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Syrian diaspora mobilization for prospective transitional justice in the absence of transition

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ABSTRACT

Mobilization for transitional justice typically “deals with the past,” focusing on retrospective attempts to deal with injustices. Little attention has been afforded to such mobilization when prospects for transition and justice are remote. The Syrian diaspora persistently mobilizes for what we call *prospective* transitional justice despite unfavorable circumstances. This article asks why. First, they have a sense of moral obligation to do so. Second, framing claims in terms of transitional justice and human rights is perceived as the best strategy to transform Syrian society. Third, transitional justice discourse is an avenue through which diaspora organizations secure institutional survival.

Introduction

Transitional justice scholars devote considerable time and effort to study the ways in which transitions between regimes or from conflict to peace can be accompanied by various institutional and noninstitutional mechanisms of justice. Increasingly, the various roles civil society actors and grassroots initiatives play in transitional justice processes have been afforded proper scrutiny. Scholars have explored, among other things, the ways in which such actors encourage victims’ participation, ensure oversight, provide local truth recovery and accountability efforts, and document human rights violations (Backer, 2003; Gready & Robins, 2017; Hovil & Okello, 2011; Lambourne, 2008; McEvoy & McGregor, 2008). Within this growing trend of recognizing bottom-up participation and agency in transitional justice, scholars also have begun to address the potential for conflict-generated diasporas to contribute to justice processes in postconflict settings (Haider, 2014; Koinova & Karabegović, 2019; Wiebelhaus-Brahm, 2016).

However, because transitional justice typically “deals with the past” and, consequently, focuses on retrospective attempts to deal with injustices, less attention has been afforded to how prospective justice claims are pursued by nonstate actors *during* conflict, especially when there is ostensibly no visible transition occurring and opportunities to achieve justice seem remote. Even the growing research on “during conflict justice” has largely focused on trials and amnesties as lawfare and bargaining strategies among governments and opposition groups or external judicial intervention by international tribunals (Loyle and Binningsbø, 2018; Dancy & Wiebelhaus-Brahm, 2018). Scholars have explored how domestic civil society can play an important role in preparing society for transitional justice by changing perceptions and fomenting institutional change in

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pretransition circumstances (EL-Masri et al., 2020; Quinn, 2021), but transnational actors, such as diasporas, are often overlooked. Sustained conflicts such as those in present-day Syria, Afghanistan, Libya, and Yemen provide little ground for optimism for those who seek to advance justice and accountability according to international norms. In these contexts, why do diasporas continue pursuing transitional justice when it is highly unlikely they will succeed?

In fact, Syrian diaspora mobilization provides unique insight into the ways in which diasporas mobilize for justice when the prospect of successful implementation is low. In the absence of any form of transition, the diaspora engages in what we call *prospective* transitional justice mobilization. Rather than attempting to influence established processes, prospective transitional justice entails devising ambitious transitional justice schemes, engaging in documentation of violations and advocacy in hopes that some future transitional justice opportunity arises.

Since 2011, the diaspora dispersed across Europe and North America has pursued a host of different strategies to achieve justice for gross human rights violations committed in Syria, including pursuing universal jurisdiction cases in Europe (Kaleck & Kroker, 2018). The early mobilizers adopted the international language of transitional justice and garnered support from Western donors to hold perpetrators to account and in other ways promote justice for atrocities (Stokke & Wiebelhaus-Brahm, 2019). In tandem with the increased violence in Syria from 2012, activists devised creative ways to document the war crimes and human rights violations that were occurring (Tenove, 2019). With decisive intervention by Russia and Iran and the uncompromisingly hostile relations between the remaining rebels and the Assad regime, conflict termination seems distant and political transition improbable. Turkey's 2019 incursion into Syria to root out Kurdish militias increased the complexity and (re)fueled conflict, despite renewed attempts at achieving negotiated peace in Geneva. Yet, despite this increasingly unfavorable context, Syrians in the diaspora continue to mobilize for transitional justice.

Through a case study of this sustained mobilization, we examine the underlying motivations and rationales that induce prospective transitional justice engagement among diasporas. In doing so, we base our argument on interview data collected between 2014 and 2020 with Syrian diaspora activists and transitional justice experts with whom they have worked. We supplement these interviews with reports and official statements by diaspora actors in order to capture the ways in which such activism occurs and to trace this activism over the course of the Syrian War.

We find that the Syrian diaspora has employed a wide range of strategies to promote transitional justice that have evolved in response to an increasingly difficult homeland context. In adapting to the changing conflict dynamics, Syrian activists have largely been driven by a moral obligation to pursue transitional justice despite the grim circumstances and a firm belief that transitional justice and framing their activism in these terms provides the best means to substantially transform Syria. Finally, transitional justice provides an important avenue through which to secure institutional survival.

Our article begins with a synthesis of relevant literature, bridging research on conflict, transitional justice, and the study of diasporas. Next, we outline our methods and data. We then discuss our findings before concluding with ideas for future research.

Prospective transitional justice and diaspora mobilization

Transitional justice mechanisms such as criminal trials, truth commissions, and vetting are usually understood to be implemented after violent conflict or regime change. However, some scholars have begun using the term “during-conflict justice” (DCJ) to distinguish the use of various transitional justice mechanisms when conflict is still ongoing (Loyle and Binningsbø, 2018; Dancy & Wiebelhaus-Brahm, 2018). For example, the Guatemalan government established a truth commission while its conflict with insurgents was still ongoing (Loyle, 2017), and Colombia's Congress promulgated a Justice and Peace Law in 2005 as civil war raged (Laplante & Theidon,

2006). Existing DCJ research, however, has focused almost exclusively on prosecutions and amnesties in the midst of conflict (Dancy, 2018; Dancy & Wiebelhaus-Brahm, 2018; Daniels, 2020). Overwhelmingly, they have focused on the strategic calculations of governments, armed opponents, and the international community in creating and responding to trial threats and amnesty offers.

More rarely have scholars examined activism in such contexts. Joanna Quinn's (2015) work on "pre-transitional" and "non-transitional" states, for example, focused on contextual variation among states included in transitional justice research. She argued that communities need to be primed for transitional justice early, perhaps even before conflict termination, in order to make for more durable, just peace. More recently, she has explored how civil society seeks to lay the foundation for more successful transitional justice in the future by changing perceptions and developing institutional infrastructure in order to produce "thin sympathy"—a basic cognitive awareness for an individual or community to realize the need for action (Quinn, 2021).

Our focus, however, is less about how transitional justice *ought* to be exercised in these pre- or nontransitional contexts but, rather, how actors *mobilize claims* related to the norms, values, and practices that underpin transitional justice. Specifically, existing research has not captured the *transnational* mobilization and activism that occurs in conflict contexts, what we call *prospective* transitional justice mobilization. Prospective transitional justice does not necessarily aim only to sensitize home country populations for future transitional justice but also seeks to prescribe transitional justice policy and to prepare evidence for future processes. In conflict contexts, diasporas play a defining role in advocating various transitional justice interests (Stokke & Wiebelhaus-Brahm, 2019).

To be sure, we are not the first to examine how organizations plan for and pressure for transitional justice. Because transitional justice generally tends to be a concept that deals with justice retrospectively, most of the civil society literature also tends to focus on transitional or postconflict and postauthoritarian settings (Backer, 2003; Brahm, 2007; Crocker, 2000; Hovil & Okello, 2011). This is not to argue that civil society passively receives transitional justice on offer. Bottom-up pressure is critical for the creation and monitoring of transitional justice processes (Skaar, 1999; Gready & Robins, 2017; Wiebelhaus-Brahm, 2021). Yet civil society often is sidelined during peace processes (Bell & Keenan, 2004).

Nonetheless, endeavors to affect an established transitional justice process or peace negotiations are qualitatively different from mobilizing for the establishment of transitional justice prospectively. In contexts in which war is still raging and transition from war to peace or between regimes seems unlikely, existing frameworks for studying civil society mobilization are insufficient. Because there has been no transition to a new political order in the homeland where civil society engagement is invited or where forms of activism are accepted without violent repression, mobilization in this context is significantly affected and the space for justice claims severely reduced. In other words, there is little space for such involvement domestically, and the injustices for which civil society actors seek accountability keep occurring. Therefore, diaspora activism tends to become much more potent as an alternative to domestic mobilization as they can operate freely, at least in comparative terms.

Studying diaspora mobilization during conflict is a complex endeavor—especially when the conflict has been, and still is, producing large-scale population displacement. Diaspora activists included in this study reflect a myriad of individual experiences and identities that lie at the intersection between traditional diasporas and local, domestic activists. With displacement ongoing, the Syrian diaspora is arguably a "moving target" that is primarily characterized by its deterritorialization and transnational links. As such, we define diaspora as,

a social collectivity that exists across state borders and has succeeded over time to (1) sustain a collective national, cultural or religious identity through a sense of internal cohesion and sustained ties with a real or

imagined homeland and (2) display an ability to address the collective interests of members of the social collectivity through a developed internal organizational framework and transnational links. (Adamson & Demetriou, 2007, p. 497)

In our study, we are primarily interested in what Koinova (2017a, p. 598) called *diaspora mobilization*: “the pursuit of claims and practices related to the original homeland through various trajectories—*institutional or activist* channels—and a variety of means.” We therefore explore the underlying motivation behind Syrian engagement with the homeland through transitional justice. Their mobilization is a dynamic process in which they deploy resources, frames, and identities based on opportunity structures in an effort to make claims about the homeland (Quinsaat, 2016).

It is no longer assumed that diasporas only exacerbate and fuel conflict by promoting radical claims and financing warring parties, as argued by several scholars in the early 2000s (Byman et al., 2001; Collier & Hoeffler, 2004; Hockenos, 2003). On the contrary, numerous studies have pointed to the potential positive effects of diaspora engagement during conflict. This includes facilitating peace negotiations, advocating for human rights, providing humanitarian aid, conducting prospective democracy building, and supporting early reconstruction efforts (Baser & Swain, 2008; Bush, 2007; Østergaard-Nielsen, 2006; Shain, 2002; Svoboda & Pantuliano, 2015). In particular, diasporas frequently play important roles in promoting transitional justice in the homeland (Haider, 2014; Koinova & Karabegović, 2019; Wiebelhaus-Brahm, 2016).

Yet we still know little about why diasporas mobilize the way they do and what motivates them to pursue transitional justice. In their assessment of the role of diasporas in international relations, Shain and Barth (2003) pointed to four motivations diasporas have for engaging with homeland politics. First, diasporas may perceive homeland politics as directly impacting “the people,” kin of whom the diaspora still feels part. Second, it may be that the diaspora view homeland politics as ultimately affecting the future of the homeland and its very existence. Third, diasporas may perceive homeland politics as affecting the material and immaterial interests of that community. Fourth, the specific interests of diaspora organizations may be directly impacted by homeland politics, including membership, funds, and standing in the host country.

Nonetheless, these broad categories do not fully capture what stimulates certain types of mobilization. For example, it is relatively clear that engagement in homeland politics comes as a result of diasporas having a stake in political outcomes there. In addition, homeland foreign policy tends to affect the diaspora. However, it does not provide explanations for the considerations diaspora actors make during mobilization and their strategic choices—for example, why they opt to organize petitions or lobby policymakers. In our view, there is a difference between the specific interests of diaspora organizations (e.g., justice and accountability) and the underlying factors that motivate specific types of action to achieve them. Political context and the combination of opportunities and constraints are likely to affect strategic considerations (Kriesi, 2004).

More recently, Brinkerhoff (2016) explored motivations for why diasporas engage in entrepreneurial activities aimed at fostering development and institutional reform in the homeland. The factors that induce diaspora entrepreneurship are a combination of intrinsic and extrinsic factors, including internal commitment, values, beliefs, social norms, expectations, aspirations, and passions. Particularly relevant in this regard is the passion for justice. Drawing on Hirschman (1977) and Grant (2008), justice—or its antonym, injustice—and solidarity are powerful passions that inspire diasporic entrepreneurial projects. Put differently, injustice is an important underlying grievance, and solidarity with the community suffering from injustice helps explain diaspora mobilization.

Some scholars have attempted to answer questions of motivation by specifically exploring the links between diasporas and transitional justice (Koinova, 2017b; Koinova & Karabegović, 2019). In her comparison of Sri Lanka and Rwanda, Orjuela (2017) pointed to the strategic efforts of diaspora activists using “past-presencing” to legitimize justice claims in response to global

political opportunity structures that incentivize such framing. In her view, these diasporas—particularly Sri Lankan Tamils—used transitional justice discourse to legitimize their nationalist and separatist project and garner political support at home and abroad.

Similarly, Koinova (2017b) argued that Armenian, Assyrian, and Kurdish diasporas joined forces in striving for genocide recognition in large part because the single, value-based approach provided a general framework for cooperation as well as legitimized their activism. Others have also showed how Haitian diasporas developed thin sympathy among international activists in order to gain new allies for their cause (Quinn, 2019). All of these diasporas mobilized based on a liberal agenda, not uncommon among norm entrepreneurs in the international system, but what makes this preferable to one based on, for example, political Islam or socialism remains unclear (Adamson, 2005). As we demonstrate below, one motivation could be access to resources of Western donors. In sum, there is a growing interest in trying to explain why diasporas engage in transitional justice in the first place, how they mobilize around it, and what specific claims they promote.

Focusing on Syria specifically, Stokke and Wiebelhaus-Brahm (2019) argued that the diaspora has cultivated relationships with transnational nongovernmental organizations on transitional justice issues at the expense of horizontal intra-diaspora cooperation, and this resulted in fragmentation among Syrian activists. However, they did not explore the reasons for why transitional justice became an important topic through which to mobilize in the first place—especially *during* conflict. Although the underlying rationale for engagement with transitional justice was identified as strategic and network-based, their study looked into the causal mechanisms that led to fragmentation and the challenges of overcoming it. It is important to investigate more closely the other end of the causal chain, where the specific motivations for mobilization is under scrutiny, rather than its implications. Some mobilization efforts are motivated by careful strategic considerations, whereas others are “partially rationalized, partially subconscious” (Koinova, 2018, p. 199).

Social movement theorists have argued that we have moved beyond the depiction of mobilization as either rational or irrational (Goodwin et al., 2000). There must be a combination of both emotions and strategic thinking to sustain activism over time (Jasper, 2011). We cannot assume that a crisis of the likes seen in Syria immediately galvanizes any form of political activism in the diaspora, based only on emotional ties. The Palestinian issue and the Greek economic crisis, for example, did not immediately spur substantial diaspora engagement, despite strong sociocultural connections to the homeland (Mavroudi, 2018). Likewise, it is unlikely that we see mobilization as purely strategic, without any form of emotions affecting said mobilization. Diaspora mobilization is a “purposive action” based on identity (Brinkerhoff, 2008) and, therefore, by definition, also includes emotional elements.

Viewing diaspora mobilization for transitional justice through a prism of “strategic action,” Jasper (2006) moved us beyond the dichotomization of game theory-based rational choice approaches versus sociological explanations. The actors in question make decisions based on emotional conviction in combination with preferences, expectations, and calculations of the actions of others. This means that even rational, strategic actors do not conduct their activism in the absence of feelings. If we are to understand why certain choices are made, we need to approach political mobilization holistically. “Without examining the act of selecting and applying tactics, we cannot adequately explain the psychological, organizational, cultural, and structural factors that help explain these choices” (Jasper, 2004, p. 2).

In our view, transitional justice must be understood not only as those processes that accompany regime change and the end of violent conflict but also as a type of claim—a concept borrowed from the literature on contentious politics (Tilly & Tarrow, 2006). It is not the formal processes of transitional justice that are under study—nor diasporas’ engagement in trying to influence them. On the contrary, it is the prospective political claims that surround the notion of transitional justice that are being investigated and the ambitious schemes such groups devise and

promote transnationally. In this vein, we study agency of diaspora activists and the motivating reasons behind such agency.

A similar recalibration of transitional justice has been made by Gready and Robins (2017). They argued for adopting an alternative concept they called “justice in transition,” in which both justice and transition are dynamic, diverse, and contextual. This invites a broader approach that “seeks to understand how individuals and communities engage with needs, rights, custom, community, agency and mobilization, and how they contest continuities of injustice and seek justice in their local environment and with regard to the state” (Gready & Robins, 2017, p. 957). Furthermore, applying this concept to our study makes transitional justice substantially more flexible, given the nature of the Syrian context, in which both transition and justice processes are absent.¹

Methods and data

A key asset of this study is the temporal dimension of our interviews. We conducted qualitative, semi-structured interviews with key Syrian transitional justice activists and transnational activists with whom they collaborate several times between 2014 and 2020.² Interviews were conducted in person, by telephone, and on Skype or its equivalent. We also collected justice-related reports from Syrian diaspora organizations going back to their foundation; transitional justice became an important topic within months of the onset of the revolution in early 2011.³ We began building our list of interviewees through press reports of Syrian organizations promoting their justice vision for Syria. From there, we used snowball sampling and continued to monitor news reports and press releases from Syrian organizations and transnational activists. In total, we conducted 34 separate interviews and coded content through NVIVO.

The temporal dimension of our data allows us to capture the evolution of activists’ motivations as well as their opinions and strategies. Thus, it is ideally suited to our desire to understand the underlying motivations for pursuing transitional justice when it may seem increasingly futile to do so. Qualitatively assessing the development of activism is superior to conducting interviews at one single point in time and with respondents only once. It also helps alleviate some of the difficulties posed by studying a conflict like the Syrian War, in which the context for diaspora mobilization keeps evolving.

One potential limitation of our study is that interviews have all been conducted since 2014, after the uprising took a violent turn. Our arguments regarding early transitional justice mobilization must take into account the retrospective nature of our interview material. Although this may not necessarily reduce the overall quality of the data referencing past activism, interviewees may recall the past in light of circumstances at the time of interview. This problem is partially alleviated by cross-checking recollections at multiple points in time for many interviewees. Furthermore, activists’ reports from the first phase of the revolution allow us to better understand this period and to check against interviewees’ recollections.

The emergence of justice mobilization against the odds

Many Syrians perceived the death of Hafez Al-Assad and the rise of his son, Bashar, as the new “Lion of Damascus” in 2000 as a window of opportunity for real political change in Syria. Promises of a modernization process driven by extensive economic reforms raised the prospects for simultaneous political liberalization. Expectations among long-time dissidents and regime critics were high, as the new leader was young and had been educated in the West. This period saw a swift surge in political activism seeking to end the emergency law and establish a multiparty system with competitive elections, part of what has been dubbed the “Damascus Spring” (Hinnebusch, 2012). Although quickly repressed by the state, it sowed the seeds of a more

assertive political mobilization in Syria not seen since the Islamic insurgency of the 1970s. In an attempt to overcome their political differences, regime critics and dissidents published the Damascus Declaration in 2005 to display unity about a vision for a more democratic Syria. Among other things, it flagged human rights as a core underlying principle to be pursued in the place of a security state.

At the same time, other Arab countries were experimenting with ways to deal with their own grim history of repression through various transitional justice mechanisms—most notably, official examinations into histories of human rights violations began in Algeria and Morocco in 2003 and 2004, respectively. Prominent Syrian human rights activists such as Mazen Darwish and Radwan Ziadeh visited Morocco to observe its Equity and Reconciliation Commission, which sought to address the “Years of Lead” under King Hassan II, a period after independence from France in 1956 characterized by arbitrary detention, torture, extrajudicial executions, and forced disappearances (Oggenhaffen & Freeman, 2009).

Inspired by the Commission’s extensive review of past human rights violations, Darwish and Ziadeh began entertaining the idea of establishing a similar process in Syria. They pursued a justice and human rights agenda in Syria through the NGO Syrian Center for Media and Freedom of Expression (SCM) after having worked with the International Federation of Human Rights, which supported the Moroccan transitional justice process in the early 2000s. Although the SCM appeared primarily concerned with the protection of and documentation of violence against journalists, its vision and work went beyond this narrow focus to include transitional justice more broadly.

During the same time, Ziadeh worked on a report on disappearances dating back to the Islamist insurgency of the late 1970s and early 1980s. Published in 2010, the report discussed the background of enforced disappearances and the manner in which people went missing, and—building on the Moroccan experience as well as others—called for the implementation of truth and reconciliation mechanisms and institutional reforms (Ziadeh, 2010). Others, such as the lawyer and human rights defender Razan Zaitouneh, were also pursuing transitional justice by exposing the continued repression of regime critics and defending their rights against the state, together with long-time activists Haitham Maleh and Anwar al-Bunni through the Human Rights Association in Syria (HRAS).

These examples reflect the growing demands for transitional justice in Syria beforehand, but the 2011 uprising opened the floodgates of transitional justice mobilization. In tandem with the proliferation of protests, organizations emerged both in Syria and abroad, on the one hand, to capitalize on the opportunity and momentum gained from similar protests elsewhere in the region and, on the other, to deal with the necessity of documenting the brutal crackdown by the state. Networks of lawyers and activists, both inside and outside of the country, used digital technologies to crowdsource documentation and advance transitional justice through connective action (Tenove, 2019). For example, the SCM established the Violence Documentation Center in April 2011, led by Razan Zaitouneh, to exclusively report on mass violence against demonstrators based on international standards. In June 2011, the Syrian Network for Human Rights was established for similar purposes. Both organizations helped spread information about the use of force against and detention of protestors to international news outlets.

Aspirations for transitional justice grew and, as a result, several organizations began to plan and devise ways to prevent the Syrian uprising from escalating into a full-blown civil war. With most observers confident the regime would soon fall, the unique situation demanded reflections on a post-Assad era. Convening 45 activists in a series of meetings from January to June of 2012, The Day After project developed a comprehensive vision for Syria that included recommendations on the rule of law, transitional justice, security sector reform, electoral reform, constitutional design, and economic restructuring. Specific transitional justice claims encompassed a preparatory committee for designing mechanisms and outreach, a Special Criminal Court, conditional

amnesty and vetting processes, a truth-finding commission, reparation programs, and memorialization projects. Building on some of the lessons from this initiative, the Syrian Center for Political and Strategic Studies began developing a similar, albeit more detailed post-transition prescription in its report, “Syria: A Transition Roadmap.”

Nine years later, the transition is still absent. The majority of our interviewees cited the lack of international support for justice and accountability as the primary reason why Assad remains in power and that impunity prevails. Although many Syrian justice organizations have perished on the sprint-turned-marathon, others remain as dedicated and active as ever. Some, such as the SCM, have strategically mobilized for universal jurisdiction cases in Europe in order to keep transitional justice on the table. Yet they struggle to legitimize their continued activism based on a lack of tangible outcomes:

The only issue is of course the lack of achieving goals and lack of results. We have been talking about accountability and justice for almost three years, and none of these are feasible. People have become very critical and tired of such slogans. They have seen first-hand the atrocities, the bombing by the Assad government and that there is no chance for all these atrocities to stop. (Interview with Radwan Ziadeh, August 2017)

In 2020, three years after this statement, conditions on the ground in Syria are no better. Nonetheless, diaspora activists continue to promote prospective transitional justice even when it seems unlikely they will succeed. In the following section, each of the three arguments for this dogged pursuit will be discussed: moral obligation, transitional justice as a transformative strategy, and institutional survival.

Moral obligation

One of the most frequently cited reasons for enduring engagement in transitional justice mobilization among our interviewees was the sense of moral obligation to do so. Perceived as a duty, mobilizing for transitional justice has an affective or emotional underlying rationale, which builds on fear, anger, resentment, hope, pride, or trauma sharing (Koinova & Karabegović, 2019). Many have argued that an emotional orientation toward the homeland constitutes a necessary condition for diasporas to emerge in the first place (Brubaker, 2005; Safran, 1991). Specific research on Syrian expatriates also emphasizes this particular linkage across various host countries (Beitin, 2012).

One could argue that the motivational factor for transitional justice mobilization stems from the history of repression by the Syrian state. The strong Baathist rule that emerged in Syria after the tumultuous 1960s, “deadened the fragile political life of the pluralist era and narrowed the autonomy of the civil society” (Hinnebusch, 1993). Personal liberties were suspended due to a series of emergency laws, providing the security apparatus with extensive prerogatives to limit political opposition or civil society activism. Arbitrary arrests and detention became widespread, and those subject to these forms of repression had little to no legal protection or support. Diaspora activist Mazen Darwish argued that promoting justice was something one owed to those who had suffered from historical injustice, particularly the Hama massacre in 1982, and to the thousands of families who still have no closure for lost family members from these events (interview, September 2017). It is estimated that between 10,000 and 20,000 civilians were indiscriminately killed by the regime’s violent response to the 1982 uprising (Ghadry, 2005). The repeated crackdown on opposition and civil society by the Syrian *Mukhabaraat* since, coupled with the absence of any formal transitional justice mechanism, has made it a moral imperative for most Syrian human rights activists to address historical injustice in tandem with violations occurring during the current conflict (interviews with Wael Sawah, August, 2017; Mazen Darwish, September 2017). Tensions between whether to focus on pre- or post-2011 injustices have been marginal, as many of the same strategies of repression and abuse were used both prior to and

during the war, perhaps changing most significantly in scope and brutality with the escalation of the conflict.

Several interviewees also reported they had been subject to arbitrary detention and, in some instances, various forms of torture for activities related to promoting civil society, human rights, or regime opposition. Many also have family and friends subject to the same forms of repression; in some cases, they were forcibly disappeared.⁴ Direct or indirect individual suffering is, therefore, a central feature that motivated initial mobilization for human rights and later produced a persistent dedication to transitional justice. As one interviewee put it:

I was 8 months old when my father was arrested by the Syrian regime in 1982 because of his political opinions and spent [almost] 14 years as a political prisoner. My mother lived a very difficult and insecure life because of her activism. So, with this family background I was very interested in the political and human rights situation in Syria. It led me to the Human Rights Watch and human rights society. (Interview with Hussam Al Katlaby, August 2017)

Others emphasized the importance of bringing justice to victims as a duty they owed to the Syrian revolution. One activist argued that, despite the fact that the anticipation of revolution was dampened by the escalation of violence in 2012 and 2013, promoting transitional justice became a long-term commitment owed to those who had paid the ultimate price for opposing the regime (interview with Civil Society Organization director, May 2020).

In this sense, the moral obligation reflects the lack of any real alternative to advocating human rights and transitional justice (interview with Civil Society Organization director, May 2020). In the eyes of many Syrian activists, the absence of any real success in instigating formal domestic transitional justice processes (the likes of which were seen in Tunisia, for example) does not reduce the importance of transitional justice advocacy. Some would argue that the extensive violations of international law historically—and the growth of atrocities with the emergence of new armed actors—make transitional justice even more imperative in 2020 than in 2011. Acknowledging that the likelihood of any credible peace negotiation leading to transitional justice is low, Radwan Ziadeh asserted that such activism still has the potential to provide a platform through which to achieve political compromise and end the bloodshed (interview, May 2020). This point is both a source of continued optimism and supports the notion that transitional justice mobilization continues to be a moral obligation even after nine years of conflict.

Moral obligation also is a function of the experience of dispersion. Recent contributions point to how surviving displacement and trauma in the homeland provides diasporas with emotional connection to homeland conflict (Nikolko, 2019; Wiebelhaus-Brahm, 2016). Combined with what Quinn (2019) described as a “thin sympathetic response,” diasporas become invested in the plight of those who remain in the homeland, despite being geographically removed from the conflict. In some instances, the anger and resentment invoke radicalization among diasporas, which can ultimately jeopardize peace processes (Koinova, 2011; Smith & Stares, 2007).

For many in the Syrian diaspora, human rights activism is a revolutionary act. Many of our interviewees shared the traumas of conflict at home and believe their transitional justice mobilization provides continued support to the revolution. Whereas some have resorted to delivering humanitarian aid based on the level of devastation the conflict has produced, those advocating transitional justice believe that their activism makes a difference for those in Syria, even if only in the long term. One activist cited the feeling that people had to do something for their homeland and use professional advantages to help ensure a free Syria, be it as doctors, lawyers, or journalists (interview with Syrian civil society activist and development worker, December 2015). Reflecting on the *nexus* of political activism at home and abroad, one interviewee argued that the diaspora could play an important role in facilitating reconciliation (interview with Syrian civil society activist, December 2015). This perspective was an important motivational factor for advancing justice in Syria. The guilt of having left the country and the ability to lead a

comparatively secure life in the host country effectively made it a moral obligation to provide continued support to the principles of the revolution, even when abroad.

Transitional justice as a strategy for change

Transitional justice mobilization among diasporas can be perceived as a strategy to achieve political change in the homeland. Transitional justice mobilization as a transformative strategy has two distinct motivational factors. First, our interviewees were adamant about the need not only for removing the authoritarian regime but to install a new regime that follows principles of international law and human rights. Besides being legitimate claims in and of themselves, latching onto the global discourse and political opportunity structures of transitional justice and human rights is often perceived as advantageous in advancing political interests (Orjuela, 2017). Specifically, the use of framing strategies gives meaning and proposes identifiable solutions to the issues at hand (Benford & Snow, 2000). This might explain the prospective nature of transitional justice claims among diasporas, as it prescribes ways to transform society into something perceived as desirable and appropriate. Second, transitional justice as a transformative strategy has an important legitimizing component. It may facilitate the development of enduring ties with powerful allies, which is conducive for diasporas to achieve objectives. We discuss these two motivational elements in turn.

Reflecting on the role of transitional justice in Syria, Mazen Darwish argued that, prior to the uprisings in 2011, implementing such processes was a way to prevent large-scale conflict (interview, September 2017). Resentment toward the regime was similar to that experienced in Morocco, and activists believed that the establishment of mechanisms similar to Morocco's Equity and Reconciliation Commission would alleviate lingering historical grievances and provide gradual transformation of the authoritarian state before conditions reached a boiling point. Although the uprising of 2011 might have been sparked by protests elsewhere in the region, the deep-seated tensions resulting from a dysfunctional economy and decades of repression had long been sources of contention. With the uprising and subsequent escalation of violence, this view was amended, but retained its important strategic impetus. Transitional justice evolved into a strategy that Syrian activists hope can contribute to a solution to the conflict. As one activist put it in 2017, "We are trying specifically to sew back together Syrian society ... through justice. Not just justice to punish criminals, but justice to help the country heal and move forward" (interview with Mouaz Mustafa, March 2017). This illustrates how transitional justice is not just a strategy of achieving accountability but one that has a much broader interpretation, including transformative elements of justice such as contributing to peacebuilding and reconciliation (Lambourne, 2013). Transformative justice has also been underlined by other Syrian activists, who cited goals of sustainable peace, the importance of preventing retributive killings, and advancing reconciliation (interviews with Mazen Darwish, September 2017; Wael Sawah, August 2017).

By framing claims through the discourse of transitional justice, diasporas consciously employ liberal values that provide ample ground for support and recognition (Adamson, 2005). Early experimentation with the idea of transitional justice brought Syrian diaspora activists into the sphere of various transnational human rights organizations. This provided them with the opportunity to learn more about how transitional justice could be developed in the Syrian context and improved ties with these actors. On one hand, these links evolved in a fragmented manner, drawing Syrian organizations into rigid relations with donors and supporters at the cost of horizontal coordination (Stokke & Wiebelhaus-Brahm, 2019). On the other hand, garnering support from organizations such as the International Center for Transitional Justice, the United States Institute for Peace (USIP), the Public International Law & Policy Group, and the European Endowment for Democracy provided some form of legitimation for the projects these organizations promoted.

USIP was an important supporter of The Day After's blueprint for a democratic transition in Syria, for instance. Similarly, the Syrian Justice and Accountability Center's development of an independent archive of human rights abuses in Syria benefited from both organizational support by the US-based International Research and Exchanges Board and legitimation from the US government's Bureau of Democracy, Human Rights, and Labor. Individual experts—including David Kaye, Habib Nassar, and Saskia Baas—in their own capacity continue support transitional justice mobilization among Syrian organizations (interview with Wael Sawah, August 2017).

With the establishment of the UN Commission for Inquiry for Syria in 2012 and the International Impartial and Independent Mechanism (IIIM) at the end of 2016, many Syrian organizations signed memorandums of understandings and shared documentation with these institutions. Such acts also have been an important component in sustaining legitimacy for many Syrian organizations. Syrian organizations continue to engage outside experts and UN bodies because of the legitimacy these ties provide, despite some concern over it being an exploitative relationship, particularly in terms of communication and ownership (interview with Hassan Al Katlaby, August 2017).

Transitional justice also has been a strategy for Syrian activists to promote change in Syria while carefully navigating the sensitive nature of politics. Although the Syrian organizations in the field of transitional justice included in our study unanimously condemn the Assad regime, many seem hesitant to align themselves clearly as part of the opposition. The collapse of the Syrian National Council in 2012 and the subsequent tug-of-war between states seeking influence over the opposition made it imperative for many of our interviewees to stress that their organizations were civil society initiatives. Besides providing advice and lobbying the Saudi-sponsored High Negotiation Committee or the Turkey-sponsored Syrian National Coalition to include transitional justice on their agenda, Syrian organizations largely work to retain their impartiality and independence (interview with Mohammad Al Abdallah, August, 2017). One interviewee argued that neither foreign-backed opposition group had credibility or legitimacy on behalf of the Syrian people (interviews with Syrian writer, January 2016; Mohammad Al Abdallah, August 2017; Radwan Ziadeh, May 2020). Therefore, transitional justice was an alternative that, based on universal principles of human rights, became a set of proposed solutions that could eventually lead to the transformation of Syrian society without directly taking part in opposition politics and staying removed from armed actors on the ground. When figures with ties to the opposition approached activists to have shared access to documentation databases, one interviewee was adamant that such cooperation would lower the credibility of these databases for future accountability processes (interview with Mohammad Al Abdallah, June 2014).

It is important not to overstate the element of strategy as merely a tactical decision. Arguably, perceiving transitional justice as a strategy to achieve transformation also is tied to the underlying emotional rationale and the sense of moral obligation described above. The activists and organizations included in our study firmly believe in the need for real change in Syria and that transitional justice is normatively the right way to do so. As such, strategy incorporates both calculative elements and emotions (Jasper, 2006). Motivation for promoting transitional justice is thus a combination of these two elements. It also says something about the direction of change that specifically values human rights and accountability.

Diaspora organizations, the global transitional justice industry, and institutional survival

Besides political interests and identity-based underpinnings, diaspora organizations also have organizational interests. Moral obligations and strategic considerations are key motivations to pursue transitional justice under unfavorable circumstances. However, in order to sustain the degree of engagement needed, institutional considerations arguably factor into the motivational equation. Shain (2002) argued that multiple diaspora organizations often compete for relevance

and influence. During homeland conflict, many position themselves in ways that afford them prestige both in home and host states. In terms of transitional justice, these organizations view themselves as key to any successful post-transition context, either by providing accountability measures with extensive documentation or as overseers of large-scale reform programs. Nonetheless, although having normatively desirable goals, Syrian diaspora organizations are tied up in a global industry over which they have little to no control.

“Transitional justice industry” is a term adopted by several scholars to explain the growing political and financial interest among donors and international experts who support initiatives on transitional justice (Gready, 2010; Madlingozi, 2010). In post-revolution Tunisia, for example, international transitional justice experts immediately set up camp to provide assistance to local activists seeking to deal with the country’s authoritarian legacy (Andrieu, 2016; Lamont & Boujnef, 2012). A similar trend was observable in Syria. Immediately after the uprising in 2011, there was an exponential growth of organizations, both local and diaspora-driven, that sought to address transitional justice issues in Syria. One activist argued that many of the initiatives at the time focused on transitional justice because there was international interest in the topic and, therefore, readily available funds (interview with Mohammad Al Abdallah, August 2017).

In a similar vein, a transitional justice expert contended that this organizational proliferation was caused by the booming global transitional justice industry that, instead of providing valuable support to the Syrian struggle for justice and accountability, served a much narrower organizational self-interest (interview with Habib Nassar, June 2014). He added that transitional justice was a way for the international community to declare support for Syrian activists while hiding their own inaction to resolve the conflict. The emergence of patronage patterns between donors and Syrian organizations then cemented fragmentation among Syrian activists seeking transitional justice (Stokke & Wiebelhaus-Brahm, 2019).

In tandem with the increasingly precarious humanitarian situation and the repeated failure of peace negotiations, priorities among international donors gradually drifted away from transitional justice and toward humanitarian aid and, with the rise of Islamic State, counterterrorism (interview with Radwan Ziadeh, August 2017). This development has, in some ways, been positive in terms of removing what some of our interviewees referred to as less serious organizations. On the other hand, it has substantially reduced the space for any form of transitional justice mobilization, making it difficult to foster cooperation among organizations who contend for a finite amount of resources and recognition (interview with Habib Nassar, June 2014).

In order to secure sustained funding, it has been imperative for Syrian organizations to professionalize, specialize, and distinguish their work from other organizations. A beneficial side effect of this development is that it has caused some diversification in terms of their strategic focus on transitional justice. Some have focused almost exclusively on documentation of violations, whereas others have concentrated on capacity-building, humanitarian relief, or transitional planning (interview with Wael Sawah, June 2014). Within the documentation field, access to networks in specific, hard-to-reach areas of Syria serves as an important feature for organizations looking to distinguish themselves from others. To be sure, some have greeted this development with pessimism, arguing that transitional justice in the Syrian context has become increasingly like a market in which NGOs provide work and compete for funding (interview with Mohammad Al Abdallah, August 2017).

In a context in which a transition seems increasingly unlikely, Syrian diaspora organizations seeking transitional justice essentially fight on two fronts in a zero-sum game. On one hand, they strive to legitimize themselves for donors and thereby professionalize to meet international standards. On the other, meeting these standards increases the distance between themselves and the

Syrian communities both at home and abroad they claim to represent. One activist exemplified this conundrum by referring to the recruitment of volunteers:

If you work in this field, you are accused of being corrupt, no matter if you are for-profit or non-profit. It does not matter what you do—even if you quit a big job to do [transitional justice]. They are collectively accused of being beneficiaries of international funds rather than actually caring about the country. (Interview with Mohammad Al Abdallah, June 2014)

With the lack of any internationally sanctioned transitional justice process, many organizations are hesitant to share and coordinate their work for fear of having their direct source of funding disappear. Although several have signed memorandums of understanding with various institutions, including individual countries pursuing universal jurisdiction cases and the IIIM, institutional survival may be jeopardized if organizations do not retain ownership over data or other contributions in the fight for justice. Because their credibility is based on their data, sharing can be a threat to organizations' very existence. With a limited pool of funding opportunities, some organizations find themselves competing with one another for survival (interview with Radwan Ziadeh, June 2020).

These problems are exacerbated by the short-term contracts offered by donors, often for six months or less, which lead organizations to spend much effort on fund raising rather than transitional justice exclusively. Although the pursuit of justice is perceived to be a noble goal in and of itself among the diaspora organizations, the global transitional justice industry that surrounds this activism resembles a corporate field. "There is a lot of business around [transitional justice], and often NGOs exist only because it provides a job and funding" (interview with Mohammad Al Abdallah, June 2014).

Thus, employing transitional justice language enables Syrian activists to connect with transnational activists and foreign funding streams, thus helping to ensure organizational survival. This impetus has grown stronger as donor interest in transitional justice has waned relative to other priorities. Unfortunately, the legacies of these initial patterns continue to impede cooperation among diaspora organizations (Stokke & Wiebelhaus-Brahm, 2019).

Conclusion

The Syrian War has caused tremendous devastation for a decade and, with the presence of several external powers vying for influence, conflict de-escalation and any form of transitional justice seem far from imminent. Yet, diaspora actors persist in prospective mobilization for justice and accountability from abroad by, among other things, devising transitional justice plans for a post-Assad era and documenting human rights violations.

In this article, we asked why Syrian diaspora activists continue to advance prospective transitional justice for their homeland despite such unfavorable circumstances. We found that the combination of three underlying motivations drive this mobilization. First, these activists carry with them a sense of moral obligation to continue pursuing justice and accountability claims based both on their own suffering or on that of friends or family, prior to or during the current conflict. Second, transitional justice is believed to be the most conducive way to frame claims in order to transform Syria into a normatively more desirable society based on international law and the recognition of human rights. Third, as a global discourse, transitional justice is an important avenue through which these organizations can secure their own institutional survival.

Our findings provide several important theoretical insights into diasporas' quest for justice and accountability. First, our study affirms and extends Jasper's (2006) "strategic action" claim by arguing that a combination of emotional and strategic motivations is important to facilitate and sustain prospective mobilization for transitional justice during violent conflict. Diasporas are not driven only by a quixotic emotional attachment to the homeland or by purely strategic considerations to maximize prospects for successful mobilization. Rather, it is a combination of these two

elements. What this tells us is that, even under substantially unfavorable odds, diasporas can be beacons of hope that persistently advance justice claims.

Second, in the context of conflict in which there is an absence of transitional justice as conventionally understood, we suggest adopting a different conceptualization of transitional justice that better incorporates the ways in which transnational actors mobilize and are motivated to pursue transitional justice in pre- and nontransition states (Quinn, 2015). It is not the formal processes of transitional justice that are under study; nor is it the diaspora's engagement in trying to influence them. On the contrary, it is the prospective political claims that surround the notion of transitional justice that are being investigated and the ambitious schemes such groups devise and promote transnationally. By introducing prospective transitional justice, we suggest a more lenient way of approaching the matter, one that encourages examining underlying motivations and ways diasporas promote justice agendas when in the short, medium, and perhaps even long term, formal transitional justice processes seem unlikely.

Future research can fruitfully explore a variety of related questions. For example, we need more detail about the ways that diasporas advance such claims during violent conflict and the specific goals and aims of such mobilization. Particularly, why and how diasporas strategically mobilize for universal jurisdiction prosecutions in European countries, such as how Syrians have done in Germany and Sweden, for example, requires attention. Looking at other cases in which transitions remain absent or only partially achieved, such as Yemen and Libya, also would be beneficial. Furthermore, it would be useful to learn more about how such mobilization evolves over time and at different stages of conflict. Our data are biased in that we talked only to those who have persisted. It would be interesting, although difficult, to study those Syrian activists who have given up or been pushed out for lack of resources.

Notes

1. We exclude local *ad hoc* implementation of justice by armed groups as well as the Assad regime's use of amnesties in 2011 and 2019.
2. Our most recent ethics approvals are University of Arkansas at Little Rock IRB Protocol #17-075 and NSD ID#R812.
3. As discussed below, many interviewees began to contemplate the relevance of transitional justice for Syria after studying Morocco's Equity and Reconciliation Commission, which operated from December 2004 to November 2005.
4. The concept of forcibly disappeared is often used for individuals who were never returned and are assumed deceased.

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