



**University of
Zurich^{UZH}**

Faculty of Law

International Legal Scholarship and the Challenge of Digitalization

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Problem & Thesis

What are the challenges arising from digitalization for international legal scholarship?

Methodological challenge



Structure

- I. **Legal Theory Part:** What does digitalization mean for legal scholarship in general?

- II. **International Law Part:** How can data analysis be used in international law?



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Legal Theory Part

**What does Digitalization mean for Legal
Scholarship in General?**



Digitalization & Legal Scholarship: Developments

- Datafication of “law”
- Rise in automated information retrieval about the “law”
- Legal Knowledge Differentiation



Datafication of the “Law” (1)

- “Double nature of the law” (Alexy)
- “Law” is also a social practice
- “Legal data” = “Law-related social facts”
(Rottleuthner)



Datafication of the “Law” (2)

- Publishing companies, Google Books, libraries
- Courts, legislators
- Legal Scholarship



Automated Information Retrieval on “Law”

- Quantitative Methods
- Statistics / Econometrics



Legal Knowledge Differentiation (1)

- Aim: Methodologically sound, intersubjective knowledge about law

- New Legal Realism: Understanding how law works



Legal Knowledge Differentiation (2)

*“Our case material is a gold mine for scientific work.
It has not been scientifically exploited. ...
We should critically examine all the methods now
used in any of the social sciences and having any
useful degree of objectivity.”*

Herman Oliphant (1928)



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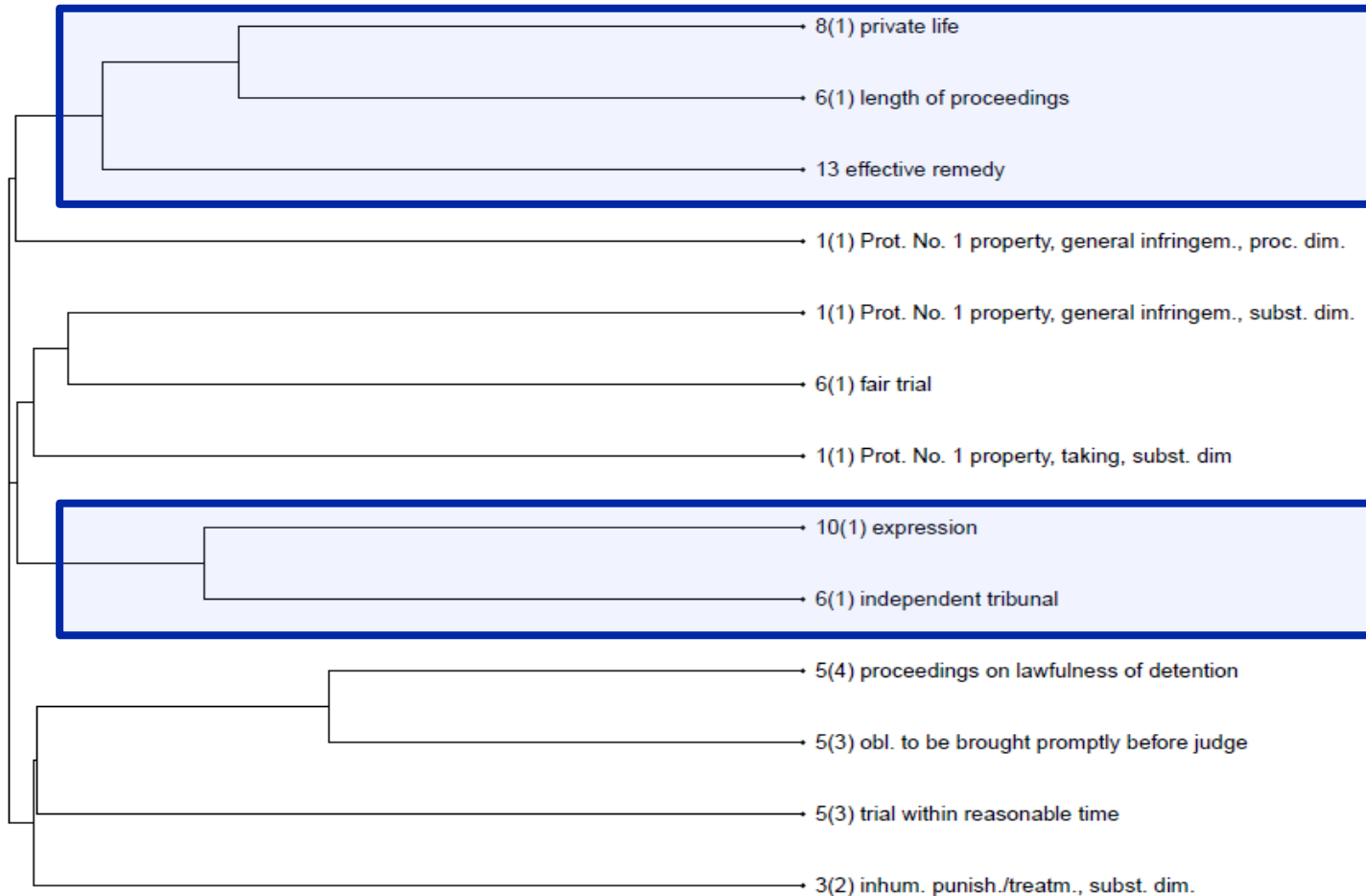
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International Law Part

**How can Data Analysis be used in
International Law?**



Legal Relationships as Data: Clusteranalysis





Legal Decision-Making as Data: Regression Analysis

- Associations between a response variable Y and explanatory variable(s) X_1, \dots, X_n
- Example: Amount of non-pecuniary damages in ECHR judgments (Altwicker-Hámori et al.)



Sources

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