

COMPARATIVE COURTS AND LAW

Semester: Spring 2024
Course Number: PSCI 6342

Instructor: Dr. Sivaram Cheruvu	Time: Mon 4:00 - 6:45 PM
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Course Description: This course offers a graduate-level introduction to the study of judiciaries across the world. It aims to provide a foundation for students to understand the interaction between law, courts, and politics in various contexts. Students will learn about the rule of law, judicial behavior, the role of the judiciary in the separation of powers, among other topics.

Objectives: Students will become knowledgeable in the major themes within the academic literature on comparative courts and law. By engaging with contemporary events, students will be able to apply what they learn in class to the real-world outcomes. Other objectives include:

- To provide students with the conceptual and theoretical foundations for comparative judicial analysis
- To empower students to apply these contexts in both contemporary and historical settings
- To develop students analytical and research skills through critical reading and written application assignments

Office Hours: By appointment (Virtual or In Person in GR 3.802B)

Course Format: This course will be primarily discussion-based. Students are expected to have completed the assigned readings in preparation for class.

Grading Policy:

1. **Participation (20%):** Students are expected to actively participate in class each week. Students should come into class able to summarize the relevant arguments in the readings for the week, while also providing substantive critiques towards the theoretical and empirical strategies of the authors.
2. **Discussion Posts (20%):** Students will write four discussion posts regarding their selected week's readings on elearning of 500 words during the semester. Students will sign up for their weeks at the beginning of the semester on a google form. These posts are not a summary of the readings, but rather a way to critically engage with the substance and theory of the papers.
3. **Research Design (40%):** Each student will write a 10 - 12 page research design on a topic of their choice. The research design will include a statement of a theoretical question and/or puzzle, a review of the relevant literature, a theoretical argument, empirically testable hypotheses, the empirical method, and a description of the data required. More details will be given during the semester
4. **Research Design Presentations (20%):** The last class of the semester, students will present their research designs. Each student will prepare a 10-15 minute presentation. Each student will also be required to be a discussant for one of their classmates. Discussant comments must be 5 minutes. Students will be required to submit their research design to their discussant one week in advance.

Class Attendance:

The University's attendance policy requirement is that individual faculty set their course attendance requirements. Regular and punctual class attendance is expected. Students who fail to attend class regularly are inviting scholastic difficulty. In some courses, instructors may have special attendance requirements; these should be made known to students during the first week of classes.

Class Participation:

Regular class participation is expected. Students who fail to participate in class regularly are inviting scholastic difficulty. A portion of the grade for this course is directly tied to your participation in this class. It also includes engaging in group or other activities during class that solicit your feedback on homework assignments, readings, or materials covered in the lectures (and/or labs). Class participation is documented by faculty. Successful participation is defined as consistently adhering to University requirements, as presented in this syllabus. Failure to comply with these University requirements is a violation of the Student Code of Conduct.

Class Recordings:

Students are expected to follow appropriate University policies and maintain the security of passwords used to access recorded lectures. Unless the Office of Student AccessAbility has approved the student to record the instruction, students are expressly prohibited from recording any part of this course. Recordings may not be published, reproduced, or shared with those not in the class, or uploaded to other online environments except to implement an approved Office of Student AccessAbility accommodation. Failure to comply with these University requirements is a violation of the Student Code of Conduct.

Academic Support Resources:

The information contained in the following link lists the University's academic support resources for all students. Please see <http://go.utdallas.edu/academic-support-resources>.

UT Dallas Syllabus Policies and Procedures:

The information contained in the following link constitutes the University's policies and procedures segment of the course syllabus. Please review the catalog sections regarding the credit/no credit or pass/fail grading option and withdrawal from class. Please go to <http://go.utdallas.edu/syllabus-policies> for these policies.

Course Schedule

Class 1 January 22: Introduction and how to read a research paper

Class 2 January 29: Why do courts matter? Is there a meaningful difference between international and domestic courts?

- Shapiro, Martin. "Judicial Independence: The English Experience." *North Carolina Law Review*, vol. 55, no. 3, March 1977, p. 577-652. (**ONLY READ p.577-581**)
- Vanberg, Georg. "Constitutional courts in comparative perspective: A theoretical assessment." *Annual Review of Political Science* 18 (2015): 167-185.
- Carrubba, Clifford J., and Matthew Gabel. "International courts: A theoretical assessment." *Annual Review of Political Science* 20 (2017): 55-73.
- Staton, Jeffrey K., and Will H. Moore. "Judicial power in domestic and international politics." *International Organization* 65, no. 3 (2011): 553-587.

Class 3 February 5: Legal origins and traditions

- Powell, Emilia Justyna, and Sara McLaughlin Mitchell. "The International Court of Justice and the world's three legal systems." *The Journal of Politics* 69, no. 2 (2007): 397-415.
- Gill, Rebecca D., and Christian Jensen. "Where are the women? Legal traditions and descriptive representation on the European Court of Justice." *Politics, Groups, and Identities* 8, no. 1 (2020): 122-142.
- Anderson, S., 2018. Legal origins and female HIV. *American Economic Review*, 108(6), pp.1407-1439.

Class 4 February 12: Judicial Independence

- **Research question due**
- Poblete-Cazenave, R., 2023. Do Politicians in Power Receive Special Treatment in Courts? Evidence from India. *American Journal of Political Science*.
- Helmke, Gretchen. "The logic of strategic defection: Court-executive relations in Argentina under dictatorship and democracy." *American Political Science Review* 96, no. 2 (2002): 291-303.
- Lane, E.A., 2022. A Separation-of-Powers Approach to the Supreme Court's Shrinking Caseload. *Journal of Law and Courts*, 10(1), pp.1-12.

Class 5 February 19: Judicial Selection, Retention, and Independence

- Canes-Wrone, Brandice, Tom S. Clark, and Jason P. Kelly. "Judicial selection and death penalty decisions." *American Political Science Review* 108, no. 1 (2014): 23-39.
- Escobar-Lemmon, Maria C., Valerie J. Hoekstra, Alice J. Kang, and Miki Caul Kittilson. "Breaking the judicial glass ceiling: The appointment of women to high courts worldwide." *The Journal of Politics* 83, no. 2 (2021): 662-674.
- Stiansen, Ø., 2022. (Non) renewable Terms and Judicial Independence in the European Court of Human Rights. *The Journal of Politics*, 84(2), pp.992-1006.

Class 6 February 26: Does political competition lead to more or less judicial independence?

- Harvey, C.J., 2022. Can Courts in Nondemocracies Deter Election Fraud? De Jure Judicial Independence, Political Competition, and Election Integrity. *American Political Science Review*, 116(4), pp.1325-1339.
- Leiras, Marcelo, Guadalupe Tuñón, and Agustina Giraudy. “Who wants an independent court? Political competition and supreme court autonomy in the Argentine provinces (1984–2008).” *The Journal of Politics* 77, no. 1 (2015): 175-187.
- Aydın, Aylin. “Judicial independence across democratic regimes: Understanding the varying impact of political competition.” *Law & Society Review* 47, no. 1 (2013): 105-134.

Class 7 March 4: Judicial independence in authoritarian countries

- Chua, Lynette J., and Stacia L. Haynie. “Judicial Review of Executive Power in the Singaporean Context, 1965–2012.” *Journal of Law and Courts* 4, no. 1 (2016): 43-64.
- Xu, Jian. “The role of corporate political connections in commercial lawsuits: Evidence from Chinese courts.” *Comparative Political Studies* 53, no. 14 (2020): 2321-2358.
- Shen-Bayh, Fiona. “Strategies of repression: Judicial and extrajudicial methods of autocratic survival.” *World Politics* 70, no. 3 (2018): 321-357.

Class 8 March 11: Judicial Legitimacy

- **Literature Review, theory and hypotheses due**
- Gibson, James L., and Michael J. Nelson. “The legitimacy of the US Supreme Court: Conventional wisdoms and recent challenges thereto.” *Annual Review of Law and Social Science* 10 (2014): 201-219.
- Mazepus, H. and Toshkov, D., 2022. Standing up for democracy? Explaining citizens’ support for democratic checks and balances. *Comparative Political Studies*, 55(8), pp.1271-1297.
- Bartels, B.L., Horowitz, J. and Kramon, E., 2023. Can Democratic principles protect high courts from partisan backlash? Public reactions to the Kenyan Supreme Court’s role in the 2017 election crisis. *American Journal of Political Science*, 67(3), pp.790-807.

Class 9 March 25: Judicial power

- Bartels, Brandon L., and Eric Kramon. “Does public support for judicial power depend on who is in political power? Testing a theory of partisan alignment in Africa.” *American Political Science Review* 114, no. 1 (2020): 144-163.
- Ura, J.D. and Wohlfarth, P.C., 2022. Greater public confidence in the US Supreme Court predicts more jurisdiction stripping. *Political Science Research and Methods*, 10(4), pp.831-839.
- Cheruvu, Sivaram and Jay N. Krehbiel, “Do Preliminary References Increase Public Support for European Law? Experimental Evidence from Germany.” *International Organization* (Forthcoming)

Class 10 April 1: (Non)compliance with judicial decisions

- Carlin, Ryan E., Mariana Castrellón, Varun Gauri, Isabel C. Jaramillo Sierra, and Jeffrey K. Staton. "Public Reactions to Noncompliance with Judicial Orders." *American Political Science Review* 116, no. 1 (2022): 265-282.
- Hall, M.E., 2014. The semiconstrained court: public opinion, the separation of powers, and the US Supreme Court's fear of nonimplementation. *American Journal of Political Science*, 58(2), pp.352-366.
- Stiansen, Ø., 2021. Directing Compliance? Remedial Approach and Compliance with European Court of Human Rights Judgments. *British Journal of Political Science*, 51(2), pp.899-907.

Class 11 April 8: Judicial Decision-making pt.1: Race/Ethnicity and Judging

- **Data and Empirical Method Due**
- Harris, Allison P., and Maya Sen. "Bias and judging." *Annual Review of Political Science* 22 (2019): 241-259
- Choi, D.D., Harris, J.A. and Shen-Bayh, F., 2022. Ethnic Bias in Judicial Decision Making: Evidence from Criminal Appeals in Kenya. *American Political Science Review*, 116(3), pp.1067-1080.
- Grossman, Guy, Oren Gazal-Ayal, Samuel D. Pimentel, and Jeremy M. Weinstein. "Descriptive representation and judicial outcomes in multiethnic societies." *American Journal of Political Science* 60, no. 1 (2016): 44-69.

Class 12 April 15: Judicial Decision-making pt.2: Gender and Judging

- Boyd, Christina L., Lee Epstein, and Andrew D. Martin. "Untangling the causal effects of sex on judging." *American journal of political science* 54, no. 2 (2010): 389-411.
- Ono, Y. and Zilis, M.A., 2022. Ascriptive characteristics and perceptions of impropriety in the rule of law: Race, gender, and public assessments of whether judges can be impartial. *American journal of political science*, 66(1), pp.43-58.
- Jassal, N., 2023. Does victim gender matter for justice delivery? Police and judicial responses to women's cases in India. *American Political Science Review*, pp.1-27.

Class 13 April 22: Judicial Decision-making pt.3: Miscellaneous Factors

- Cheruvu, Sivaram. "How do institutional constraints affect judicial decision-making? The European Court of Justice's French language mandate." *European Union Politics* 20, no. 4 (2019): 562-583.
- Danziger, Shai, Jonathan Levav, and Liora Avnaim-Pesso. "Extraneous factors in judicial decisions." *Proceedings of the National Academy of Sciences* 108, no. 17 (2011): 6889-6892.
- Nelson, M.J., Hazelton, M.L. and Hinkle, R.K., 2022. How interpersonal contact affects appellate review. *The Journal of Politics*, 84(1), pp.573-577.

Class 14 April 29: Research design presentations