

Behind Bars and Bargains: New Findings on Transitional Justice in Emerging Democracies

RESEARCH NOTE

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The global transitional justice tool kit—involving the use of criminal prosecutions, amnesties, and other mechanisms to address past human rights abuse—has become a primary means for thwarting future human rights violations and consolidating democracy. Nevertheless, evidence on the consequences of transitional justice remains mixed and amenable to contradictory interpretations. Existing studies fail to adequately address issues of selection, the difference between short- and long-term effects of transitional justice mechanisms, and qualitative and quantitative differences in state practices. This article uses a new database of transitional justice mechanisms to address these concerns and test propositions from realist, constructivist, and holistic approaches to this set of policy issues. We find, among other things, that prosecutions increase physical integrity protections, while amnesties increase the protection of civil and political rights. Our analysis suggests that different transnational justice policies each play a potentially positive, but distinct, role in new democracies and in decreasing violations of human rights.

Introduction

Preventing human rights abuses is a major concern for many policy-makers. State-led violent repression and the denial of political freedoms not only violate global norms but also threaten international security. As recent tragedies in Libya and Syria demonstrate, systematic repression contributes to the escalation and prolongation of crises, and it serves as a primary reason that the international community calls for intervention (Finnemore 2003; Thoms and Ron 2007; Patrick 2011; Carpenter 2013). Transitional justice comprises one set of policy mechanisms that aim to prevent such human rights crises in the future. It is broadly defined as the judicial and nonjudicial processes designed to reckon with past human rights violations following periods of political turmoil, state repression, and armed conflict. Transitional justice includes a range of mechanisms, including prosecutions, amnesties, truth commissions, lustration and vetting policies, reparations, customary justice,

of their institutions or those of the National Science Foundation or the Arts and Humanities Research Council. The authors would like to thank Francesca Lessa, Florencia Montal, and Gabriel Pereira for their valuable research assistance.

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Authors' note: This article is based upon work supported by the National Science Foundation (Grant No. 0961226) and the Arts and Humanities Research Council. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views

and commemoration. Since a political transition in 1974, Portugal initiated the third wave of democratization (Huntington 1991), seventy postauthoritarian governments employed transitional justice mechanisms, and transitional justice has rapidly spread across the globe, as depicted in Figure 1. Transitional justice is now a priority for the international community (see, for example, United Nations 2010).

Underpinning the global popularity of transitional justice mechanisms is the idea that they share a common, if complexly overlapping, set of goals: to avoid “repeating, reenacting, or reliving past horrors” (Bhargava 2000, 54); to prevent future human rights violations; and to stabilize democratic rule (see Minow 1998; Mani 2002; Boraine 2006; Lambourne 2009; Robins 2011). For a number of scholars, transitional justice poses a difficult choice between putting people behind bars, bargaining directly with rights violators, or doing both. Thus, they focus on the relative utility of pursuing criminal prosecutions for human rights violations or enacting amnesties¹ following political transitions.²

However, it remains unclear whether or how transitional justice mechanisms accomplish any of these goals. Existing scholarship disagrees about both the factors that contribute to the choice of transitional justice mechanisms and their effects (see, for example, Snyder and Vinjamuri 2003; Olsen, Payne, and Reiter 2010a; Sikkink 2011). These uncertain findings on transitional justice are emblematic of the larger body of research. The study of how to prohibit or reduce human rights violations remains underexplored (Hafner-Burton 2014) in comparison to the extensive literature on the causes of repression (Poe 2004; Davenport 2007; Keith 2012).

In this research note, we use an original transitional justice database to revisit and test existing propositions. We find that, through diametrically opposed mechanisms, amnesties and prosecutions both correlate with positive rights-based outcomes in the long term. However, they have divergent effects. Even when accounting for issues of selection, prosecutions are associated with declines in physical integrity violations—political imprisonment, torture, unlawful killing, and disappearance—but amnesties are associated with improvements in civil and political rights.³ Our findings challenge current perspectives in the field, which approach these justice mechanisms in zero-sum terms. Both prosecutions and amnesties contribute to human rights and democracy, just in distinct fashion.

Existing Approaches to Transitional Justice

Transitional justice gained prominence over the past few decades, and policymakers now see it as a near-necessary choice to transform society and address past harms (Teitel 2014). They do not agree, however, on which transitional justice mechanisms to adopt and why. Empirical research on transitional justice effectiveness is largely based on three conflicting approaches: realism, constructivism, and holism.

¹ Institutional measures preventing prosecution or granting pardons of those convicted of human rights violations.

² Not only are they at the core of transitional justice debates, prosecutions and amnesties are also the two most frequently used mechanisms. See, for example, Olsen et al. (2010a).

³ We use the Cingranelli-Richards Human Rights (CIRI) database, which defines physical integrity violations as political imprisonment, torture, unlawful killing, and disappearance; and civil and political rights as foreign movement, domestic movement, freedom of speech, freedom of assembly and association, workers' rights, electoral self-determination, and freedom of religion (Cingranelli, Richards, and Clay 2014). We discuss this in more detail below.

Political realists express skepticism about the relationship between most transitional justice mechanisms and positive social outcomes. Instead, they contend that the crucial determining factor behind the consolidation of liberal rule of law is the equilibrium formed out of “dominant political interests” (Vinjamuri and Snyder 2015, 314). Democratic transitions impose hard constraints that make some options “absolutely unfeasible” (Elster 2004, 188). Realists argue that transitional justice is only associated with positive outcomes for democracy because it avoids disturbing that equilibrium. They often base their explanations on a short-term bargaining model in which past and potential perpetrators—or so-called spoilers with the capacity to disrupt the political transition and consolidation—still hold significant power and must be appeased by the incoming regime (Huntington 1991, 211–58).⁴

For realists, prosecutions complicate progress toward democracy by activating potential spoilers (Acuña and Smulovitz 1997). Snyder and Vinjamuri (2003, 5), for example, argue that a human rights prosecution “risks causing more atrocities than it would prevent because it pays insufficient attention to political realities.” Emphasizing trials risks creating instability during a delicate period of political transition (Osiel 2000, 137–41). Amnesties, in contrast, help address this problem of short-term backlash (Snyder and Vinjamuri 2003; Goldsmith and Posner 2005), though they do so at the expense of accountability for serious rights violations. In sum, amnesties may be “necessary evils” (Freeman 2009).

Constructivists argue that new domestic and international norms about accountability—and the efforts of human rights activists and projustice constituencies that pressure their governments to adhere to these norms—create demand for transitional justice.⁵ These norms and practices in turn alter actors' perceptions of their interests and their strategies. Constructivists hold that prosecutions are necessary for building the rule of law and democratic institutions, while amnesties—by blocking prosecutions—encourage norms of impunity and further repression (Sikkink 2011; Dancy and Michel 2016). Constructivist scholarship using cross-national data challenges realist assumptions by showing that human rights criminal prosecutions are associated with fewer violations to physical integrity rights (Sikkink and Walling 2007; Kim and Sikkink 2010; Sikkink 2011). Kim and Sikkink (2010, 94) argue that normative socialization and material punishment contribute to this improvement in physical integrity rights. Although Sikkink and other scholars do not analyze the impact of amnesties, newer research in this vein does, challenging the realist assertion that blanket amnesties promote human rights (Orentlicher 2007) or resolve violent conflict (Jeffery 2014; Dancy 2018).

The final approach, holism, seeks an intellectual compromise between realism and constructivism. Scholars holistic perspective argues that trials and amnesties work in combination and in a complementary fashion to improve human rights and democratic outcomes (Olsen, Payne, and Reiter 2010b). Olsen et al. (2010b, 147–48) develop a “justice balance” approach and contend that the combination of trials and amnesties is additive, working in conjunction by providing “a middle ground of accountability and appeasement.”

⁴ For more on spoilers see Stedman (1997) and Reiter (2016).

⁵ We focus here on the accountability norm. The constructivist approach, however, encompasses other norms, including the right of victims to receive redress (De Greif 2006) and the promotion of greater inclusion for underrepresented groups (for example, women, see Tripp 2015) in political systems following periods of violence.

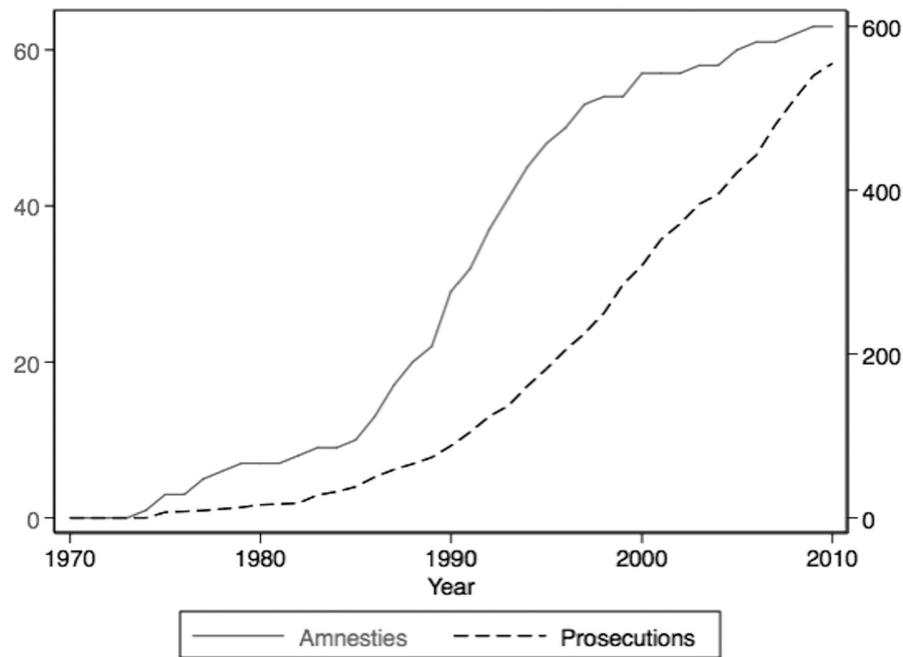


Figure 1. Global trends in transitional justice

Note: Numbers based on yearly counts of transitional justice mechanisms from the TJRC Database. Numbers represent subsamples of all mechanisms that are established to address human rights during and after democratic transition. Amnesties apply to the left axis, while trials apply to the right axis.

They further argue that by “giving amnesty to some groups, prosecuting others, and engaging victims in restorative justice, the democratic government may be signaling no tolerance for certain crimes while recognizing the lesser degree of others” (Olsen et al. 2010b, 147–48). The holistic perspective argues that bargaining and criminal deterrence are parallel processes. While trials are necessary, they do not by themselves produce positive human rights outcomes. Amnesties also play a crucial role in providing for political stability and appeasing and thus preventing the emergence of democratic spoilers.

Limitations of Existing Scholarship

These studies of transitional justice impact offer a wide array of divergent and contradictory expectations and do not effectively address three challenges in the study of transitional justice. The first challenge is the problem of selection effects. Many studies examine the causes of prosecutions and amnesties (see, for example, Huntington 1991; Barahona de Brito 2003; Grodsky 2010; Nalepa 2010; Olsen et al. 2010a; Dancy and Sikkink 2012; Kim 2012; Mallinder 2012; Dancy and Michel 2016). This research demonstrates that transitional justice policy choices are constrained and that the choice to amnesty or prosecute is at least partially determined by political and economic structures. These determinants of transitional justice mechanisms, however, are rarely accounted for in the examination of their consequences (Vinjamuri and Snyder 2015, 306).⁶

The second challenge is the choice of dependent variables in the analysis of transitional justice outcomes. Scholars of each approach associate multiple overlapping goals with transitional justice mechanisms. Realists Snyder and Vinjamuri (2003, 18) write that a “formal amnesty is likely

to be a necessary first step in the process of consolidating peace, the rule of law, and democracy.”⁷ This statement groups together a batch of very different social desirables. Constructivists and holists do the same. They too focus on transitional justice’s ability to foment peace, wealth, and strong liberal democratic practices; though, they often pair this with a concern for redressing victims’ harms (Olsen et al. 2010b, 131–51; Sikkink 2011, 148–61). All accounts lack a conceptual and empirical clarity about outcomes. Democracy and rights protections for all members of society coexist uneasily, especially in transitioning countries where majorities challenge rules that check their power (Maravall 2003, 270–273). Likewise, transitional justice mechanisms are often at odds with one another. For instance, amnesties may promote stable democratic competition between former violent adversaries, while prosecutions aim to build rule of law through accountability for those complicit in past human rights violations. When studying the relationship of transitional justice mechanisms to outcomes, we must differentiate between outcomes like peace, democracy, and liberalism.

The third challenge is measurement. There is great variation in the quantity and quality of particular transitional justice mechanisms. Existing studies of transitional justice tend to use blunt measures of the mechanisms—whether they exist or not—without considering variation among the types and usages of these mechanisms. Some new democracies target hundreds of former state agents for criminal punishment (see Argentina), while others put only a handful of human rights violators on trial (see South Korea). Similarly, while some states enact only one enduring blanket amnesty law (see Spain), others enact many to reassure perpetrators that their benefits remain intact despite civil society demand for justice (see Guatemala).

⁶ For an exception, see Kim and Sikkink (2010), who use instrumental variables regression to control for selection.

⁷ Emphasis ours.

The quality of these mechanisms also varies. Some trials drag on for years only to end in controversial acquittal, such as the nine-year prosecution of former Nigerian General Ishaya Bamaïyi following the democratic transition in 1999. Other prosecutions, however, are thorough, public, and prominent affairs. The Trial of the Colonels following the 1974 democratic transition in Greece, for example, received widespread media coverage, produced guilty verdicts that discredited the military and its acts, and helped to end the military's practice of political intervention (Roehrig 2001). When conducting quantitative cross-national studies, scholars have not chosen measures that reflect these substantial differences in quality and scale in transitional justice implementation.

We attempt to overcome these three challenges by addressing selection effects, using improved transitional justice data, and making careful choices about the different dependent variables.

Toward Systematic Analysis

Selection

Before tackling the problem of data and measurement in the next section, we systematically address the first two challenges: selection and observation of outcomes. Each of these challenges extend from a more fundamental problem of causal inference: how best to isolate social changes that are attributable to transitional justice. This question is especially difficult to answer if one understands transitional justice as a set of policies that are both determined by factors specific to particular countries and a source of change within those countries. If transitional justice is in fact endogenous to domestic politics, then it cannot be treated as an independent or external causal factor. The three approaches we outline recognize but do not effectively address this issue.

Realists focus on feasibility constraints, or how transitional justice is limited by the political circumstances into which it is born. Governments will consider amnesties where an antijustice constituency is strong or the risk of political violence between adversaries remains high (Snyder and Vinjamuri 2003, 12–15; Sutil 1997). This is particularly likely where there is a “pacted” or negotiated transition giving influence or power to former repressors. In this environment, justice must wait for, or follow, other developments. The path to prosecutions is freer when a “clean break” is made with the former regime, and it is soundly defeated or delegitimized upon exit (Huntington 1991, 142–51). While realists make the argument that trials are constrained by power politics, they also favor an argument that criminal prosecutions independently disrupt political equilibria and risk violence, whereas amnesties help generate peace. They treat transitional justice problematically as an endogenous product of domestic political interactions and an exogenous shock to emerging and stable political equilibria. If both conditions obtain, we must consider the determinants of transitional justice mechanisms while we also study the impact of those mechanisms.

Constructivist and holist arguments have the same problem. These approaches normally treat the adoption of transitional justice policies as a product of the demand for accountability, making transitional justice more likely in certain circumstances than in others. Specifically, these approaches expect prosecutions in countries that experienced extreme human rights violations because victims will demand accountability. The international demand for accountability, in addition, allows protransitional justice

groups to amplify their message based on external support (Lessa, Olsen, Payne, et al. 2014, 81–83; Payne, Lessa, and Pereira 2015, 743–44).

If criminal prosecutions are more likely in cases where state authorities abuse human rights and people demand change through judicial or quasi-judicial mechanisms, then, however, this raises three issues related to endogeneity. First, the impact of prosecutions could be incidental to larger social movements oriented toward accountability. Second, any impact attributed to transitional justice mechanisms might in fact trace back to openings in the judiciary that are also created during the process of democratic transition. Third, transitional justice would develop in cases where human rights violations are more prevalent, meaning that, at its onset, transitional justice will be associated with comparatively higher human rights violations. If any or all of these conditions are true, issues of selection cloud causal inference. Any statistical correlation might be attributed to other processes at work. We address this issue by developing a modeling strategy that accounts for the nonrandom assignment of transitional justice mechanisms in transitional polities.

Short- and Long-Term Outcomes

We also separate analytically between short-term and long-term impacts. The competing approaches disagree on *when* transitional justice pays off. Realists focus more on the short term. In an argument focused on policy sequencing, they claim that amnesties avert mass violence in the immediate aftermath of political transitions, while prosecutions risk greater violence due to political backlash (see Existing Approaches). We treat these as testable propositions:

H1a: *In the short term, amnesties are associated with decreases in mass violence.*

H1b: *In the short term, prosecutions are associated with increases in mass violence.*

Arguments centered on the long-term benefits of prosecutions are usually built on midrange theories about deterrence. An increase in the likelihood of punishment should lead to an increase in specific deterrence, where offenders are dissuaded from repeating acts they committed in the past. It should also lead to general deterrence, where would-be offenders avoid committing acts for fear of facing the same punishment as others (Matsueda, Huizinga, and Kreager 2006). A deterrence model primarily applies to repressive violence that results from deliberate choices made by rational leaders attempting to maintain power (Poe 2004). Where prosecutions impose costs on previously violent state agents—through material loss, reputational damage, or imprisonment—they lead to improvements in future physical integrity by dissuading others from performing punishable acts (general deterrence).

The deterrence literature concludes that beliefs about the likelihood or probability of arrest and punishment produce more general deterrent effects than increases in the severity of punishment (Nagin 1998). Therefore, not all trials will have an equal impact. If probability of punishment is the key piece of the puzzle, then a campaign of trials that more regularly produce guilty verdicts should create a more powerful deterrent effect. Where courts fail to convict, as in Brazil, they may signal a lower likelihood of punishment. Additionally, even though targeting low-level state officials is an effective deterrent tactic, those prosecutions that target high-ranking officials should produce an even stronger

effect. Because political and military elites trying to stay in power often orchestrate repressive violence, prosecution of leaders, however difficult, sends a strong signal that centralized strategies of repression are no longer accepted by the public (Osiel 1997, 24–35).

The deterrence hypothesis also contends that amnesties do not have a positive effect on physical integrity rights because they do not generate the expectation among agents of violence of any punishment costs. For Dragu and Polborn (2013, 1048), “lower-level officials will be more likely to follow the leaders’ orders when asked to implement illegal policies if they expect amnesties for past illegalities, which, in turn, increases the leaders’ incentives to disregard legal limitations.”

H2a: *Criminal prosecutions will be associated with greater protection of physical integrity rights, especially as they increase in quantity and produce sentences for agents of repression.*

H2b: *Amnesties will be associated with less protection of physical integrity rights.*

Amnesties include institutional measures preventing prosecution and/or pardons of those convicted of human rights violations.⁸ According to realist bargaining logic, new democracies’ stability depends on directing scarce resources toward forward-looking development projects (Elster 1995). Amnesties provide some political stability by helping politicians avoid spending too many resources on backward-looking justice pursued by the judiciary and civil society.

This approach argues that amnesties enhance civil and political rights. A government honoring a policy of forgiveness for former human rights abusers will face fewer threats of military coups and violent rebellions and fewer dissatisfied parties that question the legitimacy of the new democracy. Facing fewer political threats, the regime will in turn erect fewer party disqualifications, antiprotest laws, restrictions on movement, or limitations on types of political speech. A government that forgives former rights violators through amnesties is signaling that it intends to work toward political compromise, rather than passing laws meant to restrict participation and remove opponents from the political process (Cobban 2007, 198–242).

It may be necessary for governments to pass a number of amnesty laws to accomplish their aims. Previous amnesty laws may have been incomplete or ineffective. Argentina’s 1986 Full Stop Law (Punto Final) created a deadline after which litigants could no longer pursue cases against members of the military for previous human rights violations. This had the unintended effect of increasing claims. Subsequent amnesties were thus passed in 1987 to lower-level officials (Due Obedience Law), in 1989 for members of the leftist urban guerrillas and members of the military, and in 1990 for previous members of the junta regime. In all, eight amnesties were passed between 1983 and 1990. Each one included new actors or filled gaps left by previous amnesty laws as a means to secure greater protections from prosecution. This kind of iterative process, which occurs in nearly 40 percent of amnesty cases,⁹ might be necessary to reassure political players of their immunity from prosecution. Alternatively, the iterative process may reflect deep conflict in civil society over amnesty provisions that would not be present

where one amnesty law effectively squelches debate and victims’ rights. Because of this active engagement and participation over the amnesty process, we expect more amnesty laws to produce an additive effect on civil and political rights (see supplementary files, section 1).

Realists expect that trials lead to more restrictions to some types of civil and political rights because judicial prosecutions do not appease abusive and politically powerful actors. This could increase antiregime threats, as occurred in Argentina in 1987 (Nino 1996) and the Philippines in 1986 (Dancy 2013, 213–14). Antiregime threats might then necessitate measures to restrict dangerous or provocative modes of political speech and participation.

H3a: *Amnesties will be associated with greater protection of civil and political rights.*

H3b: *Prosecutions will be associated with less protection of civil and political rights.*

Data and Measurement

Case Selection

We use the new Transitional Justice Research Collaborative (TJRC) database to test these hypotheses. This particular analysis is limited to democratic transition countries. We examine the relationship between transitional justice policies and rights outcomes with countries that experienced at least one democratic transition between 1970 and 2010, roughly aligning with the beginning of the third wave of democratization (Huntington 1991).¹⁰

We narrow our focus on democratic transitions to address concerns about scope conditions (Vinjamuri and Snyder 2015, 310). Too many studies lump together cases that are not alike, when there is clear reason for distinguishing between democratic transitions—which are the paradigmatic cases of “transitional justice”—and postconflict cases that grapple with *jus postbellum* (Dancy 2010; Iverson 2013).

We use Polity IV to generate our sample of transitional regimes. Rather than focusing on democratic behavior, Polity IV codes “general institutionalized authority traits,” including the procedures through which citizens choose leaders and those institutions that constrain the executive (Marshall, Jaggers, and Gurr 2013). The sample includes panels of years following 111 unique democratic transitions defined by Polity IV in eighty-nine countries between 1970 and 2010. We call these *transition panels*. The unit of observation for the analysis is the country-transition-year.¹¹ We examine two types of transitional cases: newly formed democratic states and states that move from autocracy to semi- or fully democratic regimes. Of the 1,834 country-years observations in this sample, 751 (40.9 percent) feature at least one operative transitional justice mechanism: either a standing amnesty law for state agents or at least one new trial of state agents. Section 2 of the supplementary files contains additional information on the selection rules and the full list of transitions.

¹⁰This sample thus includes countries that are in civil war or postconflict, but only if those follow a democratic transition (this includes sixty-eight postconflict states). We do this because our theory is specific to democratic contexts. Other studies that use the TJRC data analyze the effects of trials and amnesties in the specific context of intrastate conflict (see, for example, Dancy 2018; Dancy and Wiebelhaus-Brahm 2018).

¹¹We choose this level of analysis, rather than country or transition, because many of our variables, including those related to transitional justice and human rights protections, vary with time.

⁸We are careful to select from the database and analyze only amnesties that cover former authoritarian actors rather than those that are designed to forgive political prisoners or soldiers in armed rebel organizations.

⁹Of thirty-four countries in the database that used amnesties, thirteen countries passed more than one.

111 Transitional Regimes

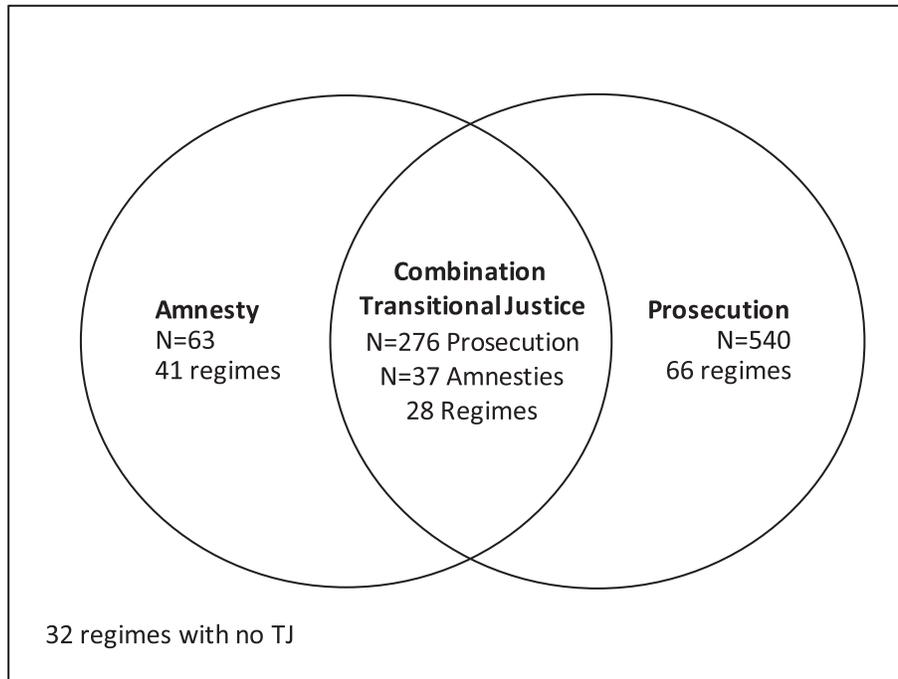


Figure 2. Transitional justice in sample of 111 regimes

The TJRC Database

In the context of a democratic transition, we define prosecutions as a criminal process—including preliminary trials, trial hearings, and verdicts and sentencing—against state agent perpetrators of human rights violations that occurred before the regime’s transition. We examine only national courts, which are distinct from international prosecutions initiated by the International Criminal Court or other international tribunals. Domestic prosecutions are judicial mechanisms that normally proceed outside of the complete control of legislative or executive actors.

We define amnesties as *government policies* advanced by presidents or legislators and usually only confirmed or challenged by judicial processes. States use amnesties for a variety of purposes, including peace settlement and the release of prisoners of conscience (Mallinder 2008, 37–68). We are interested in a type that is especially important to new democracies: standing legislative, constitutional, or executive provisions granting immunity from prosecution for human rights violations committed by state agents during the previous authoritarian regime. We also incorporate into the study self-amnesty laws passed by autocratic leaders prior to the onset of democratization and legally upheld after the transition, such as Chile’s 1979 process.

Of the 111 transitional regimes in the database, sixty-six pursued at least one prosecution, and forty-one passed at least one amnesty law. Twenty-eight regimes employed some combination of trials and amnesties, while thirty-two used neither. The Venn diagram in Figure 2 shows the overlapping distribution of transitional justice mechanisms. Amnesties are passed after more than half of all observed prosecutions (276), and additional prosecutions follow over half of amnesties (thirty-nine).

Existing research on transitional justice impact draws from datasets that use binary measures of transitional justice policies, which lose a great deal of information in

the process of aggregation. The TJRC is an events-history database with variable measures constructed using a variety of sources. It contains count variables related to prosecutions and amnesties, all of which are disaggregated by country-year. The TJRC data also capture qualitative differences—like prosecutions with and without guilty verdicts and amnesties that are partial and compliant with international law and those that are not—and time-varying differences in the count and duration of each policy.

Models and Results

Short Term

We first analyze whether prosecutions, by risking backlash, are associated with atrocity in the short term (Hypotheses 1a and 1b). To do so we examine the relationship between the initiation of prosecutions and all incidents of “one-sided violence” in the country, which is “the use of armed force by the government of a state or by a formally organized group against civilians, which results in at least [twenty-five] deaths per year” (Eck and Hultman 2007, 234–36). If criminal trials risk mass violence, as realists predict, then the number of prosecutions begun in any year should correlate with one-sided violence in the immediate term. To test this possibility, we run two fixed-effects negative binomial regressions. This model is justified because the one-sided violence data set, produced by Uppsala Conflict Data Program, follows a Poisson distribution.¹² We use fixed effects to account for unobserved heterogeneity between the transition panels.¹³

Table 1 shows the results of two models. The first examines all transitions and, because one-sided violence more

¹²Negative binomial models are justified in instances of overdispersion, or greater variance than expected. We test for this and find that the negative binomial outperforms a regular Poisson model.

¹³See supplementary files, section 4.

Table 1. Short-term effects of TJ on atrocity

	<i>All transitions</i>	<i>Civil war transitions</i>
	<i>m1</i> <i>b/se</i>	<i>m2</i> <i>b/se</i>
DV: One-sided violence		
Prosecutions	-0.116* (0.0608)	0.0822 (0.291)
Amnesty	-0.418 (0.395)	-1.956* (1.173)
Civil war	1.471*** (0.231)	
Polity II	-0.0835*** (0.0229)	-0.0969 (0.0629)
Population (ln)	1.971** (0.833)	11.49*** (2.305)
GDP pc (ln)	-1.759** (0.717)	-7.526*** (1.943)
Constant	-19.04** (8.966)	
Observations	645	245
Transitions	42	23

Note. Statistical significance: *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

typically occurs in states with organized conflict, the second model examines only the subsample of democratic transitions that experienced civil war following transition (this is sixty-eight of 111 transitions, or 61.3 percent). We also include controls for institutional democracy (*polity ii*), *population*, and *per capita* GDP (World Bank 2019).¹⁴ There is no statistically significant correlation between prosecutions (lagged one year) and acts of atrocity. In fact, in the entire sample, *prosecutions* are negatively correlated with the number of acts of one-sided violence, but only at the 0.10 level. *Civil war* is also a reliable predictor of atrocity; the existence of civil war increases the count of acts of atrocity by nearly 150 percent. In the subsample examining only those democratic transitions after civil war, the *prosecutions* variable is statistically insignificant, while the *amnesty* variable is negatively correlated at the 0.10 level. This indicates that, in civil war transitions, amnesties may play a role in decreasing violence (for comparison, see Dancy 2018), but little evidence supports the notion that prosecutions contribute to short-term cataclysms of violence.

Long Term

It is possible that short-term political jockeying and constraints on transitional justice give way to greater transformations later. In the final analysis, we thus analyze the relationship between transitional justice mechanisms and two different dependent variables: the extent to which new democracies protect (1) physical integrity rights and (2) civil and political rights.

We use the Cingranelli-Richards Human Rights (CIRI) database, one of the most widely accepted sources of information on rights protections for our dependent variables. To measure protections of physical integrity, we use CIRI's PHYSINT index (0–8), which provides an additive scale of a government's avoidance of repressive violence, built from data on political imprisonment, torture, unlawful killing, and disappearance. To measure civil and political rights, we use CIRI's Empowerment Rights Index

¹⁴ We include these as controls because the size of the country and its level of development may impact its ability to implement transitional justice mechanisms.

(EMPINX), constructed by aggregating data on foreign movement, domestic movement, freedom of speech, freedom of assembly and association, workers' rights, electoral self-determination, and freedom of religion (Cingranelli, Richards, and Clay 2014). EMPINX is a fifteen-point scale.¹⁵

These two measures contain information that allow for unique tests of the remaining hypotheses.¹⁶ On the one hand, the PHYSINT index is entirely violation-driven, meaning that it reflects the extent of actual cases of torture, imprisonment, disappearance, and unlawful killing. On the other hand, the EMPINX index reflects *potential* violations evidenced by legal restrictions on the rights to speech, assembly, association, suffrage, labor, and religion. In essence, EMPINX captures whether domestic political leaders are willing to legislate restrictions on the civil and political rights of opposition groups. PHYSINT registers whether state agents are willing to use violence to stifle that opposition (for more, see supplementary files, section 3).¹⁷

We use transition-year counts and cumulative count measures of prosecutions and amnesties to capture the relative extent of attempts at different types of justice policies in the long term. Cumulative counts are yearly counts of new transitional justice mechanisms that are summed over the duration of each transition panel. These "stock" variables allow for measurement of continued practice,¹⁸ rather than year-to-year correlations between new policies and changes in human rights outcomes (see supplementary files, section 3). We construct the main *amnesty* and *prosecution* covariates by counting the number of new amnesty laws and new prosecutions that are instituted in any given year. We count *guilty verdicts* in the year that the sentence was first issued by a court. We cumulate those in the same fashion as the other variables.

We calculate ordinary least squares (OLS) regression estimators of physical integrity and civil and political rights protections using fixed effects.¹⁹ We include a unique control variable that identifies each democratic transition, creating a unique y-intercept for each transition panel. This is useful because, over the entire sample, the demand for transitional justice is associated with worse repression. This means that across all transitions those with poorer repression scores will also be more likely to have amnesties and prosecutions. Fixed effects account for this by analyzing variation in rights outcomes *within* transitions.

Yet regimes' repressive practices remain relatively stable over time, with little drastic change from year to year. To account for this, we follow convention and include a lagged measure of the dependent variable in each model. This has the added benefit of addressing the fact that panel data on repression are autoregressive. In addition, because the models include stock variables that accumulate over time, any

¹⁵ PHYSINT is a nine-point index measure because it measures four dimensions of repressive violence, all scaled 0–2. EMPINX, however, is a fifteen-point index measuring seven different subcomponents. We rescale EMPINX so that it also ranges from 0 to 8 to make the model coefficients' magnitudes comparable. For both dependent variables, higher scores indicate better protection of rights, and lower scores indicate more human rights violations. We acknowledge that, for either PHYSINT or EMPINX, scores in the middle of the range could be the result of very different configurations of rights. Future research should test the effects of transitional justice mechanisms on disaggregated scores, which was beyond the scope of this particular analysis. We thank anonymous reviewer three for this insight.

¹⁶ For a similar research design, see Lynch and Marchesi (2014).

¹⁷ See, generally, Cingranelli et al. (2014). The authors thank Chad Clay for additional guidance on the coding scheme for CIRI.

¹⁸ For stock variables, see Gerring, Bond, Barndt, et al. (2005).

¹⁹ See supplementary files, section 4, for a further justification of our model choice.

effects might actually be attributable to time itself. We thus include a *years since transition* parameter to control for how much time has passed since each country's initial transition to democracy. If time explains improvements or declines in rights protection, it would be reflected in this variable's coefficient.

Finally, selection bias can be difficult to address with country-year panel data. In the context of this study, amnesty and prosecution "treatments" are nonrandom. Transitional regimes select into the treatment due to the pretreatment characteristics outlined above. We use coarsened exact matching (CEM) weights (Blackwell, Iacus, King, et al. 2009; Iacus, King, and Porro 2012) to address this issue. CEM allows us to use knowledge about transitional justice adoption to alter the analysis in ways that account for nonrandom treatment *between* transitions. For the first set of models regarding physical integrity violations, we match observations based on those institutional features likely to determine prosecutions: pretransition human rights practices (*previous HR protections*), the percentage of countries in the region that have initiated prosecutions (*regional prosecutions*), type of transition (*rupture*), and *de facto* judicial independence (*judicial ind*).²⁰ We bin observations that share values on these four variables into strata. We then generate weights in the regression analyses based on the proportion of observations in each strata that received treatment (Blackwell et al. 2009, 7–10). We include additional controls in the main models to account for remaining imbalance, or variation, between treatment and control groups. Our supplementary files describe the matching procedure and reports matching diagnostics further.

Table 2 reports the results of ten models assessing the long-term effects of criminal prosecutions and amnesties on human rights outcomes. The first five models analyze physical integrity protections. Positive coefficients indicate improving conditions, and negative coefficients indicate more violations. Model 3 has the highest number of observations because it includes only prosecutions and amnesties parameters, along with PHYSINT ($t-1$) to control for temporal dependence, or the stickiness of repressive practices. Prosecutions are positively correlated with physical integrity protections in statistically significant fashion. Amnesties are not.

Model 4 is the same, but includes the matching controls, as well as other confounders that scholars nearly always incorporate in the "standard model of political repression" (Keith 2012). We lag each covariate in the models one year to eliminate the possibility of reverse causality. Model 4 echoes the findings from Model 3. The coefficient on prosecutions is slightly larger in magnitude and still statistically significant at the 0.05 level.

Model 5 is a copy of Model 4, but it includes an interaction term between prosecutions and amnesties to account for the holistic prediction that the two types of transitional justice mechanisms complement one another. There is little evidence of such an interaction in the cross-national panel data. The interaction is actually negative and statistically significant, though the effect is very small.

Models 6 and 7 use the same specification as the previous fully controlled models, but include a count of guilty verdicts rather than a count of prosecutions that are initiated. According to the deterrence logic, guilty verdicts should

more significantly impact future repressive practices. We find support for this claim. The coefficient on guilty verdicts in Model 6 is larger than prosecutions in Model 4. As before, the interaction between guilty verdicts and amnesties in Model 7 is significant and negative, though substantively small.

Models 8–12 examine the effects of amnesties on civil and political rights. As before, when studying the effect of amnesty treatments, we CEM match on regional prosecutions, rupture, and previous HR protections. However, we also substituted civil war for judicial independence as a matching factor, because the latter is not a significant predictor of amnesties. This choice yields a great deal of balance between the control and treatment groups (see supplementary files for diagnostics).

Across the board, the variable amnesties is associated with increased protections of civil and political rights and in statistically significant fashion. In Models 9–12, which include a full vector of controls and fixed effects, each additional amnesty is associated with around a 0.15- or 0.2-point improvement in the EMPINX measure. Interactions between prosecutions and amnesties are not significantly correlated with improvements.

Figure 3 visually depicts the effects of transitional justice mechanisms on each type of outcome. A regime that holds ten criminal prosecutions will have an approximately 0.3-point increase on the PHYSINT scale, while those with the same number of guilty verdicts will have an approximately 0.6-point increase in physical integrity scores. Each additional amnesty is associated with around a 0.14-point increase in the EMPINX scale. For the sake of comparison, the onset of a violent civil war amid a democratic transition leads to around a 1.4-point decrease in the PHYSINT index and only a 0.4–0.5-point decrease in civil and political rights violations scores. These findings show that transitional justice can contribute to gradual social change, amid contestation.

Despite our best efforts to account for temporal dynamics, fixed effects, and issues of omitted variable bias (selection), it remains possible that the findings are not robust or are overly sensitive to specification. But two facts strengthen our confidence in the results. First, the findings are roughly the same direction and magnitude if we conduct the analyses without fixed effects or matching techniques. Even so, the potential for high levels of unobserved heterogeneity is always present. Therefore, as a second check, we run postestimation tests developed by Oster (2017) on two of the main models (Models 4 and 9) and find that they are unlikely to suffer from omitted variable bias. In fact, omitted variables would need to explain 450 percent more selection than the variables included in the model for the effect of prosecutions to be zero. It would need to account for 300 percent more selection than the observed variables for the effect of amnesties to be zero (see section 7 of the supplementary files). Either scenario is unlikely.

Findings

This research note addresses theoretical and policy debates over transitional justice through hypothesis testing with new, more nuanced data. These debates have important real-world implications since amnesties and criminal prosecutions are pursued in more than half of all postauthoritarian democracies. First, we find prosecutions do provide a deterrent effect, preventing physical integrity violations in the future. This effect is larger if those prosecutions produce guilty verdicts, regardless of the sentence. When we account for the similarity between "like" cases—which share

²⁰ By matching on these variables, we are not advancing a causal theory of transitional justice determinants, but controlling for regular correlates of transitional justice variations across cases. We use the TJRC data to produce the first three variables; the fourth comes from Linda Camp Keith (2012). We control for the degree of judicial independence in different models because it may be influenced by the type of transition.

Table 2. Long-term effects of TJ on human rights practices

	DV: Physical integrity violations					DV: Civil and political rights				
	m3 b/se	m4 b/se	m5 b/se	m6 b/se	m7 b/se	m8 b/se	m9 b/se	m10 b/se	m11 b/se	m12 b/se
PHYSINT (t-1)	0.383*** (0.0333)	0.272*** (0.0330)	0.246*** (0.0323)	0.272*** (0.0331)	0.263*** (0.0329)					
EMPINX (t-1)						0.443*** (0.0370)	0.322*** (0.0366)	0.324*** (0.0365)	0.318*** (0.0371)	0.317*** (0.0373)
Prosecutions	0.0266** (0.0112)	0.0294** (0.0124)	0.0713*** (0.0171)			-0.0118* (0.00664)	-0.00245 (0.00744)	-0.0112 (0.0115)		
Guilty verdicts				0.0547** (0.0216)	0.0993*** (0.0328)				0.0260* (0.0145)	0.0297 (0.0232)
Amnesties (sum)	0.0427 (0.127)	0.0287 (0.120)	0.212* (0.113)	0.0439 (0.121)	0.176 (0.114)	0.0593 (0.0499)	0.138*** (0.0499)	0.103* (0.0583)	0.113** (0.0481)	0.121** (0.0587)
Prosecutions * amnesties			-0.0118*** (0.00409)					0.00271 (0.00220)		
Guilty * amnesties					-0.0179** (0.00885)					-0.00138 (0.00538)
Previous HR protections		0.621*** (0.216)	0.609*** (0.212)	0.622*** (0.218)	0.608*** (0.216)		0.540*** (0.192)	0.536*** (0.192)	0.558*** (0.193)	0.558*** (0.193)
Regional prosecutions		-0.302 (0.378)	-0.422 (0.366)	-0.306 (0.376)	-0.388 (0.368)		0.459* (0.234)	0.459* (0.236)	0.456* (0.236)	0.452* (0.238)
Rupture		0.225 (0.306)	0.179 (0.302)	0.269 (0.307)	0.286 (0.307)		0.841*** (0.230)	0.842*** (0.230)	0.828*** (0.230)	0.829*** (0.230)
Judicial ind		0.207*** (0.0739)	0.200*** (0.0720)	0.211*** (0.0732)	0.206*** (0.0720)		0.129** (0.0540)	0.133** (0.0541)	0.122** (0.0537)	0.122** (0.0538)
Civil war		-1.378*** (0.154)	-1.395*** (0.152)	-1.375*** (0.154)	-1.399*** (0.154)		-0.423*** (0.0974)	-0.423*** (0.0975)	-0.407*** (0.0970)	-0.408*** (0.0973)
Years since trans		-0.0312** (0.0153)	-0.0322** (0.0151)	-0.0287* (0.0151)	-0.0293** (0.0150)		-0.00963 (0.0114)	-0.00936 (0.0114)	-0.0126 (0.0114)	-0.0127 (0.0114)
Polity II		0.0501*** (0.0184)	0.0463** (0.0181)	0.0538*** (0.0184)	0.0552*** (0.0182)		0.0762*** (0.0179)	0.0767*** (0.0179)	0.0738*** (0.0177)	0.0738*** (0.0178)
GDP pc (ln)		0.184 (0.335)	0.0346 (0.340)	0.115 (0.331)	0.0288 (0.332)		-0.494* (0.254)	-0.476* (0.255)	-0.499** (0.253)	-0.502** (0.253)
Population (ln)		0.981* (0.512)	0.947* (0.504)	0.915* (0.513)	0.892* (0.507)		-1.311*** (0.506)	-1.290** (0.504)	-1.296** (0.508)	-1.299** (0.509)
Constant	0.0699 (0.592)	-15.22* (9.082)	-13.93 (8.940)	-13.86 (9.077)	-13.16 (8.958)	1.956*** (0.625)	25.33*** (8.797)	24.94*** (8.776)	24.99*** (8.830)	25.04*** (8.844)
Observations	1529	1423	1423	1423	1423	1572	1452	1452	1452	1452
R-squared	0.772	0.788	0.791	0.788	0.789	0.842	0.860	0.860	0.860	0.860

Notes: (1) Statistical significance: *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$. (2) All variables lagged one year.

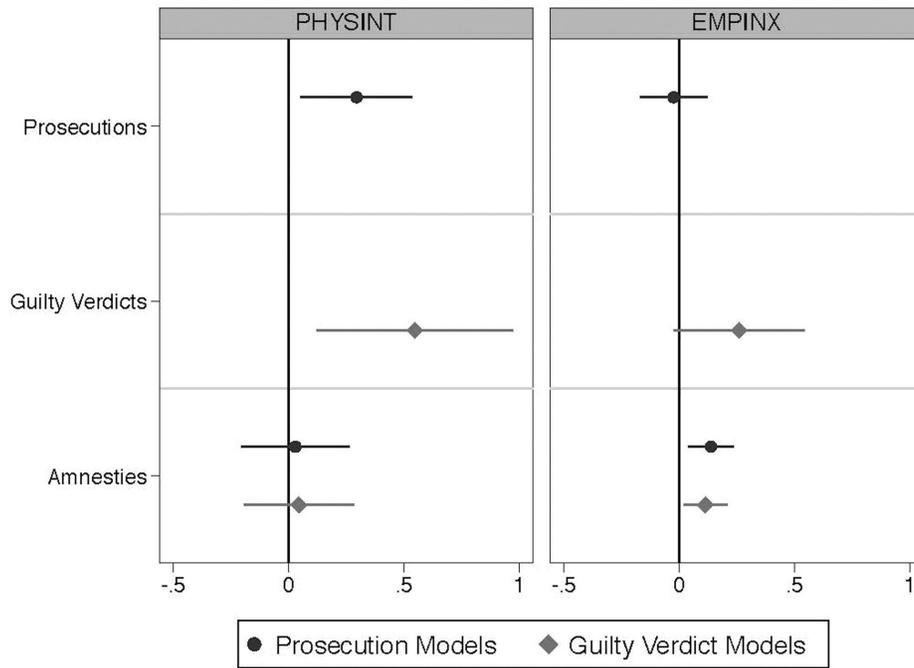


Figure 3. Effect of transitional justice mechanisms on rights
Note: Prosecutions and guilty verdicts scaled by 10.

pretransition rights protections, type of transition, regional influence, and judicial independence—those cases with more criminal prosecutions still have less repressive violence than those without. Likewise, those cases with amnesties still show greater improvements in civil and political rights than those without. The effects are slight and hint at the amount of time it takes to change a culture of impunity.

Second, the findings suggest that some scholarship was right to support amnesties, but not necessarily for the reasons previously offered. Amnesties are not significantly correlated with improved physical integrity protections. Instead, they enhance the prospects for civil and political rights protections, which support open democratic competition. While the effect is small, that the amnesty variable is significant at all is a substantial finding, given that much less is known about the determinants of civil and political rights protections. This merits more research in the future.

Third, this study extensively models the dynamic effects of transitional justice across time, while also attempting to address issues of selection. We control for time, while also observing the impact of differential levels of accumulating practices. We discover new relationships likely for this reason. Previous studies were not able to isolate the effects of time from transitional justice, nor were they able to capture important variation in the cumulative effect of transitional justice mechanisms.

Taken together, the results in this note present a puzzle: prosecutions are associated with fewer physical integrity violations and amnesties with fewer civil rights violations, but they do not work in combination. One interpretation is that these policies are born of political conflict, and they are never implemented in “pure” form. This means that transitional justice policies are not options on a menu, but imperfect policies born amid political contention. When conflicting policies coexist, they do not form a coherent whole, but work “alone together.” These lessons may be used to inform a new approach to transitional justice, one based not

on democratic deliberation, or formal legalism, but what some theorists refer to as “agonism” (Mouffe 2014). Such an approach would recognize the irreducibly contested nature of political and legal action done in the name of transitional justice, while seeing in that contestation the source of pluralism and productive change. This is a fruitful direction for future theory development.

Conclusion

In examining the effects of transitional justice, this research note presents a more nuanced methodological approach—one that accounts for selection effects and that disaggregates the dependent variable—than existing studies. In addition, it employs the new TJRC, an events-history database that captures important qualitative differences of transitional justice variables. These include whether prosecutions end in guilty verdicts or not, as well as when amnesties are partial and compliant with international law and when they are not.

We limit our analysis to the effects of prosecutions and amnesties, which have attracted a great deal of attention in the empirical literature. However, the conflict between these mechanisms does not exhaust the full spectrum of transitional justice options or concerns. Future research should examine the role of other transitional justice mechanisms in promoting human rights. In addition to criminal prosecutions and amnesties, the TJRC contains data on truth commissions, reparations, vetting, customary justice, and civil trials.

In addition, this study only addresses democratic transitions, some of which experience civil war and postconflict periods. The TJRC, however, is a global dataset; it allows for an examination of the effects of justice policies in the full universe of postconflict cases.

Supplementary Information

Supplementary information is available at www.transitionaljusticedata.com and at the *International Studies Quarterly* data archive.

References

- ACUÑA, CARLOS, AND CATALINA SMULOVITZ. 1997. "Guarding the Guardians in Argentina: Some Lessons about the Risks and Benefits of Empowering Courts." In *Transitional Justice and the Rule of Law in New Democracies*, edited by A. James McAdams, 93–122. South Bend, IN: University of Notre Dame Press.
- BARAHONA DE BRITO, ALEXANDRA. 2003. "Passion, Constraint, Law, and Fortuna: The Human Rights Challenge to Chilean Democracy." In *Burying the Past: Making Peace and Doing Justice After Civil Conflict*, edited by Neil Biggar, 177–208. Washington, DC: George Washington University Press.
- BHARGAVA, RAJEEV. 2000. "Restoring Decency to Barbaric Societies." In *Truth v. Justice*, edited by Robert Rothenberg and Dennis Thompson, 45–67. Princeton, NJ: Princeton University Press.
- BLACKWELL, MATTHEW, STEFANO IACUS, GARY KING, AND GUISEPEE PORRO. 2009. "CEM: Coarsened Exact Matching in Stata." *Stata Journal* 9 (4): 524–46.
- BORAINÉ, ALEX. 2006. "Transitional Justice: A Holistic Interpretation." *Journal of International Affairs* 60 (1): 17–27.
- CARPENTER, CHARLIE. 2013. "Don't Call This a Humanitarian Intervention." *Foreign Policy*, August 30. <http://foreignpolicy.com/2013/08/30/dont-call-this-a-humanitarian-intervention/>.
- CINGRANELLI, DAVID L., DAVID L. RICHARDS, AND K. CHAD CLAY. 2014. "The Cingranelli-Richards (CIRI) Human Rights Dataset." <http://www.humanrightsdata.com>
- COBBAN, HELENA. 2007. *Amnesty After Atrocity? Healing Nations after Genocide and War Crimes*. Boulder: Paradigm Publishers.
- DANCY, GEOFF. 2010. "Impact Assessment, Not Evaluation: Defining a Limited Role for Positivism in the Study of Transitional Justice." *International Journal of Transitional Justice* 4 (3): 355–76.
- . 2013. *The Impact of Human Rights Law in Time*, PhD dissertation, University of Minnesota.
- . 2018. "Deals with the Devil? Conflict Amnesties, Civil War, and Sustainable Peace." *International Organization* (forthcoming).
- DANCY, GEOFF, AND ERIC WIEBELHAUS-BRAHM. 2018. "The Impact of Criminal Prosecutions During Intrastate Conflict." *Journal of Peace Research* 55 (1): 7–61.
- DANCY, GEOFF, AND KATHRYN SIKKINK. 2012. "Treaty Ratification and Human Rights Prosecutions: Toward a Transnational Theory." *NYU Journal of Law and International Politics* 44 (3): 751–90.
- DANCY, GEOFF, AND VERÓNICA MICHEL. 2016. "Human Rights Enforcement from Below: Private Actors and Prosecutorial Momentum in Latin America and Europe." *International Studies Quarterly* 60 (1): 173–88.
- DAVENPORT, CHRISTIAN. 2007. "State Repression and Political Order." *Annual Review of Political Science* 10 (1): 1–23.
- DE GREIF, PABLO, ed. 2006. *The Handbook of Reparations*. Oxford: Oxford University Press.
- DRAGU, TIBERIU, AND MATTIAS POLBORN. 2013. "The Administrative Foundation of the Rule of Law." *Journal of Politics* 75 (4): 1038–50.
- ECK, KRISTINE, AND LISA HULTMAN. 2007. "One-Sided Violence Against Civilians in War: Insights from New Fatality Data." *Journal of Peace Research* 44 (2): 233–46.
- ELSTER, JON. 1995. "On Doing What One Can: An Argument Against Post-Communist Restitution and Retribution." In *Transitional Justice: How Emerging Democracies Reckon with Former Regimes, Volume 1: General Considerations*, edited by Neil J. Kritz, 566–68. Washington, DC: United States Institute of Peace.
- . 2004. *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge: Cambridge University Press.
- FINNEMORE, MARTHA. 2003. *The Purpose of Intervention: Changing Beliefs About the Use of Force*. Ithaca, NY: Cornell University Press.
- FREEMAN, MARK. 2009. *Necessary Evils: Amnesties and the Search for Justice*. Cambridge: Cambridge University Press.
- GERRING, JOHN, PHILIP BOND, WILLIAM T. BARNDT, AND CAROLA MORENO. 2005. "Democracy and Growth: A Historical Perspective." *World Politics* 57 (3): 323–64.
- GOLDSMITH, JACK, AND ERIC A. POSNER. 2005. *The Limits of International Law*. New York: Oxford University Press.
- GRODSKY, BRIAN K. 2010. *The Costs of Justice: How New Leaders Respond to Previous Rights Abuses*. Notre Dame, IN: University of Notre Dame Press.
- HAFNER-BURTON, EMILIE M. 2014. "A Social Science of Human Rights." *Journal of Peace Research* 51 (2): 273–86.
- HUNTINGTON, SAMUEL. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press.
- IACUS, STEFANO, GARY KING, AND GUISEPEE PORRO. 2012. "Causal Inference Without Balance Checking: Coarsened Exact Matching." *Political Analysis* 20 (1): 1–24.
- IVERSON, JENS. 2013. "Transitional Justice, Jus Post Bellum and International Criminal Law: Differentiating the Usages, History and Dynamics." *International Journal of Transitional Justice* 7 (3): 413–33.
- JEFFERY, RENÉE. 2014. *Amnesties, Accountability, and Human Rights*. Philadelphia: University of Pennsylvania Press.
- KEITH, LINDA CAMP. 2012. *Political Repression*. Philadelphia: University of Pennsylvania Press.
- KIM, HUN JOON. 2012. "Structural Determinants of Human Rights Prosecutions After Democratic Transition." *Journal of Peace Research* 49 (2).
- KIM, HUN JOON, AND KATHRYN SIKKINK. 2010. "Explaining the Deterrence Effect of Human Rights Prosecutions." *International Studies Quarterly* 54 (4): 939–63.
- LAMBOURNE, WENDY. 2009. "Transitional Justice and Peacebuilding After Mass Violence." *International Journal of Transitional Justice* 3 (1): 28–48.
- LESSA, FRANCESCA, TRICIA D. OLSEN, LEIGH A. PAYNE, GABRIEL PEREIRA, AND ANDREW G. REITER. 2014. "Overcoming Impunity: Pathways to Accountability in Latin America." *International Journal of Transitional Justice* 8 (1): 75–98.
- LYNCH, MOIRA, AND BRIDGET MARCHESI. 2014. "The Adoption and Impact of Transitional Justice." In *Post-Communist Transitional Justice: Lessons from 25 Years of Experience*, edited by Stan Lavinia and Nadya Nedelsky, 73–96. New York: Cambridge University Press.
- MALLINDER, LOUISE. 2008. *Amnesty, Human Rights and Political Transition: Bridging the Peace and Justice Divide*, vol. 21. Oxford: Hart.
- . 2012. "Amnesties' Challenge to the Accountability Norm?" In *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, edited by Francesca Lessa and Leigh A. Payne, 69–96. Cambridge: Cambridge University Press.
- MANI, RAMA. 2002. *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge: Blackwell.
- MARAVALL, JOSÉ MARÍA. 2003. "The Rule of Law as a Political Weapon." In *Democracy and the Rule of Law*, edited by José María Maravall and Adam Przeworski, 2261–301. Cambridge: Cambridge University Press.
- MARSHALL, MONTY G., KEITH JAGGERS, AND TED ROBERT GURR. 2013. "Polity IV Project: Political Regime Characteristics and Transitions, 1800–2010: Data User's Guide." Center for International Development and Conflict Management, University of Maryland. <https://www.systemicpeace.org/inscr/p4manualv2016.pdf>.
- MATSUEDA, ROSS, DAVID HUIZINGA, AND DEREK KREAGER. 2006. "Detering Delinquents: A Rational Choice Model of Theft and Violence." *American Sociological Review* 71 (1): 95–122.
- MINOW, MARTHA. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. New York: Beacon Press.
- MOUFFE, GHANTAL. 2014. "Democracy, Human Rights and Cosmopolitanism: An Agnostic Approach." In *The Meanings of Rights: The Philosophy and Social Theory of Human Rights*, edited by Costas Douzinas and Conor Gearty, 181–92. New York: Cambridge.
- NAGIN, DANIEL S., ed. 1998. "Criminal Deterrence Research at the Outset of the Twenty-First Century." *Crime and Justice: A Review of Research* 23: 1–42.
- NALEPA, MONIKA. 2010. *Skeletons in the Closet: Transitional Justice in Post-Communist Europe*. Cambridge: Cambridge University Press.
- NINO, CARLOS. 1996. *Radical Evil on Trial*. New Haven, CT: Yale University Press.
- OLSEN, TRICIA D., LEIGH A. PAYNE, AND ANDREW G. REITER. 2010a. "The Justice Balance: When Transitional Justice Improves Human Rights and Democracy." *Human Rights Quarterly* 32 (4): 980–1007.
- . 2010b. *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*. Washington, DC: United States Institute of Peace.
- ORENTLICHER, DIANE F. 2007. "'Settling Accounts' Revisited: Reconciling Global Norms with Local Agency." *International Journal of Transitional Justice* 1 (1): 10–22.
- OSIEL, MARK. 1997. *Mass Atrocity, Collective Memory, and the Law*. New Brunswick, NJ: Transaction Publishers.

- . 2000. "Why Prosecute? Critics of Punishment for Mass Atrocity." *Human Rights Quarterly* 22 (1): 118–47.
- OSTER, EMILY. 2017. "Unobservable Selection and Coefficient Stability: Theory and Validation." *Journal of Business Economics and Statistics*. <https://doi.org/10.1080/07350015.2016.1227711>.
- PATRICK, STEWART. 2011. "Libya and the Future of Humanitarian Intervention." *Foreign Affairs*, August 26. <https://www.foreignaffairs.com/articles/libya/2011-08-26/libya-and-future-humanitarian-intervention>.
- PAYNE, LEIGH A., FRANCESCA LESSA, AND GABRIEL PEREIRA. 2015. "Overcoming Barriers to Justice in the Age of Human Rights Accountability." *Human Rights Quarterly* 37 (3): 728–54.
- POE, STEVEN C. 2004. "The Decision to Repress: An Integrative Theoretical Approach to the Research on Human Rights and Repression." In *Understanding Human Rights Violations: New Systematic Studies*, edited by Sabine C. Carey and Steven C. Poe, 17–38. Burlington, VT: Ashgate Publishing Company.
- REITER, ANDREW G. 2016. *Fighting Over Peace: Spoilers, Peace Agreements, and the Strategic Use of Violence*. London: Palgrave Macmillan.
- ROBINS, SIMON. 2011. "Towards Victim-Centred Transitional Justice: Understanding the Needs of Families of the Disappeared in Postconflict Nepal." *International Journal of Transitional Justice* 5 (1): 75–98.
- ROEHRIG, TERRENCE. 2001. *The Prosecution of Former Military Leaders in Newly Democratic Nations: The Cases of Argentina, Greece, and South Korea*. Jefferson, NC: McFarland & Company.
- SIKKINK, KATHRYN. 2011. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York: W.W. Norton & Company.
- SIKKINK, KATHRYN, AND CARRIE BOOTH WALLING. 2007. "The Impact of Human Rights Trials in Latin America." *Journal of Peace Research* 44 (4): 427–45.
- SNYDER, JACK, AND LESLIE VINJAMURI. 2003. "Trials and Errors: Principle and Pragmatism in Strategies of International Justice." *International Security* 28 (3): 5–44.
- STEDMAN, STEPHEN JOHN. 1997. "Spoiler Problems in Peace Processes." *International Security* 22 (2): 5–53.
- SUTIL, JORGE CORREA. 1997. "No Victorious Army Has Even Been Prosecuted...": The Unsettled Story of Transitional Justice in Chile." In *Transitional Justice and the Rule of Law in New Democracies*, edited by A. James McAdams, 123–54. South Bend, IN: University of Notre Dame Press.
- TEITEL, RUTI G. 2014. *Globalizing Transitional Justice: Contemporary Essays*. New York: Oxford University Press.
- THOMS, OSKAR N. T., AND JAMES RON. 2007. "Do Human Rights Violations Cause Internal Conflict?" *Human Rights Quarterly* 29 (3): 674–705.
- TRIPP, ALI. 2015. *Women and Power in Post-Conflict Africa*. New York: Cambridge.
- United Nations. 2010. "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice." https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf.
- VINJAMURI, LESLIE, AND JACK SNYDER. 2015. "Law and Politics in Transitional Justice." *Annual Review of Political Science* 18: 303–27.
- WORLD BANK. 2019. "World Bank DataBank." <https://databank.worldbank.org/data/home.aspx>.