

Running head: Is Truth Enough?

Is Truth Enough?  
Truth Commissions and Justice

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Carleton University

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Abstract

South Africa's Truth and Reconciliation Commission (TRC) was based on two key concepts: truth telling and restorative justice. This study investigated whether degrees of admission of truth and types of justice (retributive and restorative) make a difference to perceptions of fairness at truth commission settings. University students ( $n = 118$ ) were tested on perceptions of fairness, belief in a just world, and forgiveness. As forgiveness was also integral to TRC, scales investigating personal forgiveness were also included. As well, Belief in a Just World, a belief where people believe good things happen to good people, is included. Analyses revealed that participants perceived jail time as fairer than community service for the offender and participants were more willing to forgive when an apology was offered. Restorative justice lessened feelings towards the offender's prison term and encouraged community service participation.

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## Is Truth enough? Truth Commissions and Justice

Since 1972, more than 21 truth commissions have been established around the world (Brudholm, 2003, Tepperman, 2002). Truth commissions usually follow when an authoritarian government has fallen and been replaced with a more democratic one. The circumstances vary as to why the government has changed but often mass human rights violations have accompanied such arrogations of power (Rotberg, 2000). Truth commissions are not usually part of the regular institutional arrangement of “normal” democracies and are best understood as a response to the special needs of a new government (Du Toit, 2000). According to Rotberg, the mandate of new governments is largely to establish a democratic process, prevent human rights abuses and help citizens move forward. Truth commissions are increasingly seen as one way of accomplishing the above goals.

Rotberg (2000) argues that truth commissions are twofold as they can be both preventative and restorative. In order to prevent atrocities from occurring again, countries have to ask themselves deep fundamental questions and look at what happened and why. The state undertakes a detailed examination of who did what to whom, why they did the deed and under whose command the request fell are all required to understand the full nature of past abuses. To answer these questions, commissions have to uncover the “truth”, which is as full an account of distinct events and roles of different actors as possible (Minow, 2000).

Not all truth commissions have been successful in their endeavour to uncover the truth. I will elaborate briefly on two truth commissions in order to understand the differences between the commissions, as well as provide an in-depth focus on the South

African Truth and Reconciliation Commission (TRC) on which this thesis is based. As the TRC uses restorative justice in its proceedings, restorative as well as retributive justice will be examined to see how a shift in paradigms is occurring in the international community. Following a discussion on justices, I will spell out some of the more specific social and psychological factors that result from the goals of truth commissions and the restoration of social justice. Specifically, certain personality traits may affect how one perceives fairness and play an important role in viewing justice.

### *Truth Commissions in General*

In general, truth commissions are organizations established to research and report on human rights abuses over a certain period of time in a particular country (Hayner, 1994). Truth commissions allow victims, families and perpetrators to come forth and give evidence of human rights abuses. Truth commissions usually occur for a set period of time, and have a specific mandate. In the end, the goal of a commission is to account for past abuses of authority, to promote national reconciliation and bolster a new political order or legitimize new policies (United States Institute of Peace, 2005).

Truth commissions are not static and according to Rotberg (2000) have changed over the years. Rotberg states that due to the paucity of experience and methodology, early commissions rarely went beyond bare facts and did not examine historical or moral underpinnings of abuses within a country. Later commissions, however, have sought a broader mandate of accountability and searched for a fuller breadth of circumstances around the atrocities (Rotberg, 2000).

The truth commission in Argentina in 1983 was one of the first to receive widespread international attention (Hayner, 1994). When the military retreated from power in 1983, the Argentines looked to Bolivia, who had held the first truth commission

in Latin America, for ideas on how to create a commission. The 16-member National Commission on the Disappeared was formed on December 16, 1983 by President Raul Alfonsin (United States Institute of Peace, 2005). The commission staff inspected detention centers and police facilities, took statements from exiles and worked closely with the families of the disappeared in trying to locate the missing people of Argentina. A report documenting almost 9,000 persons was published and became a national best seller in the country (Hayner, 1994).

One of the more recent commissions established in 2001 was in East Timor. After being occupied by Indonesian troops for twenty four years, the Timorese in consultation with the UN and the Catholic Church proposed The Commission for Reception, Truth and Reconciliation (CRTR) to examine widespread abuses on the island (Laasko, 2003). The CRTR's mandate was to uncover the truth regarding human rights abuses between April 25, 1974 and October 25, 1999. Community reconciliation and recommendations to the government were two of the other functions proposed in the mandate. Laasko (2003), whose comparative work looks at East Timor and South Africa, argues that the ability for countries to establish the truth about the past is seen as essential for societies to come to terms with past abuses.

In South Africa, the Truth and Reconciliation Commission was unprecedented in its funding, resources and powers and was considered the best conceived mechanism of its kind (Laasko, 2003). It is important to examine the South African TRC for two reasons. First, it continues to function as a model for future commissions (Rotberg, 2000). As well, the TRC uses restorative justice at a systemic level taking into account crimes committed by the government rather than just the individual (Llewellyn & Howse,

1999b). Previous to the TRC, restorative justice had been used primarily when an individual committed a crime. However, the TRC helped redefine restorative justice by using it when the state committed a crime.

### *The Case of South Africa*

The system of apartheid introduced by the National Party in 1948 was sustained until the early 1990's. The pervasiveness of apartheid that maintained a system of racial separation had consequences that polarized South Africa for years in all aspects of life. Thus, the country was based on lies and secrecy as well as human rights abuses. By the 1990s, the white minority could no longer sustain its rule (Laasko, 2003). The apartheid system itself was not in a position to sustain itself with rising conflicts, costs and sanctions. With the election of Nelson Mandela in 1994, there was a desire to rebuild the country and move forward in a rainbow nation where people of different races could live compatibly alongside one another (Tutu, 2000). The country was faced with the dilemma of dealing with legacy of human rights abuses committed by the former regime. Many violators continued to hold key positions within the government so criminal prosecution was limited. After much debate and in order to bring lasting peace to the country, the Government of National Unity set up the Truth and Reconciliation Commission (TRC) in 1995 to deal with their troubled past (Laasko, 2003). The TRC was in charge of establishing as complete a picture as possible of the causes and violations of human rights, which occurred between 11 March 1960 and 10 May 1994 (Llewellyn & Howse, 1999b). The mandate was four-fold: to investigate human rights violations between 1960-1993; to grant amnesty to people who met criterion set out by the TRC; to allow victims a chance to tell their stories; and to produce a final report (Laasko, 2003). The Amnesty offered was not a blanket one as in El Salvador or Argentina. Offenders had to make a

full confession of what happened and crimes had to be of a political nature and motivation (Laasko, 2003). In order to entice perpetrators to come forward, a deadline was set. After that date, offenders faced a court case and prison.

Anybody who felt they had been a victim of violence could come forward and be heard at the TRC. Perpetrators of violence could also give testimony and request amnesty from prosecution. Although the TRC was set up to address gross human rights violations and aimed to determine why and what happened in South Africa's past, the TRC was not as concerned about the punishment of guilty parties (Llewellyn & Howse, 1999b). It was felt that once the truth was known, people would understand their past, reconcile with it and then move forward successfully to build a strong unified nation. The TRC was presented as a crucial component of the transition to full and free democracy in South Africa (Wilson, 2000).

Although seen as an important mechanism for successfully managing the political challenges (Kagee, Naidoo, & Van Wyk, 2003), there have been a number of criticisms of the TRC. For example, the TRC encountered problems working with the army, police and judiciary. There were several influential figures responsible for aspects of apartheid who refused to come forward and take responsibility for crimes of sub-ordinates (Laasko, 2003). In particular, amnesty was criticised because perpetrators walked free. Thus, there was a perceived lack of retribution for many citizens in South Africa. The TRC was portrayed in the media as lacking justice with slogans such as "No Amnesty, No Amnesia, Just Justice" implying retributive justice should be "just justice" (Llewellyn & Howse, 1999b). Punishment was seen as being the only method of addressing the wrongs

of the past. Many citizens in South Africa preferred a more retributive form of justice rather than restorative justice (Llewellyn & Howse, 1999b).

Another problem that has been looked at more recently is the long-term psychological improvement in mental health status of victims who were involved in the TRC (Allan & Allan, 2000). At the trials, many individuals felt a cathartic release of emotion, while some who testified were not given proper psychological assistance afterwards. Thus, according to Leebaw (2001), the focus on society by the inquiry distracted from the complexity of recovering from trauma by the victims. Since the TRC, many researchers in South Africa have examined the needs of the victims who still feel bitter and angry and do not feel reconciled with the past (Allan & Allan, 2000, Kaminer, Stein, Mbanga, & Zungu-Dirwayi, 2001).

In spite of these criticisms, the TRC was presented to the public as a necessary compromise in order for a democratic transition to occur as well as being in accordance with traditional African restorative values (Wilson, 2002). Retributive justice was defined as “un-African” by prominent members of the ANC elite. From a religious perspective, TRC chair and former archbishop, Desmond Tutu evoked the traditional concept of *ubuntu*, a word that roughly translates “I am because you are or my humanity is tied up with your humanity” (Llewellyn & Howse, 1999b, p.382). Therefore, the whole community suffers if an individual who belongs to the community suffers. People are not autonomous beings and so the humanity of one individual is connected to the humanity of all others. Mandela chose a means of opening up South African history and dealing with crimes based on ubuntu or restorative justice.

*Contrasting notions of Restorative and Retributive Justice*

Central to this thesis is the assumption that greater perceptions of fairness are possible with restorative rather than retributive justice in situations of state sponsored violence over a period of years. Tutu (1999) as already mentioned has pointed out that justice should not be retributive but restorative and should restore damaged relationships. It is this aspect of restorative justice being perceived as fairer in a truth commission scenario that this study will examine.

According to Stovel (2003), restorative justice is based on two assumptions. The first assumption is that people live in a relational state with others. Humans are not autonomous beings but in fact have relationships with other individuals, within the community and society. If a crime has been committed, the entire community has been injured. Second, the underlying belief of restorative justice is that people who commit harmful actions are not necessarily bad people, but rather pushed into these actions by circumstances.

South Africa's TRC was not looking at one individual crime but rather complex, systemic discrimination created over 40 years. Braithwaite (1998) has noted that restorative justice provides a good framework to deal with countries like South Africa because restorative justice looks at the context and offers a wider vision of justice. The TRC addressed the issue of mass atrocities, while addressing the victims' concerns, and providing some type of accountability in the form of truth about the past.

Restorative justice may be positive in countries such as South Africa with weak judicial systems. TRC's can be an alternative to lengthy trials (Stovel, 2003). There is an emphasis on re-integrative measures with restorative justice as opposed to measures such as imprisonment and death penalty that isolate, alienate or destroy the perpetrator (Stovel,

2003). If retributive justice had been pursued in South Africa, the courts could have been tied up for years trying petty criminals whereas the commission brought forward a large number of people, the truth about the history of the country and a sense of healing (Stovel, 2003).

Gobodo-Madikizela (2002), a clinical psychologist and former member of the TRC, argues that although some people in South Africa considered prosecution the only solution, this approach frames justice solely in terms of retributive justice. Restorative justice offers an alternative to the legalistic system, as restorative justice seeks to empower the victim by involving them in a meaningful way rather than systematically distancing victim and offender. Restorative justice is more flexible than legal proceedings as it requires the victim, and community to come together and decide on what form accountability will take. All offenders should be accountable for their actions, but for the victims, their needs will differ based on the nature of the crime. Therefore, it is for all parties involved to decide on an appropriate solution. In fact, many victims who spoke at the TRC said they experienced a degree of control over their trauma (Gobodo-Madikizela, 2002). Restorative justice also sees truth emerging as a result of dialogue among community members (Stovel, 2003). The TRC provided the venue for dialogue to occur as perpetrators and victims were encouraged and welcomed to come forward and tell their stories (Stovel, 2003). In general, participants typically report high levels of satisfaction with restorative justice when used with juveniles and non-violent crimes (Umbreit & Coates, 1992).

Although restorative justice has been around for a long time, there are concerns with the concept (Acorn, 2004). As the TRC is one of the few events that has used

restorative justice at a systemic level, the main criticism come from an individualist approach. However, most of these concerns can be applied to South Africa.

In general, the rate of attrition of those involved in Canadian restorative justice programs is high, particularly when the process requires face-to-face meetings (Bonta, Wallace-Capretta, Rooney & McAnoy, 2002). A comparison to South Africa can be made by the fact that many in the police or army did not come forth and confess. Therefore, the attrition rate was high and the TRC has been criticised for this outcome (Boraine, 2000, Kiss, 2000, Laasko, 2003). In addition to attrition, little attention has been paid to recidivism as an outcome (Bonta et. al., 2002). Evaluations of restorative justice measure the number of mediation sessions, responses to satisfaction questionnaires and number of restitution agreements achieved. Focus is on addressing factors that brought the offender to harm someone else and it is hoped that by doing so, re-offending can be reduced, but little attention has been paid to the actual reduction of recidivism (Bonta et. al., 2002). After the TRC finished, there were no mechanisms ensuring crimes were not committed again. Although apartheid ended and the African National Congress gained control of the government, to this day, many in the police and army remain from the apartheid regime (Ntsebeza, 2000).

In contrast to restorative justice, notions of merit and deservingness or worthiness are central in retributive justice (Darley & Pittman, 2003). For example, Darley and Pittman argue that generally individuals think people deserve what they get. In addition, Rachel (1997) found that individuals feel people deserve to be treated in the same way that they voluntarily choose to treat others. Thus, if you behave well, you are entitled to good treatment from others. If you behave badly, you should be treated accordingly. It

therefore, follows that if a crime has been committed, the offender should be punished because they have acted badly.

Darley (2002) reveals one key characteristic about retributive justice. When an actor intentionally transgresses, the actor should be punished. Darley explains when a transgression occurs, the world is out of order and in order to right the wrong, the transgressor must be punished. The punishment is not solely to make the victim feel better, and is in fact, a benefit of the process. Rather punishment is a societal not a personal requirement, which means the transgressor ought to be punished. As a result, when someone intentionally hurts another, that person is at fault and therefore deserves to be punished (Darley, 2002).

Retributive justice is a traditional model of punishment where offenders are put in jail for an offence committed. There is of course, little interaction between the victim and offender nor much of a role for offender to hear the victim's perspective or for the offender to explain the actions or apologise (Exline, Worthington, Hill, & McCullough, 2003). In South Africa, many crime victims and families of the TRC believed that justice must be in place in order to heal. Allan & Allan (2000) suggest that the South Africans may want retributive justice, i.e. they want the wrongdoer to be punished because everyone has a sense of moral equilibrium demanding that people pay for the harm they have done to others.

Researchers have looked at different aspects of retributive justice. Roberts and Stalans (2004) note that people tend to favour retributive justice when crimes are of a more serious nature. As crimes become more serious, people attribute internal causes to perpetrator's actions and behaviours. Thus the severity of the crime appears to influence

people's judgments of how punishment should be served. In general, crimes of violence are considered more serious than crimes against property (Blum-West, 1985). Belief in a just world is also receiving more attention in the literature when looking at crime and punishment.

### *Belief in a Just World*

Research in the 1960s discovered that people vary in their Belief in a Just World (BJW); a belief where people are motivated to believe that humans get what they deserve (Lerner, 1965, Dalbert, 1999). Belief in a just world focuses on the concept that events are not random but rather people get what they deserve and in fact, people will go to extraordinarily lengths to maintain this belief even when evidence is to the contrary (Dalbert, 1999, Rubin & Peplau, 1975). Rubin and Peplau's (1975) Just World Scale linked the extent to which people believe the world is a just or unjust place, with what people deserve. Although the strength of the belief varies from person to person, generally people who believe in the just world theory see the world in an orderly fashion and this belief helps make sense of the world (Dalbert, 1999). In an overview of BJW, researchers have linked the just world theory to concepts prevalent in retributive justice (Martin and Cohn, 2004). Thus, the stronger one's belief in the theory, the more one believes defendants should be punished and the more one attributes responsibility to the victims (Wyer, Bodenhausen & Gorman, 1985). As well, people who believe in a just world advocate more punitive punishments (Mohr & Luscri, 1995). As discussed in the previous section, there were proponents in South Africa who wanted retributive justice for those who committed crimes during the apartheid years. Some of the advocates may have had a strong belief in a just world, which would make them more likely to eschew restorative justice at the TRC.

The TRC was based on the assumption that people would accept restorative justice as a means of addressing wrongs rather than retributive justice with punishment. Therefore, it is likely that belief in a just world acts as a moderator for fairness judgments regarding restorative and retributive justice. According to Baron and Kelly (1986), a moderator is a variable that affects the strength of the relation between the independent and dependent variable. Therefore, in this study, belief in a just world is believed to affect the relation between types of justice and perceptions of fairness. This study will be using Rubin and Peplau's (1975) Just World Scale to measure BJW.

#### *Social and Psychological Factors of Truth and Reconciliation Commissions*

Studies of those who have actually experienced the TRC process suggest that there is a relationship among varying degrees of admission of crime, perceptions of fairness, well-being and forgiveness outcomes for those directly involved. The purpose of this study is to isolate the relationship between varying degrees of admission with a crime and perceptions of fairness in the general population who witness these processes more remotely than those directly involved. People in the more democratized parts of the world rely more heavily on retributive justice systems. However, there is some evidence of increasing support for restorative justice attempts (Roberts & Stalans, 2004). It then becomes important to understand people's views of restorative justice and how they see the links between admissions to crimes, perceptions of fairness, well-being and forgiveness perceived in situations of state violence. Reconciliation was an important component of the TRC. Through reading the literature, reconciliation is a composite of understanding and accepting the situation (ie. having the truth come out), forgiving the perpetrator, having a sense of well-being and being able to move forward. These aspects are an integral part of this study and are tapped by different outcome measures.

While Truth Commissions have been widely advocated in cases of long term state violence, it remains unclear how sympathetic the general population is to these solutions as just and fair. Even those with direct experience have been doubtful about their effectiveness.

*Truth-telling.* A central theme in truth commissions that resonates with both victims and perpetrators is the rally cry of “Never Again” (Rotberg, 2000). According to Rothberg, this cry captures the essence of a society that is attempting to rediscover their past, their dignity and their integrity. Truth commissions are formed to establish the truth about injustices (Kiss, 2000). Establishing truth is important for two reasons. Without truth, it is difficult to tell the innocent from the guilty. In addition, truth serves justice by overcoming fear and distrust as well as breaking cycles of violence characterised by oppressive, unjust societies. It is believed that once the facts have been established within the country, citizens can come to terms with their collective anguish, have the opportunity to forgive and move forward to a better future (Rotberg, 2000). The TRC was founded on the principle that in order to build a strong future, it was essential to have as complete a picture as possible of past injustices (TRC, 1998).

Rotberg (2000) argues that the TRC was remarkable in its far-reaching exposure of human rights and crimes. There are not many living in South Africa that can admit to ignorance about their past as the TRC was broadcast on T.V. and radio daily. In addition, there is now a record of past crimes and a documented history of South Africa. An archive of records exist that people can examine and learn from. Kiss (2000) argues that it is vital for a society’s prospects for justice that crimes and atrocities be publicly and officially acknowledged.

The TRC set high standards and the process pioneered accountability (Rotberg, 2000). Amnesty was also important for the truth to emerge in South Africa. In contrast, a commission in Sri Lanka offered limited amnesty. The result was little truth or few facts coming out. Hence, the victims continued to live in a state of turmoil whereas when the truth was told in South Africa, victims were released from their state of unknown. Thus, once the truth was told of the disappearances and such, citizens were satisfied with the knowledge of what occurred, often times regardless of what atrocities occurred (Kiss, 2000). Although highly regarded by some, the South Africa commission was not flawless (Brudholm, 2003). Critics have questioned the assumptions of the TRC, the system itself and the repercussions to victims 10 years later (Allan & Allan, 2000, Rotberg, 2005, Statman, 2000, Van der Walt, Franchi & Stevens, 2003). Little attention in the social psychological literature has been directed towards analysing the TRC's assumption regarding the link between truth telling and perceptions of justice being done.

*Fairness.* In reality, after the TRC, Allan and Allan (2000) found that healing took place for victims if their need for justice and fairness had been satisfied. They argue that at one level this need for justice is about people's need for achieving closure (Allan & Allan, 2000). Part of justice means understanding what happened and why it happened. In other words, for justice to occur, the truth of what happened must come out. This study will examine whether participants perceive the outcome as fair when the truth is acknowledged.

This study will also look at the assumptions of restorative justice, on which the TRC based itself. The TRC assumed that the victim would have a voice, the offender would be integrated into society and society would be whole because of the two parties coming

together. It is hypothesized that people who score low on the BJW will accept the tenets of restorative justice more readily than those who score high. In this case, there was no satisfactory standardized questionnaire that could be found to measure the desired constructs of justice and fairness at a systemic level nor of restorative justice assumptions. Therefore, there was no choice but to create a new set of questions for this study. The questions posed are designed to explore the dependent variable outcomes relevant to truth telling and justice.

*Forgiveness.* A key assumption of the TRC was that truth would lead to forgiveness. It was believed that once the perpetrators told their stories of what happened during the apartheid years, forgiveness would be granted and reconciliation for the victim would occur. The TRC's final report highlights cases of victims who forgave their perpetrators and states that giving testimony served as a therapeutic tool for people (Truth and Reconciliation Commission of South Africa, 1998). In fact, researchers have since discovered that forgiveness was often either a cathartic experience or in fact, there was little forgiveness involved in the proceedings (Hamber, 1998, Kaminer, Stein, Mbanga, & Zungu-Dirwayi, 2001). For many in South Africa, the TRC was not sufficient for the recovery of the survivors and did not promote forgiveness (Kaminer et al., 2001). However, the concept of granting forgiveness is important. For example, victims who had forgiven their perpetrator did not suffer the same poor psychiatric adjustment as those unable to forgive (Kaminer et al., 2001).

Forgiving does not mean forgetting, condoning nor does it imply reconciliation (Exline et al., 2003). Forgiving involves a conscious decision and while acknowledging the seriousness of the wrong, one is able to release vengeance and bitterness (Exline et

al., 2003). Gobodo-Madikizela (2002) argues that the relationship between victim and perpetrator at the TRC is not as predictive as one might expect regarding forgiveness. She suggests that in offering an account of the past, offenders often begin to feel sorry for what they have done. The offenders who did apologize at the TRC laid the groundwork for the testimony to be something more and open the door to the possibility of forgiveness (Gobodo-Madikizela, 2002). Gobodo-Madikizela proposes two key aspects to forgiveness. First a remorseful apology is needed along with an acknowledgement of wrongdoing (truth). If victims do not feel the perpetrator has told them the truth of what has happened to loved ones, victims do not forgive.

In empirical studies outside the context of a TRC, researchers have found a robust link between forgiveness and apology (McCullough, Worthington, & Rachal, 1997). Based on past research in North America, McCullough et al. (1997) discovered that people are more willing to forgive when an apology is offered. When offenders (or transgressors) confess and apologise, victims tend to be more empathic toward that person and forgive (Witvliet, Ludwig, & Bauer, 2002). Therefore, it is likely the case that in situations where one apologises, participants will feel a greater sense of fairness.

*Fairness and Forgiveness.* Until recently, forgiveness research has focused on dyadic relationships (McCullough, 2000). In fact, Brown (2003) has noted that although there is more knowledge on forgiveness in recent years, little research has focused on global disposition or forgiveness across situations and relationships. Brown's research, therefore, focuses on dispositional forgiveness and attempts to measure individual differences in forgiveness. His work on dispositional forgiveness has shown that there are individual differences between people in terms of how much they are willing to forgive.

Often retributive justice and forgiveness have been seen as being at odds with each other. In a study by Karremans and Lange (2004), participants experienced a decrease in forgiveness when justice was associated with retribution. However, when justice was defined more broadly such as pro-social conceptions, Karremans and Lange found an increase in forgiveness in participants. Extrapolating from this research, the present study will investigate whether those who tend to forgive will moderate the relationship of types of justice (retributive and restorative) and perceptions of fairness. Allan and Allan (2000) point out that healing can occur when justice has been done. As the tendency to forgive is a dispositional trait where some people forgive more than others, this study will use Brown's (2003) Tendency To Forgive (TTF) measure to capture individual differences in forgiveness. It is predicted that those who tend to forgive will see the outcome as fairer in restorative condition than those who tend to forgive less.

Attitudes toward Forgiveness (ATF), Brown's other scale, was constructed to measure the relatively stable belief that forgiveness is a valuable act (Brown, 2003). The ATF will also be used in this study and it is predicted that ATF will moderate the impact of types of justice on perceptions of fairness.

Besides being a personality trait, forgiveness is also situationally influenced. The State Forgiveness Scale, adapted from another forgiveness scale, contains items that are more appropriate for offences committed by relative strangers rather than close relationships (Brown, 2005). Unlike the TTF and ATF, which measure forgiveness as more stable traits, the State Forgiveness Scale measures forgiveness in a given situation. Participants report on a specific offence that has occurred and how willing they are to

forgive. In this study, it is predicted that truth will lead to greater perceptions of fairness. However, when state forgiveness is accounted for, the relationship between truth and justice will no longer exist and will be accounted for by state forgiveness rather than truth. Therefore, what really matters is how willing one is to forgive rather than the truth emerging.

### *Overall Analysis*

Restorative justice is not restricted to Africa and is being used increasingly around the world (Roberts & Stalans, 2003). It therefore makes sense to understand what people think about the concept of restorative justice. This study examines central elements that comprise truth commissions in an effort to understand if tenets of truth commissions are understood in the same manner by the general public as they were by members of the TRC. The TRC was linked to restorative justice practices and it presumed that citizens of countries like South Africa would be satisfied with the type of justice. However, there were reports of South Africans quite ambivalent about truth commissions who wanted a punishment, such as jail term, included in the TRC. In addition, when a violent crime is committed, retributive justice is favoured. The first hypothesis predicts perceptions of fairness will be greatest when retributive rather than restorative justice is the outcome.

The second hypothesis in the study will examine whether participants are more inclined to believe that fairness has been served when truth has emerged. Specifically, when an apology accompanies the truth, the third hypothesis predicts that participants will have higher perceptions of fairness than when only the truth comes out or when the truth is not acknowledged.

The fourth hypothesis predicts that believing in a Just World will moderate perceptions of fairness, i.e., the more one believes in a just world, the more the

participant is likely to see fairness has occurred in the retributive outcome. Conversely, the less one believes in a Just World, the more the participant will see an outcome reached via a restorative justice process as fair. As well, Tendency to Forgive and Attitude toward Forgiveness, the fifth hypothesis, are also predicted to act in the same way as BJW. Those who are higher in forgiveness will perceive the outcome as fairer with retributive rather than with restorative justice. Finally, the last hypothesis of this study predicts a relationship between truth and justice, which will be mediated by state forgiveness.

In addition to the six hypotheses, the study will also investigate whether types of justice and degrees of admission impact well-being, and perceptions of truth commissions. As well, the study will look at whether participants see the three actors, victim, offender, and community, as equally important to restorative justice as well as looking at how responsibility is apportioned for the crime.

## Method

### *Participants*

One hundred and eighteen (N=118) undergraduate students at Carleton University were recruited to participate in the study. Participants ranged in age from 17 to 58 years ( $M = 20.29$ ,  $SD = 4.85$ ). Slightly more women (55.1%,  $n = 65$ ) than men ( $n = 53$ ) participated and the majority of the students were enrolled in first and second year classes (68% and 14% respectively). Thirty five percent of participants were political science majors. Over half of the participants were Christians (53.4%), and those with no religion accounted for 28% of participants. The largest ethnic/racial group was Caucasian at 69.5%, while 9.3% was accounted for by Asian and Middle Eastern. Ninety one percent of participants were Canadian citizens.

### *Procedures*

Participants were recruited through one of two methods. In the first method, participants were recruited through in-class visits by the researcher and colleagues. The pre-selected classes included introductory political science, second year anthropology, and a fourth year law class. These classes were selected as it was thought that students in them might have more knowledge of international relations generally and truth commissions specifically. Students were asked to fill out surveys in class. It was stressed that it was voluntary and they could leave at any time during the session. The second method was a sign up sheet for first year psychology students who received a credit for participating in the study. There were 108 students recruited through the first method and 10 students through second approach.

Participants were given a scenario where the accused either denies the truth, admits the truth, or admits the truth and apologises for the crime resulting in retributive or restorative justice outcomes. Participants received a survey package called the Truth Survey. Participants were randomly assigned to one of six conditions in the 2 (restorative vs. retributive justice) X 3 (denial, truth, truth with apology) between-participants design. Everyone read the greeting to the study (Appendix A) and filled out the consent form (Appendix B). Students proceeded to fill in the background information (Appendix C) before continuing with the personality measures. The first personality measure, BJW (Appendix D) was given to participants before they read the scenario in order to minimise biases or priming that may have occurred due to the scenarios. The second set of personality measures on forgiveness, Tendency to Forgive and Attitude toward Forgiveness (Appendix E), were also given before the scenario was read. Students read a scenario (Appendix F) and completed two more measures, a 22 item scale (Appendix G)

and a state forgiveness scale (Appendix H). After the survey, participants received a debriefing form explaining the intent of the survey (Appendix I)

### *Material*

Each participant read a case study about a crime committed in Jackson, Africa (a fictitious town based on real events) in which truth and type of justice were manipulated. The crime involved Mr. Fields being shot and injured. A trial followed in which Mr. Bay, who shot Mr. Fields and was acting on behalf of the government, appeared at a Truth Commission. In the scenario, Mr. Bay either denied his role in the crime, admitted to his actions or admitted the act and offered an apology. Retributive or restorative justice was used as a means of resolving the situation. Therefore, Mr. Bay was either sentenced to a jail term or had community service with the state paying for the medical bills of the injured man, Mr. Fields.

### *Measures*

*22-item survey.* At the end of the scenario, participants were given a 22-item survey asking them to make a variety of judgments of perceptions of fairness, likelihood to forgive, well-being and perceptions of Truth Commissions in general. Participants were asked to make all of their ratings on a Likert scale ranging from 1 (*strongly disagree*) to 6 (*strongly agree*).

*Perceptions of Fairness Scale.* This scale included five items asking participants about perceptions of fairness. Participants were asked to rate how fair they felt about the outcome (e.g. “*The outcome was fair for the victim*”, “*The outcome was fair for the accused*” or “*You were satisfied with the justice outcome*”) as well as how satisfied the participants thought the victim and victim’s family would feel about the outcome (e.g.

*“How satisfied do you think the victim would have been with the outcome?” or “Do you think the family of the victim would have been satisfied with the outcome?”).*

*Likelihood to Forgive Scale.* Four specific questions were designed to assess forgiveness. Participants were asked to indicate how easy they thought it would be for the victim to forgive the accused as well as how easy it would be for the participants in the study to forgive the accused. Items such as *How easy do you think it was for the victim (Mr. Field) to forgive the accused (Mr. Bay)?*, *How easy would it be for you to have forgiven the accused (Mr. Bay)?*, and *The victim (Mr. Field) should forgive the accused (Mr. Bay)* were included.

*Well-being Scale.* Three questions on well-being were included. Participants were asked to indicate how well they thought the victim’s mental health would be if the victim forgave the accused as well as how much the victim’s mental health would suffer. Items included *If you were the victim, your well-being would be better off if you forgave the accused* and *If you were the victim, your mental health (i.e., depression) would suffer as a result of the incident.*

*Perceptions of Truth Commissions Scale.* Five items studying the effects of the truth commissions were included. Participants indicated how effective they thought the process of truth commissions was for victim, offender and society (i.e. *The process of a Truth Commission was effective in restoring justice for the victim* and *The process of a Truth commission was effective in restoring justice for the accused*).

*Responsibility measure.* Three open ended questions examined who participants thought was responsible for the crime, what they thought should happen to the accused, and whether justice had been served.

*Belief in a Just World Scale.* The first scale was Belief in a Just World Scale, which contained 20 items that were rated on a Likert scale ranging from 1 (*strongly disagree*) to 6 (*strongly agree*). Items included *I've found that a person rarely deserves the reputation he has* or *Basically the world is a just place* (Rubin and Peplau, 1975). High scores suggest a belief in a just world.

*Tendency to Forgive Scale.* The 4-item Tendency to Forgive Scale was used to measure one's dispositional characteristic to forgive (Brown, 2003). Participants were asked to indicate on a Likert scale ranging from 1 (*strongly disagree*) to 6 (*strongly agree*) how they respond when offended by another person. Items included *I tend to get over it quickly when someone hurts my feeling* and *If someone wrongs me, I often think about it a lot afterwards*.

*Attitude Toward Forgiveness Scale.* This 6-item scale measuring general attitudes towards forgiveness with items such as *I believe that forgiveness is a moral virtue*, was also used. Participants used a Likert scale ranging from 1 (*strongly disagree*) to 6 (*strongly agree*).

*State Forgiveness Scale.* The State Forgiveness Scale (Brown & Phillips, 2005) was also included. This 7-item scale includes questions like "*I have forgiven this person*" and "*I feel angry toward this person*" and is appropriate for less personal and intimate relationships.

## Results

### *Missing Data and Outliers*

There was no indication that missing data were not random. Missing values (0.26 %) were not imputed from other variables. The data were examined for outliers. None were detected, as all data after standardization, fell within three standard deviations.

*Conditions/Manipulation validation*

The crime scenario taken from the South African Truth and Reconciliation commission was constructed to be severe in nature. To make sure the participants also viewed the crime as severe, a question was designed to check this reaction. Using a 6 point Likert scale, participants were asked if the crime committed was of severe nature. The mean level of severity reported by participants was 5.7 ( $SD = .69$ ), suggesting the scenario was indeed considered severe.

*Preliminary analyses*

Reliability analyses were conducted on the Belief in a Just World, Tendency to Forgive, Attitude toward Forgiveness, and State Forgiveness scale. See Table 1 for means, standard deviations and reliability numbers on each of the scales.

Table 1

*Means, standard deviations and reliability alphas for scales.*

Scales	Mean	S.D.	Alpha
Belief in a Just World	3.41	.43	.55*
Tendency to Forgive	3.48	.97	.69
Attitude toward Forgiveness	4.30	.69	.58*
State Forgiveness	2.88	1.02	.79

\*It should be noted that the reliabilities for BJW and ATF are lower than the usually acceptable .70 internal consistency level (Nunnally, 1978)

*Principal components analyses on 22-item survey*

To determine if the 15 quantitative items conformed to the predicted 4 subscales of perceptions of fairness (four items), likelihood to forgive (3 items), well-being (3 items) and perceptions of TRC (5 items), a Principal Components of Analysis (PCA) with varimax rotation (Eigenvalues > 1) was run. Contrary to expectations, two components emerged, which accounted for 45% of the variance. Items that had a loading of .50 or greater were considered to be part of a component. Perceptions of fairness and

perceptions of TRC contained three items each, all with loadings greater than .6. See Table 2 for means and standard deviations for perceptions of fairness and TRC.

Table 2

*Mean and Standard deviation for perceptions of fairness and TRC*

Scales	Mean	S.D.	Alpha
Perceptions of Fairness	3.77	1.26	.82
Perceptions of TRC	3.40	.95	.76

Likelihood to forgive and well-being items were either cross-loaded with other items or less than .50. Therefore, the final scales were perceptions of Fairness and Perceptions of TRC. Table 3 presents all items and loads.

Table 3

*Factor loadings for Principal Components on 22 item survey*

Items	Factor 1	Factor 2
1. The outcome was fair to the victim	<b>.72</b>	.12
2. The outcome was fair for the accused.	.49	.49
3. How satisfied do you think the victim would be with the outcome?	<b>.86</b>	.03
4. Do you think the victim's family would be satisfied with the outcome?	<b>.85</b>	.08
5. How easy do you think it was for the victim to forgive the accused?	.20	-.15
6. How easy would it be for you to forgive the accused?	-.02	-.04
7. The process of the TC was effective in restoring justice for the victim.	.55	.59
8. The process of the TC was effective in restoring justice for the offender.	.21	<b>.83</b>
9. The process of the TC was effective in restoring justice for society.	.45	.60
12. If you were a victim, your well-being would be better off if you forgave the accused.	.10	.03
13. If you were the victim, your mental health would suffer as a result of the incident.	-.07	-.10
14. As a result of the TC, your mental health would be improved.	.44	.19
15. The victim should forgive the accused.	-.01	.13
17. The TC process is effective in deterring crimes from happening again.	.00	<b>.63</b>
18. The TC process is effective in rehabilitating an offender.	-.07	<b>.68</b>

As the State Forgiveness Scale assesses relationships of a less intimate nature (i.e. not partners or close friends), it will be used instead of Likelihood To Forgive to assess forgiveness with justice and truth. To replace the well-being scale, the question “If you were the victim, your mental health would suffer” will be used as a dependent variable.

*Effects of types of justice and types of truth-telling on perceptions of fairness*

It was hypothesized that different types of justice (retributive & restorative) and varying degrees of admission for a crime (denial, truth, truth with apology) would affect perceptions of fairness. In particular, I expected there would be an increase in perceptions of fairness when an apology is offered by the offender.

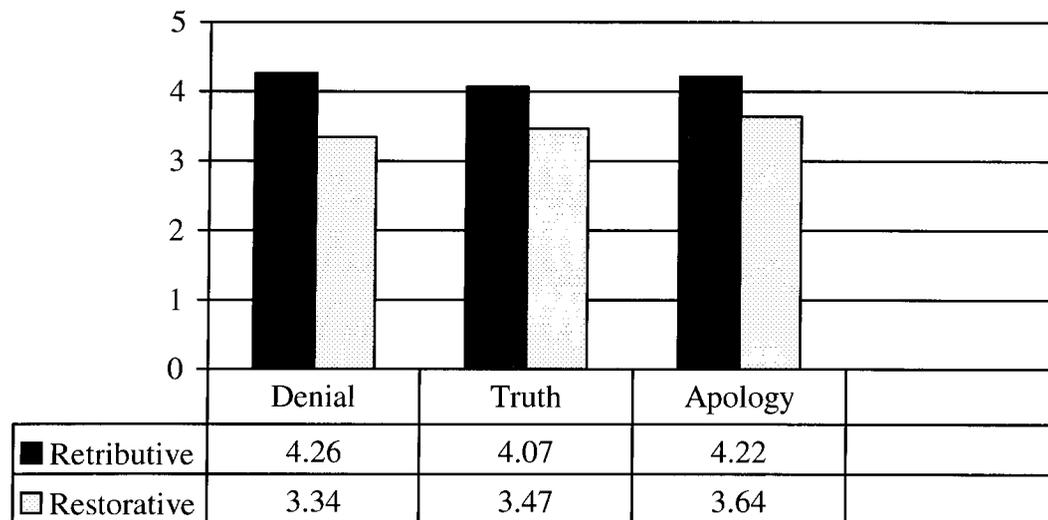
In order to test these hypotheses, a 2 (Types of Justice) X 3 (Types of Truth-telling) between subjects univariate analysis of variance (ANOVA) was performed. As predicted, there was a main effect of type of justice,  $F(1, 112) = 9.68, p = .002$  on perceptions of fairness. That is, participants who were in the retributive condition (i.e. when Mr. Bay received a jail term) felt that more justice ( $M = 4.54, SD = 1.12$ ) was done than those in restorative justice (i.e. when Mr. Bay received community service) ( $M = 3.87, SD = 1.20$ ) for dealing with the crime committed.

However, contrary to the hypothesis, there was no main effect of truth-telling,  $F(2, 112) = .74, p > .05$  nor an interaction between types of justice and admissions of truth  $F(2, 112) = .20, p > .05$ . In other words, there was no effect of truth when participants were in the different conditions of denial, truth or apology. As indicated in Figure 1, scores from the retributive condition were greater than the restorative condition.

It was further hypothesized that when an apology accompanied the truth, participants would perceive more fairness than when only the truth was told or when the

truth is not acknowledged. As Figure 1 shows, there is little difference in the means for apology, which is also shown by the lack of main effects of degrees of truth.

Figure 1 Means of Types of Justice (Retributive and Restorative) and Degrees of Truth (Denial, Truth, Apology) with Perceptions of Fairness.



In summary, participants in the retributive condition perceived the outcome as fairer than those in the restorative condition. Participants did not perceive the outcome as fairer if the truth was denied, told or offered with an apology.

#### *Belief in a Just World*

It was hypothesized that BJW would moderate types of justice and perceptions of fairness. In order to examine this hypothesis, participants were divided into high and low believers with a median split on the BJW. An ANOVA looking at the effects of BJW and types of justice on perceptions of fairness was performed to see if there was an interaction. There was a main effect of type of justice,  $F(1, 109) = 8.08, p = .00$  on perceptions of fairness, but no main effect with BJW and perceptions of fairness  $F(1, 109) = .38, p > .05$ . As well, results from the interaction between BJW and types of

justice were not significant  $F(1,109) = .02, p >.05$ . The relationship between types of justice and perceptions of fairness was not moderated by a belief in a just world.

#### *Tendency to Forgive*

It was also hypothesized that Tendency to Forgive would moderate the relationship between types of justice and perceptions of fairness. In order to examine this hypothesis, participants were divided into high and low forgivers on the TTF with a median split. An ANOVA with TTF, types of justice and perceptions of justice was performed to see if there was an interaction between TTF and types of justice. There was a main effect of type of justice,  $F(1, 114) = 10.00, p = .00$  on perceptions of fairness, but no effect of TTF  $F(1, 114) = 1.9, p > .05$ . As well, the interaction between TTF and types of justice was not significant  $F(1,114) = .47, p >.05$ . The relationship between types of justice and perceptions of fairness was not moderated by tendency to forgive.

#### *Attitude toward Forgiveness*

Finally, it was hypothesized that Attitudes toward Forgiveness would moderate the relationship between types of justice and perceptions of fairness. In order to examine this hypothesis, participants were divided into high and low forgivers on the ATF with a median split. An ANOVA with ATF, types of justice and perceptions of justice was performed to see if there was an interaction between ATF and types of justice. There was a main effect of type of justice,  $F(1, 94) = 6.78, p = .00$  on perceptions of fairness, but no effect with ATF  $F(1,94) = .27, p > .05$ . As well, the interaction between ATF and types of justice was not significant  $F(1, 94) = .11, p >.05$ . The relationship between types of justice and perception of fairness was not moderated by attitudes toward forgiveness.

*State Forgiveness as a mediator*

It was also hypothesized that a relationship between truth and perceptions of fairness would be mediated by state forgiveness. To test this hypothesis, mediation analyses were conducted (Baron and Kenny, 1986). The first step in a mediation analysis is to establish whether a significant relationship exists between the independent variable and the dependent variable; in this case, degree of admission and perceptions of justice. As this relationship was not statistically significant, no further analysis was done on mediation.

In summary of the six hypotheses, perceptions of fairness were significant with different types of justice. Those in the retributive justice scored higher than those in the restorative justice condition. In other words, when the offender went to jail, participants perceived more fairness than when the offender served community service for the crime. There were no effects of perceptions of fairness with degrees of admission of truth, Belief in a Just World, Tendency to Forgive, Attitudes toward Forgiveness or State Forgiveness. This answers the six hypotheses associated with truth commissions. In addition to the six main hypotheses, the next section investigates other key aspects such as perceptions of truth commissions and forgiveness with different types of justice and degrees of admission. As the state forgiveness scale is an established scale, it will be used for further analysis for forgiveness. Responsibility, sentencing and the qualitative questions will also be examined.

*Perceptions of TRC*

A 2 X 3 ANOVA with degrees of admission and types of justice was performed on how effective the truth commission was perceived to be. However, there were no significant results from degrees of admission,  $F(2,112) = .92, p > .05$ , nor types of justice,  $F(1,112) = .118, p > .05$ . Neither was there any interaction between types of truth and degrees of admission  $F(2,112) = .92, p > .05$ . The independent variables did not have any influence on how one perceives truth commissions. Types of justice and degrees of admissions had no effect on perceptions of TRC.

*State Forgiveness*

A 2 X 3 ANOVA with degrees of admission and types of justice was performed on the 7 item forgiveness scale. The main effect of state forgiveness on degrees of admission was marginally significant  $F(2,112) = 2.99, p = .06$ . There were, however, no main effects for types of justice  $F(1,112) = 2.72, p > .05$  nor for the interaction between types of justice and degrees of admission  $F(2,112) = .99, p > .05$ . Therefore, degrees of admission made a difference to how one forgives. In other words, it did matter if the offender denied the truth, told the truth, apologised but not if he went to jail or had to community service. See Table 4 for means and standard deviations. A post hoc Tukey analysis was performed with degrees of admissions and State Forgiveness showing a significant difference between denial and apology  $p = .04$ .

Table 4

*Means and standard deviations for State Forgiveness and Degree of admission*

Degree of Admission	Mean	S.D.
Denial	2.62	.95
Truth	2.85	1.13
Apology	3.17	.93

### *Well-being*

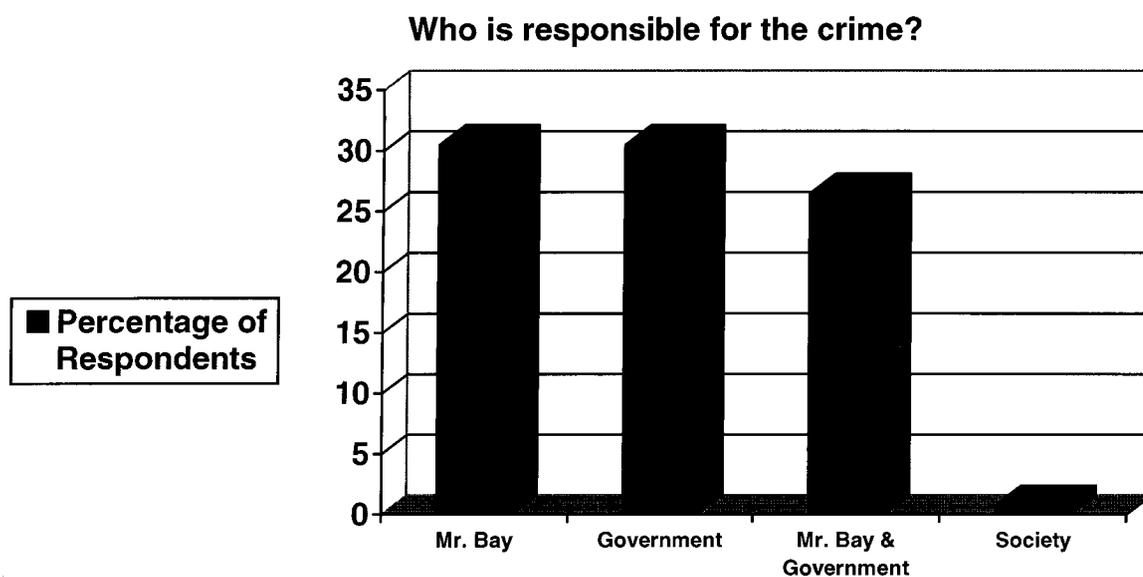
A 2 X 3 ANOVA with degrees of admission and types of justice was performed on a single item of well-being. However, there was no significant results of degrees of admission,  $F(2,111) = .09, p > .05$ , or types of justice,  $F(1,111) = .14, p > .05$ . Neither was there any interaction between degrees of admission and types of justice  $F(2,112) = .39, p > .05$ . The independent variables did not have any influence on how one perceives well-being.

In summary, there were no main effects for types of justice or degrees of truth with perceptions of truth commissions or well-being. However, there was a main effect of state forgiveness with degrees of truth. The impact of truth with apology is significant in terms of forgiveness unlike denial or truth provided by itself.

### *Responsibility*

*Quantitative question.* A question pertained to how responsible Mr. Bay, the accused, was for the crime. Using a Likert scale ranging from 1 (strongly disagree) to 6 (strongly agree), most participants agreed that Mr. Bay, the offender, was responsible for the crime committed ( $M=4.7, SD = 1.36$ ). Eighty percent of participants agreed Mr. Bay was responsible for the crime.

*Qualitative question.* However, in an open ended question *Who is responsible for the crime?*, participants came up with four categories. Thirty percent of participants indicated that Mr. Bay, the accused, was responsible for the crime, while another 30% wrote that the government was responsible and about 25% indicated that both, Mr. Bay and the government were responsible for the crime. Only 1% wrote society was responsible for the crime. The percentages are indicated in Figure 2.

Figure 2 *Who is responsible?*

I wanted to look at the effects of types of justice on who is responsible. A Chi Square analysis revealed a significant difference between types of justice and who is responsible,  $\chi^2 (3, N = 113) = 8.72, p = .03$ . That is, depending on whether participants were in the retributive or restorative justice outcome, they viewed different parties as being responsible for the crime committed. Sixty six percent of participants in restorative justice group indicated that the government was responsible for the crime compared to 13% in the retributive condition.

However, these results did not indicate any significant relationship between the type of truth and who is to be held responsible,  $\chi^2 (6, n = 108) = 8.30, p > .05$ . That is, it did not make a difference if the truth was told or denied by the accused.

In summary, those in the restorative justice condition favoured the government as being responsible for the crime rather than Mr. Bay, the accused, when asked in an open-ended question.

### *Sentencing*

Participants were asked two questions about jail term for the accused, Mr. Bay. Using a Likert scale ranging from 1 (strongly disagree) to 6 (strongly agree), the first questions asked if Mr. Bay should serve a jail term. In general, participants agreed that he should go to jail ( $M=5.1$ ).

Using a 2 X 3 ANOVA, there was a significant difference for the statement, *Mr. Bay should serve a jail term* and types of justice:  $F(1, 112) = 10.72, p = .001$ . Those in the retributive condition are more likely to agree that Mr. Bay should go to jail ( $M=5.4$ ) than those in the restorative justice ( $M=4.7$ ). Although participants overall favoured jail terms, the percentage of participants in the retributive justice section who “strongly agree” Mr. Bay should serve a jail time is 40 % more than those in the restorative justice condition as indicated in Table 5.

Table 5

*Percentage of participants who want offender to serve jail term.*

Percentage	Retributive	Restorative
Strongly disagree		1.7
Moderately disagree	1.7	5.1
Slightly disagree	3.4	11.9
Slightly agree	11.9	20.3
Moderately agree	16.9	22.0
Strongly agree	66.1	39.0

There was no significant result based on degrees of admission  $F(2, 112) = .349, p > .05$  nor was there any interaction  $F(2, 112) = .67, p > .05$ . Participants did not indicate that degrees of admission impacted on whether Mr. Bay should serve a jail term.

*Retributive and Restorative Justice with Sentencing*

The second question regarding jail term asked participants how long Mr. Bay should go to jail. Using a one-way ANOVA, there was a marginally significant effect with types of justice:  $F(1, 115) = 3.35, p = .07$ . Therefore, scores for those in the retributive condition differed from those in the restorative condition. Those with retributive justice outcomes were more likely to want Mr. Bay to go to jail ( $M=4.1$ ) than those reading a restorative justice outcome ( $M=3.6$ ).

However, the percentage of people who want the offender to go to jail for over 15 years is lower in the restorative condition as indicated in Table 6, thus suggesting restorative justice plays a mitigating role with jail term.

Table 6

*Percentage of participants and how long offender should serve jail term*

Jail Term	Retributive	Restorative
1-5 years	19.6	38.4
5-13 years	33.9	25.0
Over 15 years	46.7	36.5

*Open ended questions*

In the open ended section, participants were asked what they would have liked to see happen to Mr. Bay, the accused. The overwhelming response for most participants was a jail term (76%). The data were then broken down into two sections: retributive and restorative.

*Retributive Justice*

For participants in the retributive section ( $N=55$ ), 78% percent wanted jail term for the accused, Mr. Bay. The jail term varied in duration ranging from a “short jail term” of a couple of years (44%) to “life in prison” (37%). Other variations included “jail

term with rehabilitation” (1%) or “jail term with compensation for Mr. Field”, the victim (.05%). Twenty one percent of participants who did not mention a jail term for the accused Mr. Bay suggested “counselling/rehabilitation”, “taking responsibility for his actions”, and the “death penalty”.

### *Restorative Justice*

In the restorative justice section (N=54), 74% of participants also thought Mr. Bay, the accused, should go to jail. However, unlike the participants in the retributive condition, community service was also confirmed as an important component to jail term. Jail term ranged from “short jail”, “jail with moral treatment”, “life in jail” and “jail with community service”. Twice as many participants thought Mr. Bay should get life imprisonment in the retributive cells compared to the restorative participants. Community Service was an option that none of the retributive participants mentioned whereas 33% of participants thought this was a good idea in the restorative cells.

### *Was justice served?*

Students were also asked whether they thought justice had been served in the scenario they read. Three main themes emerged from this question: “Yes”, “no”, “sort of”. These data were divided into two parts: retributive and restorative justice.

### *Retributive Justice*

For those in the retributive section (n=56), 22 participants did not think justice was served, 23 believed justice was served and 11 thought justice was sort of served. Three students did not answer or were not sure.

“No” Justice: For the “no” section, the biggest reason people were not satisfied was because they thought the government was not held accountable in the scenario.

Sixty-eight percent in the no section thought the government should have somehow been accountable for their actions in the crime. Twenty three percent of participants thought that “Mr. Fields was not compensated enough”, “Mr. Bay was not remorseful”, “people were still harmed”, and there was “no death penalty”.

“Yes” Justice: Thirty percent of students agreed justice was done as long as Mr. Bay got the “maximum jail term” as the scenario only mentioned he would be getting a jail term. In addition, this group thought justice was done because “Mr. Bay was serving time” (26%) and “was being held responsible for his actions” (22%).

“Sort of” Justice: The eleven participants saw Mr. Field, the victim, as receiving justice, but the “accused was not being rehabilitated” or “those ultimately in charge were not being held accountable” or “the victim still suffering in pain”.

#### *Restorative Justice*

For those in the restorative section (n=51), 28 participants did not think justice was served, 14 believed justice was served and 9 thought justice was sort of served. Three students were not sure and five did not answer.

“No” Justice: There were 28 people who did not see justice as being served. Responses indicated that there was a “lack of jail time” or “the sentence of community service being too light” (61%). Twenty five percent thought the “government was not held accountable” while 14% of responses included “Mr. Bay should pay damages not the government”, “Mr. Field still suffers”, “Mr. Bay owes Mr. Field” and “war is never fair”.

“Yes” Justice: The fourteen participants who thought justice was served were happy that “Mr. Field was compensated” (29%), and that the “crime was acknowledged

and addressed” (15%). Fifty six percent of the other participants thought that “Mr. Bay contributed to society and had a just penalty”, “the old government was now out of power”, “truth came out” and “the government was responsible by paying a fee while Mr. Field was compensated”.

“Sort of” Justice: For the nine people who answered “sort of”, they agreed that “Mr. Bay should have been punished, but they also wanted the government somehow held accountable for their actions” (22%). Another 22% of participants liked the fact the “victim was compensated but thought the accused should get jail time”. The rest of the responses (56%) thought that “this justice was better than nothing”, “Mr. Bay was forced to do community service but the government was still not held accountable”.

#### *Truth Commissions/Restorative Justice*

There was a series of questions on tenets of restorative justice upon which Truth Commissions are based. Correlational data from this study suggest that participants see victim and community as part of a restorative justice system and part of a Truth Commission but not the offender (See Table 7 and 8). However, it should be noted that at least 26% of participants had never heard of a truth commission before and the majority of participants were not very familiar with it either.

#### *Victim.*

There were four questions designed to assess whether participants saw the Truth Commissions as a venue where victims could be involved in the process of determining punishment, come forward and tell their stories, be more empowered than by simply watching a trial and be more effective in restoring justice. Table 7 indicates how favourable participants were towards this concept.

Table 7

*Correlation of victims and truth commissions*

	Victim is involved with punishment	Victim can tell their stories	Victim is involved in process of TC	TC is effective in restoring justice
Victim involved with punishment	—	.27**	.30**	.18
Victim can tell their stories	.27**	—	.33**	.14
Victim is involved in process of TC	.30**	.33**	—	.09

N=118 \*  $p < .05$ , \*\*  $p < .01$ , \*\*\*  $p < .001$

*Offender.*

There were four questions designed to assess whether participants saw the Truth Commissions as a venue where offenders could be held accountable, where the offender could meet with the victim to decide on a punishment, and that the offender's action were bad but not the person. Participants were also asked if the Truth Commission was an effective means for restoring justice to the accused. There were, however, no correlations for the offender and Truth Commissions.

*Community.*

There were four questions designed to assess whether participants saw the Truth Commissions as a venue where the community was involved. Questions asked if truth commissions bring people together to restore damages, are truth commissions an alternative to lengthy trial, does the truth emerge at truth commissions, and how effective Truth Commissions are at restoring justice in society.

Table 8

*Correlation of community and truth commissions*

	Damaged relationships are repaired at TC	TC is alternative to lengthy trial	Society benefits from truth emerging	TC effective in restoring justice for society
Damaged relationships are repaired at TC	_____	.08	.18	.25**
TC is alternative to lengthy trial	.08	_____	.06	.22*
Society benefits from truth emerging	.18	.06	_____	.31**

N=118 \*  $p < .05$ , \*\*  $p < .01$ , \*\*\*  $p < .001$

## Discussion

The purpose of this research is to investigate key assumptions made about truth commissions. In total, this study predicted six hypotheses as outlined: Do types of justice (retributive vs restorative) affect perceptions of fairness?; Do varying degrees of truth (defined here as, denial of truth, admission of truth, and admission of truth coupled with an apology) affect perceptions of fairness?; In the case where there is an apology attached to the truth, does that affect perceptions of fairness?; Does a “Belief in a Just World” (BJW) moderate the relation between types of justice and perceptions of fairness?; Similarly, does trait forgiveness moderate this same relation? and; Does state forgiveness mediate between truth and perceptions of fairness?

While the first hypothesis was supported, the other hypotheses did not find support in this study. Essentially, results suggest support for retributive justice as the strongest influence in truth commissions. Other results, such as state forgiveness and

degrees of admission did play a role and restorative justice played what appears to be a mitigating role in justice.

Initially, four scales were to be used from the 22-item survey. However, the statistical analysis using a Principal Components Analysis reduced the original 15 items that were intended to measure the four concepts to six items. Therefore, 3 of the 4 items were used for perceptions of fairness, and 3 of the 5 items were used for perceptions of Truth Commissions. The two items for the TRC had loadings greater than .5 but they were also cross-loaded with fairness, thus not used (Tabachnick & Fidell, 2001). There were two factors for forgiveness, but it was felt that since there was an established State Forgiveness Scale, it would be used instead of Likelihood to Forgive. To retain the theoretical essence of the study, one question from the well-being section was used for analysis. Therefore, the four scales originally intended for the study were modified using statistical means but ultimately maintained the theoretical connections intended for the study. A further elaboration of the results is therefore warranted.

### *Types of Justice*

It was hypothesized that different types of justice (retributive and restorative) would affect perceptions of fairness. The results support this hypothesis as participants indicated that retributive justice was fairer than restorative justice. The study revealed that when the accused goes to jail rather than receiving community service, a greater degree of fairness is perceived to have resulted for the victim, the accused, and the victim's family. These results provide more evidence that retributive justice as the outcome is preferred for severe crimes such as the one presented here. Overall, participants in the retributive condition perceive justice as fairer than those in the restorative justice condition.

The type of crime committed is integral to this study and cannot be underestimated when considering the impact it had on the results. The literature has shown that the more severe a crime, the more people favour jail time (Roberts and Stalans, 2004). The literature also shows that when a major crime is committed, attributions for committing the crime are associated with internal attributes rather than external circumstances (Roberts and Stalans, 2004). In this study, most of the participants viewed the crime as severe. It follows, therefore, that the participants presumably attribute the crime to the offender's internal factors rather than external ones. According to Darley and Pittman (2003) intentional harm triggers the motive of others to assign punishment. They also argue that when harm is perceived to be intentional the first reaction from others is to punish as if the harm was inflicted in a completely unwarranted manner. The reason for wanting to inflict punishment, according to these authors, has to do with moral outrage. People become outraged when intentional acts of harm are perpetrated on others. Moral outrage then leads to the desire to inflict just dessert punishment on the offender. As the crime was severe and intentional, participants in this study perceive more fairness in the retributive justice condition as the offender receives his just desserts. He is seen as a bad person who committed a bad crime and therefore must be punished by going to jail.

Darley and Pittman further argue that the purpose of punishment is not to alter behaviour in the future, but to punish past behaviour. If an offender is deterred from committing a crime in the future that is a by-product of just dessert orientation rather than the purpose of it. Participants in the study were mostly concerned with punishment rather than with deterrence. Therefore, they perceived the offender as receiving his just dessert

when he was subjected to retributive justice. These results in fact mirror what has happened in South Africa. Many citizens were not satisfied with the TRC and restorative justice procedure as many felt justice was lacking as retributive justice was the only method of redressing past wrongs (Llewellyn & Howse, 1999b).

That being said, it was important for this research to include this type of crime because this is precisely the type of situation that truth commissions actually deal with in their proceedings around the world. It is, therefore, important to know how this situation empirically pans out in the lab as it can then at some point be applied in different areas: a war torn zone considering the use of a truth commissions for instance.

Some see restorative justice as being soft on crime (Volpe and Strobl, 2005). This view stems from the fact that the prevailing retributive form of justice has equated justice with punishment, and anything short of retribution, is not justice. However, there is a growing movement to use restorative justice, particularly within the realm of international dispute, and increasingly, policymakers are responding to needs of victims with a restorative justice perspective (Bradshaw & Umbreit, 2003). Truth Commissions are incorporating forms of restorative justice as retributive justice is not viewed as feasible due to a variety of constraints, such as the length of the court cases to name but one (Stovel, 2003). Despite any trend that may exist in favour of restorative justice, the results from this study suggest participants perceive more fairness for the victim, the accused, or the victim's family with retributive rather than with restorative justice.

Although participants perceive retributive justice as fairer, restorative justice did play a mitigating role, which allowed people to see the systemic level of responsibility. Restorative justice plays a different type of role as it had a moderating effect on

responsibility and sentencing. Those in the restorative justice condition were more likely to view the government as being responsible for the crime rather than the offender. For those exposed to restorative justice, responsibility shifts from the individual to the government. Meanwhile, for those in the retributive condition, Mr. Bay, the offender is responsible for the crime.

In open-ended questions, participants in the restorative justice condition are more likely to want less jail time for the offender whereas those in the retributive condition want the offender to go to jail for the maximum time. The restorative justice participants were more likely to mention community service included in the punishment. The restorative justice option allowed participants to think of alternative ways to addressing a crime rather than solely going to jail.

Traditionally, restorative justice has been used with minor crimes while offenders who commit major crimes are usually sentenced to jail. As this crime would certainly qualify as a major crime, the participants are not likely to consider an alternative to jail. However, the Canadian Council of Justice (Rugge, Bonta & Wallace-Capretta, 2005) is currently researching the use of restorative justice as it applies to more severe crimes in Ottawa, and thus far, positive results are emerging. The results of the evaluation showed that most program participants were highly satisfied with the restorative justice approach, especially when compared to those who had only gone through the criminal justice system. Both victims and offenders were able to actively be part of the decision-making process, and in some cases, were able to recommend a plan (Rugge et al., 2005). Overall, the people affected by serious crimes felt empowered by the process. They also thought that justice had been achieved through the restorative approach. This research, therefore,

suggests that the wider application of restorative justice to major crimes and may point to its use in other non-traditional forums, although caution with state sponsored violence is advised.

### *Types of Truth-telling*

The term Truth Commission is presently the common name for an official investigative body that documents a pattern of past human rights abuses (Baker, 2001). Truth Commissions are named “Truth” Commissions because they are designed to get at the truth of atrocities committed in the past, and usually in a broad systemic fashion. Truth and justice go hand in hand within the conceptual framework of Truth Commissions as people come forth, tell the truth, which then supposedly, as the theory would have it, leads to restored justice. This study was an empirical evaluation of how the truth coincides with perceptions of fairness and consequently how that same truth fits into the larger truth commission framework.

With respect to truth and fairness, the hypothesis on the varying degrees of admission of truth was not significant with perceptions of fairness. Participants did not perceive the outcome as fairer to the victim, the accused, or the victim’s family when the accused denied the truth, told the truth or apologized. It would appear that the nature of the crime was so severe that it outweighed the condition of truth. Simply put, the truth did not matter or make any difference to the participants in the study.

There appears to be a ceiling effect of the crime so that the hypothesized relationship of truth and fairness is obscured by the severity of the crime. In another study with a less severe crime, there may be a relationship between truth and fairness, but in this study, those results did not come to pass.

*Belief in a Just World*

The fourth hypothesis was not supported as there was no indication of a relationship between BJW as a moderator, types of justice as the independent variable, and perceptions of fairness. There was very little range in scores as well as low reliability for this scale and thus might not have been the most appropriate scale. The use of another scale in future research, which also looks at just world beliefs may be more accurate in assessing beliefs and thus have a larger influence in assessing perceptions of justice.

*Tendency to Forgive and Attitude toward Forgiveness*

Trait forgiveness did not play a major role in this study as a moderator. The fifth hypothesis investigated whether trait forgiveness would moderate the relationship between types of justice and perceptions of fairness. It is possible that because of the severe nature of the scenario, the role of forgiveness did not come through as expected.

Berry and Worthington (2001) discuss coping strategies, which have an impact on one's forgiveness within a relationship. One coping response is unforgiveness, which is a negative emotion involving bitterness, anger or fear and involves vengeful thoughts about the transgressor. In this study, the personal relationship between transgressor and victim/family was not present. Therefore, unforgiveness did not exist in the participants in the study. People who maintain unforgiveness tend to ruminate and have vengeful thoughts about transgressor and transgression (Berry & Worthington, 2001). They argue that forgiveness replaces these negative thoughts and that unforgiveness can lead to adverse health outcomes. Some researchers propose forgiveness be associated with mental health benefits (Thoresen, Harris, & Luskin, 2000). However, in this study, the lack of relationship between the participant and accused may have produced a different effect. There was no reason to be in an unforgiveness state compared to those involved

with real truth commissions. In fact, Umbreit (1999) has argued that forgiveness should not be used in restorative justice in order to avoid unrealistic expectations and consequently pressure the participant. That being said, because the TRC was intended to nurture forgiveness, it must now be acknowledged that it was perhaps too unrealistic a goal in some cases. However, apology does play a part in how forgiving one is, which will be examined in the next section.

### *State Forgiveness*

State forgiveness was marginally significant in this study suggesting that people tend to forgive more when an apology is offered. It is slightly surprising given that Karreman, Lange, Ouwerkerk, & Kluwer (2003) argue that forgiveness is contingent to the relationship between the victim and offender. Karreman, Lange et. al, argue that forgiveness does not happen in a vacuum, but rather psychological consequences of forgiveness need to be rooted in one's commitment to the relationship. In the present study, there was no relationship between the participant and offender, yet participants were more forgiving when an apology was offered.

On the other hand, McCullough, Worthington and Rachal (1997) argue that when an offender offers an apology to the offended party, the offended party tends to forgive the offender. The offended party sees the offender as experiencing guilt and distress over the harm his actions have caused. In fact, McCullough, Rachal, Sandage, Worthington, Brown and Hight (1998) argue that there is robust link between apology and forgiving. Perhaps, in this case, the participants viewed the offender as being sorry for his actions and thus were more willing to forgive him.

In a recently published study by Allan, Allan, Kaminer, & Stein (2006), victims of human rights violations who had participated in the TRC were more willing to forgive

offenders if an apology was issued. When victims felt that the wrongdoer was genuine and truly sorry for the committed offences, the participants were more forgiving than when an apology was not offered. According to Gododo-Madikizela (2002), who did work with TRC victims, an apology must be sincere and validate the pain and suffering. She worked with victims of high profile offenders and describes the widows of victims and the forgiveness of the widows when an apology is offered.

In this present study, an apology made a difference to state forgiveness of participants even when they were not emotionally attached to the offender or the event. The apology must have come across as sincere and believable in order for participants to be more forgiving in the apology condition. However, there was no difference when the offender told the truth; there was only a difference when the offender apologised for the wrongful acts. It would appear that state forgiveness does play a role in truth commissions. Unlike perceptions of fairness, where truth or apology were not significant, state forgiveness was able to emerge when an apology was offered.

### *Well-being*

There have been indications in the literature that well-being is related to forgiveness, i.e., forgiveness begets well-being. Considering this, it was believed that one's well-being would increase if the truth was told. However, the items that were intended to measure this aspect were not interpreted as this concept. The one item used to measure this concept was not significant. Therefore, it would be best to include a specific scale on well-being health or have participants more emotionally involved in the scenario. However, that being said, the crime was so severe that it is unlikely that without a vested interest in the case, one's well-being would be improved.

*Responsibility*

This study was unique in that it was trying to evaluate a systemic concept of justice as applied to micro level incidents. It was, after all, individuals who carried out the crimes, but on the orders of the government. When asked directly if the accused was responsible, a majority of participants agreed that Mr. Bay, the offender, was responsible for the crime committed. However, when given a choice of deciding who was responsible for the crime, there was a broader range of answers encompassing a more complex evaluation of the crime. Participants thought that Mr. Bay and the Government were equally responsible for the crime committed, while about a quarter of participants thought that both Mr. Bay and the Government should be held responsible for the crime.

The results showed that there was no relationship between the type of truth and who was responsible. Once again, it did not matter if the truth was told or denied by the accused. However, depending on whether participants were in the retributive or restorative justice section, there was a difference in who they thought was responsible for committing the crime. The participants in the retributive cell viewed Mr. Bay, or Mr. Bay and the government to have committed the crime, whereas those in the restorative cells indicated the government to be responsible.

*What should happen and was Justice served?*

In the qualitative question “What should happen to the offender?”, the general response by participants was ‘jail time’. However, when the responses were broken down into types of justice: retributive and restorative, responses differed slightly. For participants in the retributive section, the majority wanted the accused to go to jail. As mentioned, the jail term varied in length from a short jail period to jail for life. Meanwhile, in the restorative justice condition, the majority of participants also wanted

the accused to go to jail. However, 28 percent also wanted community service incorporated into the sentencing. Only 15 percent of participants thought the offender should get life in prison compared to 37 percent in the retributive condition. Restorative justice appears to play some type of moderating effect on jail time. This was also seen in a direct question about how long the accused should be sentenced to jail. The retributive condition thought the accused should spend a longer time in jail than those in the restorative justice condition.

When exposed to the idea of community service, participants agreed that it should be used as an option. It appears that more exposure of restorative justice gives participants a wider concept of justice.

In the second qualitative question asking if justice was served, participants were again divided along retributive and restorative forms of justice. Those in the retributive section were evenly divided as to whether the justice delivered was fair. For the participants who did not see justice as being served, it was largely because the government was not held accountable for its role in the crime. Although this group had in an earlier question indicated that the offender was responsible for the crime, in the qualitative section they indicated that perhaps the government should also be reprimanded in some fashion for their role.

For those in the retributive condition that were satisfied with the delivery of justice, there was a cautionary note in the answers. Thirty percent of participants agreed justice was served as long as Mr. Bay got the maximum jail term as the scenario only mentioned he would be getting a jail term. About a quarter of the answers indicated that

they were satisfied with the justice delivered because the offender was serving time and was being held responsible for his actions.

There was also a section of participants who “sort of” agreed that justice was served. The participants viewed the crime outcome as twofold. Essentially, participants saw some good things but also some unresolved issues. For example, the victim received justice, but the accused was not rehabilitated or the government was not held accountable for the crime.

For those in the restorative section 28 percent did not feel satisfied with the justice. This was largely due to the lack of jail time or the sentence of community service being too light. As well, participants thought the government was not held accountable.

The participants who thought justice was served were happy that Mr. Field was compensated, and that the crime was acknowledged and addressed whereas the majority of the retributive group was happy only if the offender received a maximum jail term.

Once again for the participants who “sort of” agreed that justice had been served, there was a twofold answer. They agreed with the retributive group and liked the fact that the victim was compensated but both groups agreed that the government was not held responsible. As well, the participants in restorative justice thought that Mr. Bay, the offender, should have been punished and should go to jail. As well, this group liked the fact that the offender was forced to do community service.

#### *Truth Commissions/Restorative Justice*

Truth Commissions are often used as a form of restorative justice to address crimes in countries with a violent past. Rather than send perpetrators to jail, truth commissions seek to hear the stories of both victims and offenders and to then integrate the latter into society. In this sense, the truth commissions uphold the principles of

restorative justice in that focus is placed on the three actors involved: the victim, the offender and the community. However, it was not clear to the researcher whether those not well-read on restorative justice and truth commissions saw the same three actors as being instrumental in the process. To address this, the study was designed to measure the magnitude to which each of the three actors fit into truth commissions. The results suggest that participants are especially receptive to the victim being part of the truth commission and in fact see truth commissions as serving predominantly the needs of victims as it provides them a forum to tell their stories and have a more influential presence in the proceedings than would otherwise be the case at a trial. Aside from being a venue to share their experiences, participants also agreed that truth commissions served the more practical purpose of effectively restoring justice for the victim.

The same could not be said of the offenders place in truth commissions. Contrary to expectations, there was no support of offenders being connected to truth commissions as a vehicle to assess their accountability, guilt or to make amends. The idea that offenders be involved in truth commissions was not accepted by the participants. As for the community, the third actor, there was slightly more acceptance of their role when compared to that of offenders, but still not as much as there was for the victims. On the whole, however, participants did see a connection between truth commissions being effective in restoring justice for society and repairing damaged relationships, and being an alternative to long trials and having the truth emerge.

#### *Overall analysis*

Overall, the results of the study suggest a preference for retributive justice over restorative justice. The study equally reveals that distinction between denial, truth, or truth coupled with an apology, did not have a large impact with perceptions of fairness.

This begs the question, Why? There are a number of reasons that could explain this occurrence. First, the crime could have been so severe that it overrode any other sense of fairness. In Canada, we do not have the same recent ubiquitous history of violence as does South Africa. Therefore, we are not accustomed to such atrocities and our collective sensibilities are offended by such severe and systemic acts of crime. We cannot get past the fact that the crime is so brutal, cruel, and *organized*. Second, it could also be that few, if any of the students, personally experienced any type of crime as harsh as that described in the scenario. Therefore, there is no burning desire to know the truth as it doesn't affect them either way. There is no personal investment involved in finding out whether Mr. Bay, the accused, really did perform such a violent act. There were no years of wondering what had happened to their loved-ones. It could, therefore, be concluded that the students were too far removed from the situation to fully appreciate how important it might be for those to understand the bare, basic facts of what happened when the crimes were committed.

To continue along this same vein, many scholars contend that in terms of forgiveness, it can only come directly from a harmed party (Enright, Freedmen & Rique, 1998). But, the third party, or in this case, society, must be considered, particularity in the case of murder. Exline et al, (2003) argue that it is important to take into account third party forgiveness as it does pose risks. The loved-one may feel protective of the victim and their forgiveness of the offender would feel like a betrayal.

However, results showed that when an apology was offered, participants were more forgiving than when it was not offered. This study gives further claim to the relationship between forgiveness and apology.

*Limitations*

It must be acknowledged that this study, to the researcher's knowledge, did not feature any participant with first-hand experience or participation in a truth commission. In fact, most participants had not even heard of a Truth Commission. This lack of personal involvement is naturally inherent in the results arrived at in this study. The participants never had a personal investment in the outcome that would have otherwise influenced their responses. As well, the crime in the scenario was of a very severe nature where the accused went into a church and started to shoot people. As Canadians, we are not used to this systemic violence that permeates through the country, therefore, responses were probably impacted by the severity of the crime. In addition, as was touched upon earlier, a Belief in a Just World scale and well-being scale did not seem to work as expected.

*Implications and Future studies*

Results from this study have a number of practical and academic implications. First, the findings are similar to those on retributive justice where participants favour jail time when a crime is severe. However, this study does indicate that restorative justice can have a moderating effect in terms of how people view who is responsible and how long they should be punished. Second, this study adds to the research indicating when one is offered an apology, one is more forgiving even when a severe crime is involved.

As restorative justice is favoured more in property crimes, such as a break and enter, future studies involving such scenarios i.e. of lesser crimes, might produce different results. In this way, one could then assess whether truth does make a difference to the outcome.

In terms of future studies, Belief in a Just World and well-being should be considered important components but addressed in a different manner. Perhaps, with a less severe crime, the two scales might be more significant.

In conclusion, truth commissions have based themselves on truth being the key to forgiveness and have integrated forms of restorative justice into their fabric. However, this study underlines the difficulty in applying such a lofty goal at such a macro level. At best, it would appear that forgiveness may be attained at an individual or micro level, and indeed, it is at this level that restorative justice principles work best. To apply restorative principles, which are most often applied on lesser crimes, to address severe crimes at a macro level appears ill-conceived, at least in its current form. The results of this study point to little correlation between truth, for truth's sake, and fairness. Rather, truth serves to assess guilt and to then act accordingly, and to 'act accordingly' is to act within a retributive framework of course. Considering this, it would appear that truth commissions have it half right – they allow for the truth to come out, but is there reconciliation? The results herein would suggest not.

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## Appendix A

### Welcome to the Truth and Justice Survey

Thank you for agreeing to participate in our research study. Please read the following instructions before filling out the enclosed questionnaires.

Begin by reading the informed consent form. This form describes the purpose, requirements and confidentiality of the study. If you choose to continue your participation, please sign and date the form. If you decide not to participate, please return the questionnaire.

After signing the consent form, you will be asked to complete some questions about yourself. This is done so the researchers can better understand who is participating in the study. All the answers you provide will be kept confidential.

Following the background information, you will fill in two brief questionnaires. You will then read an article from the Jackson Times, which presents an excerpt from a Truth Commission. The crime committed in the article is based in a hypothetical place called Jackson but the events are real.

Finally, you will be asked to complete two more questionnaires based on the article you have read. A list of questions will be provided to you after the article.

Please read each question carefully. Mark the response which you feel best describes how you view the situation. Take your time. Please do not write your name anywhere on the survey, except on the informed consent form. When you are finished, please submit to either the researcher or your instructor.

Thank you for your participation.

Appendix B  
Informed Consent

The purpose of an informed consent is to insure that you understand the purpose of the study and the nature of your involvement. The informed consent must provide sufficient information such that you have the opportunity to determine whether you wish to participate in the study.

**Present study:** Truth and Justice

**Research Personnel.**

Cathy McMillan -Principle Investigator, 520-2600, ext. 2655 cmcmill2@connect.carleton.ca  
Dr. Frances Cherry - Faculty Advisor, 520-2600, ext. 2702

*Should you have any ethical or other concerns about this study then please contact:*  
Dr. Janet Mantler, Chair, Carleton University Ethics Committee for Psychological Research, 520-2600, ext. 4173  
Dr. Mary Gick, Chair, Department of Psychology, 520-2600, ext. 2648.

**Purpose.** The purpose of this study is to better understand the relationship between truth and justice.

**Task requirements.** Fill out two questionnaires, read an article, and answer a series of questions about the article.

**Duration.** The experiment should last about 20 minutes.

**Right to withdraw.** You may withdraw from the study at any time.

Signatures

I have read the above form and understand the conditions of my participation. My participation in this study is voluntary, and if for any reason, at any time, I wish to leave the experiment I may do so without having to give an explanation. Furthermore, I am aware that the data gathered in this study are confidential and anonymous with respect to my personal identity. My signature indicates that I agree to participate in the study.

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTOOD THIS AGREEMENT, that I have executed this agreement voluntarily.

SIGNED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at  
Ottawa Ontario.

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Printed Name of Participant

\_\_\_\_\_  
Printed Name of Witness

\_\_\_\_\_  
Address & Phone No.

Appendix C

Background Information

1. Age: \_\_\_\_\_ years
2. Gender (circle): female / male
3. Citizenship:\_\_\_\_\_
- b) If not born in the country where you claim citizenship, which country were you born?\_\_\_\_\_
- c) If not born in the country you claim citizenship, how old were you when you moved to the country of citizenship?\_\_\_\_\_
4. Country where you presently reside?\_\_\_\_\_
5. What country do you consider home?\_\_\_\_\_
6. What is your current level of education in university? (Circle one)  
 1<sup>st</sup> year      2<sup>nd</sup> year      3<sup>rd</sup> year      4<sup>th</sup> year  
 Other\_\_\_\_\_
7. What discipline (or major)? (Circle one)  
 Psychology   Political Science   History   Anthropology   Sociology   Other\_\_\_\_\_
8. What is your religion, if any? (Circle one)  
 Buddhist   Christian   Hindu   Jewish   Muslim   None      Other\_\_\_\_\_
9. What is your ethnic/racial background? (Circle one)  
 Aboriginal   Asian   Black   Caucasian   Middle Eastern   Other\_\_\_\_\_
10. I am fluent in English (please circle one)  
 1            2            3            4            5            6            7  
 Not at all                      Somewhat                      Completely

## Appendix D

## Beliefs about the World

Listed below is a series of statements about various beliefs. Read each statement carefully and decide the extent to which you personally agree or disagree with it. Please rate the extent to which you agree or disagree with each statement using the following scale.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	Strongly agree

Answer	Statement
_____	1. I've found that a person rarely deserves the reputation he has.
_____	2. Basically the world is a just place.
_____	3. People who get a "lucky break" have usually earned their good fortune.
_____	4. Careful drivers are just as likely to get hurt in traffic accident as careless ones.
_____	5. It is a common occurrence for a guilty person to get off free in Canadian courts.
_____	6. Students almost always deserve the grades they receive in school.
_____	7. People who keep in shape have little chance of suffering a heart attack.
_____	8. The political candidate who sticks up for his or her principles rarely gets elected.
_____	9. It is rare for an innocent person to be wrongly sent to jail.
_____	10. In professional sports, many fouls and infractions never get called by the referee.
_____	11. By and large, people deserve what they get.
_____	12. When parents punish their children, it is almost always for good reasons.
_____	13. Good deeds often go unnoticed and unrewarded.
_____	14. Although evil men may hold political power for a while, in the general course of history good wins out.
_____	15. In almost any business or profession, people who do their job well rise to the top.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	Strongly agree

\_\_\_\_\_16. American parents tend to overlook the things most to be admired in their children.

\_\_\_\_\_17. It is often impossible for a person to receive a fair trial in Canada.

\_\_\_\_\_18. People who meet with misfortune have often brought it on themselves.

\_\_\_\_\_19. Crime doesn't pay.

\_\_\_\_\_20. Many people suffer through absolutely no fault of their own.

## Appendix E

## Social Attitudes Scale

Listed below is a series of statements about forgiving. Read each statement carefully and decide the extent to which you personally agree or disagree with it. Please rate the extent to which you agree or disagree with each statement using the following scale.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	Strongly agree

- \_\_\_\_\_ 1. I tend to get over it quickly when someone hurts my feelings.
- \_\_\_\_\_ 2. If someone wrongs me, I often think about it a lot afterwards.
- \_\_\_\_\_ 3. I have a tendency to harbour grudges.
- \_\_\_\_\_ 4. When people wrong me, my approach is just to forgive and forget.
- \_\_\_\_\_ 5. I believe that forgiveness is a moral virtue.
- \_\_\_\_\_ 6. Justice is more important than mercy.
- \_\_\_\_\_ 7. It is admirable to be a forgiving person.
- \_\_\_\_\_ 8. I have no problem at all with people staying mad at those who hurt them.
- \_\_\_\_\_ 9. Forgiveness is a sign of weakness.
- \_\_\_\_\_ 10. People should work harder than they do to let go of the wrongs they have suffered.

## Appendix F

*Please read the following article and complete the questionnaires after the story. Although the names of the city and people have been changed, the events are real.*

### **Background Information**

From 1960 to 1992, a repressive and brutal government was in power in Africa. As the government tried to keep power and contain uprisings from the citizens of the country, crimes were often committed in the name of the government. As well, political parties trying to remove the government from power often resorted to violence to express their actions. Many of the crimes committed were kept a secret and hidden by those in power. When the old government collapsed in 1992, the new government set up a Truth Commission to investigate crimes that had been committed during the years between 1960 and 1992. The following is a story from the Truth Commission that took place.

The **Truth Commission** is a court-like body usually assembled after a repressive government has fallen from power. Anybody who feels they have been a victim of violence under the old regime can come forward and be heard at the Truth Commission. Perpetrators of the violence can also give testimony. There is an understanding that if perpetrators come forth, they help society come to grips with the past by telling the truth and acknowledging what had happened. The following hearings were on national and international news and many sessions were televised on national TV. The Truth Commission has been viewed as a crucial component of the transition to full and free democracy in the country.

# JACKSON JONES

SUNDAY, SEPTEMBER 20, 1991  
JACKSON, AFRICA

On September 13, 1991, Mr. Fields left his house at 10:00 a.m. to attend church. Upon arrival, he entered the front doors and proceeded to a pew in the middle of the church where he sat down. As the service began, he followed along and at one point was enjoying the music of two young people who were singing a duet. As the song was coming to an end, the church doors were suddenly flung wide open.

At first a gun shot was heard and immediately thereafter a hand grenade was hurled towards the congregation. While the hand grenade was still airborne, three people appeared at the door and one of the men opened fire with a very heavy machine gun. According to witnesses, the explosions were extremely loud and powerful. Mr. Fields who was sitting at the end of the pew, saw the man with the machine gun begin to spray bullets randomly across the congregation.

According to members of the congregation, everything seemed to happen in slow motion. People tried to take cover but since the pews were full, everyone went to the floor rather slowly. The men carrying guns were moving up the pews and trying to shoot every person. Witnesses claimed that it was an absolute horror.

Mr. Fields curled himself up and hid his face from the gun fire. As he curled up, he later said he felt the thud of the bullet hitting his lower back followed by a terrible pain. As he stretched his body out, his lower body became numb.

As Mr. Fields lay on the floor in severe pain, help did come shortly in the form of fellow brethren. They took off Mr. Fields' jersey and stuffed the sleeve of the jersey into the hole where the bullet had penetrated. "There was a lot of blood loss in the process and he became extremely weak" one witness claimed. An ambulance finally arrived to give further attention and medical help to those who needed it.

Mr. Fields' injuries were quite severe for a young man of 40. There was a total paralysis of the left foot, the left leg muscles collapsed and there is numbness in many areas of his body. He continues to suffer severe pain and he thanks God for the medication that he uses to help him get through the day.

# JACKSON TIMES

## SUNDAY, APRIL 14, 1996

In 1996, a **Truth Commission** was set up to deal with the crimes that were committed in Jackson. The following is an excerpt from the commission, which looks at the case of Mr. Fields that was reported on by the Jackson Times in 1991.

### 1996 TRUTH COMMISSION

#### Jackson, Africa

- **THE COURT:** The next witness is Mr. Bay convicted of attacking a church congregation and in particular of the shooting of Mr. Fields, who was severely injured.
- **THE COURT:** Will you please stand Mr. Bay? Do you swear that the evidence you are about to give will be the truth, the whole truth and nothing but the truth, so help me God.
- **MR. BAY** (sworn states)
- **THE COURT:** What is your age?
- **MR. BAY:** I am forty-four years old.
- **THE COURT:** There have been 70 witnesses who have come forth and told a similar story to one another. On the morning of September 13th, 1991, you were seen entering the front doors of the church on the outskirts of Jackson. Upon entering the church, you launched a hand grenade, then began shooting people who were sitting in the church pews. In particular, you shot Mr. Fields, who has since suffered physical as well as psychological damage. Is this correct?
- **MR. BAY:** No that is not correct.
- **THE COURT:** Once again, there have been numerous witnesses who have identified you as the one who started shooting the church members upon your arrival at the church. It has also been established that the other three men who were with you were patrolling the aisles while you shot your gun at the members of the congregation. Is it not correct that you were the one responsible for shooting Mr. Fields who was sitting on the right side of the church on one of the pews?

JACKSON JAMES  
SUNDAY, APRIL 14, 1996

- MR. BAY: No, I do not admit to doing the shooting.
- THE COURT: Why not?
- MR BAY: I was in the army and our orders came down from the government. If anything happened on September 13, 1991, if we were to drive to the edge of Jackson, if we were to attack the church, we would have been ordered to take out the political rebels by the state. I know that the church-goers were believed to be associated with a political party that was trying to overthrow the government. It would have been the intention of an agent of the state to remove the threat that existed.
- THE COURT: Thank you Mr. Bay. You are dismissed. The court will now deliberate on this matter.

Verdict

- THE COURT: We, the Truth Commission Court, find Mr. Bay guilty. As such, he will be sentenced to a jail term yet to be determined.

JACKSON JONES  
SUNDAY, APRIL 14, 1996

- MR. BAY: No, I do not admit to doing the shooting.
- THE COURT: Why not?
- MR BAY: I was in the army and our orders came down from the government. If anything happened on September 13, 1991, if we were to drive to the edge of Jackson, if we were to attack the church, we would have been ordered to take out the political rebels by the state. I know that the church-goers were believed to be associated with a political party that was trying to overthrow the government. It would have been the intention of an agent of the state to remove the threat that existed.
- THE COURT: Thank you Mr. Bay. You are dismissed. The court will now deliberate on this matter.

Verdict

- THE COURT: We, the Truth Commission Court, find Mr. Bay guilty. As such, on behalf of his actions, the state will be ordered to pay the medical expenses of Mr. Field. Mr. Bay is ordered to help rebuild three churches in town that have fallen into disrepair. Mr. Bay will also host five workshops on "Ending Violence" on behalf of Mr. Field who requested this service.

# JACKSON TIMES

## SUNDAY, APRIL 14, 1996

In 1996, a **Truth Commission** was set up to deal with the crimes that were committed in Jackson. The following is an excerpt from the commission, which looks at the case of Mr. Fields that was reported on by the Jackson Times in 1991.

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# JACKSON JAMES

SUNDAY, APRIL 14, 1996

- MR. BAY: Yes, I admit that I was the one doing the shooting.
- THE COURT: Why?
- MR BAY: I was in the army and our orders came down from the government. On September 13, 1991, we were to drive to the edge of Jackson, attack the church, and take out the political rebels. The church goers were believed to be associated with a political party that was trying to overthrow the government. It was my intention as an agent of the state to remove the threat that existed.
- THE COURT: Thank you Mr. Bay. You are dismissed. The court will now deliberate on this matter.

## Verdict

THE COURT: We, the Truth Commission Court, find Mr. Bay guilty. As such, he will be sentenced to a jail term yet to be determined.

# JACKSON TOWNS

SUNDAY, APRIL 14, 1996

- MR. BAY: Yes, I admit that I was the one doing the shooting.
- THE COURT: Why?
- MR BAY: I was in the army and our orders came down from the government. On September 13, 1991, we were to drive to the edge of Jackson, attack the church, and take out the political rebels. The church goers were believed to be associated with a political party that was trying to overthrow the government. It was my intention as an agent of the state to remove the threat that existed.
- THE COURT: Thank you Mr. Bay. You are dismissed. The court will now deliberate on this matter.

## Verdict

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JACKSON JONES  
SUNDAY, APRIL 14, 1996

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- MR. BAY: On behalf of the government, I would like to apologize and say how sorry I am to Mr. Fields for his injuries. When I look back at my actions that were done in the name of security, I feel that I was wrong for committing that act of violence.
- THE COURT: Thank you Mr. Bay. You are dismissed. The court will now deliberate on this matter.

Verdict

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JACKSON TOWNS  
SUNDAY, APRIL 14, 1996

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## Appendix G Outcome Scale

Please read each question and **circle** the option you think best describes how you feel about the article you just read.

1. The outcome was fair to the victim (Mr. Field).

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

2. The outcome was fair for the accused (Mr. Bay).

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

3. How satisfied do you think the victim (Mr. Field) would have been with the outcome?

1	2	3	4	5	6
Strongly dissatisfied	moderately dissatisfied	slightly dissatisfied	slightly satisfied	moderately satisfied	strongly satisfied

4. Do you think the family of the victim (Mr. Field's family) would have been satisfied with the outcome?

1	2	3	4	5	6
Strongly dissatisfied	moderately dissatisfied	slightly dissatisfied	slightly satisfied	moderately satisfied	strongly satisfied

5. How easy do you think it was for the victim (Mr. Field) to forgive the accused (Mr. Bay)?

1	2	3	4	5	6
Very Easy	moderately easy	slightly easy	slightly difficult	moderately difficult	Impossible

6. How easy would it be for you to have forgiven the accused (Mr. Bay)?

1	2	3	4	5	6
Very Easy	moderately easy	slightly easy	slightly difficult	moderately difficult	Impossible

7. The process of a Truth Commission was effective in restoring justice for the victim (Mr Field).

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

8. The process of a Truth Commission was effective in restoring justice for the accused (Mr Bay).

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

9. The process of a Truth Commission was effective in restoring justice for society as a whole.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

10. Mr. Bay, the accused, was responsible for his actions.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

11. The crime committed was of a severe nature.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

12. If you were the victim, your well-being would be better off if you forgave the accused.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

13. If you were the victim, your mental health (i.e., depression) would suffer as a result of the incident.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

14. As a result of the Truth Commission, your mental health (i.e., depression) would be improved.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

15. The victim (Mr. Field) should forgive the accused (Mr. Bay).

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

16. The accused (Mr. Bay) should serve a jail term.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

b) If so, how long? (Circle one)

1-2 years      3-5 years      5-8 years      9-12 years      over 15 years

17. The Truth Commission process is effective in deterring crimes from happening again.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

18. The Truth Commission process is effective in rehabilitating an offender.

1	2	3	4	5	6
Strongly disagree	moderately disagree	slightly disagree	slightly agree	moderately agree	strongly agree

19. Who do you feel was responsible for the crime?

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20. What would you like to have seen happen to the accused, Mr. Bay?

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21. Do you think justice has been served in the story? Why or why not?

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22. On a scale from 1 to 10 (1 = not satisfied and 10 = completely satisfied), circle how satisfied you feel with the justice outcome in the article.

1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_ 7 \_\_\_\_\_ 8 \_\_\_\_\_ 9 \_\_\_\_\_ 10 \_\_\_\_\_  
 Not Satisfied Completely Satisfied

**Section B**

Please indicate your knowledge of Truth Commissions (Circle one).

1	2	3	4	5	6
Never heard of Truth Commissions		Know a little bit about Truth Commissions		Comprehensive knowledge of Truth Commissions	

A **Truth Commission** is a court-like body usually assembled after a repressive government has fallen from power. Truth Commissions (TC) are set up for a variety of reasons. The following nine items represent the goals of a TC. To what extent do you agree that these goals are addressed by TC.

1	2	3	4	5	6
Strongly disagree					Strongly agree

\_\_\_\_\_ 1. At a TC, damaged relationships are repaired by bringing people together.

\_\_\_\_\_ 2. At a TC, offenders are not held accountable.

\_\_\_\_\_ 3. At a TC, the victim is involved in the process of determining the punishment.

\_\_\_\_\_ 4. A TC is not a good alternative to a lengthy trial.

\_\_\_\_\_ 5. Victims can come forth and tell their stories.





Appendix I  
Debriefing Form: Restorative Justice

Thank you for your co-operation and participation in this study. This study was designed to examine the impact of truth and justice. There were six variations of a scenario to which participants were randomly assigned. The accused denies responsibility for a crime, admits the crime, or admits the crime and apologizes. At the end of the scenario, restorative or retributive justice was used to deal with the offender. Retributive justice saw the accused sentenced to a jail term whereas restorative justice saw the state paying medical expenses, and the accused doing community service.

Another factor being investigated was whether one's tendency to forgive influenced the relationship between truth and justice. It is hypothesized that forgiveness may serve some function in the role between truth and justice. Those who are more forgiving in situations may be more likely to think justice has been served when the truth came out as opposed to those who do not forgive.

In addition, we wanted to investigate whether people who believe in a Just World (i.e. Just World being where people generally get what they deserve (Dalbert, 1999)) think justice is done when restorative justice is used. It was hypothesized that people who believe in a Just World will favour retributive justice over restorative justice.

The data gathered in this study are confidential and anonymous. If there is anything you want to discuss further, here is a list of people you can contact. For questions about the study, you may contact Cathy McMillan, at (613) 520-2600 ext. 2655 (e-mail: ccmill2@connect.carleton.ca) If you have any concerns about any ethical aspects of the study you are invited to contact Dr. Janet Mantler, Chair of Carleton University Research Ethics Committee for Psychological Research, at (613) 520-2600 ext. 4173. If you have any concerns about other aspects of the study, please contact Dr. Mary Gick, Chair of the Department of Psychology, at (613) 520-2600, ext. 2648.

Thank you for your time and your participation in this study.