

9-2010

Hijacked Justice: Dealing with the Past in the Balkans – Book Review

Cynthia M. Horne

Western Washington University, cynthia.horne@wwu.edu

Follow this and additional works at: https://cedar.wwu.edu/politicalscience_facpubs

 Part of the [Political Science Commons](#)

Recommended Citation

Horne, Cynthia M., "Hijacked Justice: Dealing with the Past in the Balkans – Book Review" (2010). *Political Science Faculty Publications*. 18.

https://cedar.wwu.edu/politicalscience_facpubs/18

This Book Review is brought to you for free and open access by the Political Science at Western CEDAR. It has been accepted for inclusion in Political Science Faculty Publications by an authorized administrator of Western CEDAR. For more information, please contact westerncedar@wwu.edu.



Hijacked Justice: Dealing with the Past in the Balkans by Jelena Subotić

Review by: Cynthia M. Horne

Perspectives on Politics, Vol. 8, No. 3 (September 2010), pp. 975-976

Published by: [American Political Science Association](#)

Stable URL: <http://www.jstor.org/stable/40984704>

Accessed: 24/10/2014 14:13

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



American Political Science Association is collaborating with JSTOR to digitize, preserve and extend access to *Perspectives on Politics*.

<http://www.jstor.org>

the victims of racism with a model of reconciliation in which historical grievances are placed at the service of a redemptive narrative of repentance and forgiveness (pp. 186–87).

The dangers involved in failing to heed Soudien's advice are much in evidence in Smithy's account of "conflict transformation" and the identification of extremist or radical Protestant "loyalists" in Northern Ireland (Chapter 5). The treatment of "conflict transformation" in this regard seems to follow from the methodological attachment to a presentist lens. Thus, the commitment of loyalist ex-prisoners to improving their local areas is emphasized, while their consistent emphasis that their campaign of violence was justified is downplayed. The problem is that this ignores the threat of what might happen if their communities are not supported in the ways they want. The methodological dilemma involved here gives way to a deeper moral relativism that Smithy's essay encapsulates, for while he argues that loyalist paramilitaries wish to engage in peace, he also admits that "[t]hey want to maintain their place within communities as defenders . . . against poverty and unemployment" (p. 100). It is never quite asked why unelected and largely unelectable—given the fact that the vast majority of Protestants continue to disavow those paramilitary leaders—ex-terrorists should "maintain their position"; instead, the author criticizes those Irish nationalists who bore the brunt of the loyalists' murder campaign for being "predictably skeptical," while he warns that "state bureaucracy" may "undermine the authenticity of local efforts."

Ross is correct in stating that dominant rational choice and interest-based models do not capture the reality of identity politics (p. ix), but it is the disconnect between overly empathetic accounts and critical and contextualized argument that bedevils the interpretative project that his own work—and the best pieces in this collection—exemplifies. As such, while this review may be critical of some aspects of *Culture and Belonging in Divided Societies*, it should be stressed that it remains an important and stimulating work that deserves to be taught and engaged by serious researchers.

Hijacked Justice: Dealing with the Past in the Balkans. By Jelena Subotić. Ithaca, NY: Cornell University Press, 2009. 224p. \$35.00.
doi:10.1017/S1537592710001854

— Cynthia M. Horne, *Western Washington University*

In her book, Jelena Subotić examines the design and implementation of transitional justice programs in Serbia, Croatia, and Bosnia and Herzegovina in the aftermath of the Yugoslav wars. She argues that initial plans for transitional justice became "hijacked" through a process of political instrumentalizing of the norms of transitional justice, resulting in inadequate and often counterproductive policy impli-

cations in each of the countries: "Instead of adopting international norms and institutions of transitional justice because they serve a desirable social purpose—truth seeking, justice, and reconciliation—domestic political elites have used these models to pursue quite localized political agendas" (pp. 166–67). This has "cheapened the very idea of transitional justice" (p. 82) and undermined the purpose of an authentic reckoning with the past.

Central to Subotić's argument is the role that international transitional justice institutions have played in the promotion, construction, and implementation of programs. She argues that these institutions have become a "professionalized international justice industry" (p. 21), with a focus on "streamlined" justice goals (p. 5). She explains how international pressure contributed to the problem of technical compliance with international demands coupled with national-level rejection of the "profound social transformation these norms require" (p. 167). She suggests that "the purpose of this book is to show that what happens in real politics differs significantly from the ideals set out by international justice entrepreneurs" (p. 23).

The author employs a comparative case study approach, varying both transitional regimes and international pressure, to show different transitional justice implementation in Serbia, Croatia, and Bosnia. She presents three types of international pressure: coercive, symbolic, and bureaucratic pressure. Serbia is an example of coercive pressure, namely, carrots and sticks to coerce compliance. Croatia is an example of symbolic international pressure, with more accolades and symbolic inclusion as incentives for good behavior. Bosnia is an example of bureaucratic pressure, where the international community actually designed and administered the transitional justice program. These three types of international pressure are filtered through three different domestic political coalitions, defined as "norm resisters in Serbia, instrumental adopters in Croatia, and international norm promoters in Bosnia" (p. 9). The author develops a series of testable hypotheses associated with these two variables to explain variation in implementation of transitional justice measures. She argues that this theoretical rubric could be generalized to other countries facing similar postconflict transitional justice situations.

Subotić presents a historically rich narrative, with well-chronicled events both during and after the conflict. Her work is supported by substantial archival research and personal interviews of both regional elites and transnational actors in the three countries. One of the strengths of her book is the use of personal interviews and primary documents to process-trace the case specifics. It is a well-researched edition to the literature on postconflict Yugoslavia due to the richness of the case materials. However, there are theoretical and empirical problems that undermine its generalizability as a study of transitional justice.

First, the author asserts that she is posing an important puzzle, namely, why there is a failure to implement transitional justice measures. She suggests that this failure to implement the letter and the spirit of transitional justice poses “a puzzling political phenomenon and a disappointing outcome of an elaborate set of international transitional justice policies” (p. 6). However, given the substantial literature documenting how transitional justice measures have been politicized by domestic elites for personal gains with incomplete implementation, it would be more puzzling if there was an *absence* of political manipulation of transitional justice. George Orwell’s famous line from 1984—“Who controls the past, controls the future: who controls the present, controls the past”—is so oft cited in the transitions literature as to be somewhat of a cliché (1949, Book 1, Chapter 3, p. 32). The *politics* of memory focuses on the way in which the reconstruction of the past is a political act, often instrumentally controlled to meet political ends. As a novel, central, operating puzzle, the book falls short.

Second, had the author augmented her literature review with details from transitional justice experiences in Central and Eastern Europe, she would have seen rich explanations of political manipulation of transitional justice measures. A substantial body of scholarship has documented how lustration laws, trials, truth commissions, file access, and memory institutions have been used as political tools in the postauthoritarian transitions. Lustration laws, in particular, have been used to disadvantage political opponents in the region and have been caught in cycles of political manipulation. While Subotić is focused on trials and truth commissions (p. 18), she does not limit the analysis or its generalizability to postgenocide conflicts. From this perspective, Serbia, Croatia, and Bosnia strike a strong family resemblance to the other postcommunist states; the politicization of transitional justice is the norm, not the exception.

Third, the cases do not fit into the theoretical rubric; therefore, testing the theory is problematic. The author claims that the book’s principal theoretical contribution is to add to an understanding of the “domestic use of international norms by exploring different domestic strategies of normative and institutional compliance” (p. 10). To accomplish this, one has to demonstrate that her cases are examples of both her international pressure archetypes and her domestic political coalition archetypes. For example, Serbia has to look like an example of coercive pressure in contrast to the symbolic pressure exerted on Croatia. Croatia has to look like an instrumental norm adopter in comparison to the norm resisters in Serbia. However, the cases prove to be more overlapping than discrete categories. The carrot-and-stick approach emblematic of her *coercive* international pressure variable is present repeatedly in the Croatian and Bosnian cases. European Union membership serves as both *symbolic* pressure on Croatia, and

coercive pressure on Serbia. She repeatedly says that Croatia is the example of instrumental norm adoption (p. 120), but makes the same claims about Serbia (p. 119) and then about Bosnia (p. 129). There is no variation on the dependent variable, since hijacked transitional justice is the outcome in all three cases; however, there is maximal variation on the independent variables along three dimensions. Because there are no control cases, it is especially problematic to unravel possible variable impact. The cases look more like thick descriptions of the complex process of implementing transitional justice, rather than portable categories to be used to analyze other postconflict situations.

Fourth, in the literature on transitional justice there is a theorized two-pronged impact of the measures, catalyzing both institutional change and symbolic or normative change. The author minimizes the institutional change component in her analysis, focusing on the lack of an authentic or real assimilation of norms of justice. She acknowledges but minimizes the fact that suspects are arrested and transferred to The Hague for trials, that truth and reconciliation commissions are established, that testimonies and accounts are documented and disseminated, and that there are domestic trials prosecuting war criminals. The fact that there is little popular support for continued transitional justice among Serbs, Croats, or Bosniacs is also minimized by the author. She suggests that these acts and attitudes represent justice that is not “real” or “deep enough” (p. 37). In the end, the reader is left asking two questions: When is postgenocide justice ever sufficiently deep, and deep enough for whom?

Party Politics and Democratization in Indonesia:

Golkar in the Post-Suharto Era. By Dirk Tomsa. New York: Routledge, 2008. 260p. \$153.00 cloth.
doi:10.1017/S1537592710001866

— Thomas B. Pepinsky, *Cornell University*

Indonesia’s Golkar Party has seen many institutional forms over its fifty-year history. Founded in the early 1960s by members of the Indonesian military as an organization representing key “functional groups” (*GOLongan KARya*) in Indonesian society, Golkar was coopted by Suharto in the late 1960s and transformed into the New Order regime’s central vehicle for both political organization and electoral contestation. Although the Suharto regime never permitted Golkar to be called a political party, it was the most important mass political organization in Indonesia for nearly thirty years. After the New Order regime collapsed in the late 1990s, Golkar the mass organization transformed itself into the Golkar Party, which today remains one of the most influential political parties in democratic Indonesia. That means that Golkar, like the KMT in Taiwan and the PRI in Mexico, is both the hold-over of the former authoritarian regime and a central participant in the current democratic process. Studies of