

# Dealing With the Past for a Peaceful Future? Analysing the Effect of Transitional Justice Instruments on Trust in Postconflict Societies

Charlotte Fiedler\* and Karina Mross<sup>†</sup>

## ABSTRACT

Can dealing with a history of violent conflict through transitional justice help to rebuild social trust? Addressing three gaps in the current literature, we (1) analyse the effect of transitional justice on social trust, thereby going beyond the predominant focus on renewed violence; (2) use novel, hand-coded data to take donor support for transitional justice into account, a relevant but mostly overlooked factor; and (3) systematically investigate the combined effect of transitional justice instruments using qualitative comparative analysis. The analysis covers 24 cases in 19 postconflict countries over the period 1990–2010. Our results indicate that transitional justice needs to go beyond a narrow focus on victims or perpetrators to foster trust in postconflict societies. We find that combining victim restitution with amnesties or taking a broader, societal approach by focusing on truth-finding or bridge-building activities can increase trust. Moreover, international transitional justice support can play an important role in fostering trust, even in the absence of major national transitional justice processes.

**KEYWORDS:** Peacebuilding, QCA, social trust, armed conflict

## INTRODUCTION

How can a society that has experienced a major civil war live together peacefully again? Civil wars are often marked by violence against civilians, atrocities and war crimes, which is why addressing a country's violent past through transitional justice has become a key pillar of peace-building efforts.<sup>1</sup> The underlying rationale is that dealing with the past is necessary in order to overcome the legacies of civil war and mend the social fabric.

\* Research Programme on Transformation of Political (dis-) order, German Institute of Development and Sustainability (IDOS), Tulpenfeld 6, Bonn 53113, Germany

<sup>†</sup> Research Programme on Transformation of Political (dis-) order, German Institute of Development and Sustainability (IDOS), Tulpenfeld 6, Bonn 53113, Germany. Email: [karina.mross@idos-research.de](mailto:karina.mross@idos-research.de)

<sup>1</sup> Jacqueline H. R. DeMeritt, 'Transitional Justice: Prospects for Post-war Peace and Human Rights,' in *What Do We Know About Civil Wars?* D. Mason and S. McLaughlin Mitchell, eds., (Lanham: Rowman & Littlefield, 2016), 179–196. O. Thoms, J. Ron and R. Paris, 'State-Level Effects of Transitional Justice: What Do We Know?' *The International Journal of Transitional Justice* 4(3) (2010): 329–354.

While the literature on transitional justice after civil wars has produced valuable insights, it also leaves several important questions unanswered. First, can transitional justice contribute to a deeper quality of peace that goes beyond the absence of violence? So far research investigating transitional justice after civil wars has concentrated on its contribution to avoiding renewed violent conflict.<sup>2</sup> Although many assume that transitional justice can contribute to a more comprehensive peace and help mend broken societal relationships by re-establishing trust, this has not been systematically studied yet. A second open question is what role international engagement plays in transitional justice processes. Transitional justice in postconflict societies relies heavily on international assistance.<sup>3</sup> Yet, data constraints have so far prevented systematically including such support in cross-country analyses studying the effects of transitional justice. Finally, more systematic analyses of successful combinations of transitional justice instruments are necessary. Transitional justice instruments are rarely implemented in isolation and policy documents regularly call for donors to pursue a 'comprehensive approach'.<sup>4</sup> However, research has so far not been able to shed light on whether specific combinations are indeed particularly promising and if so which ones.

In this article, we take a closer look at five prominent areas of transitional justice and their effect on trust after civil war: truth, justice, victim restitution, amnesties and bridging activities. We theorize that only instruments or combinations of instruments that go beyond a narrow focus on either perpetrators or victims can help to rebuild social trust. Regarding international support, we assume that it can strengthen domestic transitional justice processes, but also facilitate transitional justice in the absence of prominent national processes. To analyse the impact of domestic and international transitional justice measures and systematically assess the effect of combinations, we apply qualitative comparative analysis (QCA) on 24 cases in 19 postconflict countries between 1990 and 2010. To do so, we combine hand-coded data on transitional justice instruments as well as novel data on international support to them with a latent trust measure developed by Justwan et al.<sup>5</sup> Our results indicate that transitional justice needs to go beyond a narrow focus on either victims or perpetrators to foster trust in postconflict societies, targeting both groups (by combining victim restitution with amnesties) or the society more generally through truth-finding or bridge-building activities. Moreover, our findings indicate that internationally supported transitional justice efforts (e.g., truth-finding activities) can contribute to increased trust, even without major national transitional justice processes (e.g., a truth commission), underlining the importance of taking international support into account when analysing transitional justice processes.

## RESEARCH ON POSTCONFLICT TRANSITIONAL JUSTICE AND SOCIAL TRUST

For years, the academic discussion on the effects of transitional justice was mainly 'based upon impressionistic conclusions and anecdotal evidence',<sup>6</sup> which is why various scholars have

<sup>2</sup> Geoff Dancy, 'Deals with the Devil? Conflict Amnesties, Civil War, and Sustainable Peace,' *International Organization* 72(2) (2018): 387–421; Cynne Loyle and Benjamin Appel, 'Conflict Recurrence and Postconflict Justice: Addressing Motivations and Opportunities for Sustainable Peace,' *International Studies Quarterly* 61(3) (2017): 690–703; Christoph V. Steinert, 'Trial Fairness Before Impact: Tracing the Link Between Post-Conflict Rials and Peace Stability,' *International Interactions* 46(6) (2019): 1003–1031.

<sup>3</sup> Paige Arthur and Christalla Yakinthou, eds., *Transitional Justice, International Assistance, and Civil Society* (Cambridge: Cambridge University Press, 2018); William Muck and Eric Wiebelhaus-Brahm, 'External Transitional Justice Funding: Introducing a New Dataset,' *Journal of Peacebuilding & Development* 11(2) (2016): 66–71.

<sup>4</sup> Line Engbo Gissel, 'The Standardisation of Transitional Justice,' *European Journal of International Relations* 28(4) (2022): 859–884.

<sup>5</sup> Florian Justwan, Ryan Bakker and Jeffrey D. Berejikian, 'Measuring Social Trust and Trusting the Measure,' *The Social Science Journal* 55(2) (2017): 149–159.

<sup>6</sup> Brandon M. Stewart and Eric Wiebelhaus-Brahm, 'The Quantitative Turn in Transitional Justice Research: What Have We Learned About Impact?' *Transitional Justice Review* 1(5) (2017): 97–133.

emphasized the need for more systematic comparative analyses.<sup>7</sup> New data collection efforts have made it possible to assess the effect of the different transitional justice instruments through cross-country, statistical studies, while systematic qualitative analyses have further enriched our understanding. One strand of this research has focused on the transition from authoritarian regimes and the effect of transitional justice on democracy and human rights.<sup>8</sup> A second strand, which is particularly relevant for our study, has focused on the effects of transitional justice on peace in postconflict countries.

The scholarly debate has not yet provided conclusive evidence on whether transitional justice strengthens peace. However, it is worthwhile noting that cross-country studies so far mostly find either positive effects of transitional justice instruments on peace or no, respectively weak negative effects.<sup>9</sup> Only one study investigates the combined effects of transitional justice instruments on peace: Salehi and Williams conduct a QCA differentiating between restorative transitional justice, retributive transitional justice and amnesties.<sup>10</sup> They find that all three types can have positive effects, but also that their analysis does not justify strong claims for the effect of transitional justice instruments.

Although it has been acknowledged that rebuilding social trust is key to overcoming conflict,<sup>11</sup> there is still relatively little research on the topic. Instead, the rich literature on the determinants of social trust has so far focused almost exclusively on Western democracies.<sup>12</sup> Highlighting the importance of experiences for trust formation and focusing specifically on postconflict situations, a fast-expanding literature analyses how victimization in armed conflict impacts on social and political attitudes, including social trust.<sup>13</sup> So far, few empirical studies have focused on how social trust can be rebuilt in postconflict contexts and the question of which role transitional justice could play has been left unanswered.

Despite important advances in recent years, the literature still has three key weaknesses. First, the cross-country studies analysing transitional justice from a conflict perspective have focused exclusively on negative peace, measured as the absence of violent conflict. Yet, in 2010 the UN Secretary-General described transitional justice as

the full range of processes and mechanism associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.<sup>14</sup>

<sup>7</sup> Elin. Skaar, Ccamila G. Malca and Trine Eide, *After Violence: Transitional Justice, Peace, and Democracy* (New York: Routledge, 2015); Thoms et al., *supra* n 1.

<sup>8</sup> Geoff Dancy, Bridget E. Marchesi, Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter and Kathryn Sikkink, 'Behind Bars and Bargains: New Findings on Transitional Justice in Emerging Democracies,' *International Studies Quarterly* 63(1) (2019): 1–12; Tricia D. Olsen, Leigh A. Payne and Andrew G. Reiter, 'The Justice Balance: When Transitional Justice Improves Human Rights and Democracy,' *Human Rights Quarterly* 32(4) (2010): 980–1007; Eric Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy* (London: Routledge, 2009).

<sup>9</sup> Dancy, *supra* n 2; Loyle et al., *supra* n 2; Skaar et al., *supra* n 7; Steinert, *supra* n 2; Tove G. Lie, Helga M. Binningsbø and Scott Gates, *Post-Conflict Justice and Sustainable Peace* (Vol. 5/4191) (Washington: World Bank, 2007); James D. Meernik, Angela Nichols and Kimi L. King, 'The Impact of International Tribunals and Domestic Trials on Peace and Human Rights After Civil War,' *International Studies Perspectives* 11(4) : 309–334; Erik Melander, 'Justice or Peace? A Statistical Study of the Relationship Between Amnesties and Durable Peace (Vol. JAD-PbP Working Paper 4)' (Lund: Lund University, 2009).

<sup>10</sup> Mariam Salehi and Timothy Williams, 'Beyond Peace vs. Justice: Assessing Transitional Justice's Impact on Enduring Peace Using Qualitative Comparative Analysis,' *Transitional Justice Review* 1(4) (2016): 96–123.

<sup>11</sup> Daniel Bar-Tal, 'From Intractable Conflict Through Conflict Resolution to Reconciliation: Psychological Analysis,' *Political Psychology* 21(2) : 351–365; Piotr Sztompka, 'Two Theoretical Approaches to Trust; Their Implications for the Resolution of Intergroup Conflict,' in *The Role of Trust in Conflict Resolution: The Israeli-Palestinian Case and Beyond*, I. Alon and D. Bar-Tal, eds., (Cham: Springer, 2016): 15–21.

<sup>12</sup> Markus Freitag and Richard Traunmüller, 'Spheres of Trust: An Empirical Analysis of the Foundations of Particularised and Generalised Trust,' *European Journal of Political Research* 48(6) (2009): 782–803; Peter Nannestad, 'What Have We Learned About Generalized Trust, If Anything?' *Annual Review of Political Science* 11(1) (2008): 413–436; Ken Newton and Sonja Zmerli, 'Three Forms of Trust and Their Association,' *European Political Science Review* 3(2) (2011): 169–200.

<sup>13</sup> See Charlotte Fiedler, 'What do we know about how armed conflict affects social cohesion? A review of the empirical literature,' *International Studies Review* (forthcoming) for a recent review of this literature.

<sup>14</sup> UN Secretary-General, *Guidance Note of the Secretary-General. United Nations Approach to Transitional Justice* (United Nations, 2010), 3.

Whether transitional justice is indeed able to contribute to a deeper quality of peace that goes beyond the absence of violence, however, has not been systematically answered yet.<sup>15</sup> Second, the role of international donors in transitional justice processes remains understudied. While qualitative analysis has highlighted the crucial role that international actors often play in transitional justice processes,<sup>16</sup> the lack of data has hitherto prevented larger cross-country analyses from taking international transitional justice support into account. Third, it is not clear how various transitional justice instruments need to be combined. Several scholars and policy documents suggest that it is important to find the right mix of instruments, but more systematic analyses of successful combinations are necessary.<sup>17</sup>

## HOW CAN TRANSITIONAL JUSTICE INSTRUMENTS CONTRIBUTE TO TRUST?

In line with what has been described as the ‘minimal consensus’ in a rich research tradition on trust in political science, we understand trust as the belief that another person or group will not take advantage or harm you even in a situation of vulnerability.<sup>18</sup> We assume that after a civil war pitting different identity groups within society against one another, postconflict societies will grapple with a certain degree of distrust.<sup>19</sup> Following de Greiff that ‘[r]econciliation, minimally, is the condition under which citizens can trust one another as citizens again (or anew),’<sup>20</sup> we argue that social trust is key for rebuilding a healthy social fabric. In particular, this regards generalized trust, which is the ‘ability to trust people outside one’s familiar or kinship circles’ and across group divisions.<sup>21</sup>

Transitional justice is one important aspect of peacebuilding efforts – domestic as well as international – that aims to foster such a deeper quality of peace by ‘mend[ing] the “social fabric.”<sup>22</sup> We focus on five prominent areas of transitional justice and their effect on trust after civil war: truth, justice, victim restitution, amnesties and bridging activities.<sup>23</sup> In principle, the different transitional justice instruments are all supposed to help societies to transform into a peaceful society, albeit through different causal mechanisms. Due to these different logics, we expect that not all of these instruments can equally contribute to trust. At the same time, transitional justice instruments are often not implemented in isolation but in combination, which may alter their effect. We assume that some transitional justice instruments can impact on trust independently

<sup>15</sup> Skaar et al., *supra* n 7, as well as Janine Clark, ‘*International Trials and Reconciliation. Assessing the Impact of the International Criminal Tribunal for the Former Yugoslavia*’, Routledge: New York, (2015) make a valuable effort focusing on reconciliation, but only include a very limited number of postconflict cases (two and three respectively) in their comparative qualitative analysis. Justwan et al., *supra* n 5, implement a basic bivariate analysis of the effect of different transitional justice instruments on trust when presenting their new measure. However, as the authors themselves note, the model is too crude and the results cannot be confidently interpreted.

<sup>16</sup> See e.g., Valerie Arnould, ‘Transitional Justice in Peacebuilding: Dynamics of Contestation in the DRC,’ *Journal of Intervention and Statebuilding* 10(3) (2016): 321–338; Arthur and Yakinthus, *supra* n 3; Marian Salehi, *Transitional Justice in Process: Plans and Politics in Tunisia* (Manchester: Manchester University Press, 2022); Kelebogile Zvobgo, ‘Demanding Truth: The Global Transitional Justice Network and the Creation of Truth Commissions,’ *International Studies Quarterly* 64(3) (2020): 609–625.

<sup>17</sup> Anna MacDonald, ‘From the Ground Up: What Does the Evidence Tell Us About Local Experiences of Transitional Justice?’ *Transitional Justice Review* 1(3) (2015): 72–121; UN Secretary-General, *supra* n 14.

<sup>18</sup> Freitag and Traunmüller, *supra* n 12; Margaret Levi and Laura Stoker, ‘Political Trust and Trustworthiness,’ *Annual Review of Political Science* 3(1) (2000): 475–507.

<sup>19</sup> Bar-Tal, *supra* n 11; Szotompka, *supra* n 11.

<sup>20</sup> Pablo de Greiff, ‘Theorizing Transitional Justice,’ *American Society for Political and Legal Philosophy* 51 (2012): 31–77. See also Trudy Govier and Verwoerd, William, ‘Trust and the Problem of National Reconciliation,’ *Philosophy of the Social Sciences* 32(2) (2002): 178–205.

<sup>21</sup> Robert Matthes and Alejandro Moreno, ‘Social and Political Trust in Developing Countries: Sub-Saharan Africa and Latin America,’ in *The Oxford Handbook of Social and Political Trust*, E. M. Uslaner, ed., (Oxford: Oxford University Press, 2018), 357–384, 359.

<sup>22</sup> Skaar et al., *supra* n 7.

<sup>23</sup> These are the most prominent transitional justice instruments analysed in the empirical literature (see also Loyle and Appel, *supra* n 2), even though some studies include additional instruments, such as purges and exiles (Helga Binningsbø, Cianne Loyle, Scott Gates, and Jon Elster, ‘Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset,’ *Journal of Peace Research* 49(5) (2012): 731–740). In addition, we include bridge-building activities, which is a prominent area of transitional justice-related peacebuilding efforts by international donors and directly aims to foster social trust.

whereas others need to be combined. We next discuss the different goals and instruments of transitional justice and their potential impact on social trust.

Truth-finding efforts aim to reveal the atrocities committed during the conflict, give a voice to victims and start a societal debate on how to overcome the history of violence. They include the collection and documentation of atrocities and public memory work, for example through museums, though by far the most prominent instrument in this category is truth commissions. One rationale of truth commissions is that without the threat of criminal prosecution, a society will be more likely to actually engage in the painful but cleaning process of uncovering the past, helping to counter a culture of denial.<sup>24</sup> Truth commissions are believed to be particularly important for victims as their perspectives and experiences – often covering many thousands of testimonials – are collected and an official account of events established. This is meant to break ‘the cycle of revenge and hatred between former enemies’ and it is hoped that the ‘discovery of the truth would help restore social trust and achieve societal reconciliation’.<sup>25</sup> Importantly, truth commission not only focus on exposing what has happened but aim at in-depth investigations into the root causes of violence.<sup>26</sup> To that end, truth commissions lay ‘their analytical focus on state and society’ rather than focusing on individual perpetrators.<sup>27</sup> Overall, because this instrument has a societal focus and offers victims a space to share their experiences without seriously threatening perpetrators, we expect that truth commissions can contribute to trust.

Pursuing justice aims to hold perpetrators accountable for past crimes committed during the civil war through prosecution and punishment. The main rationales behind such efforts are to achieve accountability, remove spoilers and generate a deterrence effect. The most common instruments are trials (in domestic, international or hybrid form), followed by traditional justice mechanisms, lustration policies and exiles. Pursuing justice through trials aims at breaking the cycle of violence by stigmatizing elites responsible for the conflict, which is supposed to work against a culture of impunity, deter potential future perpetrators and build trust for the new order.<sup>28</sup> Trials are also seen as important in order to install a sense of justice in victims, alleviating their pain and reducing their need for vengeance.<sup>29</sup> Since trials aim primarily at punishing perpetrators rather than bringing the different sides of the conflict together and overcoming divisions, we do not expect that trials contribute to rebuilding social trust on their own.

Making amends for the suffering of victims includes initiatives and programmes designed to acknowledge and alleviate suffering, including for example material and immaterial compensation, medical and psychosocial care or public apologies. The most prominent instrument here is reparations, which are meant to compensate individuals for harms and losses suffered, including psychological or physical violence or disappearance of their relatives. Skaar et al. differentiate three main goals of reparations: recognition, civic trust and social solidarity.<sup>30</sup> By offering recognition for past suffering, reparations aim to heal the wounds of the past and help to promote

<sup>24</sup> Martina Fischer, ‘Transitional Justice and Reconciliation: Theory and Practice,’ in *Advancing Conflict Transformation: The Berghof Handbook II*, B. Austin, M. Fischer and H. J. Giessmann, eds., (Opladen / Framington Hills: Barbara Budrich Publishers, 2011), 405–430; David Mendeloff, ‘Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?’ *International Studies Review* 6(3) (2004): 355–380.

<sup>25</sup> Thoms et al., *supra* n 1; MacDonald, *supra* n 17.

<sup>26</sup> Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (Vol. 2) (New York: Routledge, 2011).

<sup>27</sup> MacDonald, *supra* n 17.

<sup>28</sup> James D. Meernik and Rosa Aloisi, ‘The Impact of Tribunals and Truth Commissions on Post-Conflict Peace Building,’ in *Peace and Conflict 2010*, J. J. Hewitt, J. Wilkenfeld and T. R. Gurr, eds., (London: Paradigm Publishers, 2010), 103–116.

<sup>29</sup> Eamon Aloyo, Geoff Dancy and Yvonne Dutton, ‘Retributive or Reparative Justice? Explaining Post-Conflict Preferences in Kenya,’ *Journal of Peace Research* (2022) onlinefirst; Thoms et al., *supra* n 1.

<sup>30</sup> Skaar et al., *supra* n 7.

a sense of fairness.<sup>31</sup> Moreover, they are supposed to directly address grievances by ‘attending to the material and personal loss of those affected by the conflict’.<sup>32</sup> Scholars have argued that reparations can make an important contribution, because ‘for reconciliation to take place, the physical, psychological, and social damages caused by past injustice must be acknowledged and repaired’.<sup>33</sup> Although we believe that reparations are important in postconflict contexts and could contribute to trust together with other transitional justice instruments, we assume that they will not have a strong independent effect because reparations exclusively focus on victims.

Finally, offering *forgiveness* through amnesties for all or only some perpetrators represents another policy instrument used to deal with a history of violence. Amnesties are not always considered transitional justice because of their different logic: amnesties are a way of *not* actively engaging with the violent past but forgiving past deeds and moving on. This may have a positive impact on trust by avoiding reopening old wounds through trials or truth commissions that require revisiting the horrors of the past.<sup>34</sup> Although some perceive amnesties as an equivalent to establishing impunity, others argue that they can make an important contribution to peace because they reduce the risk of spoilers igniting renewed violence.<sup>35</sup> Mallinder for example poses that ‘Being merciful to former enemies ... could reduce the justification for further violence, promot[ing] the development of the conditions for reconciliation’.<sup>36</sup> However, forgiveness for most serious human rights abuses might be too much to ask. As Dancy shows, amnesties that pardon serious human rights abuses do not have a pacifying effect.<sup>37</sup> This suggests that amnesties concerning less serious crimes and lower-level ranks, but not those pardoning atrocities, might indeed be an important part of forgiveness that could help further social trust. However, amnesties have no direct benefits for victims or the broader society, which is why we expect amnesties alone to be insufficient to foster trust.

### Negative Effects

Transitional justice scholarship has raised important criticism, amongst others on the state-centricness of many transitional justice instruments as well as calling for more context-dependent and bottom-up approaches.<sup>38</sup> Furthermore, it is conceivable that some of these transitional justice instruments might even harm rather than bolster trust. Truth commissions as well as trials may run counter to building social trust by reopening old wounds and through testimonials causing re-traumatization.<sup>39</sup> Revealing atrocities committed by members of society, including neighbours and colleagues, may deepen social divisions.<sup>40</sup> Since confessions at truth commissions are often rewarded by impunity and recommendations are not followed through, truth commissions may be perceived as meaningless and may cause frustration, thereby harming trust. Trials in turn may deepen societal polarization and inflame conflict if winning parties use

<sup>31</sup> Aurélien Pradier, Maxine Rubin and Hufo van der Merwe, ‘Between Transitional Justice and Politics: Reparations in South Africa,’ *South African Journal of International Affairs* 25(3) (2018): 301–321.

<sup>32</sup> Loyle and Appel., *supra* n 2.

<sup>33</sup> Siri Gloppen, ‘Roads to Reconciliation: A Conceptual Framework,’ in *Roads to Reconciliation*, E.Skaar, S. Gloppen and A. Suhre, eds., (Lanham: Lexington Books, 2005), 17–50, 18.

<sup>34</sup> Hayner, *supra* n 26.

<sup>35</sup> Loyle and Appel., *supra* n 2; Jack Snyder and Leslie Vinjamuri, ‘Trials and Errors: Principle and Pragmatism in Strategies of International Justice,’ *International Security* 28(3) (2003): 5–44.

<sup>36</sup> Louise Mallinder, ‘Can Amnesties and International Justice Be Reconciled?’ *International Journal of Transitional Justice* 1(2) (2007): 208–230, 209.

<sup>37</sup> Dancy, *supra* n 2.

<sup>38</sup> Pierre Hazan, Rosalind Shaw and Lars Waldorf, eds., *Localizing Transitional Justice: Interventions and Priorities after Mass Violence* (Stanford: Stanford University Press, 2010); Patricia Lundy and Mark McGovern, ‘Whose Justice? Rethinking Transitional Justice from the Bottom Up,’ *Journal of Law and Society* 35(2) (2008): 265–292; Dustin N. Sharp, *Rethinking Transitional Justice for the Twenty-first Century: Beyond the End of History* (Cambridge: Cambridge University Press, 2018).

<sup>39</sup> Karen Brounéus, ‘The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health,’ *Journal of Conflict Resolution* 54(3) (2010): 408–437; Hayner, *supra* n 26.

<sup>40</sup> *Ibid.*

trials to exercise a ‘victors justice’.<sup>41</sup> With regard to reparation programmes, perceived injustices or cumbersome and intransparent processes may undermine trust building. Several reparation programmes, amongst others in Peru, South Africa and Chile, have been criticized for creating divisions within communities between those that received reparations and those that did not.<sup>42</sup> Amnesties in turn may give the signal that the suffering of victims is of no relevance and may be perceived as an implicit approval of atrocities. Acknowledging these potential negative effects, we nonetheless find it more compelling to expect overall positive or no effects of transitional justice in view of the theoretical and empirical arguments. Nevertheless, we also empirically test for potential negative effects by analysing whether transitional justice instruments can explain reduced trust.

### International Support

Donor support for transitional justice in postconflict contexts has become so ubiquitous that by now ‘the norm is for transitional justice processes to be funded largely by international donors and for international technical assistance to play a strong role in all aspects of the process’.<sup>43</sup> We hence believe that to get a more complete picture of the impact of transitional justice, it is crucial to take international support into account. While there may be a variety of ways that international actors can influence transitional justice processes (e.g., through global advocacy, norm formation or diplomatic engagement), we focus on donor support rendered in the context of development cooperation.<sup>44</sup> This consists of financial and technical assistance agreed upon in bilateral negotiations between the recipient and the donor government. Implementation of projects usually occurs in cooperation with or directly through local partners, which can be state institutions or civil society organizations.<sup>45</sup>

We theorize that international support can positively impact transitional justice processes in three main ways. First, it can help to put transitional justice on the agenda and *enable* it if otherwise financial resources would not be available or there is insufficient political commitment to prioritize it. Indeed, qualitative case studies indicate that international support often plays a prominent role in setting the agenda and designing transitional justice processes.<sup>46</sup> Second, it can improve the *effectiveness* of transitional justice through financial contributions and technical support aimed at enhancing local capacities.<sup>47</sup> This includes for example bringing in international expertise or organizing study trips to exchange on lessons learned with countries that have implemented similar transitional justice mechanisms.<sup>48</sup> This should increase the quality of transitional justice mechanisms. Third, international support can ideally render the processes more *credible* and *impartial* – directly, by facilitating financial independence, and indirectly, through the involvement of international staff as well as international attention and scrutiny accompanying the support.<sup>49</sup> In a postconflict context, political institutions often have limited credibility: they may be staffed with or be under the influence of members of the former warring parties. In this context, transitional justice processes can be used to exercise a ‘victor’s

<sup>41</sup> Meernik and Aloisi, *supra* n 28; Snyder and Vinjamuri, *supra* n 35; Eric Stover and Harvey M. Weinstein, *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004).

<sup>42</sup> Elisabeth Bunselmeyer, *Truth, Reparations and Social Cohesion: Transitional Justice Lessons from Peru* (London: Routledge, 2020); MacDonald, *supra* n 17.

<sup>43</sup> Arthur and Yakinthou, *supra* n 3.

<sup>44</sup> Rosemary Nagy, ‘Transitional Justice as Global Project: Critical Reflections,’ *Third World Quarterly* 29(2) (2008): 275–289; Jelena Subotić, ‘The Transformation of International Transitional Justice Advocacy,’ *International Journal of Transitional Justice* 6(1) (2012): 106–125.

<sup>45</sup> Salehi, *supra* n 16.

<sup>46</sup> Arnould, *supra* n 16; Salehi, *supra* n 16; Zvobgo, *supra* n 16.

<sup>47</sup> Ceren Altincekic and David Bearce, ‘Why There Should Be No Political Foreign Aid Curse,’ *World Development* 64 (2014): 18–32; Arthur and Yakinthou, *supra* n 3; Stephen Knack, ‘Does Foreign Aid Promote Democracy?’ *International Studies Quarterly* 48(1) (2004): 251–266.

<sup>48</sup> Nagy, *supra* n 44.

<sup>49</sup> Salehi, *supra* n 16.

justice' and consolidate someone's hold on power.<sup>50</sup> International support can help to reduce such instrumentalization.

Mirroring the main transitional justice instruments, we focus on international transitional justice support for: (1) justice, which includes support for different types of trials or access to justice for conflict victims for example, (2) truth, encompassing support for truth commissions, forensic activities, memorials and museums, as well as (3) victim restitution, including aid programmes geared at the repatriation of refugees or psychosocial support for victims. Amnesties do not receive any international support. We expect these internationally supported transitional justice mechanisms to follow the same logic as the previously presented transitional justice instruments in terms of how they can impact on social trust. Additionally, we include international support for (4) bridge-building initiatives aiming to address war-time cleavages and polarization by fostering inter-ethnic exchange through mediation, intergroup dialogue, conflict prevention and peace education, for example. This is a prominent area of transitional justice-related peacebuilding efforts by international donors and directly aims to foster social trust, with a randomized field experiment finding positive effects.<sup>51</sup> Because bridge-building activities bring different societal groups together, we expect them to be able to contribute independently of other efforts. Table 1 summarizes the main logic behind the different transitional justice efforts covered, as well as the main logic of impact behind each of them.

Although international support should be able to make positive contributions to transitional justice processes in a number of ways, important, critical questions have also been raised on international involvement in transitional justice processes.<sup>52</sup> For one, donors have to be careful to avoid the transitional justice process being perceived as primarily externally driven, amongst other things by not taking the local context and perspectives into account sufficiently.<sup>53</sup> International support also does not automatically immunize transitional justice processes from being instrumentalized for political purposes or window dressing.<sup>54</sup> Internationally supported transitional justice processes also do not necessarily proceed smoothly. Instead, the interaction between local and international actors has been described as a mixture of cooperation and resistance.<sup>55</sup> However, other in-depth qualitative analyses show that while frictions exist, the domestic–international dichotomy is too simplified and point towards the important role that international actors play.<sup>56</sup>

### Combined Effect

In the UN Secretary-General's guidance on transitional justice, one principle holds that donors should 'Encourage a comprehensive approach integrating an appropriate combination of transitional justice processes and mechanisms'.<sup>57</sup> However, conclusive evidence regarding the combined effect of transitional justice instruments on trust is still lacking.<sup>58</sup> Similarly, MacDonald notes that

<sup>50</sup> Cyanne Loyle, 'Transitional Justice and Political Order in Rwanda,' *Ethic and Racial Studies* 41(4) (2018): 663–680.

<sup>51</sup> Micheal Barnett, Hunjoon Kim, Madalene O'Donnell and Laura Sitea, 'Peacebuilding: What Is in a Name?' *Global Governance* 13 (2007): 35–58; Wendy Lamourne, 'What Are the Pillars of Transitional Justice? The United Nations, Civil Society and the Justice Cascade in Burundi,' *Macquarie Law Journal* 4(13) (2014): 41–60; Dan Smith, *Towards a Strategic Framework for Peacebuilding: Getting Their Act Together. Overview Report of the Joint Utstein Study of Peacebuilding* (Oslo: Royal Norwegian Ministry of Foreign Affairs, 2004); Isak Svensson and Karen Brounéus, 'Dialogue and Interethnic Trust: A Randomized Field Trial of "Sustained Dialogue" in Ethiopia,' *Journal of Peace Research* 50(5) (2013): 563–575.

<sup>52</sup> See e.g., Nagy, *supra* n 44; Sharp, *supra* n 38; Chandra L. Sriram, 'Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice,' *Global Society* 21(4) (2007): 579–591.

<sup>53</sup> Lamourne, *supra* n 51; Sriram, *supra* n 52; Subotić, *supra* n 44.

<sup>54</sup> Cyanne Loyle and Christian Davenport, 'Transitional Injustice: Subverting Justice in Transition and Postconflict Societies,' *Journal of Human Rights* 15(1) (2016): 126–149.

<sup>55</sup> Briony Jones and Ulrike Lühe, eds., *Knowledge for Peace. Transitional Justice and the Politics of Knowledge in Theory and Practice* (Cheltenham: Edward Elgar, 2021).

<sup>56</sup> Arnould, *supra* n 16; Salehi, *supra* n 16.

<sup>57</sup> UN Secretary-General, *supra* n 14.

<sup>58</sup> DeMerit, *supra* n 1.

**Table 1.** Theoretical Mechanisms of Transitional Justice Efforts.

Main Instrument	Goal	Logic of Impact	Main Focus	Literature
Truth Commission	Truth	Reveal the committed atrocities & root causes Start a societal debate Give victims a voice	Victim centred & broader society	Fischer, 2011; McDonald, 2015; Mendeloff, 2004; Thoms et al. 2010
Trials	Justice	Accountability Remove spoilers Deterrence effect	Perpetrator centred	Meernik et al., 2010; Steinert, 2019
Amnesties (except for mass atrocities)	Forgiveness	Forgive and move on Not reopening old wounds Prevent spoiler effect	Perpetrator centred	Dancy, 2018; Hayner, 2002; Loyle & Appel, 2017; Mallinder 2007, Snyder & Vinjamuri, 2003
Reparations	Amends	Recognition for suffering Create sense of justice Address grievances	Victim centred	Gloppen, 2005; Loyle & Appel, 2017; Pradier et al., 2018; Skaar et al., 2015
Bridge building	Reconciliation	Foster exchange, understanding & trust across groups Reduce polarization	Broader society	Allport 1954; Svensson & Brounéus, 2013

It is striking that despite a general consensus on the need for a ‘holistic’ approach there are very few studies that interrogate the interplay and impact of multiple transitional justice mechanisms.<sup>59</sup>

This is particularly surprising given that a clear majority of countries implement more than one instrument (see Table S11 in the [Supplementary Appendix](#)).

Since the transitional justice instruments follow different logics, it is plausible to assume that it matters if and how they are combined. For example, trials with a perpetrator-centred logic could be particularly beneficial combined with more victim-centred instruments such as reparations. Similarly, arguments have been made that trials might deepen societal divisions, which might increase the relevance of simultaneous efforts to foster bridge building.<sup>60</sup> Amnesties in turn have no direct benefits for victims, which is why we only expect amnesties to be able to contribute to trust if they are combined with one of the more victim-centred instruments – truth commissions or reparations. Evidence from research focusing on the effect of transitional justice on *human rights* supports the view that combinations might matter. Sikkink and Booth-Walling for example find that combining trials and truth commissions improves human rights more than trials alone.<sup>61</sup> Although the effect of transitional justice on trust can be very different from its effect on human rights, the evidence from this related field reinforces the expectation that their combined effect might be different from that of a single transitional justice instrument.

<sup>59</sup> MacDonald, *supra* n 17.

<sup>60</sup> Stover and Weinstein, *supra* n 41.

<sup>61</sup> Kathryn Sikkink and Carrie B. Booth-Walling, ‘The Impact of Human Rights Trials in Latin America,’ *Journal of Peace Research* 44(4) (2007): 427–445.

Theoretically, we expect these different domestic and international instruments to be able to influence social trust through three main channels. The first is by signalling: all domestic instruments regard major national and public processes that send messages that could lead to an attitudinal change within society.<sup>62</sup> We assume this particularly to be the case if transitional justice instruments are able to spark a societal debate on how to overcome past violence. The second is by fostering positive interactions with state institutions by for example receiving material compensation, benefitting from psychosocial support programmes or interacting with a now more impartial judiciary, which could increase trust in state institutions as well as towards other people (indeed the literature so far points towards institutional quality mattering for social trust).<sup>63</sup> The third is by also fostering positive interactions, but directly between different societal groups, as stipulated by contact theory.<sup>64</sup>

## RESEARCH DESIGN

We use QCA to assess if individual transitional justice instruments or their combination have an effect on social trust after civil wars. QCA is ideally suited for our purpose because it focuses on the effect of *combinations* of conditions (conjunctural causation) and it allows identifying *alternative paths* to the same outcome (equifinality).<sup>65</sup>

QCA starts from the assumption of maximum causal complexity. All logically possible combinations of the conditions (explanatory factors) are listed in the so-called truth table. Each row in the truth table represents one possible combination of the conditions, and cases are assigned to the row that represents them best. Algorithm-based logical minimization reduces the combinations (rows) that are considered sufficient for the outcome based on the data at hand to the simplest possible solution term without violating any of the statements made by them.<sup>66</sup>

### Universe of Cases: Postconflict Societies

We are interested in the effect of transitional justice in the aftermath of civil wars. While the roots of transitional justice can be traced to post WWI,<sup>67</sup> it has become particularly prevalent in peace-building after intra-state conflict since the 1990s.<sup>68</sup> Therefore, our universe of cases includes all postconflict episodes after civil wars that ended in 1990 or later.<sup>69</sup> We consider a civil war to have ended when battle deaths remain below 25 for at least two consecutive years, which we identify using the UCDP/PRIO conflict data.<sup>70</sup>

From each postconflict society, we derive one or two cases of postconflict transitional justice (or the absence thereof), depending on the amount and timing of transitional justice instruments implemented. Each case entails a minimum of one and a maximum of all four instruments

<sup>62</sup> For a similar argument on truth commissions, see Geoff Dancy and Oskar T. Thoms, 'Do Truth Commissions Really Improve Democracy?' *Comparative Political Studies* 55(4) (2022): 555–587.

<sup>63</sup> Nannestad, *supra* n 12; Newton and Zmerli, *supra* n 12.

<sup>64</sup> See Svensson and Brounéus, *supra* n 51.

<sup>65</sup> Charles Ragin, *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies* (Berkeley: University of California Press, 1987); Charles Ragin, *Redesigning Social Inquiry: Fuzzy Sets and Beyond* (Chicago: University of Chicago Press, 2008); Carsten Q. Schneider and Claudius Wagemann, *Set-Theoretic Methods for the Social Sciences* (Cambridge: Cambridge University Press, 2012).

<sup>66</sup> The raw consistency threshold set by the researcher specifies the level of inconsistency in the data allowed in considering a combination of conditions (i.e., truth table row) sufficient for the outcome. The threshold should be tailored to the research at hand and can, e.g., be guided by a gap between truth table rows with higher and lower consistency scores (Schneider and Wagemann, *supra* n 65).

<sup>67</sup> For a discussion of the origins and development of transitional justice, see Ruti G. Teitel, 'Transitional Justice Genealogy,' *Harvard Human Rights Journal* 16 : 69–94.

<sup>68</sup> Arthur and Yakinthou, *supra* n 3; Binningsbø et al., *supra* n 23; N. K. Kim and M. H. Hong, 'Politics of Pursuing Justice in the Aftermath of Civil Conflict,' *Journal of Conflict Resolution* 63(5) (2019): 1165–1192.

<sup>69</sup> We take a systemic approach, focusing on a society as a system in conflict. To be included, all conflicts within a country combined must have led to at least 1,000 battle deaths in any two consecutive years, which allows including cases that barely missed the 1,000 threshold in one calendar year (which is the common practice in civil war research).

<sup>70</sup> UCDP, 'UCDP Definitions: State-Based Armed Conflict. Uppsala University / Department of Peace and Conflict Research,' accessed on 14 June 2020, [https://www.pcr.uu.se/research/ucdp/definitions/#tocjump\\_14548147944256434\\_47](https://www.pcr.uu.se/research/ucdp/definitions/#tocjump_14548147944256434_47),

**Table 2.** Overview of Different Types of International Transitional Justice Support.

Category of International Support	Overall Budget	Average Project Size	Exemplary Keywords	Project Example
Justice	\$602,076,113	\$727,199	Justice, tribunal, prosecution, names of international tribunals	Support to the special tribunal of the Red Khmer Country: Cambodia Year: 2007 Budget: \$361,056 Donor: Spain
Truth	\$207,632,054	\$343,247	Truth, truth commission, forensic activities, memorials, museums	Support to the establishment of a peace museum Country: Sierra Leone Year: 2010 Budget: \$207,735 Donor: UN Peacebuilding Fund
Amends	\$583,753,794	\$468,036	Victim, repatriation & reintegration, psychosocial support	Humanitarian assistance and psychosocial support for women affected by armed conflict Country: Liberia Year: 2009 Budget: \$491,164 Donor: Spain
Reconciliation	\$1,652,522,549	\$478,651	Inter-group dialogue, reconciliation, peace education, mediation, conflict resolution	Techn. assistance to the National Unity and Reconciliation Commission Country: Rwanda Year: 2002 Budget: \$418,464 Donor: UK

being implemented shortly after one another. If several years pass before new transitional justice instruments are implemented (this ranges between four years in Sierra Leone to nine years in Lebanon), we include a second phase of transitional justice as a new case. Second, if the first transitional justice instrument was implemented very late after the civil war ended, we also include a case marked by the *absence* of all transitional justice instruments that covers the first five post-conflict years, just as when no transitional justice instruments were implemented at any time. This procedure results in a sample of 24 cases in 19 postconflict societies between 1990 and 2010<sup>71</sup> (see Table 2).

### Conditions: Transitional Justice Instruments and International Support for Transitional Justice

We are interested in the effect of transitional justice instruments on trust. To this end, our analysis firstly includes binary conditions that indicate the presence or absence of a truth commission,

<sup>71</sup> Our cases represent all postconflict societies except for four that we had to exclude due to data limitations, which are Serbia, Angola, Burundi and Sri Lanka.

trials, reparations and amnesties. In addition, we code a second set of binary conditions indicating if substantial international support for truth, justice and victims as well as bridge-building activities has been provided. To include international support in our analysis, we combine domestic and international transitional justice efforts in a complementary way, coding 1 if either domestic instruments are implemented or substantial international support was provided to domestic efforts. A data table with all conditions is included in the [Supplementary Appendix](#).

Regarding domestic transitional justice instruments, in recent years valuable efforts have been made to collect cross-national data.<sup>72</sup> However, these datasets have some critical weaknesses, since we are interested in transitional justice instruments that are (1) linked to the civil war and (2) have actually been implemented, (3) beyond the first five postconflict years. Therefore, we engaged in a comprehensive coding effort that combined, verified and complemented the information included in these datasets for our purpose. We coded trials, truth commissions, reparations and amnesties (not pardoning atrocities)<sup>73</sup> that were implemented in the period 1990 to 2010 after a major civil war. To this end, we relied on the comprehensive online database provided by the Transitional Justice Research Collaborative (TJRC)<sup>74</sup> and on the helpful narrative document provided by Binningsbø et al.,<sup>75</sup> complemented by secondary literature, reports as well as news coverage. Of the 19 countries included in the analysis, only Georgia and Mozambique<sup>76</sup> did not implement any of these transitional justice instruments.

We use financial contributions (Official Development Assistance (ODA)) to approximate the degree of donor support for transitional justice and its sub-components in a comparable way across countries and topic areas. Since transitional justice support efforts are not reported specifically by donors, we created a dataset by coding projects relating to victim restitution, truth-finding efforts, justice and bridging activities using project information provided by AidData.<sup>77</sup> To capture donor support for transitional justice we drew on ODA commitments and conducted a two-step coding that combined automatized pre-selection with subsequent hand coding. For the automatization, we used a list of search terms to reduce the list of potential projects, which was then verified through hand coding based on project descriptions. [Table 3](#) provides background information on the type of support included in the different categories.<sup>78</sup>

The logic of QCA is based on set memberships. In its dichotomous ('crisp-set') version that we use, QCA variables adopt the values of 1 (member) or 0 (non-member). Where the observed information is not already in a dichotomous form (e.g., a TRC was implemented or not) the researcher needs to *calibrate* the set by defining the cross-over point at 0.5, which separates members of a set from non-members. For our analysis this regards international support – where the threshold indicates when we consider support for this goal substantial enough to expect that it makes a difference. We hence assume that where more ODA was provided, development actors played a greater role in supporting domestic efforts through amongst other things financing, providing technical expertise and training, buying equipment or providing international staff.

Our data on international support for transitional justice shows that a majority of domestic instruments receive substantial international support.<sup>79</sup> With regard to truth finding, we see that

<sup>72</sup> Binningsbø et al., *supra* n 23; T. D. Olsen, L. A. Payne and A. G. Reiter, 'Transitional Justice in the World, 1970–2007: Insights from a New Dataset,' *Journal of Peace Research* 47(6) (2010): 803–809.

<sup>73</sup> As discussed in the theory section, we do not assume that such amnesties can have positive effects on trust.

<sup>74</sup> The data is available at [www.transitionaljusticedata.com](http://www.transitionaljusticedata.com) (accessed 12 January 2020).

<sup>75</sup> Binningsbø et al., *supra* n 23.

<sup>76</sup> Mozambique issued a blanket amnesty that also covered atrocities; therefore it is not included.

<sup>77</sup> Michael Tierney, Daniel Nielson, Darren Hawkins, Timmons Roberts, Michael Findley, Ryan Powers, Bradley Parks, Sven E. Wilson and RobertL. Hicks, 'More Dollars than Sense: Refining Our Knowledge of Development Finance Using AidData,' *World Development* 39(11) (2011): 1891–1906.

<sup>78</sup> The only other efforts to quantify international engagement in the area of transitional justice we are aware of come from Muck and Wiebelhaus-Brahm (*supra* n 3), who however only focus on trials and truth commissions, and Arthur and Yakinthou (*supra* n 3), who do not provide details on the data collected.

<sup>79</sup> For details, see Table 2 in the Appendix.

Table 3. Sample and Outcome.

Case	End Civil War	Trust Period	First Transitional Justice Instrument	Increased Trust
Azerbaijan	1995	1998–2003	1998	0
Bosnia and Herzegovina	1995	1996–2001	1995	1
Cambodia_I	1998	1998–2002	–	1
Cambodia_II		2007–2010	2007	0
Congo	2002	2005–2010	2003	0
El Salvador	1991	1993–1998	1992	1
Georgia	1993	1993–1997	–	0
Guatemala_I	1995	1997–2002	1996	0
Guatemala_II		2003–2008	2003	1
Indonesia	2005	2008–2010	2005	1
Iraq	1996	1996–2001	1996	0
Lebanon_I	1990	1993–1996	1991	0
Lebanon_II		2007–2010	2007	1
Liberia	2004	2006–2010	2006	1
Mozambique	1992	1992–1997	–	1
Nepal	2006	2008–2010	2006	1
Nicaragua	1990	1990–1995	1990	0
Peru	1999	2001–2006	1999	1
Rwanda	2002	2003–2007	2002	0
Sierra Leone_I	2001	2004–2007	2001	1
Sierra Leone_II		2008–2010	2008	1
Tajikistan_I	2000	2000–2004	–	1
Tajikistan_II		2008–2009	2006	0
Yemen	1994	1998–2003	1994	0

all cases with a truth commission also received relatively high amounts of international support. Yet, international support for truth finding goes beyond those cases – several cases without a truth commission nevertheless receive substantial support in the area. In the area of justice support, large amounts of international support were usually provided in countries that conducted trials. However, several cases with trials did *not* receive any support for transitional justice. With regard to reparations, support has been provided in a more complementary way – many cases receive substantial support for victims, yet only two cases with domestic reparation programmes also received substantial international support.

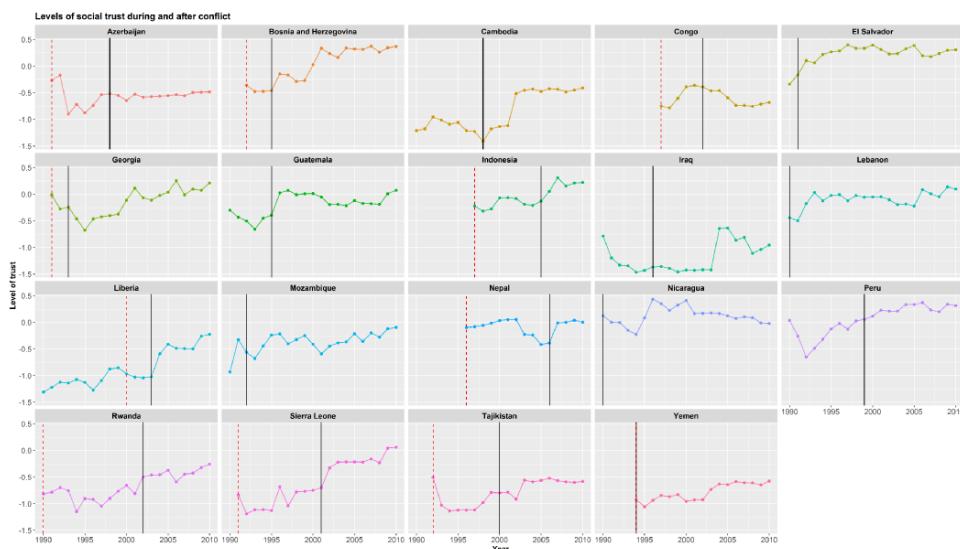
### Outcome of Interest: Trust

Our outcome variable is *increased social trust* within society. Good panel data on trust is scarce, especially in postconflict contexts. Therefore, we approximate the level of trust by using a relatively new measure, developed by Justwan et al.<sup>80</sup> They adopt a latent variable approach (using a Bayesian measurement model) and estimate the latent concept of trust based on 19 indicators that correlate with trust. These include survey-based<sup>81</sup> as well as institutional, social-psychological and biological/environmental indicators (see *Supplementary Appendix*). Although not without its faults,<sup>82</sup> this is the only cross-country dataset currently available, which

<sup>80</sup> Justwan et al., *supra* n 5.

<sup>81</sup> Questions measuring generalized trust from the World Values Survey as well as the Barometers.

<sup>82</sup> Most importantly, using a latent variable approach it cannot offer a direct measure but only approximates social trust. However, the authors themselves present validity tests, including quantitative and qualitative comparisons with the World Value Survey, the stability of the latent measure to exclusion of different correlates, as well as replication of other studies to demonstrate the internal and external validity of their measure.



**Figure 1.** Trust Levels.

Note: The red dotted line indicates the outbreak of the civil war and the black line indicates the year the civil war ended (battle deaths below 25).

covers all our postconflict countries (except Serbia), thereby enabling us to comprehensively study our research question. Since it only covers the period 1946 to 2010, we had to also exclude Angola, Burundi and Sri Lanka from the analysis as violence ceased only in 2008 or 2009, respectively. Figure 1 illustrates the trust levels since the outbreak of civil war for each of the remaining 19 postconflict countries in our sample.

Our outcome *increased trust* measures change in trust by comparing trust in year 0 with the average of trust over years 1–5.<sup>83</sup> In order to avoid endogeneity, we always start measuring the change in trust in the year after transitional justice instruments have been implemented. If several transitional justice instruments were implemented successively, we measure the change in trust after the implementation of the last instrument. In cases without transitional justice instruments, we start measuring trust the year after violence had ended.

Figure 1 indicates that the trust levels are not very volatile and show relatively clear (though varying) trends over time. Our outcome condition ‘increased trust’ takes a value of 1 if the change is positive and 0 if it is negative. The underlying data is reported in the Supplementary Appendix. Table 3 displays the sample and outcome, showing that a slim majority of cases (13) experience an increase in trust, while 11 do not.

## RESULTS

We apply QCA on 24 cases to better understand if and when transitional justice instruments can foster trust after civil war. A clear gap in the consistency levels of the truth table rows guides the placement of the raw consistency threshold at 0.75.<sup>84</sup> Testing for necessary conditions yields

<sup>83</sup> In cases where violence resumed or the last instrument was implemented less than five years before 2010, change in trust was measured over a shorter period of time covering at least two years.

<sup>84</sup> Moreover, this consistency threshold ensures that Proportional Reduction in Inconsistency (PRI) is above 0.7 to avoid very small sets being included for the outcome and its negation.

**Table 4.** Results: Domestic Transitional Justice Instruments.

Paths		Cases	Consistency	Unique Coverage
1) Truth revelation	TC*~ AMNA	El Salvador, Liberia, Peru, Sierra Leone_I, Sierra Leone_II	1	0.385
2) Balanced approach	REP*AMNA	Indonesia, Nepal, Guatemala_II	1	0.231
Solution		TC*~ AMNA + REP*AMNA => TRUST	1	0.615

no condition – or combination – that can be considered necessary for increased trust (or its absence) (see [Supplementary Appendix](#)).

We start our analysis by focusing on domestic efforts. The analysis of sufficiency yields two paths: a truth commission in the absence of amnesties (TC\*~ AMNA) and the combination of reparations with amnesties (REP\*AMNA) (see [Table 4](#)). The consistency score – which is lower the more deviation exists in the data – is at its maximum, so that the results can be confidently interpreted. The solution explains eight of 13 cases that experienced an increase in trust levels. No cases are covered by multiple paths.

The findings confirm our theoretical expectations. We find one path that focuses on ‘truth revelation’ with an instrument that addresses the broader society, namely a truth commission, and a second ‘balanced approach,’ combining a victim-centred with a perpetrator-centred instrument. The results also suggest that in the case of having a truth commission, amnesties perform poorly, which might be because crimes covered by the amnesty are brought under public scrutiny. In the much-discussed case of South Africa, amnesties were granted in the hopes of making a thorough truth-finding process more likely, and research has shown that public perception of these amnesties significantly worsened over time.<sup>85</sup> However, individual-level evidence also shows that combining amnesties with other transitional justice instruments, particularly monetary reparations, can significantly improve the perception of the amnesties, a finding which strongly speaks to the second path.<sup>86</sup> Interestingly, trials are the only instrument that do not form part of any path towards increased trust.

Four cases with increased trust are not explained by the solution (deviant cases for coverage): Bosnia and Herzegovina, Cambodia\_I, Lebanon, Mozambique and Tajikistan. This indicates that other factors might be necessary to explain this subset of cases. No contradictory cases (deviant cases for consistency)<sup>87</sup> are part of the solution.

Next, we conduct a second analysis that also takes into account international support. [Table 5](#) presents the results.

Overall, this solution explains nine cases and, again, the consistency is at its maximum since no cases contradict the result. The analysis essentially confirms the two pathways indicated by the first analysis. Truth-finding efforts (though here in the absence of trials instead of in the absence of an amnesty) explain an increase in social trust levels and so does support for victims combined with an amnesty. The first path can be interpreted as cases where a relatively ‘soft’ approach towards transitional justice was taken. Neither Cambodia nor Nepal had a truth commission but had truth-finding efforts that received substantial international support. At the same

<sup>85</sup> David Backer, ‘Watching a Bargain Unravel? A Panel Study of Victims’ Attitudes about Transitional Justice in Cape Town, South Africa,’ *International Journal of Transitional Justice* 4(3) (2010): 443–456.

<sup>86</sup> MacDonald, *supra* n 17.

<sup>87</sup> Cases that fit one of the paths but do not have the expected outcome (increased trust).

**Table 5.** Results: Combined Domestic and International Transitional Justice Efforts.

Paths		Cases	Consistency	Unique Coverage
1 Truth revelation	$\sim \text{TRIALJUS}^* \text{TCTRUTH}$	El Salvador; Cambodia_I, Nepal	1	0.231
2 Bridge-building	$\text{BRIDGE}^* \sim \text{AMNA}$	Lebanon_II, Peru; Liberia; Sierra Leone_I	1	0.308
3 Balanced approach	$\sim \text{TCTRUTH}^*$ $\text{REPVIC}^* \text{AMNA}$	Indonesia, Bosnia and Herzegovina	1	0.154
Solution: $\sim \text{TRIALJUS}^* \text{TCTRUTH} + \text{DIALOG}^* \sim \text{AMNA} + \sim \text{TCTRUTH}^* \text{REPVIC}^* \text{AMNA} \Rightarrow \text{TRUST}$			1	0.692

time, trials did not take place (yet). These hence seem to represent cases where a certain discussion of the conflict history was pursued without engaging too deeply with the past or holding the perpetrators accountable. The third path mirrors what we coin a ‘balanced approach’ in the first analysis. Rather than actually engaging with the past, both victims and perpetrators receive certain benefits – amnesties for the perpetrators and reparations for the victims – ensuring legal security for former rebels and facilitating both groups to leave the past behind and move on. Interestingly, several of the cases that are covered differ from those explained in the previous analysis.

Both pathways include cases that were not explained before. Cambodia\_I received substantial support for truth finding, though it never implemented a truth commission. Bosnia and Herzegovina did not have a reparations programme, but received considerable international support for victims. That both are now explained and fall into the pathways that basically confirm those identified based on a purely domestic analysis suggests that internationally supported transitional justice can help to substitute for formal transitional justice instruments. And indeed, Eijkman argues that international support for home restitution was highly important to address the needs of victims in Bosnia.<sup>88</sup>

Including international support in the analysis yields one additional pathway: international support for bridge building, in absence of an amnesty ( $\text{BRIDGE}^* \sim \text{AMNA}$ ). This path hence suggests that trust can be built by bringing together different societal groups and sides of the conflict, thereby engaging the whole society in conflict resolution. The absence of amnesties in the path suggests that in order for such a reconciliatory approach to be successful, it is important that the perpetrators are not pardoned. This path brings in yet another case that was not explained by the domestic analysis: Lebanon\_II.

Interestingly, three cases that had been explained by the path  $\text{TC}^* \sim \text{AMNA}$  are now explained by the new path  $\text{BRIDGE}^* \sim \text{AMNA}$ , namely Peru, Liberia and Sierra Leone\_I. All three cases did not implement amnesties, had truth commissions and received substantial international support towards bridge building. That they fall into another path once bridge-building activities are accounted for might suggest that international support for bridge-building projects is likely to play an important role in explaining why some postconflict cases remain peaceful. However, further research is needed to determine which of the two mechanisms – truth revelation or bridge building – was actually at play. More generally, however, both are in line with our

<sup>88</sup> Quirine Eijkman, ‘Recognising the Local Perspective: Transitional Justice and Post-Conflict Reparations,’ *Global Jurist* 10(3) (2010): 1-16.

**Table 6.** Results for Decreased Trust.

Paths		Cases	Consistency	Unique Coverage
Perpetrator focus	$\sim\text{REPVIC}^*\text{AMNA}$	Azerbaijan, Iraq, Nicaragua, Tajikistan_I; Bosnia and Herzegovina, Congo, Tajikistan_II, Yemen; Guatemala_I	0.800	0.636
Victim focus	$\sim\text{TCTRUTH}^*\text{REPVIC}^*\sim\text{AMNA}$	Lebanon_I	1	(0.91)
	$\sim\text{TRIALJUS}^*\sim\text{TCTRUTH}^*$	Lebanon_I	1	(0.91)
	$\text{REPVIC}^*\sim\text{BRIDGE}$			
M1: $\sim\text{REP}^*\text{AMNA} + (\sim\text{TCTRUTH}^*\text{REPVIC}^*\sim\text{AMNA}) \rightarrow \text{NOTRUST}$			0.889	0.727
M2: $\sim\text{REPVIC}^*\text{AMNA} + (\sim\text{TRIALJUS}^*\sim\text{TCTRUTH}^*\text{REPVIC}^*\sim\text{BRIDGE}) \rightarrow \text{NOTRUST}$				

theory, assuming that for increased social trust broad transitional justice approaches are needed that target the society at large or combine instruments addressing victims and perpetrators at the same time.

We test for potential negative effects of transitional justice on social trust by conducting another analysis for the absence of the outcome. The analysis yields two pathways, of which the second represents a model ambiguity<sup>89</sup> and only applies to one case, which is why we focus our interpretation primarily on the first, summarized in **Table 6**. This path explains eight cases, in all of which amnesties occurred without any type of victim restitution. The solution includes one contradictory case – Bosnia and Herzegovina – which is characterized by increased trust and thus reduces the consistency of the result to 0.89. Repeating the analysis with domestic transitional justice instruments reveals the same path  $\sim\text{REP}^*\text{AMNA}$  and covers an additional case, namely Rwanda (see *Supplementary Appendix* for the truth tables and solution). These findings strongly confirm our previous conclusion, that highly one-sided transitional justice approaches do not contribute to rebuilding the social fabric: focusing only on the perpetrators while neglecting the victims does not help to increase trust, but on the contrary is harmful.

### Robustness Tests

The results hold against a range of robustness tests proposed for QCA, which are presented in the *Supplementary Appendix*.<sup>90</sup> We perform four types of robustness tests by (1) altering calibration and (2) consistency thresholds, (3) dropping cases, (4) varying the period over which trust is measured (four and six years) and (5) altering model specifications by including earlier measures of trust (at the end of the civil war and before the implementation of the first transitional justice instrument).

Running the QCA across 75 alternative specifications demonstrates that the results are highly robust. For QCA results to be considered robust, a solution should be in a subset or superset

<sup>89</sup> An analysis that yields two or more alternative combinations that explain the data at hand.

<sup>90</sup> Schneider and Wagemann, *supra* n 65; Svend-Erik Skaaning, 'Assessing the Robustness of Crisp-Set and Fuzzy-Set QCA Results,' *Sociological Methods & Research* 40(2) (2011): 391–408.

relation to the main solution formula, with variations in consistency and coverage that do not call for substantively different interpretations.<sup>91</sup> This is the case, with many tests even yielding solutions that are identical to the standard models (with minor variations in consistency and coverage). This strongly increases the confidence in the results.

Clearly, other factors might also influence the level of trust in postconflict societies. QCA only allows including a limited set of conditions into an analysis, making it impossible to control for all confounding factors. However, if other factors were (more) likely to explain our outcome, QCA would show a larger share of unexplained cases or low consistency scores. To avoid overlooking a potentially more powerful explanatory factor or endogeneity problems, we take a systematic look at other potential explanatory factors. Amongst others, these include the type of conflict and war ending, the presence of UN peacekeeping and the level of atrocities committed (see Table S14 in the [Supplementary Appendix](#) for a complete overview). These contextual factors could influence why and where we see transitional justice being implemented in the first place and might explain different donor approaches. We do not see clear patterns within this data that would cast doubt on our previous results. Only two patterns are notable. First, almost all cases explained by the purely domestic transitional justice instruments terminated the civil war with a peace agreement, while the second analysis that also includes internationally supported transitional justice processes covers more diverse conflict endings. Second, the countries explained by bridge-building efforts all share a relatively high level of democracy. This points towards contextual factors that might be relevant for our results. Overall, we cannot solely attribute the positive change in trust to the transitional justice instruments, but the fact that we find no evident pattern among our alternative explanatory factors increases our confidence in the results. Nevertheless, thorough qualitative analysis would be helpful to confirm these findings.

## CONCLUSION

Can dealing with a history of violent conflict through transitional justice help to mend broken societal relationships after civil war? This paper is the first to systematically analyse the effect of transitional justice on social trust. Importantly, it also takes international support into account. Overall, the results show that transitional justice can foster trust when going beyond a narrow focus on either perpetrators or victims. Moreover, we clearly find that international support can make a difference.

Overall, conducting QCA using novel, hand-coded data on 24 cases in 19 postconflict countries in the period 1990–2010 adds several important insights on the empirical effects of transitional justice instruments. First, amnesties play a prominent role in explaining postconflict trust. Yet, our results qualify the findings from previous research, which demonstrates that amnesties reduce the risk of renewed violence.<sup>92</sup> We only find positive effects on social trust if amnesties are implemented *in combination* with victim support, otherwise it is to the contrary: granting perpetrators amnesties without supporting victims reduces trust. This is also a highly policy-relevant finding since international actors are often very sceptical of countries implementing amnesties. Our results show that encouraging these countries to at the same time offer reparations to victims or provide substantial international support to them can positively affect social trust. Interestingly, our results do not indicate any association between trials and increased trust, which is in line with the literature that is ambivalent regarding the effect of trials on peace.<sup>93</sup> However, trials are also absent from the results for decreased trust, so that there is also no indication of a negative effect. Finally, we only find one combination of two instruments

<sup>91</sup> Ibid; ibid.

<sup>92</sup> Dancy, *supra* n 2.

<sup>93</sup> Loyle and Appel, *supra* n 2; Steinert, *supra* n 2.

leading to increased trust, despite using a method specifically designed to detect effects of factors in combination. This contrasts with calls, especially in policy documents, for a 'holistic' or 'comprehensive' approach and to see justice, truth and reparations all as essential parts of the 'toolbox' of transitional justice instruments across cases.<sup>94</sup> Although we find that combinations matter, it does not seem to be the case that it is required to do all at once to foster social trust.

The analyses presented in this article open up several avenues for future research. Firstly, due to data limitations, we had to rely on an approximation of social trust. A more precise measure, for example through the systematic collection of survey data on trust in postconflict societies, would allow tracing the effect more closely. Secondly, while providing the most comprehensive cross-country, empirical analysis of international support to different areas of transitional justice to date, more fine-grained distinctions could hold further insights. This would mean investigating for example whether it matters for the effect of international support which donors become engaged and how the projects are implemented. Finally, conducting in-depth qualitative case studies with process tracing would help to identify and trace causal mechanisms to better understand the relationships identified through the QCA as well as providing further insights on the relationship between transitional justice mechanisms and country contexts.

#### SUPPLEMENTARY DATA

Supplementary data are available at *IJ TJUS* online.

<sup>94</sup> Gissel, *supra* n 4.