

# POLS 5320 – SEMINAR IN PUBLIC LAW

*Mondays: 6:00 – 8:50pm in BEND Room 205*

INSTRUCTOR: Dr. Rebecca A. Reid  
PHONE: 915-747-7970  
EMAIL: [rareid@utep.edu](mailto:rareid@utep.edu)  
OFFICE: 307 Benedict Hall  
OFFICE HOURS: Tuesdays and Thursdays 3:30 – 5:30 pm,  
or by appointment

## **LAND ACKNOWLEDGMENT**

We, the UTEP Department of Political Science, acknowledge that we are in the unceded territories of the Indigenous Peoples who, along with countless generations of ancestors, are the guardians and keepers of this land, both throughout history and in contemporary times: the Tigua, Mansos, Sumas, Ndé, the Piros, Mescalero Apache, Chiricahua Apache, Tarahumara, Yaqui, Jumano, Comanche, Kiowa, Rarámuri, Tohono O’odham, Yaqui, Kickapoo, Diné, Hopi, Zapotec, Mixtec, Aztec-Nahua-Mexica, Huichol, Tepehuan, Coahuilteco, Chichimeca, and the other Native communities who comprise our multinational region. As scholars and people who reside and work in these lands, we respect and honor the millennia-long history of Native peoples on this land and their ongoing presence today.

## **COURSE DESCRIPTION**

This course provides graduate students a survey of the literature in judicial politics. The class will focus on judge decision-making, the role of institutions, strategic behavior, the implementation and impact of judicial policies, the relationship between the judiciary and other institutions, and comparative judicial politics. As such, this course will survey the U.S. Supreme Court, lower federal courts, state supreme courts, international courts, and domestic judiciaries in other countries.

## **UTEP EDGE**

This course encompasses activities associated with UTEP EDGE, including (1) **problem-solving** and (2) **critical thinking** through class discussion, critical reflection essays, and short essays requiring analytical thinking to apply class themes. This course enables and requires (3) **research and scholarly activity** through the generation of a research design, as well as (4) **creativity** as assignments challenge students to think in innovative ways to produce original arguments, evaluate problems, and teach substantive material to their peers. (5) **Communication** is emphasized through the completion of a variety of written assignments as well as class discussion so enable students to develop their voice and refine their effectiveness as writers and speakers. Students will enhance their 6) **global awareness** through comparative approaches to law and judicial systems,

and students are challenged to develop 7) **social responsibility** by critically evaluating the causes and consequences of judge-made law across increasingly interdependent yet diverse communities across the globe. Finally, students refine 8) **leadership skills** through serving as class discussion leader teams to guide and contribute student learning of course themes and readings.

## **LEARNING OUTCOMES**

Over the course of the semester students will have:

- An understanding of the key elements of judicial institutions and legal systems as well as understand how institutions shape behavior of judges and the legal community.
- Developed an understanding of the fundamental theories related to judicial behavior and decision-making, becoming familiar with peer-reviewed academic scholarship and empirical studies.
- Developed critical and analytical thinking skills necessary to adapt and apply theoretical arguments to specific institutional and environmental contexts.
- Demonstrated the ability to synthesize and evaluate specific arguments into cogent arguments and explanations.
- Developed an understanding of the a) key elements of judicial institutions and legal systems cross-nationally and internationally, b) how law and courts operate within and across jurisdictions and political contexts, and c) how institutions shape behavior of judges, states, and the transnational legal community(s).
- Become introduced to diverse perspectives of the rule of law and become familiar with basic social science theories and be able to apply theoretical perspectives to explain political behavior and processes.
- Demonstrate critical thinking skills to analyze and evaluate multiple perspectives and viewpoints, developing nuanced, independent thinking skills that synthesizes knowledge acquired.
- Demonstrate empathy and open-mindedness to others, demonstrating respect and value of diversity of cultures, backgrounds, viewpoints, and experiences.
- Developed effective teamwork and leadership skills for collaborative work while demonstrating respect and value for a diversity of opinions, viewpoints, and perspectives.
- Created an original research design related to judicial politics

## COURSE REQUIREMENTS AND GRADING

Evaluation in this course will be based on the following components:

Class Discussion	10%
Critical Evaluations/Peer Reviews	20%
Discussion Leader	15%
Research Design Presentation	20%
Research Design	35%

The grading scale is as follows:

90-100	A
80-89	B
70-79	C
60-69	D
59 and below	F

### **Class Discussion**

Attendance and participation are essential for this seminar-style class. Students are responsible for offering their thoughts, opinions, and questions without solicitation from the instructor. Needless to say, these thoughts should have merit and be based upon the readings. Students are expected to complete the readings each week, even if they are not presenting the material that week. Students are expected to contribute to conversations, discussions, and questions as co-equal contributors of knowledge.

### **Critical Evaluations and Peer Reviews**

Each student will select two weeks where they are responsible to turn in a critical evaluation essay that must analyze and evaluate the readings due that week. These papers should address the strengths and weaknesses of the readings, discuss common and disparate themes, how the scholarship is advanced by these readings, the limitations of the readings, how the research can be improved, and how these readings speak with previous readings over the semester. **This is not a summary of the readings.** Rather, the essay is an assessment of the readings, addressing the theoretical and methodological issues and synthesizing scholarship to provide a clear understanding of the relationship across readings. Students will self-select the two weeks that they will write these critical evaluation papers. Hence, there will be a total of 2 critical evaluation papers due for each student. Students are responsible for successfully completing and submitting each paper and staying on schedule.

These papers should be **3-5 pages long, typed, and are emailed to me by Friday 9:00 pm** (that is, the Friday before Monday's class with those readings evaluated). I will upload these papers to Blackboard Course Content, where **all students are required to read these essays prior to Monday's class**, where these critical evaluations provide a source for the class discussion and inquiry. Thus, these essays should be written for the whole class as an audience.

Furthermore, **each student is required to complete 2 peer review letters evaluating another student's critical evaluations**. This peer review letter is a short personal letter to the author of the critical evaluation that identifies the main strengths and weaknesses of the evaluation and offers a readers' response to the critical evaluation. Peer review letters should focus on the thinking in the essay, not picky responses to writing technicalities unless there are aspects of the writing that interfere (or enhance) with the understanding of the essay's substance. **Students select the two critical evaluations to which they will complete peer review letters. Students should respond to two different authors.** (Thus, students should not provide both peer review letters to the same author.) **These peer review letters will be turned in via 2 hard copies in class:** one to me (the instructor) and one to the author.

Thus, by the end of the semester, each student is required to complete:

- 2 critical evaluation essays
- 2 peer review letters

### **Discussion Leader**

Each week will have a Discussion Leader assigned, whose role that week is to initiate, guide, and moderate the discussion of the readings for that week. Discussion Leaders can select to present and teach the readings to the class, and/or facilitate student-led discussions to address main themes, core arguments, limitations, and questions. Discussion Leaders are intended to facilitate peer-based learning, where all students are expected to have equal share of knowledge, learning capacity, and responsibility.

### **Research Design Presentation**

The research design presentation is a 10-12 minute conference-style presentation of the project. The presentation professionalizes students to practice academic conference presentations summarizing and describing their research design project, and it allows for students to receive questions and feedback on their project prior to the final submission of the research design.

### **Research Design**

Students are required to submit an original research design paper, 10-15 pages (typed). This research design paper must identify a viable research design to empirically examine some theoretically important research question dealing with US law and courts, comparative courts, international courts, or the rule of law. Students are not required to

carry out the research itself. The research design must identify the research questions, explain its importance, develop a fully-specified theory informed by existing scholarship, and develop an appropriate plan to carry out this research (including adequate discussion of data collection or usage, sample selection, and appropriate analyses).

### **SPECIAL ACCOMODATIONS**

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to [cass@utep.edu](mailto:cass@utep.edu), or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at [www.sa.utep.edu/cass](http://www.sa.utep.edu/cass). CASS' Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.

### **ACADEMIC DISHONESTY**

**Absolutely no form of academic dishonesty will be tolerated.** The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. *Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts.* Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at [www.utep.edu/dos](http://www.utep.edu/dos), may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

### **UNIVERSITY WRITING CENTER**

The University Writing Center is a useful tool each of student should take advantage of in for all written/paper assignments. While not required, your paper will be improved following a consultation with the staff. The staff sees students through appointments or walk-ins, though appointments are preferred. For more information, go to: <http://uwc.utep.edu/index.php/hours-location>. For appropriate assignments, **I offer up to 10 points extra credit** if you consult the writing center. *In order to be eligible for this credit, you must show evidence of your consultation and evidence of the revisions suggested and those you made. You must also provide a reflection as to what you learned*

*from the experience* (for instance, what types of errors do you systematically make and how can you correct them). Hence, credit will only be possible with adequate evidence and thoughtful reflection of the writing and revision process.

### **COUNSELING AND PSYCHOLOGICAL SERVICES**

The center, located at 202 Union West, offers confidential counseling services in English or in Spanish. They also provide group and individual counseling for currently enrolled UTEP students. For more information, go to: <https://www.utep.edu/student-affairs/counsel/>.

### **ADELANTE CHILD DEVELOPMENT CENTER**

Child care is available for children of all students of the University. The Adelante Child Development Center is located at 314 W. Schuster and is managed and operated by Adelante Childcare, Inc. Children aged three months to 12 years are accepted, depending on space availability (Hourly, daily and weekly care are available and the Center offers a Summer Camp for school-age children). Age-appropriate early childhood developmental programs are offered in the curriculum. The Adelante Child Development Center is licensed by the Texas Department of Protective and Regulatory Services. Financial assistance is available for qualifying parents through Child Care Services. For more information, please call: **915-532-1114** or contact: [studentaffairs.utep.edu/childcare](http://studentaffairs.utep.edu/childcare). If, for any reason, you cannot find a care-taker for your child(ren), you are welcome to bring them to class.

### **COVID STUDENT RESPONSIBILITIES**

Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, so that we can work on appropriate accommodations. If you have tested positive for COVID-19, you are encouraged to report your results to [covidaction@utep.edu](mailto:covidaction@utep.edu), so that the Dean of Students Office can provide you with support and help with communication with your professors. The Student Health Center is equipped to provide COVID-19 testing.

The Center for Disease Control and Prevention recommends that people in areas of substantial or high COVID-19 transmission wear face masks when indoors in groups of people. The best way that Miners can take care of Miners is to get the vaccine. If you still need the vaccine, it is widely available in the El Paso area, and will be available at no charge on campus during the first week of classes. For more information about the current rates, testing, and vaccinations, please visit [epstrong.org](http://epstrong.org).

**Masks are encouraged but not required for class attendance.** If you feel ill or have come into contact with COVID-positive individuals, please stay home and get tested. Accommodations will be made. Your health and well-being are my top priority.

- **Get vaccinated!** Your health is not a partisan issue. Vaccinations are safe and effective at protecting against serious health complications and reduce the likelihood of hospitalization and death.
  - Vaccines do not cause COVID.
  - Vaccines are safe and were developed and tested appropriately.
  - Vaccines do not alter your DNA or affect fertility/pregnancy.
  - Vaccines do not include microchips or tracking devices.
  - Vaccines do not include hard metals or toxic ingredients.
  - You can still get COVID if vaccinated, and you can still spread COVID variants if vaccinated.

If you have any questions or concerns, I am happy to address them and/or point you to resources.

## **GENERAL EXPECTATIONS**

I expect all students to behave professionally in this class. You will be held responsible for all material covered in the textbooks, articles, videos, and the class discussions. If you miss a class, you are still responsible for the content of that day's information. I will not tolerate disruptive behavior, including (but not limited to) inappropriate computer use, reading newspapers, talking during lectures, using cell phones or pagers, and disrespecting classmates or the instructor. Additionally, I expect all students to attend class prepared and to show up on time. It is disrespectful to the instructor and the other students when individuals show up late or are not prepared to participate in the class discussion. I allow the use of laptops for class purposes only.

This class is designed to provide information and challenge students with new, and sometimes controversial, ideas and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes. However, safe does not always mean comfortable. This class does not give you knowledge—i.e., knowledge and understanding are not transfused to students by simply sitting in class. Learning is an interactive process, requiring engagement with the material. Assignments are designed to assist you in learning processes, which consist of understanding material, remembering material, and being able to clearly (and correctly) communicate that material. Learning also entails developing your own insights, and applying them to better your own livelihood and authentic self.

## **CIVILITY AND RESPECT**

Civility in the classroom and respect for the opinions of others is very important in an academic environment. It is likely you may not agree with everything which is said or discussed in the classroom, but courteous behavior and responses are expected. Our campus community reflects and is a part of a society comprising all races, genders,

ethnicities, creeds, sexualities, and social circumstances. It is fundamental to our mission to create an unbiased community and to oppose vigorously any form of racism, religious intolerance, sexism, ageism, homophobia, heterosexism, and discrimination against those with disabling conditions. All identity groups (genders, sexualities, races, ethnicities, nationalities, creeds, religions, socioeconomic classes, etc.) must be treated respectfully.

## **COURSE SCHEDULE**

The following is a list of topics to be covered at each class meeting, and the readings, which should be completed in order to fully participate in class that day. You are required to read the material prior to the class. Literature not included in the textbook but listed on syllabus are the responsibility of students to locate and read. Academic articles can often be found via the UTEP library's website under the "Articles and Database" tab, where you can search repositories like JSTOR and Sage as well as individual journal titles. **Under no circumstance should you pay to access an article.** If you need help locating a specific article, email me and I will help you.

While I give specific days on which certain topics will be discussed, the calendar is subject to change. Any alterations to the course schedule will be clearly announced. As a general rule, the course will follow this order of topics, regardless of date changes, unless otherwise announced. *Readings due* are homework assignments due prior to class that day.

### **Week 1: Introduction to Law and Courts**

#### **Week 2: U.S. Supreme Court**

*Readings due:*

Epstein, Lee, Valerie Hoekstra, Jeffrey A. Segal, and Harold J. Spaeth. 1998. "Do Political Preferences Change? A Longitudinal Study of U.S. Supreme Court Justices." *Journal Of Politics* 60: 801-818.

Bartels, Brandon, and Andrew O'Geen. 2015. "The Nature of Legal Change on the U.S. Supreme Court: Jurisprudential Regimes Theory and Its Alternatives." *American Journal of Political Science* 59 (4): 880-895.

Moyer, Laura, and Ellen M. Key. 2018. "Political Opportunism, Position Taking, and Court-Curbing Legislation." *Justice System Journal* 39 (2): 155- 170.

Feldman, Adam and Rebecca D. Gill. 2019. "Power Dynamics in Supreme Court Oral Arguments: The Relationship Between Gender and Justice-to-Justice Interruptions." *Justice System Journal*. 40 (3):173-195.

Epstein, Lee, Christopher M. Parker, and Jeffrey A. Segal. 2018. "Do Justices Defend the Speech They Hate? An Analysis of In-Group Bias on the US Supreme Court." *Journal of Law and Courts* 6 (2): 237- 262.

Lax, Jeffrey R., and Kelly Rader. 2015. "Bargaining Power in the Supreme Court: Evidence from Opinion Assignment and Vote Switching." *The Journal of Politics* 77 (3): 648- 663.

### **Week 3: U.S. Courts of Appeals**

*Readings due:*

Williams, Margaret, and Anna Law. 2012. "Understanding Judicial Decision Making in Immigration at the U.S Courts of Appeals." *The Justice System Journal* 33 (1): 97-119.

Black, R. C. and Owens, R. J. 2016. "Courting the President: How Circuit Court Judges Alter Their Behavior for Promotion to the Supreme Court." *American Journal of Political Science* 60: 30–43.

Scherer, Nancy, and Banks Miller. 2009. "The Federalist's Society Influence on the Federal Judiciary." *Political Research Quarterly* 62 (2): 366-378.

Moyer, Laura, John Szmer, Susan Haire, and Robert Christensen. 2020. "Diversity, Consensus, and Decision Making: Evidence from the U.S. Courts of Appeals." *Politics, Groups & Identities* 8(4): 822-833.

Reid, Rebecca A., Susanne Schorpp, and Susan W. Johnson. 2019. "Trading Liberties for Security: Groupthink, Gender, and 9/11 Effects on U.S. Appellate Decision Making." *American Politics Research* 48 (3): 402- 413.

Harris, Allison P., and Maya Sen. 2019. "Bias and Judging." *Annual Review of Political Science* 22: 241- 259.

#### **Week 4: U.S. District Courts**

*Readings due:*

Tiede, Lydia Brashear. 2007. "Delegation Discretion: Quasi Experiments on District Court Decision Making." *American Political Research* 35: 595-620.

Logue, Melissa A. 2009. "'The Price of Being Mexican': Sentencing Disparities between Noncitizen Mexican and Non-Mexican Latinos in the Federal Courts." *Hispanic Journal of Behavioral Sciences* 31 (4): 423- 445.

Redman, Shane M. 2017. "Descriptive Gender Representation and Legitimacy in U.S. Trial Courts." *The Justice System Journal* 38 (4): 311- 331.

Solowiej, Lisa A., Wendy L. Martinek, and Thomas L. Brunell. 2005. "Partisan Politics: The Impact of Party in the Confirmation of Minority and Female Federal Court Nominees." *Party Politics* 11 (5): 557- 577.

Burge, Camille, and Gbemende Johnson. 2018. "Race, Crime, and Emotions." *Research & Politics* 5 (3): 1-9.

Dumas, Tao L, and Stacia L. Haynie. 2012. "Building an Integrated Model of Trial Court Decision-Making: Predicting Plaintiff Success and Awards across Circuits." *State Politics and Policy Quarterly*. 12:103-126.

#### **Week 5: Hierarchical Influences on Courts**

*Readings due:*

Stobb, Maureen. 2021. "The Costs of Going Global: Lower Court Response to Constitutional Cross-Fertilization." *The Journal of Law and Courts* 9 (2): 215- 232.

Beim, Deborah. 2017. "Learning in the Judicial Hierarchy." *Journal of Politics* 79 (2): 591- 604.

Masood, Ali S., Benjamin J. Kassow, and Donald R. Songer. 2019. "The Aggregate Dynamics of Lower Court Responses to the US Supreme Court." *The Journal of Law and Courts* 7 (2): 159- 186.

Bryan, Amanda Clare, and Ryan J. Owens. 2017. "How Supreme Court Justices Supervise Ideologically Distance States." *American Political Research* 45 (3): 435- 456.

Beim, Deborah, and Jonathan Kstellec. 2014. "The Interplay of Ideological Diversity, Dissents, and Discretionary Review in the Judicial Hierarchy: Evidence from Death Penalty Cases." *Journal of Politics* 76 (4): 1074- 1088.

Benesh, Sara C. and Malia Reddick. 2002. "Overruled: An Event History Analysis of Lower Court Reaction to Supreme Court Alteration of Precedent." *Journal of Politics* 64: 534-550.

## **Research Question Due**

### **Week 6: U.S. State Courts**

*Readings due:*

Norris, Mikel and Holley Tankersley. 2018. "Women Rule: Gendered Leadership and State Supreme Court Chief Justice Selection." *Journal of Women, Politics & Policy* 39 (1): 104-125.

Blake, William D. 2018. "Judicial Independence on Unelected State Supreme Courts." *The Justice System Journal* 39 (1): 21- 38.

Curry, Todd A., and Michael K. Romano. 2018. "Ideological Congruity on State Supreme Courts." *The Justice System Journal* 39 (2): 139- 154.

Johnson, Gbemende. 2017. "Legislative 'Allies' and Judicial Oversight of Executive Power." *The Justice System Journal* 38 (2): 116- 134.

Bonneau, Chris W., and Damon M. Cann. 2011. "Campaign Spending, Diminishing Marginal Returns, and Campaign Finance Restrictions in Judicial Elections." *The Journal of Politics* 73 (4): 1267- 1280.

Reid, Rebecca A., and Todd A. Curry. 2021. "Explaining Indigenous Peoples' Success in State Supreme Courts: Party Capability, Judicial Selection, and Representation." *Journal of Law and Courts* 9 (1): 69- 87.

## **Week 7: Courts in a Comparative Perspective**

*Readings due:*

Vanberg, George. 2015. "Constitutional Courts in a Comparative Perspective: A Theoretical Assessment." *Annual Review of Political Science* 18: 167-85.

Gibson, James L., Gregory A. Caldeira, and Vanessa A. Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92 (2): 343-358.

Epperly, Brad, and Jacqueline Sievert. 2019. "Conflict and Courts: Civil War and Judicial Independence Across Democracies." *Political Research Quarterly*, 72 (3): 700- 713.

Gibler, Douglas M. and Kirk A. Randazzo. 2011. "Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding." *AJPS* 55: 696-709.

Collins, Jr., Paul M., and Lauren A. McCarthy. 2017. "Friends and Interveners: Interest Group Litigation in a Comparative Context." *The Journal of Law and Courts* 5 (1): 55- 80.

Moustafa, Tamir. 2014. "Law and Courts in Authoritarian Regimes" *Annual Review of Law and Social Science* 10: 281-299.

## **Week 8: Courts in a Comparative Perspective II**

*Readings due:*

Reid, Rebecca A., and Todd A. Curry. 2019. "Conflicts in Indigenous Law: The Impact of Courts and Federalism in the United States and Common Law Nations." In *Research Handbook on Law and Courts*. Susan Sterett and Lee Walker (eds). Edward Elgar: 351- 364.

Songer, Donald R., Susan W. Johnson, and Jennifer Bowie. 2014. "Do Bills of Rights Matter? An Examination of Court Change, Judicial Ideology and the Support Structure for Rights in Canada." *Osgoode Hall Law Journal* 51(1): 297-328.

Cohen, Mathilde. 2020. "Judicial Colonialism Today: The French Overseas Courts." *The Journal of Law and Courts* 8 (2): 247- 276.

Coroado, Susana, Nuno Garoupa, and Pedro C. Magalhães. 2017. "Judicial Behavior under Austerity: An Empirical Analysis of Behavioral Changes in the Portuguese Constitutional Court, 2002-2016." *The Journal of Law and Courts* 5 (2).

Harguindéguy, Jean-Baptiste, Gonzalo Sola Rodríguez, and José Cruz Díaz. 2018. "Between Justice and Politics: The Role of the Spanish Constitutional Court in the State of Autonomies." *Territory, Politics, Governance* 1-19.

Sternberg, Sebastian, Sylvain Brouard, and Christoph Hönnige. 2021. "The Legitimacy-conferring Capacity of Constitutional Courts: Evidence from a Comparative Survey Experiment." *European Journal of Political Research*.

## **Week 9: Courts in a Comparative Perspective III**

*Readings due:*

Huebert, Erin T., and Amy H. Liu. 2017. "Ethnic Identity and Attitudes Toward State Institutions: Evidence of Judicial Legitimacy Among the Indigenous in Latin America." *Politics, Groups, and Identities* 5 (4): 561- 579.

Helmke, Gretchen. 2002. "The Logic of Strategic Defection: Court-Executive Relations in Argentina Under Dictatorship and Democracy" *APSR* 96: 291-303.

Rios-Figueroa, Julio. 2012. "Justice System Institutions and Corruption Control: Evidence from Latin America." *The Justice System Journal* 33 (2): 195- 214.

Serrano, Santiago Basabe. 2019. "The Representation of Women in the Judicial Branch: Eighteen Latin American High Courts in Comparative Perspective." *Revista de estudios políticos* 185: 259-286.

Côrtes, Lara, and Ana Côrtes. 2021. "Right to Water and Courts in Brazil: How Do Brazilian Courts Rule When They Frame Water as a Right?" *Water* 13: 3362.

Popova, Maria. 2010. "Political Competition as an Obstacle to Judicial Independence: Evidence from Russia and Ukraine," *Comparative Political Studies* 43 (10): 1202-1229.

Baird, Vanessa A., and Debra Javeline. 2007. "The Persuasive Power of Russian Courts." *Political Research Quarterly* 60 (3): 429-442.

## **Week 10: Courts in a Comparative Perspective IV**

*Readings due:*

Moustafa, Tamir. 2003. "Law versus the State: The Judicialization of Politics in Egypt." *Law & Social Inquiry* 28 (4): 883–930.

Bakiner, Onur. 2016. "Judges Discover Politics: Sources of Judges' Off-bench Mobilization in Turkey." *The Journal of Law and Courts* 4 (1): 131- 157.

Schaaf, Steven D. 2021. "When Do Courts Constrain the Authoritarian State? Judicial Decision-making in Jordan and Palestine." *Comparative Politics*.

Rosenthal, Maoz, Gad Barzilai, and Assaf Meydani. 2021. "Judicial Review in a Defective Democracy: Judicial Nominations and Judicial Review in Constitutional Courts." *The Journal of Law and Courts* 9 (1).

Ramseyer, J. Mark, and Eric B. Rasmusen. 1997. "Judicial Independence in a Civil Law Regime: The Evidence From Japan." *Journal of Law, Economics, and Organization* 13 (2): 259-286.

Gillespie, J. 2007. "Rethinking the Role of Judicial Independence in Socialist-Transforming East Asia." *The International and Comparative Law Quarterly* 56 (4): 837-869.

## **WEEK 11: Courts in a Comparative Perspective V**

*Readings due:*

VonDoepp, Peter, and Rachel Ellett. 2011. "Reworking Strategic Models of Executive- Judicial Relations: Insights from New African Democracies." *Comparative Politics* 43: 147-65.

Haynie, S., and Kaitlyn L. Sill. 2007. "Experienced Advocates and Litigation Outcomes: Repeat Players in the South African Supreme Court of Appeal." *Political Research Quarterly*, 60 (3), 443-453.

Bartels, Brandon L. and Eric Kramon. 2020. "Does Public Support for Judicial Power Depend on Who Is in Power? Testing a Theory of Partisan Alignment in Africa." *American Political Science Review* 114: 114-63.

He, Ling-Yun, and Xiao-Feng Qi. 2021. "Environmental Courts, Environment and Employment: Evidence from China." *Sustainability* 13: 6248- 6263.

Biehl, João, Lucas E. A. Prates, and Joseph J. Amon. 2021. "Supreme Court v. Necropolitics: The Chaotic Judicialization of COVID-19 in Brazil." *Health Human Rights* 23 (1): 151- 162.

Ariotti, Margaret, Simone Dietrich, and Joseph Wright. 2021. "Foreign Aid and Judicial Autonomy." *The Review of International Organizations*.

## **Week 12: International Human Rights Courts**

*Readings due:*

Sandholtz, Wayne, and Mariana Rangel Padilla. 2020. "Law and Politics in the Inter-American System: The Amnesty Cases." *The Journal of Law and Courts* 8 (1): 151- 175.

Hillebrecht, Courtney. 2012. "The Domestic Mechanisms of Compliance with International Law: Case Studies from the Inter-American Human Rights System." *Human Rights Quarterly*, 34 (2): 959-985.

Stiansen, Øyvind, and Erik Voeten. 2020. "Backlash and Judicial Restraint: Evidence from the European Court of Human Rights." *International Studies Quarterly* 64: 770- 784.

Anderson, Justice Winston. 2021. "The Rule of Law and the Caribbean Court of Justice: Taking Jus Cogens for a Spin." *Oxford University Commonwealth Law Journal* 21 (1): 1- 30.

Daly, Tom Gerald, and Micha Wiebusch. 2018. "The African Court on Human and Peoples' Rights: Mapping Resistance Against a Young Court." *International Journal of Law in Context* 14 (2): 294- 313.

Adjolohoun, Sègnonna Horace. 2020. "A Crisis of Design and Judicial Practice? Curbing State Disengagement from the African Court on Human and Peoples' Rights." *African Human Rights Law Journal* 20: 1-40.

### **Week 13: International Courts**

*Readings due:*

Pavone, Tommaso. 2018. "Revisiting Judicial Empowerment in the European Union: Limits of Empowerment, Logics of Resistance." *The Journal of Law and Courts* 6 (2): 303- 331.

Powell, Emilia Justyna, and Sara McLaughlin Mitchell. 2007. "The International Court of Justice and the World's Three Legal Systems." *Journal of Politics* 69 (2): 397- 415.

Simmons, Beth Ann, and Allison Danner. 2010. "Credible Commitments and the International Criminal Court." *International Organization* 64 (2): 225-256.

Alter, Karen. 2011. "Tipping the Balance: International Courts and the Construction of International and Domestic Politics." *Cambridge Yearbook of European Legal Studies* 13: 1- 22

Carrubba, Clifford J., Matthew Gabel, and Charles Hankla. 2008. "Judicial Behavior under Political Constraints: Evidence from the European Court of Justice." *American Political Science Review* 102: 435-52.

Krehbiel, Jay N. and Sivaram Cheruvu. 2021. "Can International Courts Enhance Domestic Judicial Review? Separation of Powers and the European Court of Justice." *The Journal of Politics*.

### **Week 14: Research Design Presentations**

## **Week 15: Courts and Transitional Justice**

*Readings due:*

Zvobgo, Kelebogile. 2020. "Demanding Truth: The Global Transitional Justice Network and the Creation of Truth Commissions." *International Studies Quarterly* 64 (3): 609- 625.

Carlson, Kerstin Bree. 2017. "International Criminal Law and Its Paradoxes: Implications for Institutions and Practice." *The Journal of Law and Courts* 5 (1): 33-55.

Jeffrey, Alex, and Michaelina Jakala. 2015. "Using Courts to Build States: The Competing Spaces of Citizenship in Transitional Justice Programmes." *Political Geography* 47: 43- 52.

Thomson, Susan. 2011. "The Darker Side of Transitional Justice: The Power Dynamics Behind Rwanda's Gacaca Courts." *Africa* 81 (3): 373- 390.

Stensrud, Ellen Emilie. 2009. "New Dilemmas in Transitional Justice: Lessons from Mixed Courts in Sierra Leone and Cambodia." *Journal of Peace Research* 46 (1): 5- 15.

**Research Design Due May 10th**

## Research Design Outline

<Title page>

### **I. Introduction (page 1)**

- a. Discusses your research question, why this question is important, and any background information that is necessary to understand the question; will be relatively short section

### **II. Theory (starts around page 2)**

- a. Explicitly explains how your independent variable affects your dependent variable; includes the story of how the causal mechanism works between your variables, under what conditions, for whom, etc;
- b. Uses previous research (often referred as literature reviews) to help develop your arguments. Previous literature is used to supplement (NOT replace) your arguments to show how your theory fits within existing knowledge and offers examples and evidence to bolster your claims. You need to explain and justify everything—nothing speaks for itself.
- c. Ends with hypothesis (or multiple hypotheses) that are single sentence summaries of what you expect to see in the actual data/results. The hypothesis is the predicted observation based upon your theory.
  - i. The hypothesis tells me what you should see in the real world if your theory is true. Your theory tells me why this outcome should be predicted and how these causal mechanisms work in detail.
- d. **This is the bulk of your paper!** So this will be the longest section, and you want to have a developed theory where I can see each step of how your independent variable affects your dependent variable. Like a recipe, your theory needs to take me step by step. This is the section that is most important for your grade since it reflects your understanding of material and your thinking like a scientist.

### **III. Data and Methods**

- a. Is your research question best addressed via qualitative or quantitative methods?
- b. What kind of data would you need to evaluate? Does this data already exist?
  - i. Explain how you would measure each theoretical concept, including your independent variable, dependent variable, and control variables
  - ii. If you would need to generate data, how would you collect that data? From whom?
- c. What kind of analysis is appropriate for this data?
- d. **You are not presumed to have all this information.** The intent is that you work with me in this section and learn through this process. So if this is all Greek to you, you're not alone and that's perfectly fine! I will help you.

<References>

## **How to Read Academic Articles and Achieve Success in your Research Design**

Your research design will be very similar to the academic articles we read in class and those you read for your project. The only difference is that you do not need to actually create, collect, or analyze any data. Hence, you will not have a Results or Conclusion sections.

As you read each article, answer the below questions to help you understand the key components and be able to use/replicate them in your research design.

- 1) What is the research question?
- 2) What is the theoretical argument and/or thesis?
- 3) What is the dependent variable?
- 4) What is the main independent variable(s)?
- 5) Do the variables match the theory? Are they appropriate? Do they measure what the authors claim?
- 6) What data is utilized and is it appropriate?
- 7) Did the authors include all relevant variables and exclude irrelevant variables? Are there confounding variables? Are there omitted variables?
- 8) What method of analysis was employed? Qualitative or quantitative? Is this method appropriate for the research question?
- 9) What are the results? How strong are these results?
- 10) What are the limitations of the theory, methods, and results?
- 11) How generalizable are the results?
- 12) How persuasive is the article? Why?

## APSA Style Guide

For full style manual see <https://connect.apsanet.org/stylemanual/wp-content/uploads/sites/43/2018/11/Style-Manual-for-Political-Science-2018.pdf>

### **In-text Citations**

These are parenthetical portions, usually at the end of sentences, that provide the immediate source of the information used in the sentence. Citations are required for direct quotations, paraphrasing, and facts or opinions not generally known or easily checked. The citations refer the reader to the full source information in the reference list at the end of the manuscript, and are therefore an essential aspect of a manuscript.

APSA employ the *author-date* style preferred by many in the physical, natural, and social sciences. For example: (Smith 2002) or (Smith 2002, 148). See more examples below.

Each parenthetical citation **must** have a matching source that appears in the reference list at the end of the manuscript, including the citations found in endnotes and in the source notes of tables and figures.

Template: (author last name(s) <space> publication year)  
(author last name(s) <space> publication year, page number)

*Examples:* (Arena 2014) (Durant n.d.)

\*where n.d. means “no date”

Page numbers must be included for quotes, and should be included to point to specific data sets, ideas, or to avoid ambiguity. The numbers should point to a specifically contextual page or range of pages. The page numbers can be cited as either inclusive or nonconsecutive page numbers.

(Jentleson 2015, 12–14) (Fraser 2017, 227)

With two or three authors, cite all names each time. Use *and*, not an ampersand (&).

(Dodd and Oppenheimer 1977) (Roberts, Smith, and Haptonstahl 2016)

When four or more authors are cited, *et al.* should follow the first author’s last name, even in the first reference, unless the author is in multiple references where the *et al.* would not be the same, in which case use the first and second author’s last names before *et al.* (and so on) or a shortened title in quotes preceded by a comma.

(Angel et al. 1986)

When multiple sources are cited together, they are included in the same parentheses, but separated by semicolons. They should be alphabetized.

(Hochschild 2015; Jentleson 2015)

(Hauck 2000; Hauck and Vogelsong 2005; Hauck, Smith, and Vogelsong 2010; Jordan et al. 1999, 56–58; Walthall 2012)

Citations of multiple sources by the same author, but published in different years, can omit the name with the second source and beyond.

(Barbarosa 1973; 1978) (Barbarosa 1973, 18; 1978, 32)

If two or more sources are published by the same author in the same year, add lowercase letters to the publication year. To determine how to label the sources with the letters, alphabetize them by title.

(Frankly 1957a, 1957b)

A parenthetical citation to a statute or court case should include the name of the case (in italics except for v.) or statute and the year.

(*Baker v. Carr* 1962)

## References

The References section is the same as a Works Cited or Bibliography section at the end of the manuscript.

All references should be alphabetized by author last name. Single-authored sources precede multi-authored sources beginning with the same last name. Multi-authored sources with the same name (first and last) of the first author should continue to be alphabetized by the second author's first name. When a source cannot be alphabetized by the author's name, alphabetize it by (in descending order): year (oldest to newest), editor's name, title, or descriptive phrase. When alphabetizing by article title, an initial article is ignored. Undated or forthcoming books follow all dated works.

All sources included in in-text citations should also appear in the References.

Each part of a reference is separated by a period, except when otherwise indicated. Each part begins with a capital letter unless it is a lowercase part of an author's, editor's, or translator's name. The general format is:

author last name, author first name. year of publication. "Title of article or chapter." *Book or Journal Title* Volume (issue number): page number range.

If the source was published by an organization, association, or corporation and does not carry an author's name, the organization is listed as the author, even if it is also the publisher.

When no author is associated with a source, but an editor(s) or translator(s) is, those names take the place of the author's name. The abbreviations *ed.* or *eds.*, or *trans.* follows the name(s), preceded by a comma.

If the source does not have an author, editor, translator, organization, association, or corporation that sponsored it, the title should be used in place of the name.

When the year of publication cannot be located, *n.d.* must take its place. When the publication is forthcoming (that is, not yet published), the term *forthcoming* takes the place of the year.

### ***Examples***

#### *Journal examples*

Aldrich, John H. 1980. "A Dynamic Model of Presidential Nomination Campaigns." *American Political Science Review* 74 (3): 651–69.

Chambers, Simone. 2018. "Against Democracy. By Jason Brennan." Review of *Against Democracy*, Jason Brennan. *Perspectives on Politics* 16 (2): 503–5. doi: 10.1017/S153759271800066X.

Prufer, Olaf. 1964. "The Hopewell Cult." *Scientific American*, December 13–15.

#### *Book Chapter examples*

Halchin, L. Elaine. 2001. "And This Parent Went to Market: Education as Public Versus Private Good." In *School Choice in the Real World*, eds. Robert Maranto, Scott Milliman, Frederick Hess and April Gresham, 39–57. Boulder, CO: Westview.

Halchin, L. Elaine. 2001. "And This Parent Went to Market: Education as Public Versus Private Good." Chap. 1 in *School Choice in the Real World*, eds. Robert Maranto, Scott Milliman, Frederick Hess and April Gresham. Boulder, CO: Westview.

Hall, Peter Dobkin. 2006. "A Historical Overview of Philanthropy, Voluntary Associations, and Nonprofit Organizations in the United States, 1600–2000." In *The Nonprofit Sector: A Research Handbook*, 2nd edition, eds. W. W. Powell and R. Steinberg, 32–65. New Haven, CT: Yale University Press.

Hermann, Margaret G. 1984. "Personality and Foreign Policy Decision Making: A Study of Fifty-Three Heads of Government." In *Foreign Policy Decision Making*, eds. Donald A. Sylvan and Steve Chan, 133–52. New York: Praeger.

Book examples

Davidson, Roger H., Walter J. Oleszek, Frances E. Lee, and Eric Schickler. 2016. *Congress and Its Members*, 14th edition. Washington, DC: CQ Press.

Website/Blog/Social Media example

Sides, John. 2008. "Who Will Win the Nominations?" *The Monkey Cage* [blog], January 3. [http://themonkeycage.org/2008/01/who\\_will\\_win\\_the\\_nominations/](http://themonkeycage.org/2008/01/who_will_win_the_nominations/).

Dissertation or thesis example

Munger, Frank J. 1955. "Two-Party Politics in the State of Indiana." PhD diss. [or Master's thesis.] Harvard University.

Conference paper (unpublished) example

Mefford, Dwain, and Brian Ripley. 1987. "The Cognitive Foundation of Regime Theory." Paper presented at the Annual Meeting of the American Political Science Association, Chicago.