



# The Law and Politics of systematic content analysis



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For the rational study of the law  
the **black-letter** man may be the  
man of the present, but the man  
of the future is the man of  
**statistics and the master of  
economics**

(Justice Holmes, 1897)

# The case analysis method

All judges/  
decision  
makers **act**  
the same

No other  
legal rules

No other  
outcomes

No bias in  
selection,  
process and  
reporting of  
cases

All courts/  
institutions  
converge

No  
behavioural  
economics  
(what the  
judge had  
for  
breakfast)

Personal  
attributes  
(race,  
gender,  
socio-  
economic)  
play no role

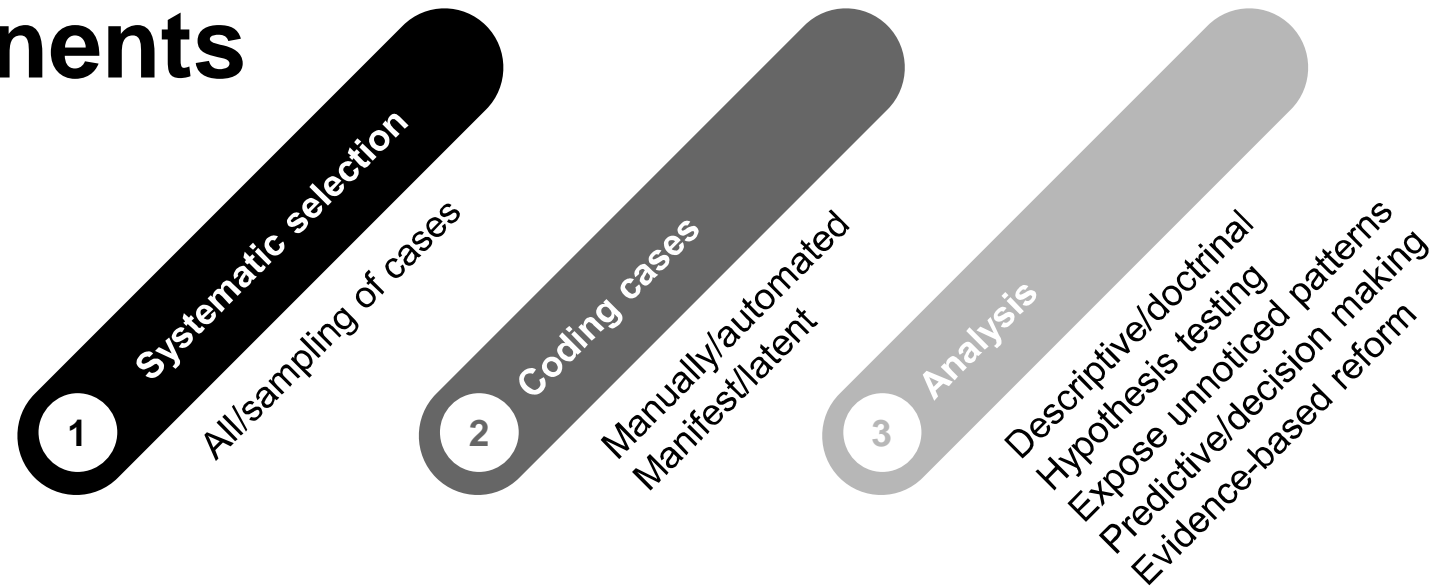
Same rules  
apply to  
cases that  
were **not**  
litigated



1

# Law and politics of systematic content analysis (ScA)

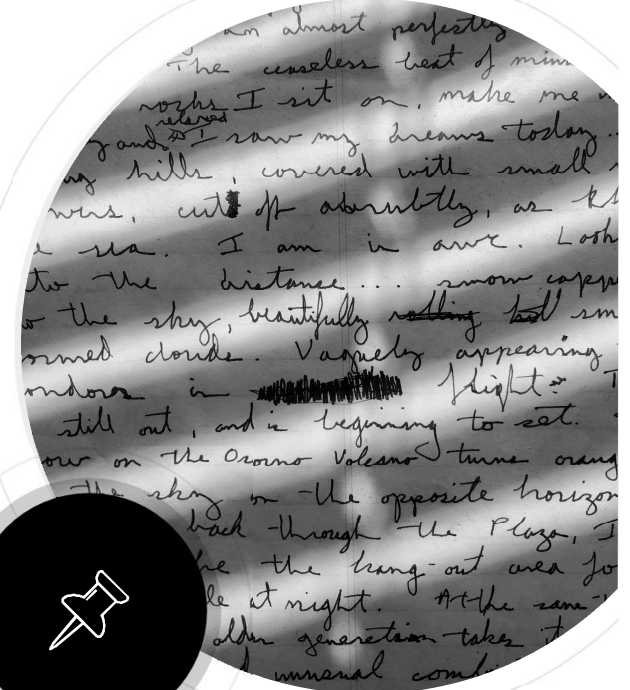
# Components of ScA



# Scientific rigour

“Objective, falsifiable, and reproducible knowledge about what courts do and how and why they do it ... aims for a scientific understanding of the *law itself* as found in judicial opinions and other legal texts”

(Hall & Wright, 2008)



# From authority to science-based study of the law



# A dangerous method!

Up to **five years prison sentence**:  
“the identity data of magistrates and members of the judiciary cannot be reused with the purpose or effect of **evaluating, analysing, comparing or predicting** their actual or alleged professional practices”

French Justice Reform Act (2019), Art. 33





2

# My research: coding competition law



# Coding competition law

- **Non-Competition Interests in EU Antitrust Law: An Empirical Study of Article 101 TFEU** (CUP, 2022)
- **Priority Setting as a Double-edged Sword: How Modernisation Strengthen the Role of Public Policy** (J' of Competition Law & Economics 16.4, 2020)
- **Struggling with article 101 (3) TFEU: Diverging approaches of the commission, EU courts, and five competition authorities** (Common Market Law Review 56.1, 2019)
- **Judicial Review of Competition Law Enforcement in the EU Member States: Empirical Mapping 2004-2021** (w/Barry Rodger, Kluwer, 2024) – coding all judicial review of competition law by 28 teams (7,000 cases!)

# Aim and design

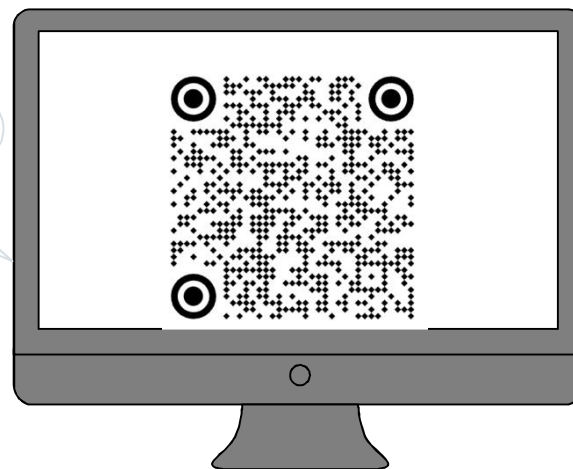
**Aim**: Mapping and assessing the effectiveness of judicial review of competition law enforcement across the European Union and UK

**Design**: Coding all Articles 101 & 102 TFEU public enforcement appeals and the national equivalent prohibitions



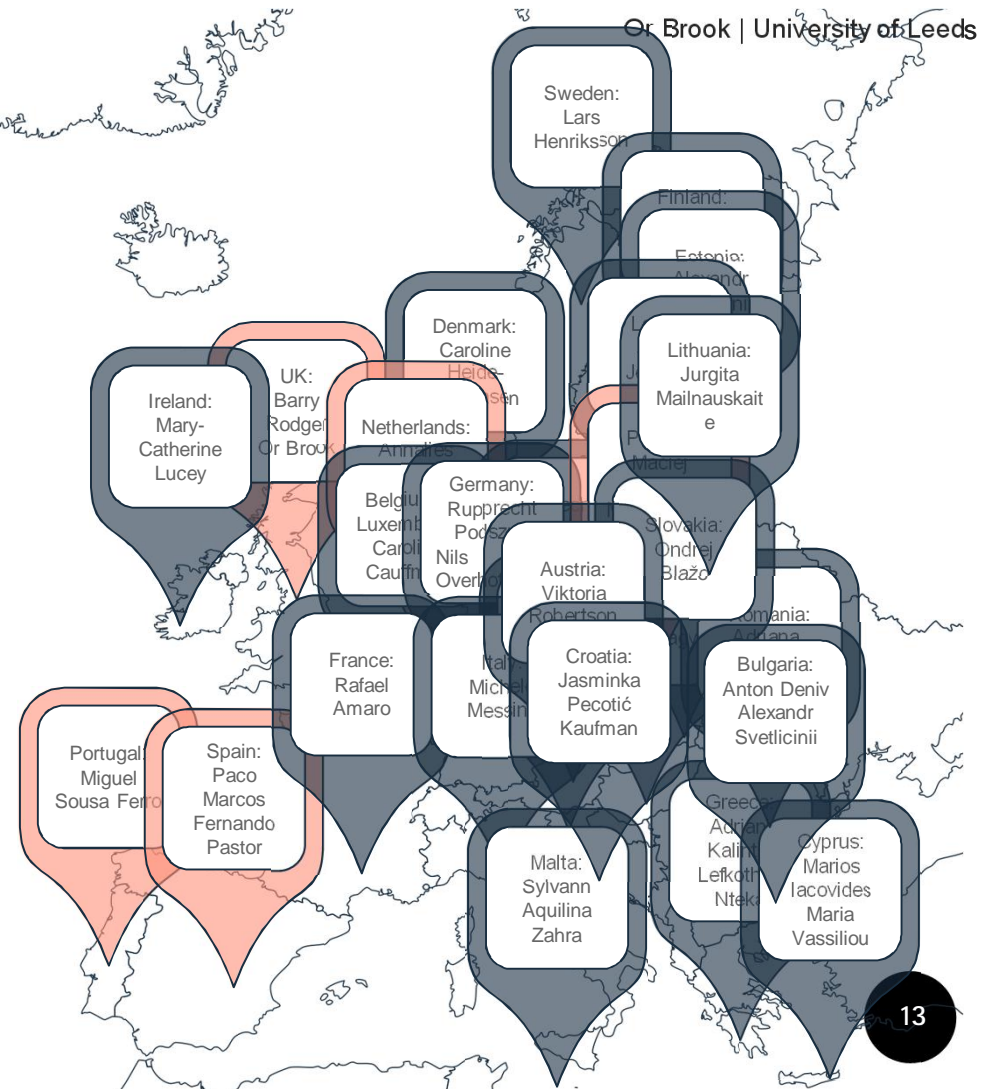
# Coding book

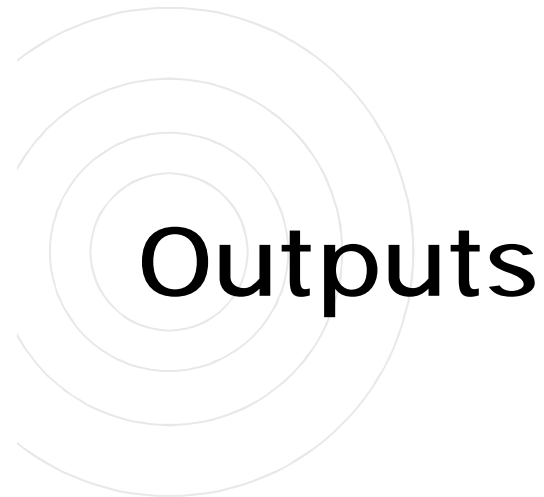
Protocol for applying systematic content analysis



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CASE IDENTIFICATION .....	11
JURISDICTION .....	11
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JUDGES .....	15
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# Our teams of national experts





# Outputs

1

## **(free) open access outputs**

Coding, figures, and database of cases

2

## **Collection of national reports**

Edited book of national and international reports, to be published by Kluwer Law International

3

## **Academic articles**

International and national focus; by Project's team and others

4

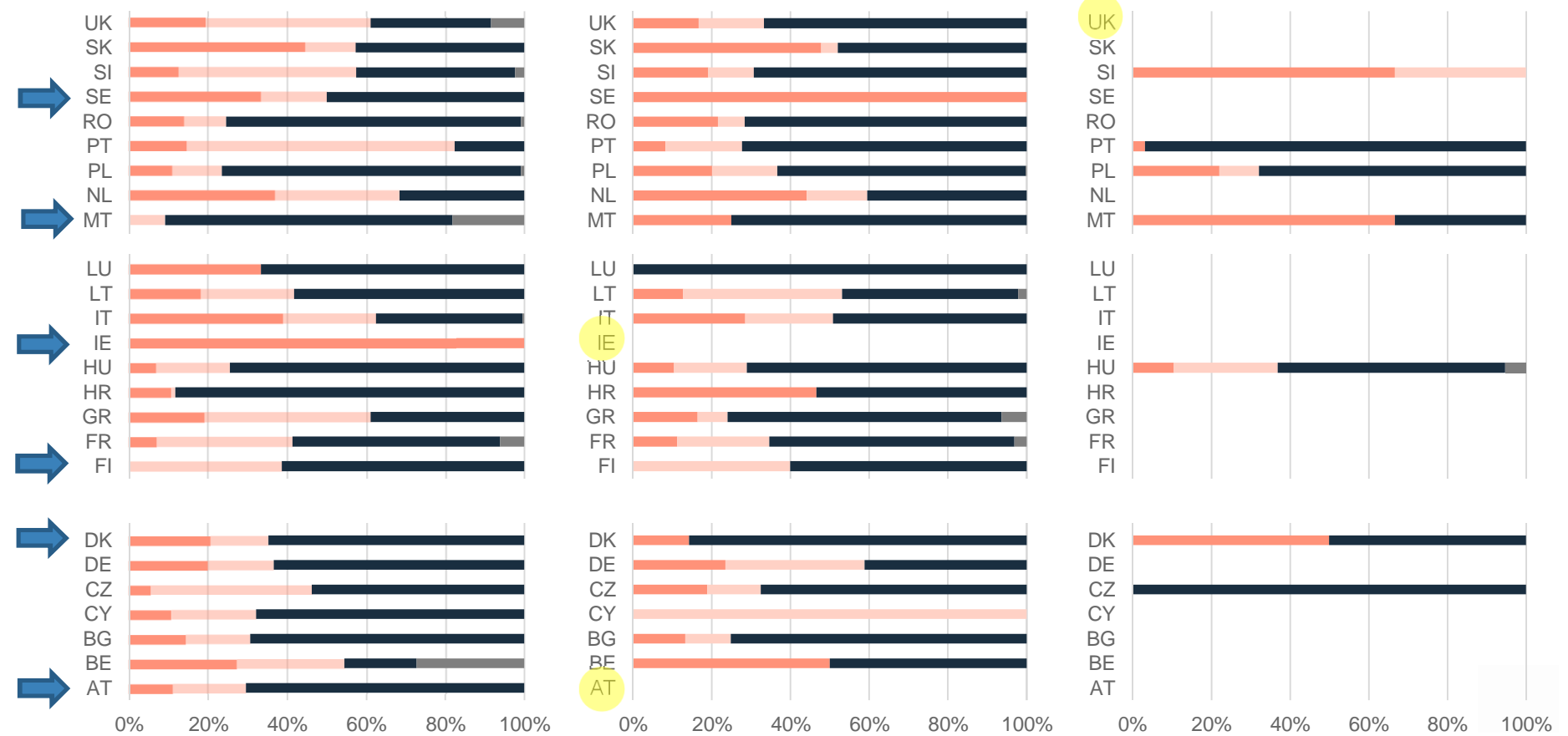
## **Impact activities**

Workshops, training seminars

1st instance

2nd instance

3rd instance



■ Fully 
 ■ Partial 
 ■ Rejected 
 ■ Withdrawn

4

# Promises and challenges



# What can ScA do for you?



- Exciting new research
- Questioning conventions
- Evidence-based policy recommendations
- Impact (even without) authority
- More citations

- Time consuming
- Team and data management
- Funding (“not academic?”)
- Developing expertise and a community





# Thank you

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