

HUMR 5191: Research Methodology and Thesis Development

- L 1/Ekern: Course Presentation: Structure, Goals. Definitions: What is 'research' in the social sciences v other fields of inquiry?
- L 2/Ekern and Zyberi: Formulating a research question v formulating a legal problem.
- L 3/Zyberi: Doing a legal investigation.
- L 4/Skramstad: How to Read Statistics.
- L 5/Zyberi: Legal Method in International Law
- L 6/Ekern: Human Rights Methodology in the Social Sciences
- L 7/Fuglestved: Library Sources
- L 8/Zyberi: Modes of Legal Reasoning
- L 9/Ekern: Critically Reviewing the Sources
- L10/Nygaard: Workshop in Academic Writing
- L11/Ekern and Zyberi: Exam Preparations

Learning goals

- You will know how to translate a human rights issue into a researchable question
- You will know the difference between different types of research
- You will know how to design and carry out a research plan
- You will know how to write an academic work (thesis, report, article)

Defining Our Work

- Research: systematic investigation to discover facts and reach new conclusions; the formal work undertaken systematically to increase knowledge
- Inquiry: any process with the aim of augmenting knowledge or solving a problem
- Investigation: a systematic inquiry; a careful study in order to discover the facts
- Science: the branch of knowledge involving systematised observations and experiments

From Question to Answer

- Research Question: A hypothesis or proposition about how a situation has come about, and that can be investigated or subjected to inquiry.
- Method: ... is what establishes a direct connection between a research question, the theory used to provide possible answers, the proposition (or hypothesis or model) that is to be investigated, and the collection of evidence that may or may not support the proposition.
- Theory: System of ideas formulated to explain or understand something; frequently a set of lawlike generalisations or a model showing purported directions of causality. (A deductive system.)
- Answer / Explanation: A verified (non-falsified) hypothesis demonstrating causality.
- Answer / Understanding: A meaningful interpretation inferred from processes of sound reasoning.

'Human Rights' as an Object of Research (vs as Law)

- Some typical questions:
 - Why so many violations? / Why so few violations?
 - Why so successful? / Why so little success?
 - Why this variation?
 - Why this specific violation? (Vs: Is this a HR violation, and why?)
 - Where do HR come from?
 - Are HR Western?
 - How to promote HR?
 - How to realise HR?
 - What must be done?

I.e., some are historical, some factual, some are philosophical, and some are practical;

some answers are 'out there to be discovered', some are 'in there' to be determined.

HR Research in the Social Sciences: Fundamental Problems

- Disagreement about philosophical status; but as an object of inquiry HR is comparable to 'democracy' and 'development'
- What is 'causality'?
- Few, if any, general rules or 'laws' in the social sciences because its 'facts' are normative rather than empirical; 'social' or 'institutional' rather than 'brute' or 'natural', the social sciences deal with cultural rather than natural phenomena
- Human behaviour is social behaviour: Understandable rather than explainable
- Choice of method: Qualitative or quantitative?
- Uncovering causes , (re-)constructing meaning

Fundamental Problems: Cause or Correlation?

- Beyond Correlation: Dessler's discussion of the epistemological limitations of the 'Causes of War' project
- Classes of 'facts': existential, correlational, explanatory
- Correlates of thunderstorms: cold fronts, solar heating, mountains
- Correlates of war: borders, arms races, power concentration
- What sort of 'facts'?
- What sort of relations?
- Causes are generative mechanisms
- Correlations are ...
- The behavioural turn (positivism)
- The interpretative turn (post-modernism)

Fundamental Problems: Explanation v Understanding

- Window Logic: Trachtenberg's question-led method of historical inquiry
- Classes of 'facts': natural and social facts (Searle)
- Positivist history (Hempel): Events as instances of general law (all is structure)
- Idealistic history (Collingwood): History writing is the reenactment of original reasoning (all is agency)
- Constructivist history (White): Writing history is a poetic act (all is invention)
- Neither objectivism nor subjectivism: there is a reality, it is possible to communicate our representations of it
- History the product of strategic considerations, Pearl Harbour a window of opportunity
- The 'element of necessity'; the logic that links the general with the specific

Situation: Legal Pluralism in Guatemala

- Description/newscast: A country with a large indigenous population that is worse off in all statistics and disproportionately victimised in a recent civil war. Alternatively: Two different legal systems living side by side, although Mayan law is subordinate; growing ethnic tension, local state has pledged to become multicultural
- Statement of problem: discrimination, widespread impunity, lynchings, mutual lack of confidence – why does this situation continue? A legal problem? A social science problem? A practical problem?
- Specific situation: Formal agreement calling for cooperation between local Mayan authorities and provincial offices of law enforcement agencies (police, prosecution, tribunals) from 2003 and 2011 extremely sluggishly implemented

Situation: Legal Pluralism in Guatemala

- Specific situation: Formal agreement calling for cooperation between local Mayan authorities and provincial chapters of law enforcement agencies (police, prosecution, tribunals) from 2003 and 2011 extremely sluggishly implemented
- Formulation of research question / hypotheses (when seen as a social science problem)
 - Main reason is conceptual distance - choice of method for proving this?
 - Comparing 'systems': rules of operation / actors / values / norms / sanctions / worldviews
 - Main reason is 'lack of will' (=disincentives) – choice of method?
 - Comparing processes: following actors / practices / events. What do Mayan mayors / Ladino officials do when faced with a specific conflict? (ethnographic method, surveys)
 - Main reason is power asymmetries – choice of method for proving this?
 - Exploring power differentials

Situation: Civil War in an African Country

- Situation/newscast: Country A has been going through a number of economic hardships caused by drought. It has a largely subsistence-based agricultural economy. It has a history of colonisation. It has many ethnic groups with different political traditions. One of them, located in the southern part of the country, has started to become increasingly vocal about seceding. While initially that movement was largely pacific, in the last years there have been a number of armed clashes between government forces and a militia that supports the independence movement. The clashes have resulted in a large number of civilian casualties.
- Statement of problem:
 - What is happening? Why this suffering?
 - In what way is this a human rights problem?
 - What does international law say about this?
 - How can social science contribute to solve this problem?
- Clarifying the issue / creating understanding: suggesting guidelines for action
- What are relevant hypotheses / research questions for such an overall aim?

Potential Topics for Legal Research

- Right to self-determination;
- Right to secession;
- Rights of minorities;
- Right to food;
- Right to water;
- Protection of individuals during an armed conflict;
- Autonomy, good governance, and peaceful solution of disputes.

Landman: Studying Human Rights

- Justification: Avoiding naïve claims (about 'mutually reinforcing' simple)
- Premise: The goal of the social sciences is both explanation and understanding
- Premise: cross-cultural generalisations are inherent
- Premise: no need for agreed philosophical foundations
- Premise: A focus on human rights practices (social practices)

- The scope of HR: Categories and dimensions
- The terrain of HR: its organisational fields
- Social theory and HR: its approaches to explaining and understanding reality
- The epistemological continuum
- Measuring HR, truth commissions, impact assessment

'Positive' (provision of resources and outcomes of policies)	'Negative' (practices that deliberately violate)
<p>I</p> <p>Investment in judiciaries, prisons, police forces and elections</p>	<p>II</p> <p>Torture, extra-judicial killings, disappearances, arbitrary detention, unfair trials, unfair elections</p>
<p>III</p> <p>Progressive realisation Investment in health, education and welfare</p>	<p>IV</p> <p>Ethnic, racial, gender or linguistic discrimination in health, education and welfare</p>
<p>V</p> <p>Compensation for past wrongs Debt relief Overseas development and technical assistance</p>	<p>VI</p> <p>Environmental degradation CO emissions Unfair trade</p>

Sphere of activity: Public	Private non-profit	Private, for profit
International governmental: UN Council of Europe OAS ICC IMF, etc	International non-governmental Amnesty international Human Rightst Watch	Multinational corporations Shell Nike Siemens Toyota Banco Santander JP Morgan
Domestic governmental States Sub-national (municipal)	Non-governmental (NGOs) Civil society Social movements Guerrillas, death squads	Domestic companies Commercial banks

Understanding human behaviour

- Rationalism (rational choice, realism)
 - stresses individual agency
 - game theory
- Structuralism
 - stresses institutional relations, structural constraints
- Culturalism
 - focusses on meaning

Rational Choice: Game Theory

Ideological Left		Ideological Right	
Radical Left	Moderate Left	Moderate Right	Radical Right

Authoritarian Regime		Opposition	
Hardliners	Reformers	Moderates	Radicals

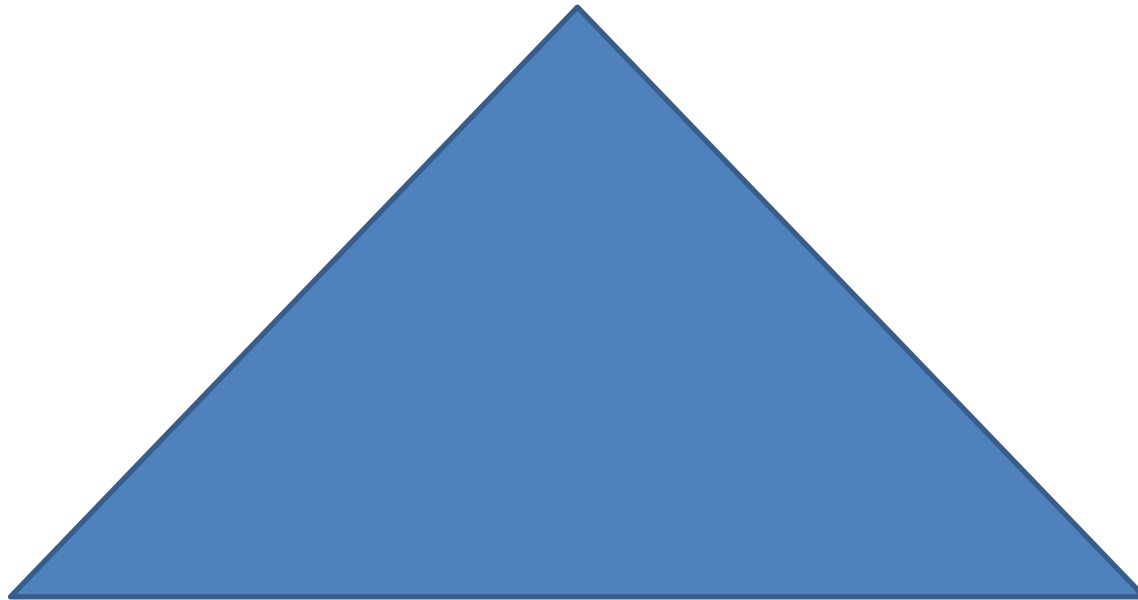
Social facts: caused or intended?

(three perspectives on / aspects of / social action)

Rational Choice

Structuralism

Culturalism



The epistemological continuum and coverage of studies

Range	I	II	III	IV
TYPE OF APPROACH	HERMENEUTIC, THICK DESCRIPTION	DISCOURSE ANALYSIS	THEORY-DRIVEN EMPIRICAL	THEORY-DRIVEN EMPIRICAL
Reasoning	Inductive (Understand)	Inductive and analytical (Inter/reinterpret)	Inductive and analytical (Explain)	Inductive and analytical (Explain)
Evidence vs. inference	Evidence without inference	Meaning and understanding from language and action	Qualitative evidence and inference	Qualitative/ Quantitative evidence and inference
Nature of knowledge claim	Particular Context specific	Particular Context specific	Universal with room for exceptions	Universal with room for exceptions
Scope of coverage	Single countries Sub-national	Single countries Limited comparison	Comparative and single case analysis	Comparative
Examples	Understand torture	Competing discourses, apartheid	HR trend single case	HR trends, comparative

Comparative analysis

Comparing countries, single rights or sets of rights to arrive at explanations of variation in e.g. human rights compliance or gain better understanding of a human rights situation

- Empirical: Large N, high level of generalisation
 - Problems: Availability, validity and reliability of data ('facts')
 - Examples: CIRI, Freedom House, Political Terror Scale
- Empirical/interpretative: Small N; quantitative and qualitative data
 - Problems: Explanatory power (level of generalisation), reliability of data ('facts')
 - Examples: studies of truth commissions
- Interpretative: One case (single country)
 - Problem: Explanatory power (level of generalisation)
- Choice of method:
 - In accordance with purpose of analysis or research question

Quantitative v. qualitative approaches and evidence

- Quantitative or statistical:
 - Identifying units that can be counted and compared.
 - Formulating hypothesis (theories) about which variables that account for the variations
 - Establishing cases of co-variation or even causal links
 - Example: Are there fewer cases of torture in established democracies than in new democracies?
 - Bivariate analysis: Is there a relationship between level of formal education and income?
 - Multivariate relationships: Add age, ethnicity, gender etc. to education and income
- Qualitative or interpretative:
 - Identifying characteristics or properties of social phenomena and their meaning
 - Understand the meaning they acquire as part of social action and in context
 - Example: The role of civil society in country X in reducing use of torture

Jonsson: A Human Rights-based Approach to Programming (HRBAP)

- Equal attention to outcome and process (in contrast to LFA)
- Focus on 'pattern of rights': the system of claim-duty relationships
- Five steps:
 - Causality analysis
 - Pattern analysis
 - Capacity gap analysis
 - Identification of candidate actions
 - Programme design

Jonsson: A Human Rights-based Approach to Programming (HRBAP)

Claims Duties	Children	Parents	Teachers	District authorities	National government
Parents	Allow girls to go to school		Allow time for homework	Assist in construction of schools	
Teachers	Provide good teaching	Participate in PTAs		Participate in training workshops	Follow established curricula
District authorities	Stop child labour, build schools	Participate in school building & upkeep	Retrain teachers		Use funds correctly
National government	Legislate free education, build infrast.		Ensure adequate salaries	Allocate adequate funds	

HR Research in the Humanities

- History as a science
- The naturalist (empiricist, positivist) approach
- The interpretative turn; constructivism

- Hermeneutics
- Discourse Analysis
- Ethnographic method