

My Neighbour, My Enemy: Justice and Community in the Aftermath of Mass Atrocity

by Eric Stover and Harvey M. Weinstein, eds.

Cambridge, Cambridge University Press, 2004, Pp. 349.

*My Neighbour, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*¹ is the first of two books emanating from the Justice and Reconstruction Project of the Human Rights Center at the University of California, Berkeley.² The project was established to examine how the work of the *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda affects processes of social reconstruction and how survivors of mass violence feel about the tribunals.

The book's hypothesis is that criminal trials alone are not sufficient to bring about reconciliation, and that social reconstruction is, instead, comprised of several intrinsic features and conditions including justice, democracy, economic prosperity and transformation, and reconciliation. The basis of this discussion is drawn from Laurel Fletcher and Harvey M. Weinstein's 2002 *Human Rights Quarterly* article, "Violence and Social Repair",³ which was written in the early days of the field of study which has come to be known as transitional justice,⁴ although it was published somewhat later. Ultimately, they claim that "[j]ustice is most effective when it works in consort with other processes of social reconstruction and reflects the needs and wishes of those most affected by violence".⁵

The book, a series of 15 chapters written by 30 different contributors and referencing a number of different studies conducted by various configurations of these authors, addresses a number of issues critical to the success of post-conflict transformation. These comprise institutional processes including exhumation of mass graves, treatment of witnesses, reparations, and public education. The book also presents

1. Eric Stover and Harvey M. Weinstein, eds., *My Neighbour, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004) [My Neighbour, My Enemy].
2. Justice and Reconstruction Project, Human Rights Center, University of California at Berkeley, online: <<http://www.hrcberkeley.org/research/justice.html>>.
3. Laurel E. Fletcher and Harvey H. Weinstein, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation" (2002) 24:3 Hum. Rts. Q. 573.
4. Transitional justice is engaged in helping societies move either from war to peace, or from a repressive or authoritarian regime to democracy, while dealing with resulting questions of justice, and what to do with social, political and economic institutions.
5. Harvey M. Weinstein and Eric Stover, "Introduction: conflict, justice and reclamation" in *My Neighbour, My Enemy*, *supra* note 1 at 11.

studies conducted and reflections on interpersonal relations including memory and identity, attitudinal change, and trust. Each of the chapters expands upon a particular element of social reconstruction, often presenting similar studies from ex-Yugoslavia and Rwanda on similar themes.

Of particular utility, however, are the introduction and conclusion written by the editors. The field of transitional justice is relatively new and, as such, the delineated goals and definitional starting points continue to be refined as experiences constantly inform the theoretical assumptions which have been made. In these two chapters, Stover and Weinstein re-frame the transitional justice debate, bringing up to date specific concepts and ideas. Their discussion of the complexities of reconciliation, for example, is insightful; it challenges the often-assumed orthodoxy of the relationship between reconciliation and retributive justice. Their justification of the use of the terms “social reclamation” and “social reconstruction” rather than the over-used and little-understood “reconciliation” is especially apt.

My Neighbour, My Enemy clearly disputes the efficacy, in transitional societies, of the conventionally accepted criminal justice paradigm in being able to promote holistic social rebuilding. It clearly lays out the realities of societies that have experienced mass atrocity, and notes, correctly, that the instruments of criminal justice, namely international trials and tribunals, and national courts, are not always the best mechanisms to deal appropriately with the crimes that are committed during the course of severe or protracted civil conflict. Two chapters in the book are devoted to the *gacaca* community-based courts that have been established in Rwanda to deal with lesser perpetrators of the genocide. It also opens the door to other less-formalized mechanisms of traditional justice that might be used in post-conflict societies.

The lessons that Weinstein and Stover draw from the collection of chapters are explicit and inherently valuable:

1. There is no direct link between criminal trials and reconciliation.
2. For survivors, “justice” is much more than criminal trials.
3. There is no direct link between exposure to trauma and a desire for criminal trials.
4. Social reconstruction in post-conflict societies is a slow process that occurs at multiple levels.
5. Attention must be paid to public education, as the teaching of history is critical.
6. Greater attention must be paid to the economic and social well-being of post-war communities.

The explanations provided for each of these lessons learned is useful, and reflects the multi-faceted nature of the team of authors, all of whom come from very different academic traditions, ranging from the social sciences, to law, psychology, bioethics and health. This book is unique in bringing together academics and practitioners from such diverse backgrounds, all of which lends itself to a blended and unique perspective in its conclusions.

Overall, one overarching theme becomes clear: the authors collectively recognize the enormity and complexity of the process of social reconstruction and the many different facets which must be included: security, freedom of movement, rule of law, access to accurate and unbiased information, justice, education for democracy, economic development, and cross-ethnic engagement.⁶ And the authors clearly articulate the non-linear nature of the process. "[R]econciliation involves the reconfiguring of identity, the revisiting of prior social roles, the search for common identifications, agreement about unifying memories if not myths, and the development of collaborative relationships that allow for difference."⁷

However, *My Neighbour, My Enemy* also has its shortcomings. First, it is hampered by its focus on only two cases, the former Yugoslavia and its attendant International Criminal Tribunal for the Former Yugoslavia in The Hague, and Rwanda and its International Criminal Tribunal for Rwanda in Arusha, Tanzania. To be sure, these are the only international criminal tribunals in existence, and the first since their predecessors, the Nuremberg Trials and the Tokyo Tribunal in the years following the Second World War. Yet criminal justice at the international level does exist in many other places. And the International Criminal Court has referred four cases, including Democratic Republic of Congo, Sudan, Central Africa Republic, and Uganda to the ICC's prosecutor. Indeed, the plethora of other cases which have traditionally provided a starting point for authors in the field of transitional justice are noticeably absent. As a result, the book suffers from a form of bias which serves to skew some of the conclusions that the authors draw.

Second, the book makes only a passing reference to other mechanisms of transitional justice. Among the established institutions commonly used in affecting stable transitions is the truth commission, forms of which have been employed in nearly 30 different circumstances in countries around the world. Less formalized institutions, including a variety of traditional and customary mechanisms, have also been utilized in a number of countries. Yet *My Neighbour, My Enemy* fails to consider either of these in any real way, with the brief exception of Rwanda's *gacaca* courts. Instead, it tries to look at the international tribunals as though in a vacuum, without considering other efforts that are underway. This, too, distorts the collective findings outlined in the book.

Third, although several of the chapters deal exclusively with trauma, the authors fail to reference the significant body of social psychology literature that exists in this very field. Ervin Staub and others in the field of political psychology have been actively engaged in determining just what needs to be done to ensure appropriate

6. Eric Stover and Harvey M. Weinstein, "A common objective, a universe of alternatives," in *My Neighbour, My Enemy*, *supra* note 1 at 327.

7. *Supra* note 4 at 18.

emotional healing after mass atrocity. And so, although the theoretical assumptions made throughout the book are to some extent valid, their authority is greatly undermined by the fact that the authors have not incorporated much of the work that has been done in this area.

Overall, however, the book provides a useful discussion of social reconstruction. Some of its middle chapters will be of particular value to those teaching undergraduate courses related to the topic of transitional justice, especially the chapter on reparations. The introduction and conclusion would be useful in a similar manner for graduate students, or for those interested in a discussion of the conceptualization of social reconstruction. The studies it references will be of significance to those interested in micro-understandings of the former Yugoslavia and Rwanda.

Dr. Joanna R. Quinn
SSHRC Postdoctoral Fellow
Department of Political Science
The University of Western Ontario