

Current Research Projects

The Role of Databases in Transitional Justice Research Professor Louise Mallinder and Dr Catherine O'Rourke

The 'Role of Databases in Transitional Justice Research' project is coordinated by Dr Louise Mallinder and Dr Catherine O'Rourke who have created the Amnesty Law Database (Mallinder) and the Peace Agreements database (Bell and O'Rourke). The project was funded by the Socio Legal Studies Association (SLSA) and a seminar took place on 26 October 2010 in Belfast, followed by a series of conference papers and publications in 2011.

Project Outline

The project explores the role of databases in categorising, compiling and interpreting data on transitional justice. As outlined in the themes below, the construction of transitional justice databases raises conceptual, methodological and ethical concerns.. The seminar and associated outputs will be valuable for researchers working with databases in the field of transitional justice, and socio-legal research more broadly.

Transitional justice evolved as a field of scholarship and praxis since the mid-1980s. Today, it shapes decisions of domestic actors in countries moving away from tyranny and conflict and the policy priorities of intergovernmental organisations and donor states. However, efforts to evaluate transitional justice concepts and mechanisms systematically have only begun in recent years. Databases are emerging as a key part of this endeavour as the compilation of systematic and defined data sets enables researchers to conduct large comparative analyses of how legal processes operate at the domestic level, including their legal, political, social and cultural impacts, and to explore how they relate to international law. Furthermore, as the list of participants indicates, databases are interdisciplinary research tools. Lawyers are using databases to explore social phenomena whilst sociologists and political scientists are constructing databases to investigate legal themes. Each discipline is bringing its own approaches to the issue resulting in different styles of databases that range from the coded and quantitative, to more qualitative approaches. Each of these styles has its own advantages and limitations, which can provide insights for researchers from other disciplines through interdisciplinary dialogue

Participants

The following scholars and practitioners who have created the leading transitional justice databases, participated in the project seminar in October 2010.

Project Themes

Defining Variables, Categorising Data: The first theme will address the 'science' of databases in empirical transitional justice research. At the initial stages of database construction, decisions must be made about how categories of analysis are to be defined and identified. The process of imposing uniformity on diverse phenomena raises methodological concerns. For example, decisions on which categories to identify as relevant are subjective and risk decontextualising individual phenomena from the broader socio-legal context in which they operate. The session will address these concerns and explore how to make database research replicable. In addition, categorisation processes expose tensions between political science databases, which typically involve coding, and more qualitative databases, which involve some measure of legal interpretation in the identification and categorisation of relevant data. Further, the seminar will consider the more specifically doctrinal issues in the categorisation of cross-jurisdictional data, such as, how to negotiate the different classification of crimes in different domestic legal systems and in international law, and the extent to which specific legal devices can be understood without knowledge of the domestic legal context.

Issues of Access: Obtaining Reliable and Comprehensive Data: The second theme will consider obstacles to accessing comprehensive and reliable data in the construction of transitional justice databases. Once categories for analysis have been defined, researchers must locate reliable primary and secondary sources, overcoming obstacles of language, distance, and passage of time. Further, the veracity of sources may not be clear. This theme will consider strategies for improving access to primary sources, and to ensuring their veracity, potentially through enhanced collaboration of researchers.

Political and Legal Implications of Data Classification: The contemporary policy relevance of transitional justice research means it can carry immediate political and legal implications, at domestic and international levels. Domestically, the compiling and classifying of transitional justice data can have political implications where the categories privilege one in a competing set of narratives about the nature of political conflict. Internationally, documenting states' responses to mass atrocity can undermine



anti-impunity campaigns if it reveals that state practice does not support the existence of obligations to prosecute under customary international law. The seminar will explore these questions, and consider strategies for the ethical conduct of database research.

Role of Databases in Consolidating and Furthering Transitional Justice Knowledge: Databases can be useful in facilitating the identification of international trends, and ensuring that prominent, though outlier, cases do not come to be perceived as representative. Further, it is suggested that large-n databases can contribute to knowledge by identifying gaps in research, in terms of identifying under-researched cases and phenomena. However, the construction of transitional justice databases involves considerable investment. Furthermore, databases pose particular challenges in terms of sustainability, as data must be kept current in order to meet their stated objectives. The seminar will consider strategies for the sustainability of such initiatives, such as greater coordination amongst transitional justice researchers.