There are few systematic studies of the effects of testifying at a truth commission. Based in part on the Freudian notion of catharsis, it is often assumed that revisiting one's past is healing, but based on what we know of truth commission testimony, the experience only seems to help some people, in some contexts, in some ways.

Survivors and witnesses may feel better after giving testimony, resulting from a sense of acknowledgement, support, and relief (Hayner, 2011). In some cases, this can even lead to catharsis and forgiveness, implying that there can be therapeutic value of testifying at truth commission hearings (de la Rey & Owens, 1998). Several well-publicized quotes illustrate this view. For example, an individual who was attacked and blinded by a police officer in South Africa reported of his TRC testimony: "I feel what has been making me sick all the time is the fact that I couldn't tell my story. But now I – it feels like I got my sight back by coming here and telling you this story" (Minow, 1998, p. 67). Krog (2002) quotes a mother who testified on the death of her son:

This thing called reconciliation...if I am understanding it correctly...if it means this perpetrator, this man who has killed Christopher Piet, if it means he becomes human again, this man, so that I, so that all of us, get our humanity back...then I agree, then I support it all (p. 109).

However, a variety of studies show that this is not always the case. Researchers working with focus groups in Johannesburg conclude that while survivors who testified at the TRC benefited from discovering the truth, telling their story, and encountering perpetrators, in the longer term, many experienced “a significant deterioration of...physical and psychological health” (Picker, 2005). Byrne (2008) concurs, finding that although a small number of people found testifying before the TRC a positive experience, many others found it painful and disempowering, characterized by failed expectations and promises. Even for those who experienced initial relief, long-term benefits may be limited. For example, two South African psychologists conclude that there are simply no empirical or other data to suggest that any longer-term healing followed for witnesses, even those who experienced catharsis (Allan & Allan, 2000). A separate investigation found no relationship between speaking at the TRC and current psychiatric status (Kaminer, Stein, Mbanga, & Zungu-Dirwawayi, 2001). One cross-national study shows that participation in truth commission hearings may increase negative emotions and symptoms, although some respondents in both South Africa and Guatemala reported increased empowerment following their participation (Martin-Beristain, Paez, Rimé, & Kanyangara, 2010).

In terms of relationships with perpetrators, a six year project utilized South African TRC testimony and a variety of follow-up focus groups, revealing that survivors and their families rarely mentioned forgiveness and reconciliation unless prompted to do so, and those who did speak about it were not generally willing to forgive perpetrators (Chapman, 2007). Similarly, researchers found no relationship between testifying before the TRC and forgiveness attitudes toward perpetrators (Kaminer, Stein, Mbanga, & Zungu-Dirwawayi, 2001). Investigators found that most of those who testified before East Timor’s Commission for Reception, Truth, and Reconciliation had a positive impression, but many participants later displayed intense anger at perpetrators, and several suffered from traumatic mental health problems (Le Touze, Silove, & Zwi, 2005).

Effects of Truth Commissions on Broader Society

Similar to the individual-level results, findings on a societal level are mixed. Several studies have sampled people who did not personally testify, but who live in a country that implemented a truth commission. Martin-Beristain and colleagues (2010) analyzed surveys from 16 Latin American nations, concluding that a successful truth commission has macrosocial benefits, increasing respect for human rights. James Gibson (2004) utilized a rigorous representative design to assess the effects of the South African TRC's promotion of truth on reconciliation. Although it is difficult to definitively attribute causality, the study found that individual acceptance of the TRC's "truths" about apartheid was connected to both individual level reconciliation and to more conciliatory racial attitudes.

Another representative, cross-sectional South African study also investigated the effects of the TRC (Stein et al., 2007). Researchers explored whether the truth commission primarily healed or re-traumatized those who participated in or were exposed to its proceedings, particularly focusing on distress, anger, and forgiveness. The authors are hesitant to attribute causality, but tentatively assert that while testifying does not seem to have been a helpful experience for survivors who testified, it was more beneficial for the population as a whole. Moderately positive attitudes toward the TRC indicate that the Commission, as intended, provided knowledge and acknowledgement of the past, a potentially valuable outcome that could aid the nation in the longer term.

Non-representative research on the Liberian Truth and Reconciliation Commission finds that while most Liberians agreed with the Commission in principle, those who were exposed to its proceedings saw major problems in its implementation, harming their perceptions of reconciliation. They felt that it failed to discover the full truth of wartime abuses, that the truth that was discovered was not told in the right way, and that the Commission had problems implementing justice. People who were exposed to the Commission (for example, through media coverage) were less likely to be willing to refrain from revenge, perhaps due to testimony reminding people of past wounds. More encouragingly, those Liberians who felt that the Commission had successfully uncovered truth and delivered justice had more positive perceptions of societal reconciliation, and those who accepted the Commission's symbolic reconciliatory purpose were more likely to be willing to refrain from revenge (Twose, 2012).

Cross-societal comparisons

Studies of national truth commissions (as well as other transitional justice mechanisms) have recently been extended to include cross-societal comparisons, utilizing two primary methodologies: (1) A series of case studies or (2) large, cross-national databases. Findings have been mixed and at times contradictory. Some researchers find truth commissions to have a positive impact. Long and Brecke (2003), for example, conducted a primarily qualitative investigation of reconciliation events that include: direct physical proximity between senior representatives of respective factions; a public ceremony accompanied by widespread publicity; and symbolic behavior that indicates that both parties consider the dispute resolved. Results indicate that truth-telling was a crucial starting point for each of the successful peace settlements. When combined with limited justice and a subsequent public call for a new relationship and redefinition of the former opponent's identity, truth-telling was part of each successful reconciliation event.

Lie, Binningsbro, and Gates (2006) investigated the influence of post-conflict justice mechanisms on the durability of societal peace in 200 post-conflict societies, controlling for variables such as type of conflict termination, characteristics of the conflict, GDP per capita, and type of post-conflict regime. They find that truth commissions do appear to reduce the risk of post-conflict peace failure, though not at a statistically significant level. However, when democratic societies were isolated and analyzed alone, the effects of truth commissions on subsequent peace became highly significant. Kim and Sikkink (2010) used a different dataset to investigate whether truth commissions and human rights prosecutions had a deterrence effect in 100 transitional countries, controlling for democracy, type of war, treaty ratification, economic standing, and population size. They concluded that truth commissions statistically significantly increase the likelihood of human rights protection and decrease the likelihood of repression, particularly if implemented in conjunction with trials.

Olsen, Payne, and Reiter (2010) compiled the Transitional Justice Database (<http://sites.google.com/site/transitionaljusticedatabase/>), consisting of over 900 transitional justice mechanisms used from 1970-2007, and analyzed how truth commissions, as well as trials and amnesties, have affected human rights and democracy. Controlling for similar variables as the studies above, they found that a combination of transitional justice mechanisms was most effective in promoting human rights and democracy. Truth commissions alone were actually

found to have a harmful effect on human rights protection. However, when implemented alongside trials and amnesties, they aided both human rights and democracy. Hence, the researchers argue for a balanced approach in fragile societies: initial truth commissions and amnesties to advance stability, followed by later trials to provide accountability.

Snyder and Vinjamuri (2003) conducted a comparative analysis of 32 post-conflict countries. Concurring with previous studies citing the importance of established democracy, they conclude that, unless they occurred in a democratically institutionalized state, truth commissions were irrelevant or even harmful, sometimes enabling the continuation of abuse. Although the researchers do not have statistical analyses to support their claims, they argue that positive effects of truth commissions may be more accurately attributed to the political cover they provide for well-designed amnesties, which are the real drivers of peace.

Recommendations

It is clear that we do not yet know enough to make firm claims about the benefits or harms of truth commissions, particularly across different social and cultural contexts. Nevertheless, we know enough to make a number of recommendations:

1. A nation considering a truth commission should **investigate local desires** for such a body through public opinion surveys. Does the local population actually want to look backwards, potentially re-opening past wounds? Some societies, such as post-war Mozambique or Cambodia, may clearly indicate that they wish to simply let go of the past until a later date. This may be because blame is too difficult to attribute, atrocities too horrible to face, wounds too raw to open, or the political situation too volatile to risk. In other situations though, as in Mozambique's neighbor South Africa, a populace may demand an investigation into the past. Colombia should ascertain whether its citizens wish to be publicly exposed to details about violence committed by governmental forces, the Revolutionary Armed Forces of Columbia, and other militant groups.
2. A truth commission should **be clear from day one about its aims**, particularly regarding truth vs. justice. How will it balance the "truth vs. justice" debate? Does the commission aim to promote reconciliation between conflicting parties, or does it aim to inform

criminal trials? What exactly will be its relationship to the nation's criminal justice system? This can be reflected in many aspects of the commission's work, including its commissioners. For example, the South African Commission's chairman Desmond Tutu (a religious figure who preached reconciliation) had a different impact from the Liberian Commission's chairman Jerome Verdier (a lawyer who primarily advocated retributive justice). Without this initial clarity as to official aims, the public may be confused as the Commission progresses, denying a groundswell of support. The Colombian government should write a mandate that clearly and concretely establishes the truth commission's goals. (Please refer to International Center for Transitional Justice guidelines for more details).

3. Truth-telling is not always a healing, reconciliatory endeavor; hearing about past atrocities can do more harm than good. Survivors often need perpetrators to admit and express remorse for their crimes. If, instead, they lie or boast about their misdeeds, this can have a negative effect on survivors and the nation, harming individual healing, as well as interpersonal and intergroup reconciliation. Hence, a Colombian truth commission, if established, should **endeavor to ensure that truth-telling is carried out in a conciliatory rather than a divisive manner**, ideally encompassing regret and apology. If this does not seem possible, closed-door hearings should be considered, denying perpetrators from all sides of the conflict the opportunity to grandstand, and minimizing the emotional impact of hearing about their crimes. A public report, summarizing individual crimes and patterns of abuse, should still be issued, as many survivors may wish to learn about past abuses, without the added emotional burden of hearing untruthful or grandiose public testimony.

4. **If seeking to advance widespread reconciliation, a truth commission must aim to affect society at large**, cooperating with media to broadcast findings and select hearings. Only a small proportion of survivors actually participate in the truth seeking process. Many live in geographically remote areas, are unaware of the process, do not feel their story is interesting, or are excluded by the commission's mandate (Daly, 2008). Hence, in addition to those survivors and perpetrators who actually testify, truth commissions

must reach out to those who do not. Additionally, as well as those who directly suffer violations, a truth commission must encompass indirect victims, who typically are not able to testify, but who may have suffered socioeconomic deprivation, missed educational opportunities, family breakdown, trauma, or humiliation (United Nations, 1985). A commission can play a symbolic role, modeling and promoting the reconciliation it advocates; it can broadcast survivor stories, granting national acknowledgement of suffering; and it can publicize perpetrator testimony (if framed correctly), encouraging a national conversation about abuses. Hence, the Colombian truth commission, if established, should work with national media to ensure that the Colombian public is informed about the commission, its mandate, and its proceedings.

5. Implementing a truth commission should not be considered the end of the story.

Revisiting past violence and providing survivors a platform to speak is not enough. Research shows that truth commissions may maximize their impact if implemented alongside other transitional justice mechanisms. Hence, the Commission should issue realistic, practical recommendations. The enforceability of the Commission's recommendations should be established from its inception, rather than waiting until the recommendations have been made. Recommendations should include **reparations and mental health care** for survivors and/or communities, and **later trials for the worst offenders** (if politically and structurally feasible). The Colombian government should recognize the benefits and limitations of a truth commission alone, and should plan for a longer term response to decades of violent conflict.

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