Under what conditions do governments comply with, or breach the law? This seminar will focus on the problem of legal compliance. Because national and international courts lack effective means of enforcement, governments often defy or ignore court rulings. We will analyze why governments comply with court orders or fail to do so, and how courts can become more effective. We will also introduce methodological tools to analyze and predict government compliance. Students in the seminar will have the opportunity to participate in a collective research project to analyze decisions of the Inter-American Court of Human Rights. Those interested in other courts, domestic or international, will be able to use the tools acquired in the seminar to analyze compliance with their rulings. The seminar is designed with three audiences in mind: undergraduate students interested in law and human rights in Latin America; LLM students interested in empirical legal research; and MGA students interested in assessing the role and effectiveness of international organizations.

**Course Objectives**

Upon successful completion of this course, you will be able to:

1. Write a research paper employing social science instruments.
2. Prepare a report on compliance with court cases.
3. Collect and analyze empirical data, using qualitative and quantitative methods.
4. Use basic commands in statistical software, such as R or Stata.
5. Engage with a broader Notre Dame project to assess government compliance with human rights.

Note that this is a writing seminar: 70% of your grade will reflect writing assignments.
Materials


Articles: Available through Hesburgh Library or Sakai (see course schedule)

Statistical Software: We will use statistical software to analyze legal data. Do not worry if you have no prior experience, we will cover this in class. For the software, you have two options. You can install R and R-Studio free. (I will post instructions in Sakai.) Alternatively, if you are familiar with Stata already, you can use Stata in the labs or obtain a student license.

Additional Resources

In addition, the following links may be useful:

Inter-American Court of Human Rights
- Main page: http://www.corteidh.or.cr/
- Records of compliance: cases under supervision:
  http://www.corteidh.or.cr/cf/jurisprudencia2/casos_en_etapa_de_supervision.cfm
- Case search:
  http://www.corteidh.or.cr/cf/Jurisprudencia2/busqueda_supervision_cumplimiento.cfm?lang=en
- Case summaries (Loyola Law School): https://iachr.lls.edu/database

World Bank Inspection Panel
- Main: https://www.inspectionpanel.org/
- Panel cases: https://www.inspectionpanel.org/panel-cases

State Court Compliance with U.S. Supreme Court Precedent
- Fix, Michael P.; Kingsland, Justin T.; Montgomery, Matthew D., 2018, "Replication Data for: The Complexities of State Court Compliance with U.S. Supreme Court Precedent", https://doi.org/10.7910/DVN/TBV1KU

For questions about research sources, you can contact Mark Robison, Political Science and Peace Studies Librarian at librarianmark@nd.edu
Course Evaluation

Written Assignments:*

1. **Introduce the court that you would like to study (5%).** Identify its jurisdiction, its legal process, and the structure of the court’s decisions. Identify potential problems of compliance that deserve study. For example, if you plan to work on the Inter-American Court of Human Rights, describe the Inter-American System (the role of the Commission and the Court), the nature of IACtHR rulings mandating reparation measures for victims, and potential issues of non-compliance by Latin American states. Think of this document as the “Background” section for your final paper. (3-6 pages, due on 9/18).

2. **Present a legal case decided by the court (10%).** Introduce the facts of the case, the decision of the court, and any subsequent issues of compliance. Discuss how this case illustrates the broader problems of compliance you intend to analyze. This text will provide an example to motivate your data analysis in the paper. (3-6 pages, due on 10/2).

3. **Present the research question and the research design for your study (10%).**

   **Part 1:** The research question (2-3 pages) should ask about causes of compliance in the context of the court you are studying. Motivate this research question by discussing its social relevance (how this problem affects human rights) and its theoretical relevance (how it relates to the existing literature) in two paragraphs. Outline a possible answer to your question (i.e., a hypothesis).

   **Part 2:** The research design (2-3 pages) should discuss how you plan to validate your hypotheses. Describe data you intend to use (units of analysis, number of cases), the method (comparative, statistical), and the most relevant variables. (Due on 10/16).

4. **Data (15%).** Upload a data matrix with the information for your study (in Excel format). Upload also a one-page description of the dataset. (Due on 11/4; revisions due on 11/18).

5. **Final paper (30%).** Your final paper will advance an explanation of government compliance with the rulings of the court. The paper should include:

   (1) an explicit research question (based on Assignment 3);
   (2) a brief introduction to the court (Assignment 1);
   (3) an illustrative legal case (Assignment 2);
   (4) a hypothesis and a discussion of the method employed (Assignment 3);
   (5) a summary of the data (Assignment 4);
   (6) the results of your analysis and an interpretation of these results;**
   (7) a concluding section, extracting lessons from your findings. (Due on 12/11).

* Instructions for all assignments assume 12-point font and double-line spacing (not including bibliographical references). Be thorough but concise in your writing, target the minimum number of pages rather than the maximum. Cite your sources using the APSR citation format.

** Assignments are individual, but students can work in pairs to produce the analysis.
Oral Assignments:

6. Class discussion (10%). Every weak, one or two students will lead our discussion of the readings for the first 20 minutes of the class. Two questions should always initiate the discussion: (1) What is the main argument advanced by this article? (2) How does this argument connect with arguments about human rights compliance discussed in previous weeks? Students in charge of the discussion should pose additional questions to highlight central ideas in the readings. Remember that the role of the seminar’s leader each week is to guide the conversation, not to make a presentation of the article.

7. Class participation (10%). The seminar will be interesting only to the extent that you are engaged in the conversation. We have no tests about the readings. I will assess your understanding of the readings based on our discussions in class.

8. Presentation of your findings (10%). Towards the end of the term (12/4 and 12/9), students will make an oral presentation of their analyses and discuss the implication of their findings for our knowledge of compliance in human rights cases. This presentation essentially involves a preview of sections (6) and (7) of your paper (see assignment 5 above).
All presentations are subject to the following rules:
- Presentations should be brief: 10 minutes maximum, unless two students co-author the analysis (then they can take 15 minutes together). Rehearse the timing, because I will cut the presentation when the time runs out.
- Visual presentations (Powerpoint, Prezi, etc., cannot have more than 6 slides)
- Text in the slides should be kept at a minimum, that is:
  - Use visuals more than text
  - No more than four bullet points per slide
  - Text for bullet points cannot extend for more than one line (avoid verbs if possible)
- Deliver your presentation facing the audience. You should not use slides as class notes.
- Frontload the main conclusion early in the talk, then present your evidence.
Course Schedule

Wednesday, August 28 – NO CLASS (American Political Science Association Conference)

Monday, September 2 – Compliance with court decisions: Why is it a problem?

Wednesday, September 4 – Location: 244 DeBartolo Hall
** Lecture by Professor Diane Desierto on the World Bank Inspection Panel. **

Monday, September 9 – Defining and measuring compliance

Wednesday, September 11 – The Inter-American Court of Human Rights
Read Chapters II (pp. 7-19) and V (pp. 65-92), skim the rest of the report.

Monday, September 16 – Compliance with the US Supreme Court

Wednesday, September 18 – Compliance with the US Supreme Court
** First assignment due at 5:00 pm (upload through Sakai) **
Hall, Matthew E. K. 2013. The Nature of Supreme Court Power, Chapter 5.

Monday, September 23 – Compliance with the US Supreme Court

Wednesday, September 25 - Hesburgh Library, room 264
** Presentation by Mark Robison, Political Science and Peace Studies Librarian **

Monday, September 30 – Assessing compliance from a quantitative perspective
** Download the statistical software: R and R-Studio **

Wednesday, October 2 – Regression analysis
** Second assignment due at 5:00 pm (upload through Sakai) **
Monday, October 7 – Compliance by US State Supreme Courts


**Wednesday, October 9** – Modeling the probability of compliance

Monday, October 14 – Advanced topics: legal clarity

**Wednesday, October 16** – Advanced topics: discrete time

**Third assignment due at 5:00 pm (upload through Sakai)**


Monday, October 21  No class – Fall Break

Wednesday, October 23  No class – Fall Break

Monday, October 28 – Monitoring compliance: The Costa Rican Case

**Wednesday, October 30 – Location: 244 DeBartolo Hall**

**Special presentation: Compliance with the Inter-American Court**


Monday, November 4 – Actors and incentives

**Fourth assignment due at 5:00 pm (upload through Sakai)**


**Wednesday, November 6** – Political will

Monday, November 11 – Domestic courts I

Wednesday, November 13 – Domestic courts II

Monday, November 18 – The backlash against international courts
** Any revisions of research design and data due at 5:00 pm (upload through Sakai) **

Wednesday, November 20 – The backlash against international courts

Monday, November 25 – Impact v. compliance

Wednesday, November 27 – No class - Thanksgiving

Monday, December 2 – Empirical legal studies

Wednesday, December 4 – Class presentations I
** Send me your slides by the end of the day on Tuesday **

Monday, December 9 – Class presentations II
** Send me your slides by the end of the day on Sunday **

Wednesday, December 11 – Conclusions
** Final papers due at 5:00 pm (upload through Sakai) **