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## Truth and Reconciliation Commissions: Problems in Transitional Justice and the Reconstruction of Identity

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**Abstract** This article considers some of the main features of so-called truth and reconciliation commissions, their history and structure and their characteristic concerns with respect to their central dilemmas, including: how they grapple with notions of truth, justice, liability, reconciliation, apology and forgiveness, and how they address the need to support the “reconstruction” of selves and identities in the wake of massive trauma and collective violence. A particular concern is with how such commissions or related tribunals engender what can be called a “one-to-many” dynamic, in which they try to effect social reconciliation while focusing attention, via testimony and story-telling, on the traumas and suffering of individual victims.

**Key words** apology • conflict resolution • identity, truth & reconciliation commissions • violence

In this article I want to consider some of the main features of so-called truth and reconciliation commissions (TRC), their history and structure and their characteristic concerns with respect to their central dilemmas – how they grapple with notions of truth, justice, liability, reconciliation, apology and forgiveness – and also in terms of how they address the need to support the “reconstruction” selves and identities in the wake of massive

trauma and collective violence. A particular concern is with how such commissions (or related tribunals) engender what I call the “one-to-many” dynamic: how they try to effect social reconciliation while focusing attention, via their testimony and story-telling, on the traumas and suffering of individual victims.

### THE DIVERSITY OF TRCs: HISTORY AND STRUCTURE

Truth Commissions or Truth and Reconciliation Commissions (the difference is not trivial) are most generally, “bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or by armed opposition forces” (Hayner, 1994, p. 600). Since 1974 more than 25 Truth Commissions have been established, about 10 each in Latin American (Bolivia, Argentina, Uruguay – twice, Chile, El Salvador, Ecuador, Guatemala, Peru, and Panama), and African countries (Uganda – twice, Zimbabwe, Chad, Rwanda, Burundi, South Africa, Nigeria, Sierra Leone, and Ghana). The remainder occurred in Nepal, Sri Lanka, Haiti, Yugoslavia, and East Timor.

A few things can be said to characterize all such commissions (Hayner, 2002, p. 14): they focus on the past (usually on violations committed under a previous regime), are temporary in duration and are expected to issue final reports, and are established and authorized by a state. In legal terms, Truth Commissions are to be distinguished from “Tribunals” or other more strictly judicial entities, such as War Crimes Commissions, since they do not possess the formal power to prosecute or otherwise render “justice” – an important point to be discussed below (see Minow, 1998). In a few cases, Truth Commissions operate alongside tribunals (East Timor and Sierra Leone), or parallel to other judicial processes (Rwanda).

Yet, what characterizes these commissions is how they differ or are at best wide variations on a theme. Take their duration and the issuance of final reports: they typically complete their work within six months to two years. In a few cases the commissions were disbanded before their work was completed and reports issued (Bolivia and Ecuador), in other cases final reports were completed but never issued publicly (Zimbabwe, Uganda, Philippines), or were issued in severely censored versions (Haiti). By contrast, in South Africa’s case the report, published in 1998, received extremely wide distribution, and the work of the Commission itself was reported extensively by South African and international media. Argentina’s report, issued in 1985, published under the title of *Nunca Mas* (“Never Again”), was widely read in Spanish, translated into English and republished commercially in Britain and the US.

Take their mandates and the basis of their investigative authority. Most have strictly delimited mandates, both as to duration and what “counts” as violation. In the Chilean commission’s mandate, for example, only cases where victims actually *died* under torture were to be counted as human rights violations and investigated. (This left many victims of torture and abuse, who had nevertheless *survived*, angry with the commission and alienated from its work.)

Take the state-based nature of its authority. The majority of commissions were established by executive order (less frequently by legislatures) of the new, post-conflict or post-abuse, government. Nevertheless, in the case of El Salvador the United Nations established the commission, and it was headed by non-Salvadorans. (In this case it was felt that since the abuses had occurred during a civil war, none of the Salvadoran parties had clean hands.) In a few cases, a nongovernmental organization (NGO) established the commission, as in Rwanda and earlier in South Africa by the African National Congress to investigate its own abuses.

Such variations distinguish other aspects of the commissions, for instance in the scope of their work, the resources or legitimacy they command, and observers’ judgments of their ultimate effectiveness or success. With regard to scope for example, a few of these commissions, most notably South Africa’s, added the term “Reconciliation” to their title, pointing to much wider ambitions in the area of post-conflict peace building, while in some other cases the search for “truth” defines the commission’s mandate but the further task of “reconciliation” is controversial (as in Peru) or intentionally left out (Yugoslavia). Yet even where the search for “truth” is highlighted in the commission’s name and mandate, some of the commissions have been able to command wide recognition and respect for their relative impartiality and effectiveness – South Africa and Argentina – while others have been seen as more compromised (Chile’s, where members of the old regime remained influential), as reluctant responses to international pressure (Uganda’s 1974 commission), or merely as platforms to criticize the old regime and legitimize the new one (Chad).

### “JUSTICE”

Most of what has been written by academics, supporters and critics both, of these commissions has focused on the problem of how they relate to *justice* (Avruch & Vejarano, 2001). The crucial point to remember here is that the vast majority of commissions were established by newly emerging and often very fragile democracies, “transitional governments” in Kritz’s (1995) term, which sought or were pressured to present a formal accounting of the violence and civil and human rights violations of the

past. The emphasis here is on the production of an *account* of what happened. More difficult questions, political and moral ones, of *accountability*, are less adequately addressed by these commissions (Baker, 2001; Minow, 1998, Rotberg & Thompson, 2000). The distinction between providing an account and assessing accountability is vital to what distinguishes such commissions from tribunals or other criminal judicial proceedings, and naturally the questions raised will focus attention on the problem of *justice*, specifically on the ability of the commissions to “deliver” justice to victims by finding perpetrators formally guilty of their crimes and rendering some sort of appropriate punishment – *retributive justice*, in other words. Kritz (1995) and others have argued instead for forms of “transitional justice” appropriate to transitional regimes: less adjudicative, formal, and retributive, but in their lesser stringency and flexibility more able to help a new, fragile regime maneuver around the potential resistance posed by former elites and potential “spoilers,” and thus achieve a measure of stability (Stedman, 1997). This is the necessary political compromise some see built into the nature of the Truth Commission, especially if, as in the South African and several other cases, the Commission lacks the power to prosecute but is able under some circumstances to grant amnesty to further prosecution. In fact, the question of whether amnesty should be granted perpetrators is among the most controversial aspects of these commissions’ work.

In addition to the sorts of “tactical” benefits of transitional justice suggested by Kritz, others have gone further – none more eloquently than Bishop Tutu (1999) – in arguing for different *genres* of justice to be recognized as established and validated by the commissions. The sort of justice delivered in a formal criminal judicial proceeding has a long history and appears to most of us (if not always to the philosophers of law) almost self-evident in its definition. It is *retributive* in nature. In distinction to retributive justice, the justice of punishment, vengeance, and *lex talionis*, which is “retroactive” and focused mainly on the perpetrator, others argue for a different form of justice entirely, which they call *restorative* or *reparative*. This sort of justice, based upon forgiveness not vengeance, focuses attention on the needs of the victim as well as the punishment of the perpetrator, and points us to the future rather than the past – that is, toward *reconciliation* (Minow, 1998).

Some critics contest the claim that the victim’s “needs” are better served by restorative than retributive justice; and some researchers have interviewed survivors of deadly violence – in South Africa, Rwanda, or Cambodia, for example – where the desire for retributive justice is strongly expressed (for instance, Lambourne, 2001; Wilson, 2000). About South Africa, Van der Merwe (2001, p. 189) argues, “Fundamentally, the TRC was the embodiment of a denial of justice because the amnesty provision . . .

had robbed victims of their right to criminal and civil recourse.” Other critics might demur on the question of individual benefit, but contest whether the “needs” of society as a whole are best served when perpetrators escape criminal responsibility: whether a so-called culture of impunity is too high a price to be paid for less problematic political transitions. In some conflicts the search for justice is existentially paramount (as many Palestinians argue), and peace without it is inconceivable (e.g., Rouhana, 2004). In any event, the question of the relationship between justice and the TRC is perhaps the central one that these endeavors face. It raises the question, among others, of how far reconciliation can proceed if victims who demand justice feel that it was never attained (or, indeed, ever attempted).

### “TRUTH”

While most writing has focused on the problem of justice, attention has also been paid to the notion of “truth” as featured in the commissions’ title. Here, too, the basic distinction is made between the sort of “forensic” truth established as “facts” in courts-of-law with rules of evidence (often backed up by the standards of scientific proof) and impartial procedure, and the more elusive (but, to advocates, equally valid) sorts of truth sought after and established in truth commissions. In the final report of the South African TRC, four different kinds of truth are set forth. The first is the forensic truth of science and law. The second is “personal” or “narrative” truth, the truth of experience and individual subjectivities. The third is “social” or “dialogue” truth, which emerges through collective discourse and converging *intersubjectivities*. The fourth is “healing” or “restorative” truth, which places truth in a “context” that consciously affirms individual experience and points towards reconciliation (TRC, Final Report, 1998, I[5], pp. 29–45).

Narrative or personal truths especially have been championed as crucial parts of the “memory-work” that these commissions seek to accomplish, ensuring thereby that acts of oppression, violence, and abuse suffered by individuals are inscribed indelibly onto a *public* record and into a *social* memory, and in this way can never be forgotten. (This is why publication of final reports are so important, and why the most detailed, descriptive, and “experience-near” of them – such as Argentina’s *Nunca Mas* – are so chilling and effective.) Arguably, from a psychological point of view, if these commissions are at all truly “therapeutic” for the victims – a claim made by many supporters – it must be because the telling of their stories allows some sort of abreactive release or transformation. (Though how a retelling/reliving of terror and abuse can be “therapeutic” without substantial psychological framing, support, and follow-up – all of which are often not readily available to victims – is an open question.)

But the most important claims for these commissions, especially with respect to the goal of reconciliation, necessarily depend on their construction of social-dialogue and restorative truths – with the latter presumably dependent on the successful emergence of the former. The emergence of social truth, in turn, requires the convergence of individual memories into a collective memory, of singular narratives onto a grand narrative. (The *metanarrative* then becomes “reconciliation.”) There are several reasons to be less than sanguine, here. First, one must acknowledge the practical difficulties of crafting shared or collective narratives about deeply contested pasts – pasts, moreover, acted out in acts of horror and violence. Thus, Michael Ignatieff wrote that truth commissions can only “reduce the number of lies that can be circulated unchallenged in public discourse” (1996, p. 113). Others face the challenge of formulating social truth by requiring something less than a shared or collective narrative. “Reconciliation,” Kelman writes (2004, p. 123), “does not require writing a joint consensual history, but it does require admitting the other’s truth into one’s own narrative.”

Ignatieff’s assertion about the reduction of lies notwithstanding, forensic or scientific-historical truths – the “facts” – however curated, public, or well-established, are often of little practical help. Avruch and Vejarano (2001, p. 51) have commented on the “extant massive facticity about the Shoah that yet deters no Holocaust denier.” Finally, since facts are never really “self-evident,” never stand alone but are always mediated, there is the inevitable problem of the *interpretation* of facts in the creation of narratives. Avruch and Vejarano (2001) continue:

Apartheid security forces and the Latin American generals and colonels apparently believed 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.* (Avruch and Vejarano, 2001, p. 52)

The complexity of establishing *the truth* is hardly limited to the work of TRCs (as centuries worth of philosophical inquiries will attest), but it is a crucial question that they face. Such truth is connected to producing some account of the past, of recent and contested history. Regimes in transition may consciously or explicitly choose not to engage the past in order to safeguard the transition to a more democratic future. This, indeed, was Spain’s decision (political elites both on the left and the right in agreement) after Franco’s death. But now, more than three decades later, with democracy well established in Spain, calls for some sort of

official reckoning with the past – perhaps even a truth commission – are increasing. To many, a past suppressed is a truth repressed, and this constitutes unfinished business for the task of reconciliation, on both the individual and societal levels.

### “RECONCILIATION”

Reconciliation is a topic of increasing concern in conflict resolution or peace studies, particularly as the former has moved beyond mostly investigating the technical problems involved in getting the parties to “the table” to sign an agreement or treaty (thus involving technical issues in negotiation or mediation, for example – in “peacemaking”), and has engaged problems of postconflict dynamics, of “peace building” (Ramsbotham et al., 2005, p. 30). The growing literature on reconciliation reflects a wide variety of conceptions of reconciliation, as both an ongoing process and an outcome. Some stress structural components such as democratization generally, or specific structural arrangements such as the 1951 economic union between France and Germany for coal and steel production that some see as the beginning of postwar European reconciliation. Other researchers have emphasized interpersonal efforts, for instance through dialogue groups, or citizen and student exchanges. But even the “structuralists” agree that some sort of psychological change among individuals is important in making reconciliation achievable – that formal arrangements at an elite level (a “top-down” approach) are not by themselves sufficient. (For a sense of these perspectives see: Abu-Nimer, 2001; Ackermann, 1994; Bar-Siman-Tov, 2004; Chayes & Minow, 2003; Kriesberg, 2007; Rigby, 2001). Some conceive of reconciliation as the final stage of a continuum of conflict-ending endeavors, beginning with conflict *settlement* (the signing of the treaty, the ending of active violence), conflict *resolution* (addressing the root causes of the conflict, making future violence improbable) and “true” *reconciliation* (transforming the relationship between the parties so that future violent conflict appears unthinkable). This way of thinking has had a sobering effect for some conflict resolution specialists regarding the likelihood of full reconciliation in cases involving decades of violent conflict, of extreme asymmetries of power between the parties, or concerning deeply held values or existential fears about survival. The case-in-point here is often the Israeli–Palestinian conflict (Hermann, 2004; Rouhana, 2004).

In the literature on reconciliation, truth commissions are usually cited as one component of the larger process, mainly a way of dealing with past violence, with history. Establishing historical truth, as noted, is no small undertaking, and not all such commissions have added the notion of “reconciliation” to their title or their project – indeed, in a few cases

reconciliation was consciously rejected as an aim. Only a minority of them took on this extra task, the best known of which is the South African TRC (1995–1998); not surprisingly most of what has been written about *truth and reconciliation* has dealt with this case. The literature on TRCs is large and growing; see Avruch and Vejarano (2001) for an overview, and Boraine (2001), Christie (2001), and Stanley (2001) for representative pieces.

If seeking to establish truth – almost any sort of truth – is daunting enough, seeking to go further, and add reconciliation to the aims of the commission, is to add a task of immeasurably greater complexity. For in this case one must necessarily go beyond asserting forensic or even personal-individual narrative truth to the collective, the social-dialogic, level. Reconciliation, which is by nature intersubjective and *multiple*, can only emerge with the creation of at least minimally shared – and probably much more than minimally shared – narratives of the past and visions of the future. At the least, as Kelman (2004) argued, one must be willing to recognize the other's truth as part of one's own narrative. It is hard to imagine a *reconciliation* that is only ever intrapsychic or, if you prefer, it is possible to imagine a personal narrative-truth that is autistic, but not a social-dialogic one.

Lederach (1997) has defined reconciliation as requiring the presence of four ingredients: truth, mercy (or forgiveness), justice, and peace. We have already discussed truth and justice in terms of their vicissitudes. By “peace” Lederach intends the notion of “positive peace” as set forth by Johan Galtung (1969) – a peace beyond the mere absence of direct violence but also of structural violence; one prerequisite here is justice. “Mercy” or forgiveness are more psychologically complex (see Pruitt & Kim, 2004, pp. 220–223, on which the following discussion is based). At root, forgiveness entails the relinquishment of the desire for vengeance. Thus, it entails changes in self-conception and identity, from “one who wreaks vengeance to one who offers forgiveness”. It is possible then to imagine forgiveness as a wholly intrapsychic or intrapersonal process, a unilateral or inner decision, requiring no action from the offender. Jesus on the cross is paradigmatic. He also raises some interesting cross-cultural problems for reconciliation, in ethnoreligious traditions wherein forgiveness is less a doctrinal core value than in Christianity – in Buddhism, Islam or Judaism, for example (see Gopin, 2001; Lambourne, 2001).

But reconciliation (whatever the status of forgiveness) cannot be adequately served by wholly intrapsychic or intrapersonal processes. It requires a transactional process, and usually entails apology, and often contrition as well. Much of the work on apology and forgiveness – psychological, pastoral, theological – has stayed close to the interpersonal case, to “dialogue” in the strict sense of self and alter, I and Thou. But – and here we are getting close to the core of this article and the central dilemma of

the truth and reconciliation commission and issues of identity transformation – how do we get from the one, to the two, *to the many*? The social psychologists Dean Pruitt and Sung Hee Kim (2004, p. 222) pose the problem with deceptive simplicity: “If forgiveness is difficult to achieve at the interpersonal level, imagine how hard it is to achieve between groups. In fact, some authors . . . have questioned whether group forgiveness is even possible.”

### APOLOGY AND FORGIVENESS

Apologies rendered between groups are interesting affairs – whether they are accepted or not is a different question entirely. One way in which such an apology is rendered is by having a representative of the offending group offer an apology to members of the offended group – “the one to the many.” Thus Pope John Paul II apologized to the Jewish people, in March 1998, for the Roman Catholic Church’s failure to speak out against the Holocaust. This was followed in March, 2000, by a more general apology intended explicitly as an act of contrition or “repentance,” for “the errors of the Church” in the past 2000 years, and for “sins committed” against Jews – but this angered some because the Holocaust was not specifically acknowledged.

One-to-many apologies can be tricky. African-Americans have long demanded an apology from the U.S. government for slavery. President Clinton, on a trip to Africa in March, 1998, expressed regret (but did not quite apologize), for slavery, and set off a firestorm in the US among those who claimed he had no right to do so (for example then Republican majority leader Tom De Lay), and those who said his words fell far too short. Clinton apparently felt an official apology would open the door to reparations, which he opposed. On the other hand, a remarkable attempt to negotiate the one-to-many model is the establishment in 1998 of a National Sorry Day in Australia, whereby ordinary Australians took part in ceremonies to mark and apologize to Australia’s indigenous people for the crimes and indignities perpetrated against them. According to the Australian government’s “Culture and Recreation” website:

Sorry Books, in which people could record their personal feelings, were presented to representatives of the indigenous communities. Hundreds of thousands of signatures were received. People could also register an apology electronically. You can view the 24,763 apologies to Australia’s indigenous people made at Apology Australia.

Sorry Day was an annual event between 1998 and 2004. In 2005, it was renamed a “National Day of Healing” with the aim of reconciliation now made explicit (<http://www.acn.net.au/articles/sorry>).

If mercy or forgiveness are essential ingredients for reconciliation, it is difficult to imagine reconciliation occurring in the absence of contrition demonstrated, apologies offered, and acceptance forthcoming. If so, how do truth and reconciliation commissions – South Africa's TRC in particular – fare?

In the course of the TRC's work, there were certainly many instances of victim (or victims' family) meeting perpetrators in situations fraught with emotion. A remarkable film, "Long Night's Journey Into Day" (2000) follows four such cases. One case shows a black policeman who had helped lure seven young activists into a trap where they were killed, confronting and begging forgiveness from the boys' mothers. It is emotionally wrenching, and belies any notion that forgiveness is easily given in such cases. But the film also depicts the confession of a white security officer involved in murderous action, and it appears here that remorse or contrition were not so deeply felt – it was certainly resisted by the embittered wife of the victim. Especially in the face of possible amnesty, confessions or apologies may be "tactical" in nature, and therefore, at the *level of self*, apology and confession "need not be transformative". Such transformation, according to Lederach (1997), "of both self and the relationship between self and other", sits at the heart of reconciliation. Without it, it is difficult to imagine reconciliation effected. Going further, some critics of the process have raised the question of whether the strong "advocacy of forgiveness" surrounding the TRC has meant that, "victims faced with moral pressure [to forgive] by the TRC are further victimized" (Baker, 2001, p. 314).

While no one can deny that many instances of interpersonal reconciliation occurred as a result of the TRC, the goals of the TRC were much grander: they included intrapersonal healing, and interpersonal reconciliation – but also healing and reconciliation between communities, and at the level of the nation. Intrapersonal or intrapsychic healing is therapeutic, and carries implications for self/identity transformation. By extension, an argument can be made for interpersonal reconciliation of the purely dialogic, "I and Thou," type. Here the healing engages two selves, and identity transformation is possible insofar as it is mutually constitutive. But at the level of community, collectivity, and nation-state, the potential for identity transformation becomes much less assured. This is only partly a matter of scale – think of how Clinton's "regret" was not at all unilaterally accepted, for different reasons, by everyone in either community – and the inherent problem in the "one-to-many" dynamic. Fundamentally, it reflects the danger of too easily conflating the individual with the collective, the personal with the political, and therapeutic change with political change (see Rotberg & Thompson 2000; and especially Du Toit, 2000). Finally, it runs the risk of underestimating the sorts of deep psychological transformations in selves that had occurred

before the TRC begins its work, as a result of years of direct physical violence, or terror and abuse. For in this case, we are not dealing with “identity transformation” in some vector-neutral, or “normal developmental” sense. In the aftermath of violence inflicted on selves – and this is the environment in which TRCs attempt to do their work – it is more realistic to think of *identity reconstruction*. And this is indeed a psychologically and politically daunting task, one that underlines the complexity of the “one-to-many” dynamic.

### MANIPULATING IDENTITIES: FROM THE ONE TO THE MANY (AND BACK)

Consider, briefly, two examples highlighting the moral and political complexity of identity transformation in “one-to-many” situations of assessing accountability in the aftermath of extreme and widespread violence.

Among one of several critiques of Israel’s very public trial in 1961 of Adolph Eichmann, Hannah Arendt (1964) took the prosecutors to fault for using the prosecution of one man to stand in for the crimes and atrocities of an entire regime. The scale of the Holocaust, indeed of the entire tragedy of the war in Europe, was beyond the ability of a criminal trial directed against a single individual to contain or to represent. Arendt rejected any trope that had Eichmann stand for Nazism. A trial can only establish the guilt or innocence of, and render punishment to, an individual accused. To go beyond this is to manipulate history for political reasons – and in Israel’s case, in part, to claim the post-Holocaust right to speak for all of Jewry for *raisons d’etat*.

Now consider another tribunal, held four decades later. Slobodan Milosevic appears finally in the Hague and insists on defending himself. In his opening remarks to the court, Milosevic is not only not contrite (nor even, as an Eichmann-like technocratic functionary of death, *banal*) but is positively defiant. He accuses the court of being illegitimate and illegal, aiming to rewrite history and find guilty not only himself but also the whole nation of Serbia. Here are his opening remarks (February 14, 2001), from the trial’s transcript:

Over the past two years all the prosecutors that we have heard here have uttered one particular sentence – that is to say they were just trying an individual . . . So they’re trying an individual and not a nation. All three prosecutors said that. But in all the indictments, they are accusing the whole nation, beginning with the Serb intelligentsia . . . (<http://news.bbc.co.uk/1/hi/world/europe/1820382.stm>)

Of course, the Eichmann and Milosevic cases are mirror images of one another. Eichmann is held by others (in part against his will: “I was just

following orders . . .”) to signify Nazism – the one-to-many. Milosevic, despite explicit claims by the prosecution that seek to retain the criminal-judicial status of the trial, demands that he signify the many, and therefore to condemn him is to condemn Serbia: now the many become one.

Both of these cases involve criminal trials and not truth commissions, and apology, forgiveness, and reconciliation of any sort are not on the table. Neither is identity transformation in the intrapsychic sense – how Eichmann or Milosevic think or feel about themselves – a matter for anyone’s concern. But some sort of identity transformation is on the table, though it is decidedly political and not therapeutic: The State of Israel claims to represent all of Jewry and makes Eichmann represent all of Nazism; and Milosevic himself actively seeks to become the metonym for all Serbs. In making the political machinations of identity manipulation so explicit, both cases illustrate the sorts of parallel political complexities faced by truth commissions in moving from individual testimony (personal or narrative truth) to shared community or national narrative (social-dialogic truth), to reconciliation (restorative truth).

The success of the South African TRC in this matter is equivocal. On the one hand, Richard Wilson (2000) writes of the TRC trying to recognize and collectivize individual suffering through televising the hearings daily (much as Eichmann’s trial was televised). He argues that this succeeded in part, creating a new “national victim” in a “new national collective conscience.” On the other hand, Tom Winslow (1997) argues that while the TRC has worked in some ways to effect reconciliation at the collective level, this can occur at the expense of individual, psychological healing – if, for example, the strong “advocacy of forgiveness,” noted earlier, puts pressure on some victims and forces reconciliation with perpetrators that is not genuine and perhaps even psychologically hurtful. This is especially true if victims had suffered violence at the hands of perpetrators, in fact the usual environment in which TRCs do their work.

#### LEGACIES OF VIOLENCE AND THE RECONSTRUCTION OF IDENTITY

Herbert Kelman (2004, p. 119) has written explicitly of reconciliation as involving a transformation of *collective* identity, of “changing one’s collective identity by removing the negation of the other from it.” In focusing on collective identity, Kelman returns us once again to the core conceptual problem of negotiating the one (individual personal identity) with the many. But TRCs do their work with identities, personal and collective, that have been traumatized by often extreme and perduring physical violence. This violence complicates immeasurably the identity transformative task of reconciliation. The literature on violence, self, and

identity is enormous, and no attempt will be made to summarize it here – beyond the observation that (with the possible exception of unreconstructed cognitive behavioral therapists) most of it focuses in one way or another on how violence is deeply transformative of identity and self, from the shaping of subjectivity (Das et al., 2000), to the rewiring of the brain (Niehoff, 1999). Likewise we must accept from the outset that the effects of collective violence are never just about individual psychological functioning. The “traumatized social self,” as Robben and Orozco-Suarez (2004) maintain, emerges at intersections of self, society, culture, and the globalizing political economies of war and depredation. Though parsed in different terms than “collective identity,” with the notion of the “social self” we are once again facing the problem of the one-to-the many.

Many aspects of social experience or learning, even after the standard “developmental” phases are taken into account, can be “transformative.” What sets violence apart, and why do I insist that not only identity transformation is called for in TRC-based reconciliation, but something more precise and emphatic, identity reconstruction? On the one hand, many social psychologists have analyzed the sorts of cognitive and affective changes which occur in individuals after violent conflict has persisted for some time (see Pruitt & Kim, 2004, pp. 153–160 for a survey). Mostly (Kelman’s work excepted) these stop short of requiring psychological “identity reconstruction” as part of post-conflict reconciliation. On the other hand, “the self,” the psychoanalysts Galatzer-Levy and Cohler (1993, p. 28) write, can be taken to mean “the experience of coherence of experience and vitality of will”. Here is one way in which extreme violence affects the self, precisely, by destroying the subjective experience of coherence, and by vitiating subjectivities of agency, vitality or will.

Here I want to follow the seminal insights of Elaine Scarry (1985) on the consequences of intense and perduring *pain*, and make pain a signifier of violence more generally. In the world of experience, violence and pain are existential correlates; one can think of them semiotically in the same way. Sara Cobb (2003, p. 294) writes, “Violence marks a place where words no longer fit.” Pain, Scarry writes, silences one’s voice, constricts one’s vision and effaces the existence of others. The world of the victim is however not merely shrunk, for intense and perduring pain “unmakes the world.” A world unmade means a self and identity unmade, and “healing” this self and identity requires more than “transformation” to attain or regain a modicum of agency (enough agency to recognize and *forgive* a perpetrator, the agentic cause of your suffering). A world unmade demands rebuilding, reconstruction.

What is not so clear to me is whether such a reconstruction can take place entirely intrapsychically, with “rebuilding” focused on one’s own subjectivity alone. Here I defer to the experienced clinicians or therapists

who have treated such victims. But I have my doubts, since I believe that part of the unmaking, the *deconstruction* of self and identity that takes place as a result of violence ends up somehow incorporating the selves and identities of the perpetrators. In classical psychodynamic terms their *imago* is introjected; in terms closer to Heinz Kohut's (1971) psychology of the self, a new "selfobject" has been constituted. I think the psychodynamically informed work of Vamik Volkan (2001), on ethnic conflict and hatred, on for example "chosen traumas," is broadly supportive of this way of thinking about self and identity reconstruction. (Though Volkan focuses importantly on the transgenerational transmission or reproduction of traumatized selves.) The implication is this: that the psychological part of identity and self-reconstruction requires the victim to come to terms with that part of the perpetrator that is also him/herself. This, it seems to me, is the psychological meaning of forgiveness, that first and necessary part that means one has "let go" of vengeance.

The other implication, less evident in a Kohutian model but crucial for the social scientist seeking to understand reconciliation and the work of TRCs, is that the *other* (the perpetrator, in this way of speaking) collaborates in the reconstruction. Here I come back to my skepticism that healing on this scale can be intrapsychic only. And this joins a practical worry that reconciliation processes that do not do *demand* the participation of the perpetrator will always be partial. And it is with this observation that the classical language of depth psychology can rejoin other discourses used in this essay, particularly the post-Lacanian discourse of language and narratology – for we are really speaking about the creation of joint therapeutic transcripts, of narratives asserting the social and dialogic truths heralded by the South African TRC.

From either perspective relied upon in this work, the psychological or narratological, the therapeutic or political, these are daunting tasks for truth and reconciliation commissions. It is not clear, in their absence, how else the tasks could be accomplished. It is cruel irony to conclude by saying, "The *jury* is still out," but this, in fact, is the case.

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