

Building Research Communities via Collective Investment in Data Infrastructure

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Abstract

The field of comparative law and politics requires investment in data infrastructure. The variety of potentially useful information in our field (e.g., judicial opinions, codes of various types, many features of the litigation process, etc.) implies resource costs associated with data production that are prohibitive for single researchers and even many small groups of scholars. Producing what the field needs will likely require considerable collaboration among a relatively large, methodologically diverse set of scholars. In addition to providing vital infrastructure, this kind of collaboration can also help promote a healthy research community by encouraging learning about and coordination on good scientific standards. The approach will address communication problems that inhibit parallel work on shared research problems. Doing this well is no simple task, though. Organizing collaborative teams depends on ensuring that the incentives of team members are consistent with group goals, a challenge complicated by standard team production concerns, but especially problematic in light of disciplinary incentives that discourage infrastructural investment. Drawing on the experiences of the Varieties of Democracy Project, I discuss how this kind of collaboration might manifest in our field. I highlight a decentralized team approach that balances individual incentivizes for academic freedom against group needs for consistency.

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1 Introduction

The comparative law and politics research community has grown considerably over the past fifteen years. Where once it was a challenge to put together a conference panel on the subject, the challenge now is how to fit all of the papers onto a single schedule. This has followed no doubt from a commitment among comparativists, American legal academics and an international network of social scientists studying law to train a new generation of judicial scholars with the necessary skill set to investigate the politics of law globally. Simple metrics suggest that the approach is working. Articles in comparative law and politics published in the discipline's leading journals have massively increased since the year 2000 and any quick glance at the subfield's own journal suggests that comparative work is being both recognized and featured.¹ The field is also rewarding new scholars. Until 1999, a single comparative dissertation won the American Political Science Association's Corwin Award for best doctoral work in the field of public law (Charles Epp's in 1996). Since 2000 roughly fifty percent of the award winners have been recognized for contributions to the comparative study of law and politics.

Despite its growth, a number of features of the community raise important questions about how to enrich the inquiry our field supports. In their introduction to this volume, Kapiszewski and Ingram write the following.

Several of the field's crucial concepts (e.g., judicial independence, judicialization) are either contested, very difficult to operationalize and measure, or both. This conceptual confusion complicates empirical study and makes it more difficult for scholars to compare findings and build on each other's work. [S]cholars tap only a subset of available data sources, employ a relatively limited set of data-collection techniques, and seldom share

¹The first issue of the *Journal of Law and Courts* featured papers on law and economic development, the judicialization of international legal regimes and the cross-national measurement of the rule of law (Hadfield and Weingast 2013, Sweet and Brunell 2013, Nardulli, Peyton and Bajjalieh 2013). Together these papers reflected one half of the content. Since then the journal has continued to actively support comparative and international research. *Note: I have information on the general publication patterns, but need to update it.*

the rich data that underlie their studies. Researchers also tend to utilize just a handful of the analytic methods that might be productively employed to draw descriptive and causal inferences. Qualitative comparative analysis, automated text analysis, spatial and network analysis, for instance, could be very fruitful methodological approaches for scholars to adopt given the causal complexity, text-dependency, and interconnectedness that mark many of the objects of inquiry in law and politics. These shortcomings complicate efforts to gain inferential leverage and inhibit theory-building.

At the risk of unfairly characterizing the subfield, it is worth considering what these claims could imply. Suppose that members of our community simply disagree about definitions of our key concepts, and in so far as we agree, the concepts are unclear and possibly unmeasurable even if they were clarified. Suppose that scholars employ limited and commonly weak designs for causal inference and that they do not much value the publication of findings that rely on descriptive inference alone. Suppose further that data sources are limited and that data sharing is so rare that even if a new scholar was prepared to improve on an old design, she would have to reconstruct the data collection exercise from scratch. In so far as this is true, then our theoretical arguments rest on extremely weak empirical footing, which is concerning *per se* and surely inhibitive of further theoretical development. The implication of all of this is that our knowledge claims are fundamentally questionable.

Consider the possibility in light of the discipline's debate over the Data Access and Research Transparency (DA-RT) initiative.² DA-RT's primary goal is to promote greater research openness through a community-based approach to standards construction (Lupia and Elman 2014, p.22). The point of greater openness is to assist in the communication of knowledge claims within and across scientific communities. The entire enterprise rests on the assumption that there are sets of research communities prepared to contribute to the conversation and ultimately shape the institutionalization of shared understandings of appropriate research standards. If all that we have supposed about our community is in fact true, then we are left questioning whether there is a viable research community in comparative law and politics with which the larger community might converse.

²Information about DA-RT can be found at <http://www.dartstatement.org/>.

Of course, the subfield has produced profitable research exchanges about contested concepts (Ríos-Figueroa 2012, Carlin and Sarsfield 2012, Bergman 2012). Scholars have in fact used a variety of data-analytic techniques from comparative historical analysis to network analysis and text analysis (e.g. Alter 2009, Kapiszewski 2012, Ríos-Figueroa 2016) (Citations to Vanberg, Ingram in this volume). Scholars are, in fact, leveraging stronger designs for causal inference than the field commonly supported in the past (eg. Wang 2016). There are publication outlets for findings that rely on descriptive inference alone (e.g. Basabe-Serrano 2016, Linzer and Staton 2015).

There is a viable research community in this field. I nevertheless believe that it is worth assuming for the moment that the extreme characterization of the field is true for two reasons. First though we can find counter-examples it would still seem readily apparent that there is much room for improvement in the way that our community conducts its science. Second even if the characterization is ultimately too extreme it helps us focus on what it means to build a more complete, stimulating and ultimately useful scientific community. Kapiszewski and Ingram suggest a vision of how to do it. What I will do in this essay is assume that our community could be better and more usefully connected. I will then ask how these connections might be built via the promotion of a large-scale collaborative project aimed at the production of core infrastructure.

1.1 Challenges and Opportunities in Community Building

If our goal is to build a more connected scientific community, it is important first to remember what a scientific community is and what it is not. A scientific community is an inter-connected group of scholars working in parallel on shared problems (Kornfeld and Hewitt 1981). This definition does not necessarily imply collaboration in every sense. Working in parallel means working separately on the same problems. It also does not imply that members of the community need to be in agreement about everything. A healthy scientific community, especially one that is in its relative infancy, will involve heated argumentation over substance and process, including I suspect over the very standards under which we are supposed to operate. This is especially likely in a field like ours, which is drawn from so many rich research traditions. But of course we have to collaborate at least minimally. At a minimum, we have to share information with each other. We have to make it possible for others to succeed where we fail. And we cannot disagree about all aspects of our enterprise for all time. We have to be making progress toward some kind of consensus,

certainly over standards but probably also over a set of knowledge claims. As we think about what might be improved it will be helpful to distinguish the features of our community that are actually problematic from those that are just the result of a growing discipline. My first goal in this paper is to focus on what problems we might profitably address.

The primary challenge that we confront is one of communication. That we disagree about how to measure judicial independence or whether process tracing provides a more useful picture of causal mechanisms than a formalized theoretical argument coupled with a strong design for causal inference is not necessarily problematic. We do not need a uniform group of process-tracers or formal theorists or political statisticians and I am skeptical about the prospects of constructing a field made up of scholars who are comfortable using all of these approaches (see Gehlbach, 2015). Our field can continue without trouble as a multi-methodological space. Our disagreements may foster inspiration and innovation. Results from different approaches may even inform each other.

Of greater concern are features of our field that fundamentally undermine our ability to work in parallel on shared problems. Again we need not prioritize collaboration over all other goals, but research in parallel means that we have to be able to communicate our results effectively. Ineffective communication is our primary problem. There are four aspects to the problem. First, effective communication requires that scholars understand each others' knowledge claims or be prepared to learn how to understand them. If scholars operating via different traditions are disinterested or incapable of evaluating each other's work because of the nature of the methodological structure within which the claims are made. It is here that communication challenges interact with methodological training. Our field must have a minimum set of standards for productive professional engagement. Being prepared to understand does not imply being prepared to carry-out. It does imply having a basic familiarity with the advantages and disadvantages of particular approaches. Scholars must be familiar with some of the basic features of research across the traditions. For example, a scholar who primarily relies on statistical inference, should be able to articulate the value of a hoop test in the context of a process analysis. She should have some idea of the standards for evaluating the results of this test. Similarly the scholar who traces processes must understand what it means to say that while we cannot identify an individual-level causal effects, we can identify average causal effects. She should understand the basic standards used for evaluating statistical evidence. I do not mean to imply that we all have to be competent methodological reviewers of all designs, but

we should attempt to build a basic competency. At a minimum, we need an open mind and a willingness to engage in a conversation meant to clarify results that rely on foreign procedures. This engagement, in addition to helping to promote multiple types of research, is a core element of a field-wise effort to actually built competency in core elements of the science used by others in the field.

Effective communication also depends on data openness and data sharing. Part of what allows me to understand what you have said is my ability to reproduce your claim. Part of what allows us to advance our field quickly is our commitment to making our data available as soon as possible. I am not aware of a subfield-level commitment to a particular approach to data openness and sharing. My own experiences have been quite varied. Some scholars now post to archives like Dataverse almost immediately upon producing a result (independent of publication). They make their procedures clear and ultimately make it quite easy to understand what has been done. Of course, this makes replication possible, but the more important point is that the practice promotes the communication of knowledge. Other scholars provide some combination of data access upon request and replication material that is incomplete or otherwise unclear about what procedures were used. Worst of all, some members of the community still claim data embargoes, even after they have published results relying on the requested data. This is particularly vexing in contexts where the data sources are relatively easy to collect (and measure) with sufficient resources, so that the only effect of the embargo is to render inefficient our field's work. Solving the data openness problem is an obvious high priority.

A third, significant problem involves the restricted nature of data sources. There really are tremendous gaps in the simple empirical record around which our field seems to revolve. Elkins and Ginsburg's (2012) Comparative Constitutions Project has offered an incredible resource, but so much of what matters to what we care about takes place at the level of statutory law or in the informal practices that animate constitutional politics. For example, consider questions regarding the appointment of constitutional judges. The German Basic Law tells us that eight members of the Federal Constitutional Court are appointed by the Bundestag and eight members are appointed by the Bundesrat, but that is it. Given the proportionality of the German electoral system and a political cultural commitment to grand coalitions when necessary, an understanding of the appointment politics in Germany requires a strong account of sub-constitutional information

(See for example Collings 2015)). It is not that the constitutional information will be unhelpful to all research tasks, but so much of the appointment process is in fact governed by sub-constitutional norms and rules. Similarly, the Haynie et al.'s (2007) National High Courts Database and Carrubba et al.'s (N.d.) Comparative Law Project have provided information on judicial opinions on supreme and constitutional courts globally, including the full text in many cases; however, the field is still very far from having a resource like the Spaeth Database which might provide common ground for shared research.³

A final, related concern, follows from our data practices. It strikes me that there may be too few of us working on too many problems. There are not too few scholars. There are not too many questions. We just do not have enough people working on the same problems. How many scholars really are working on the same aspect of judicialization or judicial independence, or the problem of mobilizing advocacy in the context of social and economics rights? How many scholars are working on the problem of judicial corruption or the politicization of prosecutors or the link between formal institutions, legal actors and development? How many actual replications can we point to? Answering this question naturally leads to a focus not just on theme but place. We are led to ask who works on which problem in which country? That only fractures our field further. At our best, we have rough groups of studies conducted in diverse research settings (i.e., states or cities or regions), which are broadly comparable, but require a large set of assumptions to really place results in context. Many of us may have become bored with research on who controls policy making in the U.S. Congress, on the determinants of inter-state war, or on decision-making on the U.S. Supreme Court, but those parallel research endeavors built productive communities, which have evolved in new directions after the original set of questions grew stale.

³Note: I'd like to add something about public opinion research. It seems that the World Justice Project offers considerable resources, but I don't think that they make available the survey level data. V-Dem does, but it's expert survey information so less useful for a public opinion project, unless you care about the opinions of field experts. There is LAPOP, too. I'm just a little uncertain on how much could be done on this front. I also might add something about collections of jurisprudence, as in Various (2015)

These challenges are significant, but it is important to highlight a few features of the subfield that should be sources of encouragement. Although we may worry that the diversity of research traditions supported in the field will undermine our ability to communicate effectively the results of studies, this diversity can be a strength, if we are better connected to each other. Political science seems ever more focused on producing designs for causal inference. Indeed, the old quantitative-qualitative cleavage is profitably bridged through a shared interest in identifying the precise way through which concept A causes concept B, if at all. This attention to causation and stronger designs for causal inference should be welcomed, but it seems to have been accompanied by a deemphasis on research that is purely descriptive. A healthy scientific community should embrace both designs for causal inference as well as descriptive inference. In light of the fact that we are extremely far from a situation in which the world's legal systems have been mapped, much less deeply described, we really do require simple descriptive information. Without good description it is hard to imagine how we are going to meaningfully advance theory or even identify good opportunity for strong causal designs. The comparative historical tradition, which is strong in our field, means that we have many scholars who prepared to describe and to interpret. It should imply that we have a field that is willing to publish research that is important yet only descriptive in nature. This should, in principle, set incentives for good descriptive work, which we need.

This is all well and good, but we confront difficult disciplinary challenges. Can you publish a purely descriptive paper in the APSR? The AJPS? How about World Politics, International Organization or the Journal of Politics. It would be one thing if the editors of these journals took a position against the publication of descriptive work, but my sense is that collectively we are part of the problem. I suspect that as reviewers we reserve the top journals for causal claims. The argument for this, I suppose, is that they are general journals, and so a person in field X will only care about a causal claim in field Y whereas a person in field Y would be interested in both causation and description. I am frankly skeptical of whether this is a sensible position to take, but whether it is defensible or not, it seems consistent with reserving the general journals for ideas that are of general interest. In any event, we can promote studies that are primarily descriptive at general journals via our role as reviewers. What is more, we can and certainly should do this in our field journals, most obviously in the Journal of Law and Courts. We might even propose a new journal in which we are willing to publish a wider variety of studies.

1.2 What should we do about it?

There are a number of potential solutions to these concerns. Some will follow from disciplinary coordination. Most obviously, the DA-RT initiative itself as well as Joint Editors Transparency Statement (JETS, <http://www.dartstatement.org/#!blank/c22s1>) will affect some aspects of the data sharing problem, especially the issue of unreasonable embargoes. They will do it by requiring increasing levels of data openness in exchange for the ability to publish in peer-reviewed outlets. Other solutions will be piecemeal and yet depend on departmental coordination across all of the discipline. Ph.D. granting departments provide the training of future scholars. These varied approaches will be the primary determinant of their ability to effectively communicate results across research traditions. Members of our community will be part of these developments, but we will just be one voice among many.

There are some steps that can be taken as a subfield though. Conferences such as the one we are attending are designed to promote debate and encourage the identification of and shared solutions to our common problems. They almost always accomplish the former task. But we need concrete solutions. Rather than working in the abstract, I want to suggest a project-based approach to building a more robust subfield. Specifically, I want to propose that we (perhaps different groups of “we”) identify opportunities to work collaboratively on significant data infrastructure projects. The idea is that we build parallel research on shared problems via temporary collaboration sharing the burden of creating meaningful data infrastructure.

The field needs basic infrastructural investment. A single location for the investigation of peak court opinions (or perhaps key elements of jurisprudence) over a long time series and for a large set of countries is an obvious candidate. But every state’s judicial system is hierarchical, so the target of measurement need not be restricted to peak courts, assuming there was an viable set of research interests. And we need not focus on judicial opinions at all. Another possible candidate would be information on the legal support community across the globe. At a very broad level, we might imagine a general project aimed at producing data infrastructure for a robust research program on law and politics. At a slightly more specific level, we might build infrastructure around the issue of constitutionalism, a concept that would link the subfield to other vibrant research communities in the social sciences. Such a project might focus on a variety of data sources, which would be useful

to a large set of researchers inside and outside our field. Likely, any project of significant breadth will be too complicated and resource-consuming for any one small group of scholars to tackle alone. Even if we can automate some of the data collection tasks through web scraping, named entity recognition, topics models, and classification techniques, there will be a massive role for human expertise on a global scale.

Building a large team of scholars from diverse research traditions may seem an unconventional way to tackle this problem. What I wish to argue is that by attacking the problem in a large, diverse team, we will also be helping resolve the communication problems I described above. Scholars from different traditions will be forced to articulate shared data needs but encouraged to think about designs that suit their own preferences and skills. They will be encouraged to try to answer similar questions with different approaches, sometimes using identical data sources and sometimes not. Doing this well will require the resolution of several challenges, some obvious and some subtle.

In what follows, I discuss the experiences of the Varieties of Democracy Project (V-Dem, <https://v-dem.net/>), a project that reflects something like what I have in mind, albeit one in a distinct research context. I will discuss the motivations for V-Dem and summarize the key challenges that it has faced. I describe what V-Dem has produced in terms of freely accessible data as well as elements of the project that are better understood as promoting shared research production. I discuss features of the V-Dem organizational project that have helped overcome the core challenges it confronted. I also consider the ways in which these features might have undermined some potential project goals. Building a research community ultimately involves making tradeoffs and V-Dem certainly has privileged some kinds of work over others. That said, the project's breadth and collaborative ethic has brought diverse types of comparativists together for a shared goal. It now offers a variety of ways of moving the field forward in directions not controlled by the project staff itself. Drawing on these lessons, I conclude by suggesting some potential ways forward for our subfield.

2 Varieties of Democracy

Detailed information about the Varieties of Democracy Project, including a summary of project goals, organizational structure, freely available data and research papers, can be found at <https://v-dem.net/>.

[//v-dem.net/en/](http://v-dem.net/en/). V-Dem was motivated by two features of empirical scholarship on democracy. First, the measurement of democracy cross-nationally had historically been limited to a relatively small set of concepts. Democratic theorists have developed concepts of democracy emphasizing free and fair elections, liberal constitutionalism, popular participation, high quality deliberation, and socio-economic equality, yet measurement strategies have largely focused on the electoral and liberal dimensions (Coppedge et al. 2011, Munck 2009, Coppedge et al. 2015). V-Dem’s primary goal was to produce measures of democracy with respect to this larger set of democratic concepts, permitting empirical analysis beyond the more limited settings of electoral politics and concerns with a constrained state. Second, the measurement of regime type at the country-year level obviously requires the aggregation of potentially many facts about a state (Munck 2009). Even relatively thin measures, like that produced by Cheibub, Gandhi and Vreeland (2010) must aggregate information about the election of chief executives, legislatures, and the party system. There is no consensus among scholars with respect to the literally infinite ways in which information can be aggregated, and there probably never will be. V-Dem’s second goal was to produce a large set of disaggregated measures of regimes, all of which were arguably useful to some concept of democracy, leaving any aggregation choice to the individual user.

With these general goals in mind, V-Dem set about measuring hundreds of democratic features of countries (and some colonies) from 1900 to the present. Logistically, it required collaboration on a global scale. The principal investigators are Michael Coppedge of the University of Notre Dame, Staffan Lindberg of the University of Gothenburg, John Gerring of Boston University and Svend-Erik Skaaning of Aarhus University.⁴ V-Dem is also divided regionally and by country. Helping manage the workflow are 6 staff members, 2 full time post-doctoral fellows, 32 regional coordinators and nearly 200 country coordinators (<https://v-dem.net/en/team/regional-managers/>). V-Dem’s work is divided into 13 thematic areas, each of which is directed by an academic project manager. The areas include Executives, Legislatures, Judiciaries, Parties and Party Systems, Me-

⁴Jan Teorell of Lund University, an original principal investigator is now responsible for V-Dem’s historical arm, taking democracy measurement back to the 19th Century.

dia, Civil Society, Civil Liberties, Sovereignty, Subnational Government, Direct Democracy, Democratization, Evolutionary Theory, and Methodology.⁵

On January 1, 2016, V-Dem issued its first general data release. Users are now able to freely download 350 indicators as well as 30 higher level indices for 173 countries from 1900 to the present.⁶ Additional indicators will be added to this corpus as the project progresses. I have included some of the table of contents from the codebook in the appendix to this essay. It gives a reasonably good sense of the available information. V-Dem data derives from three types of sources. Some information was compiled directly by the research team from existing sources. For example, indicators like the minimum voting age in a state, the name of the head of government/head of state, and whether initiatives are permitted, were compiled by project managers and V-Dem research assistants. Much like the Quality of Government project (<http://qog.pol.gu.se/>), V-Dem also coordinates the release of information from other research teams working on the measurement of features of democracy. For example, scholars can find information from the Database of Political Institutions, the Comparative Constitutions Project, Freedom House, etc. Similarly, the project helps coordinate the release of many indicators of critical background concepts including those related to geography, the economy, demography, natural resources, conflict and infrastructure.

Finally, many V-Dem indicators derive from an international expert survey of roughly 2,600 country-topic experts. Coppedge et al. (2015) provide a succinct summary of the basic elements of expert recruitment:

⁵The project managers include Kelly McMann (Subnational Government), Pamela Paxton (Formal and Descriptive Representation), David Altman (Direct Democracy), Michael Bernhard (Civil Society and Sovereignty), Steve Fish (Legislatures), Allen Hicken (Parties and Party Systems), Carl Henrik Knutsen (Historical Data), Patrik Lindenfors (Evolutionary Theory), Jan Teorell (Executives), and Jeffrey Staton (Judiciaries). Megan Reif has also worked as a project manager on electoral violence and fraud. The Methodology project has three managers. Adam Glynn focuses on questions of causal inference. Dan Pemstein is chiefly responsible for measurement theory. Brigitte Zimmerman manages experimental components.

⁶Data can be downloaded at <https://v-dem.net/en/data/>.

The experts are recruited on the basis of their academic or other credentials as field experts in the area for which they code. (The questions are subdivided into 11 areas of expertise, and most experts code only up to three areas.) Typically, a minimum of five independent experts respond to each question for each country and year going back to 1900.

Each question posed in the survey permits responses on an ordinal scale.

The team has had to confront and manage several obvious challenges associated with this type of measurement strategy. Raters will surely respond with error. There is no single expert in the world capable of responding to all 200 questions for all countries and all years. Indeed, finding a person who can answer questions about one topic across multiple country-years, say all of the judiciary questions for Latin American states, is challenging. Finding people who could answer questions about the judiciary and the party system for the same region is harder, and expanding outside of a particular region is harder still. Further, it is not clear that raters, both those working on the same state or across states, have the same scale in mind. For example, consider asking for an expert opinion regarding whether a state had an “accurate voter registry in place for a particular election.” Paraphrasing, V-Dem allows responses on a five-point scale: “No,” “There was a registry but it was fundamentally flawed,” “Uncertain,” “The registry was imperfect but few eligible voters were affected,” and “The voter registry was accurate.” Suppose that two raters agree on the facts about a state-year, but they disagree about the meaning of “few eligible voters affected.” In this case, they are disagreeing about the latent threshold that divides the categories, and for this simple disagreement alone, two experts may assign the same set of facts to distinct categories. To address these issues and others, Pemstein et al. (N.d.) develop a Bayesian graded item response theory model designed ultimately to estimate the latent concepts revealed on the expert surveys. The raw data, which are also available freely, derive from experts who typically answer a subset of all questions with respect to one country as well as “bridging” coders, who answer questions with respect to multiple surveys and countries. Users have access both to the estimates of the latent quantities as well as samples from the posterior distributions of each concept, allowing scholars to directly incorporate measurement error in their analyses as in Treier and Jackman (2008) and Pemstein, Meserve and Melton (2010).

Although the provision of new data on democracy drove much of the discussion on the V-Dem team, the ultimate goal of the project was to help encourage the development of international teams of researchers on subjects related to regimes. To date, the project has produced several publications (e.g. Coppedge et al. 2011; 2015) and 24 working papers on topics as diverse as vote buying, colonial networks, the role of civil society and parties in democratic stability, gender balance on high courts, non-compliance with judicial orders and regime survival, corruption, human development, parties and economic growth, direct democracy, and the sequencing of rights and democratization, among a number of others. Research partnerships have developed between methodologically oriented scholars and scholars with a passion for historical comparisons, between scholars who are at home with cross-national research and scholars who typically work on particular cases. Through its international network, V-Dem has also supported the development of regional centers of scholarship, the first of which is in Estonia and directed by Vello Pettai. It has conducted capacity building seminars in many parts of the world, designed to help activists and policy makers best make sure of the data. It conducts yearly conferences, sponsors panels at academic conferences and encourages scholarship from within and without the V-Dem team. Finally, V-Dem has been responsible for thematic and country reports designed for use by government agencies, IOs and NGOs in international conversations about democracy.

3 Challenges of Building a Collaborative Project

The obvious question the leaders of V-Dem confronted from the beginning was how to produce this information. It was not possible to do it with four individuals, even though these four individuals had very deep and general knowledge about politics globally. Getting the project done required the participation of many scholars with diverse interests and at diverse stages of their careers. This raised a number of challenges, which manifested in a number of ways. The overarching problem in this kind of project is how to align individual interests with group goals, a particular challenge in light of some obvious disciplinary-induced incentives related to the core goals of V-Dem's data collection concerns. This problem affected both the group's ability to get sufficient investment in order to get the project off the ground, but it also affected the group's ability to execute. The challenges that follow affected investment or execution or both.

The first challenge in aligning interests was *substantive*. Although PIs Coppedge, Gerring and Lindberg had long-run interests in working on questions of democracy and democratization, their commitment to build data infrastructure from a disaggregated perspective meant that they would have to work with scholars whose substantive expertise pushed them in research areas not necessarily tied to democracy research *per se* much less to a project of massive historical and global scope. Related to this issue, the V-Dem project itself became interested in measuring high level concepts of democracy. V-Dem currently offers indices of electoral democracy, liberal democracy, participatory democracy, deliberative democracy, and egalitarian democracy. In addition, it offers some thirty “mid-level” indices including *inter alia* freedom of association, alternative sources of information, suffrage, civil society participation, women’s civil liberties, and political corruption. Importantly, many of the individual V-Dem contributors had no interest in measurement at these levels. Indeed, many were drawn to the project initially precisely because of its disaggregated approach. Yet their expertise would be useful to the development of sensible strategies for creating indices.⁷ Part of changed interest in measuring higher level concepts was driven by funding imperatives and the interests of the advocacy community; however, part of it derived from the PI’s sincere interests in developing multiple alternatives to Polity IV, Freedom House, ACLP, and many other regime indicators. The bottom line is that very quickly there emerged a tension between the interests of the project’s leaders and many of its contributors.

The second set of challenges were *conceptual and theoretical*. Project members were bound to differ about the meaning of particular concepts. What does it mean for a legislature to be powerful, for an election to be clean, or for a judge to be autonomous? Should a deliberative concept of democracy be developed without regard to the electoral dimension? How should the project approach the aggregation challenges that every project faces when measuring democracy? Further, there were disagreements about whether it was possible to pursue a sensible measurement strategy absent the specification of particular theoretical models. To take an example from our field, whether a constitutional court decision striking down an act of parliament can be treated as a manifestation of judicial autonomy really does require a theoretical model of the process linking

⁷For example, the PIs’ interest in measuring “constraints on the executive” suggested the involvement of scholars working on the judicial, legislative, civil society projects and media projects.

judges and politicians in the policy-making process (compare the logic in Ríos-Figueroa (2007) and Rodríguez-Raga (2011) to that in Whittington (2005)). Recognizing this issue invited conversations about theoretical models and the process of modeling itself. To say the least, the project made precisely no progress efforts to develop project-level models of political processes.

My own experience is illustrative of some of the tensions that can emerge in a project like this. In 2009 my attention began to turn toward working on a series of empirical studies of compliance with judicial orders which would require considerable time in the field and attention to the very particular in very particular states (in many cases municipalities). The V-Dem Project's focus on the state-year, on many states and many years was in tension with this goal. Similarly, key members of the V-Dem team turn commonly to sociological and psychological mechanisms whereas I am an institutionally-oriented scholar guided in many cases by rationalist models which I often formalize. I was ultimately attracted by the possibility of measuring features of judicial politics, which I believed might reveal unique information, e.g., measures of court purging and packing, attacks on key institutions, verbal attacks, and compliance with decisions at multiple levels of the judiciary. But I was not particularly interested in helping to conceptualize and measure "participatory" or "deliberative democracy," in addition to many of the other targets of the project.

The third set of challenges were *organizational*. From the beginning, V-Dem's primary organizational structure was, unsurprisingly, democratic! PIs attempted to promote deliberation among project managers on nearly every major issue related to the project. This included, among many others, the conceptualization of democracy, the precise items that would make it onto the expert survey, the requirements of a database management system, the right assumptions to make about the prior distribution for the latent variable in the measurement model and the right way to keep track of the scholarship that team members were producing. The initial commitment to democratic deliberation interacted powerfully with the conceptual and theoretical challenges. In many ways, while helpful for building a shared set of purposes also risked tearing the project apart for a lack of consensus.⁸ In addition to this fundamental set of problems, it was clear that a project of V-Dem's size was going to require significant resources and time developed to organization and management.

⁸I would note that the deliberations represented fantastic participant observation opportunities for the analysis of majority rule instability.

That meant that some member or members of the team was going to give up time publishing, at least for a time. This was a significant question for the PIs but it has affected project managers as well. Michael Coppedge and Staffan Lindberg in particular made tremendous sacrifices to ensure that the project moved to completion. It is still an open question whether the PIs will be rewarded in ways that compensate them for the considerable work that they put into the project. More generally, how would team members be rewarded for providing this kind of infrastructure? In many ways, V-Dem project members took a risk that their time invested would pay off in the end. This is still an open question. Finally, it is important to recognize that in some cases the ideal substantive expert for the team was probably a untenured professor. In addition to the challenges of incentivizing such a scholar to participate, the project itself confronted an important ethical question about whether it was appropriate to try to include a scholar at stage of his or her career.

The fourth challenge concerned *funding* and the relationship between funding sources and project goals. To date, the project has spent millions of dollars in pursuit of its goals. Its total budget was far beyond the capacity to fund of the National Science Foundation of the United States. Initial funding for the project came from the Kellogg Institute at Notre Dame University and the University of Gothenburg. Ultimately the project has been funded by the Riksbankens Jubileumsfond, the Swedish and Danish Ministries of Foreign Affairs, the European Commission, Vetenskapsradet, the Portuguese Ministry of Science, Technology and Higher Education, the U.S. National Science Foundation, International IDEA, among others. Steffan Lindberg is to be greatly credited from the incredible success in organizing these efforts. But it is worth noting that as the number and diversity of funders increased, so too did the pressure to produce higher level democracy indices. The push was sensible as indicators like that could be most easily compared to existing scores, and thus it would be possible to demonstrate the value-added of the project, at least in this respect. Of course, this process further highlighted potential tensions among project members.

A fifth set of challenges derived from key *disciplinary incentives* that undermine infrastructure development. Despite a short period in the latter half of the 2000s, political science, in the United States at least, has been far more concerned with issues of causal inference than with measurement. Understanding that this would be an issue, V-Dem recruited Adam Glynn, a political statistician with particular expertise in causal inference in observational studies. That said, even with elements

of the project working on designs for credible causal inference, the basic fact is that the primary V-Dem deliverables are a series of cross-sectional, time-series datasets. There are many interesting features of these dataset but this essentially what it is.

3.1 Efforts to resolve these challenges

V-Dem made several adjustments to its structure and plans in response, if not necessarily in anticipation, of these challenges. The first change addressed the organizational challenge of running with so many collaborators. The PIs changed the way in which they engaged the project managers. Importantly, PIs simply took charge of core decision-making, including most critically the construction of high and mid-level democracy indices. Since they are a group as well, fundamental problems of collective decision making still complicate their work; however, they greatly simplified the challenges they were confronting in seeking conceptual consensus from nearly twenty academics. Instead of playing active roles in policy choices, project managers now largely play advisory roles. Given the cooperative nature of the project, when a project manager holds particularly strong views on an issue in her project, her view is commonly adopted.

From the start, PIs sought a general agreement on core project goals but combined this commitment with a willingness to let scholars innovate in particular areas. This addressed potential tensions deriving from conceptual and theoretical differences. There was consensus that we would build infrastructure in comparative politics along the lines described above. Although there was an effort to include as many participants as possible in deliberations over higher level indices, the PIs also delegated considerable policy-making power to project managers in individual projects. Since project managers were better situated to understand what might be a useful contribution to their own fields and would ultimately be able to use the data collected to advance long-run intellectual interests, each member faced strong incentives to work on pieces of the project that might not have been attractive in a centralized system. In my case, at the beginning of the project, I was most interested tracing institutional variation in appointment and removal institutions for constitutional judges. Although I was ultimately authorized to use V-Dem resources to pursue this goal, I was strongly encouraged to think about whether the expert survey might offer the subfield important, new sources of information. I sought advice from members of the field and returned to suggest that we attempt to measure court curbing activities of various sorts as well as questions of compliance.

All that was required to be included was a strong argument for why these various features were related to some concept of democracy. Doing this was not a problem, with respect to nearly all of the concepts. This delegation was particularly important in the field of methodology. In short, members of the group working on methodology were encouraged to work with all V-Dem members in order to build appropriate solutions to critical measurement issues.

To ensure credit as best as possible for the considerable work put into infrastructural development and to ensure that Michael Coppedge and Staffan Lindberg were especially recognized for their considerable effort, V-Dem also developed a clear author agreement. All project managers and PIs would be authors on key, general articles introducing the project as well as the project's codebook and datasets. V-Dem data were embargoed for one year prior to the completion of the first dataset. This permitted some empirical papers to get off the group prior to the general release. For any article begun prior to January 1, 2016, authors were required to invite Michael Coppedge and Staffan Lindberg to co-author. Coppedge and Lindberg have joined papers where they felt that they could contribute to the further development of the project. It is common that they decline invitations, though Lindberg, who is broadly understood to have fundamentally led the V-Dem effort has joined a good number of papers. Finally, and again for papers begun prior to January 1, 2016 all team members were required to invite project managers to co-author papers should data from their project be used in the study. The result of this rule was largely to encourage co-authoring partnerships – indeed most of the early V-Dem papers are coalitions of a large set of scholars from diverse backgrounds (see <https://v-dem.net/en/news-publications/working-papers/>).

To help build synergies and improve communication across the project, V-Dem hosts a yearly conference in Gothenburg. At the beginning this conference was designed to evaluate the validity and reliability of measures being developed, to discuss conceptual, theoretical and methodological concerns, and to seek coordination on research studies. Over time, the project began to invite scholars from outside of the project to comment on early drafts of papers or research designs. This year, V-Dem will host a conference, the aim of which will be to discuss completed projects and to encourage new work. A key element of the strategy is to host break-out, brain storming sessions for project and non-project members alike. This format has been particularly useful in helping link substantive to methodologically oriented scholars for the purpose of solving technical problems in a substantively important setting (see Arrington et al. (2015) and Lindenfors et al. (2015)). It has

also promoted collaborations among scholars with diverse substantive interests (see for example Sundstrom, Pamel Paxton and Lindberg (2015)).

4 Infrastructure Development in Comparative Law and Politics

Above I have suggested that the field of comparative law and politics might develop a collaborative project aimed at building core infrastructure in our field. I have something like the V-Dem project in mind, though I do not believe that its precise structure, goals or timeframe is essential to duplicate in our context. The scope and scale of V-Dem may be too large. We need not attempt to measure key concepts at the country-year level or attempt to take our work back into the 19th century, at least not for all places. Having said that, it seems fairly obvious that the field is in need of significant infrastructural investments, which seem unlikely to be provided by any one research group.

How might we proceed? I envision two related approaches. The first is procedural. We should immediately seek to coordinate among programs with strong law and courts faculty in order to create a series of conferences that promote four types of activities. Focusing on process is helpful in so far as we may not be able to coordinate on a particular infrastructure plan from the start. We might land on an agreement if we pursue it organically. I imagine conferences that are restricted to perhaps two days. The activities include the following.

1. Workshops - Our typical conference opportunities revolve involve the presentation of completed research projects. We should provide space for scholars to pitch and develop research designs or theoretical models. A fully developed community would not need such an event but if our field is still far from fully formed devoting time to collective discussion of research ideas will promote the construction of shared standards. It will also help us identify opportunities for building infrastructure. Critically, workshop activity should be focused on design or early theoretical work. We should not be reading half-baked descriptions of studies that have been conducted, i.e., what we often do at regional conferences like the MPSA or SPSA.
2. High Quality Results - Of course we should have space for the presentation of results. My preference is to highlight papers that we believe are of high quality and nearly finished (or

finished). Again, there are sufficient opportunities to produce drafts of new papers. Instead we should focus on designs and finished products. These finished products should serve to expose us to new and exciting studies, which serve to benchmark top research in the field.

3. Skill building – If we are going to ask our community to improve the quality of their analytical skills we should provide training.
4. Project discussion – We should set aside space for scholars to simply discuss potential projects and opportunities for collaboration. I am suggesting institutionalizing the brain-storming that we typically do at conferences, but linking it to the other three activities our conferences support.

The costs of this kind of approach should not be significant. I would anticipate asking scholars to pay for their own travel, and ask that the host institution provide space and perhaps a meal. We can seek funding from obvious sources, but I do not wish to wait on this. We should just move forward with what we can actually do.

A second approach, which is not mutually exclusive, is to attempt to identify a shared project from the start. There are many general themes around which an infrastructural project could begin to be developed. I am not wedded to one in particular, but for the sake of starting the conversation, let me propose a focus on constitutionalism. A theme of this scope, like “democracy,” focuses the effort on some obvious and familiar ideas while still inviting considerable innovation with respect to particular lines of thought as well as conceptualization that might even allow for a considerable broadening of the theme. For example, in so far as constitutions establish general structures for governance, a scholar who can articulate a reason to focus on aspects of the law that are not, strictly speaking part of constitutional law, could persuasively add to the project.

Like V-Dem’s expert survey on features of democracy, I would propose framing the project around a core piece of infrastructure. Having been involved in a pilot study designed to learn about the potential for building a global database for opinions of constitutional courts or supreme courts with constitutional jurisdiction (For a summary of CompLaw see Carrubba et al. N.d.), I am drawn to building infrastructure around high court opinions in their constitutional jurisdiction. It also happens to link up well to Lee Epstein’s effort at CERL. Many questions would still need to be answered about precisely what to compile. Critically, data collection need not end at features

of the opinions, judges, parties and laws involved in the decisions. Instead, this type of database might serve to frame a larger effort, where the ultimate goal would be to build capacity in multiple areas of interest. Quite obviously, the exact nature of the project would depend on those involved. It seems to me that such a project could support multiple thematic sub-projects. For example, one might envision projects on Opinion Quality, Citation Practices, Judicial Policy Implementation or a broader project on impact, Litigants and the litigation process, International Law, Networks, Law and Social Media, Political Conflict, Economic Development and more generally Methodology. Methodologically, it seems clear that we would want to include a scholar specializing in textual analysis, likely multiple scholars given the variety of potential topics of text research.

The constitutionalism frame would naturally link together many existing efforts to build infrastructure in comparative law and politics, including the Comparative Constitutions Project (<http://comparativeconstitutionsproject.org/>), CompLaw (<http://complaw.wustl.edu/>), the National High Courts Database (<http://artsandsciences.sc.edu/poli/juri/highcts.htm>), iCourts (<http://jura.ku.dk/icourts/>), the World Justice Project (<http://worldjusticeproject.org/>), the ECPR section Law, Courts and Judicial Politics, V-Dem and potentially many others. Linking such a large number of projects together is a useful place to begin because it affords an opportunity to take an inventory of what exactly we have and what we might need in particular contexts. More simply, it draw on existing interest.

What might we do differently from V-Dem? My inclination is to propose a project with explicit, quite particular theoretical goals. This would be a significant departure from the V-Dem model. Unfortunately, I doubt that this will be feasible if we are committed to a large and diverse group of partners for exactly the same reason that this was impossible for V-Dem. What is surely possible, however, is to require that participants come to initial planning meetings with their own specific theoretical goals. These goals ought to be laid on the table from the start. Delegating control over particular sub-projects would mean allowing managers to pursue their particular theoretical goals. As long as there is also an effort to consider what might be collected in order to serve other theoretical interests, this kind of decentralization would be particularly effective in ensuring that individuals are well-incentivized to get the work done. A second, perhaps more important difference would be to require explicit research design discussions prior to the collection of any information. V-Dem's project was motivated by a sincere desire to measure many features of democracy, for

some members, simply for measurement's sake alone. It was a descriptive motivation. There are reasons to motivate a constitutionalism project in that way. If so, then the discussion should be about how to measure the concepts we want to reveal. If our concerns are for drawing causal inferences, then we need a clear discussion about how the data we will collect will speak to that interest.



Codebook

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