

Online Appendix for The Dilemma of Dissent

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1 Dissents Against IACtHR Remedial Orders

Table 1 lists the IACtHR judgments in our dataset that were affected by judicial dissent, the dissenting judge, and the number of remedial orders that were affected by the dissent.

Table 1: Dissenting Judges by Case

Case	Dissenting judge	Share of orders with dissent
Neira Alegría et al. v. Peru	Jorge E. Orihuela-Iberico	3 of 4 remedial orders
YATAMA v. Nicaragua	Alejandro Montiel Argüello	5 of 5 remedial orders
Martiza Urrutia v. Guatemala	Arturo Martínez Gálvez	3 of 4 remedial orders
Anzualdo Castro v. Peru	Víctor Oscar Shiyín García Toma	3 of 10 remedial orders
Mayagna (Sumo) Awas Tingni Community v. Nicaragua	Alejandro Montiel Argüello	2 of 4 remedial orders
Serrano Cruz Sisters v. El Salvador	Alejandro Montiel Argüello	11 of 11 remedial orders
Perozo et al. v. Venezuela	Pier Paolo Pasceri Scaramuzza	4 of 4 remedial orders
Reverón Trujillo v. Venezuela	Einer Elías Biel Morales	7 of 7 remedial orders
Ríos et al. v. Venezuela	Pier Paolo Pasceri Scaramuzza	5 of 5 remedial orders
Artavia Murillo et al. ("In Vitro Fertilization") v. Costa Rica	Eduardo Vio Grossi	31 of 31 remedial orders
Wong Ho Wing v. Peru	Eduardo Vio Grossi and Alberto Pérez Pérez	6 of 6 remedial orders

2 Reasons for Dissents Against IACtHR Remedial Orders

This section provides brief summaries of the reasons for dissent against the IACtHR remedial orders as communicated in the dissenting judge's dissenting opinion. The summaries are based on the English versions of the dissenting opinions and are also cross referenced with the summaries provided by the IACtHR project at Loyola Law School, Los Angeles.

Dissenting opinion of Judge *Ad Hoc* Jorge E. Orihuela-Iberico on the remedial orders of *Neira Alegría et al. v. Peru*

Judge *Ad Hoc* Jorge E. Orihuela Iberico dissented only against the monetary compensations that were awarded. In his dissenting opinion, he argued that awarded amounts were arbitrarily set and that the IACtHR did not adequately consider the economic situation of Peru when deciding on the awards. According to his dissenting opinion, he thought the IACtHR was wrong in basing the awarded amounts on the general economic conditions in Latin America rather than in Peru specifically. He further argued that the compensations should have been based on Peru's statistics of Minimum Living Wages, which would have resulted in lower compensation amounts.

Dissenting opinion of Judge *Ad Hoc* Alejandro Montiel Argüello on the remedial orders of *YATAMA v. Nicaragua*

Judge *Ad Hoc* Alejandro Montiel Argüello dissented both against the remedial orders and against the decisions on the merits of the case. His reason for dissenting against the monetary measures was primarily that according to him there were no human rights violations in the case. In explaining his dissent against the other measures, including the ordered legislative change and the ordered publication of the judgment, he further argued that these measures were attempts to promote human rights rather than to provide remedies for a violation that had occurred. The dissenting opinion holds that the IACtHR jurisdiction is limited to identifying appropriate remedies for the specific victims of the case.

Dissenting opinion of Judge Arturo Martínez Gálvez on the remedial orders of *Maritza Urrutia v. Guatamala*

Judge Arturo Martínez Gálvez dissented against the amount of compensation awarded to Maritza Urrutia. His main argument was that the awarded amount was excessive considering the economic situation of Guatamala and that they placed on unfair burden on the country's taxpayers.

Dissenting opinion of Judge *Ad Hoc* Víctor Oscar Shiyín García Toma on the remedial orders of *Anzualdo Castro v. Peru*

Judge *Ad Hoc* Víctor Oscar Shiyín García Toma dissented against the orders on monetary remedies because he objected to the way the amounts were decided. He argued that rather than using discretionary criteria, the IACtHR should use technical experts to determine specific rules for determining awards. He also held that the IACtHR ought to take the financial situation of the respondent state into account when awarding monetary compensation. He pointed to how the amounts awarded by IACtHR far exceeded “the amounts of reparations that the defendant State has, with all its efforts, been paying to victims or next-of-kin for acts of terrorism (civilians, political authorities and police and military officers); as well as the cases related to the HIV/AIDS infection at State hospitals”.

**Dissenting opinion of Judge *Ad Hoc* Alejandro Montiel Argüello
on the remedial orders of *Mayagna (Sumo) Awas Tingni Com-
munity v. Nicaragua***

Judge *Ad Hoc* Alejandro Montiel Argüello dissented against the monetary remedies ordered in the case. Argüello's dissent against the ordered remedies was based on his view on the merits of the case. Argüello also dissented against parts of the merits decision, arguing that the right to property and the right to judicial protection had not been violated. Because he held that there had not been a violation of these rights, Argüello concluded that monetary compensation was not appropriate. He also claimed that the costs and expenses of the applicants should not have been ordered to be reimbursed as the respondent state had rational reasons for contesting the applications.

**Dissenting opinion of Judge *Ad Hoc* Alejandro Montiel Argüello
on the remedial orders of *Serrano Cruz Sisters v. El Salvador***

Judge *Ad Hoc* Alejandro Montiel Argüello dissented to all the ordered remedies in the case of *Serrano Cruz Sisters v. El Salvador*. The dissent was motivated by his disagreement with the merits decision. Because Argüello's position was that the state could not be held responsible for the alleged disappearances in the case, he thought that ordering remedies that the state would have to implement was not appropriate. He also argued against the tendency of the IACtHR to order far reaching remedies rather than limiting its focus to providing reparations to the specific victims of the case at hand. Finally, he posited that the right to pecuniary damages cannot be inherited.

Dissenting opinion of Judge *Ad Hoc* Pier Paolo Pasceri Scaramuzza on the remedial orders of *Perozo et al. v. Venezuela*

Judge *Ad Hoc* Pier Paolo Pasceri Scaramuzza dissented against all the remedial orders as well as the decisions on the merits and the rejection of preliminary objections. His main reasons for dissenting, as outlined in the dissenting opinion, were that the applicants had not exhausted all the domestic remedies available to them and that appropriate remedies would have been available in the Venezuelan judicial system. He argued that for the IACtHR to resolve issues that could have been resolved within the Venezuelan judicial system would leave the latter “empty”.

Dissenting opinion of Judge *Ad Hoc* Einer Elías Biel Morales on the remedial orders of *Reverón Trujillo v. Venezuela*

Judge *Ad Hoc* Einer Elías Biel Morales dissented against “the Judgment in its totality”, and therefore voted against all the ordered remedies. The reason provided for the dissent was that he disagreed with the decision to dismiss Venezuela’s preliminary objection concerning the failure to exhaust domestic remedies.

Dissenting opinion of Judge *Ad Hoc* Pier Paolo Pasceri Scaramuzza on the remedial orders of *Ríos et al. v. Venezuela*

Judge *Ad Hoc* Pier Paolo Pasceri Scaramuzza voted against all the remedial orders as well as the merit decisions and the dismissal of the preliminary objections. Parts of the reasoning behind the dissent was procedural as Scaramuzza argued that the preliminary objection concerning the failure to exhaust domestic remedies should not have been dis-

missed. According to Scaramuzza, the applicants would, moreover, have had good opportunities for having their claims addressed in the Venezuelan judicial system. Scaramuzza also dissented on substantial grounds, arguing that the situation of the applicants was not special and that the political conflict in the respondent state at the time exempted it from responsibility.

Dissenting Opinion of Judge Eduardo Vio Grossi on the remedial orders *Artavia Murillo et al. (“In Vitro Fertilization”) v. Costa Rica*

Judge Eduardo Vio Grossi dissented against all the remedial orders of the judgment as well as the merits decisions because he disagreed with the majority’s interpretation of when life begins. He argued that a ban on *in vitro* fertilization would be in line with the right to life as understood by the drafters of the Convention. He held that the right to life, as protected by the ACHR, begins with the fertilization of the egg rather than the insertion of the fertilized egg into the uterus, which was the majority’s view.

3 Summary Statistics for Variables Included in the Analysis of Compliance with IACtHR Remedial Orders

Summary statistics for all variables included in the analysis of IACtHR remedial orders are reported in Table 2.

Table 2: Summary Statistics for analysis of IACtHR remedial orders

Statistic	N	Mean	St. Dev.	Min	Max
Compliance	1,272	0.553	0.497	0	1
Dissenting vote against remedy	1,272	0.063	0.243	0	1
Monetary remedy	1,272	0.564	0.496	0	1
Legislative remedy	1,272	0.040	0.196	0	1
Publication/Aknowldgment	1,272	0.116	0.320	0	1
Practical/executive remedy	1,272	0.191	0.393	0	1
Judicial remedy	1,272	0.090	0.286	0	1
Number of preliminary objections	1,272	1.144	1.696	0	10
Violation acknowledged by state	1,272	0.410	0.492	0	1
<i>Ad hoc</i> judge	1,272	0.436	0.496	0	1
Number of <i>amici</i>	1,272	2.419	7.833	0	46
Physical integrity rights	1,272	0.847	0.360	0	1
Political and civil rights	1,272	0.384	0.487	0	1
Legal Procedure/due process rights	1,272	0.954	0.209	0	1
Privacy and property rights	1,272	0.221	0.415	0	1
Political constraints	1,272	0.362	0.174	0.036	0.691
Accountability institutions	1,272	1.009	0.442	0.031	1.957
Bureaucratic quality	1,265	1.916	0.564	1.000	3.000

4 Ordered Logistic Regression Models of Compliance with IACtHR Remedial Orders

The models reported in the main article are binomial logistic regression models in which the dependent variable is whether full compliance with the remedial order has been achieved. Partial compliance is thus not considered as a separate outcome from non-compliance. In Table 3, we report the results from an ordered logistic regression model in which partial compliance is considered a mid-category between full compliance and non-compliance. Our conclusions concerning the negative relationship between judicial dissent and compliance hold also in the ordered model.¹

¹For estimating the ordered models we use the ordinal package in R (Christensen 2015)

Table 3: Three-level ordered logistic regression model

	Ordered model
Dissent against remedial order	-2.22* (1.00)
Legislative remedy	-2.64*** (0.49)
Practical/executive remedy	-2.32*** (0.24)
Judicial remedy	-3.65*** (0.33)
Publication remedy	0.03 (0.30)
Number of preliminary objections	-0.04 (0.17)
Violation acknowledged by state	0.33 (0.72)
<i>ad hoc</i> judge	1.03 (0.64)
Number of <i>amici</i>	-0.01 (0.06)
Physical integrity rights	-0.92 (0.80)
Political and civil rights	0.45 (0.71)
Legal Procedure/due process rights	-0.67 (1.54)
Privacy and property rights	-2.15* (0.89)
Veto players	0.19 (2.07)
Accountability institutions	2.10* (0.98)
Bureaucratic quality	-0.38 (0.78)
Time trend	-51.70*** (7.39)
Time trend ²	16.27** (6.19)
Time trend ³	-3.76 (5.13)
Cut point: full compliance/partial compliance	-2.22 (2.20)
Cut point: partial compliance/non-compliance	-0.82 (2.19)
Log Likelihood	-735.75
AIC	1517.50
BIC	1635.78
Num. obs.	1265
Num. groups: Judgments	136
Num. groups: Respondent states	20
Var: JudgmentID (Intercept)	9.12
Var: Respondent states (Intercept)	0.78

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$, † $p < 0.1$

5 Linear Probability Model of Compliance with IAC-tHR Remedial Orders

The causal sensitivity model discussed in the main article is based on a hierarchical linear probability model. This model is reported in Table 4 and yields very similar results as the logistic models reported in the main article.

Table 4: Three-level linear probability model used for causal sensitivity test

Three-level linear probability model	
Dissent against remedial order	-0.23* (0.11)
Legislative remedy	-0.25*** (0.05)
Practical/executive remedy	-0.25*** (0.02)
Judicial remedy	-0.41*** (0.03)
Publication remedy	0.02 (0.03)
Number of preliminary objections	-0.00 (0.02)
Violation acknowledged by state	0.00 (0.08)
<i>ad hoc</i> judge	0.09 (0.07)
Number of <i>amici</i>	0.00 (0.01)
Physical integrity rights	-0.07 (0.09)
Political and civil rights	0.02 (0.07)
Legal Procedure/due process rights	-0.11 (0.16)
Privacy and property rights	-0.16† (0.09)
Veto players	0.06 (0.21)
Accountability institutions	0.10 (0.10)
Bureaucratic quality	0.00 (0.09)
Time trend	-7.03*** (0.61)
Time trend ²	0.89 (0.59)
Time trend ³	-0.32 (0.53)
(Intercept)	0.65** (0.24)
AIC	916.00
BIC	1034.28
Log Likelihood	-435.00
Num. obs.	1265
Num. groups: Judgments	136
Num. groups: Respondent states	20
Var: Judgments (Intercept)	0.12
Var: Respondent states (Intercept)	0.01
Var: Residual	0.09

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$, † $p < 0.1$

6 Summary Statistics for Analysis of Compliance with ECtHR Judgments

Summary statistics for all variables included in analysis of compliance with ECtHR judgments are reported in Table 5.

Table 5: Summary Statistics for analysis of ECtHR judgments

Statistic	N	Mean	St. Dev.	Min	Max
Days until compliance	3,735	1,491.750	1,099.357	35	7,322
Compliance	3,735	0.662	0.473	0	1
Pro-government dissent	3,735	0.114	0.318	0	1
Pro-government dissent, excluding national judge	3,735	0.096	0.294	0	1
Share of judges dissenting in favor of government	3,735	0.028	0.088	0	1
Share of judges dissenting in favour of government, excluding national judge	3,735	0.024	0.083	0	1
Need for legislative changes	3,735	0.282	0.450	0	1
Need for jurisprudential changes	3,735	0.152	0.359	0	1
Need for practical measures	3,735	0.128	0.334	0	1
Need for executive action	3,735	0.189	0.392	0	1
Need for publication of judgment	3,735	0.733	0.442	0	1
Need for individual measures	3,735	0.272	0.445	0	1
Grand Chamber judgment	3,735	0.048	0.214	0	1
Importance level 1	3,735	0.138	0.345	0	1
Importance level 2	3,735	0.398	0.490	0	1
Importance level 3	3,735	0.340	0.474	0	1
Ideal point of median judge	3,735	0.389	0.283	-0.400	1.136
Number of articles violated	3,735	1.277	0.632	0	10
Right to life violation	3,735	0.035	0.183	0	1
Prohibition of torture violation	3,735	0.098	0.297	0	1
Right to liberty violation	3,735	0.135	0.342	0	1
Right to fair trial violation	3,735	0.481	0.500	0	1
Right to respect for private and family life violation	3,735	0.157	0.364	0	1
Freedom of expression violation	3,735	0.063	0.243	0	1
Right to effective remedy violation	3,735	0.072	0.259	0	1
Prohibition of discrimination violation	3,735	0.033	0.178	0	1
Private property rights violation	3,735	0.120	0.326	0	1
Veto players	3,727	0.427	0.122	0.000	0.718
Bureaucratic quality	3,585	2.712	1.060	1.000	4.000
Accountability institutions	3,677	1.396	0.534	-0.806	2.191
Year of judgment	3,735	2,006.071	6.862	1,968	2,016
Judgment rendered after protocol 11	3,735	0.879	0.326	0	1
Judgment rendered after change in Committee of Minister working methods	3,735	0.613	0.487	0	1
Judgment rendered after protocol 14	3,735	0.328	0.470	0	1

7 Logistic Regression Models of Compliance with ECtHR Judgments

The models of compliance with ECtHR judgments reported in the main article are Cox regression models which consider both the duration and the outcome of the implementation process as the dependent variable. We prefer this event-history approach because compliance with ECtHR judgments can take multiple years to achieve even when the respondent state is not recalcitrant and because compliance is sometimes achieved after several years of defiance. It is therefore important to account for how much time the respondent state has had to implement the judgment.

Nevertheless, our main theoretical concern is whether judicial dissent increases the risk of a judgment being defied. In Table 6, we therefore report a set of fixed effects logistic regression models with compliance as the dependent variable and the same independent and control variables as in the Cox models. We include a cubic polynomial of time since

the judgment to account for how the likelihood of compliance varies depending on how long the state has had to comply.

The logistic regression models provide evidence for our expectation that judicial dissent is associated with a lower likelihood of compliance compared to unanimous judgments.

8 Panel Composition as a Potential Instrument for Dissent in ECtHR Judgments

As discussed in the main article, an important concern is that unobserved case controversy might influence both the likelihood of judicial dissent and the likelihood of compliance. Our results might be biased either if omitted variables both motivate dissent and contribute to non-compliance or if expected compliance challenges increase collegial pressures to avoid open dissent. Although we control for a number of potential confounders, our research design cannot rule out the possibility that our results are driven by unobserved differences between judgments affected by judicial dissent and unanimous judgments.

One way to circumvent this threat to inference would be to exploit variation in judicial dissent that is exogenous to compliance politics. One source of such exogenous variation is individual judges' proclivity to diverge from the majority opinion. Judges may differ in their proclivity to write separately for instance due to differences in personality or in professional background. As long as the assignment of judges to panels can be treated as exogenous, such differences between judges would introduce variation in dissent that is exogenous to compliance.

The judge nominated from the respondent state (or an *ad hoc* judge) is always part of judgment panels. However, the remainder of the panel is in Chamber judgments decided

Table 6: Fixed effects logistic regression models of compliance with ECtHR judgments

	ECtHR Logit 1	ECtHR Logit 2	ECtHR Logit 3	ECtHR Logit 4
Pro-government dissent	-1.06* (0.50)			
Pro-government dissent, excluding national judge		-1.15* (0.55)		
Share of judges dissenting in favour of government			-3.92* (1.73)	
Share of judges dissenting in favour of government,excluding national judge				-5.37** (1.77)
Need for legislative changes	-1.20*** (0.31)	-1.20*** (0.32)	-1.21*** (0.31)	-1.22*** (0.32)
Need for jurisprudential changes	0.02 (0.25)	0.03 (0.25)	0.01 (0.25)	0.01 (0.25)
Need for practical measures	-0.45 (0.28)	-0.46 (0.28)	-0.43 (0.27)	-0.45 (0.27)
Need for executive action	-0.09 (0.26)	-0.09 (0.26)	-0.10 (0.26)	-0.10 (0.26)
Need for publication of judgment	0.47 (0.50)	0.46 (0.50)	0.47 (0.50)	0.47 (0.50)
Need for individual measures	-0.53* (0.27)	-0.52* (0.26)	-0.53* (0.27)	-0.52 (0.26)
Grand Chamber judgment	-0.19 (0.76)	-0.25 (0.73)	-0.28 (0.78)	-0.30 (0.74)
Ideal point of median judge	-0.19 (0.51)	-0.20 (0.51)	-0.19 (0.52)	-0.16 (0.52)
Importance level 1	0.15 (0.56)	0.14 (0.55)	0.19 (0.56)	0.17 (0.56)
Importance level 2	-0.72 (0.57)	-0.74 (0.56)	-0.68 (0.56)	-0.72 (0.56)
Importance level3	-0.73 (0.56)	-0.74 (0.55)	-0.71 (0.55)	-0.76 (0.56)
Number of articles violated	-0.29 (0.50)	-0.28 (0.50)	-0.25 (0.49)	-0.25 (0.50)
Right to life violation	-0.90 (0.86)	-0.90 (0.86)	-0.93 (0.86)	-0.94 (0.87)
Prohibition of torture violation	0.07 (0.58)	0.05 (0.57)	-0.02 (0.57)	-0.04 (0.58)
Right to liberty violation	-0.24 (0.47)	-0.23 (0.47)	-0.23 (0.47)	-0.21 (0.48)
Right to fair trial violation	0.06 (0.40)	0.06 (0.40)	0.02 (0.40)	0.02 (0.40)
Right to respect for private and family life violation	0.23 (0.56)	0.23 (0.55)	0.19 (0.54)	0.20 (0.54)
Freedom of expression violation	-0.26 (0.70)	-0.25 (0.70)	-0.29 (0.71)	-0.27 (0.72)
Right to effective remedy violation	0.67 (0.65)	0.67 (0.65)	0.65 (0.64)	0.67 (0.65)
Prohibition of discrimination violation	0.72 (0.66)	0.74 (0.66)	0.69 (0.65)	0.75 (0.66)
Private property rights violation	-0.08 (0.51)	-0.10 (0.50)	-0.11 (0.51)	-0.14 (0.51)
Veto players	1.05 (2.28)	1.12 (2.30)	1.04 (2.28)	1.01 (2.30)
Bureaucratic quality	-14.44*** (1.66)	-15.07*** (1.61)	-14.72*** (1.59)	-15.20*** (1.59)
Accountability institutions	-2.70* (1.07)	-2.71* (1.07)	-2.61* (1.05)	-2.63* (1.05)
Year of judgment	-5.07*** (0.37)	-5.08*** (0.37)	-5.07*** (0.36)	-5.11*** (0.37)
Judgment rendered after protocol 11	8.24*** (1.67)	7.91*** (1.63)	7.99*** (1.63)	7.82*** (1.60)
Judgment rendered after change in Committee of Minister working methods	-2.11* (1.03)	-2.10* (1.03)	-2.11* (1.01)	-2.15* (1.02)
Judgment rendered after protocol 14	-1.82** (0.63)	-1.83** (0.62)	-1.87** (0.63)	-1.87** (0.63)
Intercept	10230.79*** (740.52)	10257.20*** (756.88)	10235.79*** (735.62)	10312.70*** (752.33)
AIC	737.86	737.47	737.72	734.06
BIC	1170.12	1169.74	1169.99	1166.33
Log Likelihood	-298.93	-298.73	-298.86	-297.03
Deviance	597.86	597.47	597.72	594.06
Num. obs.	3552	3552	3552	3552

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$.

All models include fixed effects for the respondent state and a cubic time trend for the number of days since the judgment.

Standard errors are clustered by respondent state.

through rotation among judges within a Section (with section membership also rotating over time). Voeten (2012) therefore argues that with exception of the national judge, the composition of the panel can be considered exogenous to the likelihood of compliance. Focusing only on Chamber judgments since the establishment of the permanent Court in 1998, we therefore construct a measure of the propensity of the non-national judges to write separately and consider whether this measure can be used as an instrument for dissent.

To construct our instrument, we first create a dataset with one row for each judge for each merits judgment, excluding the national judges. We then estimate a linear probability model in which the dependent variable is whether the judge wrote any form of individual opinion (including dissenting, concurring, and separate opinions) in the case. We consider any type of individual opinion (rather than only dissents) to get increased leverage over individual judges' proclivity to write separately. On the right-hand side, we include dummies for each judge and fixed effects on the case. The judge coefficients can thus be interpreted as the proclivity of each judge to write separately controlling for judgment characteristics. These coefficients are estimated with varying precision depending on the number of panels each judge has been part of. To account for varying precision, we calculate judge level Z-scores. Finally, we calculate the maximum judge-level on each panel, which we consider as a potential instrument for judicial dissent.

To be used as an instrument for judicial dissent, the maximum dissent proclivity on the panel must meet three criteria. First, assignment must be (conditionally) independent of the likelihood of compliance (Angrist and Pischke 2014: 106). A potential threat against this assumption is that the rotation of judges happen within sections that deal with particular sets of states. Although the composition of sections also rotate, we therefore consider it important to include country-fixed effects. In addition, we consider also

consider a model in which we also condition on the full set of control variables from the main models.

Secondly, the instrument must only influence compliance through increasing the likelihood of judicial dissent (Angrist and Pischke 2014: 106-107). We consider this assumption relatively plausible, although it should be noted that Voeten (2012) argues that also other characteristics of the judges, such as their professional background, might influence compliance. To the extent that such other characteristics correlate with proclivity to write separately, they risk introducing bias in our instrumental-variable models.

Finally, the instrument must be a sufficiently strong predictor of judicial dissent. This requirement is evaluated using F -tests on the first-stage equations of our instrumental-variable models (Sovey and Green 2011).

Two instrumental variable probit models using judges' proclivity for writing separately as an instrument for dissent by judges other than the national judge are reported in Table 7. Although both models point a negative relationship between judicial dissent and compliance, the F -tests for the first-stage equations give cause for concern. In both specifications, our proposed instrument is at best a moderate predictor of judicial dissent. The lack of stronger correlation means that the second-stage estimates are likely to be biased and must be interpreted with care. The estimated relationship between judicial dissent and a greater risk of non-compliance is much stronger in the instrumental-variable model than in our main models, which is likely due to weak-instrument bias.

Although panel-composition could in principle be considered a valid instrument for judicial dissent, probable weak-instrument bias means that we cannot put much faith in the estimated instrumental-variable probit models. We do, however, note that these models at least point in the same direction as our other models and hope that future

research will develop identification strategies that allow for stronger causal inferences.

Table 7: Instrumental-Variable probit models of relationship between judicial dissent and compliance with ECtHR judgments

	IV-Probit 1		IV-Probit 2	
	First-stage	Second-stage	First-stage	Second-stage
Dissent by non-national judge		-3.34** (1.06)		-3.38* (1.7)
Maximum proclivity to write separately on panel	0.02** (0.01)		0.01* (0.01)	
Need for legislative changes			0 (0.01)	-0.67 (0.34)
Need for jurisprudential changes			-0.01 (0.01)	-0.29* (0.13)
Need for executive action			-0.01 (0.01)	-0.24 (0.13)
Need for practical measure			0.02 (0.01)	-0.27 (0.21)
Need for publication of judgment			0 (0.01)	0.1 (0.09)
Need for individual measure			0 (0.01)	-0.35 (0.19)
Ideal point of median judge			0 (0.02)	-0.19 (0.12)
Importance level 1			-0.05** (0.02)	0 (0.22)
Importance level 2			-0.09*** (0.01)	-0.25 (0.21)
Importance level 3			-0.12*** (0.02)	-0.15 (0.35)
Right to life violation			-0.03 (0.02)	-0.61* (0.26)
Prohibition of torture violation			0.01 (0.02)	-0.3 (0.22)
Right to liberty violation			-0.02 (0.01)	-0.14 (0.09)
Right to fair trial violation			-0.01 (0.01)	-0.18 (0.09)
Right to respect for private and family life violation			0.03* (0.01)	0.01 (0.12)
Freedom of expression violation			0.01 (0.02)	-0.23 (0.18)
Right to effective remedy violation			0.01 (0.02)	-0.08 (0.12)
Prohibition of discrimination violation			0.06* (0.02)	0.5** (0.17)
Right to private property violation			-0.01 (0.01)	-0.19 (0.1)
Veto players			0.12* (0.06)	0.46 (0.46)
Bureaucratic quality			0.05 (0.03)	0.03 (0.41)
Accountability institutions			-0.06 (0.04)	0.05 (0.38)
Year of Judgment	0 (0)	-0.14* (0.06)	0.01* (0)	-0.21 (0.13)
After 2006 change in Committee of Ministers Working Methods			-0.04* (0.02)	0.11 (0.23)
After Protocol 14			0 (0.02)	0.19 (0.14)
(Intercept)	-1.78 (2.14)	290.47** (112.58)	-11.71* (5.32)	430.94 (265.47)
Country fixed effects	Yes	Yes	Yes	Yes
N	3110		2970	
F-test	6.96		4.17	

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

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