

## What is a Truth Commission and Why Does it Matter?

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### Abstract

There is a growing body of comparative research that seeks to produce empirical evidence and, thereby, contribute to policy debates on the relative merits of truth commissions. However, these efforts have been plagued by a lack of attention to case selection. The lack of consensus on what constitutes the universe of truth commission cases has contributed to a pattern of inconclusive, inconsistent findings. This article reviews the empirical literature and finds over 70 potential truth commission cases. After examining some of the reasons behind such disagreement, I offer Freeman's (2006) typology of investigative commissions as the best suited to advance research in the field.

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### Introduction

One of the most often noted human rights developments since the early 1980s has been the emergence of the truth commission as a common mechanism to address a history of human rights abuses. Yet, for all the attention paid to this trend, basic questions such as “under what circumstances are truth commissions likely to emerge?” and “what consequences are such investigations likely to have?” continue to be subjects of intense debate. In fact, it is not entirely clear how widespread the truth commission has become. This issue is particularly glaring for the growing number of quantitative comparative studies that attempt to study all examples of the phenomenon. Even allowing for the fact that studies conducted earlier will miss more recent cases, the range of potential truth commission cases identified by different researchers varies tremendously. Of the broad surveys and quantitative studies conducted within the past ten years, the alleged number of cases worldwide varies from less than two dozen to nearly 75. This is partially the result of the fact that some investigations have failed to attract significant international attention. Just as important, however, is the fact that researchers have defined truth commissions in different ways.

Why does it matter that the truth commission label is used in different ways? For the average citizen, it matters little whether or not the investigation his or her government creates is formally called a truth commission. Rhetorically, the term has intuitive appeal – it generates expectations that sordid deals will be brought to light and official lies exposed. Whether investigating human rights violations, corruption, the manipulation of intelligence or any other events about which details are murky, the “truth” is a welcome antidote. The semantics of how the investigation is labeled will matter little to most individuals. As academics, activists, and policymakers, however, we

should care about the meaning behind the label. It would be beneficial if a common language was adopted to better facilitate truth commission research and clarify policy discussions.

Following important early case studies of individual truth commissions, there is a growing body of comparative research that seeks to answer questions about the circumstances in which truth commissions are likely to emerge and the effects that these bodies have on individuals and societies. However, this research program is hampered by a lack of consensus on what should be studied. Scholars are employing more empirically-oriented, methodologically sophisticated tools for evaluating truth commission-related claims. Yet, virtually no two compilations of global truth commission experience are the same. Although other methodological factors also contribute, the lack of agreement on what cases are truth commissions is likely to be at least partially responsible for the inconsistent findings produced thus far. Ideally, it would be beneficial to settle on a typology of investigative commissions in order to advance empirical research. At a minimum, researchers need to be more explicit as to what criteria they use in identifying cases for study. Only then will this research better enable policymakers to effectively weigh the relative merits of the growing body of transitional justice research and develop transitional justice strategies.

In this article, I trace how the growing literature has treated the truth commission. On the surface, there appears to be relative consensus on truth commissions being temporary bodies that are officially established to investigate a pattern of human rights abuses that occurred in a country's past. Yet, as we shall see, recent research has produced divergent, contradictory findings. In practice, identifying the appropriate universe of cases has been less straightforward. I proceed to explore the various ways in which truth commissions have been defined and how these definitions have been applied empirically. I conclude by offering Mark Freeman's (2006) typology of human rights investigations as the definition offering the most analytical clarity and the strongest potential to move the field forward.

### **The Growing Comparative Truth Commission Literature**

In recent years, a growing number of researchers have undertaken ambitious projects that compare all truth commission cases in order to attempt to answer important transitional justice questions, namely: "under what conditions are various forms of transitional justice likely to emerge?" and "what effects are these mechanisms likely to have on transitional societies?" In particular, several have employed statistical techniques toward these ends. This is partially a reaction to the fact that many of the claims regarding the beneficial properties of transitional justice are built upon shaky theoretical and empirical foundations (Mendeloff, 2004, Forthcoming). Thus far, however, progress has been stymied by the twin challenges of identifying the statistical technique best suited to test for causation and adequately measuring key concepts. The truth commission is one such concept.

Existing quantitative truth commission research has reached divergent, contradictory conclusions. Studies that examine the circumstances surrounding truth commission creation do not necessarily agree on what factors make truth commissions more or less likely to occur. Kim (2005) finds that countries in the same region or with the same dominant religion as countries that have utilized a truth commission are less likely to establish a truth commission. However, countries that share both of these traits with another country that has created a truth commission are more likely to create a truth commission of their own. Dancy and Poe (2006) find evidence for regional diffusion, but not global diffusion of a truth commission norm. In addition, Kim finds that wealthier countries and those with more highly educated populations are less likely to create truth commissions. Conversely, Dancy and Poe's analysis concludes that national wealth does not have an effect. However, their study concludes that more democratic states are more likely to establish a truth commission. Truth commissions are also more likely to be established surrounding presidential elections. Although the results do not achieve statistical significance, Kim interprets the signs of the coefficients and contrary to much of the qualitative research on the subject, concludes that states with stronger outgoing regime are more likely to adopt truth commissions. By contrast, Dancy and Poe find that UN mediation, which though they do not test might be less likely when the outgoing regime is strong, is positively associated with the creation of a truth commission. Also going against the conventional wisdom of earlier case study work, Kim finds that countries that have created other transitional justice measures are more likely to adopt truth commissions.

Studies of the effects of conducting truth commissions have also yielded inconsistent results. For instance, one study finds weak evidence that truth commissions are beneficial for future human rights practices (Brahm, 2006). Contradicting this is another study that finds some evidence to suggest human rights are worsened by truth commissions (Payne, Olsen, & Reiter, Forthcoming). Another study, confined to Latin America, finds that human rights are better protected in countries that have employed truth commissions *and* trials than in countries that have used other transitional justice strategies (Sikkink & Walling, 2007). With respect to potential democracy-promoting properties, in Latin America, truth commissions appear to be a positive force (Kenney & Spears, 2005). Studies that consider truth commission experience globally, however, find no statistically significant relationship (Brahm, 2006; Payne et al., Forthcoming). Finally, truth commissions appear to be largely irrelevant for peace building (Lie, Binningsbø, & Gates, 2007). To be sure, these varying and contradictory results are largely the result of researchers employing different statistical models and measures of key independent and dependent variables. Of equal importance is the fact that these studies have identified vastly different numbers of truth commissions as a basis for their analysis. There are important differences in the ways in which these studies have defined their populations.

### **Defining the Truth Commission**

The most widely used truth commission definition comes from transitional justice expert Priscilla Hayner. She describes them as “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 armed opposition forces” (Hayner 1994: 558). Elsewhere, Hayner (Hayner, 2001b) 14) elaborates on this basic definition. First, truth commissions investigate *past* human rights abuses. They do not focus on on-going human rights abuses like a human rights ombudsman might. Second, truth commissions examine a *pattern* of human rights abuses over time rather than a specific event. Third, truth commissions are *temporary* bodies. Finally, truth commissions are *official bodies* sanctioned, authorized, or empowered by the state. As we shall see, Hayner is not always consistent in her application of the definition. Nonetheless, it is possible to overstate these inconsistencies. Her purpose is to describe the investigative trend in international human rights rather than undertake a rigorous comparative analysis. However, several subsequent researchers have taken her work at face value.

Several others have adopted definitions that generally closely resemble Hayner’s characterization. Some examples include:

an official body, often created by a national government, to investigate, document, and report upon human rights abuses within a country over a specified period of time. (Teitel, 2003)

an investigatory body established by the State or by a dominant (and often dissenting) faction within the State, to determine the truth about widespread human rights violations that occurred in the past, and to discover which parties may be blamed for their participation in perpetrating such violations over a specified period of time. (Quinn, 2001)

a *temporary* body, set up by an *official authority* (president, parliament) to *investigate a pattern* of gross human rights violations committed over a period of time in the past, with a view to issuing a *public report*, which includes *victims' data* and *recommendations* for justice and reconciliation. (Bronkhorst, 2003, emphasis in original)

[a body] created in a postconflict situation to examine past atrocities, issue findings of responsibility, and make future-oriented recommendations designed to foster and consolidate democracy and a human rights culture. (Borer, 2005)

[an] officially sanctioned, temporary, non-judicial investigative bod[y]—... granted a relatively short period for statement-taking, investigations, research and public hearings, before completing their work with a final public report. (Office of the United Nations High Commissioner for Human Rights, 2006)

An *ad hoc*, autonomous, and victim-centered commission of inquiry set up in and authorized by a state for the primary purposes of (1) investigating and reporting on the principal causes and consequences of broad and relatively recent patterns of severe violence or repression that occurred in the state during determinate periods of abusive rule or conflict, and (2) making recommendations for their redress and future prevention. (Freeman, 2006, emphasis in original)

Few of these authors attempt to apply their definition to the various commissions conducted around the world to identify how many truth commission cases have actually existed.

Empirical studies frequently do not dwell on definitional issues. To be sure, because much of the truth commission literature is made up of individual case studies, the definitional question is often sidestepped entirely by simply labeling the case as an example of a truth commission. Many small-N case study researchers Hayner’s adopt

definition (Chapman & Ball, 2001; Kaye, 1997). Large-N studies also frequently follow Hayner (Brahm, 2006; Dancy & Poe, 2006; Kim, 2005; Sikkink & Walling, 2007) and have updated her work with news searches and reports from NGOs like Amnesty International and the International Center for Transitional Justice to build their core list of truth commission cases. However, most do so without explicitly discussing why some cases were accepted or rejected. Others cast the net wider to include any “newly established, temporary body officially sanctioned by the state or an international governmental organization to investigate past human rights abuses” (Payne, Olsen, and Reiter Forthcoming: 43). Still others, seeking to protect unpublished data, do not provide a list of cases at all (Binningsbø, Elster, & Gates, 2005; Lie et al., 2007).

Across the literature, there is often a disconnect between the truth commission definition adopted and its empirical application. Definitional ambiguities have allowed researchers to reach different conclusions on whether to include a particular case. In addition, where searches of news sources have been used to update data, potential new cases have sometimes not been scrutinized beyond matching keywords. As a result, some commissions have been included simply because they have “truth,” “reconciliation,” or “human rights” in their names without a careful look at the case itself. There has also often been a failure to explicitly state when a truth commission is said to exist. For various reasons, it may not fully develop. Table 1 contains the truth commission cases identified by several recent broadly cross-national studies.

Follow [this link](#) to see Table 1.

### **Variation in Application**

A number of the differences one observes in compilations of truth commission cases arise due to definitional ambiguity. First, scholars and activists have varied in their interpretation of official sanction for the commission. Second, lists differ in the interpretation of what constitutes a pattern of abuses. Third, there is some disagreement on whether a truth commission must be an entirely new institution – in other words, what does temporary mean? A fourth type of problem arises due to excessive elaboration on Hayner’s definition. For instance, some of the example definitions listed above presume the ends of truth-seeking such as consolidating democracy or promoting reconciliation. Not all commissions have had these goals in their mandate and, as we have seen, empirical research has not yet concluded whether these, or others, are plausible goals. In addition, many definitions are overly specific in prescribing particular powers or properties, such as public hearings, that are not characteristic of all bodies that would otherwise qualify as truth commissions. What is more, some variation in lists of truth commissions is a result of different, often implicit, criteria for marking when a truth commission should be counted. Finally, some explicitly reject some elements of Hayner’s original characterization.

### *What Constitutes Official Sanction?*

There have been a number of cases in which a legacy of human rights violations have been investigated by civil society groups when government action has not been forthcoming. In Uruguay, for example, Servicio Paz y Justicia (SERPAJ), a network of activists and church organizations, documented the country's history of human rights violations in *Uruguay: Nunca Mas*. The Paraguayan Committee of Churches' Proyecto Nunca Mas (Never Again Project) did much the same in that country. The Russian organization Memorial has chronicled government human rights abuses dating back to the Russian revolution. Perhaps most well-known of the NGO truth commission-like investigations is the *Brazil: Nunca Mais* project. Beginning in 1979, the Archbishop of Sao Paulo and the World Council of Churches sponsored a clandestine nongovernmental investigation of human rights abuses by the Brazilian military government. Lawyers connected to the Catholic Church made copies of documents related to hundreds of cases before military courts and sent them abroad for safekeeping. The final report, published in August 1985 outlined allegations of torture and murder by government forces since the military takeover in 1964.

These cases may amount to a truth commission depending on what definition one adopts. Teitel and Quinn go furthest in articulating a definition in which NGO investigations could be included. Teitel's use of "often" suggests a truth commission does not necessarily need to be a creation of a national government. Quinn allows for "factions" to create truth commissions. Hayner includes the African National Congress' investigations into its own behavior in its camps during apartheid, despite the fact that the ANC is clearly not a state. However, because her definition simply requires authorization by the state, it creates the possibility that rhetorical governmental support of an NGO investigation may be sufficient to satisfy the "official" element of the definition.

In fact, of the definitions discussed above, only Bronkhorst and Freeman explicitly identify truth commissions as the product of state action. However, of the empirical comparative truth commission research, rarely have NGO investigations been considered part of the truth commission universe. If mentioned, these NGO investigations are characterized as "quasi-truth commissions" or "truth commission-like." Analytically, they are best considered different phenomena. Commissions that are not the product of government action cannot have the same powers and access to information nor place the same obligations on the state.

One problematic case in this regard is Rwanda. Prompted by domestic NGOs, representatives of a number of international NGOs investigated human rights violations in the aftermath of the Arusha Accords. While the two week investigation was not appointed by the Rwandan government, the government gave its official blessing to the process (Hayner, 1994). Hayner's own classification of this case shifts over time from including it in her 1994 article based on government consent to later describing it as a "quasi-truth commission" (Hayner, 2000). There is some ambiguity in this case, but if one were to generalize the logic, one could argue that some Amnesty International fact-finding

missions might also be truth commission candidates. Therefore, it is prudent to omit it as a truth commission case.

### *What is a Pattern of Abuses?*

A second source of variation relates to how broad of a pattern of human rights abuses is deemed necessary to constitute a truth commission. While many bodies considered truth commissions investigated events that occurred over the span of multiple years, some include investigations of individual events in addition to a pattern of abuses (Payne et al., Forthcoming). Bronkhorst (1995, 2003) includes several narrower investigations, which he often refers to as commissions of inquiry, but it is not clear whether he also considers them to be truth commissions. It is also unclear whether or not Payne et al. have considered the cases he mentions. For her part, Hayner (2001) includes the 1995 international inquiry in Burundi, despite the fact that it focused on one event, the 1993 assassination of President Melchior Ndadaye.

In reality, there is no specific length of time to select to distinguish truth commissions from other related bodies that would not be somewhat arbitrary. However, of the truth commissions about which there is general consensus on their inclusion, the vast majority looked at human rights violations stretching over several years, what Freeman (2006) refers to as a “broad” pattern of abuses. Truth commissions are often charged with investigating human rights violations across all of, or at least a substantial portion of, a civil conflict or a particular regime’s existence. While not stipulating a specific number of events that amount to a pattern of abuses, the strategies, resources, and goals of investigating a single event or a concentrated episode versus a broad historical period are sufficiently different to warrant considering these types of investigation as distinct phenomena.

### *The Temporary Nature of Truth Commissions*

Differences in truth commission compilations are also driven by whether investigations by existing government organs are included. Rather than create special, temporary commissions to investigate a history of human rights violations, some governments have empowered existing state institutions, like special prosecutor’s offices, to do the job. While the institution is not temporary, the investigation is. As a result, some have concluded that these are also truth commissions. In fact, Teitel, Quinn, and Borer do not specify a temporary nature in their respective definitions at all. However, most conclude these are not truth commissions.

Two cases, in particular, epitomize this controversy. One is Honduras where, in 1993, the National Commissioner for the Protection of Human Rights investigated over one hundred cases of disappearances from the 1980s. In many respects, the commissioner’s investigation conforms to the truth commission model in that it sought to uncover details of past human rights abuses. The commissioner, however, took on the task along with his other duties. While some assert that the case is a truth commission (Bronkhorst, 1995; Kaye, 1997), other observers

describe it as being close to, but not quite, a truth commission (Hayner, 2000) p. 348.

A second prominent example in this regard is Ethiopia. After the overthrow of the Derg in the early 1990s, the Ethiopian Chief Special Prosecutor's Office was charged not only with trying members of the Mengistu dictatorship but also with assembling a historical record of the crimes that occurred during the period. One observer found the Special Prosecutor effective in separating these two tasks (Mayfield, 1995). However, while this may have been true early on, ultimately it was not. While Hayner includes the case in her 1994 article, Ethiopia is not included in her 2001 book, a change that appears to be due to the decision of the Chief Special Prosecutor's Office to drop the truth report that had earlier been planned (Hayner, 2000: 348). Here, the truth commission aspect of the prosecutor was explicitly sacrificed in meeting other duties of the office.

Because investigations by existing government organs differ in significant ways from truth commissions, they should be treated separately. They often lack the high profile of truth commissions because the investigations are buried amidst the office's other duties. Standing government ministries also have responsibility for investigating and preventing ongoing human rights violations to say nothing of other crimes. Truth commissions, by contrast, have frequently been prominent national events that have actively engaged the public and focus on human rights violations. What is more, investigations by existing government entities often have limited independence from politics and government. The civil servants or political appointees conducting the investigations are likely to be far from impartial. This is not to suggest that truth commissions cannot be partial, but the permanent nature of government institutions means that investigators will likely have a strong incentive to keep their jobs, which may influence the investigation. Commissioners and staff of truth commissions may be chosen for their political views, but the body is still autonomous. In the interest of analytical clarity, therefore, only bodies that enjoy relative independence from the state should be considered truth commissions (Freeman, 2006).

### *The Nature of Crimes*

Some investigations described as truth commissions stray from human rights as a central concern. For example, some Venezuelan NGOs have called for an independent investigation into the aborted 2002 coup attempt because they do not trust government organs to do so fairly, a proposal some have characterized as a truth commission (Mendez & Mariezcurrena, 2003). In addition, Bronkhorst lists as a truth commission Niger's 1992-3 Human Rights Commission of the National Conference (Bronkhorst 1995: 86-89). However, it looked only at corruption cases. Furthermore, Tajikistan's Commission on National Reconciliation, which appears on some lists (Dancy & Poe, 2006), was a transitional governing body rather than specifically human rights-oriented. More recently, Bangladesh's Truth and Accountability Commission was also a corruption body. By contrast, while the Chadian truth commission was also charged with investigating corruption charges, it was in addition to gross human

rights violations.

While there is general consensus that truth commissions investigate human rights violations, there is less definitional agreement on other areas. Even with respect to human rights, the definitions by Bronkhorst and Borer emphasize gross violations and atrocities respectively, while Freeman describes severe violations and repression. Although opening the secret police files in Eastern Europe communism might have similarities to truth commissions (Kaminski & Nalepa, 2006), the former's concern with sorting out fact from fiction in secret police files to screen individuals for public office makes them qualitatively different. Although countless events in the world cry out for a more complete truth, labeling any sort of investigation a truth commission stretches the concept beyond utility. Truth commissions have typically focused on core human rights violations such as murder, disappearance, torture, and illegal detention.

#### *The Attributes and Goals of Truth Commissions*

Some definitions privilege particular truth commission attributes. The UNHCHR, for instance, specifies statement-taking and public hearings as key elements. Over time, truth commissions have tended to increasingly engage victims through widespread statement-taking. In addition, public hearings have frequently been used in African truth commissions and have increased in global popularity since South Africa's TRC employed them. However, neither is necessary for the investigation of past human rights violations. Freeman's definition provides the essential tasks: investigating, reporting, and making recommendations. For reasons he does not fully explain, Freeman (2006) excludes the Philippines, Uruguay 1985, and Zimbabwe. What unites these three cases is that none completed their investigation or issued a report. In other ways, the bodies conform to his definition. In fact, in accordance with Freeman's definition, one of their primary purposes was reporting and making recommendations. However, political circumstances brought their work to an early end. Therefore, it would be prudent to include them.

Several truth commission definitions suggest specific ends for the truth commission exercise. Bronkhorst, for example, sees justice and reconciliation as a truth commission's ultimate goal. Borer argues they are designed to promote democracy and a human rights culture. Quinn, too, suggests accountability, or at least placing blame, is a desired end. The cause-effect relationships posited about conducting truth commissions, however, rest on weak theoretical and empirical foundations (Mendeloff, 2004). There are a multitude of possible motivations behind establishing a truth commission, and relatively little empirical investigation into its effect, whether intentional or not. Therefore, including presumed ends in the definition risks omitting some cases.

#### *When Should a Truth Commission Be Counted?*

There is disagreement in the truth commission literature as to when a truth commission should be

counted. Some of the confusion with respect to truth commission cases arises due to the promotional role much of the literature serves. When some truth commissions are not counted, it sometimes is due to the fact that the cases lack international visibility. Truth commission cases have varied in the degree to which national governments and local civil society have consulted with international experts. As a result, some more purely domestic efforts like South Korea's have failed to attract much attention outside the country, at least until much later. Therefore, these local truth-seeking experiments may fail to appear on lists of truth commission cases.

At the same time, other cases may be included prematurely. Much of the writing (including this article) emphasize the dramatic rise of the truth commission phenomenon. In so doing, writers often mention countries where truth commissions are in the proposal stage to illustrate that they are not a fad. For instance, Hayner (1994) mentions Malawi and Mexico and Chapman and Ball (2001) point to Cambodia and Colombia as places where truth commission discussions had progressed to varying degrees. For a variety of reasons, the proposals have not come to fruition. Many proposals remain on the drawing board indefinitely. For example, Mexico still awaits a truth commission more than a decade later amidst parallel judicial processes. While there is nothing in principle wrong with reporting on truth commission proposals, the compiler of truth commission experience needs to utilize caution in accurately describing the incidence.

The various lists of truth commission cases at least implicitly adopt different criteria for marking a commission's existence. Some identify cases when truth commissions have been proposed by local or international NGOs, by governments, or in the context of peace negotiations. Until they actually come into existence, however, obstacles may result in the commission not becoming a reality. Civil society may lack the ability to pressure the government, peace talks may dissolve, or governments may lack the resources to follow through. Others, by contrast, appear to include a commission as a case when there is an agreement on creating a truth commission. For instance, it may be added to the list if a government agrees to a truth commission by issuing an executive order, the legislature passes a bill to create one, or a peace treaty contains provisions for a commission. At this stage, a range of issues, including selecting commissioners and allocating resources, may still derail the investigation before it gets off the ground. Finally, one might use the commission's inauguration or its first day of investigative work as the relevant cut-off point. Even at this point, a lack of resources and/or political support may bring the truth commission to a premature close. Regardless of the selection criteria chosen, they are often not explicitly articulated. Even for bodies

that are widely considered to be truth commissions, it is not always explicit what date is being marked. Hence, the dates in Table 1 are not always consistent. Particularly for empirical analysis, these differences can be significant.

A number of examples illustrate this problem. For example, progress on a long-discussed UN-sponsored truth commission in Burundi appears to have stalled, perhaps permanently, due to disagreements between the Burundian government and the UN. Other potential recent cases have stalled further along, but before significant investigation got started. In Fiji, for instance, legislation for a truth commission was crafted before progress was disrupted by the 2006 coup. As a result, depending on a researcher's research question, it may or may not be appropriate to include the case. Similarly, the Indonesian parliament established a truth commission in 2004, but it was struck down as unconstitutional after some human rights groups challenged some of its provisions in court. To increase the validity of their findings, it is crucial that empirical researchers explicitly outline theoretically-grounded case selection criteria.

#### *Truth Commissions as a Transitional Justice Tool*

The field of transitional justice got its name due to the fact that its focus is on opportunities to pursue justice for human rights violations that are afforded by political transitions (often, but not always, toward democracy). Circumstances may dictate that the investigation not happen immediately after the transition, but that break with the past that is the transition is still key to creating the opportunity. Seeing truth commissions as a product of the post-conflict environment helps to further separate them from related phenomena.

Most lists of truth commissions contain a mix of investigations that are either created in the midst of conflict or in the course of building a fragile peace. One country commonly on truth commission lists is Sri Lanka. Throughout the 1990s, a number of investigations were conducted in Sri Lanka of government and military misdeeds during the fight against the Tamil Tigers. The investigation most often identified as a truth commission is the three regional Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons, which were established in 1994 to look at human rights violations as far back as 1988. The different ways in which this case has been treated reflect divergent views of what constitutes a transition. The 1994 Sri Lankan commission emerged not after a sharp break with the past, but after elections brought a new government to power in 1994. No definitions specify that a truth commission must necessarily be connected to a transition. To do so would be to unnecessarily restrict the universe of cases.

Germany is a frequently mentioned truth commission case from the 1990s, but has been treated unevenly due to the uniqueness of the transition. The German commission was an historical study of human rights violations in

the communist East. This case was unusual in that essentially only half of the country was undergoing a transition. The West absorbed the East and past events in West Germany did not figure in as a subject of study. Therefore, the investigation was not a truly national project. What is more, although violations of physical integrity rights certainly occurred in East Germany, bureaucratic abuses were more common. Overall, it more closely resembled a parliamentary commission and even included a number of MPs as commissioners. This makes it a bit less independent than other truth commission cases. At the same time, it did investigate human rights violations, provided a venue for victims, and produced recommendations (Beattie, Forthcoming). On balance, therefore, I find no compelling reason to exclude the case.

### **Conclusion: The Place of Truth Commissions in a Universe of Investigative Commissions**

Freeman (2006) provides a useful typology of how the field can distinguish truth commissions from other forms of ad hoc national human rights commissions of inquiry. He distinguishes truth commissions from investigative commissions that are event-specific, thematic, institutional, and sociohistorical in orientation. Event-specific investigations examine a concentrated episode of human rights violations. A particular massacre or repression surrounding an election may be the topic of an investigation. Frequently, these bodies are a precursor to legal proceedings. Thematic commissions focus on the analysis of public policy. Institutional investigations, which may be prompted by internal or external authorities, examine events within a particular institution.

Sociohistorical investigations address historical wrongs, which may have occurred in the distant past, a generation or more prior. As such, the goal of the investigation is typically to determine what the lasting political and socio-economic consequences of past misdeeds. The investigations are often a precursor to an official apology, reparations, or other affirmative measures to provide redress. They have usually occurred in well-established democracies where human rights ideas sit uncomfortably with a brutal history of slavery and the subjugation of indigenous populations. Canada's recently established Truth and Reconciliation Commission is a prime example of this. The fact that they are far removed from the immediate post-conflict period makes historical commissions qualitatively different. Sociohistorical commissions are most commonly confused with truth commissions. In an interview, Priscilla Hayner describes the Canadian Royal Commission on Aboriginal Peoples, Canada's first investigation of the treatment of First Nations, as an example of a truth commission (Hayner, 2001a). At another point, however, Hayner describes the Australian Human Rights and Equal Opportunity Commission's 1997 report on the practice of forcibly removing Aboriginal children from their families, as being a quasi-truth commission (Hayner, 2000: 348). The 1982 US Commission on Wartime Relocation and Internment of Civilians which looked at the treatment of Japanese-Americans during WWII is an example of a similar investigation. Do such episodes amount to truth commissions, however? While these investigations have sought to uncover details of past wrongdoing, because

these historical commissions took place decades after the events in question and current generations are often not the direct victims of human rights violations, they amount to qualitatively different phenomena. Sociohistorical commissions are often the product of changing norms rather than political transition.

Specifying a truth commission definition is not intended to impose an arbitrary label or to restrict popular usage. If Greensboro finds it symbolically powerful to label its investigation of its troubled past the Truth and Reconciliation Commission, I see nothing wrong with this. However, the act of naming does not necessarily make it analytically equivalent to a nationwide investigation of a pattern of human rights abuses. Researchers need to give careful consideration to case selection in order to produce more consistent, policy-relevant knowledge, which is a primary motivation for many in the field. I have made the case for why a uniform definition is important and why Freeman's definition offers the field the best way forward. The cases in bold in Table 1 appear most clearly to be truth commission cases that actually began their investigations. Depending on the nature of one's research question, it may be prudent to include abortive cases in a broadly cross-national study. Regardless of whether or not any truth commission definition becomes widely adopted, it is imperative that researchers be more explicit in outlining their case selection criteria to better allow their research to be evaluated and compared with others. Ultimately, the choice should be driven by the research question. However, classifications should be based on both internal validity (the commission conforms to the definition adopted) and external validity (the commission is widely considered to be a truth commission) (Freeman 2006: 21).

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