<div align="center">**PROJECT DESCRIPTION**</div>

COLLABORATIVE: EAGER: *Building Dynamic Research Communities in Global Legal Studies*

INTRODUCTION

Today the forces of legalization are proceeding at unparalleled rates around the globe. Domestic and international political and economic interactions are increasingly regulated through law; traditionally local norms and legal institutions are increasingly subjected and responding to global pressures; the most complex and vexing problems of the globe are being addressed, with varying degrees of success, through a hybrid of local and global law and legal processes. This trend changes how we come to use, practice, and study the law in action. Our research methods, data collection practices, graduate training and collaborative networks must adapt to face the challenges presented by law in a global age. This pilot project will develop and institutionalize convergent research communities spanning the disciplines of political science and law, and the subfields of comparative and international law. The project creates the data infrastructure, platform for research collaboration and international research network to facilitate the convergence of ideas, approaches, expertise and technologies, in order to stimulate innovation and discovery across comparative and international law and politics. Comparative and international legal approaches are the foundation on which future scientific innovation is built. Stronger legal frameworks are often the solution to the most pressing global issues of our time – global health, migration, arctic melt, international security, economic inequality, and more. The issues transcend borders, levels of governance, and areas of policy expertise demanding coordination, collaboration and convergence to create sustainable institutional solutions to these pressing societal needs. Effective solutions for persistent underdevelopment (Acemoglu, Jonsohn and Robinson 2005; Acemoglu and Robinson 2013), the management of economic exchange (Yackee 2008; Trubek and Santos 2006), the protection of human rights (Gauri and Brinks 2008), and the promotion of global peace all rely on the structure and performance of legal institutions (Alter 2009).

All of these challenges are themselves influenced by the most significant global hurdle facing our species. Fundamental transformations in global climate are already stressing efforts to manage migration flows (e.g., Black et al, 2011), to mitigate the consequences of economic dislocation, and ultimately to maintain peace within and across borders. Efforts to prevent even greater change are fundamentally legal in nature, whether in the shape of treaties or domestic carbon markets. Adaptation to global climate change and its consequences is now and will continue to be legal in nature. Global legal solutions increasingly depend on a dense, international network of law and legal actors (e.g. Cichowski 2007). And yet, we do not know nearly enough about how such solutions might come about, how the legal institutions we might create will operate, or what effect different legal arrangements might have.

Against this backdrop of global legal innovation, general social science practices and standards are themselves in flux, subject ever more to global as well as interdisciplinary innovations. Scholarly practices in political science, sociology, psychology, economics and anthropology are at once more international, more interdisciplinary and more rigorous. Lower costs of travel and the near costlessness of information transmission has made truly international networks of scholarly exchange possible. Research in law and social science is particularly influenced by these global trends.

But there is a paradox at the heart of all this change. The internationalization of legal subject matter has expanded the scope and complexity of our analysis at the same time that international standards for research and innovation have encouraged simpler, cleaner designs for causal inference, multi-methods

approaches to tackling a research question and standards of data management, collection and dissemination that challenge diverse methodological traditions. Precisely as the subject matter of law and social science has expanded in global scope and complexity, individual methodological approaches have become increasingly specialized and technical, in the pursuit of rigor.

As currently practiced, our law and social science research programs are not well structured to resolve this paradox. In one sense, our research programs have been structured in ways that would seem to manage these parallel processes. The historical interdisciplinarity of the program has made it relatively easy to encourage and support the broadest approaches to scholarship. Members of our field appreciate, and ultimately fund, tight lab experiments in psychology, massive cross-national data collection projects in political science and sociology, intense practices of participant observation in anthropology and careful archival projects in history. Projects are funded in every corner of the world in search of legal answers across seemingly every social science field.

Yet, the program's approach has largely encouraged research silos, even within particular disciplines, making it difficult to let international scientific innovations flow across disciplinary and subfield boundaries. This problem is known. For us, there are three additional and ultimately critical realities related to innovation in law and social science in a global age.

- The increasing complexity and interdependence of law implies that no one scholar can possibly be expert in all of the important areas of the law that are materially relevant for the research project she pursues.
- The increasing number of methodological options, as well as the increased theoretical and technical requirements required to use them effectively, implies that no one scholar can be expert at many of the techniques that she will need to effectively answer her research questions.
- Infrastructure is needed to ensure robust, reliable and replicable data, grounded in common research concerns and concepts, in the field of comparative and international law.

We believe that effectively addressing the internationalization of law and social science demands a different approach.

COLLABORATIVE AND CONVERGENT RESEARCH COMMUNITIES

This pilot project seeks funding to develop a new model for collaborative and convergent research communities in law and social sciences. Collaboration is across field, method and geographic expertise and the communities are convergent in that they facilitate the merging of these diverse perspectives to produce innovation and understanding around a single deep scientific question or pressing societal need in the field of comparative and international law. There are three components to the research communities: data infrastructure, idea labs and an annual research workshop.

Structure

Funds are requested to build the data infrastructure, develop and test the idea lab model and supplement funding for an annual workshop. After executing and evaluating this pilot project, we will submit a more extensive proposal to NSF, university departments, international and local organizations and foundations. The goal is to build a comparative and international law network that creates

sustainable institutions facilitating graduate training, data sharing, international collaboration and scientific discovery equipped to answer pressing global legal questions.

<u>Tri-Campus Institutional Foundation</u>:   The pilot project is a collaboration between the University of Washington, Emory University and University of Texas - Austin. Together these three campuses contain faculty, departments and research centers that exhibit excellence and innovation in the field of comparative and international law and social sciences. The University of Washington has a historical legacy of socio-legal programs at both the undergraduate and graduate level. Co-PI Cichowski has a joint appointment in the Political Science Department and Law, Societies and Justice program and an adjunct appointment in the School of Law. She directed the Comparative Law & Society Studies Center (CLASS) and remains active in their socio-legal graduate training program. The UW iSchool is on the cutting edge of data management systems and the UW Center for Human Rights has a distinguished group of faculty and student researchers involved with archival and field research techniques. Interdisciplinary and multidisciplinary collaboration is a hallmark of socio-legal research at the University of Washington and there remains a strong institutional commitment to law and social science collaborative research.

Co-PI Daniel Brinks has appointments in Government and at the Law School at the University of Texas at Austin, and co-directs the Rapoport Center for Human Rights and Justice, a strongly interdisciplinary center that supports research, teaching and the practice of human rights. He is also a Global Fellow of the Centre for Law and Social Transformation, a joint project of the University of Bergen, Norway and the Christian Michelsen Institute. He is one of the organizers and coordinators of the Working Group on Law and Democracy at the University of Texas, a group that includes several dozen faculty and graduate students from across campus, who work on the empirical study of legal institutions. He is one of the regular faculty at the annual meetings of the Institute for Global Law and Policy, of Harvard Law School, and the Global School for Economic, Social and Cultural Rights, both of which draw hundreds of students from the Global South, in a variety of disciplines and pursuits. UT is one of the partner institutions co-hosting the Comparative Constitutions Project, one of the most comprehensive efforts to catalog all constitutions and constitutional provisions in the world, since 1787.

Co-PI Staton is faculty in the Political Science Department at Emory University. He is a leading scholar of comparative judicial politics and serves as a leading expert in a series of international collaborative research structures. These include the Varieties of Democracy project based in Germany which has served as a model for international team based research. The Comparative Law Project is also based at Emory University and draws the support of a both a faculty and student population engaged in data collection on comparative legal institutions. Staton is also a core research team member for the Compliance Monitoring in Latin America Legal Systems project working closely with the Costa Rican Supreme Court on monitoring compliance with decisions and is also involved in similar efforts in Columbia and the region.

<u>International Faculty Board:</u> The project will convene an interdisciplinary group of no more than 20 scholars drawing from political science, law and legal practitioners. The faculty board will serve as the basis for an institutionalized research network and will be directly consulted or involved in the Data Infrastructure development, Idea Labs and Annual Workshop. A goal of the project is to secure diverse institutional commitments to ensure the longevity of the project and widespread involvement with this new comparative and international law approach. The Co-PIs all have close ties and previous collaborative research experience with a host of international universities that will be invited to the board. These include iCourts (University of Copenhagen), PluriCourts (University of Oslo), University of

Gothenburg, and University of Bergen. Likewise, each of the Co-PIs are leaders in both the Law & Society Association and the APSA Law & Courts section, and will aim to include a diverse group of law and social science scholars from American universities.

Data Infrastructure: The pilot project would provide the initial foundation and backbone for a centralized data infrastructure for the fields of comparative and international law to ensure scientific development and progress on global legal questions. Co-PI Cichowski has extensive background in data collection, management and dissemination and will act as the lead on this portion of the project. The objectives of the infrastructure are three fold.

- **Phase 1 Explore**: First, the project will create a central online location for comparative and international law and social sciences data. This data hub would be achieved by creating a website that included: 1) an exhaustive citation catalogue of datasets and repositories and 2) free/open source downloadable data sets. The pilot project would begin cataloging and locating relevant data and a future grant would fund a data visualization platform enabling online analysis and visual representations of raw data sets. Co-PI Cichowski has extensive experience with developing such sites.
- **Phase 2 Develop**: Second, the project will develop methodological and analytic protocols and standards for data collection, analysis and management in the field of law and social sciences. This would ensure acceptability and structure to broad types of research in this field including qualitative, quantitative and comparative research. These developments would be achieved by: 1) creation of a guide for analytic and data sharing techniques drawn from collaboration with the faculty board, Idea Lab participants and leading scholars and researchers in this field; 2) hands on graduate and undergraduate training and mentorship in data collection, analysis and management through research assistantships. Beyond the two paid grad RAs included in this proposal, all three Co-PIs have access to an excellent pool of undergraduates and graduate students trained in comparative law and politics who would be connected to the project through course credit independent research opportunities which would include data collection as well as the data dissemination, mentioned in the following objective.
- **Phase 3 Educate**: Third, in tandem with the above two objectives, the project would develop a series of multi-media case studies that are generated from the data sets included on the central website. These case studies would bring the data to life in a series of visualizations and supporting curricular material (primary documents and videos) enhancing and highlighting the accessibility and usability of the data in this field. Educators, practitioners, community organizations and the public would gain access to salient global policy issues via this comparative and international law and social sciences data.

Idea Labs: This pilot project will include two idea labs, as described below. Co-PI Brinks has extensive experience in similarly ambitious, interdisciplinary, joint research efforts, through Bergen's Centre on Law and Social Transformation, which hosts the annual Bergen Exchanges and generates multiple large-scale, research grants, typically through the Norwegian Research Council. At the same time, the idea labs are meant to be much more intentional about generating original research on foundational questions, and much more open about how the research is conducted thereafter.

Research in law and politics historically has been divided into three basic substantive areas: international law and politics, the law and politics of the United States, and the law and politics of all states not named the United States, i.e., comparative law and politics. Certainly, there have always been scholars who studied the connections between international and particular domestic laws, but for the most part, our field is still divided into these three areas (Staton and Moore, 2011). Members of these

areas are divided into separate panels at major conferences, run their own mini-conferences and are infrequently are invited to review each other's research. American law politics scholars largely conceive of themselves as a subfield of American politics just as scholars of comparative and international law largely identify with the larger fields of comparative politics and international relations. There are two problems with this approach. First and most obviously, some problems of interest simply cannot be tackled without considering the way in which international and domestic legal structures interact. For example, understanding the ways in which European economic regulation has influenced the daily lives of European citizens would suffer greatly from an approach that only considered the international level. Similarly, a proper understanding of the way in which Latin American judiciaries influence the provision of social, economic and political rights via constitutional review mechanisms naturally suggests an understanding of the jurisprudence of the Inter-American Court of Human Rights. In these cases and many others, what might be in order is a study of the problem that abstracts away from particular settings, both theoretically and in an empirical sense. Yet to know whether this is true, we need scholars from all communities interacting with each other. In so doing, the field generally might identify areas of concern where we must explicitly consider the ways in which international and domestic law interacts as well as areas of concern that are simply general. This conversation cannot be had across silos.

The idea labs are the principal device in the grant to generate convergent research projects. They begin as a one-and-a-half-day event at one of the partner institutions. Approximately ten people attend, by invitation of the conveners. The conveners (initially the Co-PIs) call for an idea lab to discuss ways to approach research on a particularly important and difficult topic, one that is broad and foundational to the field, but sufficiently concrete that it is amenable to empirical research. They invite approximately ten diverse, interdisciplinary "dream team" researchers who can bring to bear a variety of methods, approaches and substantive expertise. The conveners will privilege the participation of those who would be open to taking on a new research project in the near future, and who would value the contributions of multiple methods and approaches. Prior to the meeting, the researchers share and read key texts they believe should inform the discussion. At the meeting, participants identify opportunities for research, flag areas of difficulty and potential disagreement, and discuss possible areas of synergy across substantive and methodological divides. The result is what we call a research ecosystem, in which different participants fill different niches, in a coherent way that produces a benefit for the whole.

The goal is to identify the most productive way to integrate different approaches, research designs and substantive knowledge to most effectively address the question at hand. Those who are so inclined might join in collaborative research teams. Others might decide to pursue a solo project, but one that is informed by, and in turn informs, the collective enterprise. The expectation is that the researchers will seek additional research grants as needed to pursue these projects. We do not intend to collect all the work being done by the research ecosystem in a single edited volume. Rather, one idea lab might produce several research efforts, each of which can generate multiple standalone peer-reviewed articles or books, but all of which are coherent and convergent parts of the same ecosystem. The various research teams would all be working on distinct facets of a common problem, but would come back together from time to time to share progress and seek feedback. The common origin and the occasional reconvening of the group will help identify common as well as divergent findings, fill in gaps in our knowledge, and generate a variety of both descriptive and causal accounts that would be helpful to all the teams. In contrast to the proverbial tale of the blind men and the elephant, the goal is to share along the way the insights of people working on different pieces of the elephant, so we can ultimately produce a relatively complete picture of the whole.

For the initial two years of this pilot project, the Co-PIs have identified two important topics that merit close attention by researchers and would greatly benefit from the sort of joint research we propose to

encourage. The first idea lab will focus on perhaps the most fundamental question in the design and operation of legal institutions, although it is not often framed this way in the literature: How much autonomy and oversight authority should we give judges within a political system? What is the right balance between holding the other parts of the system to legal account, and granting them discretion and freedom of action? This question has obvious implications for constitutional democracy, but also for efficiency and innovation, for the prevention of harm to vulnerable populations, for imposing legal standards in a variety of situations, and much more. It is also open to a great deal of empirical analysis at different levels of abstraction. How do judges and other actors behave under different degrees of oversight? What are the most effective oversight mechanisms? What sorts of standards and legal institutions are most likely to bring about state compliance with long-term goals, such as responding to climate change? From normative and legal theory, to doctrinal legal scholarship, to empirical research on decision-making and institutional design, one can imagine a variety of projects emerging from this idea lab.

Unless the work of the first ecosystem suggests a better, alternative focus, the second idea lab will focus on the effects of legal institutions. How does law produce and structure social and political behavior? How can we best understand the ways in which legal and institutional changes put history on a new course? Here too, the question is broad and multifaceted, and has led to a variety of research agendas, from anthropological research on lived law, to constructivist accounts, to law and economics rationalism. Most of these research fields do not engage with each other, except perhaps as straw men to be blown down in the course of presenting one's own argument.

Annual Workshop: We expect to locate outside sources of funding for the Annual Workshop and have made initial queries with both international collaborative institutions and home university based resources. The Annual Workshop has a two-fold function. First and foremost, it is meant to provide the main, though not the only, opportunity for the members of an idea lab's research ecosystem to come together to learn about and react to each other's work. Secondly, and nearly as importantly, it will help members of the ecosystem to learn about new approaches, new methods, new questions that arise outside that ecosystem, so that we are not simply building bigger silos. The Workshop will be larger than the idea lab, but much smaller than a professional meeting like the Law and Society Association Annual Meeting, and still focused on early-stage research projects. It would offer opportunities for sustained engagement with people's projects rather than the traditional seven-minute conference presentation. There will be a strong graduate student component, with both presentations and poster sessions, pairing of graduate students with mentors from other institutions, and some substantive training.

Program Evaluation: Scholars participating in the first Idea Lab will be consulted to determine if the format and structure fulfilled the project's collaborative aims. Improvements will be made in light of this evaluation when implementing the second Idea Lab. And this second lab will further enable Co-PIs to seek guidance in strengthening this collaborative and convergent research approach. The faculty board will also serve to give ongoing feedback on the Data Infrastructure to ensure usability and comprehensive coverage of comparative and international law topics. This feedback will be incorporated throughout the grant period.

Time Line

The project requests NSF funding from September 1, 2017 – August 31, 2019. The following outlines the schedule for completion.

September 2017 – May 2018: Co-PI Cichowski and UW based Graduate Student Assistant develop and complete the initial comparative and international law Data Infrastructure. Grad RA at UT Austin will also assist as well as course credit based undergraduate students at Emory University. Create the exhaustive list of relevant datasets. Seek out authors' permissions. Liaise with Co-PIs, faculty board and Idea Lab participants to create a comprehensive data hub and build the set of data protocols, data management standards, and methods standards.

May 2018: Co-PI Cichowski at University of Washington will host the first Idea Lab.

May 2018 – March 2019: Facilitate and carry out collaborative research resulting from the first Idea Lab. Include and mentor graduate and undergraduate students in aspects of the research. Ongoing collaboration and mentorship opportunities for students at all three campuses to be involved with data collection and data management.

March 2019: Co-PI Brinks at University of Texas-Austin will host the second Idea Lab.

March 2019 – August 2019: Faciltiate and carry out collaborative research resulting from the second Idea Lab. Mentor graduate and undergraduate students in aspects of the research. Ongoing collaboration and mentorship opportunities for students at all three campuses to be involved with data collection and data management. Finalize data infrastructure and disseminate.

June/July 2019: Co-PI Staton at Emory University will host the first Annual Workshop

Intellectual Merit

The intellectual merit of this pilot project is to develop a new model for collaborative and convergent research communities in law and social sciences. Creating a robust and reliable data infrastructure in the field of law and social sciences is central to this endeavor. At the heart of this project, is the ability of researchers to innovate on the foundation of prior research leading to scientific advancement. The project forms the critical connections, commitments and institutionalization to ensure a transformative change in how research is designed, implemented and the findings and data are disseminated. Lack of transparency, accountability, sustained graduate mentorship and a platform for data sharing is leading to a fragmented field, single use data projects and ultimately, the inability to provide answers and sustained research agendas resolving salient legal questions. The pilot project develops three collaborative components: data infrastructure, Idea Labs and an Annual Research Workshop. Together, these institutional innovations will not only ensure the reproducibility, replicability, and generalizability of data in the field of law and social sciences, but create a new multidisciplinary and interdisciplinary collaborative team model that is well equipped to embrace the complexity and scope of global legal challenges.

Broader Impact

The project promotes teaching, training and learning in the area of law and social sciences through innovations in research design, implementation and data management and accessibility, methods, and graduate mentorship and training. The project enhances the infrastructure for research and education in this field, including a central website housing data, analysis tools, and pedagogical materials – all ensuring both scientific advancement and public awareness on global policy issues. The website and data platform enables wide use of law and social science data for scholars and researchers interested in

replicating empirical analyses and developing generalizable theories. The project also creates a central location for sustained data sharing, standardized methods and graduate training opportunities. This centralization of law and social sciences data fosters the systematic development of this scientific field – a resource that is also invaluable to the practitioners, educators, community organizations and the public who experience and work to resolve global legal challenges. Findings will be disseminated broadly through the publically accessible website, research publications and participation in academic conferences.