

Behavioural Approaches in International Law

Workshop II

22-23 April 2021, Hamburg University

Organised by: *Veronika Fikfak (iCourts, University of Copenhagen),
Daniel Peat (Leiden Law School),
Eva van der Zee (Institute of Law and Economics, Hamburg University)*

The Project

Until recently, international legal scholarship has largely been premised on the assumption of rational action on the part of key actors in international law, whether those actors be states, international organizations, judges, arbitrators, or government officials. However, recent literature in cognate disciplines, such as international relations and political science, integrates insights from behavioural economics and cognitive psychology in order to construct more descriptively accurate models of decision-making, including those decisions that pertain to international law.

A series of workshops at Hamburg University and Leiden University builds on the nascent literature that aims to integrate empirical insights regarding the bounded rationality of decision makers from neighbouring disciplines to the analysis of international law. The workshops act as a forum in which international legal scholars whose research adopts a behavioural approach can present their works-in-progress and gain feedback from a broad range of peers, including scholar in economics and psychology as well as those conducting empirical and experimental research.

This first workshop, which was held online on 17 November 2020, acted as a platform at which scholars could outline the conceptual framework for their project, their methodology, and their preliminary findings. The second workshop on 22-23 April 2021 gives speakers an opportunity to gain feedback on a more developed piece of research, which will form the basis of an article. This workshop will be the first event of the ESIL IG Social Sciences and International Law. Due to the current situation, the second workshop will also be held online

Support for these workshops and open-access publications that are to follow is provided by the European Research Council, as part of Dr Veronika Fikfak's project HRNUDGE (www.humanrightsnudge.com) and by the Grotius Centre for International Legal Studies, the Leiden University Fund/Dr. H.A. van Beuningen Fonds (www.luf.nl).

You can register for the workshop [here \(link\)](#)!



Programme Thursday, 22 April

Session 1: 9:50 – 12:15 CET

- 09:50-10:00:** Welcome
- 10:00-10:20:** Anne van Aaken, *Hamburg University*, Opening speech
- 10:20-10:50:** Moshe Hirsch, *Hebrew University of Jerusalem*, “Behavioural Approaches to International Law”
- 10:50-11:15:** Coffee break
- 11:15-11:45:** Jonathan Kolieb, *MIT University*, “Impact of Labelling and Allegations of War Crimes Violations on Consumer Buying Behaviour:”
- 11:45-12:15:** Benedikt Harald Pirker & Izabela Skoczen, *Freiburg University*, “Is Ordinary Meaning a Moral Concept? An Experimental Investigation in International Legal Interpretation”

Session 2: 15:50 – 18.25 CET

- 15:50-16:00:** Welcome
- 16:00-16:30:** Runar Hilleren Lie, *Oslo University*, “A Self-Constituting Society of Law”
- 16:30-17:00:** Harlan Grant Cohen, *University of Georgia*, “The Sociology of International Precedent”
- 17:00-17:15:** Coffee break
- 17:15-17:45:** Ezdi Yildiz & Umut Yüksel, *Graduate Institute Geneva*, “Erga Omnes for Whom?”
- 17:45-18:15:** Jose Reis & Anne van Aaken, *Hamburg University*, “Framing Trade”
- 18:15-18:25:** Closing remarks



Programme Friday, 23 April

Session 3: 09:50 – 12:15 CET

- 9:50-10:00: Welcome**
- 10:00-10:30: Evangelia Nissioti, Hamburg University, “It Takes Three to Tango: A Behavioral Analysis of the Use of a Mediator in International Disputes”**
- 10:30-11:00: Shiri Krebs, Deakin University, “Fact and Fiction in Technology-Driven Military Decision-Making: Evidence from the US, Australia, and Israel”**
- 11:00-11:15: Coffee break**
- 11:15-11:45: Eva van der Zee, Hamburg University, “Behavioural Analysis of Environmental Assessments”**
- 11:45-12:15: Emily Paddon Rhoads & Rebecca Sutton, Edinburgh Law School & Swarthmore College, “Empathy, Humanitarian Protection and the Application of IHL”**

Session 4: 15:50 – 18:25 CET

- 15:50-16:00: Welcome**
- 16:00-16:30: Daniel Peat, Leiden University, “Perception and process: Towards a Behavioural Theory of Compliance”**
- 16:30-17:00: Veronika Fikfak & Niccolò Ridi, iCourts, “Resisting Shaming: Analysis of International Sanctions as Communitarian Pressure”**
- 17:00-17:15: Coffee break**
- 17:15-17:45: Derek Jinks, University of Texas, “Toward a Behavioural Approach to Promoting Compliance with IHL”**
- 17:45-18:15: Sophie Duroy, European University Institute, “The Regulation of Intelligence Activities by International Law: a Compliance-Based Model”**
- 18:15-18:25: Closing remarks**

