Social Capital and the Rule of Law: Lessons from Contemporary Rwanda

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Abstract

How can post-conflict countries overcome endemic tensions in order to achieve sustainable growth and recovery? This chapter examines data collected in Rwanda between April and May of 2007 regarding intergroup resentment and mistrust, and tests the relative effects of education, income, and institutions on levels of bridging social ties between identity groups. The findings suggest an independent role for institutional capacity-building in mitigating the intergroup tensions that can inhibit sustainable poverty reduction.

Between April and July 1994, as many as a million Rwandan Tutsis and moderate Hutus were killed during a bloody genocide[2], following which a sizeable fraction of the population – 2 million people - were marched out of the country by fleeing militia leaders to refugee camps in Zaire. From the start of the civil war in 1990 to the closure of these camps in 1996, Rwanda was emptied and then repopulated, such that by the end of the decade, over a third of Rwandans were returnees to their own nation. Those who came back found a devastated country: hospitals and schools had been destroyed or ransacked, government offices looted, the police force disbanded, public utilities shattered, and a year's harvest lost. During four years of war that culminated in a brutal genocide, Rwanda had gone from an emerging low-income country - known affectionately as the 'Switzerland of Africa' - to unmistakably one of the poorest countries on the African continent.

Despite recovery since 1994 from 53 to 93 per cent of prewar income per capita, and from 52 to 96 per cent of prewar life expectancy, Rwanda continues to face substantial social development challenges. 70 per cent of the population witnessed someone being killed or injured during the genocide, and a sizeable minority participated, willingly or under coercion, in crimes against friends, associates, and relatives. Today, victims' families and those of the perpetrators live side by side, and reports indicate widespread attacks against witnesses to genocide trials, and disputes over rightful land ownership and compensation (Human Rights Watch 2006, 2007). Though law enforcement in Rwanda is generally considered better than average in Africa, estimates by the World Health Organisation place the Rwandan homicide rate at 20 per 100,000, substantially above countries such as the United States (5.4 per 100,000), Mozambique (8.8 per 100,000), or even Zimbabwe (11.3 per 100,000, cf. Krug et al. 2002).

In recognition of these challenges, the 2002 World Bank Country Assistance Strategy (CAS) for Rwanda has taken the unusual step of acknowledging mental health problems, lack of trust, and loss of community solidarity as among the core difficulties facing the

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[2] A final estimate of the number of Rwandans killed during the genocide has yet to be settled. The International Criminal Tribunal for Rwanda's figure of 800,000 is widely cited, though the 2001 Rwandan census has led to further estimates as high as 937,000.

country, and identified a need for measures 'to build social capital' in achieving sustained poverty reduction. Further studies by Justino and Verwimp (2008) have shown a clear regional distribution of postwar growth and poverty alleviation, arising from the severity and duration of the 1994 Rwandan genocide. Yet how does one rebuild social capital, in particular in the face of pervasive conflicts and tensions? The objective of this chapter is to shed light upon this question, by examining data collected as part of the World Values Surveys in Rwanda between April and May of 2007. 1507 individuals were surveyed as part of a nationally representative sample which covered all regions of the country, including proportionate numbers from urban and rural areas, the young and the elderly, men and women, and the country's major religious denominations, constituting a valuable and unique contribution to the study of social capital. Rwanda joins only a very limited number of severely conflict-affected countries that are included in comparative survey projects such as the WVS, including Iraq (2004, 2006), Bosnia-Herzegovina (1998, 2001), and Colombia (1997, 1998, 2005).

By examining the pattern of responses with respect to intergroup resentment and mistrust, this chapter tests a number of hypotheses regarding factors that predict the existence or absence of bridging social ties, that is, ties of association between identity groups, including for the relative effects of poverty, land scarcity, ethnic proximity, and quality of the rule of law for norms of interethnic cooperation. Among potential explanatory factors, the data support the hypothesis that in conditions of physical insecurity, third-party enforcement mechanisms can significantly increase the likelihood of intergroup tolerance and trust. Section I below summarizes the state of social capital in Rwanda today, with respect to social trust, community relations, and intergroup cohesion. Section II then presents statistical analysis of the pattern of interethnic tensions in Rwanda today, in the aim of understanding how reconciliation can be advanced in countries where such divisions are salient. Section III examines the relationship between social capital and policy preferences, in particular regarding policies to improve the rule of law. Finally, section IV concludes.

I. Social Capital in Contemporary Rwanda

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A recent literature on social capital has distinguished several dimensions of social institutions or social relations (Grooteart et al. 2004, Narayan and Cassidy 2001). The first form, often referred to as 'bonding' social capital, is used to refer to 'strong ties' within defined social groups, such as the family or village. Such relations play a crucial role in the provision of informal welfare and risk management functions, such as support during times of sickness or unemployment, the sharing of knowledge and skills, and care for the young and the elderly. The second form, often referred to as 'bridging' social capital, refers to the connections that bind distinct social groups. Bridging ties perform an important role in reducing social tensions, and may take the form of interracial marriages, participating in the same clubs or religious associations, or accepting to live side-by-side or do business with members of different ethnic-religious groups. Finally, a third form of social capital, sometimes referred to as 'generalized trust', refers to abstract norms of reciprocity, such as respect for the life, liberty, and property of others in society. This chapter summarizes the stock of each of the three forms of social capital in Rwanda today using data from the fifth wave of the World Values Surveys, conducted between April and May of 2007, based upon a range of new social capital items which include 'radial' trust (trust in one's family, community, people one meets for the first time, and trust in strangers), and questions distinguishing active and inactive group memberships.

With regard to the first form of social capital, bonding ties within groups, the data reveal a mixed legacy as a consequence of the Rwandan genocide. Family ties have been strained and in many cases severed, with 40% of children aged 7-14 having become orphaned, and widespread intra-familial resentments arising as a result of acts of betrayal (including murder) within the kinship group. As the Hutu-Tutsi divide cut within the familial and clan unit, the proportion of those surveyed saying that they trust their family only 'a little' or less is 27 per cent, among the highest levels of family mistrust in Africa. Yet despite the weakness of family structures, associative life in Rwanda remains vibrant - spanning a rich array of farmers' cooperatives, voluntary health associations, churches, mosques, and genocide survivors' groups. Indeed, qualitative studies suggest that the

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breakdown in family ties may have contributed to the emergence of new forms of informal civic association (Colletta and Cullen, 2000). For example, since the end of the genocide in 1994, women's groups have flourished among widows and prisoners' wives, while genocide survivors' organizations have formed to house returnees, care for orphans, and distribute government transfers. Levels of reported engagement in voluntary organizations in Rwanda are high by international comparison, and include 28.5% membership of humanitarian organizations, 26% membership in professional organizations, and 15.9% membership of arts, music and cultural associations. The proportion who are active members of a church or mosque is higher still, at 53%, though this is lower than in other areas of Sub-Saharan Africa, partly due to the loss of credibility of the church during the genocide, and 20 per cent of respondents have either 'not very much' or 'no' confidence in the churches. Levels of personal religiosity are high, with 99 per cent of Rwandans engaging in moments of prayer or meditation, and the erosion of the Catholic Church is giving rise to new forms of religious community, notably in the form of Islam[3].

If the consequences of genocide for bonding social capital are ambiguous, the consequences for bridging ties between Rwanda's Hutu and Tutsi populations are unequivocally negative. Previous qualitative assessments conducted by the World Bank suggest that whereas many prewar voluntary associations strove to better the welfare of Hutu and Tutsi alike, the organizations that have arisen after the genocide are predominantly exclusive, while family connections, for example via ethnic intermarriage, have also decreased (Colletta and Cullen 2000). Data from the World Values Surveys further indicates the persistence of widespread intergroup tensions and resentments. Notably, this includes 36.8 per cent of respondents who would reject having neighbors of a different 'race' (a term that, in Kinyarwanda, is synonymous with ethnicity) and 36 per cent refusing to have as neighbors those who are 'immigrants' (referring, in the Rwandan context, to the Tutsi returnees who now constitute approximately 10 per cent of the population). These are among the highest rates of intergroup rejection in any country included in the World Values Surveys. The data further indicate that the

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[3] 15 per cent of the sample identify as Muslim, up from 2-4 per cent of the population before the genocide.

Hutu-Tutsi divide has become entrenched along religious, linguistic, and to some extent regional lines, with Tutsi returnees predominantly Protestant, Anglophone, and based in Kigali, and Rwandan Hutus largely Catholic, Francophone, and based outside of the capital. Accordingly, tensions are high across the range of reference groups, and data from the World Values Surveys indicate 32.8 percent of respondents who trust those of another religion 'not very much' or 'not at all', 36 percent who refuse as a neighbor that practices a different religion, and 40 percent who refuse as a neighbor speaking a different language. The reinforcement of ethnic differences along religious, linguistic and regional lines is reinforced by the fact that the Spearman's rho correlation between these items is 0.7, whereas by comparison, the average correlation between these items is only 0.46 in the Ghanaian, 0.39 in the Burkina Faso, and 0.19 in the Zambian country samples. It is not clear therefore that the growing diversity of religious and linguistic identities in postwar Rwanda has opened new conduits for the formation of bridging ties between Rwandan Hutus and Tutsis.

Finally, the third area in which social capital exists is regarding the behavioral institutions or norms that enable cooperation between individuals, and above all, that of generalized social trust (Fukuyama 1995). Generalized social trust has a number of important benefits, including reduced transaction costs between individuals, and a lessened need for monitoring and enforcement of exchanges. Empirical studies have also identified tangible benefits to general social trust, including faster economic growth (Knack and Keefer 1997). Rwanda is an extremely low trust society, with social trust lower than in almost any other society in which the World Values Surveys have thus far been conducted: some 95 per cent of Rwandans agree that one needs to be 'very careful' in dealing with other people, compared to 84 per cent in Mexico, 73 per cent in Russia, or 56 per cent in the Netherlands. While Rwanda shares the attribute of low social trust with other societies that have experienced a legacy of centralized, authoritarian rule, the legacy of ethnic violence has given Rwandans a good reason not to trust one another, as Rwanda today is a country in which there are widespread denunciations, conflicts over land, and reprisal killings (Human Rights Watch 2006, 2007).

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II. Mechanisms to Restore Bridging Ties

Given the fragile state of social capital in Rwanda today, and in particular bridging ties between ethnic groups, the second section of this chapter investigates the mechanisms which might support intergroup cooperation and trust. In considering the relationship between public institutions and social reconciliation, it is useful to begin with an illustration of the tensions that characterize daily life for many Rwandans living in genocide-affected areas today. The following set of events are drawn from a recent report by *Human Rights Watch*, and narrate the aftermath of a *gacaca* session (an informal meeting of village elders called to adjudicate disputes)[4] during late 2006 in Rukumberi, a village in southeastern Rwanda that was particularly harshly affected during the 1994 killings.

> Many genocide survivors in Rukumberi live in a village called Ibuka, which means "Remember", built for them by a survivors' organization. Other Rwandans, including a number of released prisoners awaiting trial, live in the nearby commercial center of Mugwata. According to a spokesperson for Avega, an association of genocide widows, the two communities live in "silent conflict," with violence waiting to happen…
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> Innocent Habinshuti, a resident of Mugwata, had apparently been accused of looting cattle during the genocide, following which a *gacaca* session had fined him 30,000 Rwandan francs. When Habinshuti was unable to pay the fine, his bicycle was seized, and subsequently fell into use by Frederic Murasira, a resident of Ibuka. On November 19, 2006, Habinshuti saw Murasira riding his former bicycle, and ran after him, attacking him with a machete. Though Murasira sought shelter at a nearby house, his entry was blocked by the residents, which allowed Habinshuti to kill Murasira.
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> An hour or so after Murasira's killing, genocide survivors came running to the scene

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[4] An important distinction must be made between 'traditional' *gacaca*, a form of justice practiced since precolonial times (in which male community elders adjudicate inheritance and other disputes *gacaca* – literally, 'on the lawn'), and gacaca courts (*inkiko* gacaca), which are formal tribunals established by the Rwandan government specifically to settle genocide cases (and include a judge and designated courthouse).

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from nearby Ibuka. According to a local official, assailants attacked the persons in
one house with agricultural tools and machetes, killing Daniel Munyempama, age 70,
Francoise Mukaneza, age 18, Arusi Nyirankunzimana, age 13, and Mukarukundo, age 8.
In another house, Hilary Nyiraneza and her three-year-old son Cedric Imanibuka were
killed. An axe and a small hoe were found at the scene. Finally, in a third house, a visitor
to Mugwata, identified only as Sinzababanza, was killed, along with a six-year-old boy,
Jean-Claude Turikumana. None of the eight people killed had participated in the killing
of Murasira, nor were any of them related to Innocent Habinshuti. (Human Rights Watch
2006).

How did this tragic incident occur? One interpretation would lay emphasis upon
socioeconomic factors. Habinshuti's initial crime, after all, had been one of theft, and had
he been able to pay the fine imposed during the *gacaca* session, he might not have sought
revenge upon Murasira. A second interpretation might focus on intergroup proximity:
while such disputes are endemic to any society, they only spiral into violence when
groups lacking agreed dispute resolution mechanisms live side-by-side and engage in
repeat interactions – in the words of the *Avega* spokesperson, conflict was 'waiting to
happen'. Yet a third interpretation would focus upon the performance, and in this case,
failure of formal dispute resolution mechanisms. In this case, the *gacaca* session failed
to resolve the initial dispute satisfactorily, and after Murasira's death, his community
resorted to vigilante justice, rather than turn the matter over to the local police. A
growing literature in the study of social trust has emphasized the role of third-party
enforcement mechanisms as a precondition for building cooperative relations in society,
as these allow individuals to make binding commitments in a range of contexts where
the commitment of the other party might be called into question (Gambetta, ed., 1988,
Landa 1994, Cook et al. 2005, Greif 1992, Farrell 2005). In the case of Habinshuti and
Murasira, such mechanisms failed or were absent.

The example illustrated above is not the result of exceptional circumstances, but reflects
a context and conditions that are widespread in contemporary Rwandan society. Any
given Rwandan returnee to a particular village has to commit to any number of trust

relationships with the existing inhabitants, which may include but not be restricted to the trust that their neighbors will respect their right of ownership over redistributed land, will refrain from physical violence in order to drive them away, and will not cooperate with agents of genocide in the event of a future conflict. Meanwhile the existing inhabitants must trust the returnees, with such possibilities as not being falsely denounced for war crimes, sticking to allocated land settlements, and payment of due compensation for any land occupied. Opportunities for betrayal or non-fulfillment of obligations are both mutual and widespread. Because the ability of villagers to trust one another nests within a broader sphere of third-party mechanisms, such as the traditional *gacaca* session, gacaca courts (*inkiko* gacaca), and the local police, it is important to investigate how the relationships between individuals are bounded within this broader institutional context. Even in situations of initially low trust, an individual who is threatened in his village may gain protection from the deterrence provided by credible police commitment to investigate and punish violations of life and property, or the knowledge that a community group in which he is active will pursue the case with a community group that has influence over prospective transgressors. Equally, the failure or absence of such mechanisms may sustain or exacerbate intergroup tensions. By providing general rules for peaceful cohabitation, as well as monitoring and sanctions where this understanding is violated, public institutions can facilitate the emergence of cooperative equilibria, as well as undermine the prospects for their emergence.

Empirical tests

In order to investigate the influence of socioeconomic factors, group proximity and public institutions in mitigating the likelihood of outgroup rejection, our first empirical test concerns the determinants of expressed inter-group hostility. As dependent variables, we take measures for whether the respondent rejects having neighbors of a different race, and a measure of outgroup mistrust, whether the respondent reports that they would not trust those of a different religion. As noted, questions regarding race in Rwanda were

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largely interpreted in ethnic terms, on account of the lack of a meaningful distinction in Kinyarwanda between race and ethnicity[5]. To some extent, a measure of inter-religious trust should also serves as a proxy for ethnic tensions, as Rwandan Protestants are disproportionately Tutsi returnees from neighboring Anglophone countries, while these in turn suspect the Catholic Church of being implicit in the genocide of 1994, where churches were the site of many killings (Des Forges 1999). Regression results are shown in Table 1.0 using both variables.

Our selection of independent variables, in turn, is based upon the following hypotheses. First, we wish to examine the hypothesis that tolerance and trust between ethnic groups are related to the quality of police and judicial functions. Where individuals are able to rely on broader mechanisms for overseeing potential conflicts and disputes, this may increase the likelihood of reciprocal behavior and the ability to engage in mutually beneficial transactions. As a variable for the quality of law enforcement, we take both the respondent's expressed level of confidence in the police and the courts, and also the average level of confidence in the police and the courts in the province in which the interviewee lives[6]. The quality of the judiciary varies widely across Rwanda, as over the last 13 years the government has had to train new staff and build new institutions, replacing those personnel who had fled or been killed during the genocide. In addition, resource constraints have limited the capacity to centrally control the quality of justice: for example, though the 2003 constitution established mediation committees to help resolve certain disputes at the local level before the parties go to court, these mediators are unpaid, increasing the risk of corruption in regions where the commitment to public service is weaker. We include both individual and aggregate level variables as individual attitudes may reflect a psychological orientation rather than the objective quality of the institution, though it is not made redundant by the provincial level variable, as there may also be substantial variations in the quality of law enforcement within regions.

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[5] This interpretation is confirmed by the exceptionally high rate of agreement with this question in a country overcoming deep social divisions, the high correlation between this measure and questions on related issues such as tolerance of 'immigrants' (that is, returnees), who are largely Tutsi (r = 0.76) and whether those born abroad (again, predominantly the children of Tutsi exiles) should be allowed citizenship.

[6] These averages are based on the 12 pre-2006 provincial classifications, rather than the 5 provinces since local government was reorganized in January of 2006.

Second, we wish to control for the presence of systematic differences in ethnic rejection between natives and returnees. For example, those who were present in Rwanda during the genocide, both Tutsi and Hutu, may be more suspicious of having neighbors of another ethnicity, due to memories of violence and reprisals. Studies have shown that exposure to shock events, such as war or recession, can be a determinant of outgroup rejection (Sniderman et al. 2000). In order to assess whether experiences of the genocide are relevant in determining ethnic tensions, we include a variable for whether the respondent is a returnee from the Rwandan diaspora[7], and therefore was either present or absent during the events of 1994.

Third, we consider whether it is the number of interactions between members of different ethnic groups that determines the level of interethnic tensions. In regions which are largely ethnically homogenous, there are fewer interethnic interactions, and consequently fewer opportunities for conflict scenarios to arise. By contrast, in more evenly divided regions, there are more interactions and perhaps greater incidents of conflict (for example over land or the justice process). We therefore include a variable for the proportion of the population in the respondent's region who are descended from migrants abroad, on to ascertain whether resentments are more widespread in regions with greater numbers of returnees.

Fourth, a widely popularized theory is that interethnic tensions in Rwanda are the result of disputes over land, specifically arising from scarcity (e.g. Prunier 1997, Diamond 2005). These have been exacerbated in the post-genocide era by the pressure of housing many returnees and former refugees, ambiguities over land rights, and disputes over rightful ownership (Human Rights Watch 2001). The amount of land relative to population may therefore be a factor in explaining the level of interethnic resentment and suspicion. A variable for population density, by province, is therefore included in the regression model.

Fifth, we test for the existence of a simple association between poverty and ethnic rejection. Poverty is often invoked as one of the factors explaining the outbreak of

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[7] Included in the values surveys is an item asking whether the respondent's father is an 'immigrant' to the country, to which 10 per cent of the sample identified positively. A reasonable interpretation is that these are Tutsi returnees whose parents left the country during the ethnic violence of the 1959-1973 period. Respondents answering positively to this question are disproportionately concentrated in regions such as Kigali, the capital city, and the pastoral north-east, known to house large numbers of returnees.

conflict (Keen 1998). One argument is that the effect of poverty upon conflict is mediated via grievances, for example because there is uneven economic development along group lines. This theory we can test by seeing whether poorer respondents, measured by a variable for income decile, are more likely to reject neighbors of other ethnic groups. We also include provincial level variables for poverty and inequality levels, as measured by the poverty headcount (the proportion of population living on less than $1/day) and the regional gini coefficient, to test whether expectation-frustration is a relevant determinant of ethnic tensions[8]. Finally, controls for age, gender, religious affiliation, religiosity and education are also included. The results of probit models, predicting the likelihood of a respondent expressing outgroup intolerance, are shown in Table 1.0.

[TABLE 1.0 ABOUT HERE]

In accordance with the lead hypothesis that rule of law enables social tolerance and trust, perceptions of the quality of police and judiciary institutions are among the strongest predictors of both interethnic tolerance and the willingness to trust other religious groups. Both individual and provincial level variables predict the likelihood of a respondent refusing neighbors of a different racial group, while the individual confidence in the police and judiciary predicts the level of inter-sectarian trust. On the other hand, we find no support for the hypotheses that the proximity of ethnic groups determines the level of tensions, as measured by the ratio of natives to returnees. Nor do we find support for the hypothesis that the amount of land per inhabitant affects ethnic tensions, measured by population density: tensions are higher in sparse Umutara (100 inhabitants per km^2, comparable to Cuba or Spain), than they are in dense Gisenyi (547 inhabitants per km^2, comparable to South Korea or the Netherlands). In accordance with the hypothesis that exposure to the genocide may predispose individuals to less tolerant attitudes, returnees are significantly less likely to reject those understood to be of another ethnicity, yet

[8] Because of potential collinearity between these poverty/inequality variables, models were also estimated using each separately. In no specification were any of these variables significant at the 0.05 level.

with the exception of religiosity, the socio-demographic characteristics of respondents are curiously unrelated to outgroup rejection. More religious individuals may be more ethnically tolerant, but are also predisposed to mistrust those of other religious groups. Moreover, there is no significant relationship between poverty and intergroup tensions, in contrast to the view that economic deprivation is a basic determinant of conflict. Indeed, respondent income is positively though not significantly associated with ethnic rejectionism; as Collier has written in a different context, 'rebellion seems not to be the rage of the poor' (Collier, 2000: 10).

Discussion

The finding of a significant association between perceptions of police and judicial quality and intergroup tensions supports the institutionalist hypothesis, that in societies where the threat of group-based violence is endemic, levels of group intolerance and mistrust are strongly related to the effectiveness of the law enforcement officials. The task of such officials is to mediate disputes between rival groups, and effective law enforcement reduces the probability of becoming an indiscriminate victim of intergroup violence. By contrast, where individuals feel that police and judicial institutions cannot be relied upon to investigate and punish transgressions by members of another group, they will refrain from interacting with other groups.

However, from a significant association alone we are unable infer the direction of causality. That is, it may be that good institutions facilitate interethnic cooperation by providing secure conditions for cooperation and trust. Yet it may also be that regions with greater tensions have greater difficulty in maintaining a high quality of legal institutions, due to the higher caseload, absence of cooperation between communities, a greater likelihood of judicial bias, and the possibility of the abuse of authority by the police and army, where these are staffed by the members of one group. Likewise, we cannot rule out the hypothesis that the strength of the association between perception of institutional quality and levels of ethnic tensions are due to correlated errors, arising from sampling and response biases. Both indicators, after all, come from the same set of surveys, and may reflect a particular 'subjective' assessment by the respondent, rather

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than reflecting the objective functioning of public institutions or nature of community relations.

In order to overcome the problem of correlated errors, and also test for the direction of causality, we estimate a set of two-stage least squares models using instrumental variables for the perception based measures. In the first model, we test for a causal link running from ethnic tensions to institutional quality, using as an instrument for the 'stock' of ethnic tensions the percentage of the population by region that was victim to torture, rape, or murder during the genocide of 1994. This data is taken from the Davenport and Stam *GenoDynamics* dataset, which has aggregated data from the Rwandan government, Rwandan civil society organizations, and international organizations regarding the nature, extent, and location of atrocities during the Rwandan genocide (Davenport and Stam, 2007). The number of genocide incidents acts as a good exogenous shock variable for the stock of resentments thirteen years later, as the distribution of events is largely exogenous to pre-existing distribution of ethnic tensions, instead patterned by the date of liberation during the civil war. Regions such as Umutara, in the North, that were liberated during the initial weeks of combat saw fewer killings, whereas the Southern regions of Rwanda (which includes the Kibungo town of Rukumberi, cited in the story of Habinshuti and Murasira) saw extensive killings and other atrocities throughout the full 3-months of genocide. Levels of ethnic rejection in 2007 and the proportion of individuals affected by violent incidents in 1994 are weakly positively correlated ($r = 0.24$), as can be seen in the maps shown in Figures 1.0. Results of this estimation are shown in Table 2.0.

[TABLE 2.0 ABOUT HERE]

Sure enough, when we instrument for the level of ethnic rejection using the regional rate of victimization during the genocide, the instrumented variable is a significant predictor of institutional quality. That is, 13 years after the genocide, those regions with a legacy of violence are not only likely to have higher levels of ethnic tensions, but also poorly

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rated police and judicial institutions. The implication is that, in part, the distribution of confidence in police and judicial institutions in 2007 is a legacy of events during the 1994 genocide, with ethnic tensions a mediating factor.

Next, let us then reconsider the reverse causation: whether poor police and judicial institutions lead to weaker intergroup relations. As stated, one of our main concerns with the probit models in Table 1.0 is that there may be correlated errors, due to survey and response bias. We therefore require an instrument for police and judicial quality that is not correlated with these errors, and which furthermore is more likely to contribute to ethnic tensions in 2007 than be determined by them. As an instrument for local institutional quality, we use the proportion of *gacaca* courts during the phase of peak activity two years prior to the survey (March-December 2005) that failed to return a verdict, and the proportion of cases where a verdict was passed, but subsequently was appealed by the defendant. Both of these outcomes are a function of the competence of the judiciary: failure to return a verdict is indicative of inexperienced magistrates and/or the incomplete submission of evidence; verdicts passed but then appealed indicate decisions made on the basis of contestable inference. Data for both of these variables is taken from the Rwandan government's own *Inkiko Gacaca* reports (National Service of Gacaca Jurisdictions, 2007).

Some caveats must be attached to the choice of this instrument, which reflect 'best available' data amidst the general paucity of information within Rwanda. First, these data reflect only the performance of the *gacaca* courts, a specialized form of court assembled to take responsibility for processing genocide suspects, rather than disputes over land or acts of petty crime. The performance of the gacaca court system may not reflect the quality of the general police and judicial institutions within a community, though the two are likely to be related, due to the reliance on a common pool of personnel, and the fact that many civilian disputes are genocide related, and include instances of reprisal killings, retribution, or property vandalism or confiscation. Second, while we have removed the problem of correlated errors due to perception and survey bias, we cannot entirely rule out reverse causality from interethnic tensions to the failure of the *gacaca*

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courts. However, the raw correlation between the level of ethnic tensions (by province) and the proportion of cases that were either adjourned or appealed is quite low (r = 0.066 and r = 0.141 respectively), indicating that ethnic tensions are not the main determinant of judicial efficacy: a priori, the quality of local human resources, training, and norms of graft or corruption are likely to be more important[9]. These caveats stated, there are also good justifications for this choice of variables. First, the performance of the *gacaca* courts, moreso than the regular court system, is *a priori* likely to causally affect the distribution of ethnic resentments. The mandate of these courts is specifically to trial cases relating to the 1994 genocide, and cases involve genocide survivors and their families testifying against suspected genocide perpetrators. There is therefore great potential for the inflammation of ethnic tensions if cases are not dealt with fairly and judiciously. Such concerns have been widespread since the start of the Gacaca process, and in March and April 2005, thousands of Rwandans fled into exile in Burundi and Uganda because they feared unfair treatment by the Gacaca courts; following a mass repatriation in June 2005, thousands of Rwandans again crossed the border; these refugees numbered 19,000 in March 2006.

Second, as we have noted, there are good reasons to believe that the quality of jurisprudence varies substantially by region of Rwanda - and variation in the case of the Gacaca process is likely to be particularly accentuated. The Gacaca courts are poorly resourced, with judges having to be trained on the job, and many lacking basic understanding of legal principles. For example, judges have been rejecting confessions or refusing to reduce sentences without the necessary judicial justifications. *Avocats Sans Frontieres* have highlighted the challenges that Gacaca judges face in remaining impartial and objective in their duties, as they have little protection from reprisals from the local community. Furthermore, because the selection process for the courts is often opaque, numerous actions by the courts have made citizens doubt their impartiality, including jailing of dozens of witnesses and defendants for refusing to speak completely or truthfully, refusal to reduce the sentences of those who had admitted guilt - a promise that had been made in order to encourage people to confess – and in some instances use

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[9] As an illustration, it is interesting to note that the correlation between the proportion of cases adjourned and World Values Survey data regarding perceptions of the permissibility of 'accepting a bribe' is much higher, at r = 0.49.

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of the courts to settle personal scores or ends other than justice. In one case, a panel of judges jailed a journalist for 11 months on false charges after he published an article on corruption in Gacaca jurisdictions. By the end of 2006, 45,000 Gacaca judges had themselves been accused of genocide, further calling into question the impartiality of the Gacaca jurisdictions.

Results of the two-stage least squares model can be found in a column in Table 1.0, next to the original probit model examining the likelihood of a respondent expressing ethnic rejection. After instrumenting for (regional) perceptions of the quality of the police and judiciary using the proportion of *gacaca* courts that failed to return a verdict, and the proportion of cases where a verdict was passed, but subsequently was appealed by the defendant, we continue to find a significant association between police/judicial quality and the level of interethnic tensions. That is, the efficacy of the court system may indeed pattern the distribution of ethnic tensions across Rwanda, implying a possible two-way causality back from the quality of formal institutions to the level of bridging social capital.

III. Intergroup Tensions and Policy Preferences

Given the high levels of outgroup rejection in contemporary Rwanda, as in other societies that have experienced extremes of physical insecurity and violence, an interesting question concerns the relationship between socially divisive attitudes and political preferences. A natural assumption would be that outgroup rejection may reflect difficulties in building national unity, including support for policies that seek to bridge ties between groups. Indeed, this is a predominant assumption in the literature on social capital and state building, premised on the assumption that absence of bridging ties and norms of cooperation between predominant ethnic groups erodes the legitimacy of unitary state institutions (e.g. Fukuyama 2004).

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However, the possibility of a causal arrow from institutions to ethnic tensions points to a quite different hypothesis. Outgroup rejection in such a scenario is primarily a result of contingent and quite rational fears regarding one's own safety, and the presence of such insecurity is not only consistent with, but may enhance public support for strong state institutions, provided these are capable of maintaining the peace. Further support for this interpretation can be evinced from the fact that in Rwanda we find not only high levels of outgroup rejection, but also that there is support for public institutions, including overwhelming confidence in parliament, civil service, police and the courts[10]. While it is not unusual to find high levels of confidence in public institutions in low-income countries characterized by deferential attitudes, it is perhaps surprising in Rwanda, where the political system is widely seen to be dominated by a returnee Tutsi minority, that, as the data suggest, is held in suspicion by a significant proportion of the population. Furthermore, there is also overwhelming support for strengthening Rwanda's military, whose main preoccupation since the end of the civil war in 1994 has been to attack Hutu extremists in neighboring Congo[11]. Again, this result is inconsistent with the view that high levels of outgroup rejection reflect a latent ethnic supremacism. In explaining how citizens relate to the state in contemporary Rwanda, a theory of political legitimacy is required which goes beyond the simple transference of ethnic loyalties. Instead it is necessary to recognize that part of the legitimacy of the state is *as* a state, that is, an organization with the functional imperative to provide national security and ensure the rule of law for its citizens, including both elite and non-elite groups, and from which function it derives its legitimacy.

We are able to test this view empirically, by examining items from the values surveys. First, in the World Values Surveys respondents are asked a series of three questions, in which the interviewer provides a list of four policy options and the interviewee is prompted to indicate their first order preference. The first question asks the respondent

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[10] The proportion of respondents in the 2007 World Value Survey expressing a 'great deal' or 'quite a lot' of confidence in the parliament, civil service, police and courts are 79, 55, 86 and 79 per cent, respectively. Note that, as figures 1.0 show, these levels hide regional variation. Over a quarter of respondents have 'little' or 'no' confidence in the courts in Kigali or Kibuye, compared to just 15 per cent in the Northwestern former province of Gisenyi.

[11] This result is unlikely to reflect survey response bias, as we would have to explain why predominantly Hutu respondents would lie when prompted with a range of policy preferences, but nonetheless be happy to express such high levels of ethnic rejectionism.

to choose whether the country should prioritize having stronger defense forces, attaining faster economic growth, making cities and the countryside more beautiful, or giving people more say in what goes on in their work and community. The second question asks whether the country should prioritize maintaining order in the nation, giving people more say in government decisions, fighting rising prices, or protecting freedom of speech. The third question asks whether the country should prioritize having a stable economy, making progress towards a more humane and less impersonal society, having a society in which ideas count more than money, or the fight against crime. Each question shares a common 'latent structure' in that one item focuses on physical security (defense, order, crime), another item focuses on economic goals (growth, inflation, stability), while the two remaining items focus on postmaterial concerns such as civic rights (freedom of speech, having more say in the community) or quality of life concerns (having more beautiful countryside, or a society in which ideas count more than money).

[TABLE 3.0 ABOUT HERE]

Table 3.0 shows the results of a series of probit regressions which estimate the likelihood of a respondent having a first-order preference for physical security, that is, stronger defense forces, maintaining order in the nation, and the fight against crime, respectively. In accordance with the hypothesis that expressions of outgroup rejection reflect contingent fears rather than embedded resentments, a strong predictor of the preference for maintaining order and for having stronger military forces is whether a respondent would refuse to have a neighbor of another ethnicity. Mistrust of those of another religion also significantly positively predicts a preference for stronger military forces. Attitudes to crime, however, are not related to measures of intergroup tensions. On the other hand, we find no relationship between policy preferences and variables such as income, education, or whether a respondent is a returnee. When individuals feel they are unable to trust or live together with other groups, they increase their support for policies which punish inter-group transgressions, such as improved rule of law and the protection of

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physical security. Moreover, this appears to be true regardless of the respondent's origin, as the inclusion of an interactive variable for refusal of another ethnicity by whether the respondent is a returnee does not emerge as significant. By contrast, there is something very particular about the relationship between ethnic mistrust and support for 'more state'. Among all groups in Rwandan society, the state gains legitimacy to the extent that it is perceived as an effective agency capable of maintaining peace. The key to legitimacy is not ethnicity but security; or rather, the promise of security in the face of a permanent potential for violence.

This relationship between physical insecurity, mistrust and support for regimes that 'maintain order' and provide national defense can be explained in the terms of a recent paper by North, Wallis and Weingast (2006), who use the term 'natural state' to describe what they consider the 'natural response of human societies to the threat of endemic violence'. Starting from the assumption of a society in which there are pervasive latent or actual conflicts, the authors provide two mechanisms which are required for stable state organization to be maintained. The first is the selective distribution of economic rents in order to diffuse tensions within the ruling coalition, these may include the manipulation of commodity prices, the generation of public sector employment, or the targeting of infrastructure at select regions. The second, however, is the capacity to reduce the threat of internal or external aggression, which ensures regime legitimacy by preventing destabilization of the economic system through conflict and violence. Despite the distortions that are introduced by manipulation of the economy in order to generate rents and maintain the military apparatus, the natural state constitutes the productively most efficient set of institutions in circumstances where the alternative would be physical disorder and intergroup conflict. And in providing an important public good in the form of physical security and rule of law, the state also gains some degree of support from the population as a whole, as 'the benefits of even moderate limits on violence are large enough to gain support from most non-elites as well as elites' (North et al 1996: 10). In many ways, one can view contemporary Rwanda as a paradigmatic instance of the natural state. Our survey data indicates the threat of group related violence is widely perceived by both citizens and political elites, and the preference for political institutions

which maintain order is overwhelming: the proportion expressing policy preferences for spending on defense or the rule of law are higher than in any other country surveyed[12].

IV. Conclusion

In this chapter, we have asked two questions. First, what are the effects of conflict upon social capital? Our finding, in support of previous research, and of common sense, is that social capital, in the form of bridging ties and generalized trust, is massively degraded by social conflict and violence. We provide further evidence in the form of a two-stage least squares model, in which the pattern of violence during the genocide of 1994 functions as an instrument for the effect of ethnic tensions upon institutional quality. Second, this chapter asks what are the appropriate policy mechanisms to rebuild intergroup solidarity and cohesion - how can we reduce the latent resentments that cede place to sporadic episodes of social violence? The empirical tests presented in this chapter suggest that justice and law enforcement are the most likely means to restore cohesion between identity groups, and these act as better predictors of bridging ties than reducing poverty or providing better education. Crudely put, low-income, poorly educated respondents in provinces with well-rated police and judiciary functions, are less likely to express ethnic intolerance than higher-income, better educated respondents, in regions that do not. The implication is that rule of law is the main factor enabling the formation of bonds of intergroup tolerance and trust, and more salient than social or socioeconomic factors alone.

This finding matters for the sequencing of post-conflict reconstruction, and especially the priority that 'institution-building' should play relative to immediate economic revitalization. Jeffrey Sachs, for example, has suggested that restoration of law and order take the last position among the priorities of the international development community, which he suggests should start with two phases of humanitarian assistance,

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[12] The proportion of respondents whose first preference for 'stronger defense forces' among a range of policy areas is 43 per cent, among the highest in the world, and the proportion whose first preference is for 'maintaining order in the nation' is 37 per cent, again extremely high by international comparison.

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move to a 'third phase' supporting 'restoration of schools, clinics, farms, factories, and ports', and only finally move to 'the fourth phase' in which 'assistance is directed to long-term investments and the strengthening of institutions such as courts' (Sachs 2007). By contrast, the findings here suggest a very different ordering: in post-conflict countries such as Rwanda, the strengthening of public institutions, including the police and judiciary, ought to be pursued from the start. Such institutions are critical for defusing the tensions which, left unanswered, lead to ethnic reprisals, and when asked to rank policy priorities, respondents themselves in countries such as Rwanda place law and order – their basic and immediate physical security – ahead of even economic development.

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Figures 1.0

Distribution of Violence Due to Genocide, 1994
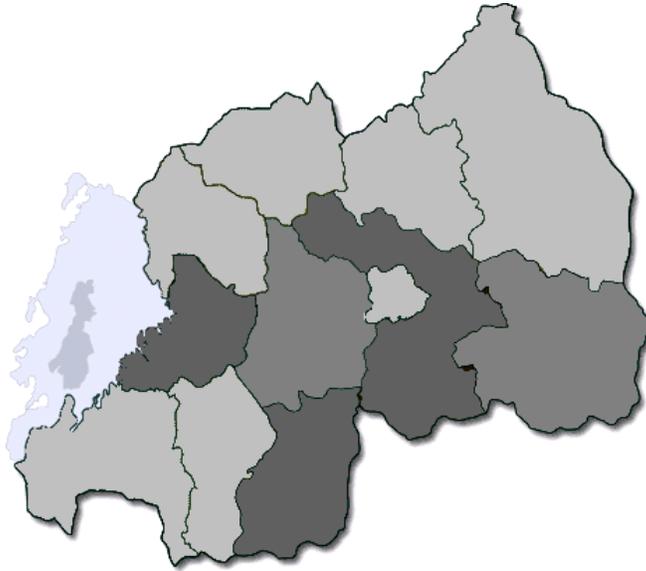
Key: dark areas are those where over 30% of the populace was a victim to violence; medium gray areas where 10-30% were victims of violence; light areas where less than 10% of the population a victim to violence.

Distribution of Ethnic Tensions, 2007
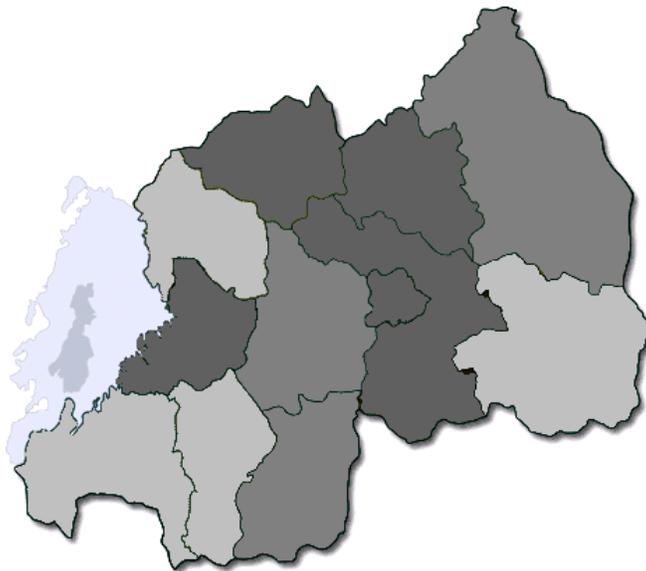
Key: dark areas are those where over 40% of the populace rejects a neighbor of another ethnicity; medium gray areas where over 30% reject a neighbor of another ethnicity; light areas where less than 30% of the population reject a neighbor of another ethnicity.

Confidence in the Judiciary, 2007
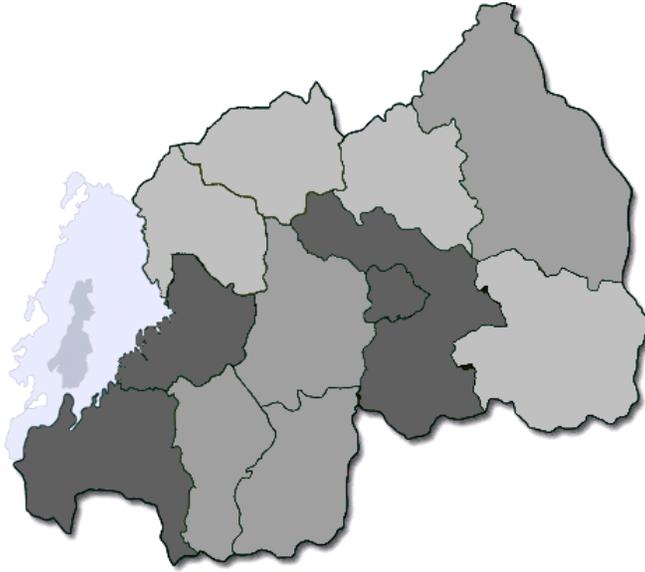
Key: dark areas are those where over 25% of respondents have 'little' or 'no' faith in the courts; medium gray areas where 20-25% have 'little' or 'no' faith in the courts; light areas where less than 20% of respondents have 'little' or 'no' faith in the courts.

Table 1.0   **Dimensions of Social Capital across Countries**

Country	Year of Survey	Refuse neighbor of another race / ethnicity (%)	"Generally speaking, most people can be trusted" (%)	Members of professional organizations (%)	Trust family - a 'little', not 'much' or 'not at all'
Rwanda	**2007**	**36.76**	**4.87**	**26.05**	**27.24**
Indonesia	2006	31.87	42.54	27.90	19.66
Philippines	2001	21.00	8.61	-	-
South Africa	2001	19.63	13.09	-	-
Uganda	2001	19.36	7.82	-	-
Serbia	2006	19.16	15.29	5.19	7.51
Macedonia	2001	19.05	13.71	-	-
Zimbabwe	2001	18.56	11.18	-	-
Cyprus	2006	16.84	12.83	12.77	11.82
Tanzania	2001	16.65	8.09	-	-
Ethiopia	2007	16.60	24.43	22.10	9.18
Bosnia-Herzegovina	2001	13.20	15.79	-	-
Burkina Faso	2007	9.97	14.69	12.48	15.61
Germany	2006	8.49	38.30	9.32	18.50
Mexico	2005	8.27	15.57	16.99	19.86
Netherlands	2006	8.10	44.48	10.49	32.62
United Kingdom	2006	4.90	30.43	23.48	9.81
Brazil	2006	4.44	9.20	14.23	26.02
Colombia	2005	4.30	14.47	4.69	15.49
United States	2006	3.87	39.56	25.32	17.71
Canada	2006	2.89	42.04	26.51	12.53
Argentina	2006	2.00	16.89	10.88	10.62
Sweden	2006	1.40	68.02	20.00	11.18
Global mean		16.70	27.33	16.39	17.38
Global median		14.46	24.00	13.75	15.62

Blank entries reflect a survey wave during which this question was not fielded.
Global means and medians reflect country averages from 88 nations surveyed between 2000 and 2007; 61 nations for those items only included in wave 5.

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Table 2.0   **Tolerance and Trust of Outgroups, Probit and 2SLS Models**

	Reject neighbor: other ethnicity		mistrust: other religion
	Probit	2SLS	Probit
Income decile	0.035 (0.021)	0.012 (0.007)	-0.018 (0.021)
Kigali	0.203 (0.398)	-0.054 (0.171)	0.494 (0.402)
Age	0.031 (0.031)	0.01 (0.01)	-0.011 (0.031)
Gender (female)	-0.06 (0.08)	-0.024 (0.027)	-0.059 (0.08)
Education	-0.001 (0.005)	-0.0003 (0.002)	0.013 (0.005)*
Immigrant	-0.307 (0.141)*	-0.105 (0.046)*	-0.15 (0.139)
Proportion of immigrants in province	-0.101 (2.158)	0.285 (0.78)	-1.245 (2.154)
Population density of province	-0.0001 (0.001)	-0.0001 (0.0002)	0.0002 (0.001)
Confidence in police and judiciary, in province[†]	-0.66 (0.205)**	-0.407 (0.159)*	-0.054 (0.206)
Confidence in police and judiciary, respondent	-0.077 (0.03)*	-0.023 (0.01)*	-0.121 (0.029)***
Protestant	-0.011 (0.09)	-0.0002 (0.031)	-0.14 (0.091)
Muslim	-0.419 (0.121) **	-0.137 (0.039) **	0.095 (0.113)
Importance of God in respondent's life	-0.239 (0.031) ***	-0.084 (0.009) ***	0.117 (0.032)***
Gini index, province	-1.286 (1.724)	-0.203 (0.643)	1.603 (1.737)
Proportion of province below poverty line ($1/day)	0.006 (0.008)	0.001 (0.003)	0.007 (0.008)
Constant	-1.096 (4.099)	-1.106 (1.727)	-1.365 (4.095)
N	1122	1122	1115
Pseudo/Adj. r^2	0.09	0.10	0.04

[†] In the 2SLS model, instrumented using the proportion of *gacaca* courts that failed to return a verdict, and the proportion of cases where a verdict was passed, but subsequently appealed by the defendant.

Table 3.0   **Social and Demographic Variables, by Region**

	Reject Neighbor (0-1)	Income Decile (1-10)	Migrant (0-1)	Confidence in Police and Judiciary (2-8)	Importance of God (1-10)	Age	Gender (prop. Female)	Age Finished Education	Proportion Protestant	Proportion Muslim
Ruhengeri	0.45	3.73	0.05	6.49	9.16	33.5	0.51	17.74	0.23	0.16
Gisenyi	0.25	3.13	0.07	6.51	9.54	34.3	0.50	16.45	0.32	0.14
Gitarama	0.37	3.01	0.08	6.14	9.49	36.9	0.53	16.32	0.27	0.22
Kigali Rural	0.50	3.56	0.11	5.99	9.50	34.8	0.53	17.73	0.27	0.13
Butare	0.31	3.06	0.09	6.55	9.45	35.6	0.51	19.65	0.27	0.16
Byumba	0.43	3.27	0.05	6.51	9.50	33.1	0.53	16.73	0.18	0.16
Kibungo	0.29	3.03	0.17	6.55	9.55	33.3	0.49	17.32	0.42	0.21
Cyangugu	0.26	3.55	0.11	6.52	9.38	33.2	0.47	18.36	0.31	0.12
Kigali City	0.46	3.95	0.17	5.94	9.37	32.7	0.50	23.38	0.31	0.09
Gikongoro	0.29	3.17	0.02	6.76	9.46	35.7	0.45	17.23	0.33	0.16
Kibuye	0.47	3.32	0.07	6.25	9.49	37.9	0.50	15.94	0.42	0.09
Umutara	0.36	3.90	0.21	6.49	9.63	36.5	0.53	16.57	0.34	0.11
Mean	0.37	3.36	0.10	6.38	9.45	34.7	0.51	17.78	0.30	0.15
Standard deviation	0.48	1.97	0.30	1.37	1.37	14.2	0.50	7.25	0.46	0.36

Source: World Values Survey, 2007

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Table 4.0   Confidence in the Police and Judiciary, OLS Regression

	Confidence in Police and Judiciary	
	Standard OLS	2SLS
Proportion of respondents in province who refuse neighbor of another race/ethnicity[†]	-2.159 (0.557)***	-12.802 (6.433)*
Income decile	-0.009 (0.021)	0.011 (0.028)
Kigali	0.405 (0.441)	4.765 (2.671)
Age	0.002 (0.031)	-0.001 (0.036)
Gender (female)	-0.064 (0.081)	0.013 (0.104)
Education	-0.019 (0.006)**	-0.026 (0.008)**
Immigrant	-0.145 (0.138)	-0.221 (0.165)
Proportion of immigrants in province	1.647 (2.152)	-5.948 (5.199)
Population density of province	-0.0003 (0.001)	0.001 (0.001)
Protestant	-0.071 (0.092)	-0.204 (0.133)
Muslim	-0.244 (0.117)*	-0.213 (0.136)
Importance of God in respondent's life	0.142 (0.029)***	0.166 (0.037)***
Gini index, province	1.216 (1.739)	-5.432 (4.474)
Proportion of province below poverty line ($1/day)	0.005 (0.009)	-0.079 (0.045)
Respondent rejects neighbor of other race/ethnicity	-0.23 (0.088)*	0.026 (0.185)
Constant	-7.198 (3.887)	8.242 (10.311)
N	1122	1122
Adj. r^2	0.06	N/A

[†] In the 2SLS model, the proportion of respondents who reject a neighbor of a different race/ethnicity is instrumented using the proportion of respondents in the region who were victims of violence during the 1994 genocide.

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Table 5.0 Support for Policies, Probit Models

	First priority: maintain order in the nation	First priority: stronger defence forces	First priority: fight rising crime
Respondent: reject neighbor of another race/ethnicity	0.187*	0.351***	0.065
	(0.082)	(0.082)	(0.084)
Respondent: does not trust those of other religion	0.129	0.213**	0.075
	(0.081)	(0.081)	(0.083)
income decile	0.002	-0.015	-0.0003
	(0.020)	(0.020)	(0.021)
Muslim	-0.181	0.073	-0.048
	(0.110)	(0.109)	(0.112)
Protestant	0.071	0.035	-0.096
	(0.085)	(0.086)	(0.088)
Kigali	0.0001	0.078	0.228
	(0.190)	(0.192)	(0.195)
Age	0.034	0.005	-0.077*
	(0.029)	(0.029)	(0.031)
gender (female)	0.115	0.037	0.039
	(0.075)	(0.075)	(0.078)
Education	-0.006	-0.009	-0.005
	(0.005)	(0.005)	(0.005)
Immigrant	-0.024	0.207	0.271*
	(0.128)	(0.132)	(0.138)
population density of province	-0.0002	-0.001	0.001
	(0.0004)	(0.0004)	(0.0004)
proportion of immigrants in province	-0.337	2.120	-0.325
	(1.124)	(1.124)	(1.182)
Importance of God in life	0.117***	-0.062*	0.131***
	(0.029)	(0.027)	(0.031)
Constant	-0.787	-3.804	-1.711
	(2.062)	(2.063)	(2.177)
N	1146	1146	1146
Pseudo r^2	0.02	0.03	0.03