

Professor Rachel Cichowski

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Office Hours: Tuesdays 12:30-2:30pm

Course Webpage: <https://canvas.uw.edu/courses/1357802>

University of Washington

Winter 2020, Tuesdays 9:30am-12:20

MGA 082

**APPLIED RESEARCH IN COMPARATIVE AND INTERNATIONAL COURTS
POL S 447**

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 applied 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 and web based platforms. 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. 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.

There are no exams in this course and assignments will demand active participation in discussion and reading, writing and research. Students will be trained in using an innovative judicial decision database and will work in groups to examine their findings. Students will also be required to write and present a final research paper (developed out of their 367 research paper).

Readings and Laptops

Journal Articles:

Required readings will be posted on the course website.

Laptops and electronic devices: Laptops and electronic reading devices will be allowed in class for access to digital copies of the readings. Laptops and electronic devices will remain in airplane mode and closed if you do not need to reference the readings, which will most often be the case. Note taking for the course will be done by hand in a written notebook.

Expectations and Assignments

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 course webpage.

Discussant-Presenter Assignment

Each student will be assigned to be a discussion leader for one class session. Students will be required to give a 5 min presentation and then lead discussion for each of the readings/material assigned on that date (longer or shorter depending on the material), offering background information/material, key arguments and 2-3 questions for group discussion. It is worth looking at your fellow classmate Discussion Posts to touch on questions they may raise too. 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 bring a copy along if you need to 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.

Case Law Coding 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. The assignment will utilize the European Court of Human Rights Database (ECHRdb). More details will be given when the assignment is handed out. The ECHRdb can be located at the following website: <http://depts.washington.edu/echrdb/>

Research Paper Assignment

Students will also 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 online and a hard copy in class on Tuesday, January 21.**
- *Research Abstract:* Students are required to write a 300 word abstract. This is **due online and a hardcopy in class on Tuesday, February 4.** You are also required to have attended an [Abstract Writing Workshop](#) prior to that date.
- *Research Paper and Presentation:* We will use the final week of class to have short research paper presentations. The final paper is due on **Monday, March 16 at 4pm** to my mailbox in the Political Science Department, Gowen Hall 101, as well as electronically to the course website. Please put both my name and your name on the paper.
- 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. There may be smaller required assignments associated with these goals.

Assessment:

20%	Discussant-Presenter, Reading Discussion Posts and Participation
20%	Case Law Coding Assignment
60%	Research Paper and Presentation (15-20pp)

Late assignments will be not be accepted other than in catastrophic circumstances. Please contact me immediately if a circumstance arises that prevents you from completing an assignment.

Academic Conduct: I will enforce strictly the University of Washington's Student Conduct code, including the policy on plagiarism. The entire code can be found at <http://www.washington.edu/students/handbook/conduct.html>.

Disability Accommodations: If you would like to request accommodations due to a disability, please contact the Disability Resources for Students office, 448 Schmitz Hall, 543-8924 (V/TDD). If you have a letter from their office indicating you require accommodations, please present the letter to me as soon as possible so that I can make necessary arrangements.

Religious Accommodations: 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 [here](#). Accommodations must be requested within the first two weeks of this course using the [Religious Accommodations Form](#).

CLASS SCHEDULE

January 7: Introduction to the Course

January 14: 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 21: Courts, Participation and Inequality

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

January 28: Legal Mobilization

- Lehoucq & Taylor, *Conceptualizing Legal Mobilization*
- Arrington, *The Mechanisms Behind Law's Radiating Effects*
- Setzer & Vanhala, *Climate Change Litigation*

February 4: Amicus Curiae as an Avenue for Change

- **Paper Abstract due**
- Collins, *Friends of the Court*
- Cichowski, *The European Court, Amicus Curiae and Violence Against Women*
- Kochevar, *Amicus Curiae in the Civil Law Tradition*
- Larsen, *The Trouble with Amicus Facts*

February 11: 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.*
- Staton & Moore. *Judicial Power in Domestic and International Politics*

February 18: Legalization of International Politics

- Abbott, et al., *The Concept of Legalization*
- Mowbray, *The Creativity of the European Court of Human Rights*
- Squatrito, et al., *Framework for Evaluating the Performance of International Courts and Tribunals*
- Stone Sweet & Brunell. *Trustee Courts and the Judicialization of International Regimes*

February 25: 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 3: Courts and the Politics of Backlash

- Alter et al, *Backlash against International Courts in East, West and Southern Africa*
- Stiansen & Voeten, *Backlash and Judicial Restraint*
- Madsen et al. *Backlash against International Courts: understanding the patterns*

March 10: Research Presentations

Monday, March 16: Research Paper due by 4pm to my mailbox in Gowen 101 and also submitted online. Please put both my name and your name on the paper.