

# POLS 5320 – SEMINAR IN PUBLIC LAW

*Wednesdays: 6:00 – 8:50am in BEND Room 205*

INSTRUCTOR: Dr. Rebecca Reid  
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OFFICE HOURS: MW 1:00 pm-5:30 pm, or by appointment

## **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, and domestic judiciaries in other countries. This class is reading intensive and formatted as a seminar to enable students to explore and analyze judicial institutions and behavior through discussion and dialogue.

This is not a course on constitutional law, and the focus will not be on the development of legal doctrines or close readings of important cases. Instead, we will evaluate law and courts as political institutions and judges as political actors and policy-makers.

## **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 a comprehensive understanding of the fundamental theories related to judicial behavior and decision making.
- 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.
- Design an appropriate research design paper related to judicial politics.

## **REQUIRED READING**

- Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press.

- Baird, Vanessa A. 2007. *Answering the Call of the Court: How Justices and Litigants Set the Supreme Court Agenda*. Charlottesville, VA: University of Virginia Press.
- Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press.
- Geyh, Charles Gardner. 2011. *What's Law Got to Do With It? What Judges Do, Why They Do It, and What's at Stake*. Stanford University Press.
- Hansford, Thomas G. and James F. Spriggs. 2006. *The Politics of Precedent on the U.S. Supreme Court*. Princeton: Princeton University Press.
- Bailey, Michael A., and Forrest Maltzman. 2011. *The Constrained Court: Law, Politics, and the Decisions Justices Make*. Princeton University Press.
- Rogers, James R., Roy Flemming, Jon R. Bond. 2006. *Institutional Games and the U.S. Supreme Court*. Constitutionalism and Democracy. University of Virginia Press.
- Hammond, Thomas H., Chris W. Bonneau, and Reginald S. Sheehan. 2005. *Strategic Behavior and Policy Choice on the U.S. Supreme Court*. Stanford, CA: Stanford University Press.
- Corley, Pamela C., Amy Steigerwalt, Artemus Ward. 2013. *The Puzzle of Unanimity: Consensus on the United States Supreme Court*. Stanford, CA: Stanford Law Books.
- Baum, Lawrence. 2006. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton University Press.
- Bowie, Jennifer Barnes, Donald R. Songer, and John Szmer. 2014. *The View from the Bench and Chambers*. The University of Virginia Press.
- Rowland, C. K. and Robert A. Carp. 1996. *Politics and Judgment in Federal District Courts*. Lawrence: University of Kansas Press.
- Langer, Laura. 2002. *Judicial Review in State Supreme Courts: A Comparative Study*. Albany: State University of New York Press.
- Hall, Melinda Gann. 2015. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Stanford University Press.
- Bonneau, Chris W. and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. Routledge.
- Haire, Susan B., and Laura P. Moyer. 2015. *Diversity Matters: Judicial Policy Making in the U.S. Courts of Appeals*. University of Virginia Press.

- Peabody, Bruce. 2011. *The Politics of Judicial Independence: Courts, Politics, and the Public*. John Hopkins University Press.
  - Russell, Peter H. and David M. O’Brien. 2001. *Judicial Independence in the Age of Democracy: Critical Perspectives from around the World*. University Press of Virginia.
  - Ginsburg, Tom, and Tamir Moustafa. 2008. *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge University Press.
  - Epp, Charles R. 1998. *The Rights Revolution*. Chicago: University of Chicago Press.
  - Tate, C. Neal, and Torbjorn Vallinder. 1997. *The Global Expansion of Judicial Power*. New York: NYU Press.
- or
- Seider, Rachel, Line Schjolden, and Alan Angell. 2005. *The Judicialization of Politics in Latin America*. Palgrave McMillan.

Required articles and other readings can be accessed from JSTOR, the UTEP library, or Heinonline (among other sources). Access is free on UTEP campus or at home via proxy.

## COURSE REQUIREMENTS AND GRADING

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

Participation in Class	25%
Critical Evaluations	25%
Research Design Paper	50%

The grading scale is as follows:

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

***Participation***: Since this is a graduate level seminar, attendance and participation are essential. 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. Additionally, students will be responsible to lead discussion on a specific number of days (which will be determined during the first week of class). Both components are evaluated to determine the participation grade.

**Critical Evaluations:** Each week for the eight selected weeks\*, students are responsible to turn in a critical evaluation essay that must critique 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 (or not) by these readings, the limitations of the readings, how the research can be improved, etc. **This is not a summary of the readings.** Rather, the essay is an assessment of the readings, addressing the theoretical and methodological issues. These papers should be 3-5 pages long, typed, and are due at 5 pm Tuesdays (the day before class each week). References and citations are mandatory, and the works cited pages do not count toward the page limitations.

\*Students will select 8 weeks for which they will write these critical evaluation papers. Hence, there will be a total of 8 papers due for each student. Students are responsible for successfully completing and submitting each paper and staying on schedule. Students are under no circumstances able to make up these papers, and I do not accept late work.

**Research paper:** Students must complete a research design paper that offers conference-level work in synthesis of the relevant literature, research question and justification, research design, appropriate operationalization, and data sources. Students are not required to complete the empirical analysis, but the research design must address an appropriate empirical research question with an appropriate research design. Early in the semester, each student must submit a 1-2 page research proposal that includes a detailed research question (s). The goal of the research paper is to explore a topic in judicial politics beyond that covered in assigned readings and class discussion. All topics must be approved by me; hence, I recommend brainstorming research ideas early in the semester as it is rare to find a viable idea on the first try.

The final research design paper is due the last day of class and should be approximately 10-15 pages long. Students must submit their paper both in hard copy format during class and via SafeAssign on Blackboard. Students are encouraged to meet with me periodically throughout the semester for feedback and discuss their progress. I will not give incompletes for the class (except in the gravest of circumstances) and late papers will not be accepted.

## **SPECIAL ACCOMMODATIONS**

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.

### **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, 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. 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; however, should laptop usage become disruptive, I reserve the right to prohibit laptops and other electronic devices.

This class is designed to challenge students with new, sometimes controversial, ideas and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes. This class is designed to initiate an open discussion based upon the required readings, encourage critical thinking and application to current events, and enable students to digest difficult material through these discussions. This class DOES NOT give you knowledge—i.e. knowledge and understanding is not transfused to students by simply sitting in class. Learning is an interactive process and one that is the primary responsibility of each student.

### **Late assignments will receive no credit.**

All grades are earned and reflect your reflect the mastery of material through the adequate completion of assignments by their deadline. As such, they do not reflect level of effort, interest, or intention. **I will not change final grades for the course under any circumstances**, with the single exception of cases where an error occurred on my end.

## 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. I **require** you to read the material prior to the class since you will be expected to participate in the discussion. Finally, 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.)

### WEEK 1: INTRODUCTION, COURTS, INSTITUTIONS, DECISION MAKING

*Readings due:*

Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press.

### WEEK 2: AGENDA SETTING

*Readings due:*

Baird, Vanessa A. 2007. *Answering the Call of the Court: How Justices and Litigants Set the Supreme Court Agenda*. Charlottesville, VA: University of Virginia Press.

Black, Ryan C. and Ryan J. Owens. 2009. "Agenda Setting in the Supreme Court: The Collision of Policy and Jurisprudence." *JOP* 71: 1062-1075.

Owens, Ryan J. 2010. "The Separation of Powers and Supreme Court Agenda Setting." *AJPS* 54: 412-427.

Benesh, Sara C., Saul Brenner, and Harold J. Spaeth. 2002. "Aggressive Grants by Affirm-Minded Justices." *APR* 30(May): 219-234.

*Supplemental:*

Songer, Donald R. 1979. "Concern for Policy Output as a Cue for Supreme Court Decisions on Certiorari." *JOP* 41(Nov.): 1185-1194.

Ulmer, S. Sidney. 1984. "The Supreme Court's Certiorari Decisions: Conflict as a Predictive Variable." *APSR* 78(Dec.): 901-911.

### **WEEK 3: U.S. SUPREME COURT: ATTITUDINAL MODEL**

#### *Readings:*

Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press.

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." *JOP* 60(Aug.): 801-818.

Epstein, Lee, Andrew D. Martin, Jeffrey A. Segal, and Chad Westerland. 2007. "The Judicial Common Space." *JLEO* 23: 303-325.

Martin, Andrew D. and Kevin M. Quinn. 2007. "Assessing Preference Change on the US Supreme Court." *JLEO* 23: 365-385.

#### *Supplemental:*

Segal, Jeffrey A. and Albert D. Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *APSR* 83: 557-565.

Clark, Tom S. and Benjamin Lauderdale. 2010. "Locating Supreme Court Opinions in Doctrine Space." *AJPS* 54: 871-890.

McGuire, Kevin T., Georg Vanberg, Charles E. Smith, Jr., and Gregory A. Caldeira. 2009. "Measuring Policy Content on the U.S. Supreme Court." *JOP* 71: 1305-1321.

### **WEEK 4: U.S. SUPREME COURT: LEGAL MODEL**

#### *Readings:*

Geyh, Charles Gardner. 2011. *What's Law Got to Do With It? What Judges Do, Why They Do It, and What's at Stake*. Stanford University Press.

Hansford, Thomas G. and James F. Spriggs. 2006. *The Politics of Precedent on the U.S. Supreme Court*. Princeton: Princeton University Press.

Bartels, B., & O'Geen, A. 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.

#### *Supplemental:*

Bartels, Brandon L. 2009. "The Constraining Capacity of Legal Doctrine on the U.S. Supreme Court." *American Political Science Review* 103 (August): 474-495.

- Bailey, Michael A. and Forrest Maltzman. 2008. "Does Legal Doctrine Matter? Unpacking Law and Policy Preferences on the U.S. Supreme Court." *APSR* 102(Aug.): 369-384
- Knight, Jack and Lee Epstein. 1996. "The Norm of *Stare Decisis*." *AJPS* 40(Nov.): 1018-1035.

## **WEEK 5: U.S. SUPREME COURT: STRATEGIC MODELS AND SOP**

### *Readings due:*

- Bailey, Michael A., and Forrest Maltzman. 2011. *The Constrained Court: Law, Politics, and the Decisions Justices Make*. Princeton University Press.
- Rogers, James R., Roy Flemming, Jon R. Bond. 2006. *Institutional Games and the U.S. Supreme Court*. Constitutionalism and Democracy. University of Virginia Press.
- Hammond, Thomas H., Chris W. Bonneau, and Reginald S. Sheehan. 2005. *Strategic Behavior and Policy Choice on the U.S. Supreme Court*. Stanford, CA: Stanford University Press.
- Bailey, Michael A. 2007. "Comparable Preference Estimates across Time and Institutions for the Court, Congress, and Presidency." *AJPS* 51: 433-448.
- Hall, M. 2014. "The Semiconstrained Court: Public Opinion, the Separation of Powers, and the U.S. Supreme Court's Fear of Nonimplementation." *American Journal of Political Science* 58 (2), 352-366.

### *Supplemental:*

- Segal, J., Westerland, C., and Lindquist, S. 2011. "Congress, the Supreme Court, and Judicial Review: Testing a Constitutional Separation of Powers Model." *American Journal of Political Science*, 55(1), 89-104.
- Carrubba, Clifford J. and Christopher Zorn. 2010. "Executive Discretion, Judicial Decision Making, and Separation of Powers in the United States." *JOP* 72: 812-824.
- Randazzo, Kirk A., Richard W. Waterman, and Jeffrey A. Fine. 2006. "Checking the Federal Courts: The Impact of Congressional Statutes on Judicial Behavior." *JOP* 68(Nov.): 1006-1017.
- Keck, Thomas M. 2007. "Party, Policy, or Duty: Why Does the Supreme Court Invalidate Federal Statutes?" *American Political Science Review* 101(2): 321-338.
- Staton, Jeffrey K. and Georg Vanberg. 2008. "The Value of Vagueness: Delegation, Defiance, and Judicial Opinions." *AJPS* 52: 504-519.



Helmke, Gretchen and Mitchell S. Sanders. "Modeling Motivations, A Method for Inferring judicial Goals from Behavior." *JOP* 68(Nov.): 867-878.

Johnson, Timothy R., James F. Spriggs, II, and Paul J. Wahlbeck. 2005. "Passing and Strategic Voting on the U.S. Supreme Court." *LSR* 39(June): 349-378.

## **WEEK 6: OPINION ASSIGNMENT AND CONSENSUS**

*Readings due:*

Corley, Pamela C., Amy Steigerwalt, Artemus Ward. 2013. *The Puzzle of Unanimity: Consensus on the United States Supreme Court*. Stanford, CA: Stanford Law Books.

Hendershot, Marcus E., Mark S. Hurwitz, Drew Lanier, and Richard L. Pacelle, Jr. 2013. "Dissensual Decision-Making: Revisiting the Demise of Consensual Norms within the U.S. Supreme Court." *PRQ* 66: 467-81.

Lax, Jeffrey R. and Charles M. Cameron. 2007. "Bargaining and Opinion Assignment on the US Supreme Court." *JLEO* 23: 276-302.

Brenner, Saul. 1984. "Issue Specialization as a Variable in Opinion Assignment." *JOP* 46(Nov.): 1217-1225.

## **RESEARCH TOPIC PROPOSAL DUE**

## **WEEK 7: U.S. SUPREME COURT: OTHER INFLUENCES**

*Readings due:*

Baum, Lawrence. 2006. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton University Press.

Casillas, C., Enns, P., and Wohlfarth, P. 2011. "How Public Opinion Constrains the U.S. Supreme Court." *American Journal of Political Science* 55 (1), 74-88.

Johnson, Timothy R., Paul J. Wahlbeck, and James F. Spriggs, II. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." *APSR* 100: 99-113.

Bailey, Michael A., Brian Kamoie, and Forrest Maltzman. 2005. "Signals from the Tenth Justice: The Political Role of the Solicitor General in Supreme Court Decision Making." *AJPS* 49(Jan.): 72-85.

Collins, Paul M. Jr. 2004. "Friends of the Court: Examining the Influence of Amicus Curiae Participation in U.S. Supreme Court Litigation." *LSR* 38(4): 807-832.

Epstein, Lee, Rene Lindstadt, Jeffrey A. Segal, and Chad Westerland. 2006. "The Changing Dynamics of Senate Voting on Supreme Court Nominees." *JOP* 68(May): 296-307.

## **WEEK 8: U.S. COURTS OF APPEALS**

*Readings due:*

Bowie, Jennifer Barnes, Donald R. Songer, and John Szmer. 2014. *The View from the Bench and Chambers: Examining Judicial Process and Decision Making on the U.S. Courts of Appeals*. The University of Virginia Press.

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.

Glynn, A. N. and Sen, M. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?." *American Journal of Political Science* 59: 37–54.

Westerland, Chad, Jeffrey A. Segal, Lee Epstein, Charles M. Cameron, and Scott Comarato. 2010. "Strategic Defiance and Compliance in the U.S. Courts of Appeals." *AJPS* 54: 891-905.

Songer, Donald R., Reginald S. Sheehan, and Susan Brodie Haire. 1999. "Do the 'Haves' Come Out Ahead over Time? Applying Galanter's Framework to the U.S. Courts of Appeals, 1925-1988." *LSR* 33(4): 811-832.

## **WEEK 9: U.S. DISTRICT COURTS**

*Readings due:*

Rowland, C. K. and Robert A. Carp. 1996. *Politics and Judgment in Federal District Courts*. Lawrence: University of Kansas Press.

Collins, Paul M. Jr., Daniel A. Norton, Kenneth L. Manning, and Robert A. Carp. 2008. "International Conflicts and Decision Making on the Federal District Courts." *The Justice System Journal* 29 (2): 121- 144.

Tiede, Lydia Brashear. 2007. "Delegation Discretion: Quasi Experiments on District Court Decision Making." *APR* 35(Sep.): 595-620.

Rowland, C.K. and Bridget Jeffrey Todd. 1991. "Where You Stand Depends on Who Sits: Platform Promises and Judicial Gatekeeping in the Federal District Courts." *JOP* 53(Feb.): 175-185.

Hansford, Thomas G., Elisha Carol Savchak, and Donald R. Songer. 2010. "Politics, Careerism, and the Voluntary Departures of U.S. District Court Judges." *American Politics Research* 38: 986-1014.

## WEEK 10: HIERARCHICAL INFLUENCES ON FEDERAL COURTS

### *Readings due:*

Beim, D., Hirsch, A., and Kstellec, J. 2014. "Whistleblowing and Compliance in the Judicial Hierarchy." *American Journal of Political Science* 58 (4), 904-918.

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

Luse, Jennifer K., Geoffrey McGovern, Wendy L. Martinek, and Sara C. Benesh. 2009. "Such Inferior Courts...Compliance by Circuits with Jurisprudential Regimes." *APR* 37(Jan.): 75-106.

Songer, Donald R., Jeffrey A. Segal, and Charles M. Cameron. 1994. "The Hierarchy of Justice: Testing a Principal-Agent Model on Supreme Court-Circuit Court Interactions." *AJPS* 38(Aug.): 673-696.

Songer, Ginn & Sarver (2003). "Do Judges Follow the Law When There is No Fear of Reversal?" *Justice System Journal* 24:137-161

## WEEK 11: U.S. STATE COURTS

### *Readings due:*

Langer, Laura. 2002. *Judicial Review in State Supreme Courts: A Comparative Study*. Albany: State University of New York Press.

Hall, Melinda Gann. 2015. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Stanford University Press.

Bonneau, Chris W. and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. Routledge.

Brace, Paul, Laura Langer, and Melinda Gann Hall. 2000. "Measuring the Preferences of State Supreme Court Judges." *JOP* 62(May): 387-413.

### *Supplemental:*

Wilhelm, Teena. 2009. "Strange Bedfellows: The Policy Consequences of Legislative-Judicial Relations in the American States." *American Politics Research* 37 (January): 3- 29

Songer, Donald, Ashlyn Kuersten & Kaheny (2000). "Why the Haves Don't Always Come Out Ahead: Repeat Players Meet Amici Curiae for the Disadvantaged" *Political Research Quarterly* 53: 537-556.

Songer, Donald R. and Susan J. Tabrizi. 1999. "The Religious Right in Court: The Decision Making of Christian Evangelicals in State Supreme Courts." *JOP* 61(May): 507-526.

## **WEEK 12: DIVERSITY, IDENTITY, AND DECISION MAKING**

*Readings due:*

Haire, Susan B., and Laura P. Moyer. 2015. *Diversity Matters: Judicial Policy Making in the U.S. Courts of Appeals*. University of Virginia Press.

Boyd, Christina L., Lee Epstein, and Andrew D. Martin. 2010. "Untangling the Causal Effects of Sex on Judging." *American Journal of Political Science* 54: 389- 411.

Collins, Paul M., Jr., Kenneth L. Manning, and Robert A. Carp. 2010. "Gender, Critical Mass, and Judicial Decision Making." *Law & Policy* 32: 260-281.

Grossman, G., Gazal-Ayal, O., Pimentel, S. D. and Weinstein, J. M. 2016. "Descriptive Representation and Judicial Outcomes in Multiethnic Societies." *American Journal of Political Science* 60: 44–69.

Kastellec, J. 2013. "Racial Diversity and Judicial Influence on Appellate Courts." *American Journal of Political Science*, 57(1), 167-183.

## **WEEK 13: JUDICIAL INDEPENDENCE**

*Readings due:*

Peabody, Bruce. 2011. *The Politics of Judicial Independence: Courts, Politics, and the Public*. John Hopkins University Press.

Russell, Peter H. and David M. O'Brien. 2001. *Judicial Independence in the Age of Democracy: Critical Perspectives from around the World*. University Press of Virginia.

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

Randazzo, Kirk, Douglas Gibler, and Rebecca Reid. 2016. "Examining the Development of Judicial Independence." *Political Research Quarterly*.

## **WEEK 14: COURTS IN A COMPARATIVE PERSPECTIVE**

*Readings:*

Ginsburg, Tom, and Tamir Moustafa. 2008. *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge University Press

Epp, Charles R. 1998. *The Rights Revolution*. Chicago: University of Chicago Press.

Urribarri, Raul A. Sanchez, Susanne Schorpp, Kirk A. Randazzo, and Donald R. Songer. 2011. "The Support Structure and Sustained Attention to Rights: A Rejoinder." *JOP* 73: 410-411.

Urribarri, Raul A. Sanchez, Susanne Schorpp, Kirk A. Randazzo, and Donald R. Songer. 2011. "Explaining Changes to Rights Litigation: Testing a Multivariate Model in a Comparative Framework." *JOP* 73: 391-405.

*Choose one of the following:*

Tate, C. Neal, and Torbjorn Vallinder. 1997. *The Global Expansion of Judicial Power*. New York: NYU Press.

Seider, Rachel, Line Schjolden, and Alan Angell. 2005. *The Judicialization of Politics in Latin America*. Palgrave McMillan.

*Choose 3 of the following:*

Gibson, James L., Gregory A. Caldeira, and Vanessa A. Baird. 1998. "On the Legitimacy of National High Courts." *APSR* 92: 343-358.

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

Gibson, James L., and Gregory A. Caldeira. 2003. "Defenders of Democracy? Legitimacy, Popular Acceptance, and the South African Constitutional Court." *The Journal of Politics* 65(1): 1-30.

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

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.

Tate, C. Neal. 1993. "Courts and Crisis Regimes: A Theory Sketch with Asian Case Studies." *PRQ* 46(June): 311-338.

Tate, C. Neal, and Stacia L. Haynie. 1993. "Authoritarianism and the Function of Courts: A Time Series Analysis of the Philippine Supreme Court, 1961-1987." *LSR* 27(4): 707-740.

Vondoepp, Peter. 2006. "Politics and Judicial Assertiveness in Emerging Democracies: High Court Behavior in Malawi and Zambia." *Political Research Quarterly* 59(3): 389-399.

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

Domingo, Pilar. 2000. "Judicial Independence: The Politics of the Supreme Court in Mexico." *Journal of Latin American Studies* 32.

Moustafa, Tamir. 2003. "Law versus the State: The Judicialization of Politics in Egypt." *Law and Social Inquiry* 28: 883- 930.

## **WEEK 15: CONCLUSIONS**

### **RESEARCH DESIGN PAPER DUE**