

Comparing What to What? Intersecting Methodological Issues in Comparative Area Studies and Transitional Justice Research

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The paper discusses how current methodological debates on the potentials of Comparative Area Studies intersect with current trends in transitional justice research. As the field of transitional justice studies is approximating a status of maturation, academic enterprises tend to focus on empirical as well as theoretical generalization. The challenge of comparative transitional justice research consists less in weighing national impacts of policies than in taking into account a more histor-

icized conception of causality, inclined to complex long-term processes as well as global interdependencies. From the perspective of Comparative Area Studies, the case of transitional justice studies testifies to the need of combining local, national, transnational, trans-local as well as global foci of analysis.

Keywords: Area Studies; Comparative Area Studies; Transitional Justice; Comparison; History of Science

Introduction

Discerning trends in academic fields is a difficult undertaking, as some paradigms come into fashion and disappear quickly, while others last. One such trend is the field of Transitional Justice Studies that emerged in the late twentieth century. The invented term (or signifier) "Transitional Justice" refers to a set of judicial and non-judicial instruments of dealing with past human rights violations and acts of mass violence. The concept of Transitional Justice is deeply associated with the political changes of the 1980s and 1990s when the demand for both punishment and truth led to the implementation of truth commissions and other mechanisms of restorative justice. Since then, the rapid proliferation of transitional justice mechanisms with ever-increasing degrees of professionalism provided the nurturing environment for an academic enterprise that required expertise from diverse disciplines. The flourishing field of Transitional Justice Studies now attracts scholars from diverse countries and influences public debates all over the world. Competitive dynamics in transitional justice research, as described below, lead to an accelerated search for unsolved puzzles, new cases, and innovative theories. Current synthesizing efforts are often (not always) connected to quantitative approaches that aim at

measuring the impact and/or effectiveness of transitional justice. In general, macro perspectives on transitional justice processes are closely related to comparative approaches.

It is precisely at this moment in history that the field of Transitional Justice Research intersects with the methodological vogue of Comparative Area Studies. In recent years, the “classical” controversy between Area Studies and disciplinary social science (Pye) lost momentum as many researchers became aware of the global interconnectedness of social phenomena. It seems appropriate to presume, though, that real-world changes as well as certain discursive attitudes have led to a growing methodological concern related to the analysis of complex causal interactions both within and across cases. Accordingly, there has been renewed debate on case selection techniques (Seawright and Gerring; Liebermann; Mahoney) and small-N comparative research designs based on (or even transcending) most similar /most different systems (Przeworski and Teune; Berg-Schlosser and De Meur; Sartori). Within methodological debates, the idea of fuzzy set/ Qualitative Comparative Analysis (QCA) has attracted considerable interest (Ragin, *Fuzzy-Set*). Seen from the angle of area studies, however, the debate

on Comparative Area Studies (Basedau and Köllner “Oil”) seems to be most promising, as it comprises intra-regional comparisons, inter-regional comparisons, cross-regional comparisons as well as thick case studies.

This paper deals with the evolution of two interdisciplinary academic fields that share a growing concern about the potentials and pitfalls of comparative methods. These fields differ in many respects. While the term “Area Studies” is closely associated with institutional contexts and the geography of science, Transitional Justice Research is held together by a common topic. Although current methodological debates on comparative approaches in both fields hinge on somewhat different questions, they reveal much about the opportunities and boundaries of comparative research. How to avoid oversimplification when comparing cases? Or, seen from a different angle, how to produce a case study that is both thick and comparable? How to select cases for comparative analysis? How to navigate between Scylla and Charybdis—that is, between the logic of simplifying probabilistic analysis and the logic of historiographic particularity, uniqueness, and singularity? By comparing key methodological concerns visible in both fields, the paper shows what Tran-

sitional Justice Studies can learn from Comparative Area Studies and vice versa.

From Area Studies to Comparative Area Studies

Certainly since the institutionalization of post-WWII Area Studies in the United States, academia has been divided over the meaning and significance of Area Studies and its more recent transformations (Szanton). The term Area Studies entered the vocabulary to describe multidisciplinary research programs whose essential task is to produce systematic knowledge about “other” regions of the world. This knowledge refers to a wide range of subject matters, including language, culture, religion, political systems, geology, history, taxation, media landscapes, gender relations, and so on. The understanding of social, political, and historical contexts requires both language skills and significant real-life experience in the regions at stake. However, area experts usually know cultural contexts of a handful of countries, with their expertise heavily relying on their disciplinary training (humanities, linguistics, social sciences).

Yet what exactly does region (or area) mean? As many critics have pointed out, the demarcation of specific areas (e.g. Latin America, sub-Saharan Africa, East

Asia, Europe, Russia) is always linked to ideological conceptions of the world. Wallerstein et al. (94) turned their attention to the evolution of the scientific field that was “divided into a specific set of relatively standard disciplines in a process that went on between the late eighteenth century and 1945”. Within this disciplinary division of labour, anthropology was established to deal with “the savage other”, while development economics, sociology of development, comparative politics, and area studies were thought to deal with modernization and the “take-off into self-sustained growth” (Rostow) in a postcolonial world. The areas of cold-war Area Studies were arbitrary constructs, emanating from the epistemological history of colonization and imperialism. As Appadurai has noted:

“These apparent stabilities are themselves largely artefacts of the specific trait-based idea of ‘culture’ areas, a recent Western cartography of large civilizational landmasses associated with different relationships to ‘Europe’ (itself a complex historical and cultural emergent); and a Cold War-based geography of fear and competition in which the study of world languages and regions in the United States was legislatively configured for

security purposes in a reified map of geographical regions” (Appadurai 7).

Currently, however, there is a trend to move beyond traditional Cold-War area studies by questioning the spatial boundaries associated with world regions, and by introducing innovative methods. The focus on both profound knowledge of local contexts and systematic analysis of global issues, usually based on comparative approaches, continues to be the essence of what distinguishes area studies from disciplinary science.

Comparison is at the heart of social research and means that researchers essentially search for similarities/differences when contrasting patterns of social life within or across cases, within space and across time. Ever since the pioneers of social research started thinking about essential elements and techniques of social science (observation, experimentation, classification, explanation/generalization), there has been a vivid debate on comparative methods, particularly on the units, extent, and scale of comparative analysis. While the macro comparisons and conceptual contributions of Marx, Weber, and Parsons have been a matter of some theoretical debate (Vallier), other authors have been engaged in discussions about small N/large N paradigms and the problem of

adequately detecting causal inference. More recently, various attempts have been made to overcome the micro/macro and quantitative/qualitative divide. Ragin and Robinson have noted:

“Comparative research can bridge the divide between qualitative, case-oriented research and quantitative, variable-oriented research. Like case-oriented methods, comparative methods maintain the integrity of cases; like variable-oriented methods, comparative methods examine patterns of relationships among variables. Comparative methods, then, may be used for both theory development and hypothesis testing”. (15)

It is crucial to note that Ragin and Robinson have one particular comparative method in mind; Qualitative Comparative Analysis (QCA), based on Boolean algebra and so-called truth tables.¹ QCA, however, is just one method of doing comparative research. There are many other comparative research strategies, mostly linked to “academic tribes” (Becher and Trowler) and their respective languages and cultures of inquiry. After decades of nearly fruitless methodological struggle, more recent debates tend to overcome some of the deepest divisions within social sciences – between inductivism and deductivism,

and between thick description and correlational analysis.

The current move to mixed-method designs coincides with the rising popularity of Comparative Area Studies. Both trends overlap in their approaches to social reality whose sheer complexity demands a multifaceted analytical approach. It is crucial to note that “Area Studies and Comparative Area Studies do not constitute ends in themselves. They must serve a purpose” (Basedau and Köllner, “Oil” 112). As Basedau and Köllner describe, Area Studies and Comparative Area Studies serve an important function by providing data and descriptions (based on in-depth knowledge of local realities) as well as context-sensitive explanations and social theories. As such, they have come to the forefront of innovative social research. Comparative Area Studies can avoid oversimplifying causal chains and ignoring both history and context. As Ahram (84) stated, the emphasis on induction “maintains the integrity of region-specific knowledge about the multiple layers and multiple iterations of impacts that generate the concrete forms of social changes observed in the world today” (ibid.).

The innovative character of Comparative Area Studies may depend on whether they compare social phenomena within, between, or across areas (Basedau and

Köllner, “Oil”; Mehler and Hoffmann). While some research designs may still be closely linked to traditional area studies, others contribute to a research agenda that proposes an alternative to Eurocentric and Americanized social science. Comparative studies across regions (including those of the north) are best suited to deal with phenomena perceived as global concerns. Moreover, cross-regional studies strengthen the dialogical benefits of bringing “southern” theory into northern academic worlds (Connell; Comaroff and Comaroff).

Transitional Justice Research and the Search for Scientific Innovations

Following the historical stages of international practice (Teitel, “Justice Genealogy”), the scholarship examining the moral foundations, institutional settings, and political impacts of transitional justice evolved through successive stages. The evolution of the burgeoning field of Transitional Justice Studies resembles a classical product life cycle curve that is divided into four stages. According to the product life cycle model, presented originally by Raymond Vernon, competitive pressures are low during the formative stage. From the late 1940s until the mid-1990s, the body of both empirical studies and normative contributions was growing slowly

but continuously. That was the time when the term “transitional justice” was not even in use², and debates mainly gravitated around psychological needs and normative claims (Mitscherlich and Mitscherlich; Arendt, *Eichmann*; Adorno, *Interventions, Critical Models*; Améry; Levy). During the “third wave” of democratization (Huntington), the question of how to deal with past atrocities was treated as a key problem of political transition. While human rights movements fought for both the revelation of truth and judicial prosecutions of those responsible for the crimes, transitional elites (whether involved in the crimes of the former regime or not) were mostly afraid of a return to dictatorship or internal war. In their view, the main task was “settling a past account without upsetting a present transition” (O’Donnell and Schmitter 28). Among the recommendations made by Huntington in his “guidelines for democratizers” was one to deal with the “torturer problem”: “the least unsatisfactory course may well be: do not prosecute, do not punish, do not forgive, and, above all, do not forget” (Huntington 231). Many transitional elites, though, resorted to a pragmatic truth-but-no-trials-policy. The invention and rapid proliferation of truth commissions (Hayner) attracted growing scholarly interest in different parts of the world. In the mid-1990s, the ambitious

project of the South African Truth and Reconciliation Commission (TRC) as well as ongoing debates on accountability and historical clarification in Latin America made “transitional justice” a topic of major interest for social scientists, lawyers and psychologists. These debates set the scene for the subsequent stage of growth, particularly with the publication of diverse now classical contributions to the idea of transitional justice. The years around the turn of the millennium witnessed a significant growth in contributions to normative issues (e.g. Crocke; Elste; Minow; Nino; Weschler). In another vein, fundamental questions about variation in time and across space framed early comparative debates (e.g. Hayner; Kritz; Barahona de Brito, González Enríquez and Aguilar). International media coverage, public debates within political spheres, as well as a growing number of cultural representations of mass violence created a nurturing environment for academic research. In the growth stage of Transitional Justice Research, the academic output began to grow exponentially, more and more scholars entered the academic market, and powerful nodes within global expert networks emerged. Although major conceptual issues remained unresolved and open to continued debate, there were diverse efforts for getting a process of canoniza-

tion underway. Since the late 1990s, an ever-increasing number of conferences and edited volumes produced a vast body of arguments that each member of the “TJ community” should know. In collecting, composing, and editing publications, it was paradoxically the members of that same “TJ community” who decided who was to be included in the canon of Transitional Justice Research and who was not. In another vein, perhaps the most important contribution to the field has been in the form of a myriad of case studies, covering well-known cases such as South Africa, Chile, and Argentina, as well as a large number of less-known, deviant, or even neglected cases. With the veritable explosion of publications on Transitional Justice, two general trends have been accelerated. First, the trend towards concentration has further fostered powerful nodes within the global expert network (such as the International Center for Transitional Justice, and the International Journal of Transitional Justice, see Arthur; Subotić). At the same time, more and more academic centers and networks have entered the competition for international visibility. Key institutions include the Transitional Justice Institute (University of Ulster), the African Transitional Justice Network, Oxford Transitional Justice Research, and the Essex Transitional Justice Network.

This refers to the second general trend that is the trend towards hierarchized (Anglo-American) internationalization. Currently, the field is entering a stage of maturity, with the academic market presumably approaching saturation. The overwhelming number of publications has made it extremely difficult to oversee potentially relevant findings. The Transitional Justice Bibliography, provided by Andrew G. Reiter and his Transitional Justice Data Base Project, contains 2,497 entries which represent a selection of relevant literature. As the academic market is booming, there is increasing “brand” competition, and marginal competitors face serious obstacles in getting their voice heard at national as well as international levels. This situation requires research strategies whose key components are empirical generalization, theoretical refinement, or the discovery of new domains. The latter usually involves either comprehensive case studies or comparisons between two or more cases, undertaken with the aim of providing new insights into the social dynamics of dealing with the past. These case-oriented strategies represent holistic approaches to complex realities, and tend to shed light on historical particularities. In using qualitative methods of social research (whether explorative or not), they contribute to a multifaceted un-

derstanding of transitional justice processes.³ The strategy of theoretical refinement (that often emanates from empirical research) focuses on providing new conceptual insights into the dilemmas as well as dynamics of transitional justice. More recent contributions to this line of inquiry underline that “the field remains tremendously undertheorized” (de Greiff 32). Whether there is a lack of theory or not remains open to debate, but it should be noted that “approaches to conceptualise the phenomenon can be manifold and highly diverse, and can at times be in tension with each other” (Buckley-Zistel et al. 4). The main problem, though, might rather consist of a “thin consensus” (see de Greiff 32) on the characteristic features of transitional justice. The third strategy, empirical generalization, is generally associated with research methods in Comparative Politics (Backer; Kim and Sikkink). This body of research is based on variables rather than cases, and deals with the extent to which independent variables influence the dependent variable. In contrast to qualitative case studies, this approach promotes a broader understanding of transitional justice processes that transcends the boundaries of time and space. This vein of inquiry, however, leads to new (and even dissonant)

answers to a basic question: what is the value of comparison?

How to Select Cases for Comparative Transitional Justice Studies?

David Backer has promoted the utility of cross-national comparative analysis, combining longitudinal large-N studies with qualitative small-N studies. A preferable research strategy, according to Backer, “is a panel survey that captures relevant information on the same set of respondents at multiple points in time (55). For higher levels of aggregation, the requisite source is time-series data on various indicators of interest, capturing snapshots both before and after the implementation of relevant transitional justice measures”. It is important to note that the ultimate goal of the research strategy proposed by Backer is to identify the factors which affect the selection of transitional justice mechanisms and to detect their “macrolevel outcomes” (Backer 51) as well as “microlevel effects” (ibid.). On the other hand, Backer refers to a set of “hurdles” (24) in undertaking comparative research. First, cases tend to be too different to establish common variable-based categories. Second, the “information asymmetry” (Backer 58) with regard to well-known and less documented cases contributes to the reproduction of distorted global memories of transitional

justice processes. Third, the real impact of transitional justice processes “can be difficult to ascertain or quantify, because it may be highly collinear with other factors, contingent on precise constellations of circumstances, modified by numerous intervening variables, and subject to complex interaction effects” (Backer 59). There is, of course, more than one way out of this dilemma. The way proposed by Backer consists in devoting particular effort “to establishing clear causal links among variables that are amenable to analysis” (Backer 60). In general, Backer opts for applying quantitative methods “to more accurately assess differences across countries in outcomes such as patterns of governance and the evolution of attitudes” (Backer 63). Another solution to this methodological dilemma would be to abandon the search for an authoritative global assessment of past and recent impacts of transitional justice mechanisms. Instead, theory building based on comparative analysis should move back from the top of the pyramid to its bottom, and reconsider the basic question “what is a case of transitional justice?” There is a main challenge of case selection in comparative transitional justice research. Consider, first, that many comparative research projects remain connected to the scholarly tradition of what Beck and Sznaider have named “methodological

nationalism". Apparently, the larger N gets, the lower is the probability of not using national societies or national states as the unit of comparative analysis. Some of the most thorough comparative studies on transitional justice (Backer; Olsen, Payne and Reiter, *Comparing Process; Justice Balance*; Kim and Sikkink; Payne and Sikkink) testify to this trend. Although these authors are highly aware of both de-territorialized social processes and transnational political spaces (Keck and Sikkink), their comparative work is often inclined to national units of research. The glocalized character of world affairs, however, would require a multiperspectival lens through which to view entangled processes of coming to terms with mass violence. As Beck and Sznaider (398) noted, a "single phenomenon [...] can, perhaps even must, be analysed both locally and nationally and transnationally and trans-locally and globally". To mention but one of many examples, current politics of memory in Spain are so intrinsically linked to transnational political spaces that the most important unit of analysis should transcend national borders (Capdepón; Elsemann; Golob). At the other end of the spectrum, there are many cases where local forces are isolated from (or even diametrically opposed to) national politics.⁴

In general, transitional justice research is concerned with the development of "interactional fields" (Abott 124) that are embedded in and constituted through time and space. These interactional fields can vary greatly in space, shape, and inner structure. Social practices of dealing with the past have contributed to the widening of social places in the shrinking world of global interdependencies. Social exchange and interaction implies changing spatial relationships between interactional fields, thus creating an ever-shifting mélange of overlapping norms and practices. Research practices adapted to this multifaceted scenario would apply case selection strategies open to local, national, transnational, trans-local as well as global cases.

To complicate things even further, cases do not only transcend national boundaries, but also constitute "fuzzy realities with autonomously defined complex properties" (Abott 144) that constantly interact with their environment. This complex understanding has two major implications for comparative research. First, it should be underlined that a "given event has many immediate antecedents, each of which has many immediate antecedents, and conversely a given event has many consequents, each of which has many consequents" (ibid.). This "too-many-vari-

ables" problem, in turn, leads to a cross-cultural global historiographic approach focusing on the "network character of historical causality" (ibid.). The second implication of understanding cases as fuzzy realities is to alternatively set the limits of cases. Instead of equating cases with countries, comparative transitional justice research could focus on social groups (e.g. perpetrators, victims, judges), events (e.g. ceremonial events such as the release of truth reports or public sentences), institutions (e.g. International Criminal Court, truth commissions), or networks (transnational advocacy networks, intergovernmental networks).

Conclusion

This article has presented two intersecting lines of argument, dealing with the evolution of scholarly debates over time. The first line of argument claims that Comparative Area Studies are best suited for providing thick descriptions as well as context-sensitive explanations of complex social phenomena in the world today. The second line of argument refers to shifting and interdependent centers of gravity of transitional justice research. As described above, these lines have met at the beginning of the twenty-first century when transitional justice research entered a stage of maturity and social research, in general,

became more aware of global interdependencies. We may draw two lessons from this twofold description of scholarly debates. (1) From the perspective of transitional justice research, the debate on Comparative Area Studies reminds us of the challenge of combining profound area knowledge with progress in generic knowledge on macro-level patterns of social organization. The context-sensitivity of Area Studies implies a thorough understanding of local languages, histories, cultural representations, and symbolic worlds. This is especially important because transitional justice constitutes a collective response to mass violence and its devastating effects. In a broader sense, transitional justice refers to the obstacles of mourning in complex and often violent post-conflict situations. As such, transitional justice studies require both close observation and hermeneutic approaches to understand the meanings related to specific constellations of religious, political, cultural, economic, and gendered power. This leads to another aspect of comparison, which is the geography of transitional justice. Further attention needs to be paid to reconsidering the spatial registers traditionally associated with comparative social research. There have been various attempts at questioning the national focus of research (Hinton; Sriram and Ross), and

a myriad of case studies has been published since the mid-1990s. However, comparative efforts often remain unsystematic and embryonic, even if they aim at generating generic theories. One of the main challenges of Comparative Area Studies (and this also applies to transitional justice research) is to generate “the kind of middle-range theory that is context-sensitive but yet manages to capture important causal effects” (Basedau and Köllner, “Oil” 14). (2) From the perspective of Comparative Area Studies, the field of transitional justice serves as a paradigmatic example of the limitations of comparative research. The idea and methodological principles of CAS are best suited for analyzing social phenomena with clear lines of demarcation. A recent article on presidential strategies in building legislative coalitions (Chaisty, Cheeseman and Power) is but one of many examples of fruitful cross-regional research. There are other examples of rigorous research designs, based on the rationale of hypothesis testing, that aim at providing explanations of causal relations by putting even less clearly demarcated subjects into a wider historical context. Consider, for example, the QCA study presented by Basedau and Richter (“Oil”) that seeks to clarify the nexus between specific conditions of oil production and the outburst of civil war. The case of tran-

sitional justice research, however, is somewhat different from these research questions. Because transitional justice is such a diverse phenomenon, the possible effects and consequents are virtually endless. As mentioned above, transitional justice practices respond to the experience of trauma and collective suffering, and therefore address unconscious articulations. As such, they are deeply associated with trans-generational social processes linked to cultural trauma and collective memory. In general, there is a lack of scholarly consensus on the scope and structure of transitional justice policies, and even greater uncertainties arise from the lack of consensus on components of causal factors as well as outcomes. Because the elements and effects of transitional justice are not easy to operationalize, researchers face overwhelming obstacles in generating generic concepts and theories.

To sum up, the challenge of comparative transitional justice research consists less in measuring the national impacts of more than 800 transitional justice mechanisms implemented in more than 150 countries (Olsen, Payne and Reiter, *Justice in Balance*) than in accepting a more historicized conception of causality, inclined to complex long-term processes as well as global interdependencies. As Barahona

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de Brito, González-Enríquez, and Aguilar ("Introduction" 17) underlined: "transitional accountability policies are not born in a vacuum. They are historically grounded and thus peculiar to each country". Many authors have in fact demonstrated that

"national context" is an important variable in transitional justice processes. Nonetheless, transitional justice practices unfold gradually in a series of local, national, and global events, with each variation flowing from one area to the other. Comparative transitional justice research

should, therefore, insert the close observation of local histories into both, large-N analysis and the analysis of the evolution of global interactional fields.

Notes

¹ This method, typically applied to a moderate number of cases, creates a bridge between classical small-N comparisons (focusing on complex patterns of causation) and large-N comparisons (based on abstract multiple regression analysis). This method has been widely perceived within the sub-field of Comparative Politics, for instance, De Meur and Berg-Schlosser developed and applied a QCA method to analyse similarities and dissimilarities of political systems.

² Ruti Teitel claims to have coined the term in her 1991 application to the United States Institute of Peace ("Working Paper", supranote 1)

³ The list of relevant works is extensive. I have attempted to avoid canonization and its exclusionary effects wherever possible.

⁴ Examples are Peru (Burt; Theidon), Guatemala (Oettler), and Mexico. Sylvia Karl has recently finished her PhD thesis on the Mexican dirty war and the social movement of relatives of the disappeared in Guerrero, where Lucio Cabañas led a small guerilla movement in the 1970s.

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