

Weekly overview

Courts, power and politics: Europe in context

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Class structure

We will divide our time between lectures, student activities and group discussions. Student presentations will revolve around two topics: self-chosen case studies (“courts in the media”) and broader problems relating to the role of courts in politics. With the exception of the first week, we will stay on a single topic for two weeks. The first week, we explore the readings through a more lecture-based session. The second week, we rely on student input.

Lecture weeks: the lectures will offer a run-through of the readings and the main questions that they reveal. We will run lectures at a bi-weekly rate, with student presentation of courts in the media with a personal analysis as a way to illustrate real-world situations and a warmup for the first portfolio essay.

Seminar weeks will be more discussion-based. We will work on study techniques, and students will present and discuss questions that prepare for the second portfolio essay.

Time and place

Time: Thursdays, 15h-17h (except in weeks 37 and 49)

Place: XX (except)

Overview

week	date	topic
1 (36)	03/09; XX	Are courts political?
		Individual behavior:
2 (37)	07/09; XX	Judicial behavior: experience, preferences and outcomes
3 (38)	17/09; XX	
4 (39)	24/09; XX	Judicial selection and career incentives
5 (40)	01/10; XX	
6 (41)	08/10; XX	Internal checks and balances: judicial bargaining
		<i>Fall break</i>
7 (43)	22/10; XX	
		Court behavior and external actors:
8 (44)	29/10; XX	External checks and balances: political - judicial relationship
9 (45)	05/11; XX	
10 (46)	12/11; XX	Legitimacy and authority - public opinion
11 (47)	19/11; XX	
12 (48)	26/11; XX	
13 (49)	30/11; XX	Legal mobilization for social change: the case of LGBTQ+
14 (50)	10/12; XX	

Weekly reading lists

Introduction

Week 1 : Are Courts political actors?

To what extent can we think of courts as political actors? A court can be political in many ways: High courts – constitutional courts, supreme courts and international courts – not only adjudicate on issues relating to a polity’s political life (i), their rulings also have political consequences (ii). They grapple with the demands and resistance from political actors (iii), and we should also recognize that the judges may themselves hold an ideology or follow a specific agenda (iv).

This semester, we will be looking at elements ii-iv drawing on examples from different courts. That is, if rulings have political consequences, then we should care about how judges’ political preferences are shaped, how they are expressed and what checks and balances we have on them.

Readings:

- National Public Radio (2016) *More Perfect* podcast episode “[The Political Thicket](#)” provides a lively presentation of the political role of judges. The episode illustrates the most obvious scenario when supreme courts end up in a political role: When they adjudicate on elections and the distribution of powers in a polity (i).
- Voeten (2024) provides an example of when court rulings have political consequences (ii). In fact, they are siezed by political activists for precisely that reason; to provoke political change.
- Gabel, Hermansen, and Krehbiel (2026) provide an overview of the politics of the Court of Justice of the European Union (CJEU). They cover examples of both the external pressures on the court (iii) as well as the judges’ own preferences (iv). We will use the CJEU as a running example throughout the course. This reading forecloses many of the topics we will see.
- Hirschl (2011) presents the idea of a global trend towards the “judicialization of politics”. The “judicialization of politics” refers to the increasing role of courts and judges in resolving issues that were traditionally handled by elected political bodies, such as policymaking, rights disputes, or governance questions. It reflects a shift in authority where policies are often framed as obligations, rights and protections that courts are tasked to enforce. However, it goes further than that, legal reasoning and judicial institutions end up shaping political outcomes, often by filling gaps left by political gridlock or strategic delegation.

Alternative readings

- Ferejohn, Rosenbluth, and Shipan (2009) provide an overview over judicial politics: the definition of judicial review, the difference between judicial power and independence, the value of independent courts and the place of courts in the separation of powers.
- De Vries et al. (2021) provide a general introduction to judicial politics and the rule of law.

Individual-level judge behavior

Week 2-3: Judicial behavior: preferences and outcomes

Judges are human too. They bring with them experiences, competences, and attitudes that may influence how they decide cases. This is true for courts across political systems, although the direction and consequences of such biases vary across institutional contexts. Among other approaches, this session introduces three core approaches to judicial behavior: the legal, attitudinal, and strategic approaches.

The empirical readings in this session consider several possible sources of variation in judicial behavior. Judges may be influenced by political preferences (ideology), by personal experiences and social background (such as gender or race), or even by more situational and physical factors such as stress, fatigue, and time pressure.

One challenge in studying these questions is that it is difficult to know the “true” merits of a case (who should win). Quantitative researchers therefore typically study judicial behavior by comparing how different judges decide similar cases. Under the assumption that cases are randomly assigned to judges with respect to their merits, systematic differences in outcomes across judges are interpreted as evidence that judges themselves influence decisions.

Theoretical framework: legal realism and the attitudinal approach to judicial behavior.

Readings:

- Posner (2010) : presents a set of theories of judicial behavior. Pay particular attention to the “legal”, “attitudinal” and “strategic” approaches to judicial behavior (theory).
- Glynn and Sen (2015) ask whether judges’ personal experiences influence how they judge, and whether such experiences can be transmitted (US)
- Hönnige (2009) provides an illustration of attitudinal judging in Europe by connecting judges’ appointing parties’ ideology to court case outcomes. In addition to connecting judges’ preferences to court decisions, he also points out how judicial appointments influence (governmental) opposition success during legislation. This sets the scene for the strategic behavior we will study in the second half of the course (Germany, France)
- [“Hanging hungry judges?”](#) *Substack* newsletter by Annie Duke discusses the question whether judges’ physical needs influence their decisions. Danziger, Levav, and Avnaim-Pesso (2011) has been a popular study of how judges’ propensity to allocate harsher

jail sentences right before lunch. The study has since then been taken down by several authors (Weinshall-Margel and Shapard 2011; Glöckner 2016) (Israel)

- “He bought the law”, *Future Perfect podcast* : How to shape judges’ approach to judging? The episode is partially inspired by Ash, Chen, and Naidu (2026)’ study of the influence of the Manne Economics Institute for Federal Judges. ’s illustrates one of the implications of attitudinal judging. You can prime judges to value some policy consequences (economic interests) over others (US)

Repetition reading

- Gabel, Hermansen, and Krehbiel (2026) illustrate one of the consequences of the attitudinal and the internal strategic approaches by showing how diverging preferences among judges increases bargaining duration (p 159-167). (CJEU, Europe)

Suggested

- Posner (1993) asks what judges maximize, only to answer “the same thing as everybody else” (their own self-interest). (theory)
- Segal (2008): presents the main approaches to judicial behavior (theory)
- Epstein and Knight (2013), two of the strongest proponents of the strategic approach, put water in their wine in this (retrospective) piece. Certainly, judges’ ideological convictions are important, but so are a range of other factors that shape judges’ interests (theory).
- Harris and Sen (2019) provide a review of the literature on judges’ ascriptive characteristics (such as gender and race) on their decision making. (theory / literature review)

Week 4-5: Judicial selection and career incentives

If the identity of judges matters for case outcomes, we should ask how we select them. Now, we need to balance several concerns.

On the one hand, we may be concerned with representation. Should we simply admit that judges are political actors and therefore go for a method of political selection in order to at least ensure representation? Or should we delegate their selection to an independent, non-political body. If so, to what extent do we have any guarantees that the group of judges will not have a bias?

On the other hand, we also want judges to be independent. How can we keep the prerogative of replacing judges (for representative purposes, for example), while still making sure they are not motivated by career incentives?

Theoretical framework: the strategic approach; theories of political agency.

Readings:

- Dunoff and Pollack (2017) present the “judicial trilemma”. To hold judges accountable, the selector needs information about their behavior (e.g. information on judicial voting) and a means to sanction them (e.g. renewable terms). Removing either of the two, increases judges independence. Courts can thus be designed to increase or decrease judges’ political accountability (theory)
- Stiansen (2022) illustrates the effect of removing one of the main means of sanction on judges’ behavior. Judges at the European Court of Human Rights (ECtHR) are politically appointed. When the ECtHR moved from transparent voting in combination with renewable terms to a single non-renewable term, judges’ voting decisions changed (ECtHR, Europe).
- Hermansen and Naurin (2026) argue that secret voting increases judges’ political independence. This makes political screening more important when judges are first selected. It also does not remove other means of (performance) accountability. Judges at the Court of Justice of the European Union (CJEU) are politically appointed. They also sit on renewable terms, but voting is secret to protect their independence. The authors argue that while (re)selection based on preferences is important, governments may accept a policy drift in order to retain influence (CJEU, Europe).
- Podcast (n.d.) *Not another politics podcast* episode on “[Should judges be elected or appointed](#)”? provides an example of academics discussing the pros and cons of electing judges. (US)
- Langford and Madsen (2019) “[France criminalizes research on judges](#)” discuss french politicians’ decision to ban research on judicial behavior on *Verfassungsblog*.

Repetition reading

- Gabel, Hermansen, and Krehbiel (2026) provide an overview of individual judicial behavior and appointment politics at the CJEU Repetition reading (p 144-153). (CJEU, Europe)

Alternative readings

- Ashworth (2012) : Provides an overview of theories of democratic accountability. He uses the same framework for predicting the political behavior of elected politicians and judges, but the normative implications differ (theory).
- Cheruvu (2024) : provides evidence of ideological congruence between the judges appointing governments, the lead judges on a case and case outcomes. However, he does not find evidence of pandering to new governmental majorities (CJEU, Europe).
- Podcast (n.d.) *Not another politics podcast* episode on “[Should the US Supreme Court have term limits](#)”? provides an example of academics discussing the need for representation as well as our preception of courts as apolitical. (US)

Week 6-7: Internal checks and balances

How do judges bargain between each other when confronted with a case? Because each judge has their own individual biases, they rarely make decisions on their own. Most higher courts are “collegial”; with checks and balances built into the decision making. There is also a formal and informal internal hierarchy that judges belong to. Some judges wield more influence than others, and some systems implies a transfer of authority in the monitoring of judges from external political actors to internal judicial actors. This becomes part of an intricate power-balance between different judges.

Older theories have relied on the voting rule on collegial courts – simple majority – to infer that decisions reflect the median justice’s preferences (“median theories”). However, courts often delegate the task of preparing and/or writing the final judgment to a single judge. Other scholars have therefore argued that the agenda setter has a disproportional influence on case outcomes (“author theories”). Finally, the “case-space model” assumes that judges care both about the quality for the legal argument and the outcome of the case and bargain over both at the same time. This implies that the case outcome – as well as delegation decisions – reflect the relative power of a host of different court members. Lastly, the degree of disagreement does not only hinge on the ideological differences between the judges, but also the agenda of the court: disagreement naturally increases if the courts case load consists in divisive cases.

This session considers the internal bargaining dynamics between judges on the court. Underlying several of these debates is the question: Does disagreement increase or decrease the quality of the court’s output?

Theoretical framework: the internal strategic approach, and more specifically the case-space model.

Readings:

- Epstein and Knight (1997) chapter 3 provides an account of justices’ bargaining on the USSC. It illustrates the different types of exchanges that judges have and how they relate to each other (USSC, US)
- Lax (2011) presents the case-space model assuming that judges care about the law, the quality of the ruling as well as the case outcome. It provides a theory of how delegation decisions and bargaining happens on the bench (theory).
- Hermansen and Voeten (2025) adapt and apply the case-space model to decisions of the CJEU. They find an effect of ideology, but use it to distinguish the effect of simple majority voting, agendasetting and other judges’ workload (CJEU, EU).
- Borderlines (2024) : *Borderlines* podcast episode with [Koen Lenaerts](#), the President of the CJEU. Illustrates several of the thematics in this and the previous topic: judges’ appointments, judicial independence, case management and dissents (CJEU, EU).

Repetition

- Gabel, Hermansen, and Krehbiel (2026) provide an overview of individual judicial behavior and appointment politics at the CJEU Repetition reading (p 154-163). (CJEU, Europe)

Suggested

- Frankenreiter (2018) introduces the concept of informal judicial hierarchies (CJEU, EU).
- Bentsen (2018) illustrates the importance of judicial agenda setting through docket control for how courts allocate their time. Courts will often prioritize what they consider important cases – and thus potentially divisive cases – which would increase the rate of dissent. He discusses different explanations for why rates of dissent may differ, then test in on the Norwegian Supreme Court (Norway).
- Saurugger and Terpan (2017) (chapter 3). Overview of how the CJEU makes its decisions. Support reading if you feel you need more information on how the CJEU is organized. (CJEU, EU)

Court-level behavior: interaction with external actors

Week 8-9: External checks and balances: political - judicial relationship

A first set of checks on judges' decision-making comes from the separation-of-powers framework. Courts are held in check by political branches, and vice versa. We begin by considering the relationship between higher courts and legislatures.

“In politics none has the last word” (Ferejohn and Weingast, 1992). Courts are part of a policy-making cycle: judges interpret the law and may strike down policies, but legislators can also rewrite the law if they dislike the court's case law. Each branch anticipates and adjusts to the actions of the other.

A second check on courts' power comes from governments. Governments are responsible for implementing court decisions, while courts have no formal means of enforcing their own rulings. This can lead courts to issue more cautious decisions. However, courts are not without allies. In democracies, judges may sometimes rely on public opinion to pressure politicians into compliance by threatening electoral backlash. This week, we consider the “ménage à trois” between courts, governments, and public opinion.

Theoretical framework: The external strategic approach/separation-of-powers (SOP) theories, focusing especially on the behavioral effects of threats of legislative or judicial override and threats of non-compliance.

Readings:

- Vanberg (2015) presents an overview of why politicians would want constitutional review and the different approaches to how other branches of government relate to the court, and vice-versa (theory).
- Brouard and Hönnige (2017) borrow from Tsebelis (2002)'s canonical theory of veto players to conceptualize constitutional courts as veto players in policy making. Courts *can* constrain the political branch, but *only* wants to do it when its preferences are sufficiently different. An example of the legislative - judicial interaction (US, Germany, France)
- Carrubba, Gabel, and Hankla (2008) show how the CJEU alters its decisions as a function of the political signals sent from EU member states (national executive/EU legislator in the Council). The study exemplifies how courts adjust to legislators / governments to avoid political set backs. (CJEU, EU)
- Glick (2009) provides a qualitative study of the USSC's conditional strategic retreat in face of executive threats of non-compliance. He theorizes that such retreats are likely when 3 conditions are satisfied. The study exemplifies how courts adjust to threats from the executive (US)
- Krehbiel (2016) : studies the strategic use of hearings by the German Constitutional court. He draws on Vanberg's (2015) classical argument that courts can enroll public opinion to pressure democratically elected governments to comply with its rulings, ... and will only pick a battle when they can count on that support. (Germany)
- Pavone and Stiansen (2022) argue that sometimes the mere prospect of judicial review prompts governments to make preemptive reforms to avoid litigation. The study exemplifies how the prospect of judicial strikedowns lead governments put an end to non-compliance. (EFTA Court, Norway)
- Podcast (n.d.) *Not another politics podcast* episode "[Reigning in the Supreme Court](#)" provides a discussion of Clark (2009)'s paper on how the US Supreme Court uses the legislators as weather balloons for public opinion support. It also reviews different court-curbing techniques. (US)

Repetition

- Gabel, Hermansen, and Krehbiel (2026) provide an overview of the input side of CJEU decision making. It discusses the political motives and institutional factors that filter which cases arrive to the Court,. The empirical analysis illustrates how the Court time its decisions to maximize compliance. Repetition reading (p 138-153; 159-169). (CJEU, Europe)
- Hönnige (2009)'s study on the effect of the median judicial voter also suggests that courts' political position relative to parties in parliament determines its impact on politics.

Suggested readings

- Vanberg (2005) is the original author behind the public support for court argument. Chapters 2, 4 and 5 from his book provide a theory where public opinion sometimes acts as a partner for courts in challenging the political branch. The chapters present the theory (ch 2), a quantitative test (ch 4) and a qualitative test (ch 5) of the argument. He gives a deep dive into the argument pursued by Krehbiel (2016). (Germany)
- Staton and Vanberg (2008) value of vagueness; why courts back down when they know they will lose (Mexico)
- Staton (2006) how courts appeal to public opinion (Mexico)
- Stiansen (2021) argues that precise remedial indications (concrete prescriptions of government action) increases compliance with ECtHR rulings because it allows pro-compliance domestic actors to monitor implementation. This reading bridges with our last topic on the relationship between courts and the public. (ECtHR, Europe)

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Week 10: TBA

Week 11-12: Legitimacy and authority - public opinion

If courts can team up with public opinion to compel governments to comply, a relevant question is *how does the public opinion assess court decisions? And what can courts do to appeal to the public?* This topic surveys different types of sociological legitimacy – diffuse and concrete public support – that courts may enjoy, and how this support is built.

Public support for rulings has two sources: Citizens may support the outcome of a case (concrete support/ideological congruence) or the authority of the court to rule on an issue (diffuse support). How is diffuse support built? And which one prevails when the two are in conflict?

International courts are particularly interesting in this respect, because they are usually less known by the public and therefore need to cultivate support.

Theoretical framework origins and effects of sociological legitimacy, and the tension between diffuse and concrete support for court rulings.

Readings:

- Gibson and Nelson (2015) rebuts this statement by arguing that ideological disagreement is a minor element in the legitimacy capital (diffuse support) that courts draw from. (US)

- Christenson and Glick (2015) balance the two views by arguing that citizens update their belief about the USSC incrementally by factoring in their ideological support for specific Court rulings. (USSC, US)
- Madsen et al. (2021) study support for potential ECtHR and CJEU rulings and find that the public is more concerned with the content of the ruling (ideological congruence) than the level of government (national or international court) at which a decision is made (ECtHR and CJEU, Europe)
- Helfer and Alter (2013) argue that the fate of international courts largely depends on their ability to tap into a compliance constituency/public support for their existence (Europe, Africa, Americas)
- Hermansen, Pavone, and Boulaziz (2025) study the CJEU's use of individual rights protections to build legitimacy (CJEU, EU)

Suggested

- Bartels and Johnston (2013) argue that ideological disagreement reduces the public's support for the USSC. Their contribution sets off the debate between Gibson and Nelson (2015) and Christenson and Glick (2015) follow up (USSC, US)

Week 13-14 : The input side of judicial decision making: Legal mobilization and the case of LGBTQ+ rights

Can courts be arenas for political or societal change? Because court decisions can change policy, they also attract organized political actors seeking to influence public policy through litigation. “Legal mobilization” refers to the strategic use of courts by social movements, interest groups, and activist lawyers to obtain political or social change.

We approach the topic through the case of LGBTQ+ rights. Borrowing from the interest group literature, we may argue that courts may be used for both “inside” and “outside” strategies. Litigants may seek direct policy change through favorable rulings, but litigation may also be used to place issues on the political agenda, mobilize public opinion and pressure elected politicians from below. Court rulings may also reshape the social identities, political participation, and rights consciousness of the (potential) litigants.

Legal mobilization also creates important strategic and organizational dilemmas. Social movements must decide which claims to pursue, which institutions to target, and which litigants are most likely to persuade judges and the broader public. Strategic litigation therefore depends not only on legal doctrine, but also on organization, framing, coalition-building, and the construction of the “perfect plaintiff.”

Theoretical approach: legal mobilization

Readings:

- “The Perfect Plaintiffs” *More Perfect* podcast episode on strategic plaintiff selection and the politics of rights litigation. (US)
- Bailey et al. (2024) how favorable rulings affected political participation and rights consciousness in the homosexual community (US)
- Helfer and Voeten (2014) the conditions under which international courts become effective fora for LGBTQ+ rights mobilization (ECtHR, Europe)
- Vanhala (2009) on the organizational and strategic dilemmas faced by interest groups that contemplate using courts to promote their cause (UK)
- *EU Law Live* podcast episode. A conversation with Tommaso Pavone on “The Ghostwriters, the secret eurolawyers that fashioned EU law”. The podcast episode is based on Pavone (2022)’s book, *The Ghostwriters*, where the details how many of the transformative rulings of the CJEU were constructed, then brought to court, by a handful of activist lawyers (EU).

Bibliography

You can access all readings through the links provided in the reading list as long as you are logged onto the KU network. Alternatively, you can access them through the Royal Library/Black Diamond: <https://www.kb.dk/en/visit-us/black-diamond-copenhagen>.

Readings that are not accessible online are on Absalon.

Podcast episodes are available in your browser on the respective podcast websites, as well as on Spotify/Apple podcast.

Ash, Elliott, Daniel L Chen, and Suresh Naidu. 2026. “Ideas Have Consequences: The Impact of Law and Economics on American Justice.” *The Quarterly Journal of Economics* 141 (1): 845–87. <https://doi.org/10.1093/qje/qjaf042>.

Ashworth, Scott. 2012. “Electoral Accountability: Recent Theoretical and Empirical Work.” *Annual Review of Political Science* 15 (1): 183–201. <https://doi.org/10.1146/annurev-polisci-031710-103823>.

Bailey, Christine M., Paul M. Collins Jr, Jesse H. Rhodes, and Douglas Rice. 2024. “The Effect of Judicial Decisions on Issue Salience and Legal Consciousness in Media Serving the LGBTQ+ Community.” *American Political Science Review*, February, 1–16. <https://doi.org/10.1017/S0003055424000030>.

Bartels, Brandon L., and Christopher D. Johnston. 2013. “On the Ideological Foundations of Supreme Court Legitimacy in the American Public.” *American Journal of Political Science* 57 (1): 184–99. <https://doi.org/10.1111/j.1540-5907.2012.00616.x>.

Bentsen, Henrik Litleré. 2018. “Court Leadership, Agenda Transformation, and Judicial Dissent: A European Case of a ‘Mysterious Demise of Consensual Norms’.” *Journal of Law and Courts* 6 (1): 189–213. <https://doi.org/10.1086/695555>.

- Borderlines. 2024. “CJEU Episode #2: European Union Court of Justice Series Interview with President Koen Lenaerts | Borderlines.” *Borderlines*.
- Brouard, Sylvain, and Christoph Hönnige. 2017. “Constitutional Courts as Veto Players: Lessons from the United States, France and Germany.” *European Journal of Political Research* 56 (3): 529–52. <https://doi.org/10.1111/1475-6765.12192>.
- Carrubba, Clifford James, Matthew J. Gabel, and Charles Hankla. 2008. “Judicial Behavior Under Political Constraints: Evidence from the European Court of Justice.” *American Political Science Review* 102 (4): 435–52. <https://doi.org/10.1017/S0003055408080350>.
- Cheruvu, Sivaram. 2024. “Are Judges on Per Curiam Courts Ideological? Evidence from the European Court of Justice.” *Journal of Law and Courts* 12 (1): 185–97. <https://doi.org/10.1017/jlc.2023.17>.
- Christenson, Dino P., and David M. Glick. 2015. “Chief Justice Roberts’s Health Care Decision Disrobed: The Microfoundations of the Supreme Court’s Legitimacy.” *American Journal of Political Science* 59 (2): 403–18. <https://doi.org/10.1111/ajps.12150>.
- Clark, Tom S. 2009. “The Separation of Powers, Court Curbing, and Judicial Legitimacy.” *American Journal of Political Science* 53 (4): 971–89. <https://doi.org/10.1111/j.1540-5907.2009.00411.x>.
- Danziger, Shai, Jonathan Levav, and Liora Avnaim-Pesso. 2011. “Extraneous Factors in Judicial Decisions.” *Proceedings of the National Academy of Sciences* 108 (17): 6889–92. <https://doi.org/10.1073/pnas.1018033108>.
- De Vries, Catherine E., Sara B. Hobolt, Sven-Oliver Proksch, and Jonathan B. Slapin. 2021. “13. Rule of Law and Judicial Politics.” In *Foundations of European Politics*, 235–55. Oxford University Press. <https://doi.org/10.1093/hepl/9780198831303.003.0013>.
- Dunoff, Jeffrey L., and Mark A. Pollack. 2017. “The Judicial Trilemma.” *American Journal of International Law* 111 (2): 225–76. <https://doi.org/10.1017/ajil.2017.23>.
- Epstein, Lee, and Jack Knight. 1997. *The Choices Justices Make*. Washington: SAGE.
- . 2013. “Reconsidering Judicial Preferences.” *Annual Review of Political Science* 16 (1): 11–31. <https://doi.org/10.1146/annurev-polisci-032211-214229>.
- Ferejohn, John A., Frances Rosenbluth, and Charles R. Shipan. 2009. *Comparative Judicial Politics*. Edited by Carles Boix and Susan C. Stokes. Vol. 1. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199566020.003.0030>.
- Frankenreiter, Jens. 2018. “Informal Judicial Hierarchies: Case Assignment and Chamber Composition at the European Court of Justice.” {{SSRN Scholarly Paper}}. Rochester, NY: Social Science Research Network. <https://doi.org/10.2139/ssrn.2778807>.
- Gabel, Matthew, Silje Synnøve Lyder Hermansen, and Jay Krehbiel. 2026. “The Politics of the Court of Justice of the European Union: A Review.” *European Union Politics* 27 (1): 136–78. <https://doi.org/10.1177/14651165251405487>.
- Gibson, James L., and Michael J. Nelson. 2015. “Is the U.S. Supreme Court’s Legitimacy Grounded in Performance Satisfaction and Ideology?” *American Journal of Political Science* 59 (1): 162–74. <https://doi.org/10.1111/ajps.12107>.
- Glick, David. 2009. “Conditional Strategic Retreat: The Court’s Concession in the 1935 Gold Clause Cases.” *The Journal of Politics* 71 (3): 800–816. <https://doi.org/10.1017/S0022381609090720>.
- Glöckner, Andreas. 2016. “The Irrational Hungry Judge Effect Revisited: Simulations Reveal That the Magnitude of the Effect Is Overestimated.” *Judgment and Decision*

- Making* 11 (6): 601–10. <https://doi.org/10.1017/S1930297500004812>.
- Glynn, Adam N., and Maya Sen. 2015. “Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women’s Issues?: Identifying Judicial Empathy.” *American Journal of Political Science* 59 (1): 37–54. <https://doi.org/10.1111/ajps.12118>.
- Harris, Allison P., and Maya Sen. 2019. “Bias and Judging.” *Annual Review of Political Science* 22 (1): 241–59. <https://doi.org/10.1146/annurev-polisci-051617-090650>.
- Helfer, Laurence R., and Karen J. Alter. 2013. “Legitimacy and Lawmaking: A Tale of Three International Courts.” *Theoretical Inquiries in Law* 14 (2): 479–504. <https://doi.org/10.1515/til-2013-024>.
- Helfer, Laurence R., and Erik Voeten. 2014. “International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe.” *International Organization* 68 (1): 77–110. <https://doi.org/10.1017/S0020818313000398>.
- Hermansen, Silje Synnøve Lyder, and Daniel Naurin. 2026. “Shaping the Bench: The Effect of Ideology and Influence on Judicial Reappointments.” *The Journal of Politics*. <https://doi.org/10.1086/740169>.
- Hermansen, Silje Synnøve Lyder, Tommaso Pavone, and Louisa Boulaziz. 2025. “Leveling and Spotighting: How the European Court of Justice Favors the Weak to Promote Its Legitimacy.” *British Journal of Political Science* 55 (January): e158. <https://doi.org/10.1017/S0007123425100987>.
- Hermansen, Silje Synnøve Lyder, and Erik Voeten. 2025. “Ideology and Agenda Setting on the Court of Justice of European Union: Evidence from Anti-Trust and State Aid Cases.” APSA Preprints. <https://doi.org/10.33774/apsa-2025-rkpjg>.
- Hirschl, Ran. 2011. “The Judicialization of Politics.” In *The Oxford Handbook of Political Science*.
- Hönnige, Christoph. 2009. “The Electoral Connection: How the Pivotal Judge Affects Oppositional Success at European Constitutional Courts.” *West European Politics* 32 (5): 963–84. <https://doi.org/10.1080/01402380903064937>.
- Krehbiel, Jay N. 2016. “The Politics of Judicial Procedures: The Role of Public Oral Hearings in the German Constitutional Court.” *American Journal of Political Science* 60 (4): 990–1005. <https://doi.org/10.1111/ajps.12229>.
- Lax, Jeffrey R. 2011. “The New Judicial Politics of Legal Doctrine.” *Annual Review of Political Science* 14 (1): 131–57. <https://doi.org/10.1146/annurev.polisci.042108.134842>.
- Madsen, Mikael Rask, Juan A. Mayoral, Anton Strezhnev, and Erik Voeten. 2021. “Sovereignty, Substance, and Public Support for European Courts’ Human Rights Rulings.” *American Political Science Review*, November, 1–20. <https://doi.org/10.1017/S0003055421001143>.
- National Public Radio, (NPR). 2016. “More Perfect: The Political Thicket.” *More Perfect*.
- Pavone, Tommaso. 2022. *The Ghostwriters: Lawyers and the Politics Behind the Judicial Construction of Europe*. Cambridge Studies in Law and Society. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781009076326>.
- Pavone, Tommaso, and Øyvind Stiansen. 2022. “The Shadow Effect of Courts: Judicial Review and the Politics of Preemptive Reform.” *American Political Science Review* 116 (1): 322–36. <https://doi.org/10.1017/S0003055421000873>.
- Podcast, Not Another Politics. n.d. “Not Another Politics Podcast.” Accessed July 15, 2025.

- Posner, Richard A. 1993. “What Do Judges and Justices Maximize? (The Same Thing Everybody Else Does).” *Supreme Court Economic Review* 3 (January): 1–41. <https://doi.org/10.1086/scer.3.1147064>.
- . 2010. *How Judges Think*. Harvard University Press. <https://doi.org/10.4159/9780674033832>.
- Saurugger, Sabine, and Fabien Terpan. 2017. “Chapter 3: The Role of the Court in the EU Political System.” In *The Court of Justice of the European Union and the Politics of Law*. London, United Kingdom: Bloomsbury Academic.
- Segal, Jeffrey A. 2008. “Judicial Behavior.” *The Oxford Handbook of Law and Politics*, August. <https://doi.org/10.1093/oxfordhb/9780199208425.003.0002>.
- Staton, Jeffrey K. 2006. “Constitutional Review and the Selective Promotion of Case Results.” *American Journal of Political Science* 50 (1): 98–112. <https://doi.org/10.1111/j.1540-5907.2006.00172.x>.
- Staton, Jeffrey K., and Georg Vanberg. 2008. “The Value of Vagueness: Delegation, Defiance, and Judicial Opinions.” *American Journal of Political Science* 52 (3): 504–19. <https://doi.org/10.1111/j.1540-5907.2008.00326.x>.
- Stiansen, Øyvind. 2021. “Directing Compliance? Remedial Approach and Compliance with European Court of Human Rights Judgments.” *British Journal of Political Science* 51 (2): 899–907. <https://doi.org/10.1017/S0007123419000292>.
- . 2022. “(Non)Renewable Terms and Judicial Independence in the European Court of Human Rights.” *Journal of Politics*, no. 1.
- Tsebelis, George. 2002. *Veto Players: How Political Institutions Work*. Princeton University Press. <https://doi.org/10.1515/9781400831456>.
- Vanberg, Georg. 2005. *The Politics of Constitutional Review in Germany*. New York: Cambridge University Press.
- . 2015. “Constitutional Courts in Comparative Perspective: A Theoretical Assessment.” *Annual Review of Political Science* 18 (1): 167–85. <https://doi.org/10.1146/annurev-polisci-040113-161150>.
- Vanhala, Lisa. 2009. “Anti-Discrimination Policy Actors and Their Use of Litigation Strategies: The Influence of Identity Politics.” *Journal of European Public Policy* 16 (5): 738–54. <https://doi.org/10.1080/13501760902983473>.
- Voeten, Erik. 2024. “Do Domestic Climate Rulings Make Climate Commitments More Credible? Evidence from Stock Market Returns.” *The Journal of Politics*, September. <https://doi.org/10.1086/732952>.
- Weinshall-Margel, Keren, and John Shapard. 2011. “Overlooked Factors in the Analysis of Parole Decisions.” *Proceedings of the National Academy of Sciences* 108 (42): E833–33. <https://doi.org/10.1073/pnas.1110910108>.