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Truth V. Justice: The Morality of Truth Commissions

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The truth commission is an increasingly common fixture of newly democratic states with repressive or strife-ridden pasts. From South Africa to Haiti, truth commissions are at work with varying degrees of support and success. 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. Here, leading philosophers, lawyers, social scientists, and activists representing several perspectives look at the process of truth commissioning in general and 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 authors weigh the virtues and failings of truth commissions, especially the South African Truth and Reconciliation Commission, in their attempt to provide restorative rather than retributive justice. They examine, among other issues, the use of reparations as social policy and the granting of amnesty in exchange for testimony. Most of the contributors praise South Africa's decision to trade due process for the kinds of truth that permit closure. But they are skeptical that such revelations produce reconciliation, particularly in societies that remain divided after a compromise peace with no single victor, as in El Salvador. Ultimately, though, they find the truth commission to be a worthy if imperfect instrument for societies seeking to say "never again" with confidence. At a time when truth commissions have been proposed for Bosnia, Kosovo, Cyprus, East Timor, Cambodia, Nigeria, Palestine, and elsewhere, the authors' conclusion that restorative justice provides positive gains could not be more important.

In addition to the editors, the contributors are Amy Gutmann, Rajeev Bhargava, Elizabeth Kiss, David A. Crocker, André du Toit, Alex Boraine, Dumisa Ntsebeza, Lisa Kois, Ronald C. Slye, Kent Greenawalt, Sanford Levinson, Martha Minow, Charles S. Maier, Charles Villa-Vicencio, and Wilhelm Verwoerd.

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