

# 7,358: Empirical Analysis of International Human Rights Law

Fall 2021

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<b>Instructor:</b> Professor Tilmann Altwicker	<b>Time:</b> Mon 14:15 – 18:00
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**Course Page:** <http://tiny.cc/ukbhuz>

**Office Hours:** On Mondays, before class by appointment.

## Main References:

- L. Epstein, A.D. Martin, *An Introduction to Empirical Legal Research*, OUP 2014 (EM).
- J.E. Monogan, *Political Analysis Using R*, Springer 2015 (MON).
- A. Field, J. Miles, Z. Field, *Discovering Statistics Using R*, Sage 2012 (new edn. forthcoming 2021) (FIE).

**Schedule:** Note that the schedule is provisional and subject to change. In particular, not necessarily all texts will be covered during the seminar. Complexity is roughly indicated by \* (low) to \*\*\* (high).

**September 27, 2021** Course Overview / Introduction: Empirical Turn in International Legal Scholarship

- *Required Readings:* EM Chapter 1
- *Recommended Readings:* T. Altwicker, International Legal Scholarship and the Challenge of Digitalization, *ChineseJIL* 18 (2019) 217

**October 11, 2021** Commitment to International Human Rights Law / Exploring Data about Human Rights

- *Required Readings:* EM Chapter 2
- *Recommended Readings:* FIE Chapter 2.1.-2.4.; Chapter 4; Chapter 6
- *Student-Assigned Texts:*
  - \*T. Landman, Rigorous Morality: Norms, Values, and the Comparative Politics of Human Rights, *Human Rights Quarterly* 38 (2016) 1
  - \*\*V. Shikhelman, Access to Justice in the United Nations Human Rights Committee, *Michigan Journal of International Law* 39 (2018) 453
  - \*\*\*O. Hathaway, Why Do Countries Commit to Human Rights Treaties? *Journal of Conflict Resolution* 51 (2007) 588
  - \*R. Cichowski, The European Court of Human Rights, Amicus Curiae, and Violence against Women, *Law & Society Review* 50 (2016) 890
  - \*\*L. Conant, Who Files Suit? Legal Mobilization and Torture Violations in Europe, *Law & Policy* 38 (2016) 280

**October 25, 2021** The Rights to Non-Discrimination and Freedom of Religion in Practice / Hypothesis Testing and Comparison of Means

- *Required Readings:* EM Chapter 6-7
- *Recommended Readings:* FIE Chapter 1.7.5.; Chapter 9
- *Student-Assigned Texts:*
  - \*R. White, I. Boussiakou, Separate Opinions in the European Court of Human Rights, *Human Rights Law Review* 9 (2009) 37
  - \*V. Fikfak, Changing State Behaviour: Damages before the European Court of Human Rights, *European Journal of International Law* 29 (2018) 1091
  - \*S. Dothan, A Virtual Wall of Shame: The New Way of Imposing Reputational Sanctions on Defiant States, *Duke Journal of Comparative and International Law* 27 (2017) 141
  - \*\*D. Koev, Not Taking it on Faith: State and Religious Influences on European Court of Human Rights Judges in Freedom of Religion Cases, *Journal of Human Rights* 18 (2019) 184

**November 15, 2021** Does International Human Rights Law Matter? / Correlation, Regression, Logistic Regression

- *Required Readings:* EM Chapter 8-9
- *Recommended Readings:* FIE Chapters 6-8
- *Student-Assigned Texts:*
  - \*\*S. Altwicker-Hamori, T. Altwicker, A. Peters, Measuring Violations of Human Rights: An Empirical Analysis of Awards in Respect of Non-Pecuniary Damage Under the European Convention on Human Rights, *Heidelberg Journal of International Law* 76 (2016) 1
  - \*\*O. Hathaway, Do Human Rights Treaties Make a Difference? *Yale Law Journal* 111 (2002) 1935
  - \*\*R. Sulitzeanu-Kenan, M. Kremnitzer, S. Alon, Facts, Preferences, and Doctrine: An Empirical Analysis of Proportionality Judgment, *Law and Society Review* 50 (2016) 348
  - \*\*J. Davis, Justice Without Borders: Human Rights Cases in U.S. Courts, *Law and Policy* 28 (2006) 60
  - \*\*S. Baumgartner, Does Access to Justice Improve Compliance with Human Rights Norms, *Cornell International Law Journal* 44 (2011) 441

**November 29, 2021** International Human Rights Law in Special Contexts (terrorism; social rights) / Prediction, text mining, machine learning

- *Recommended Readings:* <https://www.datacamp.com/community/tutorials/machine-learning-in-r>
- *Student-Assigned Texts:*
  - \*\*\*U. Sadl, H. Palmer Olsen, Can Quantitative Methods Complement Doctrinal Legal Studies? Using Citation Networks and Corpus Linguistic Analysis to Understand International Courts, *Leiden Journal of International Law* 30 (2017) 327
  - \*\*M. Medvedeva, M. Vols, M. Wieling, Using Machine Learning to Predict Decisions of the European Court of Human Rights, *Artificial Intelligence and Law* 28 (2020) 237

- \*\*\*A. Dreher, M. Gassebner, L.-H. Siemers, Does Terrorism Threaten Human Rights? Evidence from Panel Data, *Journal of Law and Economics* 53 (2010) 65
- \*\*\*A. Chilton, M. Versteeg, Rights Without Resources: The Impact of Constitutional Social Rights on Social Spending, *Journal of Law and Economics* 60 (2017) 713
- \*\*\*N. Aletras et al., Predicting Judicial Decisions of the European Court of Human Rights: A Natural Language Processing Perspective, *Peer J Comput. Sci.* (2016)

**December 13, 2021** Presentation of Student Projects