Back to the Roots

How Traditional Justice Processes Heal Collective Trauma after Conflict

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Abstract

In recent times traditional justice processes have become increasingly adapted to serve as transitional justice tools in post-conflict societies. The healing potential of traditional justice is becoming more recognized, nevertheless there is still little known about its impact on collective trauma and especially about the causal mechanisms behind it. To contribute to this research field, this study is guided by the following research question: *Why do some traditional justice processes generate the healing of collective trauma after conflict more than others?* The developed theoretical framework argues that bottom-up, locally-led traditional justice processes foster voluntary community engagement which enhances collective trauma healing. Top-down, institutionalized processes, on the other hand, are theorized to produce involuntary contact which leads to lower levels of collective healing. It is thus hypothesized that locally-led traditional justice processes are more likely to generate healing of collective trauma than institutionalized traditional justice processes. An in-depth comparative case study which uses Structured Focused Comparison, analyzes the Rwandan Gacaca trials and the traditional justice processes in Acholiland. The empirical findings lend support to the hypothesis and provide modest support to the proposed causal mechanism.
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I Introduction

‘How to appropriately heal the wounds which armed conflict has painfully brought about?’, has been one of the main questions in peacebuilding. In many cases conflict causes great levels of destruction physically, but also emotionally. These emotional wounds are experienced on the individual level, but equally important also on the collective level (Abramowitz 2005; Kellermann 2007). With a dominant focus on the individual Post Traumatic Stress Syndrome (PTSD), collective trauma has often been overlooked in theory and practice (Sonpar 2008). Collective trauma, which is here defined as the rupture of social fabric, has been understood far less in comparison to its counterpart, the individual trauma (Somasundaram 2014; Tankink; Bubenzer; Van der Walt 2017). Practitioners are increasingly stressing the importance of community interventions to address the collective experience of trauma (Audergon and Audergon 2017; De Vries 1996; Jansen et al. 2015; Kellermann 2007; Krieg 2009; López 2011; Sonpar 2008), which goes far beyond the individual level and includes the interpersonal bonds within a community (Fernando 2014).

One of the proposed collective strategies to post-conflict trauma healing brought forward by the field of peacebuilding, are transitional justice mechanisms. While transitional justice originally gained prominence to address past injustices and to foster post-conflict transformation towards a peaceful society, the judicial and non-judicial measures have been proposed suitable to address emotional wounds as well (Minow 1998). In its early stages emphasis was put on institutional, top-down approaches including Truth Commissions and tribunals (Hayner 2011; Vinjamuri and Snyder 2004). However, there has been a recent trend of localizing these processes and allow for grassroots inclusion (United Nations 2004; Rosalind Shaw and Waldorf 2010; Orentlicher 2007). Traditional justice, which is here defined as a range of justice and reconciliation procedures that have been historically used by communities to resolve communal disputes, are increasingly proposed. In contemporary times, traditional justice is thus gaining prominence to address large-scale violence as transitional justice tool (Igreja 2012; B. Ingelaere and Kohlhagen 2012; Slachmuijlder 2005; Wessells and Monteiro 2001). One example is the return to Mato Oput or ‘the drinking of the bitter root’ which has been conducted to address the past horrors in Northern Uganda (Latigo 2008).

With an increased adaptation of traditional justice processes to a transitional justice context, studies have emerged which discuss possible healing effects of traditional justice including accountability or acknowledgment. In addition, collective approaches have become more prominent in trauma responses. However, little detailed research has been conducted to explain the relationship between traditional justice and collective trauma healing. In particular, it has not been studied why some
processes are more successful than others due to a lack of systematic and comparative empirical analysis. To start to answer this research gap, this paper is guided by the following research question: Why do some traditional justice processes generate the healing of collective trauma after conflict more than others? This study therefore contributes towards the existing research field by first providing a clear definition and operationalization of collective trauma and second, by developing a theoretical framework to explain the variation.

The generated theory is built on Intergroup Contact Theory and argues that the highly participatory nature of traditional justice fosters community engagement. As contact has been found to promote prosocial behavior (Pettigrew and Tropp 2006; Al Ramiah and Hewstone 2013), it is theorized that community engagement in traditional justice processes will enhance the healing of collective trauma. To understand why some community engagement fosters such healing to a greater extent than others, the different degrees of voluntary contact are assessed. Based on contact theory, it is argued that freely chosen contact generates collective healing more than involuntary contact (Pettigrew and Tropp 2013). It is further proposed, that such voluntary interaction is more frequently found in locally-led traditional justice processes opposed to institutionalized, top-down traditional justice. This concludes in the following hypothesis: Locally-led traditional justice processes generate the healing of collective trauma after conflict to a larger extent than institutionalized traditional justice processes.

To test the developed hypothesis a qualitative research design is adopted, Between 2002 and 2010, it compares the communities affected by the Rwandan Gacaca Trials with those who are subject to the traditional justice mechanisms in Acholiland. Following a structured focused comparison of primary and secondary qualitative sources, the empirical analysis studies why the level of collectively healed trauma was lower in Rwanda than in Acholiland. The analysis finds that the Rwandan process has been institutionalized by the national government, while the Acholi process was locally-led. It further provides supporting evidence that this has generated involuntary participation in Rwanda, while community engagement was voluntary in Acholiland. This proposes modest support for the theoretical argument that locally-led traditional justice generates higher levels of healed collective trauma due to the voluntary community engagement it creates.

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1 An institutionalization of traditional justice refers to it being government- or international body-led and therefore regarded as a top-down process. The characteristics of the traditional justice in terms of practice do not necessarily have to change because of this. It only indicates who is driving the traditional process.
The next session reviews the previous literature on the concepts of collective trauma, transitional justice and traditional justice. If further identifies the previously studied mechanisms which give indications on why collective trauma may be healed by traditional justice. Based on the identified research gap, a theoretical framework is generated building on Intergroup Contact Theory. This is followed by the research design which presents the case selection and the roadmap for the Structured Focused Comparison. After presenting the empirics of Rwanda and Acholiland, the findings are comparatively analyzed. This is followed by alternative explanations and limitations of the study. Finally, a conclusion is presented which identifies avenues for future research and policy implications.
II Previous Literature & Definition of Concepts

Collective Trauma

Collective trauma, sometimes also referred to as mass trauma, social trauma or cultural trauma, remains still a much less discussed phenomenon than individually experienced trauma. Nevertheless, many have started to argue for the need to understand trauma more holistically in collective terms (Audergon 2004; De Vries 1996; Jong and Reis 2013; Kellermann 2007; McDonald 2010; Pearlman 2013; Riedel 2017; Somasundaram 2014; Sonpar 2008). It is emphasized that trauma is not limited to the individual level but affects entire communities and is thus a social phenomenon (Kellermann 2007). It is stressed that the cultural and socio-political context in which the suffering occurs needs to be taken into consideration (Sonpar 2008) and that a limited interpretation of trauma in terms of pathology, symptoms and therapeutic processes has restrictions (Tankink; Bubenzer; Van der Walt 2017). This suggests that while in many cases individual treatment is highly needed, it is not always sufficient and may be inappropriate at times (Audergon 2004; Krieg 2009; Jansen et al. 2015; Yeh, Arora, and Wu 2006). This holds especially true for collective societies, which are often based on communal ties, a functioning social fabric and cultural heritage. It is suggested that in collectivist communities, who identify well-being beyond the individual level, the weight of psychological trauma may be even larger than the sum of the burden on individual community members (Fernando 2014). It is hence crucial to extend the understanding of collective trauma, especially in terms of cultural appropriateness.

In previous literature collective trauma has often been subject to rather vague definitions. Mass trauma has often been equated to the psychological response after mass violence or disaster without specifying the effects which such events can have on the respective community (Tarvydas, Levers, and Teahen 2017). Kai Erikson was the first one to conceptualize collective trauma in psychiatric literature in the 1970s (Erikson 1976). He introduced the concept to describe the devastating social impact of the man-made flooding in a mining community at the Buffalo Creek. He thus largely contributed by starting a new debate on trauma understanding. While recognizing that individual and collective trauma can overlap, he stressed the necessary distinction and conceptualized collective trauma as “a blow to the basic tissues of social life that damages the bonds attaching people together and impairs the prevailing sense of communality” (Erikson 1978, 154). The social fabric is changed or broken by the disastrous event, which means that relationships are broken within families, communities or an entire society (Krieg 2009; López 2011; Somasundaram 2014; Sonpar 2008).
The complexity of collective trauma is demonstrated in the various ways it can be observed. For instance, intercommunal violence is frequently mentioned as a result of broken communality (Krieg 2009; López 2011; Somasundaram 2007, 2014). In addition, as part of the communal support system, collective trauma is in many cases observed through cultural bereavement (De Young 1998). With a loss in social fabric, communities often experience a disconnect to their cultural heritage through loss of traditions, knowledge, language, or spirituality (De Vries 1996). Further, collective trauma may be characterized by a loss of identity (López 2011; Somasundaram 2007).

The various ways in which collective trauma may be expressed have led to an incoherence and no clear definition of collective trauma therefore exists. For a clear understanding of the concept, this paper defines collective trauma as raptured social fabric. With that the definition closely relates to Erikson’s understanding and captures the relative majority of interpretations. It therefore entails the broken relationships and social support structures within a society that has collectively experienced trauma.

As this paper specifically looks at the healing of collective trauma, its healing is consequently defined as the repair of social fabric. With that, it relates closely to some definitions of reconciliation.² It is here argued that the healing of collective trauma is part of a reconciliation process. Nevertheless, it is restricted to its social and psychological aspects and therefore does not touch upon the political or cultural dimensions of reconciliation. Thus, rather than focusing on larger conceptions of reuniting a population after conflict, it gives attention to the intra-community bonds, which have been negatively affected during a traumatizing period. Even though only armed conflict related trauma is studied, the definition is equally applicable to other disasters such as terrorist attacks or environmental catastrophes.

Contemporary Approaches to Transitional Justice

The field of transitional justice is characterized by differing approaches and goals ranging from human rights conservation to reconciliation and far-reaching democracy building. On the one hand, retributive justice is based on international criminal justice and mainly aims at accountability (Brounéus 2003). Restorative justice, on the other hand, is directed at restoring conflictive

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² Brounéus (2003) for instance defines reconciliation as „societal process that involves mutual acknowledgment of past suffering and the changing of destructive attitudes and behavior into constructive relationships toward sustainable peace“ (3).
relationships and resolving an offence collectively (Among 2013; Kinyanjui 2009). Thus, it arguably aims at preventing reoccurrence rather than simply ending violence. By the end of the last century the importance of a more restorative and diverse approach became recognized and more frequently implemented (Fletcher and Weinstein 2002; Hafner and King 2007; Huyse and Salter 2008; McEvoy 2007; Zolo 2004).

Further, a distinction is often made between top-down and bottom-up approaches of transitional justice. This refers to who is driving the process and how it is implemented. Top-down approaches are institutional and state-operated measures which in many cases include international actors in international tribunals or TRCs. They are referred to as formal and have been studied to great extent in the past two decades (Bell 2008; Thoms, Ron, and Paris 2010). Bottom-up transitional justice, refers to locally-led, grassroots or informal processes. Rather than being managed by the state, they are community-operated and can include initiatives by non-governmental organizations (NGOs), community projects or customary practices (Harper 2011b; Park 2008). While mechanisms and goals can be very similar to institutionalized transitional justice, community driven approaches are often seen to allow for more adaptation and legitimacy (Lundy and McGovern 2008; Rosalind Shaw and Waldorf 2010).

Emphasis on local adaptation has been an upward trend in transitional justice and it was formally stressed by former UN General Secretary Kofi Annan, who denounced a one-size fits all mentality and the imposition of foreign models (United Nations 2004). Liberal models of peacebuilding have often been criticized for being rigid and imposing, for the disconnection between international norms and local context, for being elite-strengthening, and lastly for ‘Western savagery’ (Lekha Sriram 2007; Nagy 2008; Park 2008; Richmond 2011; Rosalind Shaw and Waldorf 2010). Hence, the understanding of local context and meaning, local leadership and inclusion of local practices are seen to foster more sustainable solutions to post-conflict restoration (Park 2008).

Lastly, the increased inclusion of localized transitional justice processes has brought about hybrids of top-down and bottom-up justice. In theory this allows to combine the benefits of internationally created and recognized transitional justice such as Truth Commissions with locally appropriate practices. Hybrid justice systems thus integrate liberal transitional justice into the local context by identifying parallels between the two (Richmond 2011). A challenge here constitutes of establishing a framework which merges both local and liberal justice frameworks without creating two separate and exclusive processes (Richmond 2011). Most importantly, the hybridity of the approach needs to grow form true local agency. The mere adaptation of local elements without a local driving force,
will only continue to support a liberal peacebuilding agenda, which fosters and legitimizes unequal power relationships (Richmond 2011; Wallis, Jeffery, and Kent 2016).

### Traditional Justice as Transitional Justice Tool

With the acknowledgment of the importance of local ownership, customary and traditional justice has become widely recognized. Kofi Annan states in a UN document on transitional justice that “due regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them continue their often vital role and to do so in conformity with both international standards and local tradition” (United Nations 2004, 12). As defined above, traditional justice includes historical justice procedures that have been used by communities to resolve communal disputes. They are thus practices with a lengthy heritage, which makes them rooted in local custom and familiar to its practicing population.\(^3\) In many cases, this refers to mechanisms which have been customarily used by societies prior to colonization (Hafner and King 2007).

Thus, they are originally practiced by local, rural communities rather than being imposed by the state and thus are generally considered as informal, bottom-up transitional justice (Harper 2011b). Nevertheless, it is noted that nowadays there is not always a clear distinction between formal state-practiced and local, informal mechanisms. However, with the adoption of traditional justice as transitional justice tool this is slowly changing. While some traditional justice processes remain locally-led, others have been institutionalized by state bodies or external actors in a pursuit of justice and reconciliation. (Huyse and Salter 2008). Thus, an adoption of the traditional process into a transitional justice framework may transform the previous local, bottom-up approach into an institutionalized, top-down approach.

Common features of the traditional practice include a restorative nature which is based on voluntary, popular participation as well as the use of spiritual rituals (Baines 2010; Mac Ginty 2008; Harper 2011b). Examples include the traditional court system in Burundi, the reconciliation through the chewing of beetle nuts in East Timor and or the involvement of spirits in Mozambique (Horne 2014; Igreja 2012; B. Ingelaere and Kohlhagen 2012). Furthermore, previous focus has been on communal dispute resolution, but within the transitional justice context the addressing of mass violence has become more frequent.

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\(^3\) ‘Traditional’ and ‘customary’ are here used interchangeably. However, ‘local justice’ has also been used to describe the concept before. See (Waldorf 2006).
In a word of criticism, its strengthening of hierarchies needs to be named. This especially concerns the reinforcement of patriarchal norms and structures. Women and youth are till now marginalized groups in many societies across the globe. Traditional justice mechanisms are most often male and elderly dominated, which engender further discrimination and exclusion of women and youth (Baines 2007; Harper 2011a; Huyse and Salter 2008; Nagy 2008; Ubink and Rea 2017). Hence, due to the possible negative implications of ‘ethnojustice’ on post-conflict communities, uninformed romantization of traditional justice needs to be avoided through a more nuanced understanding (Mac Ginty 2008).

Healing through Justice

The healing of past wounds and the reconciliation of former enemies has shown to be one of the main aims of traditional justice. Previous literature has suggested multiple ways of how such healing is brought about, however till now there has only been very little literature which specifically assesses the healing of collective trauma through traditional justice. Therefore, literature from relating fields are consulted to demonstrate the avenues through which collective trauma healing could be brought about, but also cautions by demonstrating related criticism.

Healing of trauma through transitional justice processes has been subject to vast previous literature. This has taken various dimensions. Some authors have focused on transitional justice effects on individual trauma (Brounéus 2003). Others have studied macro-level effects often looking at reconciliation (Jappah and Smith 2013; Quinn 2005). Previous literature has furthermore identified various key elements which foster the healing of trauma after conflict. Accountability and with that a feeling of justice has been a widely discussed ingredient of allowing victims to move forward. Mani (2002, 2005) and Minow (1998), for instance, have found justice to be essential in healing trauma. The inclusion of formal apology is further regarded as social harmony enhancing (Marrus 2007; Philpot and Hornsey 2008; Tavuchis 1991). The establishing of truth and with that the acknowledgement of what has happened is found by many as vital element in societal healing, with one of the most influential works being written by Hayner (2011). Similarly, Quinn (2005) argues that “acknowledging past crimes can (…) lead to participation and civic engagement, the generation of social capital, and ultimately social cohesion” (392).

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4 Definition of ‘ethnojustice’ by Ubink and Rea (2017): “a male-elderly version of customary justice is invented and imposed, based on a myth of community consensus” (276).
Wessels and Monteiro (2001) stress the importance of a holistic approach and the relevance of spirituality to heal the wounds of war, especially in African contexts. Igreja (2012) has studied how spiritual rituals in Mozambique greatly contributed in the healing due to the reconnection with spirits and the local interpretation of the concept of time. Incorporating the community’s worldview and cosmological perspectives were also stressed by Honwana (1997) and Baines (2010). Nevertheless, Baines focuses more on the individual effects rather than communal healing. The benefits of traditional healing on individual as well as communal health have also been stressed by Abbo (2011) and Somasundaram (2007), however without empirically exploring the causality of their arguments. Finally, many have contributed by identifying how these justice mechanisms contribute towards a national reconciliation process, hence giving more attention to its political dimension rather than the social repair (Allen 2006; Baines 2010, 416–117; Latigo 2008; Quinn 2007). Therefore, while some of these concepts closely relate to traditional justice or have been studied in a traditional justice concept, they do not empirically test why the specific features of traditional justice processes contribute towards the healing of collective trauma.

Thus, literature on the healing mechanisms of collective trauma specifically has been scarcer. Evidence-based treatment strategies are only emerging in the literature. One meta-analysis has been conducted by Hobfoll et al. (2007). While they are not connected to post-conflict justice, they assist to understand how collective trauma is healed. Hobfoll and co-authors present five essential elements to collective trauma response which include safety, calming, self- and collective efficacy, connectedness, and hope.

Lastly, traditional mechanisms have not only been positively related to the healing of trauma, but have also been criticized for triggering negative effects on the individual levels such as retraumatization, increased feelings of insecurity and fear (Brounéus 2008). The upcoming study does not intend to devalue the significance of the negative implications, which traditional justice may have on trauma healing. However, the review of literature suggests that the positive effects, especially those theorized to impact the collective level, allow for a more detailed study of the relationship between traditional justice and collective trauma healing.

**Defining the Research Gap**

The review of the previous literature has identified two gaps in the research. The first one is in regard to the definition and measure of the outcome variable. The second, and more elaborate one, indicates a limited understanding in the causality between traditional justice and collective trauma healing.
healing. As the review above indicates, forgoing literature has provided a range of research on the main concepts of this study. There is an extensive research body of transitional justice and, to a slightly lesser extent, traditional justice. Post-conflict trauma has been subject to extensive study, however with a great focus on its individual aspects. Nevertheless, collective trauma is a field which is gaining more attention within the mental health domain, even though it suffers from incoherence in definition. This has led to an absence in operationalization. By having defined the concept of collective trauma in the previous section, an operationalization is enabled in the research design which allows for precise and replicable measurement of the concept. In doing so, the first research gap is addressed.

When it comes to connecting the fields of post-conflict justice and trauma healing, various studies have indicated possible healing avenues which traditional justice offers to repair social fabric. These include accountability, the establishing of truth or official apologies. Further, the need of communal approaches to collective suffering has been stressed by researchers and practitioners alike. While these studies suggest important conditions and indicate causality, there has been little detailed research on studying why traditional justice processes contribute towards the healing of collective trauma. In particular, there has been a lack of systematic and comparative studies which empirically analyze why some traditional justice processes are more successful than others in healing collective trauma. The following theoretical framework attempts to provide an answer to this.
III Theoretical Framework

Based on the previously defined research gap, this chapter attempts to provide a more detailed explanation on why traditional trauma may be healed by the process of traditional justice. More specifically, it delves deeper into the differences in healing effects of some traditional justice processes over others. It therefore aims to provide an explanation to the research question: *Why do some traditional justice processes generate the healing of collective trauma after conflict more than others?*. To answer this question, a theoretical framework is developed which builds on the previous understanding of the importance of communal approaches and connectedness in collective healing. Therefore, the impact of community engagement during traditional ceremonies is explored by relating it to Intergroup Contact Theory. After elaborating on the scope conditions, the benefits of participant interaction during traditional justice processes are discussed, and the voluntary nature of contact is emphasized. Finally, the theoretical section concludes with a hypothesis of why certain processes contribute to collective healing more than others.

**Scope Conditions**

Prior to delving into theory building, the scope conditions of this research are elaborated which are based on findings of the previous literature. This allows for a more nuanced explanation and sets the stage for answering the research question. Firstly, collective trauma is theorized to be most devastating to societies based on collective community structures (Somasundaram 2007). It takes place at the supra-individual level and is defined through raptured social fabric which is argued to be greater than the sum of individual traumata (Somasundaram 2007). This means that it affects a community which collectively experienced a large-scale disastrous event. In collectivist societies who identify well-being beyond the individual level, collective trauma is hence argued to have the greatest impact. This is particularly, but not exclusively, common in non-Western contexts such as communities in Africa, Asia, Middle East or Latin America (Anbari et al. 2003). Further, traditional justice practices are more prevalent in smaller, rural communities (Harper 2011a). Therefore, the developed theory may be more applicable to rural rather than metropolitan settings. Secondly, the analysis exclusively focuses on post-conflict collective trauma. It specifically looks at the healing capabilities of traditional justice processes, which are used as a transitional justice tool.

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5 “Post-conflict” is here not defined as the period after the signing of a peace agreement which would mark an official end to a conflict on a regional level, but as the individual post-conflict experience. This implies that cases may be included which have not reached an official end of the conflict, but in which for instance large demobilization has already taken place, thus creating a post-conflict mindset for the returnees and their receiving communities.
The Role of the Collective: Community Engagement

To understand how traditional justice processes heal collective trauma and why some are more successful in doing so than others, the importance of community needs to be elaborated on in more detail. Vast literature on trauma healing in collective societies and especially literature concerning collective healing have identified a collective approach as crucial to treating trauma after mass violence (Audergon and Audergon 2017; Staub, Pearlman, and Miller 2003). As described above, the individual approach of treatment has been found inadequate or insufficient in contexts of collective trauma. Community engagement is seen as vital to collective trauma healing both for being adequate to respond to a collective tragedy and to suit a collectivist culture.

To adequately respond to collective disaster with a collective response, the inclusion of the social context becomes a pre-condition for appropriate healing (Ajdukovic 2004; Staub, Pearlman, and Miller 2003). Especially in those cases discussed here in which violence specifically targets the social fabric of a community like during genocides, communality needs to be reconstructed by empowering and strengthening communities to become the source of collective healing (Ajdukovic 2004). Additionally, community engagement allows a culturally-appropriate intervention which is not based on foreign treatment concepts. Therefore, a collective societal orientation is utilized and enhanced by community engagement (Staub, Pearlman, and Miller 2003; Wessells and Monteiro 2001). Finally, community engagement is critical to provide social support and facilitate the reconnection of social ties. As the essence of collective trauma lies in the rapture of social fabric, the rebuilding of communal relationships is at the heart of its healing. By collectively coming together a sense of community is recreated, and conflict-triggered isolation is countered by the social support of the community (Hobfoll et al. 2007).

Community Engagement through Traditional Justice

Traditional justice is in many cases based on community engagement for reconciliatory purposes. Its restorative nature emphasizes communal healing through community interaction. Thus, a high level of community participation is found to be one of the overarching characteristics of traditional justice practices around the globe with examples coming from Guatemala, Indonesia, the United States or Kenya (Duncan 2016; Gross 1999; Huyse and Salter 2008; Penal Reform International 2001; Viaene 2010). While not necessarily the entire community is addressed directly by every ritual as some target individual well-being specifically such as ex-fighter reintegration in Somalia (Ubink
and Rea 2017), in many cases the family and larger community still gather to support the process and is hence involved at least in an indirect capacity (Somasundaram 2014). This leads to a broad sharing of experiences on a communal level (Huyse and Salter 2008). Due to a high degree of communal involvement, it is therefore proposed that traditional justice practices contribute to a reconnection within the community and with that foster the reestablishment of community ties.

**Healing through Contact**

After introducing the importance of community involvement in collective trauma healing and demonstrating communal participation as core characteristic of traditional justice, it is now explored in detail how community participation contributes towards healing by drawing from insides of Intergroup Contact Theory.

As traditional justice encourages large parts of the community to engage in the processes, members of these communities come into direct contact with each other. It brings members of the community together who have either been on opposing sides during the conflict or who have become distanced as a consequence of the violence. The contact created between these individuals is found to have positive impacts on their interpersonal relations and on community bonds in general (Al Ramiah and Hewstone 2013). Various scholars have studied the specifics of such impacts. Allport's (1954) influential study on intergroup contact which outlined conditions for positive intergroup contact, gave rise to a vast expansion of the field and therefore fostered these detailed studies. The main focus of research has thereby emphasized the reduction of prejudice towards outgroup members after having engaged in contact (Pettigrew and Tropp 2006, 2013). Nevertheless, increased levels of empathy or trust have been both found to be outcomes of intergroup contact as well (Malhotra and Liyanage 2005; Tam et al. 2007; Tausch et al. 2011). Furthermore, empathy and trust have been shown to enhance prejudice reduction further (Pettigrew and Tropp 2008).

All these elements contribute towards improved interpersonal relations. Reduced prejudice enhances the building of relationships with others as the image of the other person or group becomes more positive. Furthermore, it contributes towards a more heterogeneous view of the

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6 Social Psychology distinguishes between ‘ingroup’ and ‘outgroup’. The ‘ingroup’ refers to other individuals which are seen to be in one’s (in)group. Consequently, ‘outgroup’ members are those who one does not categorize in the same social group.
other group, which allows for a personalization of outgroup members (Rimé et al. 2011). This in turn facilitates relationship building with these individuals and leads to a more positive view of the larger group, as discussed below. In the setting of traditional justice, participation leads to more positive attitudes towards the other community members present.

Empathy created through intergroup contact can enhance relationship building by fostering the willingness of interaction with the outgroup (Malhotra and Liyanage 2005). By allowing to take the ‘others’ perspective, empathy supports a humanization of the ‘enemy’ or other community members. More positive outgroup evaluations and a therefore enhanced willingness to include them into one’s group identity are the effects (Malhotra and Liyanage 2005; Vescio, Sechrist, and Paolucci 2003). Lastly, it has been argued to foster further trust development (Malhotra and Liyanage 2005; Pettigrew and Tropp 2008).

The newly created or enhanced trust then reduces uncertainty about others (Kollock 1994). It reduces outgroup bias and fosters the creation of a ‘positive’ bias towards those that have become estranged through the conflicts or were even seen as enemies. Simultaneously, created trust enables a more inclusive understanding of the ingroup in addition to the more heterogeneous outgroup understanding (Al Ramiah and Hewstone 2013). Rather than viewing participants of the traditional justice ceremonies as distinct and within separate groups, a more subordinate group identity is established (Al Ramiah and Hewstone 2013).

These findings demonstrate that by creating a platform for contact through traditional procedures relationships between community members are build up. More precisely, through the provision of these spaces and due to its participatory nature, traditional justice fosters a reduction of prejudices. It further promotes prosocial behavior involving trust and empathy between former victims and perpetrators as well as between community members in general.

**From positive interpersonal contact to positive intergroup relationships**

To understand how interpersonal contact or in other cases partial intergroup contact during traditional justice processes can cause the healing of a community wide social fabric and therefore heal collective trauma, the generalization effect of intergroup contact is considered. An extensive section of the contact research field has dedicated itself to study the ‘multiplier effect’. Hewstone and Brown (1986) found that the outcome of interpersonal contact has a generalizing effect on the
larger outgroup, the contact person being seen as typical member of their group that is. More precisely, the reduced prejudice towards a few members of one outgroup translate into lower levels of prejudice towards the entire outgroup (Pettigrew and Tropp 2006). By engaging with some community members of an outgroup, as for instance reintegrating former perpetrators in a restorative ceremony, perceptions towards their larger outgroup improve, this being for instance the rebel group they belonged to. This has also been referred to as the generalization of attitudes towards a primary outgroup to a secondary outgroup (Tausch et al. 2010). Furthermore, previous research has shown that even the knowledge of contact between ingroup and outgroup members can have such an effect, meaning that extended rather than personal contact can already have a positive effect on intergroup relations (Wright et al. 1997).

When combining the findings on generalization with the previously discussed positive effects of intergroup contact, it becomes evident how the contact between some previously opposing or distanced groups can help to regain previously lost relations. Prejudice reduction, empathy and trust are generated through the contact which is established during the participatory justice and reconciliation ceremonies. According to the theories, attitudes towards the previously homogeneously identified outgroup soften and allow for the promotion of a more heterogeneous and inclusive supra-identity. The new climate allows for intercommunal relations to recover and collective trauma is enabled to heal.

**Conditions of Positive Contact**

While many of the previously mentioned findings hold true for various circumstances there are some conditions which have been identified as being particularly enhancing. Firstly, the quantity of engagement has a direct positive effect on the impact of contact (Tam et al. 2007). In accordance, Wilder and Thompson (1980) have argued that especially frequent and prolonged contact fosters durable in-group bias reduction. This implies that the more often and long-lasting the traditional ceremonies are practiced, the more do they contribute towards the improvement of intercommunity relations. Secondly, the quality of contact has been identified as greatly enhancing (Pettigrew and Tropp 2013). Studies which have compared quantitative and qualitative aspects of contact, have found that the latter’s effect is even greater than the amount of contact (Wagner and Hewstone 2012). It is therefore of interest to explore the concept of quality in more detail.
The quality of contact can also be understood as the extent to which positive or enjoyable contact is perceived (Al Ramiah and Hewstone 2013). Allport (1954) was one of the first who defined the first conditions which foster the quality of contact and with that the reduction of prejudice. Allport’s original hypothesis states that equal status of participants, intergroup cooperation, the promotion of common goals, and normative support of custom are essential conditions of quality contact. However, they were later on found to be facilitating instead (Pettigrew and Tropp 2006). This means that intergroup prejudice is reduced by contact in a vast majority of cases, but that the prejudice reduction is further accelerated by an increasing number of conditions met (Pettigrew and Tropp 2008). It is argued that traditional justice mechanisms generally meet these facilitating criteria up to a certain extent. Starting by the latter, contact during justice rituals has normative support due to its customary nature. A common goal is given through the purpose and therefore wish of reconciliation, which is a characteristic of the process. Intergroup cooperation is in many cases provided as community members are jointly participating to foster reconciliation amongst each other and the greater community. Equal status of participants is rarely given during these procedures as often victim groups, perpetrators and general community members are joined, who take different standings in the process.

By meeting a majority of Allport’s facilitating conditions it is argued that traditional justice mechanisms provide the framework for positive contact to be established, which as described above, contributes towards the healing of collective trauma. Additionally, due the nature of traditional justice, a reconciliatory and with that positive environment is enhanced. The relationship creation between former perpetrators and victims during such processes and the emphasis on moving forward as a community sets the scene for positively perceived interaction. Finally, the voluntary nature of certain traditional justice processes is seen to be a key aspect in determining the positivity of community interaction and is discussed in detail in the following paragraphs.

**Voluntary Contact: A Main Driver of Positive Contact**

Whether contact is voluntary or forced is argued to serve as an explanation for the differences in impact observed in collective trauma healing through traditional justice practices. It is argued that the voluntary nature of contact, which is more present in some processes than in others, is particularly facilitating in generating successful contact and therefore in fostering community healing. However, just as there are conditions which aid positively perceived contact, there are also circumstances which can foster negative contact. Involuntary and therefore forceful participation is one of these.
As elaborated by Pettigrew and co-authors, not all situations facilitate prejudice reduction (Pettigrew and Tropp 2013; Pettigrew et al. 2011). Certain environments of ‘negative’ contact can have opposing effects and promote prejudice further, which in turn fracture the social fabric of a traumatized society even more. Feelings of threat and involuntary participation of contact have been identified as primary sources of negative contact experiences (Pettigrew and Tropp 2013). On the other hand, situations in which individuals or groups are voluntarily engaging in contact, are seen to be a significant predictor of positively experienced contact (Pettigrew and Tropp 2013). Participating freely in contact is found to reduce prejudice significantly more than contact which has been forcefully established (Pettigrew et al. 2011). Even in situations which are experienced as otherwise negative, the effects of negative but voluntary contact are found to be smaller than in situations of involuntary contact (Pettigrew and Tropp 2013). In other words, even during negative contact voluntary participation can have a positive effect. Similarly, effects of negative contact are particularly strong during involuntary contact.

Explaining the Variation in Trauma Healing

As mentioned in the previous literature, traditional justice is in its original, non-adapted form locally-initiated and hence arguably a process of voluntary nature. Local custom brings members of the community together after conflict to account for the injustices of past crimes, and to reconcile the conflicting parties with each other and the larger community. In locally-led processes no force or threat is involved. Participants engage upon their own initiative in setting up and taking part in the procedure, one example being the Gorongosa community in Mozambique, who revived the tradition of spiritual healing to address the wounds of the civil war (Igreja 2012). Freely established contact promotes positive perceptions and fosters the lowering of prejudice while enhancing trust and empathy. Based on the advancing prosocial behavior and voluntary nature of the engagement, participants are collectively gaining agency and control over their situation. This results in collective efficacy, which has been seen as vital component within post-conflict reconciliation (Lehrner and Yehuda 2018; Norris et al. 2008). Rather than focusing on victim or perpetrator identities collective efficacy promotes an empowering approach (Al Ramiah and Hewstone 2013), which allows community relations to heal.

Nevertheless, the previous literature also shows that top-down and hybrid adaptions of traditional justice processes have become more and more common in which ‘foreign’ institutions such as national governments or international organizations adapt and implement traditional justice.
mechanisms in a transitional justice framework in an attempt to localize the transitional process. The trend of localizing transitional justice measures to allow for more legitimacy and adequacy has become increasingly popular and has received deserved and wide support. Nevertheless, while the adaption of local justice measures aims at fostering a local fit, in many cases top-down or hybrid versions of traditional justice are still not locally driven as was criticized in North Maluku, Indonesia (Duncan 2016; Wallis, Jeffery, and Kent 2016). Instead a disconnect between non-local and local agendas predominates which results in an imposition of restorative practices rather than a self-initiated and with that voluntary process. Therefore, this paper does not aim to criticize the localization of transitional justice practices but rather intends to highlight one important characteristic - the voluntary nature of participation throughout the localization process.

It is argued here that the institutionalization of traditional justice measures can influence the voluntary nature of traditional justice process. When traditional justice mechanisms are not community-led anymore, the participants of these procedures are no longer driving the justice process. Initiation, set up and implementation are either partly or entirely in the hand of the national government or an international body. The process becomes removed from the participating population in content, procedure and legitimacy. This implies that participation also becomes less voluntary. By de-owning an otherwise local and traditional process, beneficiaries are pushed into a concept which is either foreign or at best adapted in critical points. Therefore, local communities are pressured into a process which is removed from the customs it is based on. Additionally, institutional pressure or legal measures are making it compulsory to attend the ‘traditional’ proceedings. This is not to say that participants of locally-led measures cannot become the subject of peer-pressure. However, it is argued that effects of pressure apply to an even greater extent to top-down approaches as institutional force is added to possible peer pressure by community members.

Therefore, the involuntary nature of institutionalized traditional justice processes comes in twofold. First, a conflict-ridden population is asked to participate in a process which they themselves have not had the voice to drive nor shape, and second, community members are pressured into participating by powerful institutional bodies. By de-owning the traditional mechanism the creation of collective efficacy is threatened. In addition, the necessary ingredients of relationship building, namely the creation of trust and empathy, which are supposed to be the outcome of the reconciliation ceremony, are undermined. Neither trust nor empathy can be enforced but need to come from free will (Bloomfield 2003). By imposing a justice process and with that enforcing
participation and therefore contact, negative emotions are created which give rise to resentment against the traditional process and its goal, the restoration of community relations.

The Hypothesis: Locally-led over Institutionalized Traditional Justice

Contact through traditional justice processes has been shown to take great importance in the establishment of intergroup trust and empathy as well as in the reduction of prejudice. Such prosocial behavior has been demonstrated to be a key component in the relationship creation after conflict has destructed a community’s social fabric. Paired with the generalization effect which interpersonal contact has shown to have, the benefits of the contact between a group of community members creates wider implications of reduced prejudice towards their greater respective groups, being victims, perpetrators or other community members. As positive effects are multiplied, greater social repair is allowed for which converts into the healing of collective trauma. Nevertheless, while contact has been found to have positive, prosocial implications in 94% of the studied 515 cases (Pettigrew and Tropp 2006) and is therefore seen as generally enhancing, facilitating conditions have been identified. The voluntary nature of contact has here been argued to be a substantial one.

The previous discussion has argued that locally-led traditional justice processes allow for voluntary participation and therefore positive intergroup-contact to a larger extent than those which have been institutionalized by the government or an international body. As locally-led processes are driven by the participants of the ritual and community members choose to take part in the restorative custom with the goal of reconciling their community after conflict, locally-led processes are expected to facilitate voluntary contact. Therefore, prosocial behavior is theorized to be especially fostered through community-led traditional justice processes, which in turn results in a greater healing effect on collective trauma. Figure 1 illustrates this effect in the theoretical framework below.

Hypothesis: Locally-led traditional justice processes generate the healing of collective trauma after conflict to a larger extent than institutionalized processes.

Figure 1: Theoretical Framework
IV Research Design

The following section presents the research design of this study. Using the qualitative method of a Structured Focused Comparison two cases of traditional justice are studied. The comparison of the Rwandan and Acholi traditional justice processes with differing degrees of healed collective trauma allows to explore how the healing is impacted and shines light on the causal mechanisms behind it.

A Qualitative Design

This study is using a qualitative method to explore the relationship between traditional justice and the healing of collective trauma and to analyze the causal mechanisms behind it. Therefore, an in-depth case study analysis is conducted for various reasons. The first and main reason lies in its specific strength to analyze causality. The research question of this paper is specifically focuses on exploring why there are differences in the level of healing after traditional justice has taken place. An in-depth qualitative approach which compares two case studies, is well suited to study causality as it allows to determine concrete and sometimes hidden specifics of a case (Powner 2015, 98). Especially, since the theoretical framework used here has been developed in this study, its testing and the exploration of potential other explanations are of main importance.

Secondly, the temporal order of the studied relationship needs to be ensured. In other words, it needs to be dismissed that the outcome may cause the input (Kellstedt and Whitten 2009, 55). Concretely, it has to be ruled out that traditional justice mechanisms are caused by the healing of collective trauma. Theoretically this would be possible as improved societal relations (healed collective trauma) may encourage communities to become more involved in traditional justice processes. That way, a possibility exists that higher levels of collective trauma healing increase instances of traditional justice processes. However, the qualitative design is able to adapt the time frame case specific to avoid this. As discussed below, the outcome is measured at the end of the time period used for the input.

Thirdly, a qualitative study is chosen due to the limited case population and a lack of data availability (Powner 2015, 99). As discussed in the previous chapter, the scope conditions limit this study to various. Furthermore, the study of the dependent variable asks for the exploration of social fabric, a variable which is characterized by lacking data in post-conflict contexts as surveys are often not or unsystematically conducted. Due to such case and data limitations a quantitative study is less applicable being based on large observation numbers. It is argued here, that exactly this shortage
of cases and data make the study especially important. Its exploration attempts to demonstrate the benefits of traditional justice as well as its conditions of a successful use in transitional justice processes.

Lastly, it is acknowledged that qualitative studies do not display their strengths in establishing the co-variation between the studied variables, nor in controlling for possible other confounding factors (Kellstedt and Whitten 2009, 56). However, carefully selected case studies, which represent key aspects of their population and which control for important confounders, as well as the use of a Structured Focused Comparison to ensure a cohesive analysis, counteract these drawbacks of a qualitative method to a certain extent.

**Case Selection of a Comparative Study**

By choosing a qualitative approach, case studies are the object of analysis in this paper. According to Gerring (2006, 20), “a case study may be understood as the intensive study of a single case where the purpose of that study is – at least in part – to shed light on a larger class of cases (a population).” Based on the scope conditions discussed in the previous chapter, the population are the communities which participate in traditional justice processes which have been utilized as transitional justice tool in a post-conflict context.\(^7\) Examples of this population include cases using traditional mechanisms to facilitate child soldier reintegration like in Angola or Sierra Leone, the use of spiritual rituals in Mozambique after its 15-year long civil war, or post-conflict reconciliation ceremonies in East Timor (Igreja 2012; Horne 2014; R. Shaw 2007; Wessells and Monteiro 2001). The cases chosen for this study are the Rwandan Gacaca trials and the Northern Ugandan traditional justice processes of Acholiland.\(^8\) In both cases, traditional justice mechanisms have been historically practiced in their respective cultures. In response to the violent conflict, being the 1994 genocide in Rwanda and the 1986 – 2006 civil war in Northern Uganda, both have been reintroduced as transitional justice mechanisms to aid the regional reconciliation process.\(^9\) The reasons for this case selections are now presented in the following section by demonstrating their fit into the comparative Method of Difference. Specifically, their unit of analysis, their difference

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\(^7\) See supra note 5) for the definition of ‘post-conflict’.

\(^8\) The utilization within a transitional justice framework is given as soon as stockholders to the conflict apply traditional justice mechanisms to facilitate a transition towards peace.

\(^9\) Cases may from now on be referred to as ‘Rwanda’ and ‘Acholiland’.

\(^10\) In line with other authors, 2006 is here seen as the end of the Ugandan conflict with the LRA as the Cessation of Hostility Agreement was signed in 2006 by the Ugandan government and the LRA, and there were no more LRA attacks in Uganda after that point (Baguma 2012, 34).
in the dependent variable of interest and their comparability due to various control variables are elaborated.

As discussed, the population, being the unit of analysis of this study, are the affected communities which are participating in traditional justice ceremonies. Thus, it is not restricted to the village, regional or country level. Instead it is here defined as social grouping which shares similarities in culture. Furthermore, the scope conditions limit the studied communities to those who have been affected jointly by an armed conflict. The Rwandan people make up the first case studied. While Rwandans are ethnically diverse they have shared a long history with mutual traditions (Chrétien 2006). And while mostly being on differing sides during the conflict, they have nevertheless shared the traumatizing experience collectively. After that devastating experience large numbers from all over Rwanda participated in the same native, traditional justice process, namely the Gacaca trials. Therefore, the Rwandan people are here defined as a community.

The second case study looks at the people of Acholiland. The Acholi are native to Northern Uganda and small parts of South Sudan and were heavily affected by the war (Vinck et al. 2007, 11). While the rest of Uganda was not left untouched by the conflict, it mainly took place in the northern parts (Otim and Kihika 2015). They share a cultural heritage and various deeply enrooted traditional justice mechanisms (Atkinson 1994; Huyse and Salter 2008). In Uganda traditional justice has thus been regarded as “Northern Ugandan affair” (Otim and Kihika 2015, 7) and with that an Acholi affair. After living through the conflict, the Acholi have introduced these traditional justice mechanisms as transitional justice tool to reintegrate former combatants and restore community relations (Latigo 2008). Thus, the Acholi are here defined as the second community studied.

This paper adopts a within-case design and a comparative case study analysis is conducted following the most similar case design, also known as Mill’s Method of Difference. Ideally, cases are compared which are similar in all aspects apart from one variable of interest (Gerring 2006, 131). This design will take on a hypothesis-building design which shows a difference in the dependent variable and aims to explore the influences of input (Gerring 2006, 131). Specifically, it is studied why some traditional justice mechanism foster collective trauma healing more than others by studying the differences in traditional justice processes as well as their causal mechanisms. The set-up of this design is further clarified in Table 1 below. Concretely, Rwanda is representative of cases which have seen a healing of collective trauma after going through a transitional justice process to a lesser extent. Acholiland, on the other hand, is representative of traditional justice
processes which have generated greater levels of collective trauma healing. How this classification is justified in detail is based on indicators provided by the Structured Focused Comparison (SFC) methodology of this paper and is discussed in the next sub-section.

<table>
<thead>
<tr>
<th>Cases</th>
<th>X1 variable of theoretical interest</th>
<th>X2 variable of controls</th>
<th>Y outcome of theoretical interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>?</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>B</td>
<td>?</td>
<td>0</td>
<td>0</td>
</tr>
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Table 1: Most Similar Cases Research Design (Gerring 2006, 132)

Contrary to Mill’s design of a most similar case comparison, the irregularities of the social world imply that the units of analysis are not a perfect representation of their population (Gerring 2006, 20; Powner 2015, 105). Therefore, the choice of case selection needs to take confounding factors into account, which can have an impact on the independent and dependent variable. By identifying such confounders and controlling for them in both cases, imperfect case similarity can be accounted for. Therefore, by neutralizing heterogeneity of the cases, it is ensured that the compared cases are from the same population and generalizability is enhanced (Gerring 2006, 50). Concretely, these control variables include intensity of prior conflict, characteristics of the traditional justice mechanisms and additional transitional justice tools (Table 2).

The first control establishes a similar intensity of conflict and devastation. When analyzing the impact of traditional justice on the social fabric it is crucial to compare to scenarios in which a similar force of tragedy has taken place as it is argued that this affects the level of collective trauma and furthermore the ability to heal. As human tragedy within and after conflict is so diverse, this will only be done on an overall impact. When looking at the cases, Rwanda has without doubt witnessed one of the most tragic atrocities of the 20th century with 500,000 to 810,000 individuals being killed during the 100 day genocide (Megwalu and Loizides 2010, 6). In Northern Uganda, the war is estimated to have displaced up to two million people with about 90% of the Acholi population being affected (Baguma 2012, 32; Huyse and Salter 2008, 94). One of its most infamous aspects of the Ugandan conflict however is the high rates of abduction which has transcended the boundaries between victims and perpetrators to a large extent. LRA is estimated to have abducted between 54,000 – 75,000 people with child recruitment estimates going as high as 38,000 with abduction rates in Acholiland reaching up to 48% (P. N. Pham, Vinck, and Stover 2008, 410).
Based on these factors, amongst others, Acholiland is identified as a highly affected area of the Northern Ugandan conflict (Latigo 2008). When the comparing the two conflicts in terms of intensity it becomes evident that Acholiland experienced conflict over a period of two decades, while the Rwandan genocide was conceded to 3 months. Nevertheless, it is argued that both the Rwandan and Acholi people have suffered through extremely high levels of violence, which therefore allows to control for ‘intensity of conflict’ in this research design (X2 in Table 2).

The second control variable holds the current societal importance of traditional justice processes constant by looking at their enrootedness in culture and their level of inclusion. This is seen as important since firstly differences in societal enrootedness of the process may affect how the communities accept and relate to the traditional process. In both cases, the traditional justice processes have been deeply enrooted in the local justice framework serving restorative purposes (Among 2013; Graybill 2004). During the colonial period Western judicial practices were introduced and traditional practices became either less dominant or were surpassed (Baguma 2012; Graybill 2004, 1123). Nevertheless, after independence the measures had not been completely forgotten and were still practiced at a considerable scale (Latigo 2008, 109; Waldorf 2006, 49). After the previously discussed conflicts, they were then reintroduced as transitional justice measures. Taking this into account it is argued that the societal importance of the analyzed traditional justice processes is controlled for (X3 in Table 2).

The third control ensures a similar level of disarmament, demobilization and reintegration (DDR). DDR processes facilitate the reintegration of ex-combatants back into the society. With that they can have a restorative impact on relationships between former victims and perpetrators. Both the people of Rwanda and Acholiland have undergone such processes with Rwanda introducing it in 1997 and Uganda in 2005 (X4 in Table 2) (Edmonds, Mills, and McNamee 2009; Rose 2008).

The final control holds the international judicial involvement constant. The transitional justice tool is set out to foster accountability and reconciliation and with that repair social fabric. Based on its possible impact on the dependent variable it thus to be held constant. In both cases, the International Criminal Court (ICC) has been actively involved in prosecuting international crimes which happened during the conflicts. In Rwanda, a special tribunal was set up to investigate and trial those responsible for the genocide and sentenced 62 individuals (International Criminal Tribunal for Rwanda 2018). Regarding Acholiland, the Ugandan government referred international crimes to the ICC in 2003, which was followed with five arrest warrants issued to the LRA’s top commanders in 2005 (Huyse and Salter 2008, 98). Till this point only one of the commanders has
been indicted (BBC 2005). Therefore, both cases were subject to similar additional transitional justice tools whose effect on collective trauma healing is controlled for (X5 in Table 2).

<table>
<thead>
<tr>
<th>Cases</th>
<th>X1 Traditional Justice</th>
<th>X2 Conflict Intensity</th>
<th>X3 Societal Importance</th>
<th>X4 DDR</th>
<th>X5 ICC Involvement</th>
<th>Y Healing of Collective Trauma</th>
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</thead>
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<td>0</td>
<td>0</td>
<td>1</td>
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<tr>
<td>Acholiland</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 2: Most Similar Cases Research Design including case specifics (Gerring 2006, 132)

Next to the discussed controls, there is nevertheless a confounding factor which needs to be mentioned. While traditional justice processes are characteristically restorative, the Rwandan case had a more retributive nature due to its trial structure. The Ugandan case on the other hand has been more restorative. This is based on its traditional proceedings but also due to the Amnesty Act which was introduced in 2000 and which omitted their prosecution (Rose 2008, 359). The influence of the Amnesty Act is thus further discussed as alternative explanation below.

Taking everything into account, Rwanda and Acholiland have been chosen for the case comparison for five reasons. First, they are both representative of the overall population, namely traditional justice processes which have been adopted as transitional justice tools after conflict. Second, the unit of analysis of this study, the communities subjected to these traditional justice processes are of comparable nature. Third, they vary on the dependent variable in the characteristic of interest namely differing levels of healed collective trauma. The selection was therefore based on this study’s research objective. Fourth, they hold the four confounding variables of conflict intensity, societal importance of traditional justice, DDR programs, and international legal involvement constant. Based on the theoretical framework these were identified to possibly confound the research results and their controlling therefore enhances comparability and generalizability. Lastly, the previous reasons demonstrate why other cases would not have enabled a similarly controlled analysis. For instance, the spiritual healing ceremonies in Mozambique were not paired with an instrument of international justice such as the ICC. A comparison with the Solomon Islands would not have allowed to control for conflict intensity with its relatively lower levels of displacement and fatalities (Wallis, Jeffery, and Kent 2016, 164).
Time Frame

A well-defined time period is a condition for a successful structured and focused case study comparison. In this analysis the selected time frames are centered around the implementation period of the traditional justice processes. In Rwanda the Gacaca trials officially started in 2005, nevertheless they were already being piloted in selected communities from 2002 onwards (Bert Ingelaere 2008). In Acholiland traditional justice procedures did not have an official starting date as healing rituals where conducted whenever combatants returned to their communities or reception centers. Demands for traditional justice ceremony have increasingly grown since 2002, which serves in this paper as official starting point (Liu Institute 2005, 46). Thus, in both cases the starting date of the traditional justice processes is set for 2002 as mechanisms started to be widely practiced from this point onwards.

The dependent variable, being the level of healed collective trauma, is measured 8 years after the traditional justice process has started. This allows the observation of a medium-term impact analysis. It is argued that by choosing such a timeframe, effects of the measures can properly be observed without becoming disconnected to the process. A longer timespan could result in various confounding elements, such as economic development. Therefore, in Rwanda and in Acholiland the empirics for the outcome variable are drawn from 2010.

The independent variable looks broadly at the traditional justice process. Based on the previously discussed theoretical framework and the developed hypothesis, it is of specific interest to explore who was driving the implementation of the process. As discussed above, the planning of the Rwandan trials was initiated in 1999. In Acholiland the initiation phase has been set for 2000, based on first reconciliation attempts stated in the Amnesty Act. As both outcomes are analyzed in 2010, the independent variable will be analyzed to this date as well. Hence, the variation in traditional justice processes (independent variable) is analyzed between 1999 and 2010 in Rwanda and between 2000 and 2010 in Acholiland.

The causal relationship which looks at the type of contact which participants of traditional justice processes experience, is analyzed from the start of the traditional justice process until the measuring of the healed trauma. Thus, the type of intergroup contact is examined from 2002 – 2010 in Rwanda and Acholiland. For enhanced clarity, all timeframes are summarized in Table 3 below.
<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Rwanda</th>
<th>Acholiland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Variable</td>
<td>1999 – 2010</td>
<td>2000 - 2010</td>
</tr>
<tr>
<td>Causal Mechanism</td>
<td>2002 – 2010</td>
<td>2002 - 2010</td>
</tr>
<tr>
<td>Dependent Variable</td>
<td>2010</td>
<td>2010</td>
</tr>
</tbody>
</table>

Table 3: Timeframe of the Variables of Interest

It is argued that this highly similar timeframe aids the most-similar case design as it eliminates most confounders related to the time period. However, it needs to be noted here that the population of this study focuses on post-conflict societies, which nevertheless was defined by an individual experience of a post-conflict lived experience.\(^{11}\) While the Rwandan genocide had ended in 1994, the Acholi conflict only came to a de facto end in 2006. However, the 2000 Amnesty Act has led to large scale demobilizations with roughly 20,000 combatants having returned before conflict had ended (Rose 2008, 354). Furthermore, it is argued that although the Rwandan conflict had ended in 1994, violence was still strongly felt till the turn of the century (Latigo 2008, 31). After that violence continued in the neighboring Democratic Republic of Congo (DRC) with re-occurring involvement of the Rwandan forces till 2009 including the First and Second Congo Wars (Gettleman 2009; OHCHR 2010). While to a lesser degree, it is argued that Rwandans have not experienced a complete absence of conflict either during the early years of the Gacaca trials. Having discussed the limitations of the time frame, the variables are now placed within the timespan.

**Data Collection**

The empirical analysis is based on data collected from various primary and secondary sources. To enhance an unbiased analysis in terms of source bias but also a potential Western-centric researcher bias, the data is triangulated by consulting local as well as international sources. The data is gathered from academic sources including various Rwandan, Ugandan and other African scholars as well as authors from around the globe. In addition, government documents including survey data by the Rwandan National Unity and Reconciliation Commission (NURC) or Rwandan legal documents are consulted. Further, reports and studies conducted by Non-Governmental Organizations (NGO) like the Ugandan Justice and Reconciliation Institute are part of the data used. Generally,

\(^{11}\) *See supra note 5* for the definition of post-conflict.
it is here noted that Acholiland-specific data is used whenever it is available, in cases in which information is only available or applicable on a national level Uganda-specific data is used as a proxy. The minority of southern Sudanese Acholi are exempted from this study, as a different national context would imply various confounding factors such as differing national reconciliation policies.

To analyze the healing of collective trauma survey data is used to assess how positive community relations are perceived by the community members. In Rwanda a study from 2010 by the National Unity and Reconciliation Commission is used which provides data on ‘Rwandans trusting each other without discrimination’. In Acholiland data is drawn from an academic study by Vinck and Pham (2010) which determines the ‘perceptions on positive relationships with the wider community’. It is recognized that these measures are not identical and could not be triangulated as a shortage of data availability did not allow this. It is however argued that their similarity still allows for a comparison of results within the indicator of the ‘degree of positively perceived relations with the wider community’. Trust amongst community members is a strong indicator of a positively perceived relationships. It is therefore argued that it can be used as a proxy to measure community relationships. Without trust towards other community members intergroup relations would not be perceived positively. Additionally, the trust is specifically identified as indiscriminatory against any sub-groups within the larger community. This underscores the applicability to wider and positive community relations further.

The analysis of the independent variable as well as the causal mechanism is based on a triangulation of reports and academic sources. To provide closer insides on perceptions, anecdotal evidence is additionally consulted to shine light on the causal story. These are retrieved from interviews which were conducted by scholars or NGO personnel.

**Structured Focused Comparison**

The previous sections presented the choice of qualitative method, elaborated on the comparative design following Mill’s Method and demonstrated the case selection. The upcoming section now discusses by which criteria the chosen cases are analyzed in terms of their outcome, input and causal mechanism. The relationship of interest presents the question of why some traditional justice mechanisms differ in their impact on the healing of collective trauma. To allow for a systematic
comparison of Rwanda and Acholiland, a SFC is chosen as methodological tool to analyze the empirics.

The method is ‘structured’ in terms of following a clear set of general questions which can be asked for each case of the population (George and Bennett 2005, 86). Questions, which are representative of the research objective, guide the collection and analysis of data in a comparable way (George and Bennett 2005, 67). This allows to analyze each case in an equal, replicable and thus systematic manner. The method is furthermore ‘focused’ as it concerns itself specifically with the topic of interest. Rather than analyzing the cases in all possible regards, questions are formulated with a specific research objective in mind and seek answers to the theoretical framework (George and Bennett 2005, 86). SFC therefore guarantees a standardization of data requirements and enhances the generalizability of cases even though they are not perfectly similar in all aspects (George and Bennett 2005, 86). The following section applies this framework to the independent and dependent variable in addition to the causal mechanism identified through the theory.

**Operationalization**

To apply the theoretical framework to the selected cases and to test the derived hypothesis, previously defined concepts need to be operationalized. Such operationalization aids to determine the outcome, namely the degree of healed collective trauma. It further allows to determine whether the traditional justice processes are community-led or if they have undergone an institutionalization. Finally, it enables to identify the impact of the previously identified causal mechanisms being voluntary community engagement. It applies the methodology of SFC to identify indicators for all concepts to guide the following empirical analysis. All indicators are furthermore under the scrutiny of validity and reliability to ensure that they capture the concepts of the definition and that they allow for replicability of the research design (Powner 2015).

**Dependent Variable: Healing of Collective Trauma**

Collective trauma has been defined in this paper as raptured social fabric and its healing consequently as repairing of social fabric. As healing is not understood in absolute terms but rather as a progress, the healing of collective trauma is regarded as a continuous variable. Therefore, the extent to which collective trauma has been healed is of interest. Such differing levels of healing are observed in the degree of positively perceived community relations. This choice of indictor is based
on the following arguments. First, social fabric is here understood as the state of community relations. The focus will be put on how the community is viewing itself as collective and the intercommunal relations. Therefore, focus is on the perception rather than on the behavior. It is argued that behavioral characteristics of healed collective trauma such as decreasing levels of violence may indicate a healing of traumatization, but do not necessarily reflect how the community views its state of societal health. This way a more precise analysis is allowed for by looking at it through community perceptions on the state of intersocietal bonds.

<table>
<thead>
<tr>
<th>Indicators for the Dependent Variable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question</td>
</tr>
<tr>
<td>To what extent has collective trauma been healed?</td>
</tr>
</tbody>
</table>

Table 4: Indicators for the Dependent Variable

**Independent Variable: Institutionalized and Community-led Traditional Justice Process**

A traditional justice process is defined as justice and reconciliation mechanism which has been used by communities historically to resolve disputes. It is in this research regarded as binary variable which divides traditional justice processes into institutionalized ones and community-led ones. An institutionalization of traditional justice refers to it being government- or international body-led and therefore regarded as a top-down process. While it is government or internationally driven, it does not lose its characteristics of being based on a local conflict resolution ritual. However, to observe an institutionalized traditional justice process, a national or international legal framework, which established the justice process, should be observed. The indicator is here chosen as it reflects a clear top-down intervention into the traditional procedure. A community-led traditional justice process, on the other hand, is not initiated nor executed by the government but owned by the community. Locally-led mechanisms are therefore regarded as locally-owned, bottom-up processes. To determine a traditional justice process as community-led, the absence of national or international legal frameworks establishing the traditional proceedings, needs to be observed.
Table 5: Indicators for the Independent Variable

<table>
<thead>
<tr>
<th>Question</th>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the traditional justice process</td>
<td>No national or international legal framework which established the</td>
</tr>
<tr>
<td>been community-led?</td>
<td>traditional justice process</td>
</tr>
<tr>
<td>Has the traditional justice process</td>
<td>A national or international legal framework established the traditional</td>
</tr>
<tr>
<td>been institutionalized?</td>
<td>justice process</td>
</tr>
</tbody>
</table>

Table 6: Indicators for the Causal Mechanism

<table>
<thead>
<tr>
<th>Questions</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has there been community</td>
<td>A) Participation of community members in the traditional justice process</td>
</tr>
<tr>
<td>engagement?</td>
<td></td>
</tr>
<tr>
<td>Was the community engagement</td>
<td>A) Participation was not pressured by national or international bodies</td>
</tr>
<tr>
<td>voluntary?</td>
<td>B) Participation was not pressured by the community</td>
</tr>
</tbody>
</table>

Causal Mechanism: Voluntary Community Engagement

Voluntary community relations are defined as intergroup contact in which community members have engaged without being externally pressured. To determine whether this is the case, it first needs to be answered whether the community has been engaged in the first place. This is done by observing whether community members have participated in traditional justice. To then establish whether engagement occurred voluntarily, it is analyzed if participation was pressured. As pressure may occur by the government or international bodies as well as by the community, pressure by both actors needs to be neglected in order to identify participation as voluntary. Involuntary participation is thus given when pressure occurred either by the community, the institutional body, or both.
V Empirics: Rwanda

The previous sections have set up a roadmap for the following empirical analysis of the case studies. The research question of this paper explores why some traditional justice processes generate collective healing after conflict to a greater extent than others do. The developed theoretical framework aims to answer this by first emphasizing the importance of communal engagement created by the traditional justice process, and second by emphasizing the enhancing healing ability if this engagement has been brought about voluntarily. It argues that the nature of community engagement is influenced by whom the traditional justice process is driven. Therefore, it is hypothesized that community-led processes show greater healing potential than more institutionalized ones, as community ownership allows for more voluntary contact. The research design introduced the two cases used, namely the Rwandan people who participated in the post-genocide Gacaca trials and the Acholi people who took part in various traditional justice measures to facilitate the reintegration and reconciliation of LRA combatants after a decade-long civil war. The case selection was motivated by the difference in healed collective trauma with Rwanda showing lower levels of healing than Acholiland.

The research design furthermore provided the framework for a Structured Focused Comparison which guides the further analysis. Firstly, the level of healed collective trauma is assessed. Secondly, the characteristics of the traditional justice mechanism are evaluated by determining who the process was led by. Finally, it is determined whether the community was engaged during the traditional proceedings and whether it was of voluntary nature. However, before delving into the described analysis, each case is introduced by a short context description.

Introduction into Case I: Rwanda

The Rwandan post-genocide experience serves as the context of the first case study. In 1994 Rwanda experienced a 100-day long genocide which left 500,000 – 810,000 people dead and large numbers displaced (Megwalu and Loizides 2010). While the large majority of victims were Tutsis, around 50,000 Hutus fell victim to the violence as well (Staub, Pearlman, and Miller 2003). The mass atrocity was triggered by a long feud rooting back to colonial rule in which previous socio-economic groupings of Hutus and Tutsis were used to create an ethnic division between the two. Using indirect rule, the Belgium colonizers granted the, by them identified ‘superior’, Tutsi minority the power to rule over the ‘inferior’ Hutu majority. Racial separation was further stressed by its
institutionalization through identification cards (Bert Ingelaere 2008). Post-colonial violence was the consequence. Enabled by the ‘Hutu revolution’ in 1959 which put a Hutu president into power, waves of violence killed thousands of Rwandans and displaced many Tutsis into neighboring countries during the upleading decades to the genocide (Bert Ingelaere 2008).

Some of these displaced Tutsis then formed the rebel force Rwandan Patriotic Front (RPF) which returned to Rwanda in 1990 and started a civil war. In the midst of converting into a multiparty democracy, the 1993 Arusha Peace Agreement was signed. However, its implementation was never followed through on either side of the conflict. Propaganda by the Hutu government framed the external forces of the RPF as well as all possible internal supporters, being the Tutsi minority and opposing Hutus, as the enemy. Paired with reported violence against Hutus by the RPF, a genocidal environment was created. On April 6, 1994 a plane carrying the then-president was shot down killing all passengers (Bert Ingelaere 2008).

The very same night the violence began initiating a three-month long genocide led by the ‘Hutu Power’ (Rettig 2008). The killings were characterized by immense civilian engagement of neighbors killing neighbors and teachers killing students (Staub, Pearlman, and Miller 2003). Furthermore, it has been described as a strategically planned genocide which made use of the state administration and continuous propaganda (Forges and Longman 2004). The killings finally came to an end when the RPF claimed victory 100 days after it had started. The high and systematic involvement of civilians, army, police and militia led to over 100,000 individuals being accused and incarcerated of partaking in the mass violence (Staub 2014). With prisons being hugely overfilled and the national justice apparatus being completely overwhelmed with the amount of cases presented, an alternative solution was needed to address the past horrific crimes.

An adaption of the traditional justice mechanism Gacaca was presented as the solution. Traditionally Gacaca, meaning ‘justice on the grass’, was practiced in the communities to address small scale injustices at a communal level. The informal justice format was of primarily of restorative nature which focused on the restoration of relationships and only secondarily on truth establishment, punishment or compensation. Colonization then introduced Western-style justice to Rwanda. Nevertheless, Gacaca remained at the community level and incorporated into a more formalized system by becoming semi-traditional and semi-administrative. Nevertheless, community proximity and a reconciliatory nature remained as important characteristics (Bert Ingelaere 2008).
Following the genocide and attempts to address the crimes in a merely retributive way, the modernized version of the traditional Gacacas were reintroduced in 2002 in a trial phase and then introduced nationwide in 2005. These were originally scheduled to last until 2007, however only finalized trials in 2012 (Penal Reform International 2008). Within that time span the implementation covered over 9,000 cells (neighborhoods) and 1,500 sectors in Rwanda (Megwalu and Loizides 2010, 5). Their overall goals included the promotion of national unity, the establishment of truth, the speeding up of legal proceedings concerning crimes of genocide, the preemption of a culture of impunity, as well as the empowerment and involvement of the local population by adopting a traditional mechanism (Bert Ingelaere 2008).

This was to be achieved in two phases. The first pre-trial phase determined what had happened between October 1990 and December 1994 (Bert Ingelaere 2008). Evidence was collected by the questioning of the accused and testimony given by survivors and community members until December 2005, when the last pre-trial was finalized (Megwalu and Loizides 2010). In the second phase, those suspected to be responsible were then placed into three different categories which were revised multiple times. These established at which level individuals were prosecuted and determined their sentencing. While strong offenses like those in leadership were tried in ordinary courts, those only accused of property offense were tried at cell level. All other defenses were prosecuted at sector level Gacacas (Rettig 2008).

The Healing of Collective Trauma

The outcome of interest in this paper is the degree to which collective trauma has been healed after a community participated in a post-conflict traditional justice processes. The healing of collective trauma has been earlier defined as the repair of social fabric and has been operationalized through the degree of positively perceived community relations.

In 2010 the Gacaca trials had been nationally implemented for five years. A nationwide survey conducted by the National Unity and Reconciliation Commission (NURC) established, among other things, the state of social cohesion in Rwanda at that time. One of the survey questions asked about the level of ‘trust amongst Rwandan’s without discrimination’. As mentioned in the research design, the level of trust is used as a proxy to measure the degree of positively perceived community relations. The response revealed that in 2010 72.8% of Rwandans perceive themselves to have a
A trusting relationship with fellow Rwandans (NURC 2015, 97). This indicates that in 2010, eight years into the traditional justice process, relationships have been healed between more than a majority of Rwandans (Table 7).

<table>
<thead>
<tr>
<th>Indicators for the Dependent Variable - Rwanda</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question</strong></td>
</tr>
<tr>
<td>To what extent has collective trauma been healed?</td>
</tr>
</tbody>
</table>

Table 7: Indicators for the Dependent Variable - Rwanda

**An Institutionalized Traditional Justice Process**

The theoretical framework hypothesized about the impact which the driving party of the traditional justice process has on collective trauma healing. It is argued that community-led processes allow for a higher quality in community engagement than institutionalized processes. The latter are observed through the presence of national or international legal frameworks which establish the traditional justice process. Community-led processes are indicated by their absence.

In Rwanda various legal provisions were installed to establish and structure the Gacaca trials. After a failure of the national justice system to address the vast amount of incarcerations, the government explored the transformation of the previous traditional justice practice as an alternative transitional justice tool (Waldorf 2006). Between 1998 and 1999 the Rwandan government conducted weekly reflection meetings which concluded in the conceptualization of a more retributive version of the original trials (Bert Ingelaere 2008; Office of the President of the Republic of Rwanda 1999). This process included representatives of government, state, military, and police, however excluded the civil society (Bert Ingelaere 2008).

The first Gacaca Law, or Organic Law N°40/2000, legally established the modernized trial system and was implemented in January 2001. The jurisdiction of Gacacas included all but those crimes

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12 Additional observations from survey data of 2007 and 2015 demonstrate that this fits into an upward trend of trust enhancement and therefore social fabric reconstruction. In 2007 after the trials had only begun, 58% of the population still viewed it as naïve to trust others (NURC 2008, 2). In 2015 however, 3 years after the last Gacaca trial was completed, 93% of Rwandans stated a trusting relationship towards fellow Rwandans (NURC 2015, 97).
labeled as most serious (Karekezi, Nshimiyimana, and Mutamba 2004). This classification was based on the four categories of crimes previously established by the Genocide Law which incorporated the international Genocide Convention into national legislation in 1996 (Forges and Longman 2004; Waldorf 2006). While the first category included the most severe crimes and was exclusively under the jurisdiction of national courts, the later three fell under Gacaca jurisdiction (Forges and Longman 2004). As mentioned above subsequent laws adjusted the categorization and reduced them to three. The initial establishment also scheduled the finalization date of the trials. As was observed by an executive secretary, “it was the highest authorities who launched this idea that the trial should be completed by the end of 2007. It was an order from above. In particular from the Prime Minister, so it had to be implemented” (Penal Reform International 2008, 16).

The first Gacaca legislation was modified and expanded various times over the course of the Gacaca duration. The new Rwandan constitution included the framework within multiple of its articles. Art. 143 and 152 formally established Gacaca as one of the courts responsible to try crimes of genocide and task future legislation to follow-up, supervise and coordinate the Gacaca proceedings (Republic of Rwanda 2003). Next to amendments made by Organic Law N°33/2001, the 2004 modification brought greater changes to the Gacaca jurisdiction. Most importantly the previous four categories of crimes were recategorized into three (Penal Reform International 2008). Furthermore, war crimes were excluded from its jurisdiction removing crimes committed by the RPF from its agenda (Waldorf 2006). To increase the speed of trials, additional amendments followed in 2006, 2007 2008. These further extended the organizational framework, allowed for multiple courts within one community and provided provisions on punishment (Republic of Rwanda 2006, 2007, 2008).

Hence, the Gacaca trials were established through extensive national legislation including the initial law in 2000, its status as constitutional body through the incorporation of the 2003 constitution (Hankel 2013), and several amendments which were introduced throughout the course of the trials. Apart from setting up the traditional process as transitional justice mechanism, the legal provisions regulated its jurisdiction, the punishment, as well as its organization and functioning. Based on these regulations, the modernized Gacaca trials have often been labeled as ‘an instrument of the state’ by those who have experienced Gacaca still in its traditional version (Bert Ingelaere 2008, 44). However, one additional aspect to be mentioned, concerns the selection of judges. While there was a high level of government interference in the establishment of the trials, judges were selected by the community (Clark 2007). This however did not influence the nature of the process. Thus,
in accordance with the presented findings, the Rwandan Gacaca trials are here categorized as an institutionalized traditional justice process (Table 8).

<table>
<thead>
<tr>
<th>Question</th>
<th>Indicator</th>
<th>Rwanda</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the traditional justice</td>
<td>No national or international legal framework which established the traditional justice process</td>
<td>No, it was not community-led.</td>
</tr>
<tr>
<td>process been community-led?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has the traditional justice</td>
<td>A national or international legal framework which established the traditional justice process</td>
<td>Yes, it was institutionalized.</td>
</tr>
<tr>
<td>process been institutionalized?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8: Indicators for the Independent Variable – Rwanda

Community Engagement & Involuntary Participation

The developed theoretical framework argues that community engagement and particularly voluntary engagement enhances the healing of collective trauma through the creation of contact. Building on the previously developed indicators, this section assesses to which extent community members were engaged in the justice process, whether the engagement was voluntary and under which circumstances.

First, it is assessed whether community members participated in the proceedings. The Rwandan Gacaca trials were based on a principle of popular participation (Bert Ingelaere 2008). The empirics show that participation levels were high in many communalities around Rwanda at the early stage of the proceedings (Hankel 2013). Initially the interest and the support of the trials were thus broad (Bert Ingelaere 2008; Waldorf 2006). However, this early excitement was met by an increasing disinterest after Gacaca had been fully implemented. Observations show that pre-trials were cancelled or delayed due to insufficient community attendance (Waldorf 2006, 64). By the time the trials had originally been scheduled to end, fatigue had settled in and participation had lowered significantly (Penal Reform International 2008). In addition, to being oversaturated by a lengthy process, community members also reported to not be able to attend trial sessions out of a lack of
time as most of them are dependent on their agricultural activities (Waldorf 2006). As Gacaca trials were scheduled on a weekly basis (Haskell 2011), and other meetings such as community sensitization required attendance, community members were not willing to attend the trials due to economic reasons (Waldorf 2006).

Nevertheless, the Rwandan law sets the quorum for participation at 100 individuals regardless of the size of the village. Thus, while participation rates lowered they were still considerable enough to allow for the functioning of the Gacaca. To exemplify, one 2011 study conducted in a highly affected district, reported an attendance rate of 85% (Pozen, Neugebauer, and Ntaganira 2014). This indicates that while numbers of attendance were decreasing with time, community engagement was still given during the Gacaca trials (Rettig 2008). This finding is illustrated in Table 9 below.

Additionally, it is here observed that attendance did not imply active participation (Haskell 2011, 85). Nevertheless, those that did participate repeatedly in the weekly sessions perceived the process as more reconciliatory as those that did not participate repetitively (Megwalu and Loizides 2010, 27). This is supported by similar indications made by Ingelaere (2008) who suggests that in Rwanda, “the repeated coming together (…) seems to have a transformative influence on societal relations” (54). Furthermore, the Gacaca trials fostered additional community engagement outside of the trial setting (Megwalu and Loizides 2010). With Rwandans repeatedly expressing the need to come into communal dialogue over past events (Audergon and Audergon 2017), communities gathered in smaller circles after the trials to engage in discussion over the day’s Gacaca sessions as well as the past horrors (Megwalu and Loizides 2010, 22).

Second, the degree of voluntary engagement is reviewed by assessing whether Gacaca attendance was pressured by institutions or the community. As described above, participation levels had dropped increasingly the more the trials prolonged. As the Gacaca trials base their functioning and their legitimacy on popular, voluntary participation (Bert Ingelaere 2008, 55), the government as well as the Gacaca judges attempted to persuade community members to participate in trials (Haskell 2011). However, with persuasion efforts showing little improvements in attendance, more coercive measures were taken to ensure higher popular participation (Haskell 2011, 93). In 2004, a revised version of the Gacaca law (Organic Law N°16/2004) made the attendance legally obligatory. In Article 29 it states:
“Every Rwandan citizen has the duty to participate in the Gacaca courts activities. Any person who omits or refuses to testify on what he or she has seen or on what he or she knows, as well as the one who makes a slanderous denunciation, shall be prosecuted by the Gacaca Court which makes the statement of it. He or she incurs a prison sentence from three (3) months to six (6) months. In case of repeated offence, the defendant may incur a prison sentence from six months (6) to one (1) year. (...)” (Republic of Rwanda 2004, 8)

The legal provision, which threatened incarceration for non-attendance, was accompanied by certificate of good conduct, fines and coercion. To foster participation certificates of good conduct were handed out to those participating in the trials (Penal Reform International 2006, 3). The threatening of fines was similarly used to motivate attendance. As attendance was taken by local authorities (Penal Reform International 2006), non-attendance was then met with fines ranging between 1000 and 2000 Rwandan francs, an equivalent of 3.30USD (Haskell 2011, 93). Coercion was a final measure. Reports state that paramilitary units of the government were tasked to close shops, go from door to door and gather the population (Waldorf 2006; Haskell 2011). One individual for instance reports to have witnessed “farmers running into banana groves to avoid local officials who were rounding up community members to attend Gacaca” (Waldorf 2007, 268). Additionally, defense troops were tasked by the judges to ensure that community members stayed throughout the entire duration of a session and would not leave beforehand (Haskell 2011, 93).

The described pressure was reflected in the communities’ attitudes. While most Rwandans saw popular participation in Gacaca trials as critical in creating national unity (Clark 2010), they also viewed their participation as “fulfilling a duty to the government” (Clark 2010, 141).

Apart from coercion executed by Gacaca judges, the community has not been found to exercise pressure on others to participate. It is acknowledged that a certain level of individual level pressure is likely, for instance within families, however as there have been no systematic findings on this, it is regarded as low-level and therefore categorized as ‘absent communal pressure’.

Nevertheless, based on the legal obligation to partake in the Gacaca trials and the various measures to enforce the compulsory attendance including positive incentives, the threat of prison sentences, fines, and coercion, it is argued that the government actively pressured the population to participate in the Gacaca trials. With that and in accordance with the research design, the attendance in the traditional justice process is regarded as not voluntary (Table 9).

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13 Gacaca judges are categorized under national pressure due to their institutional role and top-down standing within the traditional justice process.
## Indicators for the Causal Mechanism - Rwanda

<table>
<thead>
<tr>
<th>Questions</th>
<th>Indicators</th>
<th>Rwanda</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has there been community engagement?</td>
<td>B) Participation of community members in the traditional justice process</td>
<td>A) Yes, community members participated.</td>
</tr>
<tr>
<td></td>
<td>C) Participation was not pressured by national or international bodies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C) Participation was not pressured by the community</td>
<td>B) Yes, the community did not pressure participation</td>
</tr>
<tr>
<td>Was the community engagement voluntary?</td>
<td>C) Participation was not pressured by national or international bodies</td>
<td>A) No, the government obliged citizens to attend the trials.</td>
</tr>
</tbody>
</table>

Table 9: Indicators for the Causal Mechanism - Rwanda

This section presented the empirical findings of Rwanda by following the indicators laid out by the research design. By doing so, Rwanda’s level of healed collective trauma was assessed, the traditional justice process was found to be an institutionalized one and community engagement during the trials was characterized by decreasing attendance and its involuntary nature. Following the same structure, the next chapter elaborates on the empirics of Acholiland.
VI Empirics: Acholiland

Introduction into Case II: Acholiland

The Northern Ugandan post-conflict experience serves as the context of the second case study. Before delving into the findings on the traditional justice mechanism and its impacts, a brief background section on the Northern Ugandan conflict and the differing traditional justice mechanisms is provided.

After Uganda had gained independence in 1962 it became the subject to a lengthy period of ethnic and politicized conflict (Latigo 2008). From 1968 until 2006 the northern region of the country has experienced one of the “biggest neglected humanitarian emergency in the world” as stated by the United Nations (Shabdita and Odiya 2015, 1). The last phase has affected the region most severely as the Joseph Kony-led Lord Resistance Army (LRA) engaged in a devastating war against the Ugandan government (Shabdita and Odiya 2015).

The consequences have been devastating. During its height between 2001 and 2004, 90% of the Acholi population was reported as displaced in Internally Displaced Camps (IDP) (Owor and Price 2012). 100,000 were killed and child abduction rates reach of estimates reaching up to 38,000 victims, a majority of them being Acholi (Latigo 2008, 94; Shabdita and Odiya 2015). Additionally, the conflict became infamous for its high rates of gender-based violence including forced marriage and sex slavery (Ensor 2013). A ceasefire agreement was finally reached in 2006, which marked the end of the violence, even though peace talks failed in 2007 (Vinck and Pham 2010). The implementation of transitional justice tools however already started before the conflict came to an end. Next to an Amnesty Act signed in 2000, traditional justice measures were increasingly implemented from 2002 onwards (Liu Institute 2005, 46).

Prior to colonial rule, traditional justice mechanisms were applied by the Acholi people for all matters of justice and reconciliation. These were based on the traditional belief system and executed through the local chiefs, also known as Rwodi (Afako 2002). In 1911, colonial rule disempowered these traditional chiefs and with that led to a weakening of the local tradition (Baguma 2012). In 1995, the cultural institution of Ker Kwaro Acholi (KKA) was finally reinstated and allowed for a re-flourishing of the practices. Coinciding with a finalizing of the conflict in the upcoming years, traditional justice mechanisms became a tool of transitional justice with common features including
the restoring of relations, a voluntary process, truth seeking, confession, and compensation (Baines 2007).

The most frequently used ritual has been *nyono tong gweno* or ‘stepping on the egg’ (Owor and Price 2012, 14). The traditional procedure is used to reintroduce a community member back into the society after they have left to cleanse them (Lamon 2013, 9). During the ceremony returnees are asked to step on a raw egg which is seen as pure. By washing away foreign elements it becomes a symbol of leaving past experiences behind (Parmar 2010; P. Pham et al. 2005). After the LRA atrocities, *nyono tong gweno* was frequently used to reintroduce former combatants back into the Acholi community. These ceremonies were often held in homesteads, but were also incorporated by reintegration agencies which welcomed the former combatants (Rose 2008).

Another prominent mechanism is *mato oput*, the ‘drinking of the bitter root’. In the ritual the bitter roots of the oput tree are ground up and mixed with an alcoholic drink named *kwete* (Ensor 2013, 185). The traditional justice process is practiced by the Acholi to reconcile the relationships between victim and perpetrator clans after murder or unintentional killing (Baguma 2012, 36). The process is initiated by a ‘cooling off’ period in which the parties that have been involved in the dispute are not to interact to avoid further conflict (Rose 2008). Elders then gather evidence and aim to achieve a consensus of what had happened. Based on this a suited but affordable compensation is decided upon, also referred to as *culo kwor*, and paid to the victim’s clan (Liu Institute 2005). Finally, the root juice is shared in which the bitterness of the relationship is ‘drunk away’ and therefore put in the past. This is followed by a shared meal in which all the food needs to be finished as symbol that no tension remains between the parties (Rose 2008).

**The Healing of Collective Trauma**

In 2010 traditional justice mechanisms had been implemented in a post-conflict environment for ten years. To measure the extent to which collective trauma was healed, the Acholi population’s view on the relationships with the wider community is determined. According to a community-wide survey conducted by a research team led by Vinck and Pham in 2010, 91% of the community members perceived this relationship to be good or very good (31). This indicates that after a medium-term time range, the social fabric had been rebuilt for a large majority of the community (Table 10).
Indicators for the Dependent Variable - Acholiland

<table>
<thead>
<tr>
<th>Question</th>
<th>Indicator</th>
<th>Acholiland</th>
</tr>
</thead>
<tbody>
<tr>
<td>To what extent has collective</td>
<td>Degree of positively</td>
<td>91% view the relationship</td>
</tr>
<tr>
<td>trauma been healed?</td>
<td>perceived community</td>
<td>with the wider community as</td>
</tr>
<tr>
<td></td>
<td>relations</td>
<td>positive</td>
</tr>
</tbody>
</table>

Table 10: Indicators for the Dependent Variable – Acholiland

A Locally-led Traditional Justice Process

To establish whether the traditional justice process was institutionalized or community-led, the presence or absence of a government or internationally imposed legal framework is assessed. Within the assessed timeframe of 2000 to 2010, Uganda has included provisions on reconciliation and traditional justice in legislation such as the Amnesty Act as well as further formalization in the Agreement on Accountability and Reconciliation. However, while both documents support the use of traditional justice mechanisms as part of the country’s and with that Acholiland’s greater transitional justice strategy, none of them formally establishes a traditional justice process.

In 2000 the Ugandan government lay the basis for a transitional justice process by including a section on reconciliation. In Section 9 (c) the Amnesty Commission is given the function “to consider and promote appropriate reconciliation mechanisms in the affected areas“ (Republic of Uganda 2000, 4). With that the first legal context was provided for traditional mechanisms as transitional justice tool (Allen, Waddell, and Clark 2008, 48). However, while the provision started a discussion on traditional justice, it did not provide any detail nor follow-up mechanisms.

During the Juba Peace Talks the Agreement on Accountability and Reconciliation was one of the agenda items on which consensus was reached and which was then signed by the Ugandan government and the LRA in June 2007. The document included various articles which touch upon traditional justice. In the ‘Principles of General Application’ it reads:

3.1. “Traditional Justice mechanisms, such as Culo Kwor, Mato Opot, Kayo Cak, Ailuc and Tonu ci Koka and others as practiced in the communities affected by the conflict, shall be promoted, with necessary modifications, as a central part of the framework for accountability and reconciliation.”

(Republic of Uganda and LRA/M 2007, 5)
Furthermore, the ‘Legal and Institutional Framework’ provides that,

“5.2. The Parties therefore acknowledge the need for an overarching justice framework that will provide for the exercise of formal criminal jurisdiction, and for the adoption and recognition of complementary alternative justice mechanisms.

5.3. Alternative justice mechanisms shall promote reconciliation and shall include traditional justice processes, alternative sentences, reparations, and any other formal institutions or mechanisms.”

(Republic of Uganda and LRA/M 2007, 7)

The provisions demonstrate that rather than providing a clear framework of establishment or implementation, the government only acknowledges the need of traditional justice. By using rhetoric such as ‘shall include’ and ‘shall promote’ commitment is avoided and instead only support indicated.

While the peace agreement was never signed, the government still committed itself to follow up on the provisions agreed up on in the Agreement and charged the Justice Law and Order Sector (JLOS) with the development of a transitional justice framework (Baines 2010). However, the JLOS only started its consultation process on traditional justice in 2011 (Owor and Murithi 2011). With that, the government never implemented a legal framework which establishes a traditional justice process within the timeframe of this study.

Supporting evidence shows that it was mainly Ker Kwaro Acholi (KKA), the traditional leader council of Acholiland who was driving the implementation of the traditional justice process. After the local network had been reinstated in 1995, the elders have supported the introduction of traditional justice procedures to facilitate the re-integration of LRA returnees and community reconciliation (Rose 2008; Liu Institute 2005). Since then they have been the primary implementation body of the cleansing rituals as well (Owor and Murithi 2011).

As no national nor international legal framework established the traditional justice process, it is concluded that the process was community-led. This finding is reinforced by the supporting evidence on the Ker Kwaro Acholi advocating and implementing role in traditional justice (Table 11).
### Indicators for the Independent Variable - Acholiland

<table>
<thead>
<tr>
<th>Question</th>
<th>Indicator</th>
<th>Acholiland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the traditional justice process been community-led?</td>
<td>No national or international legal framework which established the traditional justice process</td>
<td>Yes, it was community-led.</td>
</tr>
<tr>
<td>Has the traditional justice process been institutionalized?</td>
<td>A national or international legal framework which established the traditional justice process</td>
<td>No, it was not institutionalized.</td>
</tr>
</tbody>
</table>

Table 11: Indicators for the Independent Variable - Acholiland

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**Community Engagement and Voluntary Participation**

This section assesses to which extent community members were engaged in the justice process and whether the engagement was voluntary by looking at community participation and externally pressuring factors.

Acholi rituals are as many other traditional justice processes, participatory in nature. Participation is not restricted and the entire community of the victim as well as the perpetrator is invited to participate (Baines 2007; Latigo 2008; Steinl 2017). This is due to its emphasis on unity and community-focused outcomes, which highly encourages popular participation. Thus ceremonies are usually attended by perpetrators and sometimes victims, their family members, their larger communities, elders, local counselors, and assisting local NGOs (Latigo 2008; Liu Institute 2005).

When looking at the distribution of ceremonies, most reception centers in the three Acholi districts aid the facilitation of tradition cleansing rituals such as the ‘egg breaking’ once former combatants return (Liu Institute 2005, 74; Rose 2008, 361). Study results show that between 40 – 50% of all returnees at least participated in one traditional practice (Liu Institute 2005; Owor and Price 2012). For non-returnees numbers are estimated to be lower, however still accounted to almost a third within the group of non-formerly abducted persons (Owor and Price 2012). While many of the ceremonies were practiced to benefit an individual abductee, there were also a considerable amount of communal and family cleansing ceremonies recorded (Liu Institute 2005; Baguma 2012).
Between 2004 and 2006 alone 54 group ceremonies were reported by one study (Latigo 2008). Due to the growing demand and limited resources these group ceremonies where introduced in IDP camps and town centers to address the grievances of the conflict (Liu Institute 2005, 44, 55). To exemplify, one collective ceremony was reported to have included 800 former abducted persons (FAP). Further questioning on why participation rates were not higher revealed that in many cases a lack of economic resources necessary to afford ceremonial items such as eggs or a goat restrained participation (Liu Institute 2005; Owor and Murithi 2011; Owor and Price 2012). For younger Acholi a limited knowledge on the traditional practices was another reason reported (Latigo 2008).

Nevertheless, participation in the traditional communal practice has been found to be spread all over the studied region and to be growing in demand. This way the participatory nature allowed for roughly half of the returnees and a third of other community members to participate. It is thus concluded that the Acholi community engaged in the traditional justice process (Table 12).

Next to the welcome rituals which were practiced in the reception camps, communities have enabled returnees to partake in traditional justice procedures as well. The communal ceremonies are regarded as highly important by the community members as it is seen as a “special way of communicating welcome of formerly abducted children” (Liu Institute 2005, 46). This is reflected in the participation. In community-centered ceremonies, the majority of communal rituals was reported to target the joining of clans rather than focusing only on individuals (Owor and Murithi 2011). Thus, a broad participation is further encouraged within the receiving villages. Next to the levels of participation, the consultations have also shown the positive effects which have been experienced by the attendees. Firstly, community acceptance and belonging were improved. One FAP explained how he “felt that people also loved them and were thinking about them yet they [had done] very many bad things” (Liu Institute 2005, 45). Further in-depth interviews supported this as improvements of social relations within the community were reported as well as a reduction in aggressive behavior (Liu Institute 2005, 45, 2005). Secondly, the implementation of these traditional mechanisms has been viewed to promote local ownership opposed to “detached” formal justice processes (Harlacher et al. 2006; Owor and Murithi 2011, 4). Overall, the use of communal justice mechanisms was favored, especially amongst those where the ritual had been properly understood (Liu Institute 2005, 41, 45). While only 20% of those who did not comprehend the traditional rituals stated a positive change after participating in a ritual, 81% of those who fully understood its significance reviewed it as positive (Liu Institute 2005, 41).
The voluntary nature of community involvement is another key characteristic of Acholi traditional justice (Latigo 2008). Voluntary involvement of the parties is seen as a requirement of the process which also includes the voluntary confession of past wrongdoings (Lamony 2013, 24; Liu Institute 2005). Such voluntary confession is supported by the Acholi belief system which sees the haunting by past spirits and misfortune for the community as consequence of non-confession (Liu Institute 2005; Steinl 2017). In the words of an interviewee, “this must be completely voluntary or not done at all” (Liu Institute 2005, 55). A survey conducted in 2005 showed that 86% of the interviewed FAP confessed voluntarily during a traditional justice ceremony (Liu Institute 2005, 68). Therefore, participation is shown to have been voluntary. Nevertheless, exceptions have been reported on community pressure. A former forced wife reported how she was pressured into participating in the justice ritual by explaining that “it was what the community people wanted, not what I need” (Parmar 2010, 257). The review of the empirical evidence has found this to be an exception though.

Lastly, there is no evidence for institutional pressure on participation. The empirics have shown that national and international involvement was mostly limited to financial aid (Latigo 2008, 106). Therefore, based on the strong emphasis of voluntary participation and the absence of national and international pressure, it is concluded that the community involvement in the Acholi traditional justice process has been largely voluntary (Table 12).

<table>
<thead>
<tr>
<th>Questions</th>
<th>Indicators</th>
<th>Acholiland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has there been community engagement?</td>
<td>A) Participation of community members in the traditional justice process</td>
<td>A) Yes, community members participated.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Was the community engagement voluntary?</td>
<td>A) Participation was not pressured by national or international bodies</td>
<td>A) Yes, the government did not pressure citizens to participate.</td>
</tr>
<tr>
<td></td>
<td>B) Participation was not pressured by the community</td>
<td>B) Yes, the community did not pressure participation.</td>
</tr>
</tbody>
</table>

Table 12: Indicators for the Causal Mechanism - Acholiland
VII Comparative Analysis

After having presented the empirics of both cases, the following chapter analyzes the findings. This paper attempts to answer why some traditional justice processes generate the healing of collective trauma after conflict more than others. While it is argued that community engagement in traditional processes generally has a healing effect on collective trauma due to the contact creation, it is argued that local ownership enhances these effects further. This is based on the theoretical argument that community-driven justice procedures are more likely to allow for voluntary participation. As this enhances the building of relationships, collective trauma healing is fostered to a greater extent. Therefore, it is hypothesized that locally-led processes are more successful in healing such trauma than institutionalized ones.

The empirics of the Rwandan as well as the Acholi case indicate moderate support for these arguments. The proceeding chapter first analyzes the cases individually to briefly demonstrate the causal relation between traditional justice and collective trauma healing. This is done by demonstrating their participatory nature, by linking the level of external evolvement to the (in)voluntary nature of participation and by arguing for the link between the nature of contact and the level of healed collective trauma. It then elaborates comparatively on the theoretical implications for the hypothesis and the causal mechanism. Finally, alternative explanations and limitations are presented.

Case by Case Analysis: From Traditional Justice to Collective Trauma Healing

Rwanda

Within the theoretical framework it was argued that traditional justice processes are often characterized by their participatory nature. Community engagement has been shown to be a dominant feature in most of these processes. In Rwanda the Gacaca trials were similarly based on the principle of popular participation. Like its original predecessor, the trials were to gain legitimacy through local mass engagement. Indeed, the community attended the Gacaca trials, however with stagnating numbers as initial euphoria was met with an increasing disinterest. To understand why attendance nevertheless remained sufficiently high for the Gacaca trials to proceed with a legally required quorum of 100 people, one needs to review how the participation numbers were ensured.
Theoretically, it is argued that the institutionalization of traditional justice leads to a local disowning of the process. With that it becomes removed from the participating population. It has been further argued by this paper that this leads to less voluntary participation. Firstly, because participants become devoiced and secondly, because an institutionalization carries a certain level of institutional pressure. In Rwanda, the Gacaca trials were characterized by their institutionalization through the government. Multiple laws and the inclusion in the new constitution established the trials and determined their functioning in great detail. This indeed caused a delocalization of the process. Even more so, the Rwandan government made attendance to the trials compulsory and ensured this obligation with threats of fines and incarceration, but also with paramilitary force. This way attendance numbers remained sufficiently high. With that the theoretical argument of involuntary participation being an outcome of the institutionalization of the traditional justice process finds support here.

Finally, the theoretical framework argues that the establishment of contact fosters the healing of collective trauma. The Gacaca trials widely facilitated contact between members from all sides of the conflict and across the Rwandan Republic through the community engagement in their procedures. Support has been found that this contact has had communal healing effects, when it took place repetitively. However, it also argues that this healing effect is diminished by an involuntary nature of contact. This is based on arguments drawn from Intergroup Contact Theory which have shown that once contact is coerced its impact on trust enhancement and empathy building as well as prejudice reduction is reduced. While data shortage did not allow to empirically trace the link between involuntary contact and a decreased level of collective trauma healing, the vast previous findings on coerced contact in addition to the empirical findings of the trauma levels in Rwanda allow for an indication. The empirics show that in Rwanda 72.8% of the population trusted fellow Rwandans without discrimination. Using the degree of positively perceived community relations as an indicator, the findings suggest that about three quarter of Rwandans experienced healing of collective trauma in 2010. This allows for the assumption that trauma levels are still persistent at a moderate level. Thus, even though contact has aided its healing, the effects were reduced by its involuntary nature.

<table>
<thead>
<tr>
<th>Summary of Empirical Findings – Rwanda</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Institutionalized traditional justice process</td>
</tr>
</tbody>
</table>

Table 13: Summary of Empirical Findings - Rwanda
Acholiland
Similar to other traditional justice processes, the Acholi healing rituals are characterized by a strong emphasis on communal participation. The facilitation of traditional justice mechanisms with FAPs in reception camps as well as in the home communities has created contact amongst an estimate of half of the formerly abducted and at least one third of the non-FAP community members across the sectors of Acholiland. Thus, the case of Acholiland supports the theoretical assumptions made that traditional justice processes foster community engagement.

The theoretical framework further argues that community-led processes generate voluntary engagement. By leading a process of justice ownership is taken, which entails that no external force is pressuring the way it is set up nor the participation in it. In Acholiland the traditional justice procedures were driven by the local traditional leader council KKA and no national nor international legal framework was present to establish the process. In the spirit of the traditional belief system a voluntary nature of participation was seen as crucial. In the absence of institutionalization, the traditional justice process was implemented in accordance to the local needs. Furthermore, participation was not pressured through legalities or a formalized framework. Instead and with few recorded exceptions, the returnees and their respective community members took part in the procedures out of a wish to integrate former fighters into their receiving communities. Thus, voluntary participation was generated through the community-led approach which was taken in Acholiland.

It has been theoretically argued that contact, and with enhancing effects voluntary contact, generates prosocial behavior which allows relationships to foster and with that collective trauma to heal. In Acholiland the participation in the process has shown to create local ownership amongst the participants as they did not feel ‘detached’ from the process. Instead community acceptance and reduced levels of aggression were reported in relation to the traditional justice procedures, indicating the fostering of prosocial behavior based on community engagement. Finally, improvements in social relations within the community were perceived after communal healing procedures. The empirics furthermore show that in 2010 91% of the Acholi population viewed their relationship with the wider community as positive, which is here interpreted as a higher level of healed collective trauma. Thus, the findings give support to the theoretical assumption that collective trauma healing takes place after the participation in traditional justice processes and due to community engagement. Due to a shortage in data, the high level of trauma healing cannot be empirically connected to the enhancing effects of the participation’s voluntary character. However, based on the extensive previous findings in Contact Theory, a link is here suspected. Therefore,
suggested support is given to the argument that voluntary community engagement enhances collective trauma healing.

<table>
<thead>
<tr>
<th>IV</th>
<th>Causal Mechanism</th>
<th>DV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Locally-led traditional justice process</td>
<td>Community engagement</td>
<td>Voluntary participation</td>
</tr>
</tbody>
</table>

Table 14: Summary of Empirical Findings - Acholiland

**Summary of Empirical Findings – Acholiland**

**Between Case Analysis – Implications for the Theory**

In both cases empirical findings have given moderate support to the hypothesis that locally-led traditional justice processes generate collective trauma healing to a greater extent than institutionalized ones. Furthermore, notable support is given to importance of community engagement for collective trauma healing, while modest support is indicated for the enhancing effects of voluntary participation. Thus, limitations of the empirical evidence and partially of the research design as well as the possibility of alternative explanations of the outcome caution more definitive conclusions.

**Implications for the Hypothesis**

Both cases have indicated support for the generated hypothesis. The research design chose for a case selection which demonstrates different levels of collective trauma. Thus, in Rwanda a moderate level of healing is interpreted while Acholiland’s healing progress was considered as high, which allows for the conclusion that the latter has been more the more successful case in terms of collective trauma healing. As hypothesized a variation was identified in the independent variable which shows different drivers of the traditional justice process. While the process was institutionalized by the government in Rwanda, the Acholi process was community-led. As theoretically expected, both cases suggest that collective trauma had been healed to a certain extent. Nevertheless, as hypothesized, the institutionalized process in Rwanda is argued to have generated relatively lower levels of healed collective trauma in comparison to the community-led process in Acholiland, as illustrated in Table 15 below.
Table 15: Summary of Key Theoretical Implications

<table>
<thead>
<tr>
<th>Case</th>
<th>IV</th>
<th>Causal Mechanism</th>
<th>DV</th>
<th>Support for the hypothesis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rwanda</td>
<td>Institutionalized traditional justice process</td>
<td>Involuntary participation</td>
<td>Lower degree of healed collective trauma</td>
<td>Yes</td>
</tr>
<tr>
<td>Acholiland</td>
<td>Locally-led traditional justice process</td>
<td>Voluntary participation</td>
<td>Higher degree of healed collective trauma</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Implications for the Causal Mechanism

The developed theoretical framework firstly argues that community engagement during traditional justice processes fosters the healing of collective trauma. To explain the variation between different levels of healing, it further argues that locally-led processes enhance healing to a larger extent as participation is more likely to be of voluntary nature.

Firstly, the impact of community engagement on collective trauma healing is assessed comparatively. As suggested by the case of Acholiland considerable support is given to the theoretical expectation that communal participation generates healing through the pro-social behavior which is generated by the created intergroup contact. While the empirics of Rwanda do not oppose this finding, additional observations were made. As touched upon in the theoretical model, the quantity of contact has previously been shown to have a positive impact on the rebuilding of social fabric and thus collective trauma healing. This theoretical assumption finds support here. The findings indicate that in comparison to those participants who did not participated repeatedly, the participants that did participate repeatedly in the trials perceived an improvement in reconciliation and societal relations. Finally, the research proposes that Rwandans have sought additional communal gatherings on the sidelines of the Gacaca as community members met up after trial sessions to reflect jointly. This further indicates that repetitive contact was actively thought to foster the collective healing process.

The Acholi empirics fell short to provide similar indications; however, this might be due to different dynamics of the healing rituals. While the Rwandan Gacaca asked for repeated gatherings
throughout the evidence collection and the trial phase, Acholi rituals did not have this aspect. This was due to healing procedures not asking for repetitive rituals, and secondly may be a result of the still limited accessibility of the process. Thus, an enhancing impact of repeated community engagement is suggested. Nevertheless, this asks for further research to strengthen the claim. In the case of support, this variation could explain further why the Rwandan case experienced moderate rather than low collective trauma healing as the quantity of contact would have counterweighed the possibly diminishing effects of involuntary contact. This would also indicate that efforts of spreading the accessibility of the Acholi mechanisms should be continuously supported to allow for repetitive community engagement. Even if Acholi mechanisms do not ask for a repetition of a single ceremony, the communal characteristic can join community members repeatedly for ceremonies of different individuals or clans.

Secondly, the effect of the driving force of the traditional justice process on the nature of participation is assessed. Both cases indicate support for the theoretical argument that an institutionalization of the process fosters involuntary contact and accordingly that voluntary engagement is promoted by communal ownership. The empirics in Rwanda show extensively that legal provisions as well as the enforcement through paramilitary groups pressured Rwandans into the participation of the Gacaca trials, even though the process was inherently thought to be voluntary at first. In Acholiland voluntary participation paired with voluntary confession were key features of the traditional justice process. While the Gacaca did not place as much importance on the voluntary nature of contact, both processes where set up as voluntary mechanisms. Nevertheless, in line with the theoretical assumptions, the Acholi process fostered free participation as it allowed the community to take ownership over the process.

One interesting additional observation concerns the financial aspects of the traditional justice processes, which affected the (in)voluntary participation. In Rwanda, the unwillingness to attend was not only caused by a loss in interest which can be explained by a forceful oversaturation of trial sessions and general disengagement with the process. It was also based on economic restrains. The agriculturally dependent participants were simply not able to afford the attendance as they had to tend to their fields. Therefore, even though the participation itself did not cause financial burden, it did lead to an absence of income. In Acholiland, economic restraints played a comparable role. While community members might have liked to engage in processes, it was demonstrated that in some cases they were not able to afford the necessary items such as eggs. This is an interesting observation as in the first case participation was restrained due to the institutionalization, and in the second case a lack of institutionalization restricted the communal engagement as financial
support to the participants could have been provided by an institution. This suggests that a fine balance needs to be drawn by allowing communities to implement and partake in the processes on their own terms, while providing them with the resources to execute them. Therefore, while involuntary participation is found to be triggered by institutionalization, a complete lack of institutional support may restrict participation all together.\(^1\)

Thirdly, the impact of (in)voluntary nature of community engagement on the healing of collective trauma is assessed. The developed theoretical framework which draws its argumentation from previous findings in Intergroup Contact Theory, argues that besides healing effects which any type of contact and hence community engagement generates, voluntary contact has an additional enhancing effect. Thus, the theory argues that voluntary participation in traditional justice fosters collective trauma healing to a greater extent than pressured participation. This argument finds empirical support in terms of the correlation. In Rwanda involuntary community engagement in the Gacaca trials were followed by a comparatively lower level of healed collective trauma. In Acholiland, the voluntary community participation in the traditional justice ceremonies were followed with a comparatively higher level of healed collective trauma. While it was empirically not possible to establish a causal trace between the causal mechanism and its respective outcome, the extensive previous research on contact theory, allows to suspect such a link. Therefore, even though the last part of the causal argument falls short of empirical evidence, the shown empirical correlation and the vast previous findings on contact theory allow to suggest modest support for the argument made. It will be up to future research to identify further empirical evidence to either support or discredit this.

To conclude, the analysis suggests empirical support for both the hypothesis and to a more modest extent, the causal mechanism. By comparing the case studies of Rwanda and Acholiland, it is proposed that locally-led traditional justice generates higher levels of healed collective trauma than an institutionalized process may account for. The causal explanation of the variation which is based on voluntary contact, finds modest support through the empirical findings. However, it is upon future research to further investigate the causal link through empirical findings. In addition to finding support to the developed theoretical framework, further observations were made. These suggest that the quantity of contact positively contributes to the healing of collective trauma as indicated in Rwanda. Again, future research will be tasked to further study this finding to be able to draw more concise conclusions about this causal mechanism.

\(^1\) For further information on the risks of monetarization of traditional justice processes by institutions, see (Wallis, Jeffery, and Kent 2016) with examples of Bougainville and the Solomon Islands.
When comparing institutionalized processes and community-led processes in their overall impact on collective trauma healing, further conclusions can be drawn. Institutionalized processes are found to generate involuntary contact which is suggested to have diminishing effects on collective trauma healing. Furthermore, their institutionalization prohibits an adaptation to local needs which may lead to time and economic constraints of participation. Thus, these diminishing factors are due to a disowning of the process. Nevertheless, they may also allow for a bigger reach based on a more strategic implementation.

Locally-led processes, on the other hand, are more likely to generate voluntary contact which is suggested to have enhancing effects on collective trauma healing. However, their effect on healing may be diminished by financial constraints as certain ‘ingredients’ such as eggs may not be affordable to the participants. This may then prohibit the implementation of healing rituals. Furthermore, communal engagement maybe restrained through a limited reach and therefore a lack of opportunity to participate in the process. These constraining factors are suggested to be due to a lack of institutional support.

To finalize the argument a solution is proposed. Building on previous literature on hybrid approaches to transitional and traditional justice, it is suggested that a locally-led process which receives institutional support through either financial resources or strategic planning, would enhance collective trauma healing most successfully. It is theorized that the proposed hybrid traditional justice process would be able to combine the identified factors, being voluntary contact, an extended reach, and no financial barriers (Table 16). Once more it is up to future research to test these claims and add empirically-based modifications.

<table>
<thead>
<tr>
<th>Factors of Impact on Collective Trauma Healing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutionalized Process</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Involuntary Contact</td>
</tr>
<tr>
<td>Extended Reach</td>
</tr>
<tr>
<td>Financial Barriers to Access</td>
</tr>
</tbody>
</table>

Table 16: Factors of Impact on Collective Trauma Healing
Alternative Explanations

The previous analysis demonstrated support for the hypothesis and suggested moderate support for the causal mechanism. Based on additional findings the previous theoretical argument was further extended and argued for a hybrid approach. Nevertheless, the empirical variation in the level of healed collective trauma may be due to alternative explanations. The level of safety and the presence of an amnesty process are discussed as possible other independent variables. The impact of tradition and spirituality is discussed as an alternative causal mechanism between the here discussed variables.

Based on previous literature, physical security has been identified as an alternative explanation to differing levels of collective trauma (Duncan 2016; Hobfoll et al. 2007; Krieg 2009). As collective trauma is often caused by situations with high levels of insecurity such as war, continued physical insecurity or the perception of it can have an impact on the healing of collective trauma. Hobfoll et al. (2007) argue that a persistence of insecurity is a constant reminder of the traumatizing events which leads to a continuous perception of threat (287). Duncan (2016) relates this argument further to reconciliation and thus to the reconstruction of social fabric. He argues that the feeling of insecurity, a remaining fear of the other and lacking trust counter community reconciliation. An improvement of the security situation however can reduce these fears and may facilitate the healing of communal relations. With that an improvement in security could heal collective trauma. Thus, a variation in the levels of healed collective trauma could be attributed to differing levels of security. However, in the presented case studies, this alternative explanation can be disregarded. At the point of measurement in 2010, perceptions of security were relatively similar. In Rwanda, 86% did not feel any threat to their physical safety (NURC 2010, 46). In Acholiland 88% felt safe or very save when walking to the nearest village (Vinck and Pham 2010, 23). This suggests that physical security can be seen as an alternative explanation to collective trauma healing generally, however not in the cases of Rwanda and Acholiland.

Another alternative could be the provision of amnesty as part of a restorative approach opposed to retributive justice. The provisions of amnesty incentivizes former fighters to demobilize and initiates a reintegration process (Nilsson 2005, 42). As former combatants return to their communities rather than awaiting trials while being incarcerated, the process of restoration of social fabric can begin. Furthermore, as part of a greater restorative approach, the granting of amnesties allows a society to move forward and, in some cases, ‘forgive and forget’. Lengthy trial processes on the other hand demand victims to stay engaged with the past suffering until justice is finally
granted, even if forgetting would have been culturally more natural to them as in Sierra Leone (R. Shaw 2007). In Acholiland the Ugandan Amnesty Act triggered the demobilization of about 20,000 combatants by the time the ceasefire agreement was signed in 2006 (Rose 2008). When surveyed in 2010, respondents stated that amnesty was 45% support the most favored mechanism to achieve peace. In comparison, only 15% favored trials and only 8% traditional ceremonies (Vinck and Pham 2010). This suggests that high levels of healed collective trauma in Acholiland may be due to the implementation of the national Amnesty Act. This further allows for the assumption that lower levels of healing in Rwanda were due to the more retributive approach that was taken. Nevertheless, a sole granting of amnesties without the provision of further transitional justice measures has been regarded as insufficient when achieving reconciliation (Nilsson 2005, 42). Therefore, an empirical investigation is necessary to shine further light on the applicability of this explanation.

Lastly, the degree of spirituality and ritual in the traditional justice processes is suggested as alternative causal mechanism to the analyzed relationship between traditional justice and collective trauma healing. As indicated in the previous literature, cultural appropriateness and spiritual harmony are important components in communal healing (Igreja 2012; Wessells and Monteiro 2001). Generally, a strong cultural connection has been seen as positive influence in the reduction of traumatization (De Vries 1996). As rituals foster cohesion and strengthen cultural identity, they contribute towards the healing of collective wounds (De Young 1998). It is therefore suggested that a traditional justice approach which is still strongly based on the traditional elements it emerged from, fosters the healing of collective. On the other hand, a traditional process which has lost most of its spiritual and cultural characteristics could have a lower impact on collective healing.

When turning to the here discussed variation, the Acholi traditional justice process has been evaluated as more ‘traditional’ than the highly modernized version of the former Gacaca trials (Huyse and Salter 2008). While both mechanisms had been adapted to suit crimes of mass atrocity, it could be argued that the modernization of the Gacaca trials changed the nature of the ritual. The former hybrid of restorative and retributive justice had become a process of increasingly retributive nature (Bert Ingelaere 2008). In Acholiland, on the other hand, it has been argued “that communal ceremonies are a way to revitalize traditional practices, which have been limited due to the conflict and displacement” (Liu Institute 2005, 46). Thus, it may be suggested that in Acholiland traditional justice mechanisms contributed to collective trauma healing as tradition and spirituality were revitalized, while the Rwandan trials were too modified to have a similar effect. It is thus argued that this alternative explanation finds some support in additional observations of this study. Further
investigations will have to show to what extent the causal mechanism on voluntary community engagement and the here presented alternative explanation on traditional reconnection interact and perhaps jointly contribute towards explaining the variation in collective trauma healing.

Limitations

Research Design

The main limitation of the research design concerns the limited generalizability of the findings. The in-depth focus of this study allowed a closer analysis of the causal mechanism behind the two variables of interest, however does not allow to generalize the findings of the two cases to their greater population. While a correlation between traditional justice processes and healing of collective trauma is demonstrated by both cases, a quantitative analysis would allow to support this finding. Furthermore, it would allow to investigate the relative effect of an institutionalized process in comparison to a locally-led process on the collective trauma healing and thus demonstrate how much more healing is generated by one over the other in quantitative terms.

The empirical findings were furthermore drawn from areas of close geographical proximity, as both cases are situated in East Africa. To demonstrate greater geographical applicability, further in-depth and quantitative studies need to be conducted targeting other areas of the world. In addition, the representativeness of the cases towards their larger population has been further limited by choosing two mostly similar cases. While, these were chosen to control for confounding variables in order to isolate the causal relationship as much as possible, this also limits their representativeness as most other cases show different values on these controls. However, even though the here argued most important controls were accounted for by the case selection, further confounding factors are present. These include the presented alternative explanations. By conducting a large n-study in future research these alternatives could either be discarded or if supported, aid the further modification of the theoretical framework.

The choice of timespan shows further limitations. As elaborated in the research design, conflict had not officially ended in Acholiland during the time of the study. While Rwandans were also affected by external conflict during this time, this can be seen as confounding factor. Based on the empirical findings no indications were given that collective trauma healing was directly influenced by the ongoing conflict in Northern Uganda. Nevertheless, these circumstances need to be taken into account when interpreting the final results. Finally, the timeframe assesses a medium-term
impact, however before the traditional justice processes have come to an end. Long-term effects
are thus excluded from the scope of this study. In order to support the claims broad forward here
further, longer term assessments will be needed.

**Empirical Limitations**

The empirical limitations are based on a shortage of empirical data. Firstly, empirics for the
indicator of the level of healed collective trauma shows slight alterations. Due to limited data
availability the level of trust amongst Rwandans is taken as a proxy to measure the degree of
positively perceived community relations. The difference in measure may have a confounding
effect on the measured outcome. However, as argued above, the confounding effect of difference
is regarded as minimal. Nevertheless, it needs to be taken into account when interpreting the results
and thus suggests a bit more modest conclusions than identical measurements would have resulted
in. Lastly, a lack in empirics did not allow to establish an empirical link between the quality of
community engagement and the level of collectively healed trauma. However, as stated above,
previous findings in contact theory allow for the suggestion that a link indeed persists and that it is
up to future research to empirically support this assumption further.
VIII Conclusion

The healing of collective trauma has been an understudied field to the present day. Recently, there has been increasing acknowledgement on sides of practitioners and academia, that trauma should be understood not just on the individual level, but also on the collective level and that responses should be designed accordingly. Furthermore, traditional justice is gaining more prominence as a transitional justice tool to address the aftermath of violent conflict. However, the research field has been lacking empirical investigations which aim to explain different levels of success. Thus, this research has set out to answer the following research question: *Why do some traditional justice processes generate the healing of collective trauma after conflict more than others?*

The study thus aimed to start answering to the puzzle which this research questions presents. It did so by developing a theoretical framework which argued that locally-led traditional justice processes foster the healing of collective trauma by allowing for voluntary community engagement during the justice process. Institutionalized processes on the other hand were hypothesized to produce lower levels of collective trauma healing due to more coerced community engagement. The presented argument has found modest support in this study. The in-depth Structured Focused Comparison of the Rwandan Gacaca trials and the traditional justice processes in Acholiland has suggested empirical support to the hypothesis of locally-led processes generating higher levels of collective trauma healing than institutionalized processes. Furthermore, modest support was given to the causal mechanism of voluntary community engagement. Based on limitations and alternative explanations these results need to be interpreted with caution and further qualitative and quantitative empirical research is needed to be able to draw generalizable conclusions.

Future research is also suggested to investigate further conclusions drawn in this paper which were based on additional observations of this study. The presented empirics have indicated that the quantity of contact contributes positively to collective trauma healing. Furthermore, economic constraints have been proposed to hinder participation in traditional justice processes. This has then be suggested to diminish community engagement and, thus may foster collective trauma healing to a lesser extent. Thus, it has been proposed that a hybrid approach may generate healing most successfully in which voluntary contact is ensured through local ownership but restraints of economic or geographical accessibility are lifted through institutional support. Based on the early stage of these findings policy recommendations still need to be proposed very carefully. Nevertheless, if future findings support the conclusions drawn in this study, locally-led traditional
justice in partnership with carefully balanced institutional support should be promoted in order to provide relief to the many communities affected by collective trauma.

In addition, future research is encouraged to study the relationship of traditional justice and collective trauma healing through a gendered lens. The scope of this study did not allow for an empirical investigation which takes the gendered dimension of traditional justice processes into account. Nevertheless, previous research suggests that the prevalent patriarchal structures may affect the healing of collective trauma of some genders differently than others. In-depth and quantitative studies will be needed to further investigate this assumption.

Finally, this study has thus contributed to the existing research field of post-conflict trauma healing by providing a clear definition and operationalization of collective trauma. Furthermore, it has added to traditional justice research by investigating its impact and the causality on post-conflict healing. Additionally, suggestions have been made which support the approach taken by hybrid peacebuilding. Lastly, the study has provided further empirical evidence to the theories of intergroup contact.
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