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Overcoming Historical Injustices: Land Reconciliation in South Africa. By James L. Gibson. New York: Cambridge University Press, 2009. 328p. \$92.00. doi:10.1017/S1537592712000631

— Monika Nalepa, *University of Notre Dame*

All three of James Gibson’s books on transitional justice in South Africa focus on showing that the politics of reconciliation with the Apartheid regime are less related to economic “self-interest” than to “sociotropic fairness.” On close examination, Gibson concludes that an individual’s preferences about land reconciliation are not a direct function of egocentric instrumentalism. Rather, in his view, they are shaped by conceptions of whether one’s group has been fairly treated.

The first two volumes of Gibson’s trilogy (J. L. Gibson and A. Gouws, *Overcoming Intolerance in South Africa: Experiments in Democratic Persuasion* [2003] and Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* [2004]) dealt with political tolerance and the effects of the Truth and Reconciliation Commission (TRC). This third volume addresses land reconciliation. His first two volumes confronted some challenges, tolerance and reconciliation are difficult to operationalize within a rational choice framework to begin with, but if economic interests are decisive in any area of transitional justice, it would be in the context of reallocating property rights. The third volume’s attempt to interpret property restitution in the context of sociotropic fairness *and* be as convincing as its two predecessors is a bold one.

Formal theorists conceptualize land redistribution as a rationing or allocation problem. This is defined by a situation in which the supply of land exceeds the demand for it—or when the totality of claims exceeds the size of the good. In formal theory, preferences are primitives of the model. In a typical allocation problem, some people assert claims to land and demand restitution, while the land’s current holders—logically—oppose losing it. After rigorously defining the allocation problem, the theorist would proceed to formalize the normative criteria for the allocation mechanism to satisfy; then, he or she would see if they can be simultaneously satisfied given the specific allocation problem at hand. What is the problem with this approach? Gibson proves that the innocuous assumption about the nature of preferences is wrong.

Owning land carries symbolic as well as economic value. Due to this symbolism, individuals lacking land entitlements feel just as strongly about the direction of land

policies as those members of the ethnic group they identify with and whose individual entitlements to land are strong. Furthermore, Gibson also demonstrates that whether or not an individual is likely to benefit or lose from land restitution has no bearing on the extent to which past, present, or future considerations shape his or her attitudes to land politics. The bulk of this argument is laid out in Chapters 2 and 3. In Chapter 2, “Naming, Blaming, and Claiming,” the author reports the results from probing respondents of different races about criteria that should underpin land policy. He uncovers a significant gap between black and white South Africans. Blacks believe that past considerations ought to shape land policies, but whites, whether or not they have a personal stake in the policy, believe in upholding the status quo.

Stated another way, blacks’ attitudes to land policies are shaped by the past, while preferences of whites stem from an orientation to the future. “The past,” however, does not refer to specific knowledge about “land grabs” and transfers from the black farming population to whites that started at the end of the nineteenth century and extended throughout the twentieth century until 1957. Instead, these attitudes are shaped by symbolic attachments. It turns out that the lack of knowledge is a cause, rather than an effect, of symbolic attitudes. Whites and South Africans of Asian origin know just as little about the land expropriations as black and colored people do. Gibson shows that the reason a substantial majority of blacks with land grievances has not filed claims is that they lack confidence in the state-administered process of land redistribution, not that they are ignorant. Blacks refuse to file claims because they believe they will be ineffective, not because they lack the knowledge of how to do so (p. 61).

This interpretation of the direction of causality between knowledge about claims procedures and the act of claim filing is corroborated by Gibson’s findings regarding faith in the rule of law. Rule of law is important to all South Africans, but when confronted with hypothetical trade-offs between rule of law constraints and potential emergencies, black South Africans are eager to suspend rule of law constraints much sooner than white South Africans. Gibson also swiftly refutes the alternative hypothesis that blacks do not resolve their grievances through claims procedures because of apathy. Indeed, blacks with land grievances are much more likely to engage in protest activity than those lacking such grievances.

After establishing the importance of race, the next chapters connect group identities to land preferences in a very rigorous way. Instead of assuming that ethnic and national identities are locked in a zero-sum relationship, Gibson investigates not only this relationship but also the ways in which the strength of specific ethnic relationships affect how respondents believe that historical injustices should shape land policies.

Although in the beginning of Chapter 3 the author admitted that “Race or Ethnicity may stand for a proxy of self-interest” (p. 89), by the time he reaches the chapter’s conclusion he is arguing they are much more than that: “[S]trong identities provide a bridge between the present and the past” (p. 127).

Does this finding potentially antagonize scholars who believe that transitional justice policies are predominantly explained by strategic concerns? I doubt it. Recent research on networks and public goods redistribution suggests that strong identities may—paraphrasing Gibson—form a bridge between individuals’ “economic self-interests” and their “sociotropic sense of fairness.” Suppose that representatives of different races adopt the preferences of members of the group with whom they identify because they expect to benefit from the prosperity of their co-ethnics more than by the prosperity on non-co-ethnics. In a path-breaking set of experiments carried out in four developing East African countries, James Habyarimana et al. (*Coeethnicity: Diversity and the Dilemmas of Collective Action* [2009]) discovered that co-ethnics find it easier to overcome dilemmas of collective action when operating among co-ethnics than when operating among nonco-ethnics. The ability to overcome collective action problems is key in the successful distribution of public goods. Thus, co-ethnics expect more public goods to be directed their way. The more they rely on the process of redistribution, the more attentive they are to the prosperity of their co-ethnics, particularly when these co-ethnics are likely to be in positions to allocate resources.

Perhaps this conjecture has to travel a long way before it can be extended to South Africa. Habyarimana and colleagues examine three mechanisms through which the distribution of public goods can be more effective among co-ethnics than non-co-ethnics, and strategy selection is but one of three (alongside technology and preference mechanisms). Furthermore, the countries they conduct experiments in, though postconflict, are not postauthoritarian in the same sense as South Africa.

Gibson shows, however, that the more intensively South Africans embrace their specific ethnic (as opposed to national) identities, the better group identities are at explaining land policy preferences. In short, if networks operate best at the level of these specific identities, the strength of these identities in shaping preferences for land redistribution might make land policy preferences more self-serving than he suggests.

I am not proposing this interpretation to debunk Gibson’s finding that, at an individual level, transitional justice is a matter of sociotropic fairness rather than narrow instrumentalism. For those of us coming from an institutionalist tradition, his contribution is simply much easier to absorb when it is interpreted as a very thorough study of preference formation. Ultimately, it is reconcilable with an institutionalist approach, although perhaps

not one that conceptualizes strategic interaction as motivated by narrow or shortsighted instrumentalism.

Overcoming Historical Injustices is successful in convincing readers that attitudes to property restitution have more in common with other attitudes toward transitional justice than they do with maximizing land allocations. Take, for instance, the fact that although the last Apartheid policy legitimizing land grabs went into effect in 1957, land grieving increased between the 2003 and 2008 surveys (pp. 56–57), and land grieving is not at all higher among older South Africans than among youths. In fact, it is surprisingly high among those younger than 20 years of age, a generation that did not stand a chance of experiencing Apartheid. This resembles some of the research about generational differences between grievances toward Stalinist and post-Stalinist oppressors in postcommunist Europe and research on the high demand for lustration among generations that are too young to hold any meaningful memories of the communist era (B. K. Grodsky, *The Costs of Justice: How New Leaders Respond to Previous Rights Abuses* [2011]).

Transitional justice scholars have long suspected that land conflicts are not zero sum and that land redistribution is a question of multifaceted aspects of fairness as opposed to a simple question of distributive justice. We are grateful for the evidence Gibson puts together showing how principles of need, desert, and, again, race all come into play alongside principles of distributive and procedural justice. To account for these conflicting concerns, he uses experimental vignettes embedded in surveys, a methodological tool with which readers of his previous two volumes should be very familiar. The first set of vignettes randomly assigned respondents different versions (“manipulations”) of dealing with squatters. Gibson discovers that even though black South Africans in contrast to white South Africans sympathize with the squatters, they are willing to judge their eviction as fair if it is conducted within the procedural framework anticipated by the South African Constitution. This uncovering of important trade-offs between notions of distributive justice, on the one hand, and procedural justice, on the other, is reminiscent of the trade-off between retributive and procedural concerns uncovered by Gibson while examining the impact of the TRC volume (*Overcoming Apartheid*).

The second set of manipulations, technically, does not “work”: These vignettes were designed to measure the interaction between intraracial conflict with legitimate (that is, recognized by the other side) and illegitimate claims. Upon recognizing that one of the parties to the conflict is black whereas the other is white, blacks never recognize the white claim as legitimate, even when the opposing (black) party to the conflict does recognize the claim. Upon reflection, though, the inability of respondents to perceive the manipulations embedded in the vignettes is probably the most powerful argument Gibson can make about the omnipresence of race in the politics of fairness in South Africa.

Embedding 16, followed by 36, experimental vignettes within a survey requires a survey of very high quality. Perhaps the reason we do not see as much use of the vignette design is that relatively few researchers can administer surveys with such a high degree of representativeness. Gibson constructed his sample through a multiple stratification procedure that involved stratifying according to province, community size, individual city, and town or suburb, as well as the race of the residents. For the black sample, the surveyors interviewed 1,778 individuals, with a raw response rate as high as 87.1%. Anticipating a smaller response rate among whites and colored, Gibson's team adjusted the sampling method using a combination of probability and quota methods. The significance of results based on the vignette part of the survey, each version of which takes up considerable degrees of freedom, is further testimony to the quality of the survey instrument.

Finally, Gibson furnishes some nontrivial contributions to the literature on delayed transitional justice. Among the few significant factors responsible for mitigating the diametrically opposed preferences between whites and blacks is the readiness to adopt the national identity of South African. Whites who embrace their South African identity more than their European or "English" heritage are more likely to support land redistribution than whites who do not embrace it; blacks who adhere to a South African identity rather than to a specific ethnic identity have less extreme preferences regarding land redistribution, and these preferences are less strongly connected to the symbols of the past. But the percentage of South Africans selecting "South African" as their primary identity declined from 51.9% to 38% in 2008. As the polarizing force of the land problem increases over the coming years, Gibson's work will become even more timely.

Response to Monika Nalepa's Review of *Overcoming Historical Injustices: Land Reconciliation in South Africa*

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— James L. Gibson

First, I would like to declare how much I appreciate the opportunity to engage in this dialogue with Monika Nalepa. As I have said, her work on lustration constitutes a major contribution to our understanding of transitional justice processes.

By now, it is probably clear to readers that our approaches to analyzing transitional justice processes differ enormously. Perhaps the difference in our theoretical perspectives is best captured by her assertion that: "Formal theorists conceptualize land redistribution as a rationing or allocation problem." From my perspective, formal theorists therefore ignore the most interesting aspect of transitional justice situations, and in particular the role played by citizen perceptions of unfairness and historical injustices. Especially

in transitional regimes, in which basic political institutions and processes may not yet have consolidated their mass legitimacy, it is crucial that governments respond to citizens' expectations that the injustices of the past be addressed at both the individual and group levels. Moreover, it is valuable to understand that there are several types of justice—distributive, restorative, retributive, and procedural—and that for some purposes these types of justice may be interchangeable. Whether a regime provides its citizens the justice they expect is a crucial factor for establishing legitimacy under transitional conditions. The larger lesson of my research is that transitional justice is about conceptions of justice; justice in this sense is not the subject of Nalepa's work.

Of course, claims about the role of justice are best made within an analytical context in which competing theories and hypotheses are tested. In my Chapter 3, for instance, I examine whether land-policy preferences are more closely connected to rational instrumentalism or to symbolic politics and fairness concerns. To conduct a fair test, I try to operationalize instrumental interests, just as I operationalize attitudes toward symbolic politics and perceptions of historical unfairness. From the empirical test of the competing explanations of policy preferences I conclude that instrumentalism has little predictive value; symbolic attitudes, on the other hand, have considerable predictive value. On the basis of this analysis, I argue that land politics in South Africa are structured by citizens' yearning for justice, not just material compensation, and whether one's group gets justice (sociotropic justice) is perhaps more important than compensating individual victims (egocentric individualism).

Many rational choice scholars will not be satisfied with this explanation because they are committed to the search for some sort of link that may be deemed self-interest. As I asserted in *Overcoming Historical Injustices* (footnote 16), I find this approach unsatisfactory: "If one takes a quite broad view of self interest, then interests are always implicated and the theory is tautological. For example, I could be said to profit from the murder of my wife because, by society punishing the murder, it reaffirms and reinforces the norm that murder is improper, thereby giving me solace and perhaps even reducing the chances of murder—even my murder—happening in the future, which is of course to my benefit." If egocentric instrumentalism is always implicated, in one form or another, then egocentric instrumentalism is not analytically interesting.

My finding that justice is important to transitional justice merely reinforces the dozens of studies (cited in *Overcoming Historical Injustices*) showing that self-interest is a remarkably weak predictor of policy preferences. In the specific case of historical injustices, however, I argue that the empirical findings have added theoretical significance. If a sense of historical unfairness reflects not just what was done to oneself—something that can, to at least some