MICHAEL NEWMAN *Transitional Justice: Contending with the Past*. Cambridge: Polity, 2019, pp.204, ISBN 9781509521166, £15.99 (pbk)

The story told by Newman starts in South Africa in the 1990s. The Truth and Reconciliation Commission (TRC) was established by the *Promotion of National Unity and Reconciliation Act,* No. 34 of 1995, and was based in Cape Town. This reviewer can claim some familiarity with this topic: he had been an observer, in Johannesburg, at the first free elections in South Africa in April 1994, and met Nelson Mandela and Desmond Tutu..

The TRC hearings started in 1996 and the second volume of its findings was published in 2003. The mandate of the commission was to bear witness to, record, and in some cases grant amnesty to the perpetrators of crimes relating to human rights violations, as well as offering reparation and rehabilitation to the victims. The TRC found that more than 19,050 people had been victims of gross human rights violations under apartheid. An additional 2,975 victims were identified through the applications for amnesty. In reporting these numbers, the TRC voiced its regret that there was very little overlap of victims between those seeking restitution and those seeking amnesty. A total of 5,392 amnesty applications were refused, granting only 849 out of the 7,111 (which included the number of additional categories, such as "withdrawn").

Whether it was a success is a matter of continuing controversy. Archbishop Desmond Tutu, who led the TRC, acknowledged as much in his entry on the TRC in the *Encylopaedia Britannica.*

From the tiny acorn planed by Ruti Teitel, her book *Transitional Justice*, published by OUP in 2000, a mighty oak has indeed grown, indeed, a forest of mighty oaks. In 2001 Teitel and others, inspired by the South African example, established the *International Center for Transitional Justice* (ICTJ) in New York, promoting a broad set of strategies for social healing, truth-seeking and reconciliation as possible alternatives to more legalistic approaches (Newman, 10). The ICTJ started with four permanent staff, and it now employs more than 120 people, with five permanent regional offices, and ongoing operations in more than thirty countries. It has local teams working with partners in Colombia, Côte d’Ivoire, the Democratic Republic of the Congo, Kenya, Lebanon, Nepal, Tunisia, and Uganda, and maintains offices in The Hague and Brussels. Its experts also assist transitional justice efforts in many other countries where it does not have offices, including Syria, Bosnia and Herzegovina, El Salvador, Guatemala, Libya, Mali, Myanmar, Philippines, Sri Lanka, South Africa, South Sudan, Turkey, and Ukraine. There are now two specialist academic journals, and hundreds of scholarly publications.

Michael Newman, in his characteristically lucid and balanced new book, recognises that this explosion has been parodied in 2009 as a Transitional Justice (TJ) industry, composed of ‘teams of experts, consultants, standardized software packages or data management, and a set of assumptions regarding how “to do memory” and why memory matters.”

For his part, Newman provides a readable summary, introducing the debates, outlining the key ideas, and giving an overview of the vast literature, with reference to case studies including South Africa, Cambodia and Sierra Leone.

Newman tells us that his subtitle, “Contending with the Past”, was devised by Christine Bell, as the most appropriate description of TJ.

The book contains a wealth of information and clearly presented arguments and evaluations. But I was surprised by one omission, especially in view of the acknowledgment of Christine Bell’s input.

In 2003 she, together with Colm Campbell and Fionnuala Ní Aoláin (now UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism), secured major funding and established, at Ulster University in Belfast, Northern Ireland, the *Transitional Justice Institute* (TJI). I was closely involved with the creation of TJI. Bell, Campbell and Ní Aoláin ran TJI as a Triumvirate for a number of years. With Ruti Teitel, I am still a member of the Advisory Board. TJI is now led by Dr Catherine O'Rourke, with 13 members of academic staff and 10 PhD Researchers, and many funded research projects. This is without doubt an academic success story..

The location of TJI in Belfast was no accident. The Good Friday Agreement, a pair of agreements signed by the UK and the Irish Republic on 10 April 1998, ended most of the violence of the Troubles, costing 3,500 lives, which had started in 1969. In a major concession, the UK recognised the Right to Self-determination of the People of the Island of Ireland, and there were highly controversial policies of amnesty for combatants on both sides as well as British forces personnel.

Peace in Northern Ireland is now threatened by a potential breakdown of the Northern Ireland Protocol which came into force between the UK and EU on 1 January 2021, as a last minute attempt to “Get Brexit Done”. The EU has at the time of writing launched legal action against the UK, alleging that it is unilaterally changing the rules of the Protocol, in breach of international law.

I met Bell and Campbell for the first time at the First International Conference on Human Rights held in Jerusalem on 9-11 December 1993 in the period prior to the signing of the Oslo accords of 1993-5, when it seemed that there might be a successful peace process in Israel/Palestine.

Also in 2003, Bell published with OUP *Peace Agreements and Human Rights*, examining the role of peace agreements in peace processes, drawing on an appendix of over 100 peace agreements signed after 1990, in over forty countries. Four sets of peace agreements were examined in detail: those of Bosnia Herzegovina, Northern Ireland, South Africa, and the Israeli-Palestinian conflict. The book is not in Newman’s Bibliography, though others of her publications are; and the TJI is not mentioned. Of course, as Newman points out, with justice, in this burgeoning field it is not possible to mention everything.

Neither Northern Ireland or Israel/Palestine can yet be counted as successful peace processes.

Newman is not a starry-eyed optimist. He concludes (p.163) that “… even in the most favourable circumstances, the path for societies emerging from repression or violent conflict is likely to be bumpy, making it unrealistic to expect too much from TJ, which is simply one element within a transition.” He identifies at the outset of TJ a coalition of liberals and radicals, united in favour of “contending with the past”. His recommendation is conditional; the current need is to rebuild the coalition, so that TJ can re-emerge as a “movement for human rights in its most expansive form without being tainted by the current economic framework…”. By which he means capitalism.

The book starts with an Introduction, some of which is noted above. The second chapter outlines “Methods and Approaches”, with very useful analyses of “Prosecutions and Trials”, Purges, Vetting and Lustration”, “Amnesties”, “Truth Commissions”, “Reparations and Redress”, and “Traditional Informal Justice”. This chapter is a triumph of exposition and rigorous clarity. For it alone the book can be highly recommended. Chapter 3, entitled “Does it Work? Evaluating Transitional Justice”, also looks closely at International and ‘Internationalised” Criminal Justice, a rapidly expanding academic field of its own. Chapter 4 engages with specific perspectives: victim perspectives and feminist and gendered perspectives. Chapter 5 identifies new challenges for TJ: the cultural sphere, climate change and the environment, and “Transitional justice in established liberal democracies”.

I mentioned capitalism.

Newman admits (p.93) that many Truth Commissions “… have been justifiably criticised for failing to address structural injustices adequately. Avoidance of key questions about socioeconomic inequalities will raise concerns about the adequacy of the TC, both in the consciousness of those most adversely affected by the status quo and as a means of promoting a more positive future.” On p.111-2 he reports the findings of “The Initiative for Vulnerable Populations” at the Human Rights Centre in Berkeley, California, surveying TJ programmes in Bosnia and Herzegovina, Croatia, Rwanda, Uganda and Iraq; and later Democratic Republic of Congo, the Central African Republic, Liberia and Cambodia. They found that “legal justice might not be a high priority or desired at all, and that the primacy of Western legal systems and assumptions needed to be reviewed…. These criticisms implied a vast gap between the priorities of affected populations and the dominant approaches of TJ.” Their priorities had shifted to basic needs: food, agriculture, education and healthcare. In Nepal, the majority of the victims were rural, poor and illiterate, unfamiliar with the discourse of rights, and far more likely to talk of urgent daily needs.

Furthermore, while the “second generation” of TJ, in the 1980s and 1990s, was “overwhelmingly association with liberalism”, to begin with quite explicitly (p.143), while becoming more implicit although dominant, there have more recently been inputs into the debates from critical theory, development studies, gender studies and “various forms of radical and heterodox ideas.” The consensus has been fragmented.

Newman cites a number of the publications of Padraig McAuliffe, who maintained in 2017 in his *Transformative Transitional Justice and the Malleability of Post-Conflict States* that there had been a “transformative turn” in the subject of TJ. He questioned how deep-seated economic injustice can be effectively addressed in real-world post-conflict scenarios.

Newman adds (p.155) that from this perspective “… TJ, through restoration of liberal legitimacy, is quite insufficient: what is needed is a structural transformation that seeks to overcome the cumulative injustices that have nee perpetuated through history and are constantly reinforced.”

It only remains to recommend this book as an excellent introduction to and critique of this ever-growing field – despite or rather because of Newman’s reservations and, in the end, conditional support for Transitional Justice.

BILL BOWRING

Birkbeck College, University of London

https://orcid.org/0000-0002-6400-1067