



# Doing socio-legal research on access to justice in the Arab world: A guide for researchers with a legal background

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# Preface

Welcome to this practical research guide on doing socio-legal research!

Before we begin, it is important to explain how this guide came about. We initially wrote this guide for the researchers who joined our research project ‘Access to Justice in Libya’ (see section 1). These researchers had impressive resumes in the field of law – they were, legal scholars, judges, lawyers, and former prosecutors. But they were less familiar with doing socio-legal or social science research. And why should they? Legal education in Libya – as in most places around the world – does not include courses on social science research methodology. Our colleagues liked the idea of studying law in action empirically, but they did not yet have the tools to do so. While social scientists spend years or decades learning how to do research – with comprehensive methods books, courses, and practice – our colleagues had to master the basics of social science methods in a matter of weeks.

We found that although there are many good research methods guidebooks, there was a shortage of brief guides on doing socio-legal research – especially in Arabic. For this purpose, we wrote this basic guide and prepared a week’s worth of face-to-face trainings. We were pleased with the result. Our colleagues quickly learned to design and execute their own socio-legal case studies; fruitfully combining their valuable prior knowledge and expertise with a new – more empirical and analytical – perspective and sensibility.

This research guide grew as we conducted the research in Libya (2021-25). The research was designed by Suliman Ibrahim and Jan Michiel Otto and their ideas are the basis for the entire guide. Jan Michiel Otto authored sections 2 and 4, and elements of sections 1 and 3. Nagib al-Hasadi contributed section 10.2 on academic writing in Arabic. Gieneke Teeuwen wrote section 11 on survey research on access to justice. The rest of this guide was authored by Bruno Braak and Suliman Ibrahim.

We publish this guide for scholars and students who want to conduct similar socio-legal research in the Arab world and beyond. We hope this guide is useful to you. We would be delighted if you would reach out to us with your experiences using this guide and/or with ideas for improvement.

Yours sincerely,  
Bruno Braak, Suliman Ibrahim, and Jan Michiel Otto  
Leiden and Benghazi, February 2026

# 1. The Access to Justice in Libya-project as an example

## 1.1. The background of Access to Justice in Libya

Before we go on to discuss socio-legal research and the practical nuts and bolts of doing case study research, let us introduce the Access to Justice in Libya-project – the project from which this guide stems.

This project was part of a cooperation between Benghazi University (Libya) and Leiden University (the Netherlands). Project leader Prof. Suliman Ibrahim sat on both the Benghazi and Leiden teams. In Libya the project had three senior advisors: Prof. Zahi Mogherbi, Prof. Elkoni Abuda, and Prof. Nagib Al-Hasadi. There were four principal researchers: Dr Jazia Shayteer, Dr Hala Elatrash, Dr Tareq Al Jamaly, and Judge Ali Abu Raas. Different researchers across Libya joined the project throughout its three research phases. At Leiden University the project consisted of post-doctoral researcher Dr Bruno Braak, project coordinator Dr Hagar Taha, project officer Megan Ferrando, quantitative researcher Gieneke Teeuwen, and senior advisor Prof. Jan Michiel Otto.

Academic cooperation between Benghazi and Leiden on the empirical study of law began in 2012. Since then, collaborative projects have involved Libyan scholars and legal practitioners from all over the country, producing a substantial body of work on access to justice, institutional development, law- and constitution-making, property conflicts, and the role of law in national reconciliation (see bibliography).

These projects have addressed Libya's national policy makers by making research-based recommendations. Our studies have also addressed 'the international community' concerned with the rule of law and access to justice in Libya. So, funding for these research projects was not only provided by both universities, but also, and to a large extent, by the Netherlands Ministry of Foreign Affairs.<sup>1</sup> Our project supported domestic and international efforts to improve access to justice through its in-depth knowledge of relevant laws, institutions, the socio-political context, and the needs and contexts of justice seekers. Our project also aimed to strengthen Libya's community of legal practitioners and scholars, and the links between them. Throughout, we discussed and developed our findings in Arabic and English with Libyan, and sometimes international, stakeholders at meetings, workshops, and conferences in Libya, Tunisia, Egypt, and the Netherlands.

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1 Promoting access to justice in Libya then fit within the Netherlands' Ministry of Foreign Affairs' strategy of promoting 'legitimate stability and sustainable peace in conflict-affected states by addressing drivers of instability and insecurity in three fields: human security, rule of law, and political governance'. Regarding Libya specifically, the Netherlands actively supported the Berlin peace process, which aimed to forge links between reconciliation, democracy, justice, and human rights. While we remain grateful for the Netherlands Ministry of Foreign Affairs' funding, we should stress that we have always maintained full independence. The research projects have been initiated, formulated, and implemented by academic researchers only. Our funders offered a few general suggestions at the research design phase, but they have never asked us to adapt our focus, research questions or methods, let alone to change our findings or recommendations.

## 1.2 A2jil design and focus

As its title suggests, our research focused on ‘access to justice’ (A2J) in Libya. We considered that people had access to justice when ‘justice seekers’ (especially the poor/disadvantaged/vulnerable) experiencing a justiciable or ‘potentially legal’ problem were able to make their grievances known to justice institutions (whether this be in the realm of state law, Sharia-based law or customary norms), and in doing so obtained fair treatment and appropriate redress according to the rule of law (*hukm al-qanun* حكم القانون).

Many of the terms in this definition merit closer scrutiny and empirical study.<sup>2</sup> For example, socio-legal scholarship has found that in most societies, the majority of people who experience ‘potentially legal problems’ do not actually seek justice (Felstiner et al, 1980), and that the problems that appear before lawyers, prosecutors, and judges are invariably the tip of an iceberg (Sandefur 2019; World Justice Project 2019). Many grievances never transform into disputes, partly because people are deterred by various anticipated obstacles or blockages. Further, ‘the rule of law’ is subject to debates between advocates of ‘thin’ and ‘thick’ definitions (Bedner 2018). For A2jil, we distinguished three partly complementary levels to analyse the rule of law: 1) Libya’s legal framework (including state law, Sharia-based law, and customary norms); 2) the international treaties which Libya ratified that, according to Libya’s Supreme Court, are thereupon part of Libya’s legal framework and hold a higher status than Libyan legislation; and 3) fundamental principles of justice.

This project looked at the entirety of Libya’s *justice system*, which we understood to encompass the country’s justice institutions (formal and informal); norms (state law and other relevant norms); and interactions both within justice institutions and between such institutions and justice seekers. Since Libya’s political divide in 2014, there were bifurcated, rival legislative and executive branches of government, and divergent legislation. In contrast, Libya’s judiciary remained united, and after 2020 significant progress towards re-unification was being made at the time of writing. Still, the consequences of the divisions (e.g., rival legislation) echoed on throughout our research period (2021-2025), and several important steps to unity (including elections) were still pending.

To disentangle access to justice in Libya, the project explored five key areas:

1. The concerns and actions of ‘grievance holders’ and ‘justice seekers’. We defined the former as people who had experienced a ‘potentially legal problem’, and the latter as people who were seeking a solution or remedy to that problem. Here, we paid special attention to poor, disadvantaged and marginalised groups, including women, ethnic minorities, migrants and IDPs.
2. The institutional structures of and services rendered by ‘justice providers’ (state and non-state).
3. The outcomes of justice-seeking processes.
4. The various contexts (e.g., legal, political, cultural, economic, social, historical) that impact A2J.
5. Obstacles to A2J and interventions that could mitigate them.

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2 We have used the terms ‘injustice’, ‘potentially legal problem’ and ‘grievances’ almost interchangeably. But they have different emphases. An injustice involves a sense of moral wrong, whereas a grievance can simply revolve around a mismatch between what one person believes they are entitled to and another person’s denial of that belief (after Ladinsky and Susmilch, 1980). A potentially legal problem requires that there are legal rules with which the ‘grievance’ or ‘injustice’ can be pursued in legal forums.

The project's five research questions flowed from the abovementioned five areas:

1. When facing ordinary or transitional justice concerns, how, why and to what extent do people in Libya – particularly members of disadvantaged groups such as women, ethnic minorities, migrants and IDPs – *engage* with existing state and non-state justice providers in order to obtain a remedy?
2. How, why and to what extent do justice providers in Libya, both state and non-state, *respond* to the approaches and requests of the abovementioned justice seekers?
3. To what extent are justice providers' remedies *adequate*, both from the perspective of justice seekers and from the perspective of the rule of law (*hukm al-qanun* *حكم القانون*)?
4. What are the main opportunities (or 'elements that work') and obstacles (or 'barriers') for A2J in this case/in Libya, and how are these opportunities and obstacles impacted by contextual factors and actors, notably of political, economic, socio-cultural, legal, historical, or geographical nature?
5. Which interventions – local, regional, national or international – offer the greatest potential in reducing the obstacles and enhancing the opportunities?

Throughout this project, we researched two main categories of injustices:

1. 'Transitional' injustices related to the disputed Gaddafi legacy and the turbulent years since 2011, and calling for a form of 'transitional justice'.
2. 'Ordinary' injustices. This category included 'common' problems related to violence and crime, land and housing, family, employment, calling for intervention by the common justice system.

We quickly learned that in real life, justice problems often transgress legal categories and boundaries (such as 'transitional' vs 'ordinary'; but also 'civil' vs 'criminal'). For instance, disputes that were at first glance about domestic violence or about land, also had linkages to wider transitional injustices, and/or to conflict and displacement. We could account for this well in our qualitative case studies; in which we included long-form 'cases' (descriptions of people and their problems situated in all relevant contexts). It was harder to research and analyse this multi-layeredness of justice concerns in the quantitative phase (see section 11).

### 1.3 Research phases

A2JiL was a four-year project, consisting of three research phases. The first two phases used mostly qualitative methods, and focused on the collection of case studies about 'justice seekers' and 'justice providers' respectively. The third phase used a quantitative method: a nation-wide survey on access to justice. Our project's combination of qualitative and quantitative methods is also known as 'mixed method research' (Russell Bernard 2006, 298). This mixed methods research allowed us to speak both *in depth* and with some sense of *generality* about access to justice, 'justice seeking' and 'justice provision' in Libya.

In the *first phase* (1 September 2021 – 31 October 2022), we carried out mostly qualitative research that fed into 12 case studies highlighting the perspective of *grievance holders* and *justice seekers*. Here we were interested in an analysis of the micro-level *process* people went through after experiencing a ‘potentially legal problem’, and in trying to find a resolution. For example, somebody whose land has been forcibly taken may initially try to speak with the occupant, then involve others who may help, before ultimately taking the occupant to court. Still others may even get their way through force. All this is to say that we conceived of ‘justice seeking’ and the ‘justice journey’ in the broadest terms: we considered that it may involve all kinds of people and in all kinds of capacities, that it may or may not involve public<sup>3</sup> or private lawyers and the state judiciary, and that it might well include illicit practices. In this first research phase, we also interviewed ‘justice providers’ (e.g., judges, lawyers, prosecutors), but mainly to help us understand the justice seekers’ perceptions and actions. When in the first phase we considered our research question 3 (‘To what extent are justice providers’ remedies *adequate*, both from the perspective of justice seekers and from the perspective of the rule of law?’) we mostly focused on the perspective of the justice seeker. We wrote a short report with the main findings of this first research phase (Ibrahim et al 2022).

In the *second research phase* (1 November 2022 – 31 December 2023), we carried out mostly qualitative research that fed into 12 case studies on justice institutions. The findings from our first phase guided our selection of relevant justice institutions, although we did not always research the same justice problems. In moving from phase 1 to phase 2, we also changed our level of analysis: shifting from the micro level of individual justice seekers and their problems to the more meso-level of an institution (e.g., the Public Prosecution in Sabha, the Primary Court of Ajdabiya). In this second phase, we also included ‘cases’ but these mostly served to learn about justice institutions’ responses. We interviewed ‘justice seekers’, but only to learn their experiences with these justice institutions. We wrote a report with the main findings of this second research phase (Ibrahim et al 2026).

In the *third phase* (1 January 2024 – 31 December 2024), we moved to the macro-level with a nation-wide survey. This survey was modelled after the one developed by Hazel Genn in the United Kingdom, which was published in ‘Paths to Justice: what people do and think about going to law’ (Genn 1999). Whereas Genn’s survey – like most other ‘legal needs’ or ‘paths to justice’-surveys – focused on-justiciable problems of a civil nature, our survey also looked at criminal law-problems. For that part, we drew inspiration from national crime victimization surveys as conducted by the US Bureau of Justice Statistics. In 2024, the access to justice in Libya-survey was carried out by a team of 140 enumerators with 3998 respondents across Libya. The results of this survey were published in 2025 (Teeuwen et al 2025). For more on this survey, see section 11.

And so, over the years, we used qualitative and quantitative methods and our level of analysis shifted from the individual to the institutions, and finally to the country.

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3 In Libya, ‘public lawyers’ provide free legal aid to all Libyans.

## 2. Socio-legal research<sup>4</sup>

### 2.1 Features of legal scholarship

In legal institutions around the world, including faculties of law, legal rules are key. Legal scholars must know the rules, how the rules relate to one another, how the rules can be applied to regulate societies' sectors and layers, and to solve disputes. Reza Banakar has named this 'the rule-based paradigm' (Banakar and Travers 2005). The core mission of legal scholars essentially consists of knowing legislation and legal rulings, and providing well-informed commentary on their quality, in terms of achieving justice, legal certainty, and state policy goals while being consistent with the overall legal framework. The legal scholar's perspective is internal, that is: they see things from within the rules of their legal system. Therefore, jurists communicate preferably with other jurists, about rules and their application.

Most other sciences, whether hard sciences, social sciences, or humanities try to *observe* and *describe* phenomena, and subsequently *explain* them by a *theory* which ideally establishes *cause-effect* relations. Scientific projects invariably begin with a careful delineation of a research problem and research *questions*. Might legal scholarship also move in that direction?

### 2.2 Rise of socio-legal scholarship, and its sources

During the last decades, more than a few legal scholars have begun to look beyond traditional *doctrinal* and *rule-based* legal research, to also conduct *empirical* socio-legal research (observation-and-interview based). They have shifted from the rule-based paradigm with its emphasis on *legality*, to also consider, in the famous words of William Twining, 'what people do with rules' and generally to describe and analyse how people behave in their relation to the law.

There are various historical and geographical contexts to this shift. From the contemporary and quite dominant American academic perspective, the shift towards empirical socio-legal research can be seen as a result of the expansion of social and behavioural sciences. With the rapid rise of sociology, anthropology, psychology since the 1960s, sub-disciplines such as sociology of law, anthropology of law, and legal psychology have emerged which have contributed new insights to the study of law.

Many decades earlier in Europe, scholars like Emile Durkheim, Eugen Ehrlich and Max Weber began to study the role of law in European societies, while legal scholars like Henry Maine and Cornelis Van Vollenhoven tried to make sense of the role of law in the colonised societies of Asia, Latin America, and Africa. Particularly, they researched the encounters between the imposed law of the colonial state and pre-existing indigenous norms and institutions which often led to a system of 'mixed jurisdictions' or 'colonial legal pluralism' (Mamdani 2004). Often, the colonial state would recognise elements of customary and religious law. But as these norms were often unwritten and differed from region to region, colonial governments mandated projects of local field research to ascertain the content of customary or religious law. Van Vollenhoven, in particular, embarked on a huge field research project mapping what he called the 'adat laws' in all regions of the Indonesian archipelago: socio-legal research *avant la lettre* (Otto and Pompe 1989; Holleman 1981).

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4 By Jan Michiel Otto

Since 1950s governments around the globe have initiated ambitious development policies to raise social and economic standards and transform their societies. In doing so, they often used law as one of their primary instruments. At the time only few academics studied the effectiveness of law in affecting development and social change. Since the 1990s international organisations and development donors have focused on rule of law programs as an essential element of development (Carothers 2003) and they increasingly commissioned empirical research 'promoting the rule of law abroad'.

Obviously, the rise of socio-legal studies has raised questions about the opportunities and constraints of interdisciplinary research (Banakar and Travers 2005). Are legal scholars and other scientists able to bridge the conceptual and methodological gaps between their disciplines? How much should a lawyer know about social sciences, or how much a social scientist about law, before they can successfully conduct research and publish a socio-legal study? And then, which of the many subdomains of social science and humanities should the legal scholar try to master in the first place: anthropology? sociology? political science? These are all legitimate questions, and the answers depend on the chosen topic and type of socio-legal study, and its level of analysis. The most important quality of interdisciplinary socio-legal scholarship is the willingness to take other disciplines seriously, and an eagerness to learn about its concepts, theories and methods.

### 3. Social science research on justice-seeking: theory and methods

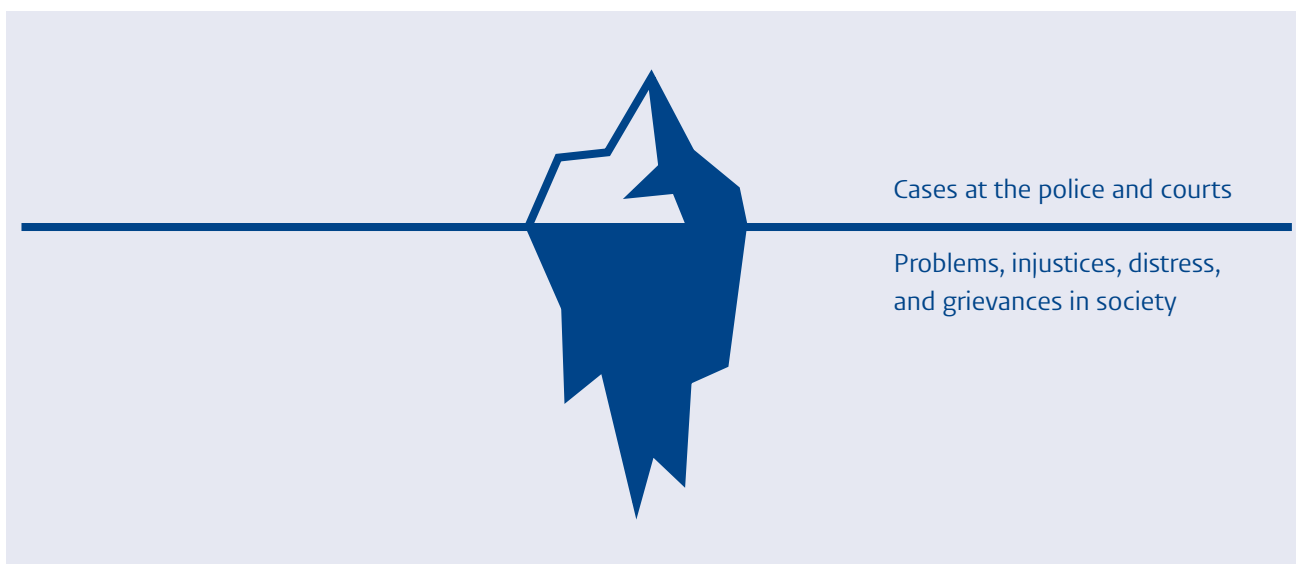
#### 3.1. Why not just legal research? On icebergs and justice journeys

The first international comparative study on ‘Accès à la Justice’ – French for access to justice – was conducted in Europe. Led by law professor Maurice Cappelletti, it focused on the laws of procedure. Hence, it might not be intuitively clear *why* in access to justice-research, one would not focus first and foremost on *legal* questions, analyses, and solutions to accessibility. In this section we explain why we cast our net wider, to include actors beyond the judiciary and phases *before* and *after* formal litigation.

Access to justice-research is essentially concerned with the *goals* of law, which typically include justice, legal certainty, and the law-based implementation of state policy. In the A2J in Libya-project, we wanted to know how effective law still was in Libya, to which extent the goals of law were achieved, and what the limits of law were. We were interested in people’s experiences with potentially legal problems, and their attempts to resolve them. To do so, we also needed to study what happened *before* and *after* the legal system got involved in people’s lives. After all, even in the US, by most accounts a country with a well-developed legal system, ‘judges and lawyers work at the top of an enormous iceberg of civil-justice activity, most of which is invisible to them and handled without involvement’ (Sandefur 2019: 50). The same has been shown time and again in the UK (Genn 1999; Pleasance and Balmer 2014). The World Justice Project has estimated that globally,

Less than a third (29%) of people who experience a legal problem sought any form of advice to help them better understand or resolve their problem, and those who did seek assistance preferred to turn to family members or friends. Even fewer (17%) took their problem to an authority or third party to mediate or adjudicate their problem, with most preferring to negotiate directly with the other party (2019: 7).

Figure 1: Iceberg phenomenon



Based on Felstiner et al, 1981.

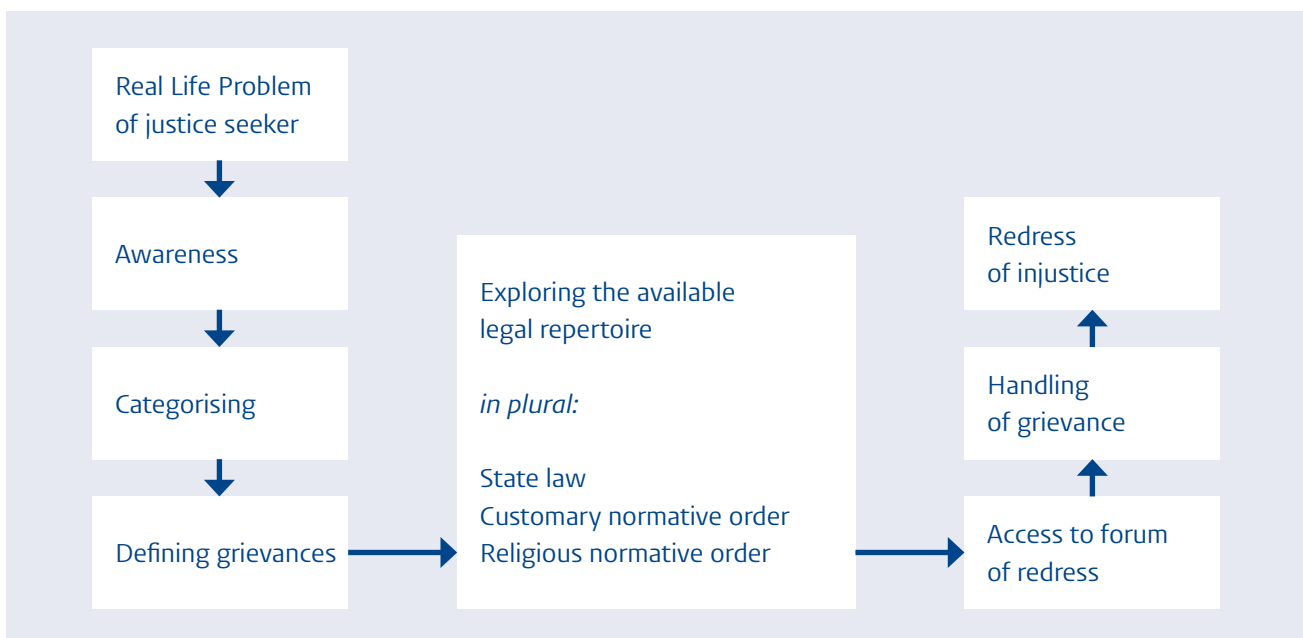
By consequence, studying a society’s disputing practices by looking at court cases is like studying the tip of an iceberg (see Figure 1). And so socio-legal scholars have studied in different societies what the above-water and under-water parts of this iceberg consist of; and what explained which people and problems found their way to the world of police and courts, and which ones did not.

For analysing what happens *before* the legal system gets involved, we turn to a landmark study, ‘The Emergence and Transformation of Disputes: Naming, blaming, claiming...’ (Festliner et al 1981). They proposed that people go through three critical steps: *naming*, *blaming*, and *claiming* between suffering “an injurious experience (‘any experience that is disvalued by the person to whom it occurs” (Felstiner et al 1981: 634) and the formation of a full-fledged dispute.

The first step in the transformation of disputes, *naming*, requires a person to consider something that happens to them as a problem. People who face a problem may lack the legal knowledge to realise that they have rights which have been violated, and they may not *name* their problem as such. To illustrate this, let us use an example from our Libya-research. In an oasis town a camel herder had woken up one morning to find his camel had died. He could have accepted the camel’s death as natural, coincidental, or ‘God’s will’, but the camel was still young and so the herder ‘named’ its death as a problem worth investigating. The second step, *blaming*, requires that the person ‘attributes an injury to the fault of another’. This means that the person feels wronged, and additionally believes that there is something that could remedy this wrong. Our camel herder suspected that his camel died due to the soil and water pollution caused by a nearby oil company. Third, *claiming* requires that the person takes their grievance to the person or entity they hold responsible, to ask for a remedy. What remedy people ask for may differ, and can change over time. Our camel herder initially asked for another camel and for an end to the oil pollution, but ultimately settled for a job with the oil company. Lastly, ‘a claim is transformed into a dispute when it is rejected in whole or in part’ (Felstiner et al 1981: 636).

Later work by Bedner and Vel, takes a similar processual approach to the steps involved in accessing justice (see Figure 2, from Bedner and Vel 2010: 10).

Figure 2: Bedner and Vel’s ROLAX-framework



Notice that Bedner and Vel have distinguished three steps that overlap with Felstiner et al’s ‘naming’: the experience of the ‘real-life problem’, awareness, and categorising. What Bedner and Vel term ‘defining grievances’ mirrors Felstiner et al’s ‘blaming’. When Felstiner et al’s ‘claiming’ has been unsuccessful, a person may start

‘exploring the legal repertoire’. Bedner and Vel urge researchers to be attentive to legal or normative pluralism,<sup>5</sup> and to ‘forum shopping’: people may bring their problem to state authorities, but they might also appeal to customary or religious normative orders and authorities (e.g., tribal or religious leaders); sometimes at the same time. This relates to classical socio-legal studies which have demonstrated that people tend to turn to law and formal mechanisms of social control in those settings where informal control is ineffective (Merry 1979; Schwartz 1954). Relatedly, people’s choice of disputing mechanism is often shaped by the ‘relational distance’ between the parties (Black 1976). For example, if a man has a problem over money with his brother, he may try to resolve it within the family sphere. But if he had that same problem with a stranger, he might go to the police.

Bedner and Vel’s step ‘access to forum of redress’ is the focus of much access to justice literature. Here a person might encounter many barriers such as distance, cost, or trust. There may also be cultural, psychological, and cognitive barriers. For example, in Libya we found that undocumented (‘illegal’) migrants avoided going to the police or courts out of fear that they would be arrested and deported. We also found that a woman who had been beaten by her husband did not go to the police because of the stigma of doing so. The step ‘handling of grievance’ focuses on what happens at the forum, and may include questions of procedural justice, delays, evidencing, the quality of litigation, and so on.

At the critical last step of ‘redress’, Bedner and Vel argue that a satisfactory remedy requires a favourable decision and its implementation or enforcement. This last step invites us to consider what happens *after* the legal system has ruled on people’s problems. This relates to our earlier work on ‘real legal certainty’, particularly its fifth ‘probability’ or requirement of enforcement (Bedner and Oomen 2018: 8-9). We may find that some people win a court case, only to suffer repercussions at home. Illustratively, in South Sudan we found that some women had their land rights recognised in the highest court of the State, only for the losing side to ignore that ruling and construct concrete buildings on the disputed land (Braak 2023). Those actions were certainly illegal, but they nevertheless meant that the women had to move elsewhere (Braak 2016). Had we focused only on what happened *legally*, we might have declared the women as the ‘winners’ of this dispute but by taking a wider perspective we came to see that one can win the lawsuit, and still lose the land.

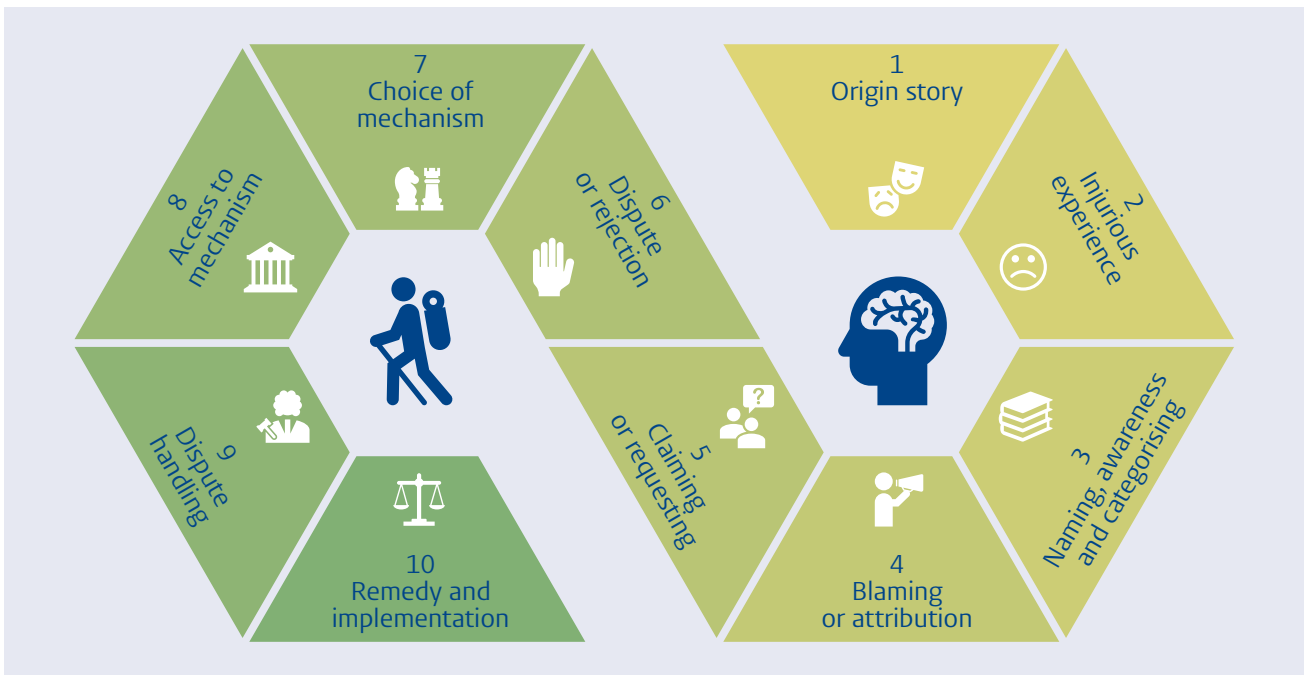
The great merit of Felstiner et al and Bedner and Vel, is that they show that *disputing* is a *process*, and that disputes are not ‘born’ at the police or court and do not ‘die’ there. Instead, disputes ‘take various shapes [and] follow particular dispute processing paths’ (Felstiner et al 1981: 632). Felstiner et al argued that most legal scholars overlooked what happens before a dispute reaches a forum, and this is why their contribution focused on those early stages. Both contributions point out that many people who have experienced quite serious injurious experiences ‘drop out’ (‘attrition’) at one of the many steps involved in the transformation of disputes. Such problems exist in people’s lives, but may not appear before legal professionals (if they ‘drop out’ during naming, blaming or claiming) and so such problems become part of the under-water part of the iceberg. Conversely, other disputes appear ‘solved’ in the eyes of the state, but serious problems occur at the ‘redress’ or implementation stage.

For our Access to Justice in Libya-project we adapted these theoretical insights into a single ‘justice journey’-framework with ten ideal-typical steps (see Figure 3). Through discussions within our Dutch-Libyan team and in dialogue with our empirical material, we refined a justice journey-framework that we thought could work for disputing and justice seeking in Libya – and hopefully in your focus area as well.

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5 Merry defined legal pluralism as ‘a situation in which two or more legal systems coexist in the same social field’ (1988: 870). Other scholars prefer the term ‘normative pluralism’, as they reserve the term ‘law’ or ‘legal’ for those rules emanating from the state.

Figure 3: The Justice Journey: Ten ideal-typical steps



Adapted by Braak and Ibrahim, 2022 from Felstiner, Abel, and Sarat 1981, and Bedner and Vel 2010.

The aforementioned studies begin with the ‘injurious experience’ (Felstiner et al 1981: 634), ‘real life problem’ (Bedner and Vel 2011), or ‘non-trivial justiciable problem’ (Genn 1999). But in our research, we found that respondents devoted considerable time to problems’ origin or background story. For example, women who were presently suffering domestic violence from their husbands would often begin their account by describing the better early years of the marriage and how the relationship gradually deteriorated. One woman narrated how her marriage had been fair, and her neighbours had kept her husband’s abuse in check. But when war displaced her family, they moved away from those neighbours, her husband lost his job, and the family shared a single room. In that context, the already ongoing domestic violence escalated to the point where the husband beat his wife unconscious – and thereafter her justice journey started in earnest. To mirror that sensitivity to origins in our analysis, we added ‘origin story’ as a separate step (step 1) *before* the injurious experience (step 2), even if the active part of the journey itself only really begins at step 3 ‘naming, awareness, and categorisation’.

Analysing people’s experiences against this ideal-typical justice journey, helped us in the Libya-research to see and describe people’s justice seeking steps, each with their own obstacles and ‘attrition’ (dropouts). Yet our research also showed three limitations of this processual ‘justice journey’-approach. First, the linearity supposed in these frameworks (ours, Bedner and Vel’s, Felstiner et al’s) is defied by reality. These steps were rarely followed in this order, sometimes several were skipped altogether. Further, disputants were often engaged in multiple journeys or tracks simultaneously or repeatedly. In response to injurious experiences, people often devoted considerable time to working with family, neighbours, friends, and other connections, sometimes resolving their disputes informally. This relates to what Annelien Bouland calls the ‘kin work’ that especially women must do before they could acceptably take a dispute to outside (state) authorities (Bouland 2022). Second, especially grey access to justice-literature considers that the most vulnerable people who suffer injustices, would *like* to have (state) authorities resolve their problems. Such literature speaks of ‘justice needs’ and the ‘justice gap’ (Gramatikov et al 2021; World Justice Project 2021). In our research in Libya, we found that some of the most

vulnerable people avoided state authorities, and only appeared in the eyes of the justice system as defendants, not as plaintiffs. Consider, for example, the irregular migrant women in Benghazi who do not report injustices because they fear that the police would arrest and deport them. Or the women who suffer domestic violence and are then accused by their husbands of ‘immoral conduct’ like. Such findings echo earlier socio-legal scholarship on people being positioned ‘against the law’ (Ewick and Silbey 1998).

Third, the justice journey looks differently to different people. What in migration literature are called ‘personal factors’ (e.g., education, age, gender, ethnicity, education, political orientation) shape the obstacles and opportunities people face, and the choices they make. Some people in Libya could be labelled ‘vulnerable’ throughout (e.g., irregular migrant women). But in many instances ‘vulnerability’ is also tied to political-economic tides: today’s rulers may be tomorrow’s outcasts and oppressed. For instance, under the Gaddafi-regime some 1,270 detainees were massacred in the Abu Salim-prison. Their relatives had to tread carefully to push for justice under Gaddafi, then gained influence in the aftermath of the 2011 revolution, and again became more vulnerable after 2014 when members of the old regime regained some power (Abu Raas 2026). The reverse also happened: after the revolution the supporters of the fallen Gaddafi-regime feared to press state authorities for news about their lost husbands and fathers, fearing harm, imprisonment, displacement, and killing (Daw 2026). In some instances, people in seemingly strong positions are especially vulnerable to particular kinds of injustice: such as when the sons of a rich merchant family in Sabha were kidnapped for ransom (Ifarawi 2026). Such accounts reveal that personal factors deeply shape what the justice journey looks like. And so, analysing how people are positioned vis-à-vis each other and vis-à-vis relevant authorities, is a critical step in analysing access to justice.

While moving from studying the (rule of) law to analysing the *role* of law in governance and society, we need not only to understand *how* and *to which extent* the law performs its roles, but also *why* so and for *whom*. Therefore, we seek to understand the actors and factors at work in the various *contexts* that surround the legal system and impact its work. The decisions of law-makers, of justice-seekers, of those interpreting and applying law, may be guided not just by the law itself, but also by economics (e.g., resource scarcity, inability to afford a lawyer); politics (e.g., power differences between disputing parties); institutional contexts (e.g., bureaucratic culture, corruption); insecurity (e.g., fear for violent reprisals); or culture (e.g., cultural norms about a woman’s place). Such contexts are likely to impact people’s access to justice unequally, causing some to enjoy relative impunity while others feel the state legal system will not protect them. This kind of thematic is best studied in an empirical manner.

### **3.2 Empirical research: quantitative vs qualitative**

Socio-legal studies aim to know what the law says about a given topic, but also *what people do in practice*. For that second part, one must collect and analyse data about people’s experiences, perceptions, and behaviours. Social sciences have developed methodological tools suitable to such empirical research (Cotton 2014). Our Libya-project used ‘mixed methods’: with two *qualitative* phases and a *quantitative* phase. Although there are enormous variations within these two approaches to research – and sometimes overlap between them – there are generally some important differences between them (see Table 1).

Table 1: Quantitative vs qualitative social science research

	<b>Quantitative</b>	<b>Qualitative</b>
Philosophy	Positivism: There is a reality out there which can be known by value-free science.	Constructivism, interpretivism: Reality may exist, but (scientific) knowledge about it is a human construct. Interest in (inter)subjectivity and power.
Purpose	Measure extent of variation.	Deep understanding of single 'case' (e.g., place, organization, sub-culture). Often: to approach 'emic' or insiders' view.
Research Questions	Fixed and focused: What? How many? To what extent?	Flexible and contextual: How? Why?
Methods	Structured interviews, surveys, archival research.	Open or semi-structured interviews, (participant) observation, focus-group discussions, archival research.
Data type	Coded transcripts, databases (e.g., prison or court records)	Interview transcripts, notes from observations, diary entries.
Sample size	Large 'n'	Small 'n'
Level of analysis	Macro	Micro, meso
Analysis	Software to do statistical analyses (e.g., SPSS, Stata).	Interpretive. Software like Evernote, Atlas.ti

Qualitative and quantitative researchers also offer different insights. Qualitative researchers might write in rich detail about a circumscribed and geographically confined issue (e.g., the family court in Benghazi, or oasis inhabitants' experiences of oil pollution). They will truly be the expert on that particular issue, but may struggle to make claims about other similar places or people. They know so much about their *tree*, that they are hardly able to describe the *forest*. Quantitative researchers, on the other hand, may not be interested in the specific story of *one* court, or *one* oasis. Their ambition might be to write about *all* courts in Libya. They can sketch the *forest* based on large-scale surveys, but will be reluctant to make claims about constituent *trees* or even about smaller sub-groups for which they have insufficient data to make generalisable claims. What is more, quantitative scholars need to know their research subject quite well in the research design phase because once their survey instrument has been designed and data gathering begins, they cannot easily make adaptations based on new insights. And so quantitative research often builds on prior (qualitative) research. Sometimes, a survey yields fascinating insights which also invite new qualitative questions: why do we see these patterns emerge? How do the judges in these courts make sense of our findings? So often a mix of both *qualitative* and *quantitative* methods can produce valuable results.

### 3.3 Case study research

In socio-legal research generally, and our Libya-project particularly, ‘case studies’ take a prominent place. There is considerable debate about the term ‘case study’, with some scholars calling it a ‘definitional morass’ (Gerring 2004: 342). Lawyers use the term ‘case’ for a variety of things: a single legal dispute; a set of arguments in support of one side; a summary of the facts relating to a legal case; or an incident under investigation by the police (Kabira 2021). In social science research, a case study can be defined as ‘an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context’ (Yin 2009: 18). A political scientist influentially defined a ‘case study’ as ‘an in-depth study of a single unit (a relatively bounded phenomenon) where the scholar’s ultimate aim is to elucidate features of a larger class of similar phenomena’ (Gerring 2004: 341). In the first phase of our Libya-project, we defined a case study as: ‘an in-depth empirical inquiry into a justice issue in its real-life context, with the aim to elucidate features of the general access to justice landscape in contemporary Libya.’

If such definitions are too abstract, it may help to think of the outcome. At the end of our first phase, we aimed to have written case studies each of which would describe in detail a particular justice issue in contemporary Libya, as experienced by real people whom our team members have interviewed, described in its legal, historical, political, economic, institutional, and cultural context. To make it more concrete to the field researchers, we used Salha’s story (Shehada 2004; see also Annex 1: Salha’s story). The author described in depth the problems faced by the widow Salha in securing custody and maintenance for her children, and the steps she took to try to resolve this problem. The author offers a more general introduction and conclusion, connecting this single case back to the wider literature on justice seeking in Palestine and beyond. In the first phase of our Libya-project, our *case studies* sometimes also had single *cases* (a ‘Salha’) but others involved two or three cases (‘Salhas’).

What is such case study research good for? Case studies are suitable especially for in-depth explorative research into a subject on which little academic knowledge exists. A single case study will produce deep and nuanced insights, and can lead to further questions which may be explored by other (quantitative) researchers. In the context of law, a case study is especially useful for *describing* and *analysing* the interactions between law and society. It may show how law, legal systems, justice system actors, and disputants, work in *practice*. Socio-legal case studies often find discrepancies between ‘law in the books’ (also called ‘black letter law’) and ‘law in action’ (‘law in practice’ or ‘law in context’), and offer analyses to explain how and/or why such discrepancies came about. For example: The law might say that a husband needs to consent to granting a *khul divorce* to his wife, but in practice we may observe that judges grant such a divorce even when a husband does not consent. Socio-legal case studies may both *describe* these discrepancies between law in the books and law in action, and then *explain* them.

In our Libya-research, each individual case study had its merits, and collectively they spoke to the broader thematic of access to justice in Libya. If we akin that thematic to a complex puzzle, we relied on solid case studies to contribute accurate puzzle pieces. Still, these qualitative puzzle pieces were not enough to generalise and lay the whole puzzle, as the case studies were neither comprehensive nor representative. So, to use another analogy: The study of several *trees* did not allow us to claim much about the whole *forest*. Yet by studying two dozen *trees* in great depth, we could identify important themes, questions, and hypotheses about the rest of the *forest*. To make more generalisable claims, we followed up the qualitative phases with a third quantitative phase which did include a representative sample for the whole of Libya (see section 11).

## 4. Social science research on justice institutions: institutional factors, target group factors, contextual factors <sup>6</sup>

In section 3 we looked at theories explaining the journey of a justice seeker, to guide Phase 1 of our research project. This section focuses on the ‘justice institutions’ which are supposed to play a role in providing or facilitating justice for those who seek it. Think of public lawyers, courts, public prosecution, ‘wise-men councils’, and there are others. These institutions were our focus during Phase 2 of the A2jIL-project.

One discipline which has contributed a lot to the study of public institutions, is public administration. Since governments in Africa, Asia and Latin America in the 1950s instrumentalised institutions to achieve ‘development’, many scholars around the globe collaborated in a subdiscipline, called ‘development administration – their leading journal being *Public Administration and Development*.

This section introduces some concepts for an ‘institutional analysis’ based on the work of a leading scholar in development administration, Milton Esman, of Cornell University. Esman and his colleagues at other universities established around 1960 a consortium for the study of ‘Institution-Building’. The following decades witnessed hundreds of publications on institution-building for development. Many of them were organised and summarised in a source book on institution building by Melvin Blase (1986), which can be accessed on Internet.

One of the studies most referred to is an early paper by Esman called the Institution-Building universe (Blase 1986) in which he proposed that the implementation of an institution’s goals is influenced by a few ‘institutional variables’ and ‘linkages’ with its environment. This model has been discussed by many scholars. Among others, it was adapted for the study of local rural development institutions in Egypt and their interaction with citizens (Otto 1993) and later applied to the study of legal institutions in Indonesia, such as courts, for example by Bedner (2001). The concepts of institution-building have also been used for the research of justice institutions in Libya. While we addressed that audience and uses examples from Libya, similar institutional analyses may be done in other contexts.

According to our conceptual framework, three sets of factors help to explain the process of implementation by which any institution moves – with more or less success – from goals and tasks to actual results and impact. These three sets are ‘institutional factors’, ‘target group factors’, and ‘contextual factors’. The following notes and figures explain this framework for institutional analysis (see Figures 4, 5, and 6). Readers may want to refer to these figures as they are reading along.

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<sup>6</sup> By Jan Michiel Otto

Figure 4: Conceptual framework for Analysis of Implementation by an Institution of its policy (goals and tasks)

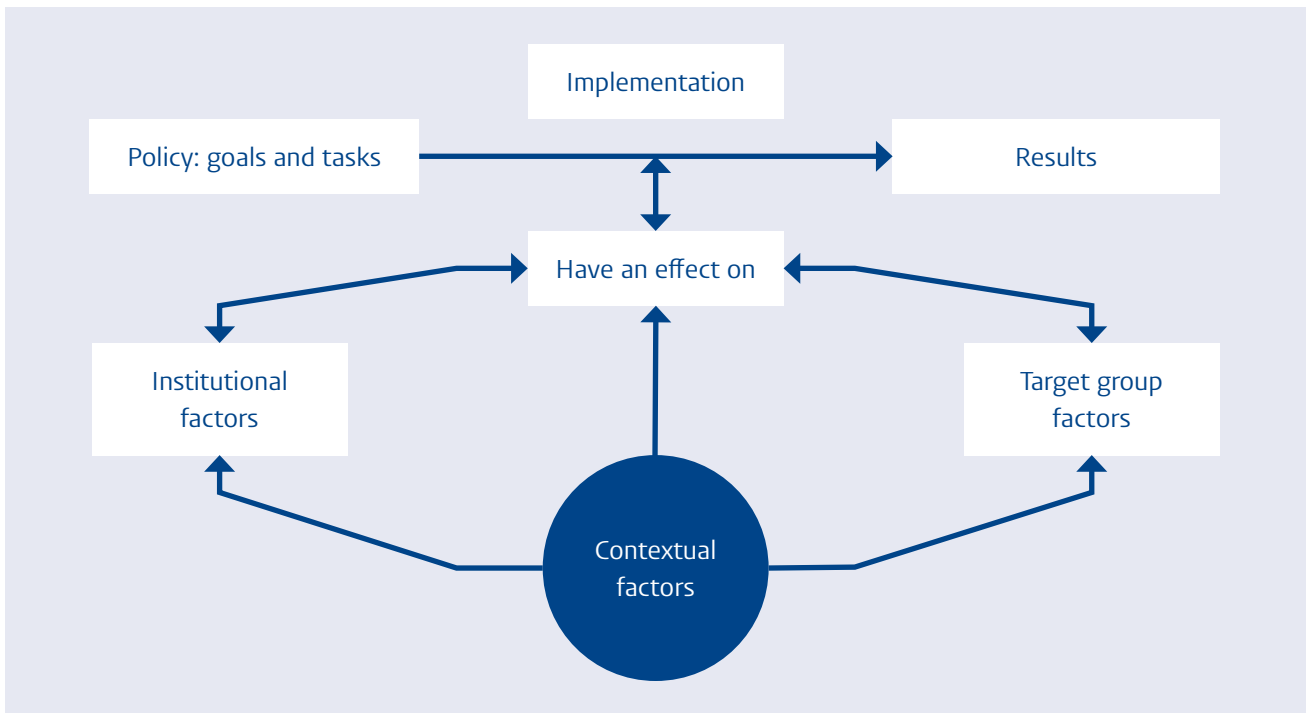


Figure 5: Institutional Factors

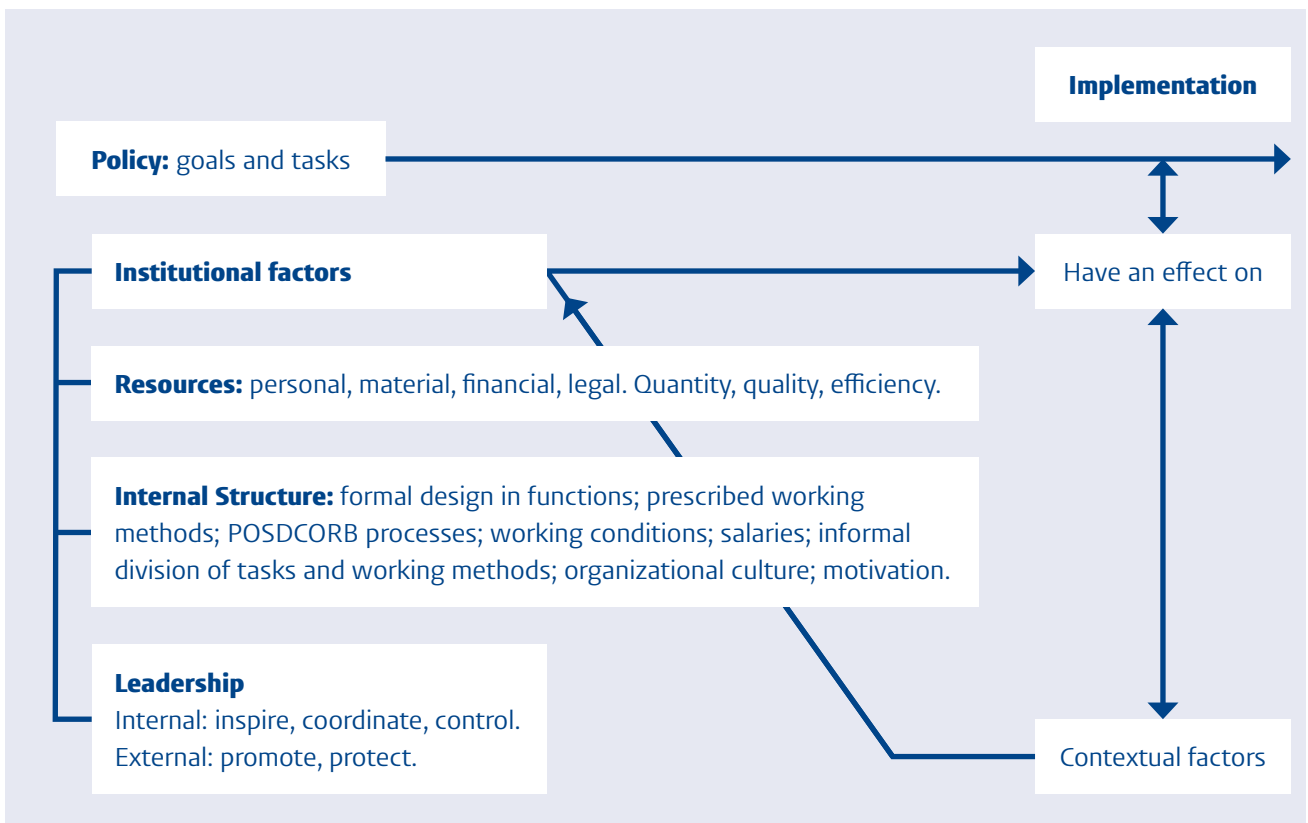
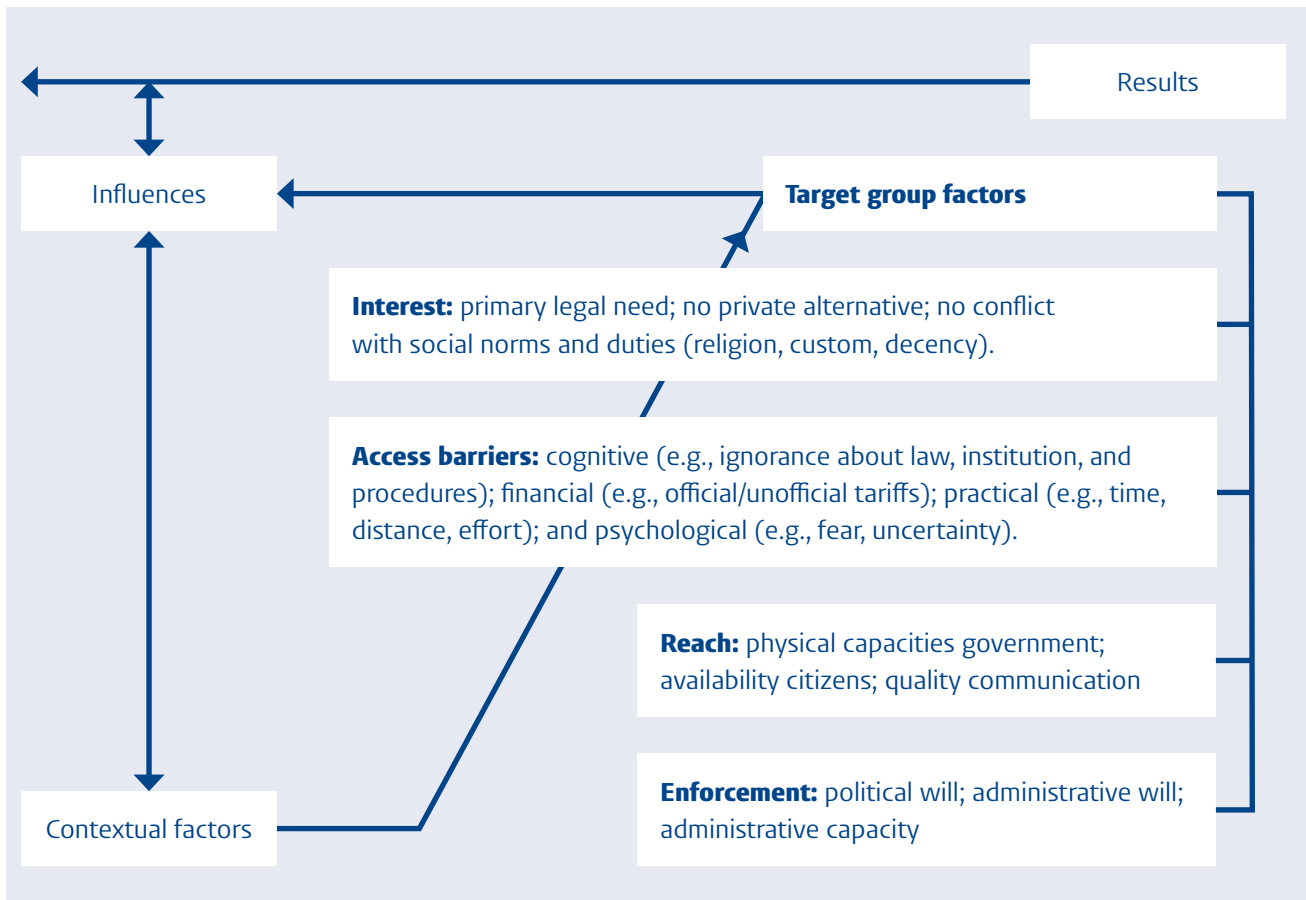


Figure 6: Target group factors



#### 4.1 The selected institution: about levels of analysis

In Research Guide section 5 ‘What? Your research question(s)’ we will discuss the importance of a clear ‘unit of analysis’. Selecting a particular justice institution to focus on is often not self-evident. For example, when a researcher decides to focus on ‘The Public Prosecution in country A’, he/she still has not yet decided what will be ‘the institution’ under socio-legal investigation. Is it the small public prosecution team at the level of a court of first instance, perhaps in a rural area? Or a bigger entity, at the level of a primary court, in a medium-sized town? Or is it the larger public prosecution office, at the level of the court of appeal, covering a whole province? Similar questions could be asked about researching a court, an institution of public lawyers, a tribal council, etc.

Keep in mind that the purpose of our institutional analysis is to obtain new insights into the functioning of institutions like ‘the public prosecution’, ‘the court’, ‘the public lawyers’, ‘the customary committee’. Yet we do not yet aim at investigating a whole sector or system. Instead, we aim at a case study of just *one* institution or a significant part thereof. Still, this in-depth case study of one particular institution, or part thereof, may provide certain insights which apply to the sector as a whole. Thus, in a way you will tell a big story through a little story.

## 4.2 Tasks and results of justice institutions

In phase 1 of our project, we focused on a variety of justice seekers, and analysed the process of justice seeking in several steps. Phase 2 built on phase 1, by focusing in our institutional analysis on the tasks that are designed to address justice seekers' problems. From the perspective of the institutions this is about taking in and managing cases. The goals and tasks of justice institutions vary. Public lawyers must represent their clients properly in litigation, and provide them with legal information and advice; courts must solve disputes in a fair way by applying the law; public prosecutors must bring those accused of a crime before the court in accordance with the law, etc. In many justice institutions cases go through phases such as the registration of a case; allocation of a case to a particular functionary; examining the case (file); establishing whether the case falls within the institution's jurisdiction; hearing of parties; examination of witnesses; discussing and drafting the plea, indictment, or ruling; presenting and issuing/publishing them; and enforcing rulings.

The results of justice institutions can be looked at from several angles. First, we may look at the caseload of an institutions. How many cases are taken in, processed, and completed? Of this total number, what different categories of cases can be distinguished? By which types of justice seekers were they brought? Secondly, for a case to be processed from start to finish, how much time does this take, in each of the subsequent phases. And to what extent is the duration problematic for the justice-seeker? Thirdly, was justice done in the cases under review, both in terms of substantive justice (is the outcome just and fair?) and procedural justice (was the process just and fair?). These are all complex questions and to research them is often demanding. Still, these questions about the results of justice institutions are the core for any research on access to justice. Next, we try to explain the actual results by looking at the 'institutional factors', the 'target group factors' and the 'contextual factors' which all have an effect on implementation processes and results.

We will start with the institutional factors, continue with target group factors, and conclude with contextual factors.

## 4.3 Resources

A short definition of resources is: the people, money and goods an institution needs to fulfil its tasks. Esman (1972: 23) had a wider definition: 'physical, financial, personal, informational and other inputs of the institution'. When it comes to access to justice and justice institutions, we concluded in our Libya project, that for a justice institution, *legal resources* are also essential, and hence we added it to the model (see Figure 5).

The importance of resources to an institution's functioning is intuitive and widely acknowledged. Put simply: if an institution lacks budget, people, and/or equipment, it is unlikely to achieve its goals. Obviously, an institution's tasks cannot be implemented without an adequate quantity and quality of human resources and physical resources, and the budget to pay for them. Of course, one could and should ask critical questions: are the available resources put to good use? Are they well managed and maintained? Still, shortage or inadequacy of resources are a real problem for any institution.

#### 4.3.1 Personal resources

##### *Quantity*

In the first part of the research when you map an institution, it is important to note the quantity of the personnel. Institutions can have too few or too many personnel, and in both situations negative effects may be expected. Adding an organogram and a table of personnel will be helpful to the reader.

It might also be interesting to know more about the personnel's background (e.g., age, gender, education). Certain judicial institutions may employ fewer women than men, or vice versa, which may impact processes of justice provision – especially for women.

To explain the quantity – as well as several subsequent institutional factors – it is important to know how, and on what basis, people are recruited, and transferred. It could be helpful to conduct exploratory interviews about people's recruitment to the institution, and how they perceive their career, and career perspectives.

##### *Quality*

Certain justice institutions may have enough employees, but the quality of some, or many, of them may be insufficient. If that is the case, try to find out why. Is there a problem with professional attitudes or a problem of knowledge, which could be solved by in-service trainings or manuals? Is it a problem to do with (lack of) experience? Or is 'quality' not sufficiently promoted by the 'leadership', or even discouraged by the informal internal structure? And what, if anything, is done to enhance the quality of the institution's staff?

#### 4.3.2 Physical resources

Justice institutions may need different kinds of material or physical resources. For the staff, one may think of a building, accessible for clients and staff, proper workspaces, furniture, office equipment, computers, access to legislation, case law and legal literature, well-kept case files and archives. Justice seekers and clients may need forms, legal information, space, and other resources. You might include here also the availability of electricity, for ICT, air-conditioning and heating, and the building's maintenance and cleaning services.

#### 4.3.3 Financial resources

State institutions have formal budgets, from which salaries and equipment should be paid. Still, besides those formal financial resources there may be informal or even illicit financial resources. Community-based justice systems like sheikhs of tribes, may be paid by litigants. But even staff of state-based institutions such as clerks or judges may be susceptible to receive 'extra incomes' or bribes from lawyers or defendants to facilitate their 'access to justice'. Such practices can also occur with court-appointed experts. This too may lead to a biased 'justice provision'.

In an institution there may be a culture of informal rules regarding such practices. It is unlikely that officials-in-service will easily acknowledge such practices in interviews. The researcher should be cautious dealing with rumours and allegations. Still, if reliable respondents refer to such practices, the researcher may triangulate their views, and put them carefully on record. Preferably, written sources would also be cited, including academic literature, media reports, and finally official sources, for example from a country's audit bureau, or a judicial inspectorate.

#### 4.3.4 Legal resources (and other relevant sources of normative principles and rules)

Justice institutions by definition are to apply rules, so these mostly legal rules should be accessible and clear. There are different kinds of rules: state institutions primarily apply statutory law, community-based institutions often apply customary or tribal rules. Both types of 'legal resources' may have their problems. In our Libya research, we noted that the regulatory framework was not harmonised. Some laws date back to the liberal-leaning Kingdom, some to the socialist period of the Gaddafi regime, other laws were borrowed from Egypt, and yet other legislation was passed after 2011 by rival governments who enjoyed partial recognition. Certain defects of such legal resources – e.g., vagueness, inconsistency – may seriously impact the process of justice provision.

Finally, a cautionary observation about resources: projects aiming to improve justice systems often focus on resources: e.g., they invest in recruiting and training staff, supplying equipment, construct buildings etc. Yet institutional analyses often reveal that in practice such resources, while certainly needed, do not offer quick fixes to improving institutions. To make institutions work, other institutional factors, such 'internal structure' and 'leadership', are equally crucial (see Figure 5), as are target group factors (see Figure 6) and contextual factors.

#### 4.4 Internal structure

Among the three institutional factors, 'Internal structure' is by far the widest concept. Esman and other authors have used this label to gather a variety of factors which are at play in any institution, such as internal division of tasks and responsibilities, hierarchy, communication, motivation and flexibility (Esman 1972: 32).

Importantly, in institution-building theory, internal structure refers both to the formal structure and the actual views and practices within the institution. In the case study of our project, the formal, prescribed structure included an organigram, relevant job descriptions, procedural law, prescribed working processes and methods. Figure 5 refers to salary and terms of employment. Since our research concerned access to justice, our focus was on those aspects of the formal structure that may have affected the way the institution dealt with justice seekers.

Next to this analysis of the formal structure, researchers studied the actual views and practices of staff within the institution, as those determine whether, how, and to which extent the institution provided justice to the justice seekers. This was about how things actually run in the institution, about the actual work processes and prevailing attitudes of staff towards their work and towards their justice-seeking clients. As for the work processes, Figure 5 refers to the term POSDCORB, a helpful acronym for the common administrative processes in any institution, i.e. planning, organising, staffing, directing, coordinating, reporting, budgeting. This may be helpful to remind the researcher of certain aspects which can impact the institution's results.

Every institution has its culture – i.e. its values, norms, and expectations – and incoming staff is usually socialised to fit in this culture. What are the prevailing patterns in the handling of cases and treatment of justice seekers, and how does the institution's culture play a role? Are there informal practices that affect the fulfilment of tasks? Among such practices, a thorny problem is corruption. i.e., 'the use of public office for private gain', especially in state institutions. Another related important aspect of the internal structure is motivation. What is the main motivation of the staff within justice institutions? What career perspectives do they see, and what is required for them to have a successful career?

## 4.5 Leadership and control

Everyone will agree that leadership is crucial to institutions, at any level, and that many institutions lack good leadership. Scholars, journalists, and laymen have attributed problems in their country to bad governance and failing institutions. In this context, poor leadership is often mentioned.

In academic fields like governance studies, public administration and business administration, there are vast literatures on leadership. In 1957 Philip Selznick (1919-2010), a prominent socio-legal scholar in the USA, published a groundbreaking work called 'Leadership in Administration, a sociological interpretation'.

Obviously, one finds leaders at various levels, and of different types, also in justice institutions. Leaders of ministries or major agencies at the central level differ from leaders of provinces or cities. Leaders from official state institutions, like courts, public prosecution offices, public lawyers' directorates, or police offices, differ from leaders of community-based institutions such as tribal councils or committees. Still, there are also similarities between those different types of leaders. They are responsible for the achievements of their institution, and for directing the other members of such institution. Leaders have more decision-making power than those placed under their supervision.

Leadership entails internal and external aspects. Internally, a good leader inspires, directs, coordinates, and controls the other members so that they fulfil their tasks well, to reach the institution's goals. Externally, a good leader obtains the political, financial, administrative, and social support to enable the institution to do its work well. A good leader promotes the institution in its 'outer world', maintains its integrity, and protects the institution against external and internal threats.

In practice, however, in many countries the prevailing political-administrative culture and the overall social system work against goal-oriented leadership, and sometimes rather incentivise passive obedience, opportunism, or even corrupt practices. Hence, a 'good leader' must keep some distance from prevailing social and institutional practices to realise the institution's goals. Persons with such a sense of independence, yet with crucial social skills, may be rare, but they exist and, when successful, these leaders are often widely respected.

## 4.6 Target group factors

Figures 4, 5, and 6 put two groups of people centre-stage: on the one hand, there are those who work in an institution, on the other hand there are those who form the target group of that institution. The target group of a justice institution is, in the terminology of our Libya research, justice seekers. How do the two groups interact with one another? Ideally, the justice institution's staff fulfil their tasks and 'provide justice'. Whether they actually do, does not only depend on institutional factors but also on target group factors. The distinction between the two is an analytical one, in reality there are several overlaps.

### 4.6.1 Interest

The first Target group factor is 'interest': to which extent do justice seekers have an interest in what a justice institution can offer? In previous research, we have often found that institution's target groups expressed a basic interest, or, what I call, a primary need. For example, people have a dispute and want to get it solved. Still, the same people sometimes did not see the benefit of actually going to the institution and trying to interact. There may be various reasons. Previous experiences or the institution's reputation are such that expectations are very low. Often there are alternative institutions which are more accessible or cheaper. Social and religious norms may also prevent certain people – often women – from going to state institutions. An example from our field research: wives would like to seek divorce, but the social norm in their family is that they should stay, endure, and cope.

#### 4.6.2 Access

If a justice seeker has decided it would be in his or her interest to interact with an institution, questions of access and barriers follow. Do they have sufficient knowledge of their rights and the procedures? Can they afford the formal – and perhaps informal – fees? Do they have the time and energy to visit the justice institution – often several times and across considerable distance? And do they face psychologically barriers like fear and shame? In an institutional analysis, important questions are: which barriers occur? What have institutions done to reduce or mitigate such barriers? What more could they do?

#### 4.6.3 Reach

Sometimes, it is not the user approaching the institution but the other way around. For example, when a health unit conducts a vaccination campaign, they may have to find the people to vaccinate. Similarly, a justice institution may launch an awareness campaign to make potential justice seekers aware of their rights. Is the institution in such cases capable of actually reaching the target group? Does it have the resources and the right approach to reach out to them? Are particular groups harder to reach than others, and if so, how can such differences be reduced?

#### 4.6.4 Enforcement

A crucial question especially for courts and other verdict-passing justice institutions, is whether their rulings or decisions are actually enforced. Are the institutions or individuals tasked with enforcement (e.g., judicial police, bailiffs) willing and capable? And is there sufficient political will among powerholders to support the enforcement of decisions?

### 4.7 Contextual factors

Institutions that have been established to provide justice do not operate in a social, economic and political vacuum, and the same applies to justice seekers. In fact, contextual factors often affect the views and actions of both. Figure 4 shows contextual factors as a set of concentric circles. This model comes from Fred Riggs who published important and original work on development administration. His idea was that the state institution (which he called '*sala*') at the centre of the model is surrounded by a political system, which is in its turn surrounded by an economic system, which then is surrounded by a social system. We also propose that the achievements of an institution are impacted by its geographic context and its historical context.

Traditionally public administration scholars, like legal scholars, have assumed that policy affects society, and that law regulates the behaviour of citizens and state officials. Of course we can see this happening in many instances. Yet, Riggs in his seminal work on *Administration in developing countries: the theory of prismatic society* has argued that too often we see the opposite: social factors – values, norms, expectations, behavioural patterns – have an impact on governance and the law. The same goes for economic factors and political factors, as well as the geography and history.

He further elaborates that societies which have quickly moved from tradition to modernity develop mixed characteristics. So, he finds a strong *heterogeneity*, i.e. not just traditional institutions or modern institutions, but traditional structures with modern features and modern structures with traditional features. For a Libyan example, traditional views of gender have an impact on the staffing of the public prosecution and of the departments of public lawyers. Riggs also finds in these societies much *overlapping*, as different structures fulfil the same functions. For example, the resolution of conflicts happens not only in courts but also in wisemen councils.

Riggs has also noted that in these societies there is a marked difference between what is formally prescribed and what is actually practiced; he has called this *formalism*. While governments have formal *authority*, i.e. legal powers to prescribe, they are often unable to *control*. While modern economic systems presuppose that prices are determined and fixed by demand and supply, Riggs argues that economic decisions are often determined by an actor's social and political relations. This is manifest in what he calls the *indeterminacy of price*. Regarding legal and social norms, Riggs maintains, that these societies are marked by *poly-normativism* and that there is often a *lack of consensus* about which norms should prevail, which may even lead to a sense of *lawlessness*. Given the weight of social relations in societies marked by *poly-communalism* – the presence of many ethnic groups, tribes and otherwise – there is a high chance of *nepotism* and *corrupt behaviour*.

Riggs' theory looks rather gloomy. One may argue that his research was conducted more than half a century ago, and that things have changed. Still, for socio-legal researchers with a background in law it is good to learn about such elaborate social science theories, as they form a useful antidote against the professional overoptimism of state agents who expect policies to be implemented and of lawyers and legal scholars who assume that people readily follow legal rules.

The case studies in our Access to Libya project have provided many examples showing an overriding impact of contextual factors. The impact of political instability on cases of transitional (in)justice, the effect of insecurity on enforcement of rulings, the impact of performance indicators on work practices in state justice institutions, people's fear of armed groups, the financial obstacles due to private lawyer's fees, the attitudes towards Libyans and migrants of Sub-Saharan-African origin, to mention just a few.

We would advise socio-legal researchers to pay good attention to contextual factors and the interrelation between them. Hence, they should include in their work recent academic literature on the politics, economics, and society under review. At the same time some of the findings of our researchers suggest that older theories such as Riggs' are not necessarily outdated.

## 5. What? Your research question(s)

*‘One cannot have answers without knowing what the questions are.’ – Evans-Pritchard*

Now that we have discussed the foundations of socio-legal scholarship, particularly in relation to the study of access to justice, we turn to the more practical nuts and bolts of doing such research. In six short sections we deal with key aspects about designing and conducting such a case study

The following sections are written to help you further flesh out *what* and *who* you will research, and *how* to go about it. A critical first step is to design a provisional research question. Your case study’s research question is broader than your interview questions. You may refine your research question as you carry out the research but formulating a good question early on, will help you to focus your research. It will help you to avoid having scattered observations about many different trees, rather than a more systematic set of observations about a single tree. A good question is:

1. **Clear:** formulated in a precise manner with understandable concepts.
2. **Open:** not ‘yes’/‘no’, or too normative.
3. **Demarcated:** specifies thematic and geographic limitations. Not too wide or too narrow.
4. **Realistic:** it should be feasible to study in the allocated time.

There are different types of research questions. Three common ones, with examples from our Libya-project, are:

1. **A describing question:** What are the kinds of justice problems that public lawyers in Benghazi work on?
2. **A comparing question:** What are the differences between the justice problems that public lawyers in Benghazi and Sabha work on?
3. **An evaluating question:** To what extent have the public lawyers of Benghazi been able to facilitate ‘access to justice’ for their envisioned clientele?

Notice that to answer questions two and three, you will also need to answer question one. In other words, question 1 might be a *sub-question* of question 2 and 3. Often, a main research question is composed of different elements and concepts, some of which may still be abstract (e.g., ‘access to justice’, ‘injustices’). In such cases, it may be useful to design more concrete sub-questions which, when answered, will help you answer your main question.

A good research question should be clear about your *substantive frame*: *what* is this about? In the examples above, we were interested in the work of public lawyers. But you might focus on women’s divorce rights, displaced people’s pursuit of civil registration documents, or oasis inhabitants’ search for remedies for oil pollution. Whatever your thematic focus is, include it in your question.

Research questions may also include a *population*. The above examples used ‘public lawyers in Benghazi’, but other case studies focused on ‘women in Benghazi who suffered domestic violence’, ‘victims of oil pollution in Libya’s oases’, ‘Libyan women whose husbands are missing’. A population can consist of people, but also of phenomenon: for instance, ‘criminal cases heard by the Supreme Court’. Defining your research population can help to demarcate your research.

It is also important to specify your *unit of analysis*, and how general or specific your research will be. Any article, chapter, or even book has a maximum word count, so there is only so much you can convincingly do – especially if you want to have and marshal empirical evidence for your claims. The more general your thematic focus and unit of analysis, the less detailed you can be. A scholar could write a case study about ‘Libyan Courts’, but they would need to have a lot of empirical material to make convincing claims. So that may be a more suitable focus for a book than for an article. For an article, one can really zoom in very far to the other end of the ‘general-specific spectrum’, and write a case study about a single judge in Benghazi South’s Primary Court Criminal Chamber. In between these extremes, identify the most fitting level of specificity and try to make sure that the evidence you collect during your research will allow you to make convincing claims about exactly that unit of analysis.

A research question should also include a *geographical focus*: about which place do you intend to make claims? Note: if you write ‘in Libya’ you will need to convince the reader that you have carried out sufficient research to write with some authority about the whole of Libya. For our case studies it worked better to choose a narrower geographical frame consisting of one or two places that researchers could realistically study. In some instances, researchers also included a *temporal focus* (i.e., about which period does your research speak?).

As you design your research question, keep in mind your research methods: How will you learn about your chosen topic? Often, you cannot directly *see* or *interview* your ‘unit of analysis’ (i.e., ‘Benghazi Primary Court’), so you will have to collect data from smaller ‘units of observation’. Such units could include interviews (e.g., court judges, court clerks, court users) but also court observations, a study of court records, and so on. The key question here is: what or whom will you study/observe to speak about your ‘unit of analysis’? The important thing is to choose such units of observation carefully, so that collectively they allow you to speak convincingly about this larger unit of analysis. Recall criteria 4 of good research questions: You must realistically be able to study them!

**Questions for your own research:**

- What is the substantive frame of your research?
- Does your research focus on a ‘population’?
- What is your unit of analysis?
- What is your geographical frame?
- Do you have a temporal focus?
- What will be your units of observation?
- What is your research question?

## 6. How? Interviews

Popular qualitative research methods in the field of law include court observations, archival research, focus group discussions, and – finally – interviews. Strong empirical research often draws on a variety of sources and methods to understand a single phenomenon, something that is also known as *triangulation*. For example, if you want to know how effective a court is in resolving land disputes you might study the court records and interview the judges. But to know land disputes and the effect of court rulings in the real world, you may have to visit the site and interview the people involved. Triangulation is interesting both when different methods lead to conflicting findings and when they affirm one another. Because interviews are the most common and popular research method in qualitative research, they are the focus of the rest of this section.

### 6.1 What are interviews good for?

Interviews are an intuitive research method, but they still require training and practice. What is more, there are many different kinds of interviews. In this section, we discuss some of the steps involved in doing good interviews for qualitative socio-legal research. But first: Why do interviews in the first place? One of the classical books on the topic, explains:

*Interviewing gives us access to the observations of others. Through interviewing we can learn about places we have not been ... We can learn also about people's interior experiences ... Interviewing gives us a window on the past ... Interviewing rescues events that would otherwise be lost. (Weiss, 1995: 1-2)*

Take care! Lawyers, police, and journalists might use interviews primarily for truth-finding, and so they are often concerned that respondents could lie or twist the truth. As a result, their interviews can sometimes become interrogations, in which the interviewer points out contradictions, omissions, or falsehoods in the respondents' answers. Social science researchers see the interview as a means of understanding how a person speaks about a given topic, realizing that this may not be entirely how they think or feel. Respondents assess the interviewer, try to understand what the interviewer wants, and what they will use their information for. In this sense, the interview is likely to be affected by the relative positionalities of both parties – and their perception of the other. With a few exceptions, most social scientists try not to interrogate a respondent, but to persuade them to open up about a topic. Even when the researcher notices contradictions, omissions, or falsehoods – they will first write down exactly what the respondent has said. You may well ask follow-up questions or even visit the respondent again later to clear things up, or even to carefully confront them with inconsistencies.

Within social science research there are different types of interviews, each with its specific characteristics. Russell Bernard (2006: 210) argues that we may differentiate these interviews in terms of the control you as interviewer exercise.

Table 2: Types of interviews along the spectrum of control

Type of interview	Methods	Control
Small talk / informal	‘Hanging around’ (Clifford Geertz), ‘fly on the wall’, participant observation. Typically ‘small n’. Convenience sampling.	Respondents or interlocutors control direction of interactions and conversations. Researcher adapts and improvises.
Open/unstructured	Organised interview, perhaps around one theme or a non-exhaustive set of questions.	Interviewer is not too directive, ‘goes with flow’.
Semi-structured	Classical form of interview, mostly open questions and answers.	Interviewer uses ‘interview guide’ but remains flexible.
Structured	Survey research. Mostly closed questions and answer options, designed to compare across cases. ‘Large n’.	Interviewer in full control, no flexibility.

The ‘structured interview’ is associated with quantitative research, and is especially common in disciplines like sociology, economics, psychology, and political sciences. By standardizing the questions and answer options, they aim to ‘control the input that triggers people’s responses so that their output can be reliably compared’ (Russell Bernard 2006: 251). This has significant upsides, especially given the large sample sizes that quantitative research requires. Quantitative research is especially powerful when they can build on earlier, more explorative scholarship and/or theory. Then they can help to test pre-defined hypotheses, and to make more generalisable claims.

‘Small talk’, ‘open’ and ‘semi-structured interviews’ are associated with qualitative research such as practiced by anthropologists, historians, socio-legal scholars, and some political scientists and sociologists. These researchers may have prior ideas based on earlier research and/or theory, but their research tends to be more open and explorative. Rather than test pre-defined hypotheses, such researchers are often more open to finding new or unexpected things. They aim to understand how different people see and interpret something. The promise of such interviews is to help us to see the world through the eyes of our respondents.

But less structured methods have disadvantages, too. ‘Hanging around’ is hard to plan and takes a lot of time. There can be a degree of deception involved in using ‘small talk’ for research purposes, and at the very least the boundary between research and life itself gets blurred. Open interviews are not deceptive – it is clear that you are doing an interview – but they take a lot of time to analyse, as the answers are likely to be long and difficult to compare across respondents. Semi-structured interviews try to strike a balance between flexibility of the method, and comparability of the findings. The researcher comes prepared with a list of questions for the respondent. Normally, the researcher wants to have answers to these questions by the end of the interview. But the researcher is still flexible to pursue unanticipated subjects that the respondent may bring up.

Each method has its merits. For those of you who want to do socio-legal research but have not had much prior social science methodology training, it may be advisable to start with ‘open’ and ‘semi-structured interviews’. The type of narrative-form answers you are likely to receive, will lend themselves well to writing a socio-legal case study. You may want to use a more open interview style with your key respondent(s) – giving them the reigns of the interaction – and a semi-structured interview style with respondents who have little time, or if you want to be able to compare better across respondents. High-level respondents like judges may not have the time to sit down for an open interview, instead preferring to answer quite clearly organised interview questions. Should you prefer to do structured interviews, design a survey, and make a qualitative analysis, please refer to Russell Bernard (2006).

## 6.2 Designing interview questions

Each kind of interview on the spectrum of control, has its own type of questions. In structured interviews like surveys, it is especially important that the interview questions are unambiguous, and use clear scales (Russell Bernard 2006: 270). After all: the researcher is interested in comparable data that they can analyse with statistical techniques. In open and semi-structured interviews, your questions can be more open. Here, Weiss offers that ‘Any question is a good question if it directs the respondent to material needed by the study in a way that makes it easy for the respondent to provide the material’ (Weiss 1995: 73). Especially in open interviews, your goal is to get the respondent to open up, and so your interview questions are likely to vary a bit between respondents. For each (group of) respondent, you ought to prepare several fitting interview questions.

Note that *interview questions* are more specific than your *research question*. For example, a research question might be: ‘How, why, and to what extent do women who are legally entitled to inherit land, engage with various justice institutions to claim their right?’ This question is comprehensive, but also full of jargon that may be confusing for respondents. Interview questions must be easy to understand, and inviting to respondents. You want your respondents to share their perspectives and experiences relevant to your research question. To invite them to do so, you may open the interview with a so-called *grand tour question*: an easy, broad question designed to ‘break the ice’ and to get the respondent talking. If you meet at a court, you could ask a litigant simply, ‘Could you tell me about the problem that you have come to the court for?’ The answers to such questions are likely to be long, and they may even include answers to some of the more specific questions that you have prepared (e.g., ‘when did the dispute start?’, ‘did they seek legal representation?’). Make sure that you listen closely to your respondents’ answers, so that you avoid asking about something which they just explained.

Be careful with:

- *Leading questions* which push your respondent into a particular direction, or questions which presume too much. For example, a question like, ‘Where did you go to claim your land?’ pre-supposes that the respondent did try to claim the land. A question like ‘Were you angry when your in-laws claimed your late husband’s land?’ pushes your respondent to think and speak about ‘anger’. Here it would be more neutral to ask, ‘How did you feel when your in-laws claimed your late husband’s land?’
- *Closed questions*. Structured interviews typically use closed questions with pre-determined and limited possible answer options. For instance, the closed question ‘after your husband hit you, did you file a complaint with the police?’ has two answer options: ‘yes’ or ‘no’. You may ask such closed questions in open interviews, too, but it generally works best to use more open main questions (e.g., ‘what did you do after your husband hit you?’). This second question will likely elicit a much more informative response than the first one.

- *Double-barrelled questions*: ‘When your husband hit you, did you take the case to the police and to the court?’ If your respondent answers ‘yes’ here, which question has she answered? Try to ask straightforward, single questions.

- *Sensitive or threatening questions*. You might have questions which for whatever reason respondents may be reluctant to respond to (e.g., about domestic violence, political views, income). If that is the case, take special care to introduce such questions well. Explain what you are interested in, perhaps some of what you have learned so far, and then ask them the sensitive question. It may be a good idea to emphasize that they do not have to answer if they are not comfortable, and to ensure them that you will only share their answer in anonymised form (see also section 8.2). You may also ask such sensitive or threatening questions a bit later in the interview or, preferably, during a second or third interview with the same respondent. This allows you to build rapport and, hopefully, make the respondent more at ease to speak openly with you. Waiting a bit with such questions also increases the chance that the sensitive subject ‘comes up’ in the respondents’ answers to other questions, in which case you can ask a follow-up question which may be less threatening.

When you use a structured interview method, the questions should not change between interviews. After all, here you want the stimuli to be the exact same for all your respondents. But when you use open or semi-structured interviews, you are likely to amend your questions over the course of the research. You may find that certain questions you initially designed, were unclear to respondents or that others worked especially well. You may also adjust your questions to suit a particular respondent, or to address a topic that you feel you have still learned insufficiently about. In this way, your questions may continuously change. It can be a good idea to test the questions you first designed in a mock interview with a colleague, family member, or friend.

The order of questions can be important – as earlier questions and answers may influence your respondents’ responses to later questions (e.g., ‘priming’). Structured interviews typically start with basic demographic questions (e.g., gender, age, place of residence, occupation) before moving on to the thematic focus (possibly with a ‘screening survey’ and a ‘follow-up survey’, see Genn). In more open interviews if you also want to have demographic data, you may choose to begin with these demographic questions but it may work better to address them towards the end. We already discussed that a ‘grand tour question’ can be a good opening, and that sensitive questions are best addressed a bit later in the interview.

#### **Questions for your own research:**

What will be your opening question?

Can you think of a suitable ‘grand tour question’?

Are there sensitive questions that you would like to ask and if so, how will you introduce, phrase, and time them?

### **6.3 Who? Finding respondents**

If you do interviews or focus group discussions, who will you speak with? Many of you will not only want interview members of your designated population, but also ‘knowledgeable informants’. In research on women’s attempts to divorce, for example, you may also speak to lawyers and judges. Mainly, though, you will want to speak with members of the population; the women who want to divorce. Note that in this research’ second phase on justice institutions it may be the other way around: your research population may consist mainly of, for example, lawyers or judges, whereas as ‘knowledgeable informants’ you might again consult with justice seekers.

Many populations are so large, that you cannot do in-depth research on every constituent *unit* (e.g., women looking to divorce). In those situations, you will have to select a *sample*: this is a smaller group of members of the research population. The process of sampling responsibly and scientifically is subject to lengthy academic debates, and there are different approaches (Weiss 1995: 21–33).

- *Probability sampling*: This requires that everyone in your research population ‘has the same chance of turning up in the sample’. This sampling approach requires that you have an adequate list of all the *units* in your population, from which you can draw a random sample. If your research focused on the judges of Benghazi, it may be that they are all registered and that you are able to get access to this list. But such lists may be hard to come by for judges and/or they may not include the entire population. Such lists may be altogether inexistent for ‘women wanting to divorce’.

- *Samples that attempt to maximize range*. This sampling method strives to ‘select respondents purposively so that we obtain instances of all the important dissimilar forms present in the large population’ (Weiss 1995: 23). This requires that you know about the variety present in the larger population. Consider our study on women looking for divorce in Benghazi: can we anticipate important variety? What sub-groups might be useful to distinguish? How do we cover the range of experiences? Perhaps we should include women who differ in terms of ethnicity, education or income, or we should include women who have already divorced from those who have not yet done so.

- *Convenience sampling*. This sampling method is common in qualitative research, and especially in research involving ‘hidden populations’: ‘when no sampling frame exists and public acknowledgment of membership in the population is potentially threatening’ (Heckathorn 1997). Take illegal or undocumented migrants for example. They are likely to be ‘hidden’, no list may exist, and it may be difficult to estimate the variety and range of the population. The same applies to some extent to women wanting to divorce – as they may stay silent about this wish. In such cases, you may start by looking for a few individual members of this population. After you have introduced yourself to them and possibly interviewed them, they may refer you on to other members of the group, who may in turn refer you on further. This is also called ‘snowball sampling’: it starts small, but as time progresses it keeps growing. Popular entry points for convenience sampling include associations or organisations involved with your particular population (e.g., a Facebook-page of women seeking divorce), or through ‘orienting figures’. The obvious downside of this type of sampling, is that whatever sample you end up with is not likely to be representative for the whole population.

Once you have decided whom you would like to speak with, the next step is to convince them to participate in your research. Some people are very keen to speak, others are more reluctant. To help people make an informed decision, you may should explain several things (see box). Depending on your context, a letter by the university or by government may help. In other instances, people are more easily persuaded when you have been vouched for by a person they know and respect.

You may want to explain to respondents: ‘who the [researcher] is (job or position), the reasons for the study, the study’s sponsorship, how the potential respondent’s name was found, why the potential respondent was selected, what the purpose of the interview is, what will be asked of the respondent, whether confidentiality is guaranteed...’ (Weiss 1995, 35). We might add here the time that you anticipate the interview to take.

Some people do not want to be interviewed. They may find it hurtful, shameful, or dangerous to talk, or they may simply not have time. In some cases, you might convince them by adjusting the time, place, or format of the interview. In some cases a written interview may work (see section 6.6). But some people simply do not want to speak – or not about the topic that interests you – and they have every right to abstain. Then you simply look for other respondents. In our Libya research, we found that sometimes the person who has suffered the injustice, our envisioned protagonist in the case study, did not want to speak. Some researchers proposed that they could still carry out interviews with neighbours or family members of the justice seeker. We decided that although such interviews could indeed be valuable, the family and the neighbours might be part of the reason why a person had no access to justice, and that speaking through them might not give us an adequate picture of the person’s justice concerns and justice journey. We also decided that all our case studies’ justice seekers ought to be able to choose whether they wanted to be part of our research. For this reason, we urged researchers to exchange directly with the justice seeker concerned or, if that was not possible, to adjust the research focus.

Beware: especially when your ‘gatekeeper’ – the person who introduces you and refers you in your population – has some authority, your arrival through them may influence how people perceive you and your research. Respondents may suspect that you will share your findings with the gatekeeper, and therefore speak in a way so as not to offend the gatekeeper. Equally, a gatekeeper may try to steer you towards interviewing some members of a population, rather than others. It is good to be mindful of these subtleties.

Throughout your research, it is good practice to keep notes not just on the *findings*, but also on the *research methods and process*. So: what did you do to gather the ‘data’ or research material, and how do you reflect on that process? How may this have influenced your findings? Questions might include: why and how have you selected your respondents? How did you sample? Were there obstacles in carrying out interviews? Did you adjust your focus because your original plan was not feasible? Such notes on the research methods and process could be included in the methods section of your chapter or article.

#### **Questions for your own research:**

Will you be able to research the entire ‘population’, or are you going to sample?

Which ‘knowledgeable informants’ might you want to interview?

Do you already know (some of) the people you want to study? If not, how are you going to find and approach them?

(How) will you convince respondents to take part in your research?

## **6.4 Conducting the interview**

Take care to arrange a suitable location to meet your respondent. You both need to feel safe and at ease there, and ideally the place offers privacy and limited distractions. Sometimes you have no choice but to interview someone in their workplace or in a restaurant, but in these environments there are likely to be others present, and your respondent may be distracted or tight-lipped. Also consider the implications of gender in your context: Can a male researcher meet a female respondent alone, or is it better to meet somewhere public or in the presence of another? A suitable interview location is especially important in sensitive research with potentially vulnerable people.

You have likely introduced yourself while arranging the interview. But when you meet for the interview, take some time to thank your respondent for their time and to repeat your introduction. Answer any questions your respondent might have about the research. A good introduction is critically important, because it will shape the rest of the interaction. If you are not clear about your identity and interests as a researcher, people may confuse you for a government spy, a journalist, or an activist. These perceptions are likely to colour their responses, and may even be dangerous. In your introduction also mention clearly how much time you are asking from your respondent. Lastly, discuss ‘informed consent’ with them (see section 8.2).

Discuss frankly with your respondent how you can record their words. Depending on your own preferences and planning, you can ask your respondent if you can audio-record the interview. This has important upsides. An audio-recording is more comprehensive than handwritten notes, and will allow you to make a verbatim transcript afterwards. The audio recording also allows you to focus on the conversation. You become less of a note-taker, and more of a conversation partner. Even if the respondent allows an audio recording, do also take handwritten notes: on especially remarkable answers, non-verbal cues, your next question, etc. Should anything happen to the recording (it happens!) you will also be glad to have some handwritten notes.

If the respondent does not want to be audio recorded, ask them if you can take notes by hand. Such notes are less comprehensive than an audio-recording, and you will not be able to write along verbatim. But your notes ought to be comprehensive enough to produce a good interview report later (see section 7.2). This generally means that you must write more focused notes, focusing on main points and especially powerful quotes. Although you should take good notes, you should also remain attentive to your respondent. In my experience, respondents do not mind it if you ask them politely to slow down or to repeat something – this also shows them that you really want to capture what they are telling you. You may include in your notes additional scribbles: on the place where you meet, the atmosphere, other people present, and general impressions about the person. Were they in a hurry or suspicious? Interested in the research? These scribbles will be helpful afterwards when you prepare your interview transcript or report (see section 7.2). Also make sure that you write down any ‘follow-ups’: things that you should do after the interview, especially if you have promised them to your respondent.

After your introduction, it is time for your interview questions. In open and semi-structured interviews, the general guidance is to ‘get people on to a topic of interest and get out of the way’ (Russell Bernard 2006: 216). Some of you know a lot about the topic you are researching, but initially avoid engaging in a conversation. Because ‘the interview is about the respondent, not about the interviewer’ (Weiss 1995: 79). This is why most guides on interviewing recommend adopting the posture of a ‘student’, and regarding the respondent as the ‘teacher’. For some general do’s and don’ts, also refer to ‘Table: key skills for in-depth interviewing’.

During the interview, listen carefully and periodically consider whether you have enough information to answer your questions. If you do not, do ask further follow-up questions. Whereas your initial interview questions are likely to be quite open, follow-up questions are often shorter and hone in on particulars (who, what, where, when, why?).

One important interview technique is to 'probe'. That is, 'to stimulate a respondent to produce more information, without injecting yourself so much into the interaction that you only get a reflection of yourself in the data' (Russell Bernard 2006: 217). Probes take many forms (see box), and there may be other ones which work particularly well in your context. These probes may be useful in getting your respondent to talk more, but be careful not to overuse them as that could annoy your respondent.

**Some useful 'probing' techniques to use** (Russell Bernard, 2006: 217-221):

*Silent probe:* just remain quiet and wait for the respondent to continue.

*Echo probe:* repeat the last thing the respondent said, and ask them to continue.

*Uh-huh probe:* 'uh huh', 'right', 'ok' signal that you are listening, keen to hear more.

*Tell-me-more probe:* as a neutral follow-up you say 'could you tell me more about that?' or 'why exactly do you say that?'

*Phased assertion probe:* show that you already know something in order to get the respondent to open up.

All respondents are different and so interviews require a degree of improvisation. Some people are keen talkers, and only need a single question to begin orating for an hour. Those kinds of respondents may need to be gently guided back to your interview questions from time to time. Some people may be very emotional, and they may want to share their story with you in greater detail than is necessary for the research. Try to have empathy with such respondents. You may hear them out. Perhaps after some time you can guide them back gently to the interview, or propose to meet another time to continue. Other people are more reserved or simply unaccustomed to being interviewed. They might require that you explain more about the background of your questions, and that you encourage them to develop their answers further.

Ending an interview well is important. Hopefully the respondent has answered all your questions. Then you might ask if there is anything they would like to add which you did not ask about, or if they have questions for you. Thereafter, you can explain the timeline of your research, and offer to share any publications with them. Thank them elaborately for the time they have taken to speak with you. Once you put the pen down and close your notebook, you and the respondent relax, and sometimes this is when the most interesting topics are suddenly brought up. If that happens, you can ask if you could write these things down.

Although interviews vary in length, one hour is generally quite long and two hours is generally the maximum. Try not to exhaust your respondent. If an interview risks taking more time, thank your respondent for what they have shared with you, and ask if you can come back another time to continue the interview.

**Questions for your own research:**

What may be suitable locations to conduct interviews in your research site?

How will you introduce yourself before the interview?

## 6.5 Telephone vs in-person interviews

So far in this research guide we have discussed interviews assuming that you would be able to meet your respondents in person. But what if that is not possible? Perhaps your respondent is afraid to meet in person, perhaps they are not close enough to visit, or perhaps they simply prefer to speak over the phone. For more open interviews, in-person interviews may be preferable as you can read your respondents' body language. But telephone interviews are a good alternative. This method comes with advantages and disadvantages. If you want to know more, you may consult Drabble et al's *Conducting qualitative interviews by telephone* (2016) or Russell Bernard's *Research Methods in Anthropology: Qualitative and Quantitative Methods* (2006: 261-264). For more literature on video-calling interviews, Janghorban's *Skype interviewing: The new generation of online synchronous interview in qualitative research* may be a good place to start (2014).

Telephone interviews are common in survey research, but less so in qualitative research. One of the reasons it is a popular method in survey research, is that it is quicker and cheaper than travelling to each respondent physically. But research on this method in the US suggests there are three additional advantages which are important for qualitative research too. First, respondents indicated that they were less intimidated by the interview than during in-person interviews. A telephone interview may feel less intrusive than an in-person interview. Respondents remain in their home environment and may feel that they can decide what to speak about more than during an in-person interview. Second, respondents cannot see the researcher, and so their answers are unlikely to be influenced by the researcher's appearance. Still, they may react differently when they hear a particular accent or speech pattern (Oskenberg et al. 1986). Third and very importantly, telephone interviews may feel safer for respondents and researchers alike. You may be able to reach a respondent in a dangerous area, or a respondent who fears to meet a researcher.

There are also disadvantages to consider. First and practically, not everyone has a telephone. Second, telephone conversations can be wiretapped. It is important that you are sure that your communication method is reasonably safe. Instead of calling over the mobile telephone network, for instance, you might call with an encrypted app like Signal, WhatsApp, or Viber. Third, when you get the respondent on the phone it may be harder than during in-person interviews to establish rapport and to get them to open up. It helps if you know the person from before and if the telephone interview is not the first time you communicate with them. Fourth, unless you call with video you will not see your respondent and so you may miss contextual information about the person's surroundings, and non-verbal cues during the interview. Fifth, telephone interviews may generally not go on for as long as in-person interviews. Depending on your style and skill, a telephone interview may stop being fruitful after an hour or earlier, whereas an in-person interview might go on for up to two hours.

Should you conduct a telephone interview for your qualitative case study, Drabble et al (2016) offer some advice:

1. Communicate with the respondent before the actual interview about the research background and the importance of their participation. So do not 'cold call': that is, do not call people for the interview without having communicated with them previously.
2. Schedule the interview at a time convenient for your respondent.
3. Establish and cultivate 'rapport' through small talk.
4. Briefly repeat the purpose of the interview.
5. Respond to what the respondent tells you to demonstrate that you understood and value their contribution.

Weighing various pros and cons, the telephone interview may be especially useful: 1) when meeting in-person is impossible, 2) when the respondent prefers it, or 3) for follow-up interviews. The method comes with its disadvantages. Should you use it, it is good practice to reflect on your experiences in the methodology-section of your chapter or article.

## **6.6 Written and e-mail interviews**

Some respondents may prefer to receive the questions in writing before the interview, and some may even prefer to answer the questions in writing. This method has some of the same advantages as the telephone interview. First, it saves you the time, effort, and money of meeting the respondent in person. Second, the respondent may answer the questions at a time and place that is suitable for them. Third, respondents may feel safer partaking in your research in written form. There are two additional advantages compared to the telephone interview. First, the written interview allows respondents to choose their words more carefully before sending their responses back. Second, if respondents answer in writing, this saves you the time of transcribing their answers.

The written interview shares many of the disadvantages of telephone interviews. Further, the written interview elicits different kind of responses. Written responses tend to be shorter than those offered in person or on the phone. Second and relatedly, you will be unable to probe your respondent when their answer is unsatisfactory to you. You may respond to their answers in written form, but misunderstandings are communicated with some delay. For more considerations on this method, please refer to Meho's *E-mail interviewing in qualitative research: A methodological discussion* (2006).

Weighing the pros and cons, the written or e-mail interview may be especially useful: 1) when meeting in person is impossible, 2) when the respondent has a strong preference for it, or 3) for follow-up questions after a face-to-face interview. You can also combine the telephone and written interview; in which you call to introduce yourself and this research, send written questions and receive written answers, and then call to discuss the answers and ask any follow-ups. Each method comes with its disadvantages. Whichever you choose, it is always good practice to reflect on your choices and experiences in the methodology-section.

Table 3: 'key skills for in-depth interviewing' (adapted from Mack et al, 2005: 38-39).

Skill	Includes	Rationale	Tips
Rapport-building	The ability to quickly create interviewer/ participant dynamics that are positive, relaxed, and mutually respectful	Participants will talk freely, openly, and honestly about the research topic only if they: <ul style="list-style-type: none"> <li>- feel comfortable</li> <li>- trust the interviewer</li> <li>- feel secure about confidentiality</li> <li>- believe the interviewer is interested in their story</li> <li>- do not feel judged</li> </ul>	Learn culturally-specific styles and techniques for building rapport. Suggestions include: <ul style="list-style-type: none"> <li>- be friendly</li> <li>- smile</li> <li>- use a pleasant tone of voice</li> <li>- use relaxed body language</li> <li>- incorporate humour</li> <li>- be humble</li> <li>- do not patronize</li> <li>- do not scold, coerce, or cajole participants</li> <li>- be patient</li> </ul>
Emphasizing the participant's perspective	Treating the participant as the expert. Keeping the participant from interviewing you. Balancing deference to the participant with control over the interview. Being an engaged listener	The interviewer's perspective on the research issue should be invisible. This avoids the risk that participants will modify their responses to please the interviewer instead of describing their own perspectives.	Remember that the purpose of the interview is to elicit the participant's perspective; consider yourself a student. If a participant asks what you think, deflect the question. Let the participant know that you consider his or her point of view more important. Don't overcompensate for perceived status differences by giving the participant too much control over the interview. Pay attention to what participants say and follow up with relevant questions and probes. Be aware that what you say, how you say it, and your body language can convey your own biases and emotional reactions. Use them instead to convey neutrality and acceptance.
Adapting to different personalities and emotional states	Being able to quickly adjust your style to suit each individual participant.	Every participant has a unique character and demeanour. By adopting an appropriate demeanour for each individual, the interviewer can help the participant be comfortable enough to speak freely about the research topic.	Different interviewing styles may be needed for different participants – for example, be able to retain control of a conversation with a dominant personality and to animate a shy participant. Know how to tone down heightened emotions, such as when a participant starts crying or becomes belligerent. Adapting to each individual may require softening the way you broach sensitive issues, adjusting your tone of voice to be more sober or upbeat, or exhibiting increased warmth or social distance.

## 7. Organising your research material: four vital steps

Conducting interviews or focus groups – types of ‘data gathering’ – is a critical and fascinating step in qualitative research. But the lion’s share of the work comes after. When one researcher asked anthropologists how much time they spent writing field notes and transcripts, they reported spending ‘anywhere from 1.5 hours to 7 hours a day on write-up’ (Russell Bernard, 1984: 132). So, plan your fieldwork accordingly! An interview might only take an hour, but do not plan to conduct too many on a day or in a week! After the interview, follow four crucial steps to ensure that the treasures you found are clearly and carefully organised.

### 7.1 Interview log

First, after the interview fill out an *interview log* (see Annex 4: Interview log). The format can vary, but it is good practice to include at least: i) the date of the interview; ii), the respondent’s name/pseudonym; iii) the place of the interview; and iv) any follow-ups (things that you promised the respondent, or vice versa). This is a very basic document, but it allows you (and any colleagues or supervisors) to monitor your progress.

### 7.2 Transcription

Second and most laborious, write an interview transcript or report. If you have only handwritten notes, an interview report with the main points will have to suffice. But in the ideal scenario where your respondent has allowed you to audio record the interview (see section 6.4), you can transcribe the interview. Transcription refers to the transformation of recorded audio into a written form that can be analysed (Duranti 2006). Whether you have an audio-recording or handwritten notes, the sooner after your interview you write this out, the better you will remember precisely what was said. So ideally plan to do this on the same day, and certainly within 24 hours. There are many ways of transcribing or typing up interviews, we focus here on three:

- *Full or ‘verbatim’* (word for word). This is the most comprehensive technique. It requires that the interview was audio-recorded, and that you convert it completely into written text: every single word spoken by either you or the respondent should be in your transcript. This includes any mistakes or stammers. You may also add [between brackets] nonverbal cues like tone of voice, silence, laughter, or interruptions. Transcribing with this technique takes between four and eight hours for every hour of recorded interview. This is time-intensive, but the resulting transcript counts as one of the most valuable and pure forms of primary data. Verbatim transcripts may not always be necessary, but if you are going to conduct an important interview do consider this form. If the respondent consents to that, and it is safe for you both to do so, you can also consider publishing such a transcript in its entirety. There is software to help with transcription, but that typically involves uploading audio, so check whether such software meets your employer’s privacy requirements. Such automatically produced transcripts typically still need a careful read-through and edit. As a rule of thumb, transcribe interviews in the original language. That is, if you do an interview in Indonesian, type it out in Indonesian first. You can then either save the translation in a new document, or include in a single document one column for the original language and another for the translation.
- *Clean transcription*. In this variety of transcription, your transcript is a cleaned up version of what was said. You remove the stammers, mistakes, and so on, but still stay very close to the original wording of the respondent. You are likely to spend four to six hours for every hour interviewed.
- *Transcribed notes*. During the interview you keep handwritten notes, and afterwards you type up these notes. Then you add any further details and quotes that you still recall. You are likely to spend an hour or two for every hour interviewed. This is the least labour-intensive option, but you are likely to lose a lot of the detail that you would have captured with either of the above two techniques.

Example full transcription:

*Bruno: Do you recall, eh, when this land dispute first began, when did it start?*

*Respondent: I think it was back in 1987, in... [pauses] or wait, no, it was in February 1988. Now I recall, because it was not long after my father's funeral, and he died in January 1988.*

Example clear transcription:

*Bruno: Do you recall when this land dispute began?*

*Respondent: It was in February 1988. I recall because it was not long after my father had died in January 1988.*

Example transcribed note:

*Bruno: Do you recall when this land dispute began?*

*Respondent: It was in February 1988 shortly after my father died in January 1988.*

Depending on the sensitivity of your research, people may not be willing to have an interview audio-recorded. They might fear where such a recording may end up, or then only share less interesting information. If that is indeed the case with your respondents, you can take interview notes by hand. It can be helpful to use a fixed format for your transcripts to ensure that you capture all the necessary data in a way that is easy for you and others to understand (see Annex 5: Sample transcripts).

The transcript and interview report consist mainly of the actual words spoken by your respondent(s) and yourself. But try to also include a brief introduction at the top of the document with background notes on the interview: How was it arranged? Where did it take place? What was the atmosphere like? Add some notes on whatever else you picked up before, during, and after the interview. Such introductory notes can help you to recall the encounter, and to situate the spoken words in their context. They may also help you to write richer and more vividly about the interview encounter and/or research site.

During the transcription, you may want to leave out personal data depending on your respondent's 'informed consent' (see section 9). Some respondents may prefer that you use a pseudonym, or that you leave out key personal data like their place of residence, age, or occupation.

### **7.3 File-naming**

Third, once you have the transcript typed up, it is best to save it following a file-naming convention. This ensures that you will be able to quickly find the relevant files in the future. This is of course especially important if you work in a team, and must be able to find each other's transcripts. You could for instance use the following convention:

B\_Tripoli\_interviewSuliman\_20210705.txt

B = Bruno, name of the interviewer

Tripoli = Place

Interview = Kind of interaction (e.g., interview/FGD/fieldnote)

Suliman = Name or pseudonym respondent

20210705 = Date

This order may work well because you can immediately find all transcripts by one interviewer, and see which interviews they conducted in particular places. If the same person has been interviewed several times, those interviews will appear below one another.

## 7.4 Back up your files

Fourth, once you have updated your interview log, transcribed the interview, and saved it, the last step for now is to back up your files. Some universities and research organisations offer specific safe cloud storage options for their staff such as OneDrive or Research Drive. The cloud is great, but set a weekly or monthly reminder to yourself to back up all your data on an offline hard drive, too. Should the cloud get compromised, you still have your invaluable research material. If your respondent preferred that you used a pseudonym and/or other forms of anonymity, please ensure that you only upload and back-up their data in anonymised form. If having their personal data is important, you can have a separate encrypted document linking personal data to transcript titles.

The next step in your research – the data analysis – will only be possible if all the aforementioned steps have been followed carefully, culminating in a rich and well-organised treasure trove of research materials!

## 8. Research ethics and security

### 8.1 Research ethics

Doing good and ethical research at its most essential requires you to treat your respondents with respect, to minimise any harm to them and to yourself, and to conduct high-quality research. Research varies quite widely, so it is difficult to say what precisely ethical research requires in your case. But it may be helpful to think at an early stage about the principles that you would like – or are maybe obliged by law or regulations – to follow in your research.<sup>7</sup> Two stand beyond doubt:

- *Do no harm.* Your research is important but not more important than your safety and security, or that of your respondents. You must be careful, especially when working in insecure areas or on sensitive subjects (e.g., injustices, war, violence, powerful interests). Avoid exposing people to danger or ‘re-traumatising’ them.
- *Respect.* Your respondents are under no obligation to participate in your research. When they do participate, treat them and the information they give with respect. Unless they give you express permission to do so, do not disclose what a respondent said to others.

How you translate these or other ethical principles to practice, may be quite difficult. If you are going to do fieldwork, expect to face several difficult dilemmas for which it may be helpful to consult with experienced colleagues – ideally those who are familiar with your research site. One question that we debated in our Libya-research, was whether and how our researchers should help our respondents. We agreed that it was not desirable to pay respondents, because this could affect the interview exchange. This varies per context. In the Netherlands or the Democratic Republic of Congo, paying respondents or research participants is perfectly acceptable. In Uganda it is even a legal requirement. In Libya we looked for other ways to help our respondents – out of appreciation for the time and insights they shared with us, and out of solidarity. Our team counted many experienced legal professionals, and respondents with legal concerns sometimes asked for advice on what to do or where to go. We decided in our team that on the one hand, it had to be clear to respondents that we were there primarily as *researchers*, and that our goal was to learn about their experiences. As researchers, we aimed to contribute to a better understanding of justice seeking and access to justice in Libya *generally*. We also saw a risk that by helping one party to a dispute, the other side could come to regard us as partisan. On the other hand, in some instances we felt that our researchers might be in a good position to give advice, and find that the advantages outweigh the disadvantages. We discussed that in such cases, researchers might offer advice as long as they did not promise results. We decided to leave it to the discretion of the individual researcher, but we encouraged them to discuss this ethical dilemma with senior colleagues when it arose.

#### Questions for your own research:

What are the research ethics requirements of your employer?

What research ethics principles do you want to follow?

Do you anticipate ethical dilemmas in your research? How will you respond?

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<sup>7</sup> The Dutch Research Council, for instance, proposes five principles which ‘can be regarded as “virtues” of a good researcher, guiding them towards the right choices in all kinds of circumstances. These are: Honesty, Scrupulousness, Transparency, Independence, and Responsibility.

## 8.2 Informed consent

One important facet of ethical and secure research, is so-called ‘informed consent’. This is the process of informing the respondent about the research, and discussing their consent to participate in it. There are two main ways of getting ‘informed consent’ from a respondent: *written* or *verbal* consent. The key is to explain clearly to respondents:

1. who you are,
2. the purpose of the research,
3. how much time the interview will take,
4. that participation is voluntary (and that they can withdraw at any time),
5. what, if any, their benefits (e.g., money) and risks are to participating,
6. whom they can contact with concerns about the study.

The written consent form is common in many academic fields. The form should be comprehensive, but also comprehensible to your respondents (see Annex 3: Sample consent form). Yet written consent forms are not always appropriate. In our Libya research, we found that many Libyan respondents were happy to participate, but not to sign any forms. In contexts where the mere act of speaking to researchers is dangerous, respondents may fear that a signed form may jeopardize them. Other respondents may suspect that a researcher tries to protect his own interests rather than those of the respondent by asking them to sign a consent form. If these dynamics are at play in your research site, you can consider working with verbal consent instead. Then you may prepare a verbal introduction to your research in which you explain the above-mentioned six points, and ask the respondent for consent.

Closely linked to ‘informed consent’ are *anonymity* and *confidentiality*. Allen (2017) writes:

Confidentiality refers to separating or modifying any personal, identifying information provided by participants from the data. By contrast, anonymity refers to collecting data without obtaining any personal, identifying information.

With each respondent, you should discuss their preferences. Which personal data do they allow you to store and use? For example: their names, address, telephone number, email address, and so on. Be mindful that when you collect personal data (‘any information that can be used to distinguish or trace an individual’s identity’), you may be under a legal obligation to secure written consent, and to keep this data in a secure location. For that reason, it can sometimes be easier to collect anonymized data, in which you use *pseudonyms* instead of real names and adjust trivial details like exact date of birth to better protect your respondents’ identity.

### Questions for each researcher:

Which ‘informed consent’-format do you expect to work best for you and your envisioned respondents, verbal or written?

Do you plan to collect personal or anonymized data?

### 8.3 Security

Research can be risky for all those involved. This was obviously the case in our Libya research, but it is true also in other environments – as the researcher typically exposes themselves to new encounters and situations, and treads beyond the beaten path. You and your respondents would be wise to reflect on the precise risks before agreeing to participate in it. Security and insecurity are complex: they can vary from place to place, person to person, and time to time. Some areas may be safe during the day, but dangerous after sunset. Other areas may be safe for locals, but dangerous for those who speak with a different accent or have a different skin colour. Some things are safe for men, but not for women. There are many factors to consider!

When you do research in an area that you are familiar with or have good access to, you might be well-placed to decide what the particular risks are, what you can do to mitigate them, and when doing research is simply too risky. When your chosen research site is new to you, find someone who knows the place to discuss risks and mitigation tactics. Risks might include threats or violence against you or your respondents, but also traffic accidents, burglaries, petty theft, detention, terrorist attacks, sickness, sexual violence, and so on. To help you think about this, you can make a ‘risk assessment’. We have included a template here that you can fill out. For further inspiration, please find Bruno’s risk assessment for Tunisia (see Annex 2). Note that your risk assessment can be a ‘living document’: as the security situation changes, your assessment should also adapt.

The first line is to give you an example from Bruno’s assessment for Tunis. One threat he identified was ‘traffic accidents’. On a 5-point scale of probability (1 being ‘not likely at all’, 5 being ‘very likely’), he estimated it at 2. The impact (from 1 for ‘very low impact’ to 5 ‘very high impact’) he found hard to estimate, because a traffic accident could be fatal (5), but could also just result in minor damage to the car (2). So, he filled out both values as a range (2-5), and then calculated the average (3.5). Then he thought about measures he could take to reduce the probability of a traffic accident. He did the same for measures to reduce the impact of a possible traffic accident. Lastly, he estimated a final risk level, considering the effectiveness of the measures in reducing the risk level.

Through this exercise, you may find that your proposed research entails serious risks for yourself and/or your respondents. In such cases, you might adjust the topic or method to mitigate the risks. In our Libya research, we twice changed the focus of a case study after learning that the original plan could be too dangerous to research. But some topics or areas are simply too dangerous to research. If you consider that your research is, or has become, too dangerous, please cease your work and contact your employer immediately. We can then meet to discuss what to do.

Table 4: Risk assessment

Threat	Probability (P) (1 to 5)	Impact (I) (1 to 5)	Risk level (P x I)	Measures to reduce probability	Measures to reduce impact	Final risk
Traffic accident	2	2-5 = 3,5	7	Only travel by day with good car and driver.	Wear seat belt. Phone ambulance (190).	4

**Questions for each case study:**

What ‘threats’ do you anticipate in your research site? How would you score ‘probability’ and ‘impact’? What measures could you take to mitigate ‘probability’ and ‘impact’? Please feel invited to fill this out in your own risk assessment table!

## 9. Qualitative data analysis

Once you have completed your interviews and observations, it is time to start analysing your ‘data’ or research materials. Put simply, data analysis refers to ‘the search for patterns in data and for ideas that help explain why those patterns are there in the first place’ (Russell Bernard 2013: 394). Libraries have been written about qualitative data analysis and this section offers only basic guidance. If you want to know more, a good place to start is Russell Bernard’s ‘Social research methods’ (2012) or Flinck’s ‘SAGE handbook of qualitative data analysis’ (2013).

### 9.1 Epistemology: Induction, deduction, and carpentry

Any approach to data analysis is rooted in an underlying, often implicit, epistemology: or ‘theory of knowledge’. Put simply: what is ‘knowledge’ and how do we arrive at it? In social sciences, there are two main epistemological approaches: deduction and induction. Russell Bernard writes: “deductive research starts with theories (derived from common sense, from observation, or from the literature) and hypotheses derived from theories, and then moves on to observations – which either confirm or falsify the hypotheses” (2013: 12). By contrast, “inductive research involves the search for patterns from observation and the development of explanations – theories – for those patterns through a series of hypotheses [which are] tested against new cases, modified, retested again against new cases, and so on, until saturation occurs” (2013: 12).

#### Deduction

1. Theory
2. Hypothesis
3. Observation
4. Confirm/Reject
5. New Theory

#### Induction

1. Observation
2. Search patterns
3. Explanations/hypotheses
4. Testing through observations
5. Theory

In practice we often use both inductive and deductive approaches in social science research in different phases. In our Libya research, we worked mostly inductively. We conducted case study research – made observations – and in the data analysis we searched for patterns, developed explanations, and drew conclusions, which we later used as hypotheses (proposed testable explanations for a phenomenon). We only tested some hypotheses quantitatively through our national access to justice-survey. This enabled us to make stronger claims about justice seeking across Libya, and to show for instance regional or demographic variation.

You can think of the inductive research process in analogy to carpentry – where it is also essential to work with the materials you have while nonetheless keeping the end goal in mind. Let’s use the example of our Libya research, and the second phase on justice institutions. The goal of each of the twelve thematic researchers was to write a case study (a wooden house). We may liken all justice institution in Libya to the forest. Then one chosen institution (e.g., the District Court of Sabha) is a single tree. We thought a lot about selecting this one case or tree. Why this one, and not another? Is it accessible? Interesting enough? Does it say enough about the whole category of justice institutions, the wider forest? Conducting research on this single institution, we might liken to chopping the tree – producing lumber or ‘raw data’ (e.g., notes, transcripts, etc). Data analysis helps you move from lumber to planks, from ‘raw data’ to useable material for your project (e.g., themes, organized quotes, or codes). The wooden house is the case study chapter. This is the end goal. To write this chapter, it is vital that you have enough raw data, and that you devote serious time and effort to analyse the data carefully.

Empirical research is often conceived of as a circular process, also called the ‘empirical cycle’ (de Groot 2006), in which researchers move from observations, to ‘inductive hypotheses or generalised explanations’, to the deductive formulation of experiments to test these hypotheses, to the testing and evaluation of the results and the consequences for the theory, and then on to new observations. For both practical and philosophical reasons, quantitative researchers tend to go through these stages once, whereas qualitative research often has many smaller cycles and research phases can be less linear. You may start to write something based on your first interviews, find that you are missing some elements, and go back to do more research. With every interview you conduct and transcribe, you will probably already have new ideas about your case study, and come up with preliminary conclusions to check in future interviews. This flexibility of qualitative research should not be misunderstood: Before one can search for patterns, induce or infer explanations or hypotheses, or contribute to theory, it is essential that you have not only gathered sufficient and high-quality data, but also that you have written good interview transcripts or observation notes (see section 7.2). These texts form the basic ‘data’ that you will analyse.

## 9.2 Data analysis: Coding

Once you have sufficient high-quality research materials/data (e.g., interview transcripts, observation notes, court records, case files, diary entries), you can re-read and study them, looking for themes, regularities, and contrasts. There are different ways to do this. One common approach is ‘coding’ or ‘indexing’. There are computer programmes such as ATLAS.ti, NVivo or MAXQDA – although their Arabic-language functionality is limited. You can also do it manually, which tends to be more work. But a basic form of ‘coding’ manually can be done in six steps:

1. Re-read transcripts.
2. Highlight important quotes.
3. Write emerging ‘codes’ in margin.
4. Categorise codes, consider relations and ‘themes’.
5. Draft chapter/report outline based on 4.
6. Copy important quotes into outline.

Reading the transcripts is straightforward. But what should you highlight or ‘code’? This is your interpretive decision. You might highlight something that you find surprising, something that helps you answer your research question(s), or something that contradicts or confirms an earlier respondent or theory. Your ‘codes’ can be words, abbreviations, or numbers written in the margin. You may ‘code’ inductively or even use the words of your respondent (in vivo coding). You may also code deductively, using codes you derived from the theory or academic literature (e.g., ‘obstacles, ‘claiming’) (see Annex 6: Deductive codes). Russell Bernard recommends mixing these approaches. Let us look at an example. We adapted the below transcript from one of our Libyan colleagues’ interview and added some codes.

### Sample Transcript Interview 1A

Time	Speaker	Text	Codes
3.00	Interviewer	What did you do when your husband started beating you?	
3.10	Respondent	<p>I complained to my mother about his insults and beatings. She told me to be patient. We are a family that does not favour divorce and does not have mercy on the divorced woman.</p> <p>We have six children together, including a girl who has many health problems. Our relationship was better before the war because I had a good relationship with the neighbours. I sought help with them, and my husband was afraid of them.</p>	<p>Intermediary (mother)</p> <p>Obstacle: family tradition</p> <p>Obstacle: concern about children</p> <p>Context: war</p> <p>Intermediary (neighbours)</p>

Note that the respondent does not use the word ‘obstacle’ or ‘intermediary’ – these are codes that we have deduced from theory – but that we interpret part of her answers to be about ‘obstacles’. As you are coding your transcripts, you can organise your codes further (step 4). Choose which codes are relevant for your case study, and perhaps categorise several under broader headings or themes. This is often done by creating a so-called ‘codebook’. In our example, this could look like this:

### Sample Codebook

Overarching theme	Sub-theme	Interview quotes
Context	War	‘Our relationship was better before the war’ (1A).
Intermediaries	Mother	‘I complained to my mother about his insults and beatings, she told me to be patient’ (1A).
	Neighbours	‘Before the war because I had a good relationship with the neighbours. I sought help with them, and my husband was afraid of them’ (1A).
Obstacles	Family tradition	‘We are a family that does not favour divorce and does not have mercy on the divorced woman’ (1A).
	Concern for children	‘We have six children together, including a girl who has many health problems’ (1A).

The 'overarching theme' is more abstract than the 'sub-theme', which is again a summary or abstraction of the interview text. While you are distilling themes from your interview transcripts, you might also start to think about the connections between the themes, and about ideas for your chapter.

Coding can inform the outline of your chapter outline (see section 10). From an early stage in the research, it may help to have a separate document with a draft outline of your chapter. Depending on your preferred structure, you could devote a paragraph or section to each of the themes (e.g., obstacles) which emerged from your coding. You can then copy the relevant quotes from the transcripts, and paste them into this outline document with some context. Now your outline is slowly transforming into a very rough draft for your chapter. Coding in this way mixes deductive and inductive approaches to research. Based on the theory we have an idea of what we might find (e.g., obstacles to access to justice), but in looking at the data we find particulars (e.g., family tradition, concern for children) which we might not have anticipated. As you look for patterns or themes in the data, you start to work towards writing your findings down and adding proposed explanations or hypotheses.

## 10. Writing a case study chapter

You have conducted your research, organised your research material, and begun to analyse it. Now you want to move from your treasure trove of information, impressions, and insights to a coherent and cogent piece of writing. This process necessitates focus and selection: the map is not the territory! But there can be no good map without deep knowledge of the territory. And so, in qualitative research, it can help to dovetail the data analysis and writing phases: as you conduct the research and begin to analyse your data, already jot down ideas on themes, patterns, or even a chapter outline; and conversely, as you are reading it can help to re-read your research material.

This chapter offers some further guidance in four sections. First, a general section on academic writing. Second, a section by Nagib Al-Hasadi on academic writing in Arabic. Third, a section with the instructions we offered researchers in the first phase of our qualitative Libya research on justice seekers. Fourth, a section with the same for the second phase on justice institutions. We hope that these outlines may inspire you to craft an outline that works for your own research.

### 10.1 Academic writing

To pursue academic research, is to engage with a global academic community. This community spans national, linguistic, and cultural borders. Academics often try to understand the thoughts and findings of their peers centuries ago or continents away. Communication across such distance can be complicated. This is why the use of clear academic language is of the utmost importance: so that we may be understood by people in circumstances very different from our own. People who write want to be read and understood.

The global academic community has not yet developed a single language. Many academics write in English, but others write in Arabic, Chinese, French, and so on. And even scholars using the same language do not use it in the same way. There are disciplinary conventions. For example, in anthropological writing the use of personal pronouns ('I', 'we') is encouraged while most legal scholars opt for more impersonal forms ('this paper', 'this research'). There are also different tastes. Some people like brevity and others admire virtuoso long sentences.

Still, we give you some guidance on what we consider good academic writing. This is partly drawn from William Strunk's 'The Elements of Style'. What follows are several principles which may be useful to consider while writing:

1. Use language that is as simple as possible and as complicated as necessary. If something can be adequately expressed with simple terms, please do so.
2. Write as concisely as you can. This goes for sentences, sections, chapters, and whole publications. The objective is to be understood, not to pass your reader's time or impress them with linguistic abilities.
3. Related to point 2: 'Do not join independent clauses by a comma.' Do not use a comma (,) when you can also use a period (.).
4. 'Make the paragraph the unit of composition: one paragraph to each topic.' 'As a rule, begin each paragraph with a topic sentence; end it in conformity with the beginning.'
5. Generally, use an active writing voice (word order: subject, verb, object) rather than a passive one (word order: object, verb, subject). So, write 'Khadija filed the case' and not 'the case was filed by Khadija'. The active voice is clearer.
6. 'Prefer the specific to the general, the definite to the vague, the concrete to the abstract.' Do not write: 'After some time the case was dismissed by a judge on procedural grounds' if you can write 'In September 2016, Judge Khaled of Sabha's District Court dismissed the case, ruling that the police had made a series of errors while hearing witnesses'. Being specific holds your readers' attention and conveys more information.

7. 'Omit needless words'. Do not write: 'the question as to whether' but simply 'whether'. Do not write 'owing to the fact that' but write 'since' or 'because'.
8. Decide who your audience is, and offer them the necessary information. Think through what they already know, and about what they need more information.

## 10.2 Academic writing in Arabic

Specifically for the Access to Justice in Libya-project, Professor Nagib Al-Hasadi of Benghazi University wrote a short piece in Arabic on academic writing. As a lot of this is about the Arabic language and it is written for Arabic writing scholars, it is inserted here entirely in Arabic.

يختلف النص العلمي عن النص الصحفي، والإبداعي، والديني، وسائر أنواع النصوص، حيث لكل نوع قواعده وشروطه ومبادئه واحترازاته الشكلية والموضوعية الخاصة به. وفيما يلي أوجز بعض ما يختصّ منها بالكتابة العلمية، عسى أن تفيد منها، بما يسهم في جعل بحثك أشدّ ولاء لروح العلم.

- يجب ابتداء أن تكون لغتك سليمة، نحواً وصرفاً، فترفع الفاعل، وتنصب المفعول، وتجرّ المضاف إليه، وتجزم فعل الأمر، وانتبه بوجه خاص للممنوع من الصرف، فهو ينصب بالفتحة بدلا من الكسرة ولا ينون، وتجنّب استخدام الفعل المبني للمجهول إذا كان الفاعل معروفاً، فإذا اضطررت إليه، لا تستخدم كلمة "تم" في التعبير عنه. استخدم "إن"، بدلا من "أن" بعد "حيث"، وبعد "إذا"، وبعد فعل القول أيا كانت صيغته. وليكن لديك اهتمام كاف بتشكيل الكلمات التي قد تلتبس دلالاتها في قد تلتبس دلالاتها في حالة تدوينها دون تشكيل، فالسكر حلال، لكن السكر حرام.
- لا تضع مسافة بعد القوس الأيمن، ولا قبل القوس الأيسر، ولا بعد واو العطف، ولا تضعها قبل الفاصلة، بل بعدها، ولا تضعها قبل النقطة التي ينتهي بها السطر. وإذا استخدمت النقطتين (: ) بعد أي عنوان فرعي، فاستخدمها في سائر العناوين الفرعية، ويفضّل ألا تستخدمها إلا إذا كانت هناك حاجة إليها.
- حاول دائماً أن تكون جملك قصيرة، واستخدم علامات الترقيم بعناية. الجمل الطويلة تجهد القارئ، وعلامات الترقيم تعطيه فرصة التقاط أنفاسه.
- يجب أيضاً أن تجعل نصك سلساً، فلا تنتقل فجأة دون تقديم من موضوع إلى آخر. وبالمجمل، يفترض أن يكون البحث متماسكاً بحيث يحيل كل جزء فيه إلى تاليه.
- يجب أن تكون كل فقرة من فقرات البحث متماسكة، تدور حول موضوع محدّد. وابدأ الفقرة بعبارة تحدّد موضوعها بشكل مكثف، ثم استطرّد في التفاصيل، وفي ختامها حاول أن تقيم علاقة مع ما استهللتها به، كما لو أن الفقرة تبدأ بتساؤل وتنتهي بإجابة. قد تكون هناك استثناءات لهذا الأسلوب في العرض تضطر إليه، لكنه أوثق سبل الحفاظ على الوحدة العضوية للفقرة، وللبحث بوجه أعم.
- العناوين الجزئية أو الفرعية مهمة، والتناسب بين المساحات المحدّدة لكل منها مهم أيضاً. العناوين المثيرة للانتباه تغري القارئ باستكمال قراءة البحث، ولكن تجنب العبارات البلاغية والمبالغة التي تجور على المعنى.
- لا تقل في كلمات كثيرة ما تستطيع قوله، بالقدر نفسه من الوضوح، بكلمات أقلّ. ولا تقل شيئاً ثم تعيد قوله في موضع، ما لم تكن هناك حاجة ماسّة إلى ذلك. وحتى في هذه الحالة، أعد الصياغة واجعلها موجزة، بحيث تقتصر وظيفتها على تذكير القارئ بما سبق لك قوله. سوف توفر الكثير من الشطب على المراجعين.
- وبوجه عام يجب أن يكون أسلوبك في العرض بسيطاً بالقدر الذي يسمح به السياق، دون أن يسرف في التبسيط وتوضيح الواضح. وتذكر عبارة أينشتاين: "لنجعل الأفكار تبدو أبسط ما تكون، ولكن ليس أبسط من ذلك".

- راهن بقدر مناسب على ذكاء القارئ.
- تجنّب قدر الإمكان الأفكار المجرّدة، فإذا اضطرت إليها فاضرب من الأمثلة ما يسهم في جعلها أسهل على الفهم. ولاحظ أن الأسلوب العيني، الملتصق بالمحسوس والمتجسّد، أكثر دقة وأليق بالكتابة العلمية، فكن محدّدا في العرض، إذا كانت البيانات تسعفك في ذلك.
- راع التوثيق، وآلياته معروفة، ولا تذكر رأيا دون أن تنسبه إلى صاحبه.
- مراجعة الأدبيات لا تعني فحسب عرض مصادر تتناول إشكالية البحث، بل تعني أيضا تبيان كيف أنها لا تغطي ما يحاول بحثك تغطيته، أو تعاني من قصور سوف تتداركه فيه.
- هناك ما يعرف بالحساسة المفهومية (conceptual sensitivity)، أي القدرة على التمييز بين المفاهيم المتشابهة، وهي مهارة تحليلية، تتطلب القدرة على تعريف المفاهيم، وهي أيضا مهارة معرفية، من حيث إنه من المرجح أن يكون أكثرنا علما أقدرنا على تحليل المفاهيم وعقد تمييزات وإقامة علاقات بينها. ولهذا فإن الاطلاع الواسع والمتنوع مفيد في صقل الحساسة المفهومية.
- ولاحظ أن معظم الخلافات التي تنشأ بين البشر ناجمة عن اختلاف تعريفاتهم للمفاهيم التي يدور الخلاف حولها، ولذلك حاول دائما تعريف المفاهيم التي تتوقع أن يكون هناك خلاف حولها، وهذا يسري خصوصا على المفاهيم الاصطلاحية التي تتوقع أن يجهلها القارئ غير المتخصّص.
- وحاول قدر الإمكان أن يكون كل تعريف تطرحه جامعا، يسري على جميع الماصدقات (intensions)، أي جميع الأفراد الذين يفترض أن يصدق عليهم؛ مانعا، لا يسري على غيرهم. تعريف الإنسان بأنه كائن حي، جامع، لأنه ينطبق على كل أفراد الجنس البشري الذي يشكلون ماصدقات مفهوم الإنسان، لكنه ليس مانعا، لأن ينطبق أيضا على الحيوان والنبات. أما تعريف الإنسان بأنه كائن حي عاقل ذو شعر أسود فليس مانعا، لأنه يستبعد ماصدقات واضحة لمفهوم الإنسان.
- وتجنب التعريفات الدائرية (circular definitions)، التي تذكر المعرف في التعريف، إما بلفظه أو باستخدام جذره اللغوي (مثل قولنا إن النشاط العلمي هو النشاط الذي يمارسه العلماء).
- والتعريف الإجرائي (operational definition) أنجع وسيلة للخلاص من الإشكاليات التي تثيرها المفاهيم الغامضة (vague concepts) التي يصعب تحديد ماصدقاتها حتى في حال وضوح معانيها. ومن أمثلة المفاهيم الغامضة مفهوم العدالة، ومفهوم التسامح، ومفهوم رضا الساعي للعدالة.
- وفضلا عن الحساسية المفهومية، هناك ما يعرف بالحساسة اللغوية (linguistic sensitivity)، وهي مهارة تعبيرية تتعلق بفهم الجمل فهما دقيقا، وبالقدرة على استشعار الفروق الطفيفة بين جمل تبدو مترادفة من حيث المعنى. ومن بين استحقاقات الحساسة اللغوية البعد عن الجمل الملتبسة (ambiguous sentences)، التي تحتمل أكثر من معنى، إما لورود كلمات فيها تحتمل أكثر من معنى ("زرت المحامي العام")، أو لأنها مركّبة على نحو يجعلها تحتمل أكثر من معنى ("قابلت خبيرة القضايا صعبة المراس").
- والكتابة المستمرة، بمعنى تدوين الأفكار والخطرات بشكل دائم، من أفضل أدوات إرهاف الحساسة اللغوية، فهي تحسّن اللغة، وتشحذ الملكات الإبداعية والقدرات النقدية، وتقلل من الانحيازات الحدسية، وتخفف من حدة التسرع في حسم الأمور.
- والأفكار حين تكون حبيسة الذهن، لا يتضح عوارها كما يتضح حين تدوّن كتابة، ويشهد على هذا أن النقلات الاستدلالية غالبا ما تكون غامضة، وحين يشرع المرء في التعبير عنها كتابة، تتناسل الأفكار، وتصبح أكثر وضوحا. ولهذا، حدد في ذهنك ما تفكر فيه، واكتبه، وراجع، ودقّق في صياغته، وتأكد من قوة حجتك عليه، واعرض الانتقادات التي تتوقع أن توجّه إليه، واستبق الرد عليها، ما لم يستبين لك أنها مقنعة، بما يوجب إعادتك النظر فيما أصدرت من أحكام.
- وكلتا الحساستين، المفهومية واللغوية، رافد للحساسة المنطقية (logical sensitivity)، ما يجعل الأقدّر على تحليل المفاهيم والتمييز بين دلالات الجمل أقل عرضة للوقوع ضحية الأغاليط المنطقية والحجج الفاسدة.

- يجب أن تتمتع بقدر كاف من المزاج الارتياحي الناقد، بمعنى الاستعداد الدائم للتشكيك في الآراء الشائعة والمسلّمات والبدهيّات، وللتأمل في الأفكار النادرة والغريبة والغامضة والخلافية، وعدم التسرع في رفضها لمجرد أنها نادرة أو غريبة أو غامضة أو خلافية.
- ولهذا يلزمك الإمساك عن الجزم والقطع بما تخلص إليه من أحكام وآراء، مهما بدت لك بدهية ومدعاة للتيقن، وحاول دائماً تجنب استخدام العبارات القطعية أو الجزمية التي تفيد التحقق، من قبيل "ولا شك في أن"، و"لا خلاف على أن"، و"هذا أمر لا يختلف عليه اثنان"، وحتى أدوات التأكيد، مثل "إن"، و"قد" التي تسبق الفعل الماضي، وأكثر من العبارات التي تفيد التردّد في الحكم، من قبيل "لعل"، و"ربما"، و"يحتمل"، و"الراجح"، و"قد" حين تسبق الفعل المضارع.
- يجب أن تميز بين الأحكام الوصفية (descriptive) التي ترصد وقائع، أي أحكام ما يكون، وبين الأحكام التوصيفية أو المعيارية (prescriptive) التي توصي بتدابير بعينها، أي أحكام ما ينبغي. وحين تصدر حكماً تعبّر به عن رأيك أو تفصح به عن انطباع لديك، فيجب أن يكون هذا واضحاً تماماً للقارئ.
- تجنّب الاستسهال، الذي يتمظهر في اختيار إشكالية بسيطة، لا يتطلب البحث فيها الكثير من إعمال الفكر، فالاستسهال آفة البحث، وهو يغري صاحبه بمسلك تأدية الواجب بالحد الأدنى.
- ينبغي أن يكون مسار البحث واضحاً، فثمة في البحث العلمي حاجة إلى خيط ينتظم حبات عقده. بعض بحاثنا أكثر عناية باستحقاق الإحاطة أو الشمول الذي يناسب التقارير والكتب التدريسية، ولا يليق بالبحوث. ولكن تذكر أنك مكلف أيضاً، في بعض المراحل، بكتابة تقارير، حيث يلزمك إيفاء ذلك الاستحقاق.
- نفتقد في أبحاثنا المحلية تعددية المشارب، وهذا مؤشر يتعلق ببينية التخصصات (interdisciplinarity)، التي تعمّق فهم الظواهر، وتشتترط جماعية البحث، وتمكّن من التحقق الجمعي. وهذا ملّح بوجه خاص في مشروع "تيسر العدالة"، الذي يفترض أن يكون قانونياً، واجتماعياً، وسياسياً، وتاريخياً.
- نفتقد فيها أيضاً عقد موازنة دقيقة بين الحياء المعرفي والجرأة المعرفية؛ بين الحرص على أن تتناسب شدة اعتقادك في أي حكم تصدره مع يتوفر لديك من قرائن عليه، وبين الحرص أن يكون حكمك قوياً بما يكفي لأن يكون موضعاً للاهتمام، ولكن دون أن يقفز على الوقائع.
- والحياء المعرفي هو الواعز الذي يحض المرء على البحث والتقصي، والوازع الذي يردعه عن التيقن فيما يعتقد والجزم بما يقول. وهو ما يجعله يكشف عن شكوكه في آراء سبق له أن اطمأن إليها، ويعلّق الحكم فيما يشتهه عليه أمره، ويربأ بنفسه عن نسبة أحكام الآخرين إليه. وهو الذي يحضّه على الاعتراف بجهله على الملأ، دون أن يجد في اعترافه مدعاة للخجل.
- لكن الحياء المعرفي، حين يُسرف فيه، قد يكون على حساب الجرأة المعرفية، ولذلك يلزم أيضاً أن تكون الآراء والنتائج التي تخلص إليها قوية بالقدر الأعلى الذي تسمح به البيانات.
- حاول ما استطعت أن تجعل بحثك ينطوي على تبصرات ملهمة (inspiring insights)، أي أفكار تقترح مسارات ومقاربات غير متوقعة، بما يضيف عمقا عليه. ليست هناك وصفة محددة لاقتناص مثل هذه التبصرات، ولكن التفكير خارج الصندوق، والنأي عن الكليشيهات والأفكار الشائعة من ضمن الأساليب التي تسهم في العثور عليها.
- وبالمجمل، يجب أن تكون شخصيتك واضحة في بحثك، سواء في أسلوبه اللغوي، أم البحثي، ويفترض مثلاً أن يكون بحثك مغايراً في مجمله عن بحث أي باحث آخر، حتى في حال دراستكما للمؤسسة أو القضية نفسها. وبالمناسبة، لا تتردد في استخدام كلمة "أنا" وفي استخدام الأفعال التي تنسبها إلى نفسك.
- وأخيراً، تتألف اللجنة الاستشارية لمشروع "تيسر العدالة"، من خبراء مختصين في علوم القانون، والسياسة، والاجتماع، وفلسفة العلوم، والتفكير الناقد، ويمكنك باستمرار اللجوء إليه إذا استعصى عليك أمر بمقدورهم توضيحه. ولا تتردد في الاستعانة بزملائك الباحث، خصوصاً حين يكون هناك تقاطع بين المواضيع التي تشغلك وتشغلهم.

### 10.3 The case study on justice seeking

During the first phase of 'Access to Justice in Libya', we conducted case study research on justice seeking. The case studies varied in form, but each described a particular justice issue in contemporary Libya, as experienced by real people whom our researchers had interviewed, described in its legal, political, cultural, economic, social, historical and geographical context.

One *case study* chapter included two or three individual cases (people facing a grievance or dispute).<sup>8</sup> A case study about several people invites comparison. So our researchers needed to have sufficiently detailed and interesting material on each justice seeker to compare them, indicating and explaining differences and similarities between them.

Each case study chapter was to be 6,000 – 8,000 words (including footnotes, excluding bibliography), using font size 14 and line spacing 2. Longer and shorter exceptions could be discussed with the supervisors. To make our preparations towards a book easier, we urged everyone to use the Chicago Manual of Style of referencing. So, references were included at the relevant point in the text with the author's last name(s) and year (Ibrahim and Otto 2016), and then again in full in the bibliography (Ibrahim, Suliman, and Jan Michiel Otto. 2016. *Assessing Legislation for Libya's Reconstruction*. Leiden: Van Vollenhoven Institute).

But what is to be included, and what should be left out? An interview transcript may already count ten to twenty pages, and our researchers had conducted many interviews. So, writing the chapter necessarily entailed abstraction, analysis, and selection. Still, we asked researchers to insert some telling quotes from their respondents – using 'quotation marks'.

While writing the case study, we recommended the researchers use the 'hourglass method', a popular technique in academic writing. Like an hourglass, the beginning of the case study is likely to be somewhat wide; discussing the topic, why it is important, your methodology and so on. The middle section is narrower, more specific, and longest. It presents your detailed empirical findings about your particular case(s). Here you can use 'thick description': writing not just about observed facts, but in a richer, thicker way that draws the reader close to the experiences and perceptions of your justice seeker. You elucidate the (cultural) context, meanings, debates, and motivations of your actors. Why do people do what they do? For instance, recall the descriptive story of Salha (see Annex 1). Towards the conclusion, the article widens again; relating your empirical findings back to the general thematic introduced in the beginning.

The precise structure could vary per researcher and form had to follow function. Still, to give our researchers an indication of the elements we expected to see in the chapters (see the next page). We also gave a rough indication of the word length per section to offer some ideas, but encouraged researchers to feel free to deviate if they thought this would make their research report better. For a more elaborate example, see Annex 7: Khadija's Outline.

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8 We were also open to case studies featuring single justice seekers if: 1) the researcher had gathered a lot of relevant and detailed data about one particular justice seeker, 2) this data allowed them to write an interesting chapter about his/her justice journey, and 3) the researcher could justify that this justice seeker was not a-typical but rather representative, 4) this would convincingly answer the researcher's research questions, including the why questions, and using some of the 'justice seeking'-concepts discussed in this Research Guide.

## **1. Introduction (1000 words).**

1.1 Problem statement: What ‘justice concern’ are you focusing on, and why? This will likely draw on your earlier references report, and refer to earlier publications (academic, media, policy, legal) to say what is known and not yet known about your topic. You may also include something about the nature and scale of the problem.

1.2 Research question(s). What are your case study’s research questions? Note: these are more specific than the project’s overarching research questions and broader than your interview questions (see section 5 and 6).

1.3 Methodology. How did you research this? What did you do to get the data that you present in this case study?

## **2. Description of the case(s) (1000 words).**

2.1 Where is this taking place? Brief description of the research area and its population. May include a map/photo.

2.2 Who? Introduction of the justice seekers and their justice problem. Something about their background, occupation, etc. Also include why you chose these justice seekers, what makes their specific cases interesting? Only include personal data (e.g., name, place of residence, occupation, etc) when your respondent consented to this!

## **3. Description of the Justice Journey(s) (4000 words)**

What? Explain how the problem arose. What did the ‘justice seekers’ (your protagonist) do in response? How did they attempt to resolve their problem, and why? Have they engaged with justice institutions and if so, with which ones and why? What were their experiences? How was their justice journey impacted by various contexts (religious, cultural, economic, security, etc)? This part is likely to form the backbone of each case study. It will likely include many direct quotes from your respondents, so that the reader may see things from your respondents’ perspectives.

## **4. Analysis (1000 words).**

So *what?* What do your findings mean? Interpret your material and findings in the light of the publications that you discussed in 1.1. You may reflect here on what your case says about the justice concern (your ‘what’), and about ‘access to justice’, ‘obstacles’, ‘elements that work’. Single out your most striking findings. You may also briefly reflect on any limitations of your study and/or methods.

## **5. Conclusion (1000 words).**

5.1 Present your main findings and claims, and answer your research question(s).

5.2 Suggestions for further research (also in the remainder of this research).

5.3 Possibly: suggestions for policy and law.

## **6. Bibliography**

In the introduction you may include a section on your methodology: or what you did to get your research materials. Qualitative research is never perfect and rarely goes exactly as planned, especially in a context like Libya. Of course, how you were able to do your research will shape what you are able to find. It is good practice to briefly reflect on choices, limitations, and improvisations in the publication. To get you started, you might consider: 1) Research methods and data. What methods did you use (e.g., semi-structured interviews, focus group discussions, court observations, archival research) and what kind of data did you gather? 2) Access to respondents. Whom were you (not) able to speak with, and what did you do to convince them? Respondents may have refused or withdrawn from the study. 3) Informed consent. Were you open about the research purpose and background? Did you discuss the terms under which people could cooperate? What were you unable to do? Perhaps certain people, places, or topics were inaccessible? 5) Positionality. Who you are shapes what you see. If a fish wrote about the world, he would write about the sea. How may your identity (e.g., gender, age, place of birth) have affected your research in positive and negative ways?

#### **10.4 The case study on justice institutions**

During the second phase of ‘Access to Justice in Libya’, we conducted case study research on ‘justice providing institutions’ or simply ‘justice institutions’. This case study in many ways resembled the one on ‘justice seeking’ (see section 10.2). The general principles, format, and style guidelines were the same.

The structure of the case study could again vary per researcher, and form had to follow function. Still, the next pages were written to give the researchers an indication of the elements we hoped to see. The institutions under review varied and the outline that follows was more suitable for a court than for a wise man council or for public lawyers. Researchers also had more data on some questions and factors than on others. Some sections of the case study could therefore be longer, while others could be briefer.

Crucially, for most state-based institutions (e.g., courts, prosecutors) there were purely *formal* answers to the various questions mentioned in the outline. Such answers would cite the relevant (sections of) laws, policies, and rights. But in this case study, we also – and especially – liked to learn what happened in *practice*. There was often a discrepancy between paper and practice. There were also differences between the rule (what was supposed to happen according to law, religion, or ideology) and the practical norm (what people at the institution thought ought to be done). So, compare the two perspectives: what you have learned from law and regulations, and what you have learned from observations and interviews.

## Section 1: Introduction (1000)

### 1.1 Problem statement.

What justice institution are you focusing on, and why? Why is this institution important to study in this project on access to justice in Libya? Here you may refer to our reports on Phase 1 (both the case studies and the final report) and to other earlier publications (academic, media, policy, legal). In the first place publications about ‘your’ institution in Libya are relevant, as you could refer to their findings, arguments, and conclusions. Secondly, publications about similar institutions in other countries (i Arab countries, ii other non-Western countries, iii countries in the West).

### 1.2 Research question(s).

What are your case study’s research questions? Note: these are more specific than the project’s overarching research questions and broader than your interview questions (see sections 5 and 6).

Mainly we would like to learn: 1) What people and problems come before this institution?; 2) What is done within the institution with these problems, by whom, how, and why?; 3) How does the institution interact with, and respond to, the justice seekers?; 4) Are these responses satisfactory from the perspectives of the justice seekers, Libyan law, and that of the rule of law?; 5) How are the ways in which this institution handles cases, interacts, and responds affected by a) institutional factors, b) ‘target group/justice seeker’-factors (e.g., ‘social weight’, ‘agency’), and c) contextual factors? 6) Are there initiatives or interventions – local, regional, national, or international – which are reducing the obstacles and enhance the opportunities for A2], or which might do so in the future?<sup>9</sup>

### 1.3 Methodology.

How did you research this? What data do you have and how did you get it? What kind of access did you have to the subject? Did you face any difficulties? How did you respond?<sup>10</sup>

## Section 2: The Justice Institution: A general overview (3000 words)

### 2.1 Setting, jurisdiction, and caseload.

2.1.1 Setting the scene: What does the institution – its building, its staff, its ‘clients’ – look like on an average working day? Where is this institution situated? Very brief description of the research area and its population. May include a map/photo. Perhaps note when was the institution was established, and crucial changes in its history.

2.1.2 Jurisdiction. Over what kinds of problems and people does this institution have jurisdiction?

2.1.3 Real caseload. What (categories of) cases/problems do people bring in practice? Offer an overview, preferably quantitative, of cases per year, and numbers per category of cases. The categorization may already be made by the institution itself in records and/or interviews (e.g., ‘divorce’, ‘inheritance’, ‘debt’). Try to capture this quantitative overview in MS Excel, allowing us to make accompanying charts. Ideally, you could get this data for several years, so that we can also see changes over time.

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9 For example: The public prosecution has started digitising its cases and the process. Has this led to notable improvements? In Sabha there is a Qadi al-Ishraf (supervisory judge) who serves as a gatekeeper for the District Court. What kind of effect is that having on the court’s performance and people’s access to justice?

10 For example: In February and March, I interviewed the court clerk and registrar and spent 5 days reviewing court records. During April and May, I spent 15 days attending and observing court hearings. In June and July, I conducted semi-structured interviews: 5 with judges, 5 with lawyers, and 10 with disputants. Initially I had difficulties accessing the court but this was improved after Dr Ibrahim sent me a letter of recommendation.

In this section, you may also include what types of cases are easy or difficult to address, according to the institution's staff. You may also note if there are people and problems over which this institution holds jurisdiction/authority, but who stay away, for example, because people prefer to solve certain problems out-of-court, through reconciliation agreements, or otherwise.

## 2.2 Phases of case-handling, outcomes, rulings, and remedies

2.2.1 What are the main phases in the institution's process of case-handling – from start to finish. Describe these phases here in a concise, general way. Note: you may elaborate this in subsequent sections.

2.2.2 What are the main 'outcomes' in the various phases of case-handling, for example numbers and types of registered cases, numbers and types of sessions/interviews/hearings, numbers and types of decisions issued. To which extent have there been backlogs? You might ideally base this on the justice institution's records or, if those are not accessible, you could base this on interviews. You may also mention whether cases are often dismissed and if so, on what grounds.<sup>11</sup>

2.2.3 What kinds of decisions/rulings/remedies does the justice institution provide? Describe briefly what a 'standard' ruling looks like. You could offer a quantitative overview of rulings/remedies over the last year.

2.2.4 Do people often appeal verdicts and if so, where do they go? To which extent do respondents notice serious problems of enforcement?

## 2.3 Resources

2.3.1 Human resources. Which human resources are available, in job categories and numbers? Are they sufficient in quantity and quality to do what is needed to help justice seekers get access to justice?<sup>12</sup>

2.3.2 Physical resources. What are the main physical resources available (building, rooms, office equipment, electric power, water, AC/heating, ICT-facilities)? Are they sufficient in quantity and quality to do what is needed to help justice seekers get access to justice?

2.3.3 Legal resources and other sources of crucial information. Does the institution and its staff have sufficient access to legal resources (up to date legislation, case law, legal literature) and other sources of information that are required for adequate provision of justice? Is the quality of the law – procedural and substantive – good enough to enable adequate provision of justice?

2.3.4 Financial resources. Does the institution have sufficient budget to effectively carry out its tasks, especially in preparing and issuing proper responses (decisions) to those seeking justice?

## 2.4 Internal structure

2.4.1 What is the organizational design of the institution? Sketch an *organogram* with the main job positions. What are the main tasks of the institution and of its main actors in the different phases of case handling?

Do the institution's administrative processes serve its accessibility by justice seekers (e.g., dissemination of relevant information to the public; providing legal and administrative assistance with registering cases; opening hours; allowing sufficient time and attention for interaction with justice seekers both during and beyond (court) sessions).

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11 For example: Example: Sometimes, disputants bring land disputes to the Primary Court, without having the adequate documentation about their family relations. The Court may dismiss such cases *prima facie*. In other instances, disputants only learn at the trial stage that their claim falls short of basic procedural requirements, and that the court is thus unable to pass judgement.

12 For example: If there are only male bailiffs, it can be complicated to enforce the custody order against a woman/female defendant.

2.4.2 Informal structure. What is the institution's culture (values, practical norms, attitudes, expectations), and how does this affect its effectiveness in providing justice seekers with adequate responses and remedies? Think of personnel's motivation and interests.

### 2.5 Leadership

2.5.1 Internal. Who controls the leadership and how? Are they focused on the performance and needs of the institution's staff and the 'users'? Does the leadership contribute to the effective fulfilment of tasks by its personnel?

2.5.2 External. Does the leadership through its external relations (e.g., with superiors, justice seekers), contribute to the effective fulfilment of tasks by its personnel? How does the leadership deal with threats to the security, effectiveness and integrity of the institution?

### 2.6 Contextual factors and target group factors

2.6.1 Contextual factors. To which extent is the institution's performance helped or hindered by factors in the context of the institution, notably its security context, political context, economic context, social and cultural context?

2.6.2 Target group factors. Is the institution able to provide access to justice to those who really need it? Are there any obstacles on the side of justice seekers (e.g., lack of knowledge, money, trust, transport means, social capital)? To what extent do agency and social capital of the justice seeker impact on the way the justice institution handles the problem? Is the institution working (and succeeding) to mitigate such obstacles, and to which extent do agency and social capital of the justice seeker play a role in the process?

## Section 3. Three Specific Cases (3000 words)

### 3.1 Case 1

3.1.1 Case selection. Why did you choose this case? To help introduce this individual case (e.g., the case of Salha), you may also add some notes on this category of problems (e.g., domestic violence cases): how common are they?

3.1.2 Who are the disputants? When and how did the problem begin?

3.1.3 Choice of mechanism: How did the case end up before this justice institution?

3.1.4 Dispute handling. Answer the questions mentioned above in 2.2, but now at the level of this individual case, i.e.

3.1.4.1 Institutional response. What is done within the institution with these problems, by whom, how, why? Which members of the institution are the main actors in this case? How do they play their respective roles in the reality of this case? How do they interact? How do they contribute to decisions made? How does the institution interact with, and respond to, the justice seekers?

3.1.4.2 Interaction. What was the interaction like between the justice seekers, justice institutions, and others (e.g., lawyers, prosecution)? Did they treat one another with respect? Did the justice institution, where necessary, explain the rules and processes? Was the process affordable, understandable, swift, and fair?

3.1.5 Result. What result/outcome/ruling/remedy did the justice institution offer? Was this satisfactory from the point of view of the justice seekers? Was this adequate from the perspective of law? Was the outcome/ruling enforced?

### 3.2 Case 2

See above

### 3.3 Case 3

See above

#### **Section 4: Comparison/Analysis (1000 words)**

What do these cases teach us? How do the cases compare? Are there certain patterns? Striking similarities, and differences? Is one type of case dealt with better (i.e., with more resources, better staff, more care, more competently)? Is one type of case dealt with poorly or avoided (i.e., dismissed, postponed)? And as always: Try to answer the *why*-question. Are there elements of the ‘institutional analysis’-framework (Section 2) that help to explain the institution’s functioning?

#### **Section 5. Conclusion (1000 words)**

*5.1 Answer your research question(s).*

*5.2 Restate main and/or most important findings.*

You may reflect here on what your case study tells us about this justice institution in Libya, and its role in providing access to justice. You can also think a bit wider about ‘obstacles’, ‘elements that work’ and ‘access to justice’.

*5.3 Ideas for improvements in law and policy.*

Are there initiatives or interventions – local, regional, national, or international – which might reduce the obstacles and enhance the opportunities for A2]?

## 11 .Survey research on Access to Justice<sup>13</sup>

So far, this research guide has elaborated on qualitative research methods that can be used for socio-legal research on access to justice. This section instead turns to quantitative research methods, and to survey research in particular. Survey research in the field of access to justice can be used to better understand the justiciable problems that people experience in their daily lives and how they deal with them. In the Access to Justice in Libya-project, we developed a large-scale national survey on the A2J-related experiences of people in Libya. This section discusses the use of surveys in A2J-research in general, and our experience of conducting such research in Libya in particular.

### 11.1 Introduction to survey research

Data collected in surveys is ‘quantitative data’. In quantitative research, large amounts of data are collected and analysed in order to find generalizable patterns. Quantitative data is numerical in nature, meaning that it uses numbers to measure or describe the world around us. It can be used for descriptive purposes (e.g. how many people have experienced a justiciable problem?) or explanatory ones (e.g. how can inaction in face of a legal problem be explained?). It can also be used to test expected relationships between concepts (e.g. people with lower trust in government are less likely to bring a case to court). Quantitative data can provide insights into general tendencies, characteristics, or developments, but is not suitable to provide detailed and in-depth accounts of experiences, processes or decisions (see section 3). Generally, quantitative research is more suitable for deductive research, whereas qualitative research is oftentimes used in inductive research (see section 9.1).

Quantitative research comes with a set of key terms that are important to clarify before we go on. First of all, *data* simply means the information that is collected in the research. In quantitative research this information is stored in a numerical format, so the data consists of numbers. A *dataset* is a collection of all data, normally formatted as a table consisting of all these numbers, structured according to *cases* and *variables*. Cases are the subjects of the study, or the *units of observation*. They are the persons, groups or objects that we are collecting data on or from. In survey research the cases are normally referred to as *respondents*: the people that fill out the questionnaire. In other types of quantitative research, the cases could be many different things: countries, companies, organisations, etcetera. *Variables* are characteristics of the cases that researchers would like to collect information on. Normally, variables are used to measure the phenomenon researchers seek to explain, as well as potential causes or explanations for that phenomenon.

Variables used to measure the phenomenon being researched are called *dependent variables* and variables used to measure potential causes or explanations are referred to as *independent variables*. Variables should vary across cases.<sup>14</sup> Based on existing theories and following the logic of cause and effect, *hypotheses* can be formulated. A hypothesis is an expression stating the expected relation between one or more independent variables and the dependent variable. In A2J research, one might hypothesise: People with a low income are less likely to contact a lawyer when faced with a problem than people with a high income. Here, the income would be the independent variable which is expected to impact the dependent variable: the likelihood of contacting a lawyer. Using various statistical tests, quantitative researchers can assess whether the data provide evidence in support of the hypothesis.

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<sup>13</sup> By Gieneke Teeuwen.

<sup>14</sup> A constant cannot explain differences in the dependent variable.

## 11.2 Introduction to Paths to Justice and Legal Needs Research

In the 1990s Hazel Genn developed the Paths to Justice survey, a landmark study in which she researched the civil law issues faced by people in the United Kingdom. She sought to explore the incidence of problems, the responses of the public to those problems, perceived barriers to justice, the motivation for taking action, the outcome and cost of different strategies to resolve the problems and the public's experiences and perceptions. Her work focused on identifying 'justiciable events'; "matters experienced by respondents which raised legal issues, whether or not it was being recognized by the respondent as being "legal" and whether or not any action taken by the respondent [...] used any part of the civil justice system" (Genn 1999).

Genn's seminal study started a research tradition of surveys on justiciable problems and how people deal with them, sometimes referred to as paths to justice surveys. Research projects have been carried out in various jurisdictions as stand-alone or recurrent projects or as part of questionnaires by national statistics agencies. Some projects are purely academic, but many are carried out or commissioned by government agencies. In 2019, the OECD published an excellent framework for conceptualising, implementing and analysing legal needs surveys for those interested in doing such research.

The A2JiL project drew on the work by Genn and subsequent efforts in the UK, numerous iterations of the Dutch 'geschilbeslechtingsdelta' (literally translated: the dispute resolution delta), and legal needs surveys carried out by the Hague Institute for Innovation of Law (Genn 1999, Ter Voert and Hoekstra 2019; World Justice Project 2019; Pleasance and Balmer 2014). Unlike most of the studies mentioned earlier the A2JiL survey also covered criminal law issues, prompting us to take inspiration from crime victims surveys.

## 11.3 Designing the Survey

To collect data using a survey, researchers need to develop a list of questions to ask respondents; the questionnaire. Normally, designing the questionnaire follows certain steps. First, using the research questions and hypotheses, researchers can identify relevant concepts that are needed to understand the phenomenon at hand. Defining what these concepts entail, using existing literature, is called *conceptualisation*. Then, the concepts need to be *operationalised*, meaning that the concept will be made 'measurable' in the most appropriate way. In line with the operationalisation, questions will be formulated. Together, these questions form the questionnaire. To see if everything works as intended, the questionnaire might then be tested in a *pilot study*, a short test version of the data collection. Then, after necessary changes are made, the questionnaire can be used for data collection.

### 11.3.1 Structure of the survey

When developing a survey on access to justice, researchers can draw on the existing body of surveys that have already been carried out in this field. This can be helpful, as these existing projects have been 'tried and tested'. As shown by the OECD (2019), many paths to justice and legal needs surveys share similar 'building blocks'. Unless a specific existing survey such as Genn's can serve as a model, the OECD provides a good starting point. It helps decide on the topics to be covered in the survey, the phrasing of questions, as well as the flow and structure of the questionnaire. Still, even though the topics covered in a survey may be comparable, it is crucial to design or at least tailor the survey with the specific context, research aims and scope in mind. Our final survey consisted of four main sections, which will be briefly discussed below.

The A2jiL survey started with questions on demographic characteristics including gender, age, family status, educational background, occupation, income and nationality. In addition to a better understanding of the composition of the group of respondents, variables included in this section can help compare patterns across different groups of people during the analysis phase. For example, including a question on gender or education can help shed light on differences in problem experience or problem resolution behaviour between women and men, or between different educational backgrounds.<sup>15</sup> Various questions were designed to fit the Libyan context, including questions on ethnicity, displacement, home ownership, and access to internet. Similarly to Hazel Genn's (1999) survey, the A2jiL survey consisted of a screening part and a follow up part. In Genn's screening survey respondents were asked if they experienced any of a variety of problems. If a respondent experienced a problem, they were asked if they performed a number of actions (e.g. talked to the other party, sought advice, went to court, ...). If the respondent did not take action, they were asked why not. Respondents progressed to the main survey if they experienced a problem. In the main survey, respondents were asked about the second most recent problem. The questions covered:

Details of the justiciable problem [...]; the [problem resolution] strategy adopted by the respondent; details of any advice and assistance obtained; use and experience of legal processes; objectives in taking action; outcomes achieved. The survey also dealt with experiences and perceptions of those who did not use legal processes.

Following Genn, the second section of the A2jiL survey included screening questions to identify justiciable problems experienced by respondents in the last five years. Previous research indicates that the general public may not know when a problem can be considered 'legal'.<sup>16</sup> Therefore, legal needs studies typically include descriptions of justiciable problems that are recognizable to respondents. An example from our screening survey is shown below:

*Since August 2019, have you had any of the problems below, to do with employment? This includes any problem that started before August 2019 but was still going on in August 2019.*

- *Problem related to unequal opportunities in employment (for reasons such as nepotism or discrimination)*
- *Disagreement on terms of employment*
- *Employment without a valid contract*
- *Non-payment of wages or overtime, or late payment*
- *Unsatisfactory, over demanding, harmful working conditions*
- *Unfair disciplinary procedures*
- *Denial of other rights at work, such as promotion, leave, maternity leave, sickness*
- *Work accidents or injuries*
- *Harassment, bullying at work*
- *Loss of job*
- *Obtaining a work permit*
- *Non-payment of pension or social security salary*
- *Non-payment of social security or insurance premiums due by employers*

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<sup>15</sup> Examples of analyses between groups of people in the A2jiL project can be found in our survey report (Teeuwen, Ibrahim & Ali, 2026).

<sup>16</sup> See for example Pleasence et al (2016) p. 52-53 for a brief discussion.

When one or more problems from the list were identified, respondents were asked additional questions on the starting date, severity, counter party and the current status of the problem as well as actions they took in response to their problem. Actions taken could entail seeking information or advice or trying to resolve their problem. In case of multiple problems identified in one problem category, the questions were only asked about the oldest problem. Upon finishing the questions pertaining to employment problems, respondents would move to the next problem category. In total, 10 problem categories were covered: Employment, owning real estate, renting real estate, renting out real estate, citizenship & identification, goods & services, money & debt, family, personal liberties, and crime. For each problem category, a list of specific problem types, developed by the research team, was presented to the respondent, followed by some questions on the identified problem. This part of the survey is referred to as the 'screening questionnaire', as it served to screen respondents to re-route them to the appropriate parts of the questionnaire.

Respondents who have experienced at least one justiciable problem are introduced to the third section: the follow-up questionnaire. If the respondent has experienced more than one justiciable problem, the oldest problem was selected for further questions. The follow up questionnaire asked more detailed questions about the nature of the problem and their impact on the respondents. It also asks about the courses of actions taken by the respondents to deal with the problem and the experiences with various institutions encountered in those courses of actions. Furthermore, it included questions on the outcomes to the problem and the respondent's satisfaction with these outcomes.

The last part of the survey questionnaire, 'opinions & confidence', aimed to capture respondents' perceptions and opinions of justice institutions in Libya. These questions were posed to all respondents, whether they faced justiciable problems or not. This part asks questions related their perceptions of the justice system in Libya in general. For example, the questionnaire asks the respondents to what extent they trust various justice providers. Also, this section includes questions on respondent's confidence in being able to resolve justiciable problems.<sup>17</sup>

### *11.3.2 Design Considerations for the A2jiL survey*

Designing a survey involves a series of important decisions on its content and structure. This section highlights key choices made in the A2jiL survey, including adaptation to fit the Libyan context and the reference period. central step in tailoring the questionnaire to the context and research context and objectives is developing an appropriate list of justiciable problems to be covered by the survey. In the A2jiL project, criminal law problems were included in addition to those of civil or administrative nature. Additionally, and most importantly, the survey incorporated justiciable problems that are relevant in the Libyan context. These included problems related to expropriation or dispossession of land, displacement, missing or absent persons, or witchcraft, to name a few. In total, the A2jiL survey covered 88 different problem types across the 10 problem categories described in the previous section. This was developed using existing 'paths to justice' and 'legal needs surveys', insights from our earlier two qualitative research phases, and expertise within our team of Libyan (legal) experts. Additionally, the list was reviewed by various external experts, including Libyan lawyers, judges, law professors at universities, and others working in law. Incorporating such external review into a project can help limit bias and tunnel vision.

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<sup>17</sup> We used scales developed by Pleasence & Balmer (2018) to measure respondents' legal anxiety and legal self-efficacy.

A deep understanding of Libyan culture and society was not only needed to create a comprehensive list of justiciable problems, but was also vital in designing other parts of the questionnaire. For example, answer options to a relatively straightforward question on the family status of a respondent can vary vastly from one culture to another. Excluding relevant answer options impairs the validity and reliability of the survey instrument, while including inappropriate answer options may be seen as offensive by a respondent. Furthermore, local culture and customs impact the fieldwork. For example, gaining trust and building rapport with respondents can differ significantly between different cultural contexts. More time would have to be allocated per interview in Libya compared to The Netherlands. Libyan social custom dictates that a visitor must first take some time to introduce themselves properly and to exchange pleasantries, before turning to the matter at hand. In the Dutch context people are more direct and would likely insist that the visitor cuts to the chase.

Another key design decision concerns the *reference period*; the period of time covered by the screening survey questions. In the A2jiL survey, we asked respondents to report problems experienced between August 2019 and the time of the survey (August/September 2024). This 5-year reference period is relatively long compared to other studies. As this was the first survey of its kind in Libya, there was no pre-existing information on the prevalence of justiciable problems in the Libyan population. To make sure the number of problems reported would be sufficient for statistical analyses, the A2jiL team opted for a longer reference period. The downside to such long(er) reference period are the potential biases associated with it, most notably recall bias. Also, a longer reference period risks widening the net so that too many problems are ‘caught’ by the survey to be explored sufficiently.

The examples above illustrate that it is essential to work with a research team with sufficient expertise in the context in which the survey will be carried out. Arguably, this affects all stages of the research process. A practical challenge to working in an international team relates to working in different languages. The two languages in the A2jiL project were Arabic and English, with only a handful of team members mastering both. This resulted in the need for interpretation in meetings and translation of written texts. Quality translation takes a lot of time, and it is important to accommodate this in the planning. Also, when multiple files are circulating due to the different languages, version control becomes essential to keep track of updates or changes in documents in either language. Furthermore, when researchers speaking different languages need to be able to use the survey and its data, it is important to choose a software application that allows for surveys in multiple languages.

## 11.4 Collecting the data

The goal of a survey is usually to be able to make statements about a large group of people: the population. The A2JiL survey focused on ordinary people living in Libya. Because this is a rather large group of people, it is not possible to collect information from each and every individual in this group. To overcome this, researchers select a smaller group of people to collect information on: the sample. To be able to generalise findings based on the sample to the larger population, it is important that the sample is sufficiently large and that it is randomized, so that it matches the population as much as possible. It is advisable to involve someone with expertise and experience in sampling procedures and knowledge of the population of interest to make sure the sample meets the project's needs. The A2JiL survey sample aimed for 4000 respondents selected using a stratified multi-stage random sampling technique, combined with a random walking route and a kish grid.<sup>18</sup>

A choice must also be made about the most appropriate method to collect the survey data: by telephone, online, or on paper. This depends on the context, the project needs, and practical considerations such as time and costs. The A2JiL survey used a face-to-face data collection method supported by an offline software application because of Libya's patchy internet coverage, the lack of an up-to-date register of addresses or phone numbers, and the need for a representative sample.

### 11.4.1 Fieldwork and software

To collect data, interviews were conducted face to face in respondents' homes. Interviewers conducted structured interviews with predetermined questions and answer options, using tablets equipped with pre-programmed questionnaires. Completed questionnaires were stored locally and uploaded to the database at the end of each day. Although the usage of paper-based questionnaires was considered, using survey software was deemed most advantageous in the A2JiL survey for various reasons. First, completed questionnaires were easily uploaded to the dataset individually or in bulk, whereas inputting paper-based questionnaires would require manual processing of each questionnaire or specialized equipment. Also, the frequent uploads to the dataset allowed for remote monitoring of the fieldwork. Furthermore, tablets and survey software allowed for automated routing, which was preferable given the relatively complex flow of the questionnaire and the associated possibility of human error.

With the large number of platforms available to create online or electronic surveys, it is important to select one suitable to the needs of the project at hand. The A2JiL survey opted for KoboToolbox, an ODK-based survey platform. This platform was selected because it allowed offline data collection through an android app, automated routing throughout the questionnaire, functionality in multiple languages, safe local storage of questionnaires, easy uploads to the dataset and online monitoring by multiple team members. In addition to the factors mentioned above, it is advisable to consider data storage (where is the data stored, how much data can be stored, who can access it, what is the location of the servers and who can have access to those), ease of use for those in the field, and possibilities in programming the questionnaire, amongst other things.

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18 More detailed information on the sample and sampling technique can be found in the A2JiL survey report (Teeuwen, Ibrahim & Ali, 2025, p. 28-38).

#### 11.4.2 Training Enumerators

When working with interviewers, providing thorough training is an essential step in preparing the fieldwork. Crucially, the training should focus on interviewing skills, including enough time to practice, and ethical aspects of conducting surveys, including the requirements of informed consent (see 8.2). Furthermore, the training should explain the research project and its objectives and questions, the questionnaire, and the steps to be taken while in the field. For instance, in addition to the topics covered in the survey and the ethical aspects of the research, training for the A2jil survey included information on the sampling procedure, detailing how enumerators should select individual respondents to ensure randomness of the sample. Also, in order to ensure reliability and validity of the survey instrument, enumerators were instructed not to deviate from the questions and answer options or provide any information not included in the questionnaire.

### 11.5 After the fieldwork

The fieldwork is complete when all responses are collected. When using paper-based surveys, this marks the time to start inputting all responses into the dataset. For electronic surveys, the dataset has, likely, already been compiled by uploading completed questionnaires throughout the fieldwork period. Before the data can be used, it needs to be labelled, cleaned and possibly weighted. In the dataset, the survey data is stored in a numerical format and knowing what each number means is crucial. For this purpose, software for statistical analysis allows researchers to attach labels to the numbers. For instance, if a dataset includes v1 with answer options 1 or 2, the researcher can tell the programme that v1 measures gender, with 1 being female and 2 being male. In addition, it is important to create a codebook, detailing what variables are in the dataset and what label is associated with each number. This prevents unclarity when using the dataset and enables others to make use of the data. Data cleaning refers to checking and adjusting the dataset for inaccuracies, duplicates, or missing values, amongst other things. Data weighting is used to make sure the data is representative of a certain population on various demographical characteristics.<sup>19</sup> Data cleaning and weighting in the A2jil survey was carried out by a knowledgeable statistician with a deep understanding of the characteristics of the population.

### 11.6 Writing the report

Although each survey report is unique, any report should cover some basic topics. A survey report should include an explanation of the methodology: the research design and objectives, the choice of instrument (why was a survey the best option?), the population and sampling, the survey instrument itself (What kind of survey? How was it developed? What types of questions?), the data collection and fieldwork (How was the data collected? How was the fieldwork organised?), and how the data was analysed. The level of detail depends on the intended audience, as does the place and importance of this section in the report. For instance, while the methodology section is of central importance in an academic publication, for a policy-oriented report a shorter methodological description in the introduction or annex may suffice. Generally speaking, an explanation of the methodology helps readers understand the research and its limitations.

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<sup>19</sup> Data weighting is common practice in survey research. Despite carefully designed sampling procedures, it is possible that segments of the population are under- or oversampled. Statisticians can investigate this, and weight the data accordingly.

Additionally, a survey report typically covers 'descriptive statistics' of the variables under study. For each variable included in the study, it is important to report the key characteristics. Typically, this includes so-called 'measures of central tendency' (mean, median, mode) and 'measures of dispersion' (range, standard deviation), or frequency distributions (counts and percentages). For example, when considering gender one would report the number and percentage of women and men, and when considering age one would report the average age, standard deviation of the age, and the youngest and oldest age included.

Traditionally, survey reports include a section on results, reporting on the statistical tests, and a section discussing the interpretation of those results. However, depending on the intended audience, this information can be presented in various ways. Some audiences may appreciate detailed information on the statistical tests and models, whereas other audience are only interested in the results and their interpretation. The A2jiL survey report takes readers from problem experience, through the different steps that justice seekers can take, to the outcomes of problems, and opinions on the justice system. The sections do not present the statistical tests as such, but only dive into the differences that were found between groups.

## Annex 1: Salha's story

We include here an excerpt from Nahda Y Shehada's article 'Uncodified Justice: Women negotiating family law and customary practice in Palestine' (2004). In this article, Shehada includes Salha's story, the account of a woman in Gaza whose husband has died and who now tries to keep custody and secure maintenance from her in-laws. Before and after this 'story' of 'justice seeking', Shehada offers relevant contexts and analyses. In our A2jiL-project, we made similar use of a limited number of 'cases' or 'stories' to illustrate a broader thematic. This example was especially useful in Phase 1 on justice seeking.

### Salha's story

I met Salha on 29 June 2002 in the waiting room of the Sharia court of Gaza city. She is 34 years old and works as a cleaner in a hair salon. Her husband, a taxi driver, had died in a car accident. The insurance company promised a relatively high compensation for his family. Salha was an orphan. During her marriage she and her husband struggled to build a small apartment in the al Shati' camp. Salha is still paying off the mortgage on the apartment; it will not be fully paid off for the next three years.

She was left a widow with four children: Reema (14 years old) Sa'ad (12) Sami (10) and Muna (7). Their uncle took them from her so that he could claim the insurance compensation as their guardian. In addition, he wanted Salha's eldest daughter to marry his son. Taking advantage of Salha's weak position as a poor widow with no powerful family to support her, he threatened that if she took any legal action, and thus brought scandal to the family, she would be denied access to the children.

The personal status law (also known as the family law) of Gaza allows women (mothers and other females with legal status) to keep children until the boys reach the age of 10 years and the girls 12 years. If a divorced or widowed mother has custody, she is not allowed to keep her children after remarriage to another man. In such a case, custody is transferred to another lawful female until the boys reach the age of 10 and the girls the age of 12, after which male custody is compulsory. The judge may allow them to stay in the custody of the foster female until the boy is 15 and until the girl marries. This means that Salha would be allowed to keep all her children with her if the qadi (judge) granted her this right.

However, customary practice in this regard varies, depending on several elements such as the relationship between the families of the father and the mother; such relations too often determine the fate of the children. If the father's family has bad relations with the mother's, then it is likely that the children will be taken from her as a mere exercise of power. The father's family's economic situation is another major factor: a parent may care about the children, but may be too weak financially to prevent their being taken away. In the case of Salha, her brother-in-law took advantage of her relatively weak social and economic position.

After listening to her story, I suggested to Salha that she should focus on how to convince her brother-in-law to let her see her children as frequently as possible because the court would not be in a position to help her. But she said: 'I know that, but I know also that the qadi is from the Al Shati' camp, where I live. People told me that he is just and sympathetic towards poor women like me. I will find a way to enter the courtroom. I will not give up my children, let me try this route.'

She entered the courtroom during a gap between two cases and introduced herself to the qadi. She told him: 'I know that the law does not serve my case unless you intervene, but I will not give up my children.' She repeated this several times. Then, without allowing the qadi to respond or to give her permission to continue, she started crying piteously, telling him: 'I gave birth to my children through Caesarean operations. I watered them with my tears and love. For many years, I protected them from the slightest draught. Now, their uncle has taken them from me after their father's death. Isn't it enough for me to lose their father? What justice on earth is this?'

The qadi listened to her in silence and then tried to convince her that, because her specific case (the power balance between Salha and her brother-in-law) was not suitable for the court's intervention, it would be better for her to negotiate with her brother-in-law. However, Salha continued to insist that the qadi intervene: 'You are the father of Muslims, I am your daughter in the eyes of God. What will you tell Allah in the next life when he asks you about my orphans and me? They lost their father, they will lose his insurance compensation, and now they have lost me. These orphans will work as servants in their uncle's house. Is that Allah's justice?'

Playing on the qadi's identity as a man, as a symbol of justice, as a father, as a protector, she continued her requests (emphasizing her vulnerability, but nevertheless gracefully), bringing up words and phrases that would make the qadi feel ashamed not to help her.

After a while, the qadi asked her to return home and send the family mukhtar to consult with him (in this context, mukhtar means the clan's leader). The next day, the mukhtar went and sat with the qadi for an hour or so. That was obviously not part of the qadi's formal duty, but as he is a member of the community (the qadi is a refugee from al-Shati', the same camp that Salha lives in) and has a sense of responsibility towards it, he felt obliged (and perhaps delighted) to play the respected role of rescuer, protector and justice provider even in the informal sense. The qadi, personally (and institutionally), also wanted to promote and further his symbolic and material authority in the community, a trend that has become stronger in post-Oslo Palestine.

The qadi's informal actions are quite telling in terms of their consistency with Islamic law: there is a tendency to push responsibility away from the qadi towards 'those highly localized personnel and procedures -... [i.e.] customary practices - on which relationships themselves depend for their coherence' (Rosen, 1989: 37). Although the qadi knew that the case was eligible to be heard in the court, he did not use this formal route. Why? Islamic family law does not work in a vacuum; it operates within a complex web of social relations that involve diverse forms of power and legitimacy. It is unlikely that the court would have been able to force Salha's brother-in-law to send the children back to their mother because he had other power resources that could easily counteract the power of the family law. His gender identity, relatively higher-class position and his position within the clan were some of his power resources. When the qadi realized that the mechanism of the family law would be against the victim's interests, he dropped it in favour of alternative mechanisms. Customary law, which depends on persuasion and group pressure, might - in the view of the qadi - provide Salha with a better deal.

The qadi used his spare time to intervene; for one week he kept up communication with the family's powerful figures, including the mukhtar, who, in this particular case, was the mukhtar of her husband's family (they are from the same clan, 'Hamoola'). This process involved several visits to the clan's common house (*maga'ad*). Eventually, through the mechanisms of negotiation, persuasion and agreement rather than coercion and force, a solution was reached that would allow Salha to keep her children and even oblige the brother-in-law to pay her *nafaka* (maintenance) for the children.

## Annex 2: Sample risk assessment

I (Bruno) made this risk assessment on 1 July 2021 for my proposed travel to Tunis. Please note that I might fill things out slightly differently now that both the political and COVID-situation has changed. This assessment is just meant to give you an example.

Threat	Probability (P) (1 to 5)	Impact (I) (1 to 5)	Risk level (P x I)	Measures to reduce probability	Measures to reduce impact	Final risk
Traffic accident	2	2-5 = 3,5	7	Only travel by day with good car and driver.	Seat belt. Phone ambulance (190).	4
Petty theft	2	2	4	Lock room. Do not display valuables. Careful on the street.	Store money in different places. Store documents and laptop in safe place.	3
Terrorist attack	1	3-5	4	Avoid busy places (souq, demos). Stay informed. Leave when ill at ease.	Follow instructions of security personnel.	3
Armed burglary	1	3-5	4	Stay in safe hotel. Only travel during day. Abide by curfew (20.00). Do not display valuables.	Cooperate if it happens. Call police afterwards (197).	2
COVID-19*	2	3-5	8	Have received vaccine. Hygienic measures: keep distance, wash hands, avoid busy places.	At Hotel Africa immediately find out what the nearest good hospital is. Ambulance (190)	2
Intimidation	1	3	3	Stay indoors at night. Careful around (armed) authorities.	Stay polite, extract from situation.	2
Angry crowds	1	2	2	Avoid demonstrations and crowds.	Stay calm, don't draw attention, extract from situation.	2

## Annex 3: Sample consent form

Study title: Access to Justice in Libya

Organisations: Leiden University (the Netherlands), Benghazi University (Libya)

Date: 4 August 2021

Name: Bruno Braak

Contact details: +31 6 24737738, b.j.braak@law.leidenuniv.nl

Dear Sir/Madam,

Thank you very much for taking the time to meet with me. This consent form offers you some information about the study that I am carrying out, and asks you to consider if and how you would like to participate. One copy of this document is for you, another signed copy is for my own administration.

### Background and objectives of the study

This study is carried out jointly by the University of Benghazi and the University of Leiden in the Netherlands. Through interviews, I hope to learn if, how, and why Libyan women who are entitled to inherit land, resort to particular justice institutions to claim their right. The information I gather during this study, I will share with my research team in Benghazi and Leiden. We will use that information to write a 'case study' (an article or book chapter), which will be published in Arabic and English, and publicly accessible.

### Participation

I would be very grateful if you would agree to be interviewed. But it is important to be clear about the risks and benefits of your participation so that you can make an informed decision. An interview will take around 45-60 minutes. I will ask you closed and open questions about your experiences and views relating to access to justice, the position of Libyan women, and particularly their inheritance of land.

You will only benefit from your participation in this study indirectly. Scientific research is a long-term process. We plan to publish reports in 2022, 2023 and 2024, on various facets of access to justice in Libya. These reports will offer insights that may be useful for better laws and policies. We will present our report to [insert relevant authorities].

Participation is voluntary. If you choose not to participate there will be no adverse consequences. You may also stop your participation at any time during the interview. Your security and welfare are more important than this study. Should you have questions, comments or complaints you can contact me (see details above). You can also refer more serious matters to my supervisor Dr Suliman Ibrahim [s.m.k.ibrahim@law.leidenuniv.nl, +218 91-3904933] at Benghazi University.

Should you agree to an interview, you can decide how I may use the information that you share. You can also indicate if you would like to receive outcomes of the study by email.

Which form of confidentiality do you choose (mark the 'O')?

- 1) You consent to being quoted *directly*. This means that I can store and use your full name when I quote from our interview in speaking or writing. This means that anybody can read or hear what you told me during our interview.
- 2) You consent to be being quoted *anonymously*. I will still write/speak about what you said, but will not disclose your name, not even to my research team. Instead, I use a pseudonym or other identity markers such as your age, gender, place of residence, ethnic background, and occupation. Note: somebody who knows you, could still recognise you.
- 3) You consent to be being quoted with *expanded anonymity*. In this case, I will not use your name, age, or place of residence. Instead, I may store and use only your gender and occupation. If the content of our conversation could be very sensitive, and it would be dangerous for you if others learned what you shared, this may be the wise option.

If a picture or video was taken, how may it be used? (cross what is not applicable):

You consent to the picture being used **online** and/or **offline** for **academic** and/or **non-academic** purposes. In the description of the picture, **may / may not** use your name.

If you are interested in receiving research outcomes, please write an email address here:

\_\_\_\_\_

Name or Pseudonym

Date:

\_\_\_\_\_

\_\_\_\_\_

By signing this, you consent to participating in this study on the agreed terms:

Signature participant:

Signature researcher:

\_\_\_\_\_

\_\_\_\_\_

## Annex 4: Sample interview log

It is good practice to keep track of the interviews you have conducted. You might amend this form to suit your own preferences, but at least include the date, respondents' name or pseudonym, the place of the interview, and any follow-ups that were discussed. Keep it up to date! You can create new rows to accommodate more interviews.

Date	Respondent name or pseudonym	Place	Follow-ups?
13 Sept 2022	Antonio Guterres (AG)	Malta	- I promised AG to send the final paper; - AG promised to connect to colleagues.

## Annex 5: Sample transcripts format

### Form for ‘verbatim’ or ‘clean transcription’<sup>20</sup>

On the first page of the form, you can record some basic data about the respondent and yourself. The more information you can include, the better for our research. But depending on the ‘informed consent’-discussion you have with your respondent, you may include fewer personal data. At least, you ought to include the date, pseudonym and place of the interview.

Names/pseudonym of interviewee	
E-mail	
Phone number	
Place of residence	
Year and place of birth	
Gender	
Ethnic or tribal group	
Occupation(s) and position(s)	
Date of interview YYYY.MM.DD	
Location of interview	
Names of interviewer	
Consent, permissions*	
Name of audio	
Audio quality	
Length of interview HH:MM:SS	
Interview themes (e.g., public lawyers; female judges; inheritance rights; etc)	
General notes (e.g., Did researcher and respondent have a prior relation? How was the interview arranged? How did it go?)	

<sup>20</sup> This is based on a format developed by the Rift Valley Institute in London and Nairobi.

Now the transcription begins. The following table includes five columns.

- **Time.** Where in the audio file does the speaker begin? Use HH:MM:SS.
- **Speaker.** Who is speaking? Start a new row whenever the speaker changes. You may also split long answers into several rows if you wish. You can use abbreviations: e.g., ‘SI’ for Suliman Ibrahim, ‘BB’ for Bruno Braak. Or in case of sensitive research just: ‘R’ for respondent.
- **Transcript.** What was said? If you opted for ‘full transcription’, include every word. If you opted for ‘clean transcription’ you can leave out repetition and sometimes even less important passages. If you wish, you can make especially important passages **bold**.
- **Translation.** Here you can leave space for the translation into English.
- **Notes.** This column can be used flexibly. You may add additional thoughts or comments (e.g., ‘here the speaker was briefly interrupted’, or ‘here the speaker contradicts an earlier interview’), keywords (e.g., ‘about the 2011 uprising’), or anything else that might help your colleagues understand the interview.

Note that you can adjust the widths of the columns, and that you will likely need to add new rows below the ones included here.

Time	Speaker	Transcript	Translation	Notes

### Form for transcribed notes

If you transcribe your handwritten interview notes, you can use this slightly amended format.

Names/pseudonym of interviewee	
E-mail	
Phone number	
Place of residence	
Year and place of birth	
Gender	
Ethnic or tribal group	
Occupation(s) and position(s)	
Date of interview YYYY.MM.DD	
Location of interview	
Names of interviewer	
Consent, permissions*	
Interview themes (e.g., public lawyers; female judges; inheritance rights; etc)	
General notes (e.g., Did researcher and respondent have a prior relation? How was the interview arranged? How did it go?)	

For the conversation itself, you can use the same table, but without the ‘time’-column. Other than that, the same instructions as above apply.

Speaker	Transcript	Translation	Notes

## Annex 6: Deductive codes

In Section 8 we explained that qualitative data analysis may involve ‘coding’, and the use of both ‘inductive’ and ‘deductive’ codes. We could not decide which ‘inductive codes’ emerged from our researchers’ fieldwork. But in the first research phase on justice seekers, we did offer some ‘deductive codes’ based on the socio-legal literature on access to justice and disputing. This was no exhaustive list, but written to help the researchers on their way.

Key term	Definition, examples, things to look for.
Justice seeker	You may want to code sections where justice seekers speak about themselves, so that you may easily write a short biography.
Injury	“An injurious experience is any experience that is disvalued by the person to whom it occurs.” (Felst 1981: 634)
Grievance	An ‘injury’ becomes a ‘grievance’ ‘when a person attributes an injury to the fault of another individual or social entity’ (Felst 1981: 635).
Perceptions	People’s <i>actions</i> , or the lack thereof, are typically preceded by their <i>perceptions</i> . Someone who perceives the court as remote and expensive, may not take their problem there.
Justice journey steps	Every journey is composed of multiple steps. What are the relevant ‘steps’ in your respondents’ justice journeys?
Naming	“Saying to oneself that an experience was injurious” (Felst et al)
Attribution	To whom does the person attribute the injury? Self? God? To another?
Blaming	“When a person attributes an injury to the fault of another individual or social entity” (Felst et al). Believes it remediable. Here a ‘injury’ transforms into a ‘grievance’
Claiming	The person voices their grievance to the responsible actor, and asks for some remedy.
Objectives	What does the justice seeker want to achieve? What are their goals? Did that change over time?
Choice of mechanism	What options does the justice seeker have? Where are they considering taking their problem? How do they choose where to go?
Reference group	Are there groups that the person consults with or is a member of, which somehow affect the justice journey? These could include unions, religious or political organisations, or any other collectives.
Intermediaries	Which persons do the justice seekers turn to before going to a justice institution? These may include family, neighbours, lawyers, acquaintances. What do they do? Do they encourage or discourage the pursuit of justice?

Access to mechanism or justice institution	Think here of the mechanism or justice institution that people turn to. Can the justice seeker access the mechanism? What are the costs and conditions?
Dispute handling	How is the dispute handled by the mechanism?
Redress	Is there an outcome? What is it? Is it satisfactory to the justice seeker?
Implementation	Is the outcome implemented?
Obstacle	What obstacles are in the way? For example: Cognitive, financial, time-distance, socio-cultural, psychological, legal.
Opportunity or 'element that works'	Are there opportunities or 'elements that work' which help your justice seeker on their journey? Amidst ample difficulties, we may find glimmers of hope!

## Annex 7: Outline for Khadija's justice seeking-study

Khadija, one of the researchers of A2Jil's Phase 1 on 'justice seeking', researched oil pollution in various oasis areas. She produced a first version, and thereafter Suliman and Bruno proposed to her this second version.

Title: Access to justice for victims of oil pollution in oasis areas (Jalu, Awjila, and Jikharra) (8000 words)

### 1. Introduction (1000 words)

*1.1 Brief introduction of the oases areas and its population, the history of oil exploitation there, and its problematic consequences (gas emission, leakages, etc).*

This could be written in the way you have it in your Justice Journey-report, and refer to the literature earlier discussed in your 'references report'.

*1.2 Research question(s).* What are your case study's research questions?

*1.3 Methodology.* How did you collect your data? How did you find the people concerned (for instance, you mention an intermediary?)?

*1.4 Case selection.* You mentioned that you have 7 cases, but that you focus particularly on 3. Why these 3? Did you choose 3 similar cases, or 3 quite different ones. Why so?

### 2. Justice journeys

*2.1 Case 1: The case of Osama in Djaljo (1500 words)*

*2.1.1* Very short introduction of Djaljo (100 words). Importance of agriculture for people's livelihoods. Short history of oil exploitation, and how the city grew so that now the oil wells are much closer to people's houses than when drilling first started.

*2.1.2* Short introduction of Osama (100 words). Who is he (e.g., occupation, age, background, socio-economic situation). Please only include personal data (e.g., name, place of residence, occupation, etc) when your respondent consented to this!

*2.1.3* Osama's justice journey (1300 words). This section is very important. It is likely to look differently for each person, as people have travelled different justice journeys. Make sure you describe all the relevant steps for Osama's journey. To get you started, have a look at the nine steps included below this document. Feel invited to mention different steps if they are more relevant in Osama's case. Throughout the various steps pay attention to any 'obstacles' that hindered Osama, or things that helped him on his way.

*2.2 Case 2: The case of Faraj in Ajra (1500 words)*

*2.2.1* Short introduction of Ajra.

*2.2.2* Short introduction of Faraj and how his problem first arose.

*2.2.3* Justice Journey. What did Faraj do?

*2.3 Case 3: The case of NAME in PLACE (1500 words)*

*2.3.1* Short introduction of PLACE

*2.3.2* Short introduction of PERSON

*2.3.3* Justice journey. What did PERSON do?

### **3. Comparison and Analysis** (1500 words)

What are notable similarities and differences between the cases and the justice journeys? What seem to be influential factors that explain the differences? Certainly, mention the different level of material proof of pollution, and how this seems to have affected peoples' tactics. Also mention the 'preventive action' in Djello.

### **4. Conclusion** (1000 words)

4.1 Answer your research question(s) and highlight your main findings. You may reflect here on what your cases suggest about oil pollution and redress in Libya, and more generally about 'obstacles', 'elements that work' and 'access to justice'.

4.2 Recommendations for future research in phase 2 and 3. You may also briefly reflect in your conclusion on any limitations of your study and/or methods.

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## Colophon

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This concise and accessible guide is your entry point into the world of socio-legal research on access to justice. After an introductory chapter to the Access to Justice in Libya project, and in three succinct chapters, it introduces essential theories and concepts, setting a foundation for your research journey. The following seven chapters dive into the practical aspects: defining your research question, conducting interviews, organizing research material, adhering to ethical standards, analyzing data, writing compelling chapters or papers, and carrying out survey research on access to justice.

With its real-world examples, anecdotes, and guiding questions, this guide is designed for those eager to begin their research journey, even if they have little or no prior training in social science methodology. Whether you're a budding researcher or a professional looking to refine your skills, this guide offers the tools and inspiration you need to get started.