The civil war between Syrian president Bashar al-Assad’s Ba’ath regime and its opponents is well into its third year. A recent report by the independent Oxford Research Group found that by the end of August 2013, 113,735 civilians and combatants had been killed, including 11,420 children. According to the UN High Commissioner for Refugees, the number of Syrian refugees reached the two million mark in September, with another 4.25 million people displaced within Syria. This war is unlikely to end soon. But the lack of realistic prospects for either a negotiated peace or one side’s decisive military victory within the next few months has not stopped international bodies and organisations associated with the Syrian opposition planning for the times after the Ba’ath regime is removed.

More than eighteen months ago, the Public International Law & Policy Group (PILPG) released a report to “provide recommendations for measures that an interim Syrian government could take in the days immediately following President Bashar al-Assad’s departure”. According to its website, PILPG “provides legal assistance to states and governments with the negotiation and implementation of peace agreements, the drafting of post-conflict constitutions, and the creation and operation of war crimes tribunals.” PILPG operates in a crowded marketplace. Over the past two years, there have been numerous such proposals, many of them put forward by parties that are, much like PILPG, hoping to play a role in Syria’s transition to democracy.

Perhaps the best known, and certainly the most experienced, non-government organisation to issue recommendations for what should happen in post-conflict Syria is the New York-based International Center for Transitional Justice (ICTJ), which in September last year published a briefing paper by its vice president, Paul Seils, titled “Towards a Transitional Justice Strategy for Syria”. Seils argues for the creation of a “nationally owned and respected process that embraces and promotes the possibility of engendering a rights-respecting society through truth, justice, reparations, and reform.”

Seils’ recommendations are in line with the approach advocated by the ICTJ elsewhere. In its view, countries ought to adopt a combination of four transitional justice measures in the aftermath of gross human rights violations or violent conflict: truth commissions; courts or criminal tribunals; symbolic and material reparations; and institutional reforms. Together, these measures are, Seils writes, “to restore belief in the idea of fundamental human rights as a basis for the social contract between the citizen and the state.”

When they argue for a particular approach in post-conflict Syria, Seils and the ICTJ are heeding the lessons of the past, when transitional justice measures sometimes arguably failed to produce the desired results either because they were not owned locally or because they were applied selectively.

Take the case of Cambodia, for example. Under the Khmer Rouge, who governed Cambodia from 1975 until 1979 but controlled parts of the country for much longer, about two million people, or a quarter of the population, were murdered, disappeared, or starved or worked to death. Since the defeat of the Khmer Rouge by the Vietnamese in 1979, Cambodia has gone
through several periods of transition, each of them with its own mix of transitional justice measures. Initially at least, these were hardly “nationally owned and respected”, as they were implemented under the tutelage of Vietnam (which occupied Cambodia between 1979 and 1989) and then, from 1989 until 1993, the United Nations Transitional Authority.

Cambodia has experimented with a range of measures to deal with human rights violations in its recent past. They include amnesties, trials, the establishment of memorial museums, the proclamation of a day of remembrance, and the setting up of a historical commission. However, thirty-four years after the end of Khmer Rouge-led Democratic Kampuchea, transitional justice is far from complete. The Extraordinary Chambers in the Court of Cambodia, which were set up in 2006 after lengthy negotiations between the Cambodian government and the United Nations, have so far only concluded one of four scheduled cases: last year, a court of appeal sentenced Kaing Guek Eav, alias Duch, to life imprisonment after finding him guilty of crimes against humanity and breaches of the 1949 Geneva Conventions.

So far, only a handful of prominent Khmer Rouge leaders have been prosecuted. Duch was the senior Khmer Rouge cadre in charge of the regime’s security apparatus, including the infamous Tol Sleng prison. Also facing the Extraordinary Chambers was the regime’s deputy prime minister, Ieng Sary, who had been one of only two defendants of the People’s Revolutionary Tribunal set up in 1979. He had been sentenced to death in absentia, but later pardoned by King Norodom Sihanouk. He was indicted again in 2007, this time by the Extraordinary Chambers, but died last year before the case against him could be concluded.

“Ordinary” perpetrators, who carried out the killings ordered by Duch and other leaders, or who denounced neighbours to the Khmer Rouge, have so far not been prosecuted. Also, the transitional justice measures have focused on the four years when the Khmer Rouge formally ruled all of Cambodia, and thereby exclude human rights violations perpetrated by the Khmer Rouge before 1975 or after 1979, and by other parties, such as the security apparatus of General Lon Nol’s Khmer Republic, which directly preceded Democratic Kampuchea.

When they attempt to assess the effectiveness of historical justice, the United Nations or international organisations such as the ICTJ tend to focus on the big picture, which does indeed look comparatively positive. Today, Cambodia is a constitutional monarchy with regular parliamentary elections (although, as Human Rights Watch notes, “Prime Minister Hun Sen has kept himself in office more than 27 years through force and intimidation”). But while Hun Sen himself is a former Khmer Rouge cadre, there is no indication that the Khmer Rouge, or a regime resembling that led by Pol Pot, Ieng Sari and others, could make a comeback in the short or medium term. The Extraordinary Chambers work slowly, but they are prosecuting at least some of the worst perpetrators who were in power in the second half of the 1970s. Also, in recent years, history books have been rewritten to reflect the reality of Khmer Rouge rule, and memorials and museums built that commemorate the suffering of Cambodians during that period.

What the big picture does not reveal, however, is how historical justice plays out on the ground. The big picture pays scant attention to the regional differences within Cambodia, and to the fact that the impact of the Khmer Rouge regime on city-dwellers was different from that on people in rural areas. It says nothing about how ordinary Cambodians experienced the terror of the Khmer Rouge and the justice-making that followed it.

In 2002 and 2003, Eve Monique Zucker did fieldwork in a remote village in the highlands of Cambodia’s Kompong Speu province, in the southwest of the country. In her book Forest of
Struggle, she calls that village O’Thmaa. For the people of O’Thmaa, the four years of Democratic Kampuchea were just one chapter in a thirty-year period marked by extreme violence and displacement. In fact it wasn’t until the late 1990s that the villagers of O’Thmaa were able to finally return home.

From 1970 until the late 1980s, the mountainous region where O’Thmaa is located was known as Prei Brâyut or the Forest of the Struggle. Here, the Khmer Rouge established a stronghold before assuming control over the rest of the country, and it was here that they found a refuge during the civil war following the collapse of Democratic Kampuchea.

From 1970 until the mid-1990s, all able-bodied men of O’Thmaa, as well as many of its women, were made to fight with or against the Khmer Rouge. Some of them fought first on one side, and then on the other. Nearly all the adult men were killed during that time, most of them by the Khmer Rouge.

Families were split, with some of the men fighting with Lon Nol, and others with the Khmer Rouge. But that was not the worst aspect of the thirty-year war engulfing O’Thmaa. As the Khmer Rouge could not identify enemies solely by their appearance, they could never be sure that “people were who they said they were or who they appeared to be” (58). Not being able to trust anyone, when in doubt the Khmer Rouge executed those who could be suspected of being enemies. Given their paranoia about the allegiances of ordinary Cambodians, the Khmer Rouge was receptive to denouncements. “Villagers informed on other villagers, accusing them of being unfaithful to the revolutionary movement,” Zucker writes. “Those accused would be taken away by the Khmer Rouge to be killed” (40).

Much of Zucker’s book is about a man she calls Ta Kam. He was one of the very few male O’Thmaa villagers to survive the terror of the Khmer Rouge. He owed his good fortune not to luck but to his being the most notorious of those denouncing their neighbours to the Khmer Rouge, who appointed him village chief.

In the early stages of her fieldwork in O’Thmaa, Zucker perceived Ta Kam not as a killer, but “as a warm, grandfatherly, and revered elder” (78). She could not conceive of the possibility that the people whose husbands or fathers Ta Kam had delivered to the Khmer Rouge would allow him to live in their midst. Yet while the people of O’Thmaa did not seek revenge against Ta Kam, they did not involve him in their affairs and instead ignored him. Zucker explains that Ta Kam served an important function in O’Thmaa. He was the embodiment of “all the betrayals by his generation” (80). The villagers focused “the immorality of all the acts that occurred in that period, perpetrated by him and others in the village, only to him” (80). But rather than holding Ta Kam accountable, they ascribed immorality to his acts rather than to his person, and considered him amoral rather than innately evil. Incidentally, in conversations with Zucker, Ta Kam saw himself much like his neighbours did: as a passive pawn, who could not be held responsible for serving powerful outside forces.

Ultimately, the villagers of O’Thmaa sought to forget the violence that tore their community apart, and the individual actions that triggered and fanned that violence. They have pretended to themselves and to outsiders that they live in harmony with one another, and have tried to contain the immorality of the past to the actions of someone who, by supposedly lacking morality, could not be blamed for the deaths of neighbours and kin.

According to Zucker, the villagers’ attempts have only been partly successful: “gaiety and communal spirit were rare in O’Thmaa. Hardship, distrust, and fear … crippled social
interactions. … [I]t seemed that few people went far out of their way to help a neighbor in need” (155). While they could contain memories of betrayal, Ta Kam’s presence reminded them of a time when social ties were ruptured. Given that Ta Kam was the only man of his generation still alive, they were also prevented from accessing knowledge about O’Thmaa’s traditions and about a time when the villagers were able to trust each other.

If, for the villagers of O’Thmaa, “immorality is ideally to be removed or erased rather than recorded and inscribed” (177), then their strategies for mending the social fabric are very different from those advocated by the ICTJ and like-minded organisations. The people of O’Thmaa don’t seek the truth, and they don’t see the point in memorialising a past in order to guard against its recurrence. But while the transitional justice measures adopted in Cambodia privilege the inscription of injustices over their erasure, they resonate with local practices in one respect: the Extraordinary Chambers also try to contain the immorality of the past by attributing the genocide to a handful of individuals.

Zucker’s ethnography is a useful reminder that there is more to the aftermath of violence than can be successfully managed with the help of transitional justice instruments designed by the ICTJ or PILPG. Forest of Struggle is also evidence of the strength of ethnography: competent ethnographers pay very close attention to the life worlds of people – and often concern themselves particularly with those who tend to appear on the radar of the global north either as statistics or as mute images.

Zucker is able to derive meaning from what she saw during her fieldwork in O’Thmaa: the effects of a destructive past on people who were often not even born when neighbours and kin turned on each other. I would have liked to know more about how the villagers of O’Thmaa felt and talked about the predicament of living with a known perpetrator in their midst. How painful was it for those who lost husbands or fathers to ignore Ta Kam? Didn’t they have phantasies about taking revenge? And if they did: how much of an effort was it not to act out these phantasies?

I might be unfair to Zucker to end on that note, because my response to Forest of Struggle must surely have been influenced by the fact that I read it as one of a pair of books I chose to review, and that the other half of that pair, Kimberly Theidon’s Intimate Enemies is one of the most moving and thought provoking books of non-fiction I have read in long while.

Theidon’s approach is very different from Zucker’s. While Zucker makes sense of tangible features of social life – such as the presence of Ta Kam – in present-day O’Thmaa, Theidon seeks to understand how the people she worked with were experiencing the past and the various attempts to come to terms with it.

Theidon writes about the aftermath of the violence that gripped Peru between 1980 and 2000. Like in Cambodia – or in Rwanda or Bosnia, for that matter – the conflict in Peru often pitted neighbours against each other. In other South American countries – most notably Chile, Argentina, Uruguay and Brazil – human rights violations were perpetrated by agents of the state, sometimes following a period in which left-wing armed guerrilla groups (such as the Tupamaros in Uruguay) had resorted to assassinations to bring about an overthrow of the government. The military juntas governing Chile (from 1973 to 1990), Argentina (from 1976 to 1983), Uruguay (from 1973 to 1985) and Brazil (from 1964 to 1985) targeted mainly people identified with the political Left, student activists and trade unionists. In Chile and Brazil, indigenous people asserting their rights were also persecuted. But the violence did not amount to anything resembling a civil war, and the vast majority of the population was not
affected by disappearances, torture and extrajudicial killings. In fact, at times at least, the military juntas enjoyed broad popular support.

Peru’s was an entirely different story. The country had experienced military dictatorships for much of the twentieth century. The Peruvian Left had also suffered repression under military rule, particularly in the early 1930s and 1940s. But in 1979, at a time when other countries in South America’s Southern Cone were ruled by military juntas, the Peruvian general Francisco Morales Bermúdez, who had been in power since 1975, presided over a return to democratic rule. Presidential elections, the first in sixteen years, were scheduled for 18 May 1980.

On the eve of these elections, the Maoist group Sendero Luminoso, or Shining Path, burned the ballot boxes in the small town of Chuschi in the Andean highlands province of Ayacucho. Sendero had been active for a few years, particular in Huamanga, the capital of Ayacucho, where its founder Abimael Guzmán taught philosophy at the local university. The symbolic burning of the ballot boxes marked the beginning of an armed conflict that eventually involved four parties: Sendero; a second and smaller group of insurgents, the Túpac Amaru Revolutionary Movement; the Peruvian military; and so-called rondas campesinas, self-defence groups that were set up to protect rural communities from the Senderistas. As the conflict escalated, the government resorted to increasingly unlawful measures and, under president Alberto Fujimori, Peru joined the list of countries governed by authoritarian regimes.

While people in the remote mountain villages of Cambodia’s Kompong Speu province experienced violence and displacement far longer than the residents of Phnom Penh, nobody living in Cambodia between 1975 and 1979 remained unaffected by the terror of the Khmer Rouge. The twenty-year violence in Peru, on the other hand, had a huge impact on some segments of the population but barely affected others. Almost four in five of the recorded 69,280 people killed between 1980 and 2000 in Peru lived in rural areas, and three in four were native Quechua speakers. In other words, the vast majority of victims were indigenous campesinos living in the Andean highlands. These were people who had long been considered to be at the bottom of a racially informed social hierarchy.

Unlike in Cambodia, in Peru the end of the conflict and the implementation of transitional justice instruments were not prompted by outside intervention. Also unlike in Cambodia, by the time the regime changed, the conflict had been largely over, with both the Túpac Amaru and Sendero Luminoso militarily defeated and their leaders dead or imprisoned. In 2000, president Fujimori, not long after winning an unconstitutional third term in rigged elections, resigned and fled the country. His successors supported a reversal of his antiterrorist legislation and a revoking of his amnesty laws. Alejandro Toledo, who was elected president in 2001, was himself a Quechua speaker and sympathetic to those who had suffered most during the violence. The truth and reconciliation commission that was set up under interim president Valentín Panigua had Toledo’s full support.

When that commission announced its findings two years later, many Peruvians were shocked to learn about the extent of the violence and the number of fatalities. Not only had Ayacucho and neighbouring Andean regions borne the brunt of the terror inflicted by Sendero and the military. The fact that tens of thousands had been killed had not registered in the country’s capital Lima, because, as Theidon observes, the victims “were people who – in the national imaginary – had counted for little during their lives and went largely unaccounted for in their deaths” (7).
The fratricidal nature of the violence that was typical of the situation in O’Thmaa between 1970 and the late 1990s also characterised the twenty-year war in the provinces of Ayacucho where Theidon has done her research since the mid-1990s. The violence split families and village communities, pitting neighbours and kin against each other. Remembering what is referred to in Quechua as the *sasachakuy tiempo*, the difficult time, one of Theidon’s informants said that: “We were terrified of our *projimos* – terrified of our neighbors, of our brothers.” (xi)

Both in O’Thmaa and in many places in Ayacucho, the perpetrators and their victims came from the same communities, with the former often remaining to live in close proximity to the families of those they had murdered or had denounced to Sendero or the Khmer Rouge. This made it difficult for these communities to collectively identify as innocent victims after the end of the violence. The “lack of strongly distinguished categories of victims and perpetrators”, Zucker observes, contributed “to the difficulties in reconstituting the social and moral community in O’Thmaa village” (85).

Like Zucker, Theidon wanted to know how ordinary people try to repair a social fabric that has been torn to shreds by extreme violence. What happened after the violence had stopped, with “ex-Senderistas, current sympathizers, widows, orphans, rape survivors, and army veterans” (xiii) now having to live side by side? Both Zucker and Theidon were interested in the rebuilding of a moral order. Theidon was also asking how “moral discourse is embodied” (12), and how people recovered access to emotions and sentiments, such as *caridad*, the compassion for fellow human beings, that were lost during the violence. She explored how Ayacuchanos, after years of dehumanising violence, once more attempted to learn how to be human.

Theidon does not idealise this rehumanising process and the reestablishment of order that preceded it. Some former Senderistas were allowed to confess and repent, and were then forgiven and allowed to remain in the community. Others were killed – not out of rage, but in order to reconstitute communities. One of Theidon’s informants described these killings calmly and matter-of-factly: “[W]e started cleaning [limpiaykuta] our communities. We cleaned them – all of the people who’d been with those *guerilleros*.” (205)

Like the villagers of O’Thmaa, the *campesinos* of the Peruvian highlands have tried to forget. “My memories suffocate me”, several women told Theidon. “What we need most are pills to make us forget” (42), one of them said, summarising the views of a group of women who had been asked which health care services were a priority in their community. Another woman told a team gathering information for the truth and reconciliation commission: “When I forget, I’m well. Remembering, even now, I just go crazy.” (111) “Forgetting is not simply a strategy of domination employed by the powerful against the weak”, writes Theidon. “Rather, it may be a state that is fervently desired by those who suffer from the afflictions of memory and seek relief from the heavy weight of a painful past.” (276)

Like Zucker, Theidon is intrigued by the lack of spontaneous revenge killings after the end of the violence, which is remarkable if only because some of the violence directed against neighbours would have been prompted by vengefulness. “I have been working with these villages since 1995 and no one has picked up a rifle to kill someone in anger” (251), she writes. But we should not assume that all victims have simply renounced revenge and hatred and the desire for retribution.
Those most keenly interested in revenge – and least in a position to effect it – are women and adolescent boys. For some of the women, especially the widows who witnessed the murders of their husbands, “reconciliation [sits] like a lump in their stomach and a constant irritant in their heart” (264). These lumps often make them physically ill: “So many years swallowing their rage, and so many ulcers.” (365) After all, they have had to live with people who not only murdered their loved ones but also are often better-off than they are after the loss of the family’s breadwinner.

“When I see them or remember, I feel sulfur flow through my veins” (383), one widow told Theidon, describing her experience of encounters with perpetrators living in her village. Forgiveness cannot flourish where there is economic deprivation; “[e]nduring conditions of social and economic inequality are not conducive to the reconstruction of social life and sociability” (268). Theidon’s book is also an argument for some form of redistributive justice, to alleviate the material inequalities created or exacerbated by the violence and perhaps to address the fact that reconciliation sits like a lump in the stomach of those who lost loved ones and livelihoods.

According to Theidon, redistributive justice ought to involve more than the distribution of material compensation: “One thing that could be redistributed is the shame that has been unjustly apportioned to women; this shame should belong to the rapists, who have enjoyed total impunity.” (141) Truth telling is widely considered essential in the transitional justice context. For women who were the victims of rape, this often means “to narrate their experiences in an idiom of sexual vulnerability and degradation” (137). “[T]he silence of the gang rapists is left undisturbed,” Theidon comments. “I have never heard anyone ask a man: ‘Did you have blood on your penis? … Did you penetrate her vagina or her anus? … How many times?’” (137)

Theidon is more than an advocate on behalf of rape victims and widows. Her rage and her despair are palpable, and that is appropriate in a book that deals with violence and with the emotions of those who experienced it. Commenting on how women conveyed their experiences through their body language, Theidon writes: “What they said verbally was complementary, at times secondary, to the body language they used: what made me feel their words were their gestures. My body would serve as one of my ‘key informants’. (153) That describes the anthropologist’s methodological approach. But it could also be read as symptomatic of the author’s admirable ethical stance.

Theidon felt her informants’ words, and she makes us, her readers, feel these words – as they are translated and communicated in Intimate Enemies – and feel with those who uttered them. That results in a book that is both hard to read and difficult to put down. It is perhaps no surprise that an earlier, Spanish language version of Theidon’s account inspired Claudia Llosa’s remarkable 2009 feature film La teta asustada (The Milk of Sorrow) about a woman who had been raped during the sasachakuy tiempo and transmitted memories of her suffering to her daughter with her breast milk. Theidon is aware of the effects of her words. Towards the book’s end, she says: “I realize that readers might feel emotionally taxed by the time they reach this afterword.” (393)

“[T]ransitional justice is not the monopoly of international tribunals or states”, Theidon writes. “[I]ndividuals and collectives also mobilize the ritual and symbolic elements of these transitional processes to deal with the deep cleavages left – or accentuated – by civil conflicts” (187). Surely, then, there is a need for tribunals and states to take note of the
stratagems employed by those most affected by the conflict, particularly when these stratagems seem to work.

But often, “‘transitions to democracy’ and ‘national reconciliation’ are simply the reworking of elite pacts of governance or domination”, Theidon finds. “To date there has been scant ethnographic research on the points of disjuncture between popular notions of justice, pardon, and reconciliation and the ways in which these concepts are deployed by transitional and successor regimes” (187). My sense of the scholarship, particularly work published over the past five years, is that her bleak assessment is no longer true; there have been numerous detailed ethnographic studies of vernacular concepts of justice in places such as Rwanda, Uganda, Liberia, Nepal, Guatemala – or Cambodia, for that matter. But they seem to have had little impact on how NGOs and governments envisage transitional justice proceeding. The prescriptions offered for Syria don’t seem to be informed by ethnographic research, and make little mention of the need to find solutions that assist the people most affected by the violence to repair relationships within their communities.

Zucker’s and Theidon’s work suggests that one dogma of transitional justice, in particular, needs to be challenged. “There is one equation that infuses the work of truth commissions: more memory = more truth = more healing = more reconciliation,” Theidon writes. “[I]t is the logic that guides these commissions and the politics of memory that characterize our historic èpoque.” (269) In fact, there is no convincing evidence for this equation, or for the claim that “more memory” would inoculate people and prevent a repeat of violence. In questioning the validity of the equation, I am not suggesting that the salvation lies in forgetting as much as possible. In fact, to forget usually means remembering something else. Conversely, “more memory” often implies that we become more oblivious to aspects of the past that are not recounted in truth commissions and memorialised with the help of state-sponsored ceremonies and monuments.

The “politics of memory that characterize our historic Èpoque” have been largely shaped by attempts to come to terms with the Holocaust and the crimes of Nazi Germany, particularly in postwar West Germany. Truth commissions are now often modelled on what seemed to work well in South Africa. I am not arguing to ignore such precedents, but merely suggesting that more attention be paid to their historical and cultural contingency. In fact, much could be learned from Kimberly Theidon’s work in Peru. Even those jockeying for a lucrative consultancy contract in the new Syria may find it useful to know how the campesinos of Ayacucho tried to put their lives together after they had stopped killing each other. “What may serve national goals – amnesties, top-down ‘reintegration’ of former combatants in staged reconciliation ceremonies, and militarily enforced pacification campaigns”, writes Theidon, “may unintentionally complicate local processes of social repair” (361).

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