### **Transitional Justice Review**

Volume 1 | Issue 4 Article 4

March 2016

# Beyond Peace vs. Justice: Assessing Transitional Justice's Impact on Enduring Peace using Qualitative Comparative Analysis

Mariam Salehi

Philipps-University Marburg, Germany, mariam.salehi@staff.uni-marburg.de

Timothy Williams

Philipps-University Marburg, Germany, timothy.williams@staff.uni-marburg.de

Follow this and additional works at: http://ir.lib.uwo.ca/tjreview http://dx.doi.org/10.5206/tjr.2016.1.4.4

#### Recommended Citation

Salehi, Mariam and Williams, Timothy (2016) "Beyond Peace vs. Justice: Assessing Transitional Justice's Impact on Enduring Peace using Qualitative Comparative Analysis," *Transitional Justice Review*: Vol. 1: Iss. 4, Article 4. DOI: http://dx.doi.org/10.5206/tjr.2016.1.4.4

Available at: http://ir.lib.uwo.ca/tjreview/vol1/iss4/4

Available at. http://hinb.two.ca/tjreview/voi1/iss4/4

This Article is brought to you for free and open access by Scholarship@Western. It has been accepted for inclusion in Transitional Justice Review by an authorized administrator of Scholarship@Western. For more information, please contact jpater 22@uwo.ca.

## Beyond Peace vs. Justice: Assessing Transitional Justice's Impact on Enduring Peace using Qualitative Comparative Analysis<sup>1</sup>

Mariam Salehi, Philipps-University Marburg, Germany mariam.salehi@staff.uni-marburg.de

Timothy Williams, Philipps-University Marburg, Germany timothy.williams@staff.uni-marburg.de

#### **Abstract**

Previous studies of the effects of transitional justice measures on post-conflict societies, specifically the longevity of emerging peace, have reached different conclusions, owing in part to whether they are large-n or small-n studies. We propose an alternative methodological approach, Qualitative Comparative Analysis (QCA), to address the controversy. QCA allows researchers to harness the qualitative depth of case studies, yet also facilitates broad cross-national comparison. Using the Post-Conflict Justice dataset, we show how QCA reveals several pathways societies can take to enduring peace. These depend on characteristics of the preceding conflict, differences in the post-conflict conditions, and the transitional justice measures implemented. This complexityorientated approach shows that restorative and retributive justice measures, as well as amnesties, can have positive effects on postconflict peace, although these effects are different depending on the conflict situations and the varying context conditions.

Transitional Justice Review, Vol.1, Iss.4, 2016, 96-123

<sup>&</sup>lt;sup>1</sup> The authors would like to thank the anoymous reviewer and the editors of this issue for their comments, which greatly benefited the piece; furthermore, thanks goes to Susanne Buckley-Zistel for discussions of the initial idea of this piece.

#### Introduction

What effects do transitional justice measures actually have? Do truth commissions or trials contribute to better respect of human rights after repressive regimes? Do trials foster peace or do they fuel conflicts, making it better to refrain from trying perpetrators and granting amnesties? Or is it perhaps necessary to combine certain measures to achieve stable peace, democracy and human rights after conflicts or repressive regimes? These are some of the pressing questions data-based transitional justice research tries to answer. There has been a wealth of research on these topics in the two decades since Neil Kritz's² three-volume overview. Moreover, in recent years several research endeavors have brought forth large datasets, which allow transitional justice measures to be analyzed across a large number of cases.

In their 2010 article, Oskar Thoms, James Ron, and Roland Paris provide a comprehensive overview of studies of transitional justice's effect at the state level. The authors note that there are "competing claims about the causal effects of various transitional justice mechanisms,"3 which so far had been insufficiently supported by sound empirical evidence. The authors review empirical literature on the effects of trials, truth commissions, and multiple transitional justice instruments at the state level of analysis (as opposed to the individual/community level or global norm development) and differentiate between small-, medium- and large-n studies. Their critique identifies several problems in research design. For example, transitional justice studies rely on a biased knowledge base, drawing conclusions mainly from wellstudied cases, such as the South African Truth and Reconciliation Commission. Moreover, authors have a tendency to draw comparisons across a single region, which may influence the

<sup>&</sup>lt;sup>2</sup> Neil J. Kritz, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Washington, DC: United States Institute of Peace Press, 1995).

<sup>&</sup>lt;sup>3</sup> Oskar N.T. Thomas, James Ron, and Roland Paris, "State-Level Effects of Transitional Justice: What Do We Know?" *International Journal of Transitional Justice* 4.3 (2010): 329–354, 330.

transferability of results to other countries<sup>4</sup>. Single case studies, in their view, offer little from which to draw general conclusions, have problems of establishing causality, and rely on evidence that is mainly anecdotal. Small- and medium-n qualitative studies lack statistical sophistication, do not sufficiently control for other factors and, hence, it is difficult to draw causal conclusions from them<sup>5</sup>. In general, at the time of their study, not many large-n studies on the state level effects of transitional justice had been conducted. However, the authors point out the value of new, comprehensive datasets for the research field. They further call for more mixed-method research combining sophisticated statistical analyses with high-level case studies to do justice to case specificities on the one hand, but produce comparable results on the other hand<sup>6</sup>. While we distance ourselves from claiming that previous transitional justice research is based primarily on faith, we do join them in this call for combining methods to increase causal leverage. To do so, we propose a more nuanced matching, which is better suited to the various understandings of how the world works inherent in the two methods in question.

Furthermore, given the complexity of post-conflict societies, it is surprising how reductionist the effects of transitional justice are sometimes gauged to be. In general, studies about the impact of transitional justice that go beyond the examination of specific cases tend to concentrate on certain individual transitional justice measures, specific effects of transitional justice, or both. Hence, it seems important to further look at a combination and sequencing of transitional justice measures, as well as different contexts in which these measures are introduced.

In pursuit of this research aim and in search of systematic, yet context-sensitive assessments, we provide a short overview of studies dealing with the impact of transitional justice measures, focusing mainly (but not only) on the question of their impact on peace. We subsequently propose an alternative methodological approach, Qualitative Comparative Analysis (QCA), which enables researchers to identify causal patterns across a larger number of

<sup>&</sup>lt;sup>4</sup> Ibid., 336.

<sup>&</sup>lt;sup>5</sup> Ibid., 338.

<sup>&</sup>lt;sup>6</sup> Ibid., 342.

cases without losing as much of the qualitative richness of case studies. We then utilize the Post-Conflict Justice (PCJ) dataset to illustrate how QCA presents multiple pathways towards enduring peace, depending on characteristics of the preceding conflicts, differences in the post-conflict conditions, and the chosen transitional justice measures. We conclude by underlining the importance of reflecting upon and integrating complexity into our analyses of post-conflict transitional justice measures.

## Different Methodologies, Different Results: Effects of Truth Commissions, Trials, and Amnesties

This article begins by synthesizing the growing body of research that examines the effects of trials, truth commissions, and amnesties, mainly concentrating on the question of transitional justice's contribution to peace. We also look at studies that deal with questions of combining or sequencing transitional justice measures and the context in which justice phenomena are found. Because various studies are based on different empirical bases, they are not always directly comparable. However, given our focus on cross-case comparison of transitional justice measures' impact, it is a worthwhile endeavor to relate the results of these studies to each other nonetheless. In this, there is a tendency that studies using different methodologies come to different conclusions regarding transitional justice measures' effects. In general, this tendency suggests that small-n, qualitative studies assume negative effects of trials, but positive effects of truth commissions or amnesties. By contrast, large-n research generally finds positive effects of trials and negative effects of amnesties and truth commissions alone. We posit that while both of these approaches have their advantages, a different approach could allow us to tease out some of the intricacies of the complex relationships among various measures and the context within which they are being employed. Hence, it seems to be worthwhile to further interrogate the effects of transitional justice measures to try to find a 'middle-ground': systematic research that allows us to compare across a larger number of cases but also to capture complexity and contextsensitivity. This research avenue should thus allow us to assess the

relation of transitional justice measures and "complex social processes", such as (societal) peace or conflict.

#### **Truth Commissions**

Initially, the comparative literature on truth commissions was dominated by case studies that were more concerned with "taking stock", examining mandates, designs and circumstances of establishment, than with looking at truth commissions' impact on societies.<sup>8</sup> When authors did study impact, truth commissions' "success" was often measured by whether a truth commission fulfilled its mandate or not, and not by its impact on the transitional society.<sup>9</sup> In the initial absence of a systematic assessment of impact, there was a tendency to assume positive effects of truth commissions.<sup>10</sup> On the other hand, Elin Skaar and Camila Gianella Malca<sup>11</sup> mention Jelena Subotić's<sup>12</sup> claim that truth commissions can potentially threaten peace because they could "exacerbate

<sup>&</sup>lt;sup>7</sup> Elin Skaar and Camila Gianella Malca, "Transitional Justice Alternatives. Claims and Counterclaims," in *After Violence: Transitional Justice, Peace, and Democracy,* ed. Elin Skaar, Camila Gianella Malca, and Trine Eide (Milton Park, Abingdon, Oxon and New York: Routledge, 2015), 1.

<sup>&</sup>lt;sup>8</sup> See, for example, Priscilla Hayner, "Fifteen Truth Commissions - 1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16.4 (1994): 597-655; Priscilla Hayner, *Unspeakable Truths: Facing the challenge of truth commissions* (New York: Routledge, 2002).

<sup>&</sup>lt;sup>9</sup> Eric Brahm, "Uncovering the Truth: Examining Truth Commission Success and Impact," *International Studies Perspectives* 8.1 (2007): 16-35, 17-19. One example for a quantitative study dealing with truth commissions' contribution toward democratization would be Laura Taylor and Alexander Dukalskis, "Old Truths and New Politics Does Truth Commission 'Publicness' impact Democratization?" *Journal of Peace Research* 49.5 (2012): 671-684. They, however, concentrate on one specific feature of the justice measure, "the publicness" of truth commissions, which they hold to have positive effects on democratization. <sup>10</sup> For overviews, see, David Mendeloff, "Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?" *International Studies Review* 6.3 (2004): 355-380; Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter, and Eric Wiebelhaus-Brahm, "When Truth Commissions Improve Human Rights,: *International Journal of Transitional Justice* 4. (2010): 457-476, 458 or Skaar and Malca, "Transitional Justice Alternatives."

<sup>&</sup>lt;sup>11</sup> Skaar and Malca, "Transitional Justice Alternatives," 1.

<sup>&</sup>lt;sup>12</sup> Jelena Subotić, *Hijacked Justice. Dealing with the Past in the Balkans* (Ithaca and London: Cornell University Press, 2009).

social divisions"<sup>13</sup> and David Mendeloff's<sup>14</sup> assumption that truth commissions' impacts on peace may be negligible. Another example of looking at truth commissions' effects through a more critical lens would be Susanne Buckley-Zistel, <sup>15</sup> focusing on narratives that are built through a commission's work and which consequences these could entail. Looking at those studies that are concerned with truth commissions' impact, mainly on human rights and democracy in transitional societies, one can observe the aforementioned tendency of case studies to find more positive effects of truth commissions than statistical studies, <sup>16</sup> at least when the truth commissions are the only transitional justice measure implemented.<sup>17</sup> This conclusion may change when truth commissions are combined with other transitional justice measures <sup>18</sup> or depending on the context in which the measures are deployed.<sup>19</sup>

One explanation for these differing results is selection bias in studying truth commissions, since the prominence of cases leads them to be more carefully and extensively studied. Hence, "it may be that these cases are truly the best that commission supporters have to put forward in terms of examples that have influenced the

<sup>&</sup>lt;sup>13</sup> Skaar and Malca, "Transitional Justice Alternatives," 10.

<sup>&</sup>lt;sup>14</sup> Mendeloff, "Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding," 355-380.

<sup>&</sup>lt;sup>15</sup> Susanne Buckley-Zistel, "Narrative Truths: On the Construction of the Past in Truth Commissions," in *Transitional Justice Theories*, ed. Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun, and Friederike Mieth (Milton Park, Abingdon, Oxon and New York: Routledge, 2014).

<sup>&</sup>lt;sup>16</sup> See, for example, Eric Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy* (Milton Park, Abingdon, Oxon: Routledge, 2010).

<sup>&</sup>lt;sup>17</sup> Hunjoon Kim and Kathryn Sikkink find positive effects of truth commissions on human rights, when controlling for material punishment in an assessment of trials. Hunjoon Kim and Kathryn Sikkink, "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries," *International Studies Ouarterly* 54.4 (2010): 939–963.

<sup>18</sup> Olsen et al., "When Truth Commissions Improve Human Rights."

<sup>&</sup>lt;sup>19</sup> Tove Grete Lie, Helga Malmin Binningsbø, and Scott Gates, "Post-Conflict Justice and Sustainable Peace," *World Bank Policy Research Working Paper 4191*, (2007).

course of human rights practices."<sup>20</sup> Generally, notwithstanding the assumed positive impact of truth commissions and the potential selection bias, we can observe a tendency in the literature that qualitative studies find more positive effects of truth commissions than quantitative studies.

#### **Trials and Amnesties**

One area of discussion in transitional justice is the so-called peace versus justice debate, i.e. whether transitional justice measures are conducive or obstructive to (societal) peace.<sup>21</sup> In this section, we show that there are differing results depending on whether qualitative or quantitative methods are used, with case studies or non-statistical studies often finding a negative impact of trials and a positive impact of amnesties on transitional societies, while statistical studies come to the opposite conclusion.

Prominent examples for non-statistical studies concluding positive effects of amnesties and negative effects of trials would be the assessments of Jack Snyder and Leslie Vinjamuri,<sup>22</sup> who qualitatively compare thirty-two cases of civil wars that ended between 1989 and 2003, and Mahmood Mamdani<sup>23</sup> who draws this conclusion from his study of the International Criminal Court's intervention in Darfur.

However, statistical studies mostly point in a different direction. Trials are often found to have a positive impact on peace<sup>24</sup> and human rights situations in transitional societies.<sup>25</sup> Others at least conclude there is no negative impact<sup>26</sup> or no effect

<sup>&</sup>lt;sup>20</sup> Wiebelhaus-Brahm, Truth Commissions and Transitional Societies, 141.

For an overview of positive and negative claims of trials' and amnesties' impact on peace, see Skaar and Malca, "Transitional Justice Alternatives," 8, 14.
 Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28.3 (2003/4): 5-44.

<sup>&</sup>lt;sup>23</sup>Mahmood Mamdani, Saviors and Survivors: Darfur, Politics, and the War on Terror (New York: Doubleday Religion, 2009).

<sup>&</sup>lt;sup>24</sup> Lie et al., "Post-Conflict Justice and Sustainable Peace."

<sup>&</sup>lt;sup>25</sup> Kim and Sikkink, "Explaining the Deterrence Effect of Human Rights Prosecutions."

<sup>&</sup>lt;sup>26</sup> Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W.W. Norton & Company, 2011).

at all.<sup>27</sup> Findings concerning amnesties' effects on peace are mixed. Erik Melander<sup>28</sup> finds that amnesty provisions in peace agreements reduce the risk of relapse into war significantly in authoritarian states, but he does not find the same for democracies or states in flux. Tove Grete Lie et al.,<sup>29</sup> on the other hand, find destabilizing effects of amnesties, albeit with weak statistical results. Pointing to sensitivity of the data to the termination of conflict or the regime type in which measures are introduced, they consequently suggest further research to explore the context conditions, character and intention<sup>30</sup> of justice instruments.<sup>31</sup>

While the abovementioned studies are hardly directly comparable regarding scope and research design, it still becomes clear that studies using different methodologies come to different conclusions on the effects of trials and amnesties on transitional societies. The tendency here is the opposite to truth commissions: while statistical studies find more positive effects of trials, qualitative studies are more skeptical and assume a better record for amnesties.

<sup>&</sup>lt;sup>27</sup> 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 (2010): 309-334, 327.

<sup>&</sup>lt;sup>28</sup> Erik Melander, "Justice or Peace? A Statistical Study of the Relationship between Amnesties and Durable Peace," *Lund University, JAD-PbP Working Paper Series* 4, (2009).

<sup>&</sup>lt;sup>29</sup> Lie et al., "Post-Conflict Justice and Sustainable Peace."

<sup>&</sup>lt;sup>30</sup> Regarding context conditions, Brian Grodsky suggests in a qualitative study comparing Poland, Croatia, Serbia, and Uzbekistan that transitional justice measures can only gain traction when the new regime is able to provide essential goods and services to its constituencies. See, Brian Grodsky, *The Costs of Justice: How New Leaders Respond to Previous Human Rights Abuses* (Notre Dame: University of Notre Dame Press, 2010). For important contributions dealing with the question of intention in the deployment of or compliance with transitional justice measures, see Subotić, *Hijacked Justice*, and Cyanne Loyle and Christian Davenport, "Transitional Injustice: Subverting Justice in Transition and Post-Conflict Societies," *Journal of Human Rights*, (2015), who suggest that justice measures may not always be implemented with 'good' goals in mind.

<sup>&</sup>lt;sup>31</sup> Lie et al, "Post-Conflict Justice and Sustainable Peace," 17.

## An Eclectic Mix of Empirical Results: Combination, Sequencing, Context as Factors to Be Considered

Beyond these studies of individual transitional justice measures, there are also a number of works that deal with additional complexity with regard to the combination of transitional justice measures, namely the sequencing and context in which they occur. We concur with Chandra Lekha Sriram<sup>32</sup> in acknowledging that the peace versus justice dilemma is oversimplified. Hence, we argue that it is not a simple question of whether introducing either trials, truth commissions, or amnesties respectively is more or less likely to lead to favorable outcomes. In line with Kathryn Sikkink's call for a "more nuanced debate," it would instead be necessary to look at combinations of different transitional justice phenomena, the timing and order of their establishment, and the contexts in which they are implemented.

One example of a systematic effort to address this complexity would be the work of Tricia Olsen, Leigh Payne, and Andrew Reiter,<sup>34</sup> who statistically study the effect of transitional justice measures on human rights and democracy. Unlike other studies outlined above, they put an emphasis on the combination and sequencing of measures. While they do see a positive effect of transitional justice measures on human rights and democracy in general, single measures on their own do not have a positive effect. They find that a "justice balance,"<sup>35</sup> a combination of either trials and amnesties, or of trials, truth commissions, and amnesties after a transition works best towards improving democracy and the respect for human rights.<sup>36</sup> Nonetheless, other patterns of success may emerge over time.<sup>37</sup>

<sup>&</sup>lt;sup>32</sup> Chandra Lekha Sriram, "Introduction: Transitional Justice and Peacebuilding," in Chandra Lekha Sriram, and Suren Pillay (eds.), *Peace versus Justice? The Dilemma of Transitional Justice in Africa*, (Durban: University of KwaZulu-Natal Press, and Oxford: James Currey, 2010), 5.

<sup>&</sup>lt;sup>33</sup> Sikkink, *The Justice Cascade*, 228.

<sup>&</sup>lt;sup>34</sup> Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, *Transitional Justice in Balance* (Washington, DC: United States Institute of Peace, 2010).

<sup>&</sup>lt;sup>35</sup> Ibid., 153.

<sup>&</sup>lt;sup>36</sup> Ibid., 6f.

<sup>&</sup>lt;sup>37</sup> Ibid., 161.

More recently, Helga Malmin Binningsbø et al.38 introduced a new dataset on "Armed conflict and post-conflict justice, 1946-2006." The novelty the authors provide in their dataset is linking post-conflict justice measures introduced in the five-year period after conflict termination directly to a certain conflict, hence, facilitating the exploration of transitional justice measures' effects on transitions to peace.<sup>39</sup> Their findings concentrate on analyzing which post-conflict justice measures are more likely to occur in which contexts. They suggest that (1) "[c]onflicts over government control are more likely to lead to PC] [post-conflict justice] than territorial conflicts", (2) low intensity conflicts are more likely to lead to trials than civil wars, while civil wars are more likely to lead to amnesties, and (3) trials are more likely to take place in a setting of decisive victory, which also facilitates purges and exiles, while amnesties are more common after bargained solutions of conflict.<sup>40</sup>

Cyanne Loyle and Benjamin Appel,<sup>41</sup> then, use the abovementioned dataset to explore the question of justice measures' contribution to peace. They integrate the post-conflict justice literature with the conflict-recurrence literature and, in line with the latter, they find post-conflict justice measures that address grievances (truth commissions, reparations, amnesties targeted at the losing side) to be more likely to contribute to stable peace than opportunity-based phenomena (trials, purges, and exiles implemented by the party in power), for which there are no significant results.<sup>42</sup>

Generally speaking, one can observe several developments to further efforts of systematization, while at the same time acknowledging context conditions in transitional justice research.

<sup>&</sup>lt;sup>38</sup> Helga Malmin Binningsbø, Cyanne E. 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.

<sup>&</sup>lt;sup>39</sup> Ibid., 732f.

<sup>&</sup>lt;sup>40</sup> Ibid., 737f.

<sup>&</sup>lt;sup>41</sup> Cyanne Loyle and Benjamin Appel, "Justice and/or Peace: Post-Conflict Justice and Conflict Reoccurence," American Political Science Association Convention. (Seattle, 2011).

<sup>&</sup>lt;sup>42</sup> Ibid., 18f, 24.

One approach is integrating quantitative and qualitative research in mixed or multi-method approaches. This, for example, is the approach of Eric Wiebelhaus-Brahm<sup>43</sup> in his study of truth commissions' impact on human rights and democratization or Geoff Dancy and Veronica Michel,<sup>44</sup> who study the role of private actors in generating "prosecutorial momentum"<sup>45</sup> and hence, strengthening human rights and accountability norms. Another approach is a "structured comparison of a small number of cases" as Skaar et al.<sup>46</sup> propose as an intermediate approach "to avoid the shortcomings of single-case studies and statistical analysis"<sup>47</sup> in their assessment of transitional justice measures' impact on peace and democracy. A third avenue of research, which is promising to fulfil the requirement of being both systematic as well as context-sensitive, is qualitative comparative analysis (QCA).

Tricia Olsen and Geoff Dancy acknowledge the value of employing QCA for transitional justice research because "it helps us understand how combinations of conditions shape outcomes and whether multiple pathways to similar outcomes exist." And most recently, Geoff Dancy and Eric Wiebelhaus-Brahm further scrutinized the question of timing and sequencing in transitional justice in relation to democratic consolidation in Latin America, using QCA. They find "[...] that neither the timing nor the sequencing of transitional justice policy seems to alter drastically

<sup>&</sup>lt;sup>43</sup> Wiebelhaus-Brahm, Truth Commissions and Transitional Societies.

<sup>&</sup>lt;sup>44</sup> Geoff Dancy and Veronica Michel, "Human Rights Enforcement From Below: Private Actors and Prosecutorial Momentum in Latin America And Europe," *International Studies Quarterly*, (2015); doi: 10.1111/isqu.12209.

<sup>&</sup>lt;sup>45</sup> Ibid., 1.

<sup>&</sup>lt;sup>46</sup> Elin Skaar, Camila Gianella Malca, and Trine Eide, "Towards a Framework for Impact Assessment," in Elin Skaar, Camila Gianella Malca, and Trine Eide (eds.), *After Violence: Transitional Justice, Peace, and Democracy* (Milton Park, Abingdon, Oxon and New York: Routledge, 2015), 29.

<sup>&</sup>lt;sup>48</sup> Tricia Olsen and Geoff Dancy, "New Approaches to Studying Transitional Justice: QCA and the Identification of Multiple Transitional Pathways," The Law and Society Association Annual Meeting (Honolulu, 2012), 1.

<sup>&</sup>lt;sup>49</sup> Geoff Dancy and Eric Wiebelhaus-Brahm, "Timing, Sequencing, and Transitional Justice Impact: A Qualitative Comparative Analysis of Latin America," *Human Rights Review* (2015).

the potential for democratic consolidation in transitional states."<sup>50</sup> However, they identify "prosecutions of state agents,"<sup>51</sup> notwithstanding their timing, as a necessary condition for democracy. We believe that this is a very promising avenue for future research. Their research, however, concentrates solely on Latin America and is not directly comparable with many of the other large-n studies. We therefore propose to make use of QCA for a comparison across regions, tackling further questions of transitional justice measures' effects on transitional societies.

## How Differing Epistemologies Create Differing Results in a Complex World

As our cursory examination of the transitional justice literature has demonstrated, different results emerge from research on transitional justice phenomena based on small-n qualitative case studies compared with large-n statistical studies. Two reasons why this could be are the complexity of the world and varying epistemologies underlying the methods.

First and quite fundamentally, the world is complex and there may not be one 'true' answer that fits all – hence the dynamics behind enduring peace resulting from transitional justice could be very different in South Africa than in Guatemala or Cambodia. As comparative scholars, however, we do not point this out to essentialize and exoticize each of the cases individually, but to point out that, while there may be patterns that we can distill from reality, these are by no means going to apply to all cases equally. It is quite possible that there are several patterns that may come to the fore in different contexts and that it is these varying patterns that we can analyze. Also, complexity means that there will be outliers, which are singularly different from other cases and do not fit into the patterns seen as common among several other cases.

Case studies on their own cannot pick up on this nature of outliers exogenously, as each case is seen as separate and unique; nor can case studies point to general patterns. On the other hand,

<sup>&</sup>lt;sup>50</sup> Ibid., 3.

<sup>51</sup> Ibid.

statistical analyses can point to outliers, and can to a certain degree pick up on broad patterns. However, they have difficulty coping with the same degree of causal complexity with which case studies can operate, discounting that various cases can have fundamentally different pathways to the same results.

Second, case studies are based on different epistemological assumptions than are statistical studies. On the one hand, case studies or small-n case comparisons are underpinned by the idea that a researcher can show how transitional justice *causes* a certain outcome. The postulated relationships are nearly always deterministic with the assertion being put forward that cause and effect have a direct relationship, and this relationship is described using the language of sufficiency and necessity. <sup>52</sup> Large-n, statistical studies, on the other hand, are based on probabilistic assumptions, which postulate that certain variables raise the likelihood of a phenomenon occurring. Here, for the most part, variables are assigned independent scores on how they increase (or decrease) the likelihood of the outcome occurring across the entire dataset, assuming that all else is equal with regard to the other variables. <sup>53</sup>

Altogether, from a methodological perspective, perhaps it should not surprise us that different results emerge from the case study literature than from statistical analyses. Broadly speaking, statistical analyses are best at showing generalizable connections between variables across a large number of cases and thus help us understand *causal patterns*. Case studies, on the other hand, are well-suited using process tracing to answer the question of why in a certain case a certain outcome has occurred and thus illuminating the *causal mechanism* which ties cause and effect together.

#### The Alternative: Qualitative Comparative Analysis

An alternative approach to analyzing transitional justice, which takes into account these two explanations for why statistical studies have produced different results to case studies, is to employ the

<sup>&</sup>lt;sup>52</sup> Derek Beach and Rasmus Brun Pedersen, *Process-Tracing Methods. Foundations and Guidelines* (Ann Arbor: University of Michigan Press, 2013), 158; James Mahoney, "Toward a Unified Theory of Causality," *Comparative Political Studies* 41.4-5 (2008): 412-436, 412, 414.

<sup>53</sup> Ibid.

set-theoretic method of Qualitative Comparative Analysis (QCA). This method explicitly models causal complexity by allowing multiple pathways to the outcome to co-exist, each one consisting of a combination of several conditions. This openness to various pathways also allows it to be much more sensitive to the context of each case. At the same time, it has a deterministic epistemology that allows it to be easily combined with case studies in multimethod research. This section first introduces set-theoretic approaches in general and QCA specifically, and compares them both epistemologically to statistical analyses and case-studies as well as regarding how they are implemented. Then, it highlights how transitional justice research could be forwarded significantly through the original combination of QCA and case studies. The next section then applies this new technique.

The set theoretic approach and its methodological manifestation in the form of QCA differentiate themselves strongly in their epistemology from the statistical approach and, thus, have the potential to be significantly more compatible with case study approaches. The key difference between statistical techniques and QCA is that the latter does not look for probabilistic variations in the data it is analyzing. Instead, QCA searches for necessary and sufficient conditions for the occurrence of the outcome. In set theoretic approaches, concepts are not assigned values as they are in statistical or case study research. Rather, for each of the theoretically relevant concepts, a set is defined as to what 'full membership' and 'no membership' in the set would look like. For example, rather than assigning a value to the degree of amnesties granted by a government, set theoretic approaches would ask 'is this case part of the set of cases of amnesties or not?' It is also possible to answer this question by saying that a case is not fully a member of the set, but nonetheless more out than in, or more in than out, and thus infinitesimal differentiations become possible. In this context, the 'threshold' which demarcates the point where a case becomes more in than out is decisive, a decision the researcher makes, and the qualitative difference between cases on either side of this divide is pivotal to the implementation of the method. For instance, while rigorous

prosecutions of all former members of a regime would constitute absolute non-membership in the set amnesty, whereas a general amnesty of all signifies full membership in the set. However, it remains a qualitative decision on the part of the researcher on many of the more ambivalent cases in between. Is an amnesty for only a few, peripheral figures more in the set of amnesties or is it not really a member? Is a case in which there is no legal amnesty law passed, but in which it is clear that the judiciary has been precluded from or has no inclination to prosecute, a de facto amnesty or is it not? These are decisions that a researcher makes, knowing both the case and the concepts. Thus, QCA forces him or her to think about the concepts and their fit with the cases.

Popularized in the social sciences by Charles Ragin,<sup>54</sup> QCA categorizes cases by combinations of conditions<sup>55</sup> leading to the occurrence or non-occurrence of the outcome, reducing these combinations to the lowest common denominator using Boolean algebra.<sup>56</sup> By executing this reduction, one can show which

<sup>&</sup>lt;sup>54</sup> Charles Ragin, *The Comparative Method* (Berkeley: University of California Press, 1987); Charles Ragin, *Redesigning Social Inquiry. Fuzzy Sets and Beyond* (Chicago: University of Chicago Press, 2008).

<sup>&</sup>lt;sup>55</sup> What are called variables in statistical analysis are conditions in QCA. In its most basic form, QCA dichotomizes all its explanatory conditions and the outcome, this sub-type being called crisp set QCA (csQCA). A prominent further development of the method is fuzzy set QCA (fsQCA) which enables researchers to code their cases along a more continuous categorization, applying the nuances described above, with 'fully out' and 'fully in' the set and the threshold being the most important qualitative markers.

searches for combinations of conditions which are identical with respect to all conditions but one and exhibit the same outcome. The logic then is that if the same outcome occurs regardless of just this one condition's different manifestation, then this condition must be irrelevant for causing the outcome here. Combinations continue to be paired and compared in this manner and thus reduced to the lowest common denominator. In this process, various pathways can then emerge as the lowest common denominator of certain clusters of cases, accounting for causal complexity. During the reduction process, the qualitative judgement of the researcher is again needed, as assumptions are made about combinations of conditions which are not empirically actually present; also, often there are different ways in which the reduction can proceed and here the researcher's theoretical knowledge is required.

conditions are necessary and which are sufficient for causing the outcome. The outcome can be caused not by the same condition in all cases, but by different combinations of multiple factors, each coming to the fore in different cases. Although it relies on the strong qualitative judgement of the researcher when categorizing the cases, its use of a mathematical technique to categorize and reduce complexity allows for multiple pathways to an outcome, each consisting of different combinations of conditions. This conjunctural logic in combination with the set-theoretic principles that underlie QCA allow for conditions to act differently in different cases depending on their interaction with other factors.<sup>57</sup> Altogether, this also overcomes a further problem, discussed above, of causal complexity, as it allows for there to be multiple different pathways to the same outcome. Thus, the approach is deterministic in its reasoning, focusing on how various combinations of conditions cause or do not cause an outcome, but at the same time is quite differentiated, allowing for various 'routes' of sufficiency to cause the outcome.

Originally, QCA was conceived as a method for mediumn studies which were too large to study with ordinary case comparative methods, but not large enough for statistical analysis. However, in recent years, this limitation to medium-n studies has been challenged and increasingly QCA is being used in the analysis of larger datasets.<sup>58</sup> Whereas previously the number of analyzed cases was somewhere roughly between 5 and 30, today studies often include several hundred cases. This augmentation of its methodological reach allows for more generalizable arguments to be formulated out of its results.

<sup>&</sup>lt;sup>57</sup> For a broader introduction, see Bernard Grofman and Carsten Q. Schneider, "An Introduction to Crisp Set QCA, with a Comparison to Binary Logistic Regression," Political Research Quarterly 62.4 (2009): 662-672; Ragin, The Comparative Method; Ragin, Redesigning Social Inquiry; Carsten Q. Schneider and Claudius Wagemann, Set-Theoretic Methods for the Social Sciences. A Guide to Qualitative Comparative Analysis (Cambridge: Cambridge University Press, 2012). <sup>58</sup> Corinne Bara, "Incentives and Opportunities: A Complexity-Oriented Explanation of Violent Ethnic Conflict," Journal of Peace Research 51:6 (2014): 696-710.

Furthermore, for large datasets QCA has become an actual alternative to statistical analysis as it is based on other epistemological assumptions. QCA sees the threshold with its qualitative divide as extremely important for analysis and thus it comes to resemble the nominal differentiation that underlies much of case study analysis, as described above. The Boolean algebraic reduction of the data occurs along rules similar to those of the logic of John Stuart Mill and in this process draws heavily on the language of necessity and sufficiency, epistemologically close to case studies, as discussed earlier. The conjunctural logic of QCA allows for the integration of causal complexity into its results, providing multiple configurations of conditions and thus complementing the integral complexity entailed in case study research well. Bringing together the basis of the same epistemological assumptions between QCA and case study research and QCA's ability to handle large numbers of cases and thus show complex causal patterns, QCA provides the possibility to conduct a large-n analysis that is better comparable to the case study research already conducted.

#### QCA of Post-Conflict Justice's Peace Dividend

To highlight our argument, this section turns to the example of the Post-Conflict Justice Dataset<sup>59</sup> and demonstrates the set-theoretic interrogation of the data. This large-n QCA analysis results in several combinations of conditions that are each sufficient for ensuring a post-conflict peace dividend, demonstrating causal patterns that can subsequently be matched to the extant and emerging literature to uncover the causal mechanisms behind these combinations. As Binningsbø et al.<sup>60</sup> point out, their dataset is particularly suitable to explore transitions to peace. As we have shown in our review, there are no clear-cut, common results in the literature. Hence, it is worthwhile to do further research on the question of whether transitional justice measures can foster peace. In this section, we discuss the results of a first set-theoretic interrogation of large-n data provided by the PCJ dataset.

<sup>&</sup>lt;sup>59</sup> Binningsbø et al., "Armed Conflict and Post-Conflict Justice."

<sup>60</sup> Ibid.

To test the impact of various transitional justice measures on post-conflict sustainable peace, we make use of the PCJ dataset, while bringing in additional conditions of interest from other datasets. Our unit of analysis is post-conflict peace periods, defined by the dataset as the five-year period after an armed conflict ends. This post-conflict time frame of five years may not be ideal as one could argue that transitional justice processes which occur six, seven or ten years after the end of conflict are also theoretically interesting for ensuring long-lasting peace. However, Binningsbø et al.<sup>61</sup> argue that this five-year time frame is conventional in the literature and that it ensures that any post-conflict transitional justice process "truly occurs in the aftermath of war and therefore has the potential to influence the likelihood of conflict reoccurrence."

The dataset includes all armed conflicts from 1946 until 2006 as defined by UCDP/PRIO Armed Conflict Dataset, meaning that the dataset runs until 2011 given the five-year post-conflict peace period. All ongoing conflicts as of 2006 are excluded from the analysis as the conflict is not terminated and thus there is no possibility to study the occurrence and non-occurrence of *past*-conflict transitional justice measures in them. Furthermore we are here only interested in civil wars and their post-conflict developments, so we include all internal and internationalized internal armed conflicts, but do not look at international or extrasystemic (predominantly decolonization) wars as it is expected that these will exhibit qualitatively different characteristics. Altogether, our adapted dataset includes 300 post-conflict peace periods.

The outcome of interest for us is whether in a post-conflict setting enduring peace can be manufactured by using or refraining from post-conflict transitional justice processes; we label this 'successful' outcome of no more armed conflict in the post-conflict period as a 'peace dividend'. We dichotomize the outcome condition of the occurrence of peace (peace dividend), thus differentiating between cases that at some stage regress into

<sup>&</sup>lt;sup>61</sup> Ibid., 733.

conflict again (0) and those that remain peaceful until the end of the dataset (1). It is important to note that some countries have multiple conflicts occurring within their borders and we differentiate here not at a national level but at the conflict level. Only if the conflict, in which Side A or Side B is involved, returns is this classed as 0;<sup>62</sup> if it does not return between these two sides then it is deemed to have returned a peace dividend and is coded 1. This results in 204 cases of enduring peace emerging from a post-conflict setting, around two thirds of the cases.

An obvious shortfall of this approach is that it is biased in favor of more recent cases; more recently terminated conflicts have a temporal advantage in the sense that they have had less time to regress into conflict. However, this temporal bias regarding repeating violence (or more generally the re-occurrence of any phenomenon) is omnipresent in all analyses, and also it is not unrealistic to assume that after a certain period, conflicts become increasingly less likely to recur.

#### **Explanatory Conditions**

As the outcome is dichotomous, all explanatory conditions need also to be coded dichotomously for crisp set QCA. First, the primary explanatory condition, which is of interest in this paper, is the various transitional justice measures which can be implemented in the post-conflict period. In line with the theoretical arguments laid out above, we differentiate between three types of transitional justice. First, restorative transitional justice (*restorativeTJ*) includes all instances in which truth commissions worked or reparations were paid. Twenty-three cases of terminated armed conflict have some form of restorative justice. Second, retributive transitional justice (*retributiveTJ*) consists of cases in which trials occurred or purges of government were conducted. In the dataset, more cases exhibit retributive justice mechanisms (81 cases) than restorative justice, representing more than a quarter of all post-conflict

<sup>&</sup>lt;sup>62</sup> Even if only one actor in a coalition with others is involved in a later conflict, this is deemed as the conflict reappearing.

<sup>&</sup>lt;sup>63</sup> For more information on the various transitional justice measures' definition and operationalization, see, Binningsbø et al., "Armed Conflict and Post-Conflict Justice."

scenarios. Third, amnesties (amnesty) constitute the third category of transitional justice mechanisms that could impact the realization

of a sustainable peace dividend in post-conflict societies. This mechanism was used in 87 cases included in the dataset.

As discussed above, certain characteristics of the armed conflict itself could have consequences for the possibility of a peace dividend, but also for how effective certain transitional justice mechanisms actually are. The first conflict-related condition to be included in the model is a dichotomous measure of the magnitude of battle-related deaths (*bigdeath*), with 114 post-conflict peace periods having been preceded by an armed conflict with more than 1,000 battle-related deaths. Next, the type of conflict termination could have an effect on whether an enduring peace dividend emerges or not. We differentiate between an armed conflict that ended by an outright *victory* for one side and a negotiated settlement. The dataset includes 104 cases in which an armed conflict was terminated through an outright victory, while nearly two thirds were the result of a bargained solution or some other form of conflict termination.

Furthermore, societal conditions that could impact the endurance of peace include the level of democracy and societal diversity. To gauge the democratic nature of a post-conflict society, we measure the level of *democracy* five years after the end of the conflict according to the Polity IV index (Center for Systemic Peace 2011).<sup>64</sup> Any case was coded as a *democracy* if the Polity IV index was between 1 and 10 (inclusive) five years after the termination of armed conflict and as non-democratic if the value is between -10 and 0 (inclusive).<sup>65</sup> This resulted in 125 cases being

<sup>&</sup>lt;sup>64</sup> For the precise coding procedure, see Monty G. Marshall, Keith Jaggers, and Ted Robert Gurr, *Dataset Users' Manual. Polity IV Project* (Vienna, VA: Center for Systemic Peace, 2011),

http://www.systemicpeace.org/inscr/p4manualv2010.pdf.

<sup>&</sup>lt;sup>65</sup> Because the Polity IV data is conventionally divided into autocracies, anocracies and democracies, the dichotomization necessitated by crisp set QCA forces us to decide whether anocracies are to be classed with democracies or autocracies. Here, we decide to split the anocracies, counting those with a positive score as closer to democracy than to autocracy and, thus, in the context

classed as democracies. The condition *diversity* included in the dataset is taken from the measure of ethnic fragmentation developed by Alberto Alesina et al.<sup>66</sup> We set the threshold for highly diverse societies at the average of the dataset, resulting in 152 cases coded as possessing high ethnic diversity.

Condition	Number of cases (%)
Outcome condition: peace	204 (68%)
dividend (peacedividend)	
Use of restorative transitional	23 (7.7%)
justice mechanisms	
(restorativeTJ)	
Use of retributive transitional	81 (27%)
justice mechanisms	
(retributiveTJ)	
Use of amnesty (amnesty)	87 (29%)
Magnitude of battle-related	114 (38%)
deaths (bigdeath)	
Termination of conflict through	104 (34.7%)
outright victory (victory)	
Democratic state five years after	125 (41.7%)
conflict termination (democracy)	
Ethnically diverse and	152 (50.7%)
fragmented society (diversity)	

Table 1: Overview of Absolute and Relative Frequencies of Included Conditions

of possible post-conflict transitions towards democracy, more in the set of democracy than out.

Transitional Justice Review, Vol.1, Iss.4, 2016, 96-123

<sup>&</sup>lt;sup>66</sup> Alberto Alesina, Arnaud Devleeschauwer, William Easterly, Sergio Kurlat, and Romain Wacziarg, "Fractionalization," *Journal of Economic Growth* 8.2 (2003): 155-194.

#### Results

Given the dichotomous nature of the outcome, it is necessary to run a crisp set QCA,67 the results of which we present in this section. The reduction of the truth table using Boolean algebra results in several configurations of conditions that are sufficient for causing a peace dividend; one could also term these 'pathways' of conditions that together cause enduring peace. Table 2 lists an intermediate reduction of the truth table and its eleven constituent configurations.<sup>68</sup> The table also indicates the coverage and consistency scores for each of these individual pathways, as well as the overall coverage and consistency of the whole solution. <sup>69</sup> The coverage score of 0.607843 shows that this solution can explain 60.8% of all the cases of enduring peace; that is 124 out of the 204 cases of a peace dividend, leaving only 80 unexplained by these pathways. Regarding consistency, 87.9% of the cases that have these combinations of configurations, are in fact also cases with a peace dividend. This means that only 12.1% are so-called false

 $<sup>^{67}</sup>$  Technically, the csQCA was implemented using the software fsQCA in the version 2.0 and can be found at

http://www.u.arizona.edu/~cragin/fsQCA/software.shtml.

 $<sup>^{68}</sup>$  Please note that an asterisk \* should be read as a 'logical and', meaning that they connect several conditions within one configuration, which altogether is sufficient for the peace dividend. Plus + denotes 'logical or', that is signifying a separate configuration. Finally, the symbol  $\sim$  signifies the absence of a condition.

<sup>&</sup>lt;sup>69</sup> Consistency scores indicate how good of a fit a particular combination is; that is, how many non-occurrences of the outcome (here breakdowns of peace in the resumption of armed conflict) are also described by this term, thus falsely predicting an outcome where there is none. Coverage scores show how many of the outcome cases can be explained by this solution – raw scores detail how many cases are covered by this combination, while unique coverage means the cases which are explained only by this combination. To a certain degree, there is a trade-off between the consistency and coverage scores, as a solution with a higher consistency (thus explaining only the phenomenon itself and less 'other cases' too) will possibly not be able to explain the same amount of breadth as a very inclusive solution that explains all cases but also includes some resumptions of violent conflict. A consistency score of 1, for instance, would indicate that there are no cases in which the outcome does not occur with these combinations of conditions, thus making these combinations truly sufficient for causing the outcome.

positives, cases which we would expect to yield a peace dividend according to the conditions present in this case, but do not.

Configuration	Raw	Unique	Consistency
of conditions	coverage	coverage	•
amnesty* ~bigdeath	0.186275	0.058824	0.791667
amnesty* ~diversity	0.147059	0.019608	0.750000
restorativeTJ*	0.034314	0.009804	1.000000
~victory* ~amnesty			
restorativeTJ*	0.078431	0.000000	0.941176
democracy* ~victory			
restorativeTJ*	0.058824	0.000000	0.923077
democracy* bigdeath			
restorativeTJ*	0.053922	0.000000	0.916667
democracy * amnesty			
retributiveTJ* victory	0.230392	0.029412	0.921569
retributiveTJ*	0.073529	0.009804	0.750000
democracy*			
~diversity			
retributiveTJ*	0.049020	0.004902	0.833333
democracy*			
bigdeath			
victory * ~diversity	0.269608	0.058824	0.887097
victory * bigdeath	0.147059	0.034314	0.882353
solution coverage: 0.607843			
solution consistency: 0.879433			

Table 2: Results of the csQCA for the Outcome of Enduring Peace (peacedividend)

The solution states that a peace dividend will occur if an amnesty is implemented in the absence of a large number of battle-related deaths or in the absence of an ethnically diverse society. Furthermore, restorative transitional justice implemented without amnesty after a negotiated conflict termination can lead to enduring peace, as can restorative transitional justice in a democratic setting when combined with either an amnesty, a high

This solution list of configurations cannot be described as particularly parsimonious, but it is this complexity that enables it to integrate the empirical scope in which post-conflict societies can experience a peace dividend. However, one can distill these results a little further by looking primarily at those cases with a higher coverage, those cases which are empirically most important. All configurations that cover at least 10% of the cases with a peace dividend are brought together in Table 3.

```
Peace dividend =
amnesty * (~diversity + ~bigdeath)
+ victory * (~diversity + bigdeath + retributiveTJ)
```

**Table 3:** Results of the csQCA for the Outcome *peacedividend* with More Than 0.1 Raw Coverage

This slightly reduced composition of the solution configurations suggests that a peace dividend can be reached by implementing an amnesty either in the absence of diversity in society or when mass killing did not occur. Alternatively, peace can ensue after a victorious conflict termination in the absence of a diverse society, when many have died in battle or where there has been retributive transitional justice.

Hence, our findings suggest that strong claims about transitional justice measures' impact on peace are not justified. We find that all three transitional justice conditions, restorative and retributive justice measures, as well as amnesties, can have positive

effects. However, each of them affects peace positively after different conflict situations and in varying context conditions. Our results also do not give a clear-cut answer to the question of whether transitional justice really matters for peace. The answer is also more nuanced. While the implementation of some kind of transitional justice measure (including amnesties) does play a role in the majority of pathways to peace, there are also pathways in which only society and/or conflict characteristics are important and transitional justice may be simply irrelevant to peace, an option that Mendeloff<sup>70</sup> pointed out with respect to truth commissions and Lie et al.71 demonstrated in general. Interestingly, our data suggest that the absence of diversity is a more important societal factor than the state of democracy. Moreover, certain pathways, like the combination of a victorious conflict termination with retributive transitional justice, suggest that it is worthwhile to further investigate the intention behind the implementation of post-conflict justice measures as Lie et al., 72 Subotić 73 and Loyle and Davenport<sup>74</sup> suggest. Here, since these cases are included in the dataset, one could speculate that retributive transitional justice at least partly captures 'victor's justice': trying of the losers by the victors after a victorious ending of conflict.

Our results go beyond the findings in the article introducing the dataset, which did not provide results on effects of justice measures but rather on their likelihood of occurrence in different settings. Moreover, they hint in a different direction than those of Loyle and Appel, who also used the PCJ dataset in their analysis. Most notably, while Loyle and Appel<sup>75</sup> did not find significant positive effects of retributive justice measures (included in their opportunity-based measures), we assert that they have positive effects on peace after a clear victorious ending of conflicts. This difference reveals a need to further investigate the interplay

<sup>&</sup>lt;sup>70</sup> Mendeloff, "Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding."

<sup>&</sup>lt;sup>71</sup> Lie et al., "Post-Conflict Justice and Sustainable Peace."

<sup>72</sup> Ibid.

<sup>&</sup>lt;sup>73</sup> Subotić, Hijacked Justice.

<sup>&</sup>lt;sup>74</sup> Loyle and Davenport, "Transitional Injustice."

<sup>75</sup> Loyle and Appel, "Justice and/or Peace."

of transitional justice measures with the context conditions, both considering society and the nature of conflicts and their ending.

#### Conclusion

In this article, we have put forward the argument that analyses of transitional justice measures' impact need to factor in the complexity of reality, allowing for broad differences across cases, as well as remain context-sensitive to differences in these cases. This is particularly necessary as our meta-analysis of the existing transitional justice literature showed that small-n and large-n studies based on case studies and statistical analyses, respectively, come to different conclusions. Case studies showed a tendency towards attributing negative effects on enduring peace to trials, while statistical analysis showed either no or positive effects. For amnesties and truth commissions, the tendency was the opposite, with case studies signaling positive effects, while statistical analysis tended more to reach negative conclusions. The literature is much more differentiated, but this characterization highlights general tendencies and the obvious problem that this highlights for research on transitional justice.

We explained these conflicting results for statistical and case study analyses by their various ways of dealing with complexity and the different epistemologies on which they are built. Regarding the latter, statistical studies assume a probabilistic connection between cause and effect, while case studies are generally constructed around some form of deterministic assumptions. As an alternative, we propose using QCA, a method that better accounts for the complexity of various pathways to the outcome, as well as remaining sensitive to the context.

For future research, a development of the approach taken here could also be to undertake a multi-method research project, combining the generalizable merits of large-n research in uncovering causal patterns with the eye for the details of the causal mechanism provided by small-n research. Such a multi-method research has been most strongly popularized in the social sciences

by Evan Lieberman's<sup>76</sup> nested analysis. While Lieberman proposes using statistical analysis at the large-n level, QCA is a promising alternative here; new research frameworks for combining QCA with process tracing of individual cases have been presented particularly by Ingo Rohlfing and Carsten Q. Schneider.<sup>77</sup> QCA provides the *causal patterns*, the case studies (which are ideally strategically chosen to leverage explanatory power) can process trace the *causal mechanisms* underlying these patterns, both relying on a deterministic, but complex view of the world.

This process-tracing endeavor after QCA could also allow for the identification of sequencing of certain transitional justice measures with regard to characteristics of conflict and society. In turn, data gathered through qualitative research for specific cases can be brought together to identify patterns and pathways across cases by using QCA. Timing and sequencing is not captured by the QCA analysis we have done here, although as demonstrated in the work of Dancy and Wiebelhaus-Brahm<sup>78</sup> (2015) QCA in general can be helpful in capturing timing and sequencing. It would be an additional alternative to let timing and sequencing inform a multi-method research project (for a framework on combining QCA and process tracing in multi-method research with special regard to sequencing).<sup>79</sup>

70

<sup>&</sup>lt;sup>76</sup> Evan S. Lieberman, "Nested Analysis as a Mixed-Method Strategy for Comparative Research," American Political Science Review 99.3 (2005):435-452. <sup>77</sup> Ingo Rohlfing and Carsten Q. Schneider, "Improving Research On Necessary Conditions: Formalized Case Selection for Process Tracing after QCA," Political Research Quarterly 66.1 (2013): 220-230; Carsten Q. Schneider and Ingo Rohlfing, "Combining QCA and Process Tracing in Set-Theoretic Multi-Method Research," Sociological Methods & Research 42.4 (2013):559-597; Carsten Q. Schneider and Ingo Rohlfing, "Case Studies Nested in Fuzzy-Set QCA on Sufficiency: Formalizing Case Selection and Causal Inference, Sociological Methods & Research (2014, in publication); Ingo Rohlfing and Peter Starke, "Building on Solid Ground: Robust Case Selection in Multi-Method Research," Swiss Political Science Review 19.4 (2013): 492-512. See also Timothy Williams and Sergio Gemperle, "Sequence will tell! Integrating temporality into set-theoretic multi-method research combining comparative process tracing and qualitative comparative analysis," International Journal of Social Research Methodology (2016).

<sup>&</sup>lt;sup>78</sup> Dancy and Wiebelhaus-Brahm, "Timing, Sequencing, and Transitional Justice Impact."

<sup>&</sup>lt;sup>79</sup> Williams and Gemperle, "Sequence will tell!"

Finally, we demonstrated the explanatory power of using QCA with pre-existing transitional justice datasets, the Post Conflict Justice dataset specifically, to study how transitional justice measures can impact the possibility of a peace dividend. The set-theoretic results derived from QCA highlight general causal patterns of sufficient conditions across many cases. Here, again, we would like to refer back to Sriram's assessment that a 'peace vs. justice' argument may be oversimplified. As it is often done in the literature, our analysis confirms that it is worthwhile to assess the impact of transitional justice measures in relation to context conditions and specificities of conflicts and societies. Rather than assuming that a certain (set of) transitional justice measure(s) alone can foster or hinder peace in any kind of situation, our findings confirm the assumption that different measures may be more or less suitable for different situations and environments.

Altogether, this paper puts forward an argument for methodologically diversifying research on transitional justice, augmenting it to include set-theoretic analysis to complement more systematically the expert case knowledge already available in a wide range of publications. This paper does not argue that statistical analyses or case studies are in and of themselves not valuable for the furtherance of a transitional justice research agenda. Instead, these research results are partially incomparable and incompatible and could and should be complemented by settheoretic analyses to further our knowledge of the complex ways in which transitional justice mechanism can work. Hence, for the growing study of transitional justice to become more coherent and for plausible policy implications to be deduced, it would be helpful for large-n and small-n studies to be combined and the framework for multi-method research suggested here to be attempted on a range of transitional justice questions.

80 Sriram, "Introduction: Transitional Justice and Peacebuilding."