

# CURRICULUM CHANGE PROPOSAL

## APPROVAL PAGE

Proposal Title: POLS Public Law Course Replacement

College: Liberal Arts

Department: Political Science

### DEPARTMENT CHAIR

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I have read the enclosed proposal and approve this proposal on behalf of the department.



2/11/2022

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### COLLEGE CURRICULUM COMMITTEE CHAIR

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I have read the enclosed documents and approve the proposal on behalf of the college curriculum committee.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### COLLEGE DEAN

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I have read the enclosed documents and approve the proposal on behalf of the college. I certify that the necessary funds will be allocated by the college in support of this proposal.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# UNDERGRADUATE CURRICULUM CHANGE MEMO

Date: February 11, 2022

From: Todd Curry, Director of Undergraduate Studies, Political Science

Through: Gaspare M. Genna, Chair Political Science

Through: Denis O'Hearn, Dean, College of Liberal Arts

To: Crystal Herman, Chair, Undergraduate Curriculum Committee

Proposal Title: Replacing three Public Law Electives with One Public Law Elective Course

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**The purpose is to replace three existing public law elective courses (POLS 3323: Comparative Courts, POLS 4327: International and Regional Courts, and POLS 4326: International Law and the US) with a single course: POLS 3323: International and Comparative Courts. The new POLS 3323: International and Comparative Courts is designed to combine the content from these previous courses to introduce students to how legal systems, judicial institutions, and the rule of law function beyond the United States. (Content from POLS 4326 is also already included in separate course, POLS 3362: International Law and Politics, which will remain in place). This reduction in courses allows for students to obtain the same educational content but on a more regular basis, as the single course can be taught more frequently than alternating across the three previous courses.**

## Course Addition

### POLS 3323: INTERNATIONAL AND COMPARATIVE COURTS

This course provides an introduction to the study of legal systems, courts, judicial process, judicial behavior, and the rule of law across the world. This course examines legal and judicial systems across courts beyond the United States as well as evaluates the function and impact of international and regional courts. Students are challenged to critically analyze domestic and international legal systems and conceptions of justice, examine judicial behavior across political and institutional contexts, and evaluate the role of courts in processes of democratization, separation of powers, human rights, state sovereignty, and the rule of law.

## Courses to be replaced/deleted

### POLS 3323: COMPARATIVE COURTS

This course provides an introduction to the major legal systems of the world and compares high courts cross-nationally. It will include the study of legal systems, courts, judicial process, judicial behavior, the rule of law, and the role of courts across political spectrums and regimes. This class is styled as a seminar, but it will also employ student-led discussions, lectures, papers, and

research projects to enable students to explore and analyze judicial institutions and behavior cross-nationally. Students will be expected to write a major, original research design paper on comparative courts in addition to several short papers evaluating and synthesizing the readings for selected weeks.

#### POLS 4327: INTERNATIONAL AND REGIONAL COURTS

This course provides an introduction to regional and international courts of the world. It will include the examination of institutional structure and process, judicial behavior, and their hierarchical interactions with states and their domestic institutions. It will include the study of legal systems, courts, judicial process, judicial behavior, the rule of law, and the role of courts across political spectrums and regimes. This class will be online using asynchronous and synchronous methods, including virtual synchronous office hours and class discussion, asynchronous learning modules and online assignments. This class prioritizes critical reflection, analytical thinking, application, and research while seeking to decolonize the learning environment and address inequities in student resources.

#### POLS 4326: INTERNATIONAL LAW AND THE UNITED STATES

This course discusses the role of international law within the United States and how it has changed over time through various political climates. It will include American case law related to international law as well as the role of the United States as a litigant in international dispute settlement. This class will employ methods that are both traditional (lecture-based) and non-traditional (such as projects, papers, and simulations) to enable students to explore and analyze judicial institutions and behavior.

# COURSE CHANGE FORM

COPY OF CATALOG PAGE NOT REQUIRED

All fields below are required

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College : Liberal Arts

Department : Political Science

Rationale for changing the course:

Replace three existing public law elective courses (POLS 3323: Comparative Courts, POLS 4327: International and Regional Courts, and POLS 4326: International Law and the US) with a single course: POLS 3323: International and Comparative Courts. The new POLS 3323: International and Comparative Courts is designed to combine the content from these previous courses to introduce students to how legal systems, judicial institutions, and the rule of law function beyond the United States. (Content from POLS 4326 is also already included in separate course, POLS 3362: International Law.

All fields below are required

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Subject Prefix and number POLS 3323\_

Course Title International and Comparative Courts

Change	From	To
Ex. Prerequisite	Ex. POLS 2310	Ex. POLS 2312
Course Title	POLS 3323: Comparative Courts	POLS 3323: International and Comparative Courts
Course Description	This course provides an introduction to the major legal systems of the world and compares high courts cross-nationally. It will include the study of legal systems, courts, judicial process, judicial behavior, the rule of law, and the role of courts across political spectrums and regimes. This class is styled as a seminar, but it will also employ student-led discussions, lectures, papers, and research projects to enable students to explore and analyze judicial institutions and behavior cross-nationally. Students will be expected to write a major, original research design	This course provides an introduction to the study of legal systems, courts, judicial process, judicial behavior, and the rule of law across the world. This course examines legal and judicial systems across courts beyond the United States as well as evaluates the function and impact of international and regional courts. Students are challenged to critically analyze domestic and international legal systems and conceptions of justice, examine judicial behavior across political and institutional contexts, and evaluate the role of courts in processes of democratization,

	paper on comparative courts in addition to several short papers.	separation of powers, human rights, state sovereignty, and the rule of law.
Course Deletion	POLS 4326	NA
Course Deletion	POLS 4327	NA

**These changes will be reflected in Banner, Goldmine, and the catalog**

# POLS 3323 – INTERNATIONAL AND COMPARATIVE COURTS

*<location and day/time>*

INSTRUCTOR:  
PHONE:  
EMAIL:  
OFFICE:  
OFFICE HOURS:

## 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 an introduction to the study of legal systems, courts, judicial process, judicial behavior, and the rule of law across the world. This course examines legal and judicial systems across courts beyond the United States as well as evaluates the function and impact of international and regional courts. Students are challenged to critically analyze domestic and international legal systems and conceptions of justice, examine judicial behavior across political and institutional contexts, and evaluate the role of courts in processes of democratization, separation of powers, human rights, state sovereignty, and the rule of law.

## 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) **teamwork** and (9) **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:

- 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.
- Become familiar with peer-reviewed academic scholarship and empirical studies.
- Developed the skills necessary to understand and evaluate contemporary problems as well will have learned to think critically and analytically about political issues and articulate arguments in oral and written form.
- Demonstrate self-awareness of their own individual assumptions, implicit biases, and stereotypes.
- 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 that empirically evaluates international or comparative role, function, or impact of law and courts

## COURSE REQUIREMENTS AND GRADING

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

Class Discussion	15%
Assignments	15%
Discussion Leader Teams	20%
Research Design	25%
Final Exam	25%

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.

## **Assignments**

There are two main types of homework assignments, though in-class assignments can vary. These assignments are provided at the end of the syllabus.

### **Critical Reflections**

Critical Reflections are short written assignments that ask students to develop, communicate, and reflect upon their opinions. These assignments ask the student to engage in self-reflection and self-awareness, by helping student identify and evaluate their own beliefs, opinions, assumptions and their implications. As such, critical reflections are an extension of critical thinking. These assignments are evaluated based upon quality of student engagement, not by the content of the answers or level of uncertainty within responses.

### **Comprehension Questions**

Comprehension Questions are a short series of questions that evaluate student comprehension of class material. These assignments thus allow the instructor to evaluate and remedy any confusion in a timely manner. Students are evaluated by the completion and quality of effort of the assignment. Incorrect answers are not penalized as these assignments are designed to assess understanding of the material. Answers should be in student's own words. If outside references or resources are used, then please cite these sources in the assignment.

## **Discussion Team Leaders**

Each week will have Discussion Team Leaders assigned. Each team consists of approximately three students, whose role that week is to initiate, guide, and moderate the discussion of the readings for that week. Team 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 Team Leaders are intended to facilitate peer-based learning, where all students are expected to have equal share of knowledge, learning capacity, and responsibility.

## **Final Exam**

The final exam consists of a 5-10 page essay in response to a specific prompt. The essay is an evaluative tool to gauge student understanding of concepts, their relationships, their application, and their implications. Students should include APSA style in-text citations as well as references (which do not count as part of the page limit). The prompt(s) are available at the end of the syllabus, as is the APSA style guide.

Essays are evaluated based upon the clearly articulated and organized arguments and evidence, informed by appropriate research on the topic. Theoretical arguments should be fully developed,



explained, and justified using appropriate evidence and examples. The essay requires the reading and citation of scholarship beyond class readings, and the essay should fully respond to each component of the prompt.

### **Research Design Paper**

Students are required to submit an original research design paper, 10-15 pages (typed and submitted in hard copy format). This research design paper must identify a viable research design to empirically examine some theoretically important research question dealing with 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**

### **Critical Reflection #1 Due**

## **Week 2: U.S. Courts**

### *Required Readings:*

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

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

Black, Ryan C. & Ryan J. Owens. 2015. "Courting the President: How Circuit Court Judges Alter Their Behavior for Promotion to the Supreme Court." *American Journal of Political Science* 60: 30-43.

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

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

Schorpp, Susanne, David Hoffman, and Benjamin Kassow. 2017. "'Tilted Scales': The Impact of the U.S. Supreme Court on American Income Inequality." *The Justice System Journal* 38 (3): 213- 240.

### **Week 3: Courts in a Comparative Perspective**

#### *Required Readings:*

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 4: Courts in Common Law**

##### *Required Readings:*

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.

Johnson, Susan, and Rebecca A. Reid. 2020. "Speaking Up: Women and Dissenting Behavior in the Supreme Court of Canada." *The Justice System Journal* 43 (3): 191-219.

Masood, Ali S., and Monica E. Lineberger. 2019. "United Kingdom, United Courts? Hierarchical Interactions and Attention to Precedent in the British Judiciary." *Political Research Quarterly* 73 (3): 714- 726.

Tutton, Jordan, Kathy Mack, and Sharyn Roach Anleu. 2018. "Judicial Demeanor: Oral Argument in the High Court of Australia." *The Justice System Journal* 39 (3): 273- 299.

Hoadley D, Bartolo M, Chesterman R, Faus A, Hernandez W, Kultys B, Moore AP, Nemsic E, Roche N, Shangguan J, Steer B, Tylinski K and West N. 2021. "A Global Community of Courts? Modelling the Use of Persuasive Authority as a Complex Network." *Frontiers in Physics* 9: 665719.

#### **Comprehension Questions #1 Due**

## **Week 5: Courts in Latin America**

### *Required Readings:*

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

Staton, Jeffrey K. 2006. "Constitutional Review and the Selective Promotion of Case Results." *American Journal of Political Science* 50 (1): 98- 112.

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.

Ruibal, Alba. 2021. "Using Constitutional Courts to Advance Abortion Rights in Latin America." *International Feminist Journal of Politics* 23 (4): 579- 599.

## **Research Question for Research Design Due**

## **Week 6: Courts in Europe and Post-Communist States**

### *Required Readings:*

Skiple, Jon Lare, Henrik Litleré, and Mark Jonathan McKenzie. 2021. "How Docket Control Shapes Judicial Behavior: A Comparative Analysis of the Norwegian and Danish Supreme Courts." *The Journal of Law and Courts* 9 (1): 111-136.

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*.

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 7: Courts in the Middle East**

### *Required Readings:*

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

Burgis, M. 2007. "Judicial Reform and the Possibility of Democratic Rule in Jordan: A Policy Perspective on Judicial Independence." *Arab Law Quarterly* 21 (2): 135-169.

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).

Achenchabe, Yassine, and Mohammed Akaaboune. 2021. "Determinants of Judicial Efficiency in Morocco." *Open Journal of Business and Management* 9 (5): 2407- 2424.

## **Critical Reflection #2 Due**

## **Week 8: Courts in Asia and Pacific**

### *Required Readings:*

Cheesman, Nick. 2011. "How an Authoritarian Regime in Burma Used Special Courts to Defeat Judicial Independence." *Law & Society Review* 45 (4): 801–830.

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, 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.

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

Barnwal, Ajay K., and Anuja Mishra. 2021. "Toxic Masculinity and Inherent Misogyny on Social Media: Preventive Laws and Indian Judicial Approach." *Big Data Analytics in Cognitive Social Media and Literary Texts*: 183- 197.

Wei, Shuai. 2021. "Gendered Justice in China: Victim-Offender Mediation as the 'Different Voice' of Female Judges." *International Journal of Offender Therapy and Comparative Criminology* 65 (4): 346- 372.

## **Week 10: Courts in Africa**

### *Required Readings:*

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.

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.

Taylor, Whitney K. 2020. "Constitutional Rights and Social Welfare: Exploring Claims-Making Practices in Post-Apartheid South Africa." *Comparative Politics* 53 (1): 25- 48.

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.

Uzebu-Imarhiagbe, Enibokun. 2020. "Women in the Nigerian Judiciary: Considerable Headway or Organised Progress?" *International Journal of the Legal Profession* 27 (2): 175- 188.

## **Comprehension Questions #2 Due**

## **Week 11: International Human Rights Courts**

### *Required Readings:*

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 12: International Courts**

### *Required Readings:*

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 13: Courts and Transitional Justice**

#### *Required Readings:*

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.

## **Week 14: Courts on Security, Development, Migration, Health, and Environment**

### *Required Readings:*

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.

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

Hamlin, Rebecca. 2015. "Ideology, International Law, and the INS: The Development of American Asylum Politics 1948-Present." *Polity* 47 (3): 320-336.

Gill, Rebecca D., Michael Kagan, and Fatma Marouf. 2017. "Chivalry, Masculinity, and the Importance of Maleness to Judicial Decision Making: The Impact of Maleness on Judicial Decision Making: Masculinity, Chivalry, and Immigration Appeals." *Politics, Groups, and Identities* 7(3): 509-528.

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.

## **WEEK 15: Courts and Colonization**

### *Required Readings:*

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.

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.

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.

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

Cardenas, Alan, and Rebecca A. Reid. 2021. "Courts as Colonizers or Protectors? First Nations Before the Mexican Supreme Court." *Open Judicial Politics: An Empirical Reader*. 2<sup>nd</sup> ed. Oregon State University Open Textbook Initiative. <  
<https://open.oregonstate.edu/open-judicial-politics/chapter/courts-as-colonizers-or-protectors/>>

**Final Exam Due May 6<sup>th</sup>**

**Research Design Due May 13th**



## 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 (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?

## Critical Reflection #1

### **Part I**

- 1) What is justice? How do you know justice has been achieved?
- 2) What is law? Is law a tool to oppress or to protect freedoms?
- 3) What are the sources of law?
- 4) Why do people follow the law? What/who grants law legitimacy?
- 5) When, if ever, is it acceptable to not follow the law? Why?
- 6) What is the relationship between law, politics, and society?

### **Part II**

- 1) What are your underlying assumptions and beliefs that generate your answers?
- 2) Where do these assumptions come from?
- 3) Are these assumptions realistic? Are there conditions under which they could be inaccurate or harmful?

### **Part III**

- 1) Are you surprised by your answers? Were any questions hard to answer or explain? Which ones? Why?
- 2) Are there answers or assumptions that you have doubts about or are unsure about? Which ones? Would you modify any of your answers upon reflection?

## Comprehension Questions #1

1) Define and explain the following concepts:

- a. Separation of powers
- b. Judicial restraint
- c. Judicial activism
- d. Compliance
- e. Common law
- f. Civil law
- g. Judicial hierarchy
- h. Democracy
- i. Autocracy
- j. Judicialization
- k. Judicial independence
- l. Judicial review
- m. Constitutional Court

## **Critical Reflection #2**

- 1) How does the United States judicial system compare to other common law countries? Are there aspects that appear to work better or are less effective compared to other common law nations?
- 2) What are the main differences between common law legal systems, like the United States, and civil law legal systems?
- 3) How does the United States judicial and legal system compare to civil law countries, like those of Europe and Latin America? What are the tradeoffs between these legal systems, generally speaking?

## **Comprehension Questions #2**

- 1) How does the role of courts differ across democracies and autocracies? What are their main functions in each political context? Which roles or functions are shared across regime types, and which differ and how do they differ?
  
- 2) Are courts influential in processes of democratization? In other words, can courts help to promote regimes evolving into more democratic countries? If so, how can they accomplish this? What is needed for this type of impact? If not, explain why not and what constrains the court from having this influence.

## Final Exam

**Choose ONE of the following prompts for your final exam.** You only answer one of the below options. Your essay should be roughly 5-10 pages with APSA style in-text citations as well as references (which do not count as part of the page limit). Essays are evaluated based upon the clearly articulated and organized arguments and evidence, informed by appropriate research on the topic. Theoretical arguments should be fully developed, explained, and justified using appropriate evidence and examples. The essay requires the reading and citation of scholarship beyond class readings, and the essay should fully respond to each component of the prompt.

A. Define compliance. Does its definition depend upon whether the court is domestic or international, or the legal system within which the court is located? How can researchers measure compliance? What are the benefits and limitations of this measure/these measures? What factors might impact citizen compliance, lower court compliance, and/or state compliance? How does compliance relate to discussions of whether international law matters?

B. How might justice interfere or undermine peace efforts following conflict? Explain the relationship(s) between post-conflict peace and the pursuit of justice. Under what conditions might there be a tradeoff between them where policymakers must prioritize one over the other and why? Can they be pursued simultaneously, and under what conditions might such pursuit be successful?

C. Are international human rights laws and norms facilitate individual or community empowerment, or do these international legal regimes instead perpetuate western imperialism/colonialism? To what extent are these human rights universal or functions of particular cultural contexts, and what factors might define or impact this distinction?





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.