

COMPARATIVE COURTS AND LAW

Semester: Spring 2022
Course Number: PSCI 6342

Instructor: Dr. Sivaram Cheruvu	Time: Mon 4:00 - 6:45 PM
Email: sivaram.cheruvu@utdallas.edu	Place: CB 1.206

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.

COVID-19 Guidelines and Resources

The following guidelines and resources outline expectations for students and instructors of record during the Spring 2022 semester.

- **Masks and Vaccinations:** The inclusion of this language in your syllabus is not required and is at the discretion of the instructor of record. Please remember that Texas Governor Greg Abbott's Executive Order GA-38 prohibits us from mandating vaccines and face coverings for UT Dallas employees, students and members of the public on our campus. However, we strongly encourage all Comets to get vaccinated and wear face coverings as recommended by the CDC. The University of Texas at Dallas (UT Dallas) will continue to share more information and guidance as we get closer to the fall semester.
- **Classroom Safety and COVID-19:** All Comets are strongly encouraged to wear face coverings indoors regardless of vaccination status. Please note this represents a change in the campus guidance issued on May 20, 2021.
- **Accommodations for Students Who Miss Class for Reasons Unrelated to COVID-19:** Individual faculty maintain their discretion on whether and how to accommodate student absences unrelated to COVID-19.
- **Accommodations for Students Who Must Isolate or Quarantine Due to COVID-19:** To keep the UT Dallas community as safe as possible, the University requires students who test positive for COVID-19 or who are close contacts as determined by the campus contact tracing program to isolate or quarantine as applicable. Faculty will be notified by the Dean of Students' Office if a student in their class has been required to isolate (positive case) or quarantine (exposed). Faculty must make lectures available for those students during the period the students must isolate or quarantine. Faculty who need assistance with providing these students access to course content can contact the eLearning Team at elarning@utdallas.edu. Faculty have the discretion to set an attendance policy for their in-person meetings, but the absences due to COVID-19 cannot be counted against an isolated or quarantined student.
- **Verifying COVID-19 Isolations or Quarantines:** Students need to self-report COVID-19 positive results or exposures via an online form so that university campus tracers can verify, record, and take necessary campus precautions. When faculty are notified by students rather than by the Dean of Students' Office that the students are isolating or quarantining, the faculty should remind students to self-report via the form; students should not attend class until cleared by campus tracers.
- Vaccinations are widely available, free and not billed to health insurance. The vaccine will help protect against the transmission of the virus to others and reduce serious symptoms in those who are vaccinated. You are encouraged to get a COVID-19 vaccine and register your vaccination status through the voluntary vaccine report form. Proactive Community Testing remains an important part of the university's efforts to protect our community. Tests are fast and free. Please check the Comets United webpage for additional information. Student Safety remains an important part of the UT Dallas' efforts to protect our community. All students will adhere to the Comet Commitment. Unvaccinated Comets will be expected to complete the mandatory Required Daily Health Screening. Those students who do not comply will be referred to the Office of Community Standards and Conduct for disciplinary action under the Student Code of Conduct – UTSP5003. All students are encouraged to read the Recommendations for Students Returning to Campus issued on August 2, 2021.

- Visit Comets United webpage to obtain the latest information on the University's guidance and resources for campus health and safety.
- Students who have tested positive for COVID-19 or may have been exposed should not attend class in person and should instead follow required disclosure notifications as posted on the university's website (see "What should I do if I become sick?"). A variety of resources are available to help students to obtain counseling, health care, and academic support.
- **Previous Campus Communications:** a list of university announcements made in 2020-2021.
- **Registrar's Intranet:** please log in with your UTD NetID and password to access this site. Information that faculty need about grading, scheduling, and other essential aspects of our responsibilities related to teaching are made available and updated regularly in the Registrar's Intranet. This source of information can only be accessed by logging in with your UTD NetID and password. Many important faculty questions are answered here, and this is information that faculty members are expected to know and understand.
- **FERPA Guidelines:** you will be asked to log in before you access the FERPA Guidelines webpage on the Registrar's Intranet. If faculty have additional questions about FERPA guidance, please contact the Office of the Registrar at records@utdallas.edu for the proper student consent forms and further instructions.

Course Schedule

Class 1 January 24: Introduction and how to read a research paper

Class 2 January 31: 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 7: Legal traditions

- Mitchell, Sara McLaughlin, Jonathan J. Ring, and Mary K. Spellman. "Domestic legal traditions and states' human rights practices." *Journal of Peace Research* 50, no. 2 (2013): 189-202.
- 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.

Class 4 February 14: Judicial Independence

- **Research question due**
- Tiede, Lydia Brashear. "Judicial independence: Often cited, rarely understood." *J. Contemp. Legal Issues* 15 (2006): 129.
- 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.
- Ríos-Figueroa, Julio, and Jeffrey K. Staton. "An evaluation of cross-national measures of judicial independence." *The Journal of Law, Economics, Organization* 30, no. 1 (2014): 104-137.

Class 5 February 21: 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.
- Arrington, Nancy, 2020. Judicial merit selection: Beliefs about fairness and the undermining of gender diversity on the bench. *Political Research Quarterly*

Class 6 February 28: Does political competition lead to more or less judicial independence?

- Trochev, Alexei. "Less democracy, more courts: a puzzle of judicial review in Russia." *Law & Society Review* 38, no. 3 (2004): 513-548.
- 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 7: 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 21: 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.
- Zvobgo, Kelebogile. "Human rights versus national interests: Shifting US public attitudes on the international criminal court." *International Studies Quarterly* 63, no. 4 (2019): 1065-1078.
- Bartels, Brandon L., Jeremy Horowitz, and Eric Kramon. "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* (2021).

Class 9 March 28: 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.
- Ghias, Shoaib A. "Miscarriage of chief justice: judicial power and the legal complex in Pakistan under Musharraf." *Law & Social Inquiry* 35, no. 4 (2010): 985-1022.
- Pavone, Tommaso, and Øyvind Stiansen. "The Shadow Effect of Courts: Judicial Review and the Politics of Preemptive Reform." *American Political Science Review* (Forthcoming).

Class 10 April 4: (Non)compliance with judicial decisions

- Carlin, Ryan E., Mariana Casterellón, Varun Gauri, Isabel C. Jaramillo Sierra, and Jeffrey K. Staton. "Public Reactions to Noncompliance with Judicial Orders." *American Political Science Review* (2021): 1-18.

- Carrubba, Clifford J., Matthew Gabel, and Charles Hankla. "Judicial behavior under political constraints: Evidence from the European Court of Justice." *American Political Science Review* 102, no. 4 (2008): 435-452.
- Hillebrecht, Courtney. "The power of human rights tribunals: Compliance with the European Court of Human Rights and domestic policy change." *European Journal of International Relations* 20, no. 4 (2014): 1100-1123.

Class 11 April 11: 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
- Donghyun Danny Choi, J. Andrew Harris, Fiona Shen-Bayh. "Ethnic Bias in Judicial Decision-making: Evidence from Criminal Appeals in Kenya." *American Political Science Review* (Forthcoming)
- 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 18: 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.
- Johnson, Susan W., and Rebecca A. Reid. "Speaking Up: Women and Dissenting Behavior in the Supreme Court of Canada." *Justice System Journal* 41, no. 3 (2020): 191-219.
- Ash, Elliott, Sam Asher, Aditi Bhowmick, Daniel L. Chen, Tanaya Devi, Christoph Goessmann, Paul Novosad, and Bilal Siddiqi. "Measuring Gender and Religious Bias in the Indian Judiciary." *Center for Law Economics Working Paper Series* 2021, no. 03 (2021).

Class 13 April 25: 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, Michael J., Morgan LW Hazelton, and Rachael Hinkle. "How Interpersonal Contact Affects Appellate Review." *Journal of Politics* (Forthcoming)
- Clark, Tom S., Benjamin G. Engst, and Jeffrey K. Staton. "Estimating the effect of leisure on judicial performance." *The Journal of Legal Studies* 47, no. 2 (2018): 349-390.

Class 14 May 2: Research design presentations