

THE MORALITY OF TRUTH COMMISSIONS

TRUTH

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Truth V Justice The Morality Of Truth Commissions

Clemens Wendtner



Truth V Justice The Morality Of Truth Commissions:

Truth v. Justice Robert I. Rotberg, Dennis F. Thompson, 2010-07-01 The truth commission is an increasingly common fixture of newly democratic states with repressive or strife ridden pasts From South Africa to Haiti truth commissions are at work with varying degrees of support and success To many they are the best or only way to achieve a full accounting of crimes committed against fellow citizens and to prevent future conflict Others question whether a restorative justice that sets the guilty free that cleanses society by words alone can deter future abuses and allow victims and their families to heal Here leading philosophers lawyers social scientists and activists representing several perspectives look at the process of truth commissioning in general and in post apartheid South Africa They ask whether the truth commission as a method of seeking justice after conflict is fair moral and effective in bringing about reconciliation The authors weigh the virtues and failings of truth commissions especially the South African Truth and Reconciliation Commission in their attempt to provide restorative rather than retributive justice They examine among other issues the use of reparations as social policy and the granting of amnesty in exchange for testimony Most of the contributors praise South Africa s decision to trade due process for the kinds of truth that permit closure But they are skeptical that such revelations produce reconciliation particularly in societies that remain divided after a compromise peace with no single victor as in El Salvador Ultimately though they find the truth commission to be a worthy if imperfect instrument for societies seeking to say never again with confidence At a time when truth commissions have been proposed for Bosnia Kosovo Cyprus East Timor Cambodia Nigeria Palestine and elsewhere the authors conclusion that restorative justice provides positive gains could not be more important In addition to the editors the contributors are Amy Gutmann Rajeev Bhargava Elizabeth Kiss David A Crocker Andr du Toit Alex Boraine Dumisa Ntsebeza Lisa Kois Ronald C Slye Kent Greenawalt Sanford Levinson Martha Minow Charles S Maier Charles Villa Vicencio and Wilhelm Verwoerd

Truth Commissions and Transitional Societies Eric Wiebelhaus-Brahm, 2010-01-05 This book uses a multi method approach to examine the impact of truth commissions on subsequent human rights protection and democratic practice and features cross national case studies on South Africa El Salvador Chile and Uganda

Assessing the

Long-Term Impact of Truth Commissions Anita Ferrara, 2014-09-19 In 1990 after the end of the Pinochet regime the newly elected democratic government of Chile established a Truth and Reconciliation Commission TRC to investigate and report on some of the worst human rights violations committed under the seventeen year military dictatorship The Chilean TRC was one of the first truth commissions established in the world This book examines whether and how the work of the Chilean TRC contributed to the transition to democracy in Chile and to subsequent developments in accountability and transformation in that country The book takes a long term view on the Chilean TRC asking to what extent and how the truth commission contributed to the development of the transitional justice measures that ensued and how the relationship with those subsequent developments was established over time It argues that contrary to the views and expectations of those who

considered that the Chilean TRC was of limited success that the Chilean TRC has in fact over the longer term played a key role as an enabler of justice and a means by which ethical and institutional transformation has occurred within Chile With the benefit of this historical perspective the book concludes that the impact of truth commissions in general needs to be carefully reviewed in light of the Chilean experience This book will be of great interest and use to students and scholars of conflict resolution criminal international law and comparative legal systems in Latin America *Crime, Truth and Justice* George Gilligan, John Pratt, 2013-01-11 This book analyses the production of criminological knowledge with particular reference the official inquiry It investigates the structures and processes of official discourse and the ways in which this produces knowledge on crime and justice *Truth Commissions* Onur Bakiner, 2016-01-15 Onur Bakiner evaluates the success of truth commissions in promoting political judicial and social change He argues that even when commissions produce modest change as a result of political constraints they open new avenues for human rights activism and transform public discourses on memory truth justice and reconciliation **Paths to International Justice** Marie-Bénédicte Dembour, Tobias Kelly, 2007-10-18 This volume examines how international justice can take purchase despite social conflict and political violence **Peace and Justice** Rachel Kerr, Eirin Mobekk, 2007-10-29 Taking as its starting point the post World War II tribunals at Nuremburg and Tokyo this book goes on to discuss the creation of ad hoc international tribunals in the 1990s hybrid mixed courts the International Criminal Court domestic trials Truth Commissions and traditional justice mechanisms *Journal of Moral Theology, Volume 5, Number 2* David M. McCarthy, 2016-09-08 Restorative Justice Volume 5 Number 2 June 2016 Edited by David M McCarthy The Emergence of Restorative Justice in Ecclesial Practice Thomas Noakes Duncan Restorative and Transformative Justice in a Land of Mass Incarceration Amy Levad Soteriology Eucharist and the Madness of Forgiveness Christopher McMahon Breaking Out The Expansiveness of Restorative Justice in Laudato Si Eli McCarthy Catholic Theology of Post Conflict Restorative Justice The Doctrine of Hypostatic Union as a Viable Inspiration Rev Raymond Aina MSP Just War Theory and Restorative Justice Weaving a Consistent Ethic of Reconciliation Anna Floerke Scheid Restorative Justice and the International Criminal Court John Kiess Restorative Justice in Baltimore Virginia McGovern and Layton Field A Theological Understanding of Restorative Justice Margaret R Pfeil Symposium on the 2015 Synod of Bishops on the Family Kari Shane Zimmerman James T Bretzke S J Jana Bennett Andrew Kim and Christina Astorga **Reconciling Truths** Kim Stanton, 2022-01-15 Hundreds of commissions of inquiry have been struck in Canada since before Confederation but many of their recommendations have never been implemented Reconciling Truths explores the role and implications of commissions such as Canada's Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls and particularly their limits and possibilities in an era of reconciliation with Indigenous peoples Whether it is a public inquiry truth commission or royal commission the chosen leadership and processes fundamentally affect its ability to achieve its mandate Kim Stanton provides examples and in depth critical analysis of these factors to offer

practical guidance on how to improve the odds that recommendations will be implemented As a forthright examination of the institutional design of public inquiries *Reconciling Truths* affirms their potential to create a dialogue about issues of public importance that can prepare the way for policy development and shifts the dominant Canadian narrative over time

Pursuing Justice Ralph A. Weisheit, Frank Morn, 2014-07-07 *Pursuing Justice* Second Edition examines the issue of justice by considering the origins of the idea formal systems of justice current global issues of justice and ways in which justice might be achieved by individuals organizations and the global community Part 1 demonstrates how the idea of justice has emerged over time starting with religion and philosophy then moving to the justice as a concern of the state and finally to the concept of social justice Part 2 outlines the very different mechanisms used by various nations for achieving state justice including systems based on common law civil law and Islamic law with a separate discussion of the US justice system Part 3 focuses on four contemporary issues of justice war genocide slavery and the environment Finally Part 4 shows how individuals and organizations can go about pursuing justice and describes the rise of global justice This updated timely book helps students understand the complexities and nuances of a society's pursuit of justice It provides students with the foundations of global justice systems integrating Greek philosophies and major religious perspectives into a justice perspective and contributes to undergraduate understanding of international justice bodies NGOs and institutions New edition is completely updated and revised to achieve relevance for today's students Covers concepts of justice as well as ideas for pursuing and achieving justice Examines how our modern laws began and traces their evolution to today's laws Presents concepts and issues in justice studies as well as a comparison of several systems of law Teaching resources include discussion questions and real world examples

Media Ethics and Justice in the Age of Globalization S. Rao, H. Wasserman, 2015-04-28 This book uses global perspectives to address questions of media ethics and justice in a local and transnational global environment and examines the common denominator running through such disparate investigations of theories and practices of media ethics and justice in the democracies of India South Africa Pakistan and the United States

Transitional Justice in Established Democracies S. Winter, 2014-03-21 Truth commissions apologies and reparations are just some of the transitional justice mechanisms embraced by established democracies This groundbreaking exploration of political theory explains how these forms of state redress repair the damage state wrongdoing inflicts upon political legitimacy

Routledge Handbook on Human Rights and the Middle East and North Africa Anthony Tirado Chase, 2016-11-10 Recent events such as Iran's Green Revolution and the Arab Uprisings have exploded notions that human rights are irrelevant to Middle Eastern and North African politics Increasingly seen as a global concern human rights are at the fulcrum of the region's on the ground politics transnational intellectual debates and global political intersections The Routledge Handbook on Human Rights and the Middle East and North Africa emphasises the need to consider human rights in all their dimensions rather than solely focusing on the political dimension in order to understand the structural reasons

behind the persistence of human rights violations explores the various frameworks in which to consider human rights conceptual political and transnational international discusses issue areas subject to particularly intense debate gender religion sexuality transitions and accountability contains contributions from perspectives that span from global theory to grassroots reflections emphasising the need for academic work on human rights to seriously engage with the thoughts and practices of those working on the ground A multidisciplinary approach from scholars with a wide range of expertise allows the book to capture the complex dynamics by which human rights have had or could have an impact on Middle Eastern and North African politics This book will therefore be a key resource for students and scholars of Middle Eastern and North African politics and society as well as anyone with a concern for Human Rights across the globe Seeking Human Rights Justice in Latin America Jeffrey Davis,2014 This book studies how victims of human rights violations in Latin America their families and their advocates work to overcome entrenched impunity and seek legal justice Their struggles show that legal justice is a multifaceted process the overarching purpose of which is to restore human dignity and prevent further violence Uncovering revealing and proving the truth are essential elements of legal justice and are also powerful tools to activate the process When faced with stubborn impunity at home victims families and advocates can carry on their work for legal justice by bringing cases in courts in other countries or in the Inter American human rights system These extra territorial courts can jumpstart the process of legal justice at home Seeking Human Rights Justice in Latin America examines the political and legal struggle through the lens of the human story at the heart of these cases **Law and the Humanities** Austin Sarat,Matthew Daniel Anderson,Cathrine O. Frank,2010 A review and analysis of existing scholarship on the different national traditions and on the various modes and subjects of law and humanities *Routledge Handbook of Development Ethics* Jay Drydyk,Lori Keleher,2018-07-16 The Routledge Handbook of Development Ethics provides readers with insight into the central questions of development ethics the main approaches to answering them and areas for future research Over the past seventy years it has been argued and increasingly accepted that worthwhile development cannot be reduced to economic growth Rather a number of other goals must be realised Enhancement of people s well being Equitable sharing in benefits of development Empowerment to participate freely in development Environmental sustainability Promotion of human rights Promotion of cultural freedom consistent with human rights Responsible conduct including integrity over corruption Agreement that these are essential goals has also been accompanied by disagreements about how to conceptualize or apply them in different cases or contexts Using these seven goals as an organizing principle this handbook presents different approaches to achieving each one drawing on academic literature policy documents and practitioner experience This international and multi disciplinary handbook will be of great interest to development policy makers and program workers students and scholars in development studies public policy international studies applied ethics and other related disciplines

Roads to Reconciliation Elin Skaar,Siri Gloppen,Astri Suhrke,2005-03-22 The past two decades have witnessed the end

of several civil wars and authoritarian regimes In a period shaped by the ideal of democratization in which more countries are emerging from deep rooted conflicts international attention is turning to the question of how societies with a grievous past face issues of accountability and reconciliation How do societies deal with a past characterized by gross human rights violations What kinds of processes judicial as well as non judicial are most likely to generate a sense of reconciliation Using an interdisciplinary approach this book provides a systematic and comparative analysis of reconciliation processes in various societies that in recent years have made a transition from authoritarian to democratic rule or from war to relative peace Revisiting case studies from Latin America Africa Europe and Asia through a lens of comparative analysis shedding new light on how societies have dealt with their violent pasts *Roads to Reconciliation* is essential reading for both scholars and practitioners concerned with human rights transitional justice or peace building

Judging State-Sponsored Violence, Imagining Political Change Bronwyn Leebaw, 2011-04-18 How should state sponsored atrocities be judged and remembered This controversial question animates contemporary debates on transitional justice and reconciliation This book reconsiders the legacies of two institutions that transformed the theory and practice of transitional justice Whereas the Nuremberg Trials exemplified the promise of legalism and international criminal justice South Africa's Truth and Reconciliation Commission promoted restorative justice and truth commissions Leebaw argues that the two frameworks share a common problem both rely on criminal justice strategies to investigate experiences of individual victims and perpetrators which undermines their critical role as responses to systematic atrocities Drawing on the work of influential transitional justice institutions and thinkers such as Judith Shklar Hannah Arendt Jos Zalaquett and Desmond Tutu Leebaw offers a new approach to thinking about the critical role of transitional justice one that emphasizes the importance of political judgment and investigations that examine complicity in and resistance to systematic atrocities

Negotiating Sovereignty and Human Rights Michaelene Cox, 2016-04-22 Providing an overview of institutional developments and innovations in human rights politics this volume discusses some of the most important current and emerging human rights issues It takes stock of the initiatives policy responses and innovations of past years to identify some of the challenges that will likely require bold and innovative solutions The contributors focus on actors and or issues that are outside the mainstream of international human rights politics the chapters address issues that have only emerged as an important part of the international human rights agenda and generated much advocacy diplomacy and negotiations since the end of the Cold War These issues include the International Criminal Court the norm of Responsibility to Protect R2P the proliferation of small arms and light weapons and its human rights impact truth commissions and the rights of persons with disabilities The contributions offer a direct challenge to entrenched notions of state sovereignty and represent a departure from established ways of policy making

International Humanitarian Law: Theory, Practice, Context Daniel Thürer, 2011-07-11 This book is about international humanitarian law or as it is also called the law of armed conflict or law of war It emerged from a series of lectures delivered

at the Hague Academy of International Law The author deals with war and the means by which international law attempts to contain and as it were humanize organized violence But the ambitions of the author go beyond the battlefield The book explores the many complex ways in which law functions to regulate warfare in theory and practice The author looks into treaties and other sources of international law but he also tries to step outside the boundaries of black letter law to deal broadly with such matters as the influence of culture in shaping the norms on war the institutions that develop those norms and work for their universal acceptance the networks of humanitarian actors in this area and the legal procedures in which the law of war and its various institutions are embedded The book demonstrates that even wars are in various ways conducted in the shadow of the law

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