

READINGS

SAMPOL209 / Courts, Law and Politics

Fall semester 2017

Course leader: Professor Siri Gloppen

1. Books (from the library or to be bought) - no need to buy any books since we are only using selected chapters

2. For sale at litteraturkiosken.uib.no (Due to staff changes over the summer, a mistake has occurred and the readings had not been made available in the literature kiosk - but now they have uploaded some and are working to get the rest ready as soon as possible)

Book Excerpts

- Ely, John Hart. 1980. *Democracy and Distrust: A Theory of Judicial Review*. Cambridge, MA: Harvard University Press, Chapter 5 "Clearing the Channels of Political Change" pp. 105-134
- Epp, Charles. 1998. The Rights Revolution – Lawyers, Activists, and Supreme Courts in Comparative Perspective Chapter 2. "The Conditions for the Rights Revolution: Theory." (Chicago and London: The University of Chicago Press), pp 11-26 .
- González-Ocantos, Ezequiel A. *Shifting Legal Visions: Judicial Change and Human Rights Trials in Latin America*. Cambridge University Press, 2016. Chapter 1.
- Kenney, Sally Jane (2013) *Gender and justice: Why women in the judiciary really matter*. Routledge, 2013, Chapters 1 and 2.
- Langford, Malcolm, César Rodríguez-Garavito, and Julieta Rossi, eds. *Social Rights Judgments and the Politics of Compliance: Making It Stick*. Cambridge University Press, 2017. Chapter 1
- Rubio-Marín, Ruth, and Wen-Chen Chang. "Sites of constitutional struggle for women's equality." *Routledge Handbook of Constitutional Law* (2013): 301-312

Articles

- Oloka-Onyango, Joe. "Human Rights and Public Interest Litigation in East Africa: A Bird's Eye View." *Geo. Wash. Int'l L. Rev.* 47 (2015): 763.
- Stone, Lee. "Two decades of jurisprudence on substantive gender equality: What the Constitutional Court got right and wrong." *Agenda* (2016): 1-16.

3. Available by searching in oria.no (UiB online library resource) NB – If you cannot find the chapter/article by searching the whole reference, try using only title and (main) author – or, if it is a chapter in an edited book, the book title and (main) editor

Books

- Bell, John (2006) *Judiciaries within Europe. A Comparative Review*, Cambridge 2006 pp. 2-43
<https://www.cambridge.org/core/books/judiciaries-within-europe/43FE5014D0B6F21E2130CFB899B6FDA8>
- Ginsburg, T. and T. Moustafa, Eds. (2008). Rule By Law: The Politics of Courts in Authoritarian Regimes Cambridge, Cambridge University Press. Introduction
- Gloppen, Siri. (2013). "Courts, corruption and judicial independence." Chapter 5 in T Søreide and A. Williams: *Corruption, Grabbing and Development: Real World Challenges* (Edward Elgar Publishing): 68.
- Hirschl, R. (2008) "The Judicialization of Politics", in GA Caldeira et al. (eds) *The Oxford Handbook of Law and Politics* (Oxford UP), 1-16
<http://www.oxfordhandbooks.com.pva.uib.no/view/10.1093/oxfordhb/9780199208425.001.0001/oxfordhb-9780199208425-e-8?print=pdf>
- Rosenberg, G. (2008), *The Hollow Hope- Can Courts Bring About Social Change?* (2nd edition) (Chicago: The University of Chicago Press) (In compendium) Chapter 1 "The Dynamic and the Constrained Court" (9-36) Chapter 14 "Conclusion: The Fly-Paper Court" (420-429)
- Schei, Tore. 2014. "The Independence of Courts and Judges and Their Relationship with the Other Branches of Government." In *The Independence of Judges*, ed. N. A. Engstad, A. L. Frøseth and B. Tønder. The Hague: Eleven Publishing.
- Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press. Ch. 3

Articles

- Aydın, A. (2013). "Judicial Independence across Democratic Regimes: Understanding the Varying Impact of Political Competition." Law & Society Review 47(1): 105-134.
- Brinks, Daniel M., and Varun Gauri. "The law's majestic equality? The distributive impact of judicializing social and economic rights." *Perspectives on Politics* 12.02 (2014): 375-393.
- Epstein, Lee, and Jack Knight. 2013. "Reconsidering Judicial preferences." *Annual Review of Political Science* 16:11-31.
- Helmke, G. and F. Rosenbluth (2009). "Regimes and the Rule of Law: Judicial Independence in Comparative Perspective." Annual Review of Political Science 12: 345-366.
- Holly J. McCammon and Allison R. McGrath. "Litigating Change? Social Movements and the Court System." *Sociology Compass* 9:128-39.

- Keck, T. (2009), "Beyond Backlash: Assessing the Impact of Judicial Decisions on LGBT Rights", *Law & Society Review*, 43/1: 151-185.
- Lemaitre, Julieta. "Feminist constitutionalism: global perspectives." *Gender, Place & Culture* 21.7 (2014): 919-920
- Oloka-Onyango, Joe. (2015) "Debating love, human rights and identity politics in East Africa : the case of Uganda and Kenya" *African Human Rights Law Journal*, 2015, Vol.15(1), pp.28-57
- Llanos, Mariana, et al. "Informal interference in the judiciary in new democracies: A comparison of six African and Latin American cases." *Democratization* 23.7 (2016): 1236-53.
- Ríos-Figueroa, Julio, and Paloma Aguilar. "Justice institutions in autocracies: a framework for analysis." *Democratization* (2017): 1-18.
- Ruibal, Alba. 2014. "Movement and counter-movement: a history of abortion law reform and the backlash in Colombia 2006-2014", *Reproductive Health Matters* 22 (44): 42-52
- Sikkink, Kathryn, and Hun Joon Kim. "The justice cascade: the origins and effectiveness of prosecutions of human rights violations." *Annual Review of Law and Social Science* 9 (2013): 269-285.
- Skiple, Jon Kåre, Gunnar Grendstad, William R. Shaffer, and Eric N. Waltenburg. 2016. Supreme Court Justices' Economic Behavior. A Multi-Level Model Analysis. *Scandinavian Political Studies* 39 (1):73-94
- Wilson, B. and Cordero, J.C.R (2006), "Legal Opportunity Structures and Social Movements: The Effects of Institutional Change on Costa Rican Politics", *Comparative Political Studies*, 39 (3): 325–351.

4. Material freely available on the web

- Dahl, Robert A. 1957. Decision-Making in a Democracy: The Supreme Court as a National Policy Maker. *Journal of Public Law* 6 (Fall): 279–95.
<http://epstein.wustl.edu/research/courses/judpol.Dahl.pdf>
- Oloka-Onyango, Joe. "Debating Love, Human Rights and Identity Politics in East Africa: A Socio-Legal Exploration." (2015).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2606088
- Ríos-Figueroa, Julio. "Judicial Institutions." In *Routledge Handbook of Comparative Political Institutions*. Routledge: 2015
Can be downloaded free from: https://works.bepress.com/julio_rios/30/

5. Unpublished material / material made available in file register

- Bjørnebeek, Olav, Gunnar Grendstad, William R. Shaffer, and Eric N. Waltenburg. 2016. Economic Policy Making on the Supreme Court: The Case of Norway. Paper prepared for delivery at the 74nd Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 7 - 10, 2016 (To be distributed)

- Yamin, A.E. & S. Gloppen (eds) (2011) *Litigating Health Rights: Can Courts Bring more Justice to Health?* Chapters 1,2 (will be available on My UiB)
- Gloppen, S, BM Wilson, R Gargarella, E Skaar *Courts & Power in Latin America and Africa*. 2010. Ch 1, 2 & 7 (pp. 1-34 and 149-176)
- Gloppen, Siri. 2013.. "Courts, corruption and judicial independence." Chapter 5 in T Søreide and A. Williams: *Corruption, Grabbing and Development: Real World Challenges* (Edward Elgar Publishing): 68.