Reading List

EFFECTS OF LAWFARE

Courts and law as battlegrounds for social change

Ph.D. course University of Bergen (GOV901-27H)

August 2-20 2027

Introducing Lawfare

Essential:

Gloppen, Siri (2018) "Conceptualising Lawfare: A Typology & Theoretical Framework" (CMI/LawTransform working paper).

Hirschl, Ran (2023) "The Global Expansion of Judicial Power" in Lee Epstein et al (Eds). *The Oxford Handbook of Comparative Judicial Behaviour*. Oxford University Press.

Recommended:

Handmaker, Jeff, and Sanne Taekema. "O Lungo Drom: Legal Mobilization as Counterpower." *Journal of Human Rights Practice* 15.1 (2023): 6-23.

Gloppen. Siri, Thalia Gerzo and Nic van de Walle (2022) "Legal Strategies Constitutional, Administrative, Judicial, and Discursive Lawfare". In Arriola, L., L. Rakner and N. van de Walle (2022): *Democratic Backsliding in Africa? Autocratization, Resilience, and Contention*. Oxford University Press.

The role and the functioning of courts and judges

Essential:

Epstein, L. et al. (2023) "Introduction to the Study of Comparative Judicial Behaviour" in Epstein et al (Eds). Oxford Handbook of Comparative Judicial Behaviour. Oxford University Press.

UN Office on Drugs and Crime. The main factors aimed at securing judicial independence. https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-14/key-issues/1--the-main-factors-aimed-at-securing-judicial-independence.html

Recommended:
Epstein, L. & J. Knight (2023) "How Personal Motivations Affect Judges' Decisions" in L. Epstein et al (Eds). The Oxford Handbook of Comparative Judicial Behaviour. Oxford University Press.

Tiede, Lydia Brashear (2023). "Selecting Judges" in Lee Epstein et al (Eds). The Oxford Handbook of Comparative Judicial Behaviour. Oxford University Press.

Pérez-Liñán, A & Castagnola, Andrea (2023). "Judicial Tenure and Retirements" in Lee Epstein et al (Eds). The Oxford Handbook of Comparative Judicial Behaviour. Oxford University Press.

Marianne Tøraasen (2024) 'A good judge has no sex'? Understanding judicial gender representation with insights from Haiti

Keck, T M., & L. Strother (2016). "Judicial impact." Oxford research encyclopedia of politics.

United Nations Office on Drugs and Crime. "General issues. Judicial independence as a fundamental value of the rule of law and of constitutionalism". https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-14/key-issues/1--general-issues--judicial-independence-as-a-fundamental-value-of-the-rule-of-law-and-of-constitutionalism.html

Social movements and legal mobilisation

Essential:
McCann, Michael (2008) Litigation and Legal Mobilization. The Oxford Handbook of Law and Politics. Edited by Gregory A. Caldeira, R. Daniel Kelemen, and Keith E. Whittington.

Recommended:
Kurban, Dilek. (2020). Introduction. In Limits of Supranational Justice - The European Court of Human Rights and Turkey's Kurdish Conflict. Cambridge University Press.

Epp, Charles R. (1998) The rights revolution: Lawyers, activists, and supreme courts in comparative perspective. Chicago: University of Chicago Press. (Chapters 1, 2, 11) https://mitt.uib.no/courses/61807/files/folder/Readings?preview=7833776

McGrath, Allison R. (2015), "Litigating Change? Social Movements and the Court System" Sociology Compass 9:2 128-139.

Sabel, Charles, and William Simon. (2004). "Destabilization Rights: How Public Law Litigation Succeeds." Harvard Law Review 117:1016.

Effects of law – from constitutions to litigation

Essential:

Albert, R., Barak Corren, N., Brinks, D. M., Chilton, A., Dixon, R., Elkins, Z., ... & Versteeg, M. (2024). Which Constitutional Provisions Are Most Important?. *Available at SSRN*.

Brinks, Daniel M, and Varun Gauri. (2014) "The law's majestic equality? The distributive impact of judicializing social and economic rights." Perspectives on Politics 12.02: 375-393.

Botero, Sandra, Daniel M. Brinks, and Ezequiel A. Gonzalez-Ocantos. "Working in New Political Spaces: The Checkered History of Latin American Judicialization." *The Limits of Judicialization: From Progress to Backlash in Latin America*. Cambridge University Press, 2022. 1-38.

Recommended:

Rodríguez Garavito, C. (2011). "Beyond the Courtroom: The Impact of Judicial. Activism on Socioeconomic Rights in Latin America." Texas Law Review 89: 1669-1698.

Botero, S., Brinks, D. and Gonzalez-Ocantos, E. (2022) 'Working in New Political Spaces: The Checkered History of Latin American Judicialization', in S. Botero, D.M. Brinks, and E.A. Gonzalez-Ocantos (eds.) The Limits of Judicialization: From Progress to Backlash in Latin America. Cambridge: Cambridge University Press, pp. 1–38.

Transformative Constitutionalism

Essential:

Dugard, J., Côrtes, L., & Côrtes, M. (2025). Transformative Constitutionalism and Land Rights: South Africa and Brazil. Annual Review of Law and Social Science, 21(Volume 21, 2025), 269-284. https://doi.org/10.1146/annurev-lawsocsci-062124-122633

Recommended:

Klare, K. E. (1998). Legal Culture and Transformative Constitutionalism. South African Journal on Human Rights, 14(1), 146–188. https://doi.org/10.1080/02587203.1998.11834974

Sibanda, Sanele. (2011). Not purpose-made! transformative constitutionalism, post-independence constitutionalism and the struggle to eradicate poverty. Stellenbosch Law Review, 22(3), 482-500.

Research methods in empirical legal studies

Essential:

Langford, Malcolm. "Mixed methods in human rights research." *Research Methods in Human Rights*. Edward Elgar Publishing, 2024. 292-320

Cichowski, Rachel and Elizabeth Chrun. Forthcoming. An Integrated Approach to Generating and Sharing Data on International Courts. In D. Kapiszewski and M. Ingram eds. Data & Methods in the Comparative Study of Legal Institutions. New York, NY: Cambridge University Press.

Recommended:

Lie, Runar Hilleren, and Malcolm Langford. "The Computational Turn in International Law." *Nordic Journal of International Law* 93.1 (2024): 38-67.

Brinks, Dan (forthcoming). Grasping Judicial Power: Concepts and Measures.

Gloppen, Siri and Rachel Sieder, (2019) "Interview fieldwork & observational methods in constitutional law" in Malcolm Langford and David Law *Handbook on Research Methods in Constitutional Law*. Edward Elgar Publishing.

Readings to meet-the-author sessions: to be confirmed.

Publishing with peer-reviewed journals

Essential:

Moe-Pryce, M. It's time for academics to take community action on AI. https://www.prio.org/comments/1876