
I. Introduction

Latin America is currently participating in the global “third wave” of democratization, with the last twenty years seeing nation after nation shift from authoritarian or militaristic rule to the beginnings of formal democracy. With this shift in governments has come a restructuring of society, in which previously marginalized or repressed groups have attempted to re-enter civil society and consolidate these fragile new democracies. The process of transition and consolidation has given rise to a new field of academic study, that of transitional justice. The term “transitional justice,” originally coined by Neil Kritz, has been subject to a number of interpretations, but most scholars agree that it refers to attempts made after an authoritarian period to address the wrongs (often human rights violations) that occurred during that period. Some, like Jon Elster, prefer a narrowly defined transitional justice that would include only efforts at justice made immediately after the authoritarian period, and would exclude conflicts such as civil wars. Others prefer a more sweeping view of these efforts. They would focus on a variety of attempts to deal with the past, whether those efforts occur immediately after the authoritarian period as in El Salvador or after a number of years as in Brazil, and would include both examples of authoritarian state repression such as that of Argentina and those situations that could be considered a civil war, such as Guatemala.

The field of transitional justice has been profoundly interdisciplinary, including
practicing lawyers and legal scholars, political scientists, political sociologists, psychologists and other mental health experts, anthropologists, and philosophers. To a large extent their work has examined what might be called the trinity of institutional mechanisms of transitional justice—trials, truth commissions, and, to a lesser extent, reparations. Other less common mechanisms such as memorials, apologies, and other symbolic gestures are also addressed. Each study in its own way attempts to analyze the problem of how societies move forward from difficult, repressive, and violent periods, in order to form a fully consolidated and participatory democracy. Within this literature, truth commissions have emerged as a particularly fascinating topic of study. Increasingly common as transitional mechanisms, truth commissions have been used to expose the atrocities of authoritarian states from Africa to Eastern Europe to Latin America. Frequently mandated by the state, an international body, or the church, the truth commission generally investigates the human rights violations of the authoritarian period and then publishes its findings in a form accessible to the public. In an oft-cited statistic, Argentina’s Nunca Mas truth commission report became one of the best-selling books in that country’s history. The report usually contains both a history of the atrocities, with some effort to theorize how and why they occurred, as well as a section of recommendations for governmental reform to prevent future violations. The truth commissions vary widely, however, in the extent to which they are authorized to investigate violations, as well as the weight given to their recommendations by governmental actors.

In this paper, I will explore the way the truth commission has been examined in the literature on transitional justice. I will begin with an admittedly partial survey of the literature, focusing on a number of themes that emerge in a variety of disciplinary works. The second part
of the paper will posit critiques of the truth commission literature, pointing out some issues that have remained under-addressed or explored. Finally, I will explore two works that represent a promising new direction in the study of legacies of violence and how the truth commission can function in a democratizing state. These works address in large part the gaps and problems one finds in other literature, and give scholars of the transitional justice field a framework to which many may aspire.

II. A brief survey of truth commission literature

The literature on truth commissions has tended to fall roughly into two camps, that which incorporates a philosophical or reflexive viewpoint, focusing its study on the nature of truth and the limitations of transitional justice mechanisms; and that which tends to incorporate the truth commission into a more political science-influenced framework and addresses the truth commission as a practical institution. While these two groups can and certainly do overlap, the former is primarily distinguished by its emphasis on philosophy and ethics in understanding the way nations address the past, while the latter may not address these issues in such depth. Within this literature as a whole, however, a number of themes seem to emerge again and again. These include a problematizing of the nature of “truth” itself, the issue of time as it is represented in the truth commission (both the limits of the truth commission’s time for research and writing, and the time which it studies), and the relationship of truth to justice. In this last point is included the frequent question, “What comes next?” That is to say, what political or institutional changes follow the truth commission that might enable us to assess its effects? In the study of the relationship of truth to justice, the truth commission is frequently linked to the other mechanisms of transitional justice such as trials or reparations. I will address each of these themes in the
literature in turn, noting the variety of approaches to the topic that characterize the field of transitional justice in general.

A. The problematic nature of “Truth”

A primary issue in the study of truth commissions is the nature of truth itself. What is the truth that the commission will produce, and how and by whom will it be accepted as such? The problematics of this issue originate in the name “truth commission” itself, as Patricia Hayner notes in her exhaustive survey of truth commissions, *Unspeakable Truths*. She reports the controversy over what to call commissions that could more accurately be described as “commission of inquiry, which would lift the pressure to be both perfect and comprehensive.”¹

Such a semantic change, which might seem petty or quibbling, is rather an acknowledgment of the difficult task of defining what exactly the truth is. In the case of Guatemala, the official commission decided to avoid the term “truth commission” altogether (despite the fact that this is how it is popularly known and referred to in the literature) in favor of the word precise “Commission for Historical Clarification.” To add to the burden posed by the word “truth,” many commissions (such as that of South Africa) have added the term “reconciliation” to their titles, a practice that Hayner argues is “inaccurate and should be avoided, since many of these commissions on the truth have not held reconciliation as a primary goal of their work, nor assumed that reconciliation would result.”²

The dilemma remains, however, that if reconciliation of previously opposed parties is not necessarily the goal of a truth commission, producing some version of the “truth” is. How, then,


²Ibid., 23.
does one understand this truth, and how does such truth function within society? Foucault has noted that "truth is a thing of the world: it is produced only by virtue of multiple forms of constraint. And it has regular effects of power." While his concomitant analysis of power brings up an attendant host of theoretical problems, this observation remains useful in the context of the truth commission. Truth is not a thing that exists independently, outside of society or culture; it is produced by the intersection of a number of forces—social, cultural, and historical. This is not to say that certain facts do not exist in a real and material sense. For example, the massacre in Guatemala of an indigenous Mayan village during the Rios Montt administration is a historical occurrence, and must be recognized as such; it had and has physical and emotional manifestations in the world. How the story of that massacre comes to be a part of a truth commission, however, requires multiple steps of interpretation by human beings, who in their interpretive capacity produce a version of the truth that can in the end only be partial and limited.

Different understandings of the nature of the “truth” underlie much of the literature on truth commissions, whether or not such a concern is explicitly stated. Hayner’s work stands as an excellent example of an effort to theorize honestly and grapple with this issue, as does the work of Martha Minow, recognizing that multiple versions of the truth will always exist and make the project of the truth commission that much more difficult. To give a simplified example, the military’s version of the truth in a former military dictatorship will generally differ

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considerably from that truth claimed by human rights groups. It is impossible to completely relativize these positions in some abstractly postmodern way— to many students of the authoritarian period, the human rights groups have a claim to a truth that is greater, that is more true. Even within this position, however, conflicts arise as to the completeness of the truth, conflicts which, I argue, are impossible to resolve within the context of the truth commission. For example, Margaret Popkin and Nehal Bhuta write that the work of the truth commission in Chile “was aimed at establishing the truth— and responsibilities— in some of the most notorious cases,” but chastise the commission for not providing the “full truth.” Wise. Likewise, Frank La Rue critiques the Guatemalan official truth commission for not following the Salvadoran example and publishing the names of accused human rights violators. He argues that human beings have a right to the truth, and “half the truth is not the truth.” Criticizing the lack of response to the truth commission by government officials, he claims that “[t]ruth without acknowledgment does not work.” What, then, is a satisfactory way of understanding the truth? It appears to me that the most satisfactory way of understanding truth is actually the least satisfactory, which is to understand that truth is a construction of an inherently unstable, contested, and limited nature. While those writings in the literature that tend towards the philosophical acknowledge this as an inherent facet of the truth commission as both a process and a product, those in the latter category (politically or institutionally focused) generally do not explicitly theorize this concept.


8Ibid., 177.
Rather, these writings tend to assume a certain concept of the truth, but this understanding of the truth often results in a sense of the truth having fallen short. Perhaps this second viewpoint, in all of the contradictions between works, is actually not that far removed from the first, which is simply more fully theorized. After all, Popkin, Bhuta, and La Rue recognize that the truth of a truth commission is partial and contested, “half” or “incomplete.” What finally distinguishes them from Minow or Hayner is their underlying belief, common in much of the truth commission literature, that while the truth commission may not provide the whole or complete truth, such a “Truth” is out there and could be unearthed. What the more philosophically-oriented scholars understand is that it is not only the truth of a truth commission that is partial. This partiality is, in fact, the nature and the problem of the concept of truth itself.

B. Time... Is it a Problem?

The issue of time figures into the literature on truth commissions in a variety of ways: first, the extent of the gap between the transition and the commencement of the commission; second, the amount of time the commission is given to complete its mandate; and third, the amount of time covered in the commission’s analysis. The first problem arises in considering how much time has passed after the transition from authoritarian rule— if too much time has passed, will a truth commission be effective? Jon Elster, for example, would not consider a truth commission that takes place many years after a democratic transition to fall within his rather narrow definition of transitional justice.9 Others, however, would argue that a truth commission is a legitimate attempt to deal with past abuses, and thus must fall under the transitional justice

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rubric, regardless of how long after the fact it occurs. This viewpoint acknowledges that a truth commission may be impossible during the democratic transition, depending on the type of transition that occurred and the relative strength of the various political actors. It must be noted that while some examples of a significant time delay have occurred, the majority of truth commissions are mandated as part and parcel of the democratic transition. In El Salvador and Guatemala, for example, the truth commission was a key part of the United Nations-brokered peace accords. The UN played a significant role in the Salvadoran commission, providing funding and coordination; in Guatemala its role was also significant but more advisory and financial than in El Salvador. Even in the Guatemalan case, however, the truth commission report was published a full three years after the final peace accord was signed. The literature has attempted to grapple with the question of temporality as it addresses the effects of the truth commission. Elster notes that "one hears over and over again both that 'To move forward, we must first come to terms with the past' and 'To move forward, we must resolutely ignore the past.'" The delaying of a truth commission could mean that efforts on the part of some sectors of society to forget the past are thwarted, creating a new set of conflicts at a later stage in the democratic transition. Thus, Patricia Hayner notes that while "the circumstances of each country differ, as a general rule a truth commission should begin as soon as possible after a political transition."

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10The final peace accords were signed in 1996; the truth commission report was published in 1999.


12Hayner, Unspeakable Truths: Confronting State Terror and Atrocity, 220.
The literature addresses a second temporal issue as well, that of the limited amount of time given to the truth commission in which to do its work. The official Guatemalan truth commission worked for twelve months in total, spending ten months in research and two months in writing. Despite the fact that this was one of the longest working periods as compared to other, similar bodies, Frank La Rue acknowledges that there could be no possible way that the commission could produce a full and satisfactory version of the “truth” in such a short amount of time. However, he notes, the time limit “in no way alters the significance of the report.”\textsuperscript{13} Hayner argues that for “a variety of reasons, it is important to keep a truth commission’s tenure relatively short; one year to two and one-half years is probably optimal... The advantages of finishing quickly are worth the possible sacrifices of investigations cut short.”\textsuperscript{14} Her argument rests on the necessary compromise between a full investigation, which would take an inordinate amount of time, and the necessity of capturing the political opportunity that is inherent in the democratic transition. In other words, if one takes too long to produce a commission, it is possible that people might lose interest or that the climate would not be opportune for the release of information.

Hayner’s analysis may be counterposed to that of La Rue and others who argue that the time constraints of the truth commission, while not discounting its work, are a considerable impediment to the release of a full and complete truth. This issue is not unrelated to our previous theme—what are the assumptions about truth that underlie these arguments? If one acknowledges that truth is always necessarily partial and constructed, the time limit of a truth

\textsuperscript{13}La Rue, "The Right to Truth and the Right to Justice as Preconditions for the Rule of Law," 175.

\textsuperscript{14}Hayner, \textit{Unspeakable Truths: Confronting State Terror and Atrocity}, 222.
commission appears more like a sacrifice that is acceptable. That is to say, whether the commission works for a year and a half or ten years, it will never produce The Truth; therefore, it is more prudent to take advantage of the political opportunity of the transition. For La Rue and others, a greater time period would mean more opportunity to uncover The Truth, which does exist in a complete form and must be uncovered.

The third temporal issue addressed in the truth commission literature is the problem of how much time is covered in the commission’s analysis. Generally, this is taken to be the period of the authoritarian regime or civil conflict, although this can vary considerably. For example, in Guatemala the authoritarian period (and the period of the civil war between the militarized state and the guerrillas) lasted a full thirty-six years, whereas in other countries this time period was much shorter. Peru’s truth commission, for example, covered the relatively limited period of the activity of the Shining Path. The constraints of how much time the truth commission covers, however, can be problematic for two reasons: first, focusing on a limited period of time can limit the ability of the truth commission to draw larger conclusions about historical/social/cultural roots of the violence; and second, it limits the ability of the truth commission to note continuities in violence that might continue past the authoritarian period.

Truth commission literature has dealt with the first of these issues in two general ways. The first school of thought (echoing previously noted divisions) recognizes that the truth commission is inherently limited in what it can accomplish, and concedes that its product will be a partial accounting of the truth. While noting and analyzing where the time limit of a truth commission can affect its work, these authors have tended to praise those commissions that attempt to overcome this obstacle and provide detailed analysis of the historical roots of
violence. The Guatemalan truth commission is again notable in this regard. Despite being limited to the period of the civil war, the commission’s conclusions recognize that the violence in Guatemala could not be separated from a history of racism against indigenous people and socioeconomic inequality that extended to the colonial period. The second school of thought, again based on the idea that an absolute version of the truth could and should be uncovered, tends to focus on the partiality of a truth obtained by only looking at a limited amount of time.

While I recognize the validity of the observation that the truth commission is working within a number of constraints, and often influential political actors would prefer that the commission not analyze the historical or social roots of violence, it is important to note that the focus on a limited amount of time without a full investigation into the causes of violence (as in the Guatemalan report) can elide the continuities in violence that can extend both before and after the authoritarian period. For example, Haiti mandated a truth commission to address the abuses of the Duvalier regimes. Undoubtedly this was a valuable step for a transition to democracy, but current events in that nation point to the fact that there are a number of social and economic problems that were in play during the Duvalier regime and continue to affect society. I recently attended a forum on the current crisis in Haiti in which a law professor suggested that one key to solving the "Aristide problem" would be to have another truth commission. When asked how this truth commission would differ from the one already


conducted, he did not have an answer. Clearly this points to the need to address both the historical roots of violence and present-day continuities, in order to avoid the need to have a truth commission every few years in particularly troubled countries. As more and more attempts at consolidating democracies run into these problems of continuity, this issue will undoubtedly be addressed more fully in the literature.

C. Truth and Justice

The literature on truth commissions frequently establishes a relationship, whether complementary or contradictory, between the idea of truth as represented by the truth commission and justice, as represented by action taken in a court of law. The problematics of such a relationship are myriad in a democratic transition, linked to the type of transition, the relative strength of various political actors, and the constraints inherent in the search for accountability. Patricia Hayner addresses this issue in a full chapter in *Unspeakable Truths*, subtitling “Truth versus Justice” with the oft-heard question, “Is It a Trade-Off?” The parameters of this debate can be simply described as follows: Does the idea of truth preclude or contradict the idea of justice? More specifically, is it possible to get to the “full truth” if the threat of legal action is a real possibility? In the South African case, discussed by Hayner and others, there was a sense on the part of the commission that it was not possible to have both truth and justice; that is, perpetrators would not openly admit to their crimes unless the possibility of prosecution was removed. Thus, the decision was made to offer individualized amnesty in exchange for truth. In other cases, blanket amnesties have followed the truth commission, such

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17 Personal interview by the author.

18 Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, 86.
as in the cases of El Salvador and Argentina.\textsuperscript{19} Hayner recognizes, however, that the

"actual relationship between truth and justice endeavors... are in fact not so clear. Past experience shows... that truth inquiries have sometimes directly strengthened prosecutions that follow... [and] truth commissions are typically employed in contexts where judicial systems are barely functioning or very weak... and prospects for serious prosecutions are slim-- with or without a truth commission-- even if no amnesty is in place."\textsuperscript{20}

This is an argument for an analysis of the relationship of truth commissions to justice that emphasizes the particularities of history, society, and politics in any given situation, over and above an abstracted notion of absolute justice that must be pursued at all costs. Hayner recognizes that justice is not always possible (and, I would argue, is very often impossible); the number of perpetrators in any given post-authoritarian regime is generally so large as to make full trials simply not feasible. The result can be scapegoating of certain very low-level officers or the very "top brass," with the middle-level officers receiving little or no punishment. A truth commission, then, becomes the more appropriate response in situations such as this, because it allows a version of history to be made public that exposes the crimes of the past, crimes that might otherwise never be addressed in a court of law. Martha Minow takes a similar view in Between Vengeance and Forgiveness, noting that truth commissions with amnesty allow testimony that would otherwise be impossible. She also praises the victim-centered quality of a truth commission as opposed to a trial, critiquing the judicial "ordeal of testifying and cross-examination, often without a simple opportunity to convey directly the narrative of [the victim's]

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\item \textsuperscript{19}It must be noted that Argentina’s blanket amnesty was not passed until a number of prominent human rights violators had been tried; however, the amnesty reversed these convictions. It remains to be seen if Argentina will be able, in turn, to reverse the amnesty and continue the judicial process.
\item \textsuperscript{20}Hayner, \textit{Unspeakable Truths: Confronting State Terror and Atrocity}, 87.
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experiences.”

There is an opposing viewpoint, however, that links the ideas of truth and justice explicitly to the question of “What next?”. In this view, a truth commission is less efficacious if it is not followed by some sort of judicial action to hold those responsible for human rights abuses accountable in a court of law. Frank La Rue, for example, argues that “[t]ruth and justice are not the same thing,” meaning that truth in itself (as represented by the work of the commission) does not solve the problem of prosecuting the offenders. Richard Wilson goes further, claiming that the truth commission, in some cases, can actually be used as a tool of the old regime. Commenting on the Guatemalan case, he writes that “[t]hrough mechanisms such as the [truth commission] and the Law of National Reconciliation (1997), which offer the possibility of amnesty for perpetrators of human rights violations, elite sectors of the government plan to avoid all responsibility for past political crimes.” Such a radicalized view of the relationship of the truth commission to legal action, however, neglects to recognize that the Guatemalan judicial system is profoundly handicapped by the continuing power of the military as a state actor. Even without an amnesty law in place, Hayner notes, there have been but a handful of minor prosecutions for crimes committed during the civil war.

Wilson emphasizes the need for justice in addition to truth; in his view, one must follow

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21 Minow, _Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence_, 58.


the other if transitional justice is to be considered a success. "Truth commissions," he writes, "are often seen as a substitute for full prosecutions, and therefore as an alternative to justice. It must be recognized that no truth commission has ever delivered 'justice' even in the widest sense of the term, since none has functioned as a sentencing tribunal." This viewpoint is consistent with that literature which argues for a truth commission that must, to the best of its ability, produce a version of the truth that is closest to the "full" or "complete" truth that is understood to exist objectively in the world. Calling for justice in addition to truth in all cases is without a doubt, an admirable and optimistic position. However, it fails to recognize the constraints under which democratic transitions take place. The number of actors involved in a transition, the possible continuities of government that compromise the new regime, the relative strength of civil society—all of these elements can affect the possibility of truth being linked to justice in the most ideal way. As Hayner notes, the investigations of truth commissions have occasionally been used in judicial proceedings (as in Argentina), strengthening the link between truth and justice. When such links are not possible, however, she and Minow would not necessarily view the truth commission as a failure. Others, like La Rue and Wilson, stress the importance of using the truth in a court of law in order for the commission to have had a tangible effect.

II. Critiques of the literature

There are two principal areas in which I feel that the literature on truth commissions has been somewhat under-theorized. The first, related to the preceding section on truth and justice, deals with the contradictory ways in which truth is understood within the truth commission and

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24Ibid., 191-2.
the judicial realm. Psychology has a great deal to offer the literature here, particularly in a more nuanced understanding of victim-centered processes of transitional justice. The second area, which we have not touched on thus far, is the issue of gender. While some literature has addressed gender insofar as women are represented within the truth commissions, I believe a more in-depth analysis of both how gender functions within the production of the truth commission and how it appears in the report, i.e. the gendering of violence, would be beneficial to the literature of truth commissions as a whole.

A. Spatializing the Truth

There exists in the truth commission literature a considerable emphasis on the importance of the commission as psychological space; that is to say, as an open and non-judgmental arena in which victims can tell their stories. This is to be contrasted with the psychological space of a courtroom, in which the person giving testimony is continually questioned and challenged. Victoria Sanford writes of the power of testimony as personal therapy, particularly following the recognition of post-traumatic stress disorder (PTSD) as a clinical disorder resulting from environmental stressors. Unlike the judge in a courtroom, who must maintain a veneer of impartiality, people taking testimony from victims of human rights violations participate in “transforming the therapist’s role from neutral observer to partisan witness.” Martha Minow also argues that the telling and hearing of testimonials in a commission setting has healing powers. “The chance to tell one’s story and be heard without interruption or skepticism is crucial to so many people, and nowhere more vital than for survivors of trauma... Could it be that

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speaking to official listeners of the past atrocities accomplishes something important for the individual victims, and for the listening nation?" 26 This statement seems to be in keeping with the “talk therapy” model of psychology described by Sanford, in which the open discussion of trauma is a significant step towards psychological health.

What makes this psychological model interesting is its application not to a private or group therapy session, but its use within a political body that is often sanctioned or mandated by the government. Truth commission literature, particularly that produced by political scientists, has tended to assume much of the talk therapy model without explicitly addressing its implications. The truth commission helps the nation to “move on” from atrocities because it helps the victim to “heal,” but the meaning of these words is often not analyzed with the same rigor applied to other political processes. Because of the therapeutic nature of the testimonials, the veracity of their statements is assumed, and much of the conflict or tension that may underlie their production is elided. For example, Alexandra Barahona de Brito refers to the truth commission as “a moral cleansing of society and a restoration of dignity to the victims.” 27 She does not analyze the idea of truth as it exists within the truth commission, describing “truth-telling... as an act of liberation and democratic affirmation... the only means to recognize past suffering,” and referring to Argentina’s Nunca Mas report as a “truth-telling project.” 28 The human rights groups, in their participation in the truth commission, were likewise “truth-tellers.”

26 Minow, Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence, 58, 61.


28 Ibid.: 579, 89.
I argue that the emphasis on truth as it exists within the truth commission elides some significant historical problematics involving both the production and reception of the truth commission. Without exception, the truth commissions of Latin America were the result of a contested and difficult process, constrained by the interests of a number of social groups with very different goals and ideas. When their reports were published, the reception was similarly divided, with some hailing the commission as a powerful exposé of the past and some decrying it as a constructed falsehood or irremediably biased document. The literature that uncritically adheres to the talk therapy model disguises the disputed and conflictual production of truth, making the truth commission in effect a space in which the "Truth" exists without question.

This becomes particularly problematic when one addresses the idea of truth as it relates to justice. Here we see two distinct understandings of the truth operating side by side, sometimes in the same work. Jaime Malamud Goti writes of the Argentine trials that the “tension behind the trials hinted that the project of ‘judicializing’ the debate over the country’s history could provide harder facts than any other source... [an] official version of reality... [that was] less likely to be challenged than a parliamentary investigation.”29 In this analysis, the trials of human rights violators would seem to provide a more accurate, unbiased version of history than a truth commission because they would adhere to certain legal standards for defining “truth.” Juan Méndez of Human Rights Watch similarly notes that “prosecutions provide a measure of truth that is more complete and more undeniable than that which is achievable through a truth commission.”30 Here, then, we find the question of “How true is the truth?”


30Quoted in Sanford, Buried Secrets: Truth and Human Rights in Guatemala, 52.
These authors would argue that the trials of human rights violators, which must necessarily involve the full investigation of crimes and extensive questioning and cross-examination of witnesses, produces a truth that is "more true" than the truth commission. The latter may investigate some crimes but does not challenge or cross-examine those persons giving testimony, and produces a truth that is significantly more partial than that of a trial.

The element of this debate that I find interesting and problematic is its spatialization of the truth. There seems to exist on some non-explicit level a belief that as far as the victims of human rights violations are concerned, the truth commission represents the Truth. Veracity is assumed insofar as it facilitates psychological healing, as the talk therapy model depends to a certain extent on the assumption of truth. This idea of truth, without addressing the contestation of the commission by other political actors, focuses on victims and their psychological well-being. Outside of the protected space of the commission, however, truth is held to a different standard. The reactions of other social groups become significant, especially in arguments which link truth to justice. The truth of the truth commission is not a complete truth when judged by the standards of a trial, nor is it complete or absolute as it is judged by other social groups with differing political interests. The problems of this debate become clear when the truth commission attempts to "name names" of perpetrators, as did the commission of El Salvador. While the veracity of the naming was considered valid as it existed within the parameters of the commission, in a victim-centered framework, other groups in society (elites and military) challenged the naming and argued that the commission’s acts had trampled on the alleged perpetrators’ right to due process. What I argue for, to conclude, is simply a more thorough theorizing of the problematic of truth within and without the space of the commission.
itself, with attention paid to the victim-centered or social conflict-centered analysis that may influence how the truth is perceived as it relates to justice.

B. Gender

The gendered dimension of violence is another critical yet understudied issue that must be brought to bear in the study of truth commissions. Hayner notes that “perhaps the most commonly underreported abuses in commission reports are those suffered by women, especially sexual abuse and rape. Many commissions have received far less testimony about sexual abuse than in the numbers or proportion that they suspected took place.”31 This type of violence does not figure prominently in truth commission reports for a number of reasons. Cultural prohibitions against the open discussion of rape is a significant factor, particularly in cultures of patriarchal machismo such as Latin America.32 The shame and stigma associated with rape makes it very difficult for women to discuss these crimes with truth commission workers, particularly males with whom the victim is personally familiar. Hayner notes that changes in procedure, such as creating an interview climate in which a female interviewer could privately speak with female victims or allowing women to speak about sexual violations to non-nationals, would be helpful in this regard.33 Undoubtedly this is the first necessary step to creating an environment in which women feel that they can speak freely about their experiences.

31 Hayner, Unspeakable Truths: Confronting State Terror and Atrocity, 77.

32 The same point, however, could be made about the United States, in which only an estimated 10% of rapes are reported to the police. A cultural climate which places blame on the victim of rape, rather than the perpetrator, bears much of the blame for this state of affairs. While new laws that make it illegal to bring up the sexual history of the victim in a rape trial are making progress towards changing this situation, rape is still a topic that is not discussed openly in the manner of other types of violent attacks.

33 Hayner, Unspeakable Truths: Confronting State Terror and Atrocity, 78.
without shame or judgement.

Hayner further notes the frequency with which women are characterized as wives, mothers, daughters, or sisters in truth commission reports, observing that there is “sometimes a general tendency by women to downplay their experiences, emphasizing instead the stories of the men in their families”- i.e. speaking about crimes that happened to male relatives rather than crimes that they themselves have survived.\textsuperscript{34} One might assume that this is a problem that is attributable to the women’s conception of themselves, that this is how they choose to define themselves, so this is how they are represented in the report. However, this analysis fails to recognize the reality of an interview situation, and the power relationship between interviewer and interviewee. If the interviewer phrases his/her questions in a way that assumes the female interviewee to be primarily a wife, mother, sister, or daughter, then the results of the interview will naturally be skewed in that direction. On the other hand, if the interviewer carefully and sensitively designs their questions in such a way as to allow the woman to speak for herself, the results could be very different. The difference between these two approaches is one of production: the latter focuses attention on the means of production of the truth commission process, while the former assumes that the burden of identity is on the victim, and does not attempt to analyze the role of the truth commission worker.

A related issue of gender in truth commission literature is a lack of analysis of the gendered nature of violence itself. Large-scale violence is intimately bound to questions of masculinity and femininity, particularly, I would argue, in a culture of machismo such as that of Latin America. Violence is sexualized, and that sexualization of violence extends to male as

\textsuperscript{34}Ibid., 77.
well as female victims. The multitude of reports of torture that include electric shocks to the genitals (vagina and penis/testicles) and nipples, sexual abuse, and sexualized mutilation of bodies implies that there is a great deal more at stake in the use of torture than the "simple" causing of pain. Rather, the principle aim in this type of abuse is to establish a sense of power and control over another human being by first establishing control of their gendered bodies.

To extend this analysis beyond torture is to examine the role of gender, masculinity and femininity, in the power networks of military authoritarianism. Like violence, power is also gendered, and the construction and maintenance of gendered norms is a critical part of the culture of authoritarianism. I find that an analysis of this phenomenon, in all its layers and levels, to be largely absent from the truth commission literature. Rather, the truth commission is taken to represent a cross-section of history under authoritarianism, with some mention made of the under-representation of women, without the concomitant analysis of what this actually means. Both a theoretical and methodological shift may be necessary here, including the integration of a theoretical framework that addresses gender and power, and a methodology that would allow the scholar to analyze gender as it plays out in particular power dynamics in individual circumstances.

III. New Directions

The interdisciplinarity of the truth commission literature is one of its most fascinating and promising characteristics, as it allows the problem of the commission and the larger issue of transitional justice and democratization to be seen from a number of different perspectives. Creative and thought-provoking approaches are born from the intersection of the social sciences, humanities, and legal studies. The works that I identify as promising new directions in the study
of truth commissions and transitional justice are by no means the only works that understand this problem in new or unique ways. Rather, I chose these works because while they are quite different from each other, they are also cutting-edge in relationship to other work in the field. Victoria Sanford’s *Buried Secrets: Truth and Human Rights in Guatemala* is an anthropologist’s account of transitional justice, based on Sanford’s fieldwork assisting Guatemalan Mayan villagers with the exhumation of their dead. I find both her methodology and her theoretical framework to be insightful, as she explicitly links the individual, community, and nation in her analysis of healing and transition. Incorporating “thick description” as she examines one case study, Sanford is able to chart in detail the power dynamics that are at play in the Guatemalan transition. Marguerite Feitlowitz’s *Lexicon of Terror* is written by a literary critic, an unlikely contender in the field of transitional justice. Yet her analysis of the changes in Argentina’s use of language during the dirty war is another insightful and original way to think about the issue of transition. While I recognize that Feitlowitz’s subject is not the truth commission per se, her methods and frameworks could certainly inform other work in the field. Both of these projects detail individual case studies, which I find a welcome addition to the literature. Truth commission literature, particularly that which arises from political science, has tended to analyze comparative cases, in order to point out larger trends within a region or historical period. The comparative study is also useful for identifying particularity in outliers. However, while these studies are invaluable, the case study is also useful because it allows particular power dynamics, and their gendered components, as well as country-specific history, culture, and society, to be analyzed in depth. As such, the case study may inform the comparative study, giving nuance to its analysis.
Victoria Sanford’s study of the ways in which Guatemalan indigenous people have attempted to recover from the legacies of the country’s thirty-six year civil war is notable both for her use of anthropological qualitative research and for her linkage of different levels of society in order to produce a more complex and complete understanding of the democratic transition. The anthropologist’s use of “thick description” has not been entirely absent from the truth commission literature—Richard Wilson employs it to describe the workings of the Catholic Church’s truth commission in Guatemala, as does Linda Green to analyze the same subject.\textsuperscript{35} I find this type of methodology particularly helpful when dealing with the truth commission, as it seems to function as a tool to understand the production of the commission itself. While it may be argued that truth commission studies do discuss conditions of production, perhaps more than other types of social scientific literature, what I am interested in is not necessarily the type of description that seems common to the literature. This description is a focus on institutions and state-level actors, a sort of “shallow” history that does not analyze the day-to-day workings of the commission and its duties. A thick description, such as that provided by Sanford and to a certain extent the aforementioned others, provides a sense of what the myriad challenges are in the production of the commission itself. How are interviewers trained, and how do they conduct their work? How do the people who choose to testify understand their role in the commission? What are the personal dynamics that may intersect, conflict, or beneficially interact to produce the final report, and how does the report reflect (or not) these issues? These are questions that I believe can best be answered through the use of anthropological/sociological research, because

primarily concerned with the "nefarious ways in which language can be used" that characterized the Argentine dirty war, and her work seeks to understand how this language functioned within society to affect individual perceptions of the regime and the transition. 37 Like Sanford, Feitlowitz uses a qualitative research methodology that focuses on interviews, incorporating substantial sections of these interviews into her text. These sections allow the reader to hear the voice of the subject as much as possible within a research project and act as a sort of "bottom-up" approach to the problem of transitional justice. Rather than starting with institutions and working her way down to the people affected by them, Feitlowitz's methodology allows her to trace the discursive connections between the elites of the military regime and the ordinary Argentines that lived under them. This approach should not replace the institutional focus of much traditional political science work on transitional justice; rather, it can act as a welcome and needed complement, adding a subjective dimension to the transitional process.

Feitlowitz is also unique in her focus on the discursive practices of the regime and the way language in Argentina changed as a result of authoritarianism. This emphasis on language is significant because it becomes a way to track some of the psychological effects of the authoritarian period— as people speak and live through language, Feitlowitz argues, some of the complex and difficult processes of transition may be analyzed as verbal forms. I find it surprising, given her linguistic training, that Feitlowitz did not comment on the power of the truth commission as a text. The truth commission report, I believe, can and should be analyzed for its textual qualities, its use of language, and the way it represents the people and events of the

authoritarian period in a written document. Perhaps this could be an influence of Feitlowitz's work on the study of truth commissions, as other scholars build on her methodological and theoretical foundation to investigate another facet of the commission as process and the commission as report.

IV. Conclusion

The study of truth commissions as a subset of transitional justice has spanned a number of disciplines, including political science, sociology, philosophy, anthropology, and legal studies. It can be roughly and simplistically divided into two groups, that which adopts a philosophical approach focuses on the conceptual nature of truth, and that which focuses on institutions and other state actors. Several issues are common to much of the literature, including an implicit or explicit problematic of the idea of truth itself, the idea of time as it functions within the truth commission, and the relationship of truth to justice (often in the context of what should happen after the commission is complete). While the debates over these issues do much to elucidate the function and role of the truth commission as a mechanism of transitional justice, some problems remain under-theorized or not fully addressed. Two of these problems are the contradictory ways in which truth is understood in the commission and in a legal setting, and the gendered dynamics of the commission and of authoritarian violence itself. One way to think about addressing these problems is the use of an anthropological, qualitative methodology in the literature, employing interviews and other “bottom-up” research to understand the linkages between the subjective experience of individuals and larger political movement and change. Similarly, a theoretical foundation that recognizes these links between individual, community, and nation could inform the truth commission literature, especially as
these links are analyzed within their historical and social contexts. In-depth case studies and qualitative research must complement the institutional and comparative work in existing literature in order to more fully understand the role of the truth commission in transitional justice and the democratic transition.

Works Cited


