

or predetermined path to the present” (p. 20). The new scholarly interest – particularly from the critical or left perspective – in re-imagining the past of human rights can be traced to this sentiment. Both Quataert’s and Osiatyński’s recent books illustrate this broader trend, and can thus be located within an interesting new wave of human rights scholarship, which adds to their importance over and above the contributions made by each author alone.

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Transitional Justice in Balance: Comparing Processes, Weighing Efficacy. By TRICIA D. OLSEN, LEIGH A. PAYNE and ANDREW G. REITER. [Washington DC: United States Institute of Peace Press] 2010, 248 pp. Paperback \$15.48. ISBN 978-1601270535.]

IT IS NOW CUSTOMARY for countries emerging from war, authoritarianism and conflict to adopt transitional justice mechanisms which include, *inter-alia*, trials, truth commissions, lustration policies, institutional reform, reparations, memorialisation and amnesties. This is because of the widely held assumption that amnesia perpetuates impunity and invites repetition of the atrocities. The global reach of transitional justice is seen in the proliferation of articles and books which are devoted to the topic. Most of these studies are however detailed case studies and single mechanism analyses which have not tested the central assumptions on the adoption and efficacy of transitional justice. Payne and her co-authors fill the need for generalizable empirical accounts based on a comparison of multifarious processes across an extensive stretch of regions, countries and epochs.

The authors have identified two broad types of untested hypotheses from transitional justice scholarship. The first of these are assumptions which try to justify the adoption of transitional justice in certain contexts. The second category are those which attempt to give reasons for the failure or success of transitional justice in accomplishing the key political ends of strengthening democracy and curtaining breaches of human rights. To weigh the two categories of hypotheses, they developed the Transitional Justice Database (hereinafter database) which includes trials, truth commissions, amnesties, reparations and lustration policies. They analyse 848 transitional justice mechanisms adopted in 161 countries between 1970 and 2007 using their database and “existing data on factors such as democracy and human rights.”

The theoretical and empirical basis is presented in the first two chapters. In Chapter 1, the authors start by attempting to define “transitional justice” which is useful since “disagreement persists over when such a trend began, which mechanisms have been adopted (and) which of these constitute “transitional justice” (p. 9). This is followed by an evaluation of existing literature on countries’ decisions to adopt transitional justice mechanisms. They argue that the scholarly writings on the topic produce reasonable but usually varied and untested hypotheses on the issue. This explains the need for their project which also links the rationale for the adoption of transitional justice mechanisms to the possibilities for attaining democracy and human rights ends.

This leads them to an evaluation of materials on the success criteria of transitional justice (pp. 16–28). They identify four compelling and reasonable approaches that they describe as maximalist, minimalist, moderate and holistic,

all of which generate untested hypotheses. They argue that to date the most advanced quantitative work on transitional justice has been mechanism specific and thus overlooks important trends within transitional justice choices and can encounter selection-bias issues. This gap is filled by their database which examines multiple mechanisms, has a global scope and deals with case selection issues. The database is described in Chapter 2.

This chapter is useful as it sheds some light on the cases and coverage, defines the mechanisms which the authors have focused on and gives their rationale for doing so, as well as their interpretations of patterns of transitional justice. The authors are aware of the limitations of their database and have made key suggestions of issues which they have excluded which can be incorporated by future research. This discussion also pre-empts possible criticisms, especially those which relate to accuracy, as the definition of success of the mechanisms that they are trying to measure is still a subject for debate. For example, what they have considered to be truth commissions are processes which are commonly understood to be public inquiries. (pp. 35–36).

Interestingly the authors aptly state that “constructing the database required accurate information on specific transitional justice mechanisms” yet they relied largely on Keesing’s World News Archive for information about mechanisms included in their data set. Those who have conducted detailed “single case studies” in developing countries on the subject will know that most of the relevant information may not be available electronically. Consequently, the mechanisms and the information which the authors use to analyse patterns of transitional justice in, for example Zimbabwe, is not both up to date and entirely accurate. However, this limitation is inevitable in such an ambitious project and can be seen as one of the strengths of the book as it creates opportunities for academic debate.

Chapter 3 looks at the politics of transitional justice. In particular, the authors analyse the extent to which the legacy of authoritarianism, transition factors and democratic governance factors shape transitional justice choices. Chapter 4 considers the domestic political economy of transitional justice and concludes that there is a correlation between the health of the economy and mechanisms adopted. This leads them to a conclusion that the international community has not sufficiently supported “poorer countries to encourage them to adopt expensive mechanisms” (p. 78). The role of the international community is then explored in much detail in Chapters 5 and 6 which specifically focuses on norm diffusion, international advocacy, economic factors and contagion as possible international influences. The authors are not persuaded by arguments on the influence of international norms and contagion but believe that International Non-Governmental organisations (INGOs) do play an important role in putting pressure on the states to address previous state orchestrated violence. Perhaps, future research can develop this analysis further and recognise the fact that international action is usually based on self-interest and simultaneously shed some light on the financing of INGOs.

Chapter 7 provides the theoretical basis and analysis of the use of transitional justice in civil war contexts. The recent growth of transitional justice is attributed to its increased use in the context of civil war. The authors confirm that the nature of transition has a marked influence on the choice of mechanism/s adopted. For example, on p. 129 they state that “conflicts that end via negotiations are likely to include amnesties” and this yields peace dividends.

Chapter 8 is devoted to the question of whether transitional justice has a positive and important influence on democracy and human rights. The authors

conclude that the adoption of a combination of methods can strengthen democracy and reduce human rights violations but this outcome can only be achieved at least a decade after the transition. Their findings suggest that no single mechanism which is adopted on its own is effective and confirm a holistic approach which promotes the use of multiple methods. This leads to the final chapter where the authors present a “justice balance” theoretical framework and suggestions for future research (pp. 154–161).

It is noteworthy that the authors restricted their analysis of the success of transitional justice to the goals of democracy and human rights as they believed that other transitional justice goals defy measurements (p. 131). Yet, the same arguments can be made by feminists and postcolonial scholars with regards to measuring the goals of human rights and democracy. Could it be concluded that the authors’ perception is derived from a Western liberal tradition of privileging procedural democracy and civil and political rights?

Overall, this is a good book which is a useful addition to the empirically grounded theory of transitional justice. By providing a comparison of multifarious processes across an extensive stretch of regions, countries and epochs Payne and her co-authors have enriched the transitional justice literature. The book will be a useful and stimulating read for scholars who approach the different aspects of transitional justice from diverse disciplines. It is recommendable reading for both practitioners and scholars which can be used in the teaching, training and implementation of transitional justice. Whilst the book may also appeal to decision makers and practitioners, it is particularly pertinent for academics, as it challenges them to develop ideas on the value and limitations of attempts at quantifying transitional justice.

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