

Databases of Transitional Justice Mechanisms and Contexts: Comparing Research Purposes and Design

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ABSTRACT¹

Over the past decade, scholars researching the causes, forms and impacts of transitional justice (TJ) mechanisms have increasingly turned to cross-national databases to document cases, facilitate comparisons and develop causal analyses. Such research has been heralded as having the potential to address significant knowledge gaps in the field. However, to date, database research has produced patchy and contradictory findings. To interrogate why these differences have arisen, this article draws on a new database relating to the key elements of research design in 20 databases of TJ mechanisms or transitional contexts. The systematic comparative analysis of these databases finds that they are constructed for a range of distinct purposes, which in turn shape different approaches to research design and lead to divergent findings. The article argues that greater reflection on the diverse purposes of databases can help scholars appreciate how different forms of databases can be used in an incremental and complementary manner to build knowledge that is persuasive for scholars and practitioners.

KEYWORDS: databases, research design, conceptualization, inference, impact assessment

INTRODUCTION

During the early years of the transitional justice (TJ) field, its institutional and scholarly expansion was 'driven by principles rather than data.'² These principles drew on understandable moral assertions of the need to punish grave wrongs and on 'causal

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- 2 Oskar N.T. Thoms, James Ron and Roland Paris, 'The Effects of Transitional Justice Mechanisms: A Summary of Empirical Research Findings and Implications for Analysts and Practitioners,' Centre for International Policy Studies Working Paper (April 2008), 5.

beliefs' relating to the anticipated effects of TJ processes.³ These causal beliefs were predominantly based on extrapolating how similar processes, such as prosecutions, operate in democratic societies or for victims of ordinary crime. Where empirical research was conducted, it was primarily single-country case studies or small-n comparative studies.⁴ While such studies are valuable, as is recognized in other fields, they have inherent limitations for developing generalizable theories. Furthermore, the prevalence of single-case or small-n studies caused TJ theory to become heavily influenced by a small number of well-documented cases, such as the transitions in Argentina and South Africa.⁵ The unique dynamics of these cases mean that the insights from them may not be readily transferable to other settings. To address these limitations in existing TJ knowledge, over the past decade there has been an interdisciplinary growth in the use of databases to conduct cross-national studies of TJ mechanisms and transitional contexts. We contributed to this by developing two of the databases analyzed in this article: the Amnesty Law Database (Louise Mallinder) and the Transitional Justice Peace Agreements Database (Christine Bell and Catherine O'Rourke).⁶

The turn to creating databases has been heralded as having the potential to address significant knowledge gaps in the field. For example, it has been contended that large-n cross-national studies can raise awareness among researchers and policy-makers of the universe of examples of a particular mechanism,⁷ thereby reducing the 'bias' resulting from the field's overreliance on a few high-profile cases. Qualitative forms of databases that disaggregate data on distinctive features of TJ mechanisms can highlight design innovations in the mechanisms. Furthermore, databases can be used to identify patterns and relationships that are difficult to detect by other methods. Where a database documents the use of a TJ mechanism by transition type, these patterns could contribute to a broader understanding of how political contexts shape the selection and design of TJ mechanisms.⁸ Databases can also enable trends across regions and over time to become apparent, which can strengthen the emergence of new norms.⁹ Furthermore, cross-national research can help qualitative researchers select cases for deeper analysis and situate their scholarship in a larger

3 Paige Arthur, 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice,' *Human Rights Quarterly* 31(2) (2009): 358.

4 See, Mark Osiel, 'The Making of Human Rights Policy in Argentina: The Impact of Ideas and Interests on a Legal Conflict,' *Journal of Latin American Studies* 18(1) (1986): 135–180.

5 Thoms et al., *supra* n 2.

6 Bell is building on the Transitional Justice Peace Agreement Database to develop the PA-X Peace Agreement Access Tool (funded by the UK Department for International Development through the Political Settlements Research Programme). A subset of the PA-X relating to women and peace agreements was launched in late 2015. The PA-X is not currently included in our database as it was launched after our database had been constructed. See, 'PA-X: Peace Agreements Database,' <http://www.peaceagreements.org> (accessed 14 May 2016).

7 Geoff Dancy, Hunjoon Kim and Eric Wiebelhaus-Brahm, 'The Turn to Truth: Trends in Truth Commission Experimentation,' *Journal of Human Rights* 9(1) (2010): 45–64.

8 Helga Malmin Binningsbø, Cyanne E. Loyle, Scott Gates and Jon Elster, 'Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset,' *Journal of Peace Research* 49(5) (2012): 731–740.

9 Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W.W. Norton & Company, 2011).

universe of cases.¹⁰ In addition, some large-n studies have been used to test whether hypotheses derived from a small subset of cases hold true across a broader range of contexts.¹¹ However, concerns have been voiced in the literature that the contribution of databases to TJ knowledge and practice has been inhibited by inconsistent findings.¹² It is beyond the scope of this article to review and contrast the findings of database research to date. However, we do provide some examples of where such inconsistencies have arisen and demonstrate that they result in part from epistemological and methodological differences in database design.

This article is premised on the assumption that the growth of TJ databases represents a significant development in the field. To promote better understanding of the nature and significance of this development, we draw on a database that we created that analyzes key elements in the design of existing cross-national databases of TJ mechanisms and transitional contexts. The article is not intended to provide a comprehensive overview of all the issues that can arise in designing databases. Rather, it relies on our database to present a flavour of the differences that we found in some aspects of the design of TJ databases. The following sections compare the research purposes underpinning the databases, approaches to conceptualization, the handling of the notion of 'transition' and sources. The article concludes by exploring the implications of these differences for the field. It argues that they limit the persuasiveness for scholars and practitioners of the findings produced, and restrict the ability of database researchers to draw upon preexisting databases. We conclude that greater awareness of the diverse purposes of databases can help scholars appreciate how different forms of database can be used in an incremental and complementary manner to build knowledge that is persuasive for scholars and practitioners.

ANALYZING DATABASES OF TJ MECHANISMS AND TRANSITIONAL CONTEXTS

To systematically review why and how TJ scholars are creating databases, we built a new database that compiles information relating to existing databases of TJ mechanisms and contexts. Our focus on scholarly databases meant that practitioner databases, which are important in the field more broadly, are excluded from our database.¹³ Thus, for example, our database excludes those created to document human rights abuses, national archives relating to repression and repositories such as the International Criminal Court's Legal Tools Database. Furthermore, academic databases have been excluded where they were created only as a repository to allow open access to particular documents, without any related research questions.¹⁴

10 Laura K. Taylor and Alexander Dukalskis, 'Old Truths and New Politics: Does Truth Commission "Publicness" Impact Democratization?' *Journal of Peace Research* 49(5) (2012): 671–684.

11 Eric Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy* (New York: Routledge, 2010).

12 See, Oskar N.T. Thoms, James Ron and Roland Paris, 'State-Level Effects of Transitional Justice: What Do We Know?' *International Journal of Transitional Justice* 4(3) (2010): 329–354.

13 A few databases in our study were created by academics in partnership with practitioners.

14 See, e.g., 'Political Apologies and Reparations,' <https://political-apologies.wlu.ca/index.php> (accessed 14 May 2016); Ulster University, 'CAIN Web Service – Conflict and Politics in Northern Ireland,' <http://cain.ulst.ac.uk> (accessed 14 May 2016).

The precise meaning of the term ‘database’ is somewhat fuzzy as the label is commonly applied to a diverse range of computerized and noncomputerized data-collection endeavors, and different disciplines have different conventions relating to what they consider to be a database. As a result, an initial step in the design of our database was to provide precise parameters on how we understand and are operationalizing the term. Our application of the label ‘database’ was not dependent upon whether the researchers involved used the terms ‘database’ or ‘dataset,’ or did not apply a label to their method. Instead, we developed a number of eligibility criteria additional to our focus on scholarly databases. First, to be included in our study, a database had to be created using a computerized system to enable coding and analysis. This broad criterion allowed for the inclusion of qualitative databases that seek to provide detailed descriptions of the phenomenon under investigation and may entail only basic statistical analysis, as well as quantitative databases that are used to produce more complex statistical models. However, to be included, the research project had to demonstrate that it was more than simply a comparison of a small or medium-n number of cases based on short descriptions of cases without the imposition of systematic categories of analysis.¹⁵

Secondly, with respect to the substantive focus of the database, we included only those that sought to undertake cross-national analyses. This criterion excluded databases that focus on the operation of TJ mechanisms within one country. We recognize that single-country databases can serve important research purposes, including providing finely grained data that can be a valuable source for subsequent cross-national studies. However, they are excluded from the scope of this article as we wished to have a tighter subset for comparison and because concerns expressed in the literature on the contrasting results emerging from database research relate to cross-national studies. There is considerable variation in the size of the cross-national databases we analyzed. Where the population of the database was restricted to a narrow geographic region (e.g., Latin American or postcommunist countries) or to truth commissions, the database generally contained fewer than 40 cases. In contrast, where the database analyzed more frequently occurring TJ mechanisms, such as trials or amnesties, or where it compiled data on multiple forms of TJ mechanisms, the population was considerably larger. Two databases included over 1,000 cases.

Thirdly, to be included in our study, eligible databases had to have a substantial focus on transitional contexts or TJ mechanisms. We included databases focusing on peace agreements where part of the data collection related to the inclusion of TJ measures within peace agreements.

Following the development of these criteria for case selection, we undertook a number of steps to identify eligible databases. This was necessary as there is no comprehensive list of TJ databases. First, a 2008 comparative study of empirical methods to assess the impact of TJ mechanisms by Oskar Thoms, James Ron and Roland Paris discussed a number of medium and large-n cross-national studies.¹⁶ This provided us with an initial list, but our scope extended beyond this study as we were not

15 For an example of an excluded study, see, Jack Snyder and Leslie Vinjamuri, ‘Trials and Errors: Principle and Pragmatism in Strategies of International Justice,’ *International Security* 28(3) (2003): 5–44.

16 Thoms et al., *supra* n 2.

only interested in databases that aim to measure the impact of TJ mechanisms and included databases produced in the years since 2008. Secondly, we reviewed the archives of journals that regularly publish research drawn from database studies, including this *Journal* and the *Journal of Peace Research*. Thirdly, as academic publications presenting research findings from one database commonly refer to comparator databases, this also provided a fruitful avenue for identifying possible cases. Fourthly, we conducted Internet searches to identify databases relating to each of the main forms of TJ mechanisms. Cumulatively, these approaches yielded a list of TJ databases that were then assessed to determine whether they fit the criteria outlined above. It should be noted that we do not assume that our resulting list of TJ databases is fully comprehensive. Furthermore, by relying in part on citations within data publications, our sample may be skewed if database creators have preferred to cite their own prior work or that of their close collaborators. However, we are confident that it represents the main forms of cross-national databases currently in use.

Next, we identified variables for coding that relate to different aspects of database design, namely research purposes, conceptualization, transition, population, disaggregation, sources, coding and analysis (see [Table 1](#) in the Appendix). To document the level of transparency and accessibility of each database being studied and to ensure the replicability of our study, our database provides links to each database website and codebook (if available) and lists any academic publications used to compile the database description. There was considerable variation in the amount of information made available by database creators on their methodological choices.

There are broad trends in the use of databases within the TJ field. For example, political science teams or interdisciplinary teams that include political scientists were responsible for creating most of the databases included in this study. Although peace and conflict studies has a long and vibrant history of using databases to address other research questions, only two of the databases studied have been produced by scholars who self-describe on their database websites or publications that they work in the field of peace and conflict studies. Similarly, despite the discipline of law playing a leading role in the development of TJ and database methodologies being a well-established methodological approach in other areas of legal research, only two cross-national studies created by lawyers were identified (see [Table 2](#) in the Appendix).

In addition, truth commissions have been the most popular TJ mechanism to study in isolation. This may be due to the relatively small number of truth commissions that have been created to date and the availability of information on mechanisms that are generally intended to have a high public profile. However, an equal number of studies have sought to analyze multiple TJ mechanisms, with each study using a slightly different list of the mechanisms included within its scope. However, there are some notable gaps within these data-collection efforts. For example, reparations have not been addressed in isolation in any database, and where reparations have been included in databases documenting multiple mechanisms, the term has been operationalized to exclude collective or symbolic reparations. Furthermore, there are no databases looking at forms of institutional reform other than vetting. Finally, quantitative databases are more prevalent than qualitative databases. Interestingly, three of the databases identified are used for both qualitative and

quantitative research.¹⁷ The choice of database type may be related to the epistemological position of the researchers involved.

RESEARCH PURPOSES AND EPISTEMOLOGY

Pinpointing the research purposes for which a database has been created can be a complex task as they are often created for multiple purposes. These purposes can correspond with the different stages in a database design. For example, the case selection stage can produce a list of all eligible cases. For some databases, this may be an end in itself, whereas for others it is just a preliminary step in data collection and hence is rarely identified as a research purpose. Furthermore, where a database project is continued over a considerable period of time, the research purposes for which it is used may evolve. For example, as Kathryn Sikkink acknowledges, her initial objective in creating a database of human rights trials was to document the trend in the increase of trials in Latin America and later worldwide. However, over time, her purpose evolved into testing the impact of these developments on human rights and democratization in transitional societies. In this way, her initial research purpose became a stepping stone toward more complex goals.¹⁸ Where a database project evolves in this manner, it may require the database to be expanded or in some cases substantially redesigned to capture new data and address the new research purposes.

A further point is that once a database is made publicly available, other researchers may use it for a range of purposes not originally anticipated by the creators. For example, Forest Trends cited the Transitional Justice Peace Agreement Database in a report exploring the common absence of provisions in peace agreements relating to contestation over natural resources. This report uses coding from the latter database, together with findings from the UN Peacemaker Database, to determine the frequency with which issues relating to natural resources have been addressed in peace agreements since 1945. However, the report's authors conceptualize these issues differently to how they are conceptualized in the source databases.¹⁹ At one level, the report evidences resourcefulness in utilizing the available evidence base to inform advocacy. Moreover, the report's authors have endeavoured to be responsible in doing so, both by utilizing and comparing findings across two databases and by acknowledging the limitations presented by the differences in coding.²⁰ Nevertheless, the databases are used to draw conclusions about numbers and trends in how peace agreements deal with natural resources that are not specifically supported by the underpinning data.

17 It was not possible to assign a database type to one database included in the study due to a lack of available information on the methodology employed.

18 Sikkink, *supra* n 9.

19 The Transitional Justice Peace Agreement Database codes for women and other discrete groups, but does not code these under a broader category of vulnerable populations that is used in the report. Similarly, it codes for 'development and socio-economic rights,' and these data are used in the report to signify a narrower concept of development. See, Forest Trends, 'How Do Peace Agreements Treat National Resources?' http://www.forest-trends.org/releases/p/peace_and_resources (accessed 14 May 2016).

20 *Ibid.*

Despite these challenges, we relied on the purposes expressed by database creators to identify five common research purposes. First, databases may be designed to develop a comprehensive list of the universe of cases of a particular phenomenon. For example, in creating their Truth Commission Dataset, Geoff Dancy, Hunjoon Kim and Eric Wiebelhaus-Brahm aimed to develop a comprehensive list of truth commissions. They contend that making such a list available will facilitate future empirical studies into the contexts that give rise to truth commissions or the consequences of such commissions.²¹ We found evidence to support this assertion because some database creators indicated that they relied on lists of a phenomenon generated by existing databases in identifying their own cases.

Secondly, qualitative databases can be used to develop descriptive profiles of individual cases of a phenomenon. For example, the stated objective of Leah Barkoukis and Charles Villa-Vicencio's Truth and Reconciliation Commission (TRC) Database is to provide 'detailed information about truth and reconciliation proceedings across the world.'²² Similarly, the Amnesty Law Database compiles detailed descriptive profiles relating to the enactment, scope and implementation of individual amnesty processes.²³ Where this objective underpins the creation of a database, it influences the database design in a number of ways. For example, the coding of a truth commission or an amnesty cannot simply be a binary variable relating to its presence or absence. Instead, the database is designed to contain a wider range of variables relating to particular aspects of the phenomenon under investigation. Furthermore, to develop a sufficient level of description for each variable generally entails providing textual summaries rather than numeric codes. This may in turn require the researcher to engage with a wider range of sources than would be the case in databases that simply seek to code, for example, whether a truth commission is present or absent. Where the database creator comes from an interpretivist epistemological position, reliance on more qualitative forms of database may reflect an assumption that no two examples of a particular phenomenon are the same, and a desire to use a database with a wide range of qualitative variables to document the differences that arise across cases. For such scholars, using databases to develop descriptive profiles may be an end in itself. Alternatively, qualitative databases that develop rich descriptions may provide finely grained data that can then be used for other research purposes. This is the mixed-method approach employed by the Peace Accords Matrix.²⁴ Other database researchers, such as Cynthia Horne, have used detailed descriptions of individual cases to build a typology that can be subjected to statistical analysis.²⁵

21 Dancy et al, *supra* n 7.

22 Institute for Justice and Reconciliation, 'Truth Commissions: A Comparative Study,' <http://www.ijr.org.za/trc-database.php> (accessed 14 May 2016).

23 Louise Mallinder, 'Amnesties' Challenge to the Global Accountability Norm? Interpreting Regional and International Trends in Amnesty Enactment,' in *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, ed. Leigh A. Payne and Francesca Lessa (Cambridge: Cambridge University Press, 2012).

24 Madhav Joshi and John Darby, 'Introducing the Peace Accords Matrix (PAM): A Database of Comprehensive Peace Agreements and Their Implementation, 1989–2007,' *Peacebuilding* 1(2) (2013): 256–274.

25 Cynthia M. Horne, 'The Impact of Lustration on Democratization in Postcommunist Countries,' *International Journal of Transitional Justice* 8(3) (2014): 496–521.

Thirdly, databases are commonly employed to identify patterns and anomalies in the use of a phenomenon. At the simplest level, this may entail looking at trends, for example in the use of human rights trials or amnesties over time or across regions. Identifying such trends generally entails simple statistical analysis and has been produced by both qualitative and quantitative databases. Using databases to make trends visible can provide valuable evidence for researchers who are asserting the existence of a new norm.²⁶ For lawyers, where such trends relate to state practice,²⁷ they may be reflective of customary international law, which is central to the legal basis for TJ.²⁸ The value of using databases to identify customary international law is evidenced by citations to database research in international courts' decisions.²⁹ However, given the complexities of legal analysis, more disaggregated approaches to data collection are better placed to provide such evidence. For example, to support assertions on the status of amnesties under customary international law, it would not be appropriate to use data relating to all amnesties enacted in transitional settings as this could include amnesties for offences under domestic law. Instead, a more useful analysis is to identify patterns in the use of amnesties that either impede or comply with the enacting state's international legal obligations.

Using databases to identify simple patterns may also help to build better conceptualizations of a phenomenon. In other words, they can help to better answer descriptive questions such as what an amnesty or a truth commission is. For example, early TJ literature on amnesties was dominated by the experiences of self-amnesty laws in South America. Self-amnesties were enacted or demanded by outgoing military regimes seeking to prevent truth and accountability for the extrajudicial killings, torture and enforced disappearances perpetrated by their agents. Due to their egregious nature, it is unsurprising that self-amnesties received much scholarly attention. However, by categorizing the recipients of amnesty laws by their affiliation to government institutions or nonstate actors, and counting the recipients by category across a large temporal and geographic sample, the Amnesty Law Database found that between 1945 and 2007, 'the most common beneficiaries of amnesty laws were opponents of the state, who benefited from three times the number of amnesty laws as were granted for state agents.'³⁰ While these findings do not dispute the highly problematic nature of self-amnesties, they reveal that the attention given to

26 Sikkink, *supra* n 9.

27 For a discussion of the role of state practice in determining customary international law, see, Brian D. Lepard, *Customary International Law: A New Theory with Practical Applications* (New York: Cambridge University Press, 2010).

28 See, Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* (Oxford: Oxford University Press, 2008).

29 E.g., the Grand Chamber of the European Court of Human Rights has referred to the published findings from databases relating to amnesty laws (Mallinder, *supra* n 23), transitional justice (Olsen, Payne and Reiter, *infra* n 32) and amnesties in peace agreements (Vinjamuri and Boesenecker, *infra* n 53). See, European CHR, *Marguš v. Croatia*, Application No. 4455/10 (27 May 2014). Findings from the Amnesty Law Database were also relied upon in defence submissions to the Extraordinary Chambers in the Courts of Cambodia (ECCC) in the *leng Sary* case. See, *leng Sary's Appeal against the Trial Chamber Decision on leng Sary's Rule 89 Preliminary Objections (ne bis in idem and amnesty and pardon): Table of Authorities*, Case No. 002/19-09-2007-ECCC/SC (5 December 2011).

30 Louise Mallinder, *Amnesty, Human Rights and Political Transitions: Bridging the Peace and Justice Divide* (Oxford: Hart Publishing, 2008), 86.

self-amnesties perhaps skewed the dominant conceptualizations of amnesty within the field, and narrowed the debate on the forms that amnesty can take.

Fourthly, a more complex way of using databases to identify patterns is to explore correlations between variables. Again, this can be a research purpose of both qualitative and quantitative databases. However, the types of correlations that can be identified depend on the nature of the database design. For example, qualitative databases that have multiple variables relating to the internal attributes of the phenomenon being investigated examine how frequently these attributes correlate across cases. The Transitional Justice Peace Agreement Database, for instance, uses the data gathered to answer questions such as whether peace agreements that offer amnesty also commonly provide for a truth commission. Databases can also be used to identify correlations between a particular phenomenon and external factors such as transition type. However, such analyses arise more often in quantitative databases as they typically gather more data on external factors. Identifying correlations between attributes of a phenomenon can stimulate reflection on whether existing theoretical conceptualizations adequately reflect the nature of a phenomenon in the real world. In this way, databases have a clear value for developing descriptions. However, qualitative databases are generally ill-equipped to provide robust explanations of why such correlations arise, which must instead be addressed by further research. The value placed on descriptive research varies between academic disciplines. As has been widely observed, political science has evolved in recent decades to view 'mere' description as being of less value than causal inference.³¹ It is therefore unsurprising that political scientists working in the TJ field have sought to develop databases that are suitable for causal inference.

This brings us to the final purpose for which TJ databases have been used, namely to test causal arguments derived from theory. These can relate, for example, to investigating factors that lead to the adoption of particular TJ mechanisms or combinations thereof.³² Alternatively, some databases have sought to test the impact of TJ mechanisms on human rights protections and democratization.³³ Causality is of course appealing to scholars and practitioners working in the TJ field. It would allow us to explain why some countries have been able to move toward greater peace, democracy and human rights compliance and it would provide a basis on which to predict when TJ interventions are likely to make a positive contribution to transitional societies. Causal analysis is a research purpose expressed by the creators of most of the quantitative databases studied. This reflects positivist assumptions underpinning the quantitative databases, in which it is assumed that social phenomena such as

31 John Gerring, 'Mere Description,' *British Journal of Political Science* 42(4) (2012): 721–746.

32 Tricia D. Olsen, Leigh Payne and Andrew Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: US Institute of Peace Press, 2010); Geoff Dancy and Steven C. Poe, 'What Comes before Truth? The Political Determinants of Truth Commission Onset' (paper presented at the Annual Convention of the International Studies Association, San Diego, California, 21–25 March 2006); Hun Joon Kim, 'Structural Determinants of Human Rights Prosecutions after Democratic Transition,' *Journal of Peace Research* 49(2) (2012): 305–320.

33 Wiebelhaus-Brahm, supra n 11; Horne, supra n 25; Binningsbø et al., supra n 8; Charles D. Kenney and Dean E. Spears, 'Truth and Consequences: Do Truth Commissions Promote Democratization?' (paper presented at the Annual Meeting of the American Political Science Association, Washington, DC, 1 September 2005).

human rights trials or truth commissions can be ‘divided up into observable things (variables) that exhibit similar characteristics,’³⁴ and that these variables can then be meaningfully studied across multiple contexts in order to produce generalizable findings. For some quantitative studies, causal analysis may involve a limited amount of disaggregation of the phenomena being studied. For example, Laura Taylor and Alexander Dukalskis code truth commissions in relation to three aspects of their mandate (public hearings, final reports and naming perpetrators) in order to measure the impact of truth commission ‘publicness’ on democratization.³⁵ However, even where such disaggregation is used, it tends to relate to scoring the phenomena in relation to the predetermined, quantitative indicators.³⁶ As such, quantitative datasets contrast with the interpretative approaches used in qualitative approaches that recognize and seek to explore difference across cases and consequently use more open approaches to conceptualization and coding.

The capacity of quantitative databases to make good causal inferences is dependent on developing adequate concepts, selecting appropriate variables and the existence of suitable indices to allow for measurement.³⁷ Although these databases have the potential to make a significant contribution to the field, the persuasiveness of their findings has been undermined by concerns regarding divergent approaches to conceptualization and critiques of the suitability of existing indices to measure the fulfilment of TJ goals. Furthermore, among the quantitative databases studied, there are diverse approaches to sampling. Some databases seek to conduct ‘experiments’ by including all states that have undergone a political transition within a designated time period. This approach allows the researchers to contrast transitional states that adopt a particular TJ mechanism with those that do not. Other quantitative databases are constructed using only cases where a particular mechanism was adopted. While this narrower approach may be appropriate in some instances, it may be susceptible to problems arising from selection bias.³⁸

In summary, TJ databases can be created to serve multiple research purposes. Although these purposes are not always mutually exclusive, their selection can reflect whether the database creators employ positivist or interpretive approaches. These distinctions may be a product of disciplinary background – lawyers, for example, tend toward more interpretative, qualitative approaches – but they are not absolute. Although the purposes identified at the outset of a database project can evolve as the

34 Geoff Dancy, ‘Impact Assessment, Not Evaluation: Defining a Limited Role for Positivism in the Study of Transitional Justice,’ *International Journal of Transitional Justice* 4(3) (2010): 362.

35 Taylor and Dukalskis, *supra* n 10.

36 E.g., in the Taylor and Dukalskis database, ‘Public hearings was coded 0 = no and 1 = yes if there were hearings which were open to the public. Public hearings could occur during initial consultation about the mandate of the commission (e.g., South Africa), selection of the commissioners (e.g., Liberia), and/or during the collection of testimonies (e.g., Sierra Leone).’ This database did not try to disaggregate between these different forms of public hearings, nor did it take into account their scale (e.g., what proportion of victims engaging with the commission was able to give testimony in public hearings). See, Taylor and Dukalskis, *supra* n 10 at 676.

37 Janet M. Box-Steffensmeier, Henry E. Brady and David Collier, ‘Political Science Methodology,’ in *Oxford Handbook of Political Methodology*, ed. Janet M. Box-Steffensmeier, Henry E. Brady and David Collier (Oxford: Oxford University Press, 2008).

38 See, Adam Chilton and Dustin Tingley, ‘Why the Study of International Law Needs Experiments,’ *Columbia Journal of Transnational Law* 52(1) (2013): 173–237.

project progresses, unsurprisingly and to a large extent, the underpinning epistemological positions and research purposes shape all elements of database design, and consequently the knowledge that is produced.

COMPARING THE INCOMPARABLE? CONCEPTUALIZATION AND OPERATIONALIZATION

For all cross-national databases of TJ mechanisms and transitional contexts, database design necessarily begins with developing a conceptual definition of the core phenomenon being investigated. Conceptual definitions typically identify a concept's connotation, in other words, its 'necessary and sufficient' constituent elements.³⁹ For more qualitative databases, these elements generally correspond to the variables within the database relating to the attributes of the phenomenon being investigated. Quantitative approaches, on the other hand, may consider whether each element is in place for a particular case before determining to code as a binary variable the presence or absence of the phenomenon being investigated. In comparative research, it is commonly argued that conceptualization is necessary to ensure equivalence – that is, that the definition of a phenomenon being studied is 'precise enough to ensure that it captures the phenomenon of interest and nothing else,' but also 'sufficiently general' to be applicable across cases and contexts.⁴⁰ This can clearly create a tension between the need for both precision and generality. Where a definition is too abstract or is 'stretched' to accommodate new cases, it can result in the inclusion of data that are too disparate for meaningful comparison. Alternatively, where a definition is too narrow, it will potentially exclude useful data.⁴¹

There are pronounced differences in approach to the appropriate standards for equivalence between the qualitative and quantitative databases that we studied. For example, the qualitative databases developed by lawyers reflect legal understandings of concepts such as political crimes as being open and subject to redefinition by national legislatures and international organizations, and to reinterpretation by courts. As a result, in these databases the research process begins with a broad outline of a concept that is then refined during the course of the data collection in an inductive process akin to grounded theorizing.⁴² This process of refining concepts may include scope for acknowledging that they are understood and applied differently within different states. Furthermore, in the Amnesty Law Database, the descriptive text relating to particular variables, where appropriate, may explain how a particular aspect of an amnesty's scope has evolved during the law's implementation through legislative or judicial reinterpretation. In contrast, in quantitative datasets designed to conduct causal analysis, concepts are derived deductively from theory, and are generally

39 Gary Goertz, 'Concepts, Theories, and Numbers: A Checklist for Constructing, Evaluating, and Using Concepts or Quantitative Measures,' in *The Oxford Handbook of Political Methodology*, ed. Janet M. Box-Steffensmeier, Henry E. Brady and David Collier (Oxford: Oxford University Press, 2010), 99.

40 Ralph Sundberg and Lotta Harbom, 'Systematic Data Collection: Experiences from the Uppsala Conflict Data Program,' in *Understanding Peace Research: Methods and Challenges*, ed. Kristine Höglund and Magnus Öberg (London: Routledge, 2011), 92.

41 Giovanni Sartori, 'Comparing and Miscomparing,' *Journal of Theoretical Politics* 3(3) (1991): 243–257.

42 David Boulton and Martyn Hammersley, 'Analysis of Unstructured Data,' in *Data Collection and Analysis*, ed. Roger Sapsford and Victor Jupp (London: Sage, 2006).

coded in predetermined nominal or ordinal variables. Quantitative datasets thus present the phenomena being investigated as defined, clear, uniform and measurable.

These differences between qualitative and quantitative databases can be seen in how human rights violations are conceptualized. For example, the Human Rights Prosecutions Database operationalizes human rights trials as trials that ‘inflict costs on a government agent accused of having individual criminal responsibility for human rights violations.’⁴³ The human rights violations in question are listed as torture, summary executions, disappearances and political imprisonment. For quantitative scholars, this conceptualization is sufficiently clear to enable cases to be consistently coded and compared. However, for international lawyers, it may sound alarm bells for several reasons. First, there is a conflation of two distinct bodies of law, namely human rights law and international criminal law. International criminal law creates individual criminal responsibility, whereas international human rights law only holds states accountable. Only some types of human rights violations listed above are widely recognized to be international crimes. Secondly, even for the international crimes, it is not clear that a duty to prosecute would have existed throughout the period (1980–2007) being examined by the dataset. For example, the International Convention for the Protection of All Persons from Enforced Disappearance only came into effect in 2010 (outside the temporal scope of the dataset) and currently has only 50 states parties.⁴⁴ Thirdly, depending on the context, nonstate actors may be liable for prosecution for international crimes. These differences may seem somewhat semantic but in practice they can mean that the conceptualization of human rights trials may not be comparing like with like given that across the time period covered by the database, states may have been subject to differing international legal obligations relating to their duty to prosecute. Where states have discretion around whether to conduct criminal investigations and prosecutions, rather than being subject to legal obligations to do so, the pursuit of trials may cause perceptions within a society that the trials are politically motivated, which may impact on the trials’ effectiveness in reducing violations. As the impact of trials on reducing human rights violations is one of the hypotheses being tested in the Human Rights Prosecutions Database, these differences in states’ legal obligations across the cases included in the dataset may affect the results.

For all forms of databases, conceptualization of TJ mechanisms can also be complicated by the diversity of forms that the mechanisms can take. For example, in his extensive research on amnesty laws, Mark Freeman suggests that ‘the difference between certain amnesties is so vast . . . that it is almost nonsensical to compare them.’⁴⁵ This indicates that even where scholars and practitioners use the same labels to describe TJ phenomena such as amnesty laws or human rights trials, or objectives such as reconciliation, these labels are often not applied consistently over time or

43 Sikkink, *supra* n 9 at 135.

44 ‘International Convention for the Protection of All Persons from Enforced Disappearance,’ UN Doc. A/RES/61/177 (20 December 2006).

45 Mark Freeman, *Necessary Evils: Amnesties and the Search for Justice* (Cambridge: Cambridge University Press, 2010), 13.

across cases.⁴⁶ Unsurprisingly, this diversity in how concepts are understood and applied is often reflected in the conceptual definitions developed for datasets.⁴⁷ For example, differences arise even among the subset of TJ databases that have sought to conduct quantitative analyses of truth commissions – for instance, whether a truth commission must have published a report to be eligible for inclusion in a database – with some databases including commissions that are ongoing or which collapsed prior to completing their investigations. Such differences have resulted in different counts of the total number of truth commissions created worldwide. While these differences may to some degree be an unavoidable outcome of different scholars using databases to explore different research questions, where they result in the presentation of contrasting patterns regarding the prevalence of a phenomenon over time or across regions, this could lead to conflicting results as regards the existence of global norms or customary international legal standards.

Differences in conceptualization can also be problematic for databases that seek to measure impact. As such databases rely on statistical modelling they often code the existence or absence of a phenomenon as a binary variable. Where consensus on what constitutes appropriate conceptualization of the phenomenon being investigated is absent, it can result in different studies seeking to measure the impact of the same phenomenon on the same objective 'reaching conflicting or ambiguous conclusions due to different samples that may either fail to include relevant cases or be polluted by extraneous ones.'⁴⁸ Although TJ database research is still nascent, conflicting results, in part due to conceptualization differences, have arisen from studies measuring the impact of human rights trials and truth commissions on human rights protections and democracy. For example, from their review of research on the impact of TJ, Thoms et al. argue that, 'Although most studies maintain that transitional justice approaches have helped specific countries, others suggest that transitional justice has been ineffectual or even harmful.'⁴⁹

In short, even where TJ databases document the same phenomenon, they often conceptualize it differently. These differences may result from the epistemological standpoint of the database creators as much as from the particular research questions they are investigating. The use of different conceptualizations is significant. Where databases apply fundamentally different understandings of concepts such as human rights violations, it can limit the possibility of one database drawing on data collected in another. Furthermore, divergent conceptualizations can lead to differing results among databases that seek to identify trends or measure impact. This can have implications for the persuasiveness of the research findings for scholars and practitioners. In grappling with these conceptualization challenges, a valuable first step would be for database creators to make transparent and accessible their decision making in developing and operationalizing concepts. Some of the databases included in this study

46 Magnus Öberg and Margareta Sollenberg, 'Gathering Conflict Information Using News Resources,' in *Understanding Peace Research: Methods and Challenges*, ed. Kristine Höglund and Magnus Öberg (London: Routledge, 2011).

47 Onur Bakiner, 'Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society,' *International Journal of Transitional Justice* 8(1) (2014): 6–30.

48 Dancy et al., *supra* n 7 at 47.

49 Thoms et al., *supra* n 12 at 331.

have done this by publishing codebooks or providing detailed discussions of conceptualization in the academic publications emanating from the database research. However, it does not yet appear to be standard practice among TJ databases. Greater transparency in conceptualization would facilitate data sharing between database projects and provide fruitful ground for theoretical discussion on the meaning of concepts in the field more broadly. In addition, some conceptualization challenges may be eased by data collection that is disaggregated by transition type.

CONTEXTUALIZATION AND TRANSITION

By conducting large-n comparative analyses, TJ databases, like databases in other fields, run the risk of ‘decontextualizing’ the phenomena under investigation by developing overly broad universal concepts and operational definitions. This is an inherent challenge of the comparative study of states with diverse legal, political and social traditions.⁵⁰ However, context is particularly important within transitional states. In designing and resourcing TJ mechanisms, new governments may face significant challenges emanating from political instability; damaged infrastructure; lack of trained legal, medical and psychological professionals and resource constraints. These particular conditions may restrict the transitional states’ choice of measures to deal with the past and may affect the impact these mechanisms can make. These differences may be most pronounced when contrasting the use of TJ in different types of transitions, such as from dictatorship to democracy, from conflict to peace, or in conflicted democracies. The databases included in our study indicate that, thus far, database creators have taken very different approaches to handling the concept of transition.

For some databases, the existence of a transition is a way of delimiting the database population. However, among such databases, there are differences in how the existence of a transition is identified. One common approach is to rely on Polity IV’s Regime Transition (Regtrans) variable. This variable distinguishes between major democratic transitions, minor democratic transitions, positive regime change, little or no change, negative regime change or adverse regime change. The variable also codes for state failure, state creation and state transformation or interruption (which may correspond to a civil war). The Human Rights Prosecutions Database uses this variable to determine whether a state has undergone transition and to disaggregate between the following transition types: democratic transition,⁵¹ transition from civil war, and transition by state creation.⁵¹

Other databases take a more restrictive approach by gathering data relating only to a particular transition type. Selection of the appropriate transition type is generally a product of their research questions. For example, databases that are used to measure the impact of truth commissions on democratization may be limited to considering only truth commissions established in transitions from dictatorship to democracy.⁵² Alternatively, databases that document the inclusion of TJ measures in

50 Peter de Cruz, *Comparative Law in a Changing World*, 3rd ed. (London: Routledge, 2007).

51 Hunjoon Kim and Kathryn Sikkink, ‘Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries,’ *International Studies Quarterly* 54(4) (2010): 939–963.

52 Kenney and Spears, *supra* n 33.

peace agreements understandably focus on transitions from conflict. In such instances, the Uppsala Conflict Data Program/PRIO Armed Conflict Dataset is commonly used to select cases in which a conflict has occurred, and in some cases to disaggregate between conflict types.⁵³

In addition to limiting by transition type, some databases may also seek to put a time limit on the transitional period. For example, the Post-Conflict Justice (PCJ) Dataset only codes justice mechanisms that were created in the five years following the armed conflict. The authors justified this decision by contending that this time limit is the convention in postconflict literature.⁵⁴ In contrast, TJ theory and practice increasingly view transition as a longer-term process and recognize that transitional mechanisms may continue to be used decades after the abuses took place. This longer-term understanding is adopted in other databases. For example, the Transitional Justice Database codes any eligible TJ mechanisms created between 1970 and 2007. However, it distinguishes between processes that it deems to have been created during the transition (defined as two years prior to the transition year) and after the transition (any subsequent year up to 2007). Imposing time limits on the transition may be complicated where it has no clear start or end dates. The PCJ Dataset relied on the Uppsala/PRIO Dataset end date variable to identify when a conflict ended. The authors note that this meant that the South African TRC could not be included in their study as the Uppsala/PRIO Dataset codes the armed conflict in South Africa as ending in 1988, even though the early 1990s saw a dramatic increase in violence and the interim constitution was not agreed until 1993. This suggests that TJ databases may need to be cautious about relying on preexisting databases for case selection or data collection. Other databases do not impose any temporal constraints on understandings of transition. For example, the Transitional Justice Peace Agreement Database stipulates a conceptual conflict threshold of 25 conflict-related deaths in any one year over the course of the conflict, but it does not require that a peace agreement take place during the conflict to be included in the database. Instead, any peace agreement that precedes or succeeds the conflict may be included as long as it pertains to the conflict.⁵⁵

Finally, some databases do not limit case selection to transitional contexts. For example, the Amnesty Law Database gathers data on amnesties emanating from a wider range of political crises including civil unrest, military coups, international or internal armed conflict, authoritarian government or states that are transitioning from such crises (with no time limit imposed on the duration of a transition).⁵⁶ By including amnesties introduced in 'pre-transition' periods, the database captures information on amnesty laws that are used as counterinsurgency tools or to facilitate peace negotiations. Although such contexts are not strictly speaking 'transitions,' where amnesties are granted prior to a transition, they can influence the choice of TJ policies adopted by constraining the extent of accountability that can be pursued. Furthermore, as amnesties take different forms before, during and after a transition,

53 Leslie Vinjamuri and Aaron Boesenecker, *Accountability and Peace Agreements: Mapping Trends from 1980 to 2006* (Geneva: Centre for Humanitarian Dialogue, 2007).

54 Binningsbø et al., *supra* n 8.

55 Bell, *supra* n 28.

56 Mallinder, *supra* n 23.

this broader approach facilitates a fuller understanding of the nature and purposes of amnesty.

The choice of whether to limit case selection to transitional contexts may be dependent upon the research purposes of the database. For example, the TRC established in Canada to investigate the forced cultural assimilation of Aboriginal children and other human rights violations might be examined by researchers interested in the diversity in mandates, procedural operations or outcomes of truth commissions, even though Canada is not a transitional state.⁵⁷ In contrast, a scholar seeking to test hypotheses related to the impact of truth commissions on transitions would exclude the Canadian example as it has been undertaken in the absence of a political transition and is therefore unrelated to the hypotheses that the database is constructed to test.

This section has shown that databases of TJ mechanisms and transitional contexts handle the notion of transition in very different ways. As with divergent approaches to conceptualization, these differences can affect the cases that are selected for inclusion in a database. Furthermore, for impact assessment databases, differences of whether to measure impact over a short time period, such as five years, or over a longer period may impact upon the findings produced. In addition, databases that seek to measure the impact of TJ mechanisms on democratization may obtain differing results if they include conflicted democracies in their sample. In recognition of this problem, Dancy has sought to develop a universal list of transitions, broken down by transition type, which could provide a basis for further research.⁵⁸ While such initiatives are valuable, as long as contestation over the definition of 'transition' prevails, there is no substitute for researcher transparency in the definition of transition adopted.

SOURCES

After concepts have been operationalized and other limits on case selection determined, the database researcher must decide what sources can be reliably used to identify cases for inclusion and what sources should be used to compile the data. There are again marked differences in approach between more interpretivist qualitative databases and more positivist quantitative datasets in the handling of sources.

First, with respect to case selection, some databases rely only on a single source. For example, the Transitional Justice Database relies on Keesing's World News Archive to determine whether trials, truth commissions, reparations or lustrations have taken place in the cases being studied.⁵⁹ This source was used due to its geographic and temporal coverage and its perceived objectivity.⁶⁰ Similarly, the Human Rights Prosecutions Database relies on the US State Department's Country Reports on Human Rights Practices to determine the presence of domestic human rights

57 Courtney Jung, 'Transitional Justice for Indigenous People in a Non-Transitional Society,' International Center for Transitional Justice Research Brief (October 2009).

58 Dancy, *supra* n 34.

59 Olsen et al., *supra* n 32.

60 Tricia D. Olsen, Leigh A. Payne and Andrew G. Reiter, 'Transitional Justice in the World, 1970–2007: Insights from a New Dataset,' *Journal of Peace Research* 47(6) (2010): 803–809.

prosecutions.⁶¹ An advantage of relying on a primary source with global coverage for case selection is that terminology should be constant, thereby allowing keyword searches that produce comparable material.⁶² However, universal sources such as Keesing's or the US State Department's reports often contain limited information on the phenomena being investigated and may be subject to bias.

Other databases began their process of case selection by initially consulting preexisting lists. For example, Geoff Dancy and Steven Poe relied on a list of truth commissions compiled by Wiebelhaus-Brahm.⁶³ They then supplemented this list through consulting news articles. Other truth commission databases relied on lists compiled by the US Institute of Peace⁶⁴ and Priscilla Hayner.⁶⁵ Similarly, both Renée Jeffery's amnesty database⁶⁶ and the Transitional Justice Research Collaborative⁶⁷ relied on Mallinder's Amnesty Law Database in compiling their own lists of amnesties, which were both supplemented with other sources.

In contrast to relying on news articles or government reports that may be biased, the Transitional Justice Peace Agreement Database only selected peace agreements for inclusion where the original text could be sourced and examined. This presented issues around access and the verification and authenticity of such texts.⁶⁸

Differences also arise in how sources are used to compile data within a database. The Human Rights Prosecutions Database relies only on the same source used for case selection as for subsequent data collection. More commonly, databases employ additional sources for data collection although the type and quantity of sources used varies considerably depending on the research purposes of the database. More qualitative, interpretative databases use a wider range of sources. For example, the Amnesty Law Database relies on national legislation, judicial decisions, academic writings, news reports, nongovernmental organization reports, truth commission reports, peace agreements and other treaties, and national and intergovernmental policy papers. By using multiple sources, these databases hope to triangulate between the sources to overcome biased sources, enhance reliability and develop richer descriptions on which to base inferences.⁶⁹ Balancing competing sources necessarily entails the coder engaging in interpretation of sources. This creates space for

61 Kim and Sikink, *supra* n 51. However, other sources were relied upon for case selection relating to international and foreign trials.

62 Sundberg and Harbom, *supra* n 40.

63 Dancy and Poe, *supra* n 32.

64 US Institute of Peace, 'Truth Commission Digital Collection,' <http://www.usip.org/publications/truth-commission-digital-collection> (accessed 15 May 2016).

65 Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York: Routledge, 2010).

66 Renée Jeffery, *Amnesties, Accountability, and Human Rights* (Philadelphia, PA: University of Pennsylvania Press, 2014).

67 Transitional Justice Research Collaborative, 'Amnesty Coding Manual,' May 2014, <https://transitionaljusticedata.com/files/Amnesty%20Coding%20Manual.pdf> (accessed 15 May 2016).

68 The PA-X: Peace Agreements Access Tool, which is building on the Transitional Justice Peace Agreements Database, has developed a methodology for verifying agreements depending on how the text was secured. Personal communication, Christine Bell, 20 January 2016.

69 Lee Epstein and Andrew D. Martin, 'Quantitative Approaches to Empirical Legal Research,' in *The Oxford Handbook of Empirical Legal Research*, ed. Peter Cane and Herbert M. Kritzer (Oxford: Oxford University Press, 2010).

subjectivity to enter the coding process to a greater extent than when a database relies exclusively on primary legal texts. To address this challenge, make coding decisions apparent and ensure replicability, some databases, such as the Amnesty Law Database, record all the sources used to compile the description of individual cases within the database.

For more quantitative approaches, following the case selection stage, fewer additional sources are required to compile data on the core phenomenon being investigated. However, these databases generally rely on a range of existing databases and indicators in order to disaggregate data by transition type or to insert the controls necessary for statistical modelling. For example, to measure the impact of the phenomena identified, these datasets generally rely on preexisting datasets, such as Polity IV and Freedom House to measure democracy, and the Cingranelli-Richards Human Rights Database and the Political Terror Scale to measure human rights protections. As noted by Tricia Olsen, Leigh Payne and Andrew Reiter, these indices are widely used by scholars of democratization and TJ.⁷⁰ However, political scientists have exposed that each dataset in different ways suffers from weaknesses, which may produce bias when the data are used.⁷¹ For example, with respect to TJ, Wiebelhaus-Brahm has noted that both Polity and Freedom House focus on electoral rules and checks on executive power. On this basis, he suggests that they may not be suitable for measuring the impact of a truth commission on democratization: ‘these aspects of democracy are largely determined by the negotiations at the time of the transition and, therefore, are beyond the truth commission’s reach.’⁷² He makes similar critiques with respect to existing indices on human rights protections.⁷³ Megan Price, director of research for the Human Rights Data Analysis Group, argues that although causal relationships can be inferred from quantitative datasets, the reliability of the findings is dependent on the quality of the underlying data. With respect to datasets such as Polity IV, in keeping with concerns expressed by political scientists, she argues that these data do not support this kind of analysis.⁷⁴ As Thoms et al. note, given the problems of measurement validity that result from reliance on these cross-national indicators, ‘even the most careful dataset will be open to criticism.’⁷⁵

To sum up, the research purposes underpinning a database will shape the approaches to the types and quantity of sources used for case selection and data collection. These differences are significant as they can profoundly affect the reliability and validity of a database of TJ mechanisms or transitional contexts. In particular, the findings of some of the quantitative datasets have been called into question by the absence of consistent, reliable data, which creates the risk of missing cases and using inappropriate indicators. Considering the range of research purposes outlined

70 Olsen et al., *supra* n 32.

71 Gerardo L. Munck and Jay Verkuilen, ‘Conceptualizing and Measuring Democracy: Evaluating Alternative Indices,’ *Comparative Political Studies* 35(1) (2002): 5–34; Ann Marie Clark and Kathryn Sikkink, ‘Information Effects and Human Rights Data: Is the Good News about Increased Human Rights Information Bad News for Human Rights Measures?’ *Human Rights Quarterly* 35(3) (2013): 539–568.

72 Wiebelhaus-Brahm, *supra* n 10 at 25.

73 *Ibid.*

74 Email conversation with Megan Price (on file with the authors).

75 Thoms et al., *supra* n 12 at 346.

above, there is perhaps potential for some forms of database to play a role in addressing these challenges, for example by developing comprehensive lists of particular phenomena and descriptive profiles of overlooked case studies and making these available as a basis for more quantitative analysis. Additionally, impact assessment databases would benefit from greater reflection in the field on how to develop indicators that are more appropriate to the transitional context.

CONCLUSION

Through our systematic analysis of existing cross-national TJ databases, we have found that the term 'database' does not denote a homogeneous methodological form, be it qualitative or quantitative. Instead, in keeping with the interdisciplinary nature of TJ, scholars create databases for distinct research purposes, which may reflect their epistemological standpoint. As a result, despite working within the same field, TJ database researchers make different methodological choices, or 'acts of construction' in Pierre Bourdieu's terminology,⁷⁶ which can fundamentally impact the nature of the knowledge produced. We have focused on analyzing where these differences arise with respect to research purposes, conceptualization, approaches to the notion of transition and the use of sources for case selection and data collection. This is not an exhaustive review, as differing results can also arise from, for example, differences in the selection of dependent variables or the choice of statistical methods. Overall, however, it is clear that at present the data gathered for one database project may not be readily transferable to another, and that differences in research design can contribute to the lack of consistent findings within the field.

Acknowledging these challenges matters not just for the theoretical development of the field, but also for the pursuit of reliable data on which policy makers can base their decisions. Many TJ database creators make explicit their desire to impact directly on policy makers, TJ institutions, legal professionals and civil society organizations. For example, Olsen et al. elaborated policy guidelines for advocates and policy makers based on their findings from the Transitional Justice Database.⁷⁷ Although TJ database research is still in its early stages, experiences of conflict databases suggest that policy makers tend to value the findings of database research. For example, the important role that databases can play in informing policy choices was recognized by Andrew Mack, former director of the Strategic Planning Office of the UN secretary-general. In a paper reviewing the failure of the academic community to impact on international conflict policies, Mack states that 'some of the most innovative research on civil wars . . . has come from scholars using comprehensive databases.'⁷⁸ Wolf-Dieter Eberwein explains that policy makers are drawn to conflict databases by the need for data to develop and implement new policies, to document and evaluate the impact of such policies and 'to legitimate past performance or new

76 Pierre Bourdieu, 'Understanding,' *Theory, Culture and Society* 13(2) (1996): 18.

77 Olsen et al., supra n 32.

78 Andrew Mack, 'Civil War: Academic Research and the Policy Community,' *Journal of Peace Research* 39(5) (2002): 516.

policies.⁷⁹ There is some evidence that practitioners are beginning to use TJ databases – for example, as noted, findings from some databases have been cited by international courts.

As we have argued, TJ databases face several challenges in advancing the policy relevance of their findings. This is due principally to the inconsistency in findings and concerns about the reliability of the indicators used to measure the impact of TJ mechanisms. By acknowledging these challenges, we are not suggesting that database research be abandoned. On the contrary, we hope that TJ researchers deepen their efforts in this regard by engaging in greater theoretical reflection on how transitional phenomena should be conceptualized and operationalized. Where databases highlight patterns in disaggregated attributes of TJ mechanisms, they have the potential to contribute to these endeavours by exploring the extent to which prevalent conceptions reflect the form that TJ mechanisms take around the world. Furthermore, we contend that greater transparency – and, ultimately, consensus – on conceptualization would make it easier for researchers to build upon existing databases. In particular, we believe that interpretative, qualitative databases can provide the ‘raw data’ for explanatory analysis in quantitative datasets. The databases of TJ mechanisms and transitional contexts analyzed in this article represent the vanguard of new forms of research in the field. We argue that they have the potential to contribute significantly to the development of TJ knowledge. However, we contend that for databases to be able to fulfil their potential, there should be greater reflection and awareness among database creators and consumers on which forms of database are best suited to particular research purposes, the limitations of the distinct forms of databases and whether there are sufficient existing sources to provide reliable underpinning data. We hope that through database researchers grappling with these thorny methodological issues, the robustness and complementarity of database projects will be enhanced.

Appendix

Table 1: Codebook for the Database of Transitional Justice Databases

Database Name	The name of the database as provided in the academic publications. Where no name is stated, the database is identified using the creator’s surname and the core phenomenon being investigated, e.g., ‘Jeffery’s amnesty database.’
Database Creator(s)	The names of the main database creators as listed on the project website or academic publications. Where there was a nonacademic partner organization, the name of the

(Continued)

79 Wolf-Dieter Eberwein, ‘The Creation and Use of Data: Scientific Requirements and Political Utility,’ in *Building and Using Datasets on Armed Conflicts*, ed. Mayeul Kauffmann (Amsterdam: IOS Press, 2008), 14–15.

	organization is also listed. This field does not include the names of all persons involved in data entry.
Academic Discipline(s)	List of academic disciplines of all database creators as identified from the bio-line in academic publications or their online profile. The term 'discipline' is used broadly here to include the language used by the authors themselves, which may relate to a field rather than a discipline.
Database Type	Database described as qualitative, quantitative or another description copied directly from the description used online (relates to where database creators describe their database as both qualitative and quantitative).
Research Purpose(s)	List of the research purposes underpinning the database as copied from scholarly publications or online descriptions. Where the purposes have evolved over time, the database creators' explanation of this is included.
Core Phenomenon	Simple terms to identify the core phenomenon being investigated. Where a database is compiling data on multiple transitional justice processes, all are listed here.
Population	Description of how core concepts are operationalized and criteria for inclusion are applied (e.g., temporal or geographical constraints).
Disaggregation	Description to highlight the extent to which core concepts are disaggregated. For example, whether the database contains variables relating to different aspects of a truth commission's mandate.
Transition	This identifies whether the database is limited to collecting data only on transitional contexts, whether efforts are made to disaggregate different types of transition and how cases of transition are identified.
Use of Other Databases	Description of other databases used for case selection or control variables.
Sources	Description of which sources are used for case selection or data collection.
Coding	Description of coding, e.g., descriptive text, drop-down lists, rankings or binary variables, or a combination thereof.
Analysis	Description of methods of analysis as provided in the academic publications.
Website	Link to the database website or online replication data.
Codebook	Link to the online codebook if available.
Publications	Bibliographic information on publications resulting from the databases that were used to compile the profile. Academic publications included journal articles, monographs, conference papers and research reports.

Table 2: Databases of Transitional Justice Mechanisms and Contexts

Database Title	Database Creator(s)	Academic Discipline(s)	Database Type	Core Phenomenon	N =
Amnesty Law Database	Louise Mallinder	Law	Qualitative	Amnesties	543 amnesties
Dancy & Poe Truth Commission Onset Dataset	Geoff Dancy Steven C. Poe	Political science	Quantitative	Truth commissions	25 truth commissions
During-Conflict Dataset	Helga Malmin Binningsbø Cyanne E. Loyle Scott Gates	Political science	Quantitative	Six forms of addressing wrongdoing: trials, truth commissions, reparations, amnesties, purges and exiles	2,205 transitional justice mechanisms
Horne's Lustration Dataset	Cynthia Horne	Political science	Qualitative and quantitative	Lustration	12 postcommunist countries
Human Rights Prosecutions Data Base	Kathryn Sikink (with Carrie Booth-Walling, Hunjoon Kim and others)	Political science	Quantitative	Trials and truth commissions	100 transitional countries
Jeffery's Amnesty Database	Renee Jeffery	Political science		Amnesties	709 amnesties
Justice and War Dataset	Leslie Vinjamuri Aaron Boeseucker (in conjunction with the Centre for Humanitarian Dialogue)	Political science	Qualitative	Peace agreements	77 peace agreements
Kenney & Spears Truth Commission Dataset	Charles D. Kenney Dean E. Spears Hun Joon Kim	Political science	Quantitative	Truth commissions	16 countries in Latin America

(Continued)

Table 2: (continued)

Database Title	Database Creator(s)	Academic Discipline(s)	Database Type	Core Phenomenon	N =
Kim's TJ Measures Adoption Dataset				Transitional justice measures	112 transitional countries
Peace Accords Matrix	Kroc Institute for International Peace Studies (Lederach, Diez, Joshi, Quinn)	International peacebuilding Conflict mediation practitioner Political science Conflict and peace studies	Qualitative and quantitative longitudinal data	Peace agreement implementation	34 comprehensive peace agreements
Post-Conflict Justice Dataset	Helga Malmin Binningsbø Cyanne E. Loyle Scott Gates	Political science	Quantitative	Postconflict justice efforts included are trials, truth commissions, reparations, amnesties, purges, exiles	357 armed conflict episodes
Quantitative Analysis of Truth Commissions	Eric Wiebelhaus-Brahm	Political science	Quantitative component of a larger mixed-method study	Truth commissions	29 truth commissions
Transitional Justice Data Base	Leigh A. Payne Tricia D. Olsen Andrew G. Reiter	Political science Sociology	Quantitative	Trials, truth commissions, amnesties, reparations and lustration	1,116 transitional justice mechanisms
Transitional Justice Peace Agreements Database	Christine Bell Catherine O'Rourke	Law	Qualitative	Peace agreements	640 peace agreements

(Continued)

Table 2: (continued)

Database Title	Database Creator(s)	Academic Discipline(s)	Database Type	Core Phenomenon	N =
Transitional Justice Regimes Dataset	Geoff Dancy	Political science	Quantitative	Political transitions	156 transitional justice regimes datasets
Transitional Justice Research Collaborative	Leigh Payne Kathryn Silkink Francesca Lessa Geoff Dancy Bridget Marchesi	Political science Sociology	Quantitative and qualitative	Human rights prosecutions, amnesty laws, civil trials, vetting and lustration, reparations and customary forms of justice	
TRC Database	Leah Barkoukis Charles Villa-Vicencio (with the Institute for Justice and Reconciliation)	Peace and conflict	Qualitative	Truth commissions	10 truth commissions
Truth Commission Dataset	Geoff Dancy Hunjoon Kim Eric Wiebelhaus-Brahm	Political science	Qualitative	Truth commissions	37 truth commissions
Truth Commissions Publicness Dataset	Laura K. Taylor Alexander Dukalskis	Psychology Political science	Quantitative	Truth commissions	28 state-led truth commissions
UCDP Peace Agreement Dataset v. 2.0, 1975–2011	Lotta Harboom Stina Höglblad Peter Wallensteen	Peace and conflict	Quantitative	Peace agreements	216 peace agreements