Professor Rachel Cichowski   University of Washington
e-mail: rcichows@uw.edu   Tuesdays 9:30am-12:20, LOW 105
Office Hours: See the Canvas site for office hours information
Office Hours Zoom link: https://washington.zoom.us/j/93330766202

RESEARCHING COMPARATIVE AND INTERNATIONAL COURTS
POL S 447/LSJ 490 WINTER 2022

This seminar course provides an advanced exploration of the theory, methods and empirical innovations in the study of comparative judicial politics. The course is both comparative and international in its scope. The course balances theoretical inquiry with the acquisition of research skills for examining the political effects of courts and legal institutions. Pol S/ LSJ 367 Comparative Law & Courts is a pre-requisite. Writing credit is optional.

Examining comparative and international courts: The interaction between law, courts and politics is increasingly gaining attention amongst comparative politics and international relations scholars. Similarly, public law scholars are beginning to open their eyes to the world beyond the United States and the U.S. Supreme Court. This research seminar is targeted at students who are interested in studying the intersection between law, courts and politics in comparative and international perspective. Drawing from public law, comparative politics, international relations and law & society scholarship, we will critically examine the alleged utility of various theories and methodology for conducting research on comparative legal systems and institutions.

The course will cover the interaction between courts and politics, at both the micro and macro levels, and will discuss research drawing from a wide array of geographical settings. In particular, this comparative exploration will examine the question of whether macro-structures, such as law and courts, are autonomous from an underlying social structure of power and interests – the micro level. We will explore this question by looking at the role of courts in political processes in various national legal systems, as well as at the supranational and international level. Further, we will examine in comparative perspective the impact of factors "from below," such as social movement activism and public opinion in shaping political and legal outcomes.

Acquiring research skills: The course also places a strong emphasis on research, both individual and group, and the dissemination of research through presentations. Students must complete Pols/LSJ 367 before taking this course. The 367 research paper will form the foundation for one of the main assignments in the course. Students will dig deeper into their initial research with an eye towards creating an original research paper that could be published in an undergraduate student journal or presented at the UW Undergraduate Research Symposium. There are no exams in this course and assignments will demand active participation in discussion and reading, writing and research. Beyond individual research projects, students will acquire research skills in building judicial decision databases and coding judicial decisions for political variables. Students will gain first-hand experience in case law analysis and judicial decision coding utilizing a National Science Foundation funded database examining the political impacts of the European Court of Human Rights.

Course Learning Goals and Objectives

- Analyze and examine comparative and international legal institutions
- Critically assess theoretical approaches and research designs for comparative judicial politics
- Construct and conduct an independent research project on an international or foreign court

- Acquire and apply research skills to disseminate your research findings including writing a Research Paper and designing and presenting a Research Presentation.

Readings: Required readings are posted on the Canvas site.

Course Meeting Format

This course is scheduled to meet on Zoom for Week 1 and then in person on the following weeks of the quarter. This will be subject to change in accordance with UW health and safety policies. Either in person or on Zoom we will take breaks, be creative and use the time to engage with each other over the course materials and your research as it develops throughout the quarter.

Office Hours

The Canvas homepage will have the most up to date information on office hours. Week 1 of the quarter office hours will be offered virtually. Office hours may change after this in light of UW health and safety recommendations.
Office Hours Zoom link: https://washington.zoom.us/j/93330766202

Expectations and Assignments

This course is scheduled to meet on Zoom for Week 1 and then in person on the following weeks of the quarter. This will be subject to change in accordance with UW health and safety policies. Either in person or on Zoom we will take breaks, be creative and use the time to engage with each other over the course materials and your research as it develops throughout the quarter. All students are required to come to class having read the assigned readings and prepared to engage in active discussion. There are also a set of main assignments in this course. They are detailed below and further information will be added to the Canvas site.

Discussant-Presenter Assignment

Each student will be assigned to be a discussion leader for one class session. You will assist me in leading the discussion that day. Students will be required to give a 10 min presentation and then lead discussion for each of the readings/material assigned on that date (longer or shorter depending on the material). You will present then we will discuss each reading one at a time. Presentations should include: author information (institutional affiliation, what field (political science? Or other?), key arguments and 2-3 questions for group discussion. Also, you are required to look at your fellow classmates' Discussion Posts and call on them directly to elaborate their questions/responses so we can discuss these questions as a class. Please feel free to reach out to me if you have any questions or need assistance.

Reading, Discussion Post Assignment and Participation:

Each week, students who are not leading the class discussion are required to upload a Reading Response Discussion Post to the course website under the associated Discussion link by **Monday at 9pm**. You are meant to raise these points in our class discussion so please have it available for your reference. Discussion posts are about a paragraph in length (approximately 200-250 words) and will raise key questions or issues or arguments you would like to discuss from the readings, as well as how these questions might further our understanding of the readings.

Final Research Paper and Presentation Assignment and associated Research Assignments

Students will be required to write a research paper (15-20 pages double spaced). The students will begin working on this paper early in the quarter and they will be using their 367 paper as an initial draft. The following are the assignments associated with this paper.

- *Research Outline:* To ensure that students are narrowing in and developing a strong focus for their research paper, there will be a short outline assignment due early in the quarter. You are asked to use a specific template to help organize your paper. **This is due on Tuesday, January 18 at 9am.**
- *Research Abstract:* Students are required to write a 300 word abstract. This is **due on Tuesday, February 1 at 9am**.
- *Research Paper and Presentation*: We will use the final week of class to have short research paper presentations. The presentation will take place during the class meeting on **Tuesday, March 8** and is due by 11pm. The final paper is due on **Friday, March 11 at 11pm** to the Canvas site.
- The larger goal of writing this paper is to have a solid writing sample, potential journal article or a presentation for the UW Undergraduate Research Symposium in May. I am here to assist students in attaining these goals so we will continue to discuss these opportunities.

Final Case Dataset and Codebook and Draft Assignment:

This will be a hands-on activity in which you will be instructed in reading case law and coding judicial decisions. We will utilize class time and out of class time to complete this assignment and you will work independently as well as in groups. I will utilize my European Court of Human Rights Database (ECHRdb) as an example and you will then be able to code case law from your own court. You will turn in a draft in February. By the end of the quarter you will have a Final Dataset and Codebook that will support your Research Paper. The following are the associated assignments:

- *Data Coding Assignment:* To ensure that students are identifying, accessing, and doing preliminary judicial decision coding for their research paper, this assignment asks you to turn in a draft dataset and codebook. You will be given a template to follow for both of these. **This is due on Tuesday, February 8 at 9am.**
- *Final Case Dataset and Codebook*: The final draft of your dataset and codebook is due on **Friday, March 11 at 11pm** to the Canvas site.

Assessment:

20%   Discussant-Presenter, Reading Discussion Posts and Participation
20%   Final Case Dataset and Codebook
60%   Final Research Paper (15-20pp) and Presentation

Please contact me immediately if a circumstance arises that prevents you from completing an assignment.

Access and Accommodations: Your experience in this class is important to me, and it is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law. Remote learning and this time of pandemic presents challenges to all of us. Please reach out immediately if you need any extra assistance to support your learning in this course. If you experience barriers based on disability, please seek a meeting with DRS to discuss and

address them. If you have already established accommodations with DRS, please communicate your approved accommodations to your instructor at your earliest convenience so we can discuss your needs in this course. Disability Resources for Students (DRS) offers resources and coordinates reasonable accommodations for students with disabilities. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. If you have not yet established services through DRS, but have a temporary or permanent disability that requires accommodations (this can include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 206-543-8924, Mary Gates Hall 011, uwdrs@uw.edu or disability.uw.edu.

Religious Accommodation: Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at Religious Accommodations Policy (https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/). Accommodations must be requested within the first two weeks of this course using the Religious Accommodations Request form (https://registrar.washington.edu/students/religious-accommodations-request/).

Counseling and Support: The Counseling Center and Hall Health are excellent resources on campus that many UW students utilize. Students may get help with study skills, career decisions, substance abuse, relationship difficulties, anxiety, depression, or other concerns.
- Counseling Center https://www.washington.edu/counseling/
- Hall Health https://wellbeing.uw.edu/

Academic Conduct. I will enforce strictly the University of Washington's Student Conduct Code, including the policy on plagiarism. Violations of the Student Conduct Code, including plagiarism, can result in a variety of disciplinary actions, including suspension or permanent dismissal from the University. The entire code can be found at http://www.washington.edu/cssc/for-students/academic-misconduct/

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CLASS SCHEDULE

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January 4:   Introduction to the Course

January 11:   Courts as the Catalysts for Political and Social Change
- Shapiro. *Courts: A Comparative and Political Analysis* (chp1)
- Rosenberg, *Courting Disaster (Hollow Hope)*
- McCann, *Law and Social Movements*

January 18:   Courts, Participation and Inequality
- **Paper Outline due**
- Zemans. *Legal Mobilization: The Neglected Role of the Law in the Political System*
- Brinks and Gauri, *The Law's Majestic Equality?*
- Galanter. *Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change*

January 25:   Legal Mobilization
- Lehoucq & Taylor, *Conceptualizing Legal Mobilization*
- Arrington, *The Mechanisms Behind Law's Radiating Effects*

- Setzer & Vanhala, *Climate Change Litigation*

February 1:   Amicus Curiae as an Avenue for Change
- Collins, *Friends of the Court*
- Cichowski, *The European Court, Amicus Curiae and Violence Against Women*
- Kochevar, *Amicus Curiae in the Civil Law Tradition*

February 8:   Conceptualizing Judicial Power
- Voeten*, The Impartiality of International Judges*
- Epstein et al, *The Role of Constitutional Courts in the Establishment and Maintenance of Democratic Governance*
- Hilbink. *The Constituted Nature of Constituents' Interests: Historical and Ideational Factors in Judicial Empowerment.*

February 15: Legalization of International Politics
- Abbott, et al., *The Concept of Legalization*
- Mowbray, *The Creativity of the European Court of Human Rights*
- Stone Sweet & Brunell. *Trustee Courts and the Judicialization of International Regimes*

February 22: Law and Courts in Constrained Regimes
- Moustafa. *Law and Courts in Authoritarian Regimes*
- Lake. *Organizing Hypocrisy: Providing Legal Accountability for Human Rights Violations in Areas of Limited Statehood*

March 1:   Courts and the Politics of Backlash
- Alter et al, *Backlash against International Courts in East, West and Southern Africa*
- Madsen et al. *Backlash against International Courts: understanding the patterns*

March 8:   Research Presentations

Friday, March 11:   Research Paper due and **Final Case Dataset and Codebook** by 11 pm to the Course Canvas site.