doi:10.1017/S0003055408080404

# Notes from the Editors

Like our predecessors in this job, we in the UCLA group have been repeatedly surprised at how greatly subdisciplinary representation varies across issues purely from accidents of timing: when authors finish their revisions, when—still, alas, somewhat belatedly—we get articles to the press. Perhaps our surprise reflects the well-known psychological tendency to see patterns even in the most random data. If our previous issue (the third in this volume) was more formal and quantitative, the current one, by luck of the draw, inclines strongly toward political theory and judicial behavior. Four of its eight articles are on political theory (one of them on American political thought), two are on judicial behavior (both with a focus on European supranational courts), and two are on comparative politics.

Speaking of timing, we are happy to announce that our backlog of submissions has substantially diminished and to express our gratitude to *APSA* for pitching in with temporary funding for additional Editorial Assistants. These valiant graduate students help us deal with the rising tide of submissions (about 850 annually, an increase of over 200 from Lee Sigelman's final year). Of more immediate consequence, their augmented numbers and increasing efficiency have rapidly whittled down the "gateway" time—from initial submission until a manuscript can be vetted and sent to one of the co-editors for assignment of referees—from almost four weeks this past September to currently just under one week. We believe that both authors and readers will appreciate the difference this makes. Certainly the co-editors do.

## IN THIS ISSUE

In our lead article, "What Is a 'Right to Have Rights'? Three Images of the Politics of Human Rights," James D. Ingram notes that the contemporary question of human rights is "political not metaphysical"—more likely to be raised as a political concern for institutions, practices, and remedies than as a philosophical concern for foundations, justification, and validity. Taking up Hannah Arendt's enigmatic phrasing of the "right to have rights," he engages a wide range of contemporary debates to distinguish three political approaches to human rights, each of which can be understood as entailing a commitment to a particular image of practical politics. First, in human rights as "Implementation," Ingram finds an underlying Weberian logic in which "the politics of human rights is something the powerful do *for* the powerless." Second, in human rights as "Right" or "*Recht*," a neo-Kantian emphasis on justice and institutions comes to the fore. Third, human rights as "Democratic Action" become a "right to politics," a creative dynamic in which rights are claimed from the bottom up. To the extent that these three images of human rights are, indeed, "political not metaphysical," he argues, they also serve a critical function. On the one hand, they shed light on the sorts of situations to which each might be thought appropriate. On the other hand, they attune us to the limits of the most familiar forms of human rights, and in this regard they carry with them significant implications for the meaning and stakes of human rights activism more generally.

The next two articles, as noted earlier, look at European judicial institutions and address member governments' impact on supranational judicial institutions. The European Union, as both a new kind of political institution and one still "under construction," is an ideal laboratory for assessing the development of independent judicial institutions.

Erik Voeten, in "The Impartiality of International Judges: Evidence from the European Court of Human Rights," looks at judicial dissents in the European Court of Human Rights (ECtHR) and asks whether international judges act impartially or make decisions biased by ideology or national origins. He finds evidence that judges do have policy preferences but that their rulings do not reflect geopolitical biases. In "Judicial Behavior under Political Constraints: Evidence from the European Court of Justice," Clifford J. Carrubba, Matthew Gabel, and Charles Hankla investigate the impact of two threats to judicial independence—those of legislative override and of executive noncompliance—on the decisions of the European Court of Justice (ECJ). Their statistical analysis of ECJ rulings supports a conclusion that the preferences of member governments do affect court decisions. Both articles employ new datasets, and both draw upon and contribute to scholarship on judicial behavior. Moreover, their research designs exploit specific features of the ECtHR and ECJ to capture aspects of political constraints and judicial independence that would be impossible to unpack for other courts. Both articles also provide insight into the process of European integration and the development of an independent supranational judiciary.

Will the election of President Barack Obama in 2008 undermine or ultimately support the theory of the "unitary executive"? Will the theory prove to have been only a partisan instrument or an institutional sign of the times? As a candidate, Senator Obama spoke out against this and other manifestations of increasing power in the office he will now hold. Will circumstances of domestic emergency cause him to reconsider? In either case, Jeremy D. Bailey, in "The New Unitary Executive and Democratic Theory: The Problem of Alexander Hamilton," has removed one of the theory's central claims, namely, support in the thought of Alexander Hamilton. Bailey demonstrates that Hamilton opposed placing the removal power under the authority of the president acting alone. Precisely

https://doi.org/10.1017/S0003055408080404 Published online by Cambridge University Press

because he sought unity and energy in the executive, Hamilton thought it necessary that the executive's subordinates enjoy duration in their offices if the government was not to fall into traditional republican vices.

Turning to an even broader international topic than those raised by the two articles on the European judiciary, can individual states legitimately act altruistically in the international arena to punish war crimes or crimes against humanity? In "Punishment, Property, and the Limits of Altruism: Locke's International Asymmetry," Alex Tuckness develops a provocative argument against altruistic punishment by recourse to Lockean consent theory. Agreeing in part with recent "libertarian" analyses of the pivotal role of property in Locke's contractualism, Tuckness focuses on the domestic costs of international intervention to reject the common view that Locke's theory of international relations legitimates the state's power to punish violations of natural law as strictly parallel to individuals' power to punish in the state of nature. Instead, he contends, Locke installs a significant asymmetry between states and individuals by limiting states' actions to the preservation of the lives and property of their own members. Thus, while individuals may choose to punish altruistically in the state of nature, states cannot legitimately expend their members' "blood and treasure" on altruistic punishment in the international arena. In an interesting twist, however, Tuckness draws out the implications of this view to cast Locke as a "lax libertarian," willing to countenance, on the basis of natural duties to preserve mankind as a whole, the public enforcement of charity in international as well as domestic contexts. In the end, he argues, the gaps and slippages between universalism and particularism that afflict Locke's "international asymmetry" remain visible today, particularly in debates over global inequality, in ways that Locke's theory itself is ill-prepared to address.

Political theory, of course, can be inventive as well as reflexive, and contemporary dilemmas can invite new ways of thinking. In "Discursive Representation," John S. Dryzek and Simon Niemeyer adapt discourse theory to generate a creative point of intersection between current debates over "rethinking representation," deliberative democracy, and institutional design. Representation, they argue, need not be limited to such familiar entities as groups or individuals, interests or opinions. Neither, they suggest, must deliberative democracy be limited to such fora as citizens' juries, consensus conferences, deliberative opinion polls, citizens' assemblies, and the like. Rather, these diverse strands of contemporary political and theoretical attention might be productively conjoined with institutional innovation through the representation of "political discourses." This challenging essay not only mounts a complex justification for the representation of "political discourses," it also limns the possible contours of "Chambers of Discourses" and suggests various ways in which "discursive representatives" might be selected. Such Chambers might be given greater or lesser duration, might be charged with deliberating diverse sorts of issues or policies, and might be constituted as advisory or authoritative, just as they might be elaborated in any number of possible relations to existing institutions of governance, domestic or international. In both practical and ethical terms, the authors contend, "discursive representation" could address dilemmas spawned by the decline of the demos and the diffusion of authority, but in any case could provide criteria for the evaluation of current, more familiar forms of unelected representation in the broader public sphere.

If we think cross-nationally about the theme addressed by Bailey, "unitary executives" are rare even in a more limited sense. Most parliamentary governments are coalitions, composed of more than one party. Political scientists understand some of the empirical regularities that govern coalition formation, but predicting which parties will participate in government remains a tricky business. In "The Role of Parties' Past Behavior in Coalition Formation," Margit Tavits demonstrates an important dynamic effect: a party that defected from an existing coalition is less likely to be included in future governments with the same coalition partners. Using data from Europe between 1960 and 2006, Tavits shows that this "punishment effect" prevails only among former coalition partners; parties that defect do not become pariahs in the eyes of other parties. Moreover, the lower likelihood of future coalitions only results from defections that bring down the government. That is, the lower coalition odds seem to result from defectors' being punished; they do not seem merely to reflect the conflict that led to defection in the first place.

Finally, and on a more specific front of comparison, Scott Desposato and Ethan Scheiner look at legislators' behavior in Brazil and Japan. The two countries are rarely studied together because of obvious differences in culture, history, institutions, and level of economic development. Yet the two are similar in the roles ideology and pork play in structuring coalitions and, thereby, affecting government policy. In both countries, pork is important; ideology, not so much. Moreover, both countries have experienced episodes of party-switching by politicians at the national and subnational levels. In "Governmental Centralization and Party Affiliation: Legislator Strategies in Brazil and Japan," Desposato and Scheiner conjecture that, in both cases, party-switching is motivated at least in part by politicians' desire to maintain access to pork. They provide evidence for this conjecture by exploiting differences in the "pipelines" through which pork is delivered: in Japan, exclusively through the national government; in Brazil, through a process that involves both national and state governments. Desposato and Scheiner theorize that institutional difference affects which parties are able to lure away politicians from other parties. They show that, in Brazil (1991–99), politicians are drawn into parties in the President's coalition at the national level and into parties in the Governor's coalition in their home state. In contrast, in Japan (1993–94), party-switchers appear to respond only to national-level incentives.



https://doi.org/10.1017/S0003055408080404 Published online by Cambridge University Press

# INSTRUCTIONS TO CONTRIBUTORS

## General Considerations

The *American Political Science Review (APSR)* strives to publish scholarly research of exceptional merit, focusing on important issues and demonstrating the highest standards of excellence in conceptualization, exposition, methodology, and craftsmanship. Because the *APSR* reaches a diverse audience of scholars and practitioners, authors must demonstrate how their analysis illuminates a significant research problem or answers an important research question, of general interest in political science. For the same reason, authors must strive for a presentation that will be understandable to as many scholars as possible, consistent with the nature of their material.

The *APSR* publishes original work. Therefore, authors should not submit articles containing tables, figures, or substantial amounts of text that already have been published or are forthcoming in other places, or which are included in other manuscripts submitted for review to book publishers or periodicals (including online journals) or otherwise committed. In many such cases, subsequent publication of this material would violate the copyright of the other publisher.

The *APSR* also does not consider papers that are currently under review at other journals or that duplicate or overlap with parts of larger manuscripts submitted to other publishers (including publishers of both books and periodicals). Manuscripts substantially similar to those submitted or published elsewhere, or to part of a book or other larger work, should also not be submitted. If you have any questions about whether these policies apply in your particular case, you should discuss any such publications related to a submission in a cover letter to the editors or as part of the author comments section of the online submission process. You should also notify the editors of any related submissions to other publishers, whether for book or periodical publication, that occur while a manuscript is under review at the *APSR* and which would fall within the scope of this policy. The editors may request copies of related publications.

The *APSR* uses a double-blind review process. You should follow the guidelines for preparing an anonymous submission in the "Specific Procedures" section that follows. If your manuscript contains quantitative evidence and analysis, you should describe your procedures in sufficient detail to permit reviewers to understand and evaluate what has been done and—in the event the article is accepted for publication—to permit other scholars to carry out similar analyses on other data sets. For example, for surveys, at the least, sampling procedures, response rates, and question wordings should be given; you should calculate response rates according to one of the standard formulas given by the American Association for Public Opinion Research, *Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys* (Lenexa, KS: AAPOR, 2006). This document is available on the Internet (http://www.aapor.org/standards.asp). For experiments, provide full descriptions of experimental protocols, methods of subject recruitment and selection, subject payments and debriefing procedures, and so on. Articles should be self-contained, so you should not simply refer readers to other publications for descriptions of these basic research procedures.

Please indicate variables included in statistical analyses by capitalizing the first letter in the variable name and italicizing the entire variable name the first time each is mentioned in the text. You should also use the same names for variables in text, tables, and figures. Wherever possible, avoid the use of acronyms and computer abbreviations when discussing variables in the text. All variables appearing in tables and figures should have been mentioned in the text and the reason for their inclusion discussed.

As part of the review process, you may be asked to submit additional documentation if procedures are not sufficiently clear; the review process works most efficiently if such information is given in the initial submission. If you advise readers that additional information is available, you should submit copies of that information with the manuscript as "attached materials" on our website. If the amount of this supplementary information is extensive, please inquire about alternate procedures.

Manuscripts that are largely or entirely critiques or commentaries on previously published articles will be reviewed using the same general procedures as other manuscripts, with one exception. In addition to the usual number of reviewers, such manuscripts will also be sent to the scholar(s) whose work is being criticized, in the same anonymous form as they are sent to reviewers. Comments from the original author(s) to the editors will be invited as a supplement to the advice of reviewers. This notice to the original author(s) is intended: (1) to encourage review of the details of analyses or research procedures that might escape the notice of disinterested reviewers; (2) to enable prompt publication of critiques by supplying criticized authors with early notice of their existence and, therefore, more adequate time to reply; (3) as a courtesy to criticized authors.

The *APSR* now accepts only electronic submissions. To submit a manuscript, please go to www.editorialmanager.com/apsr. This web site provides detailed information about the submission procedure and required manuscript formatting. Please direct any questions to the journal editorial offices at apsr@polisci.ucla.edu.

## Manuscript Formatting

Manuscripts should not be longer than 45 pages including text, all tables and figures, notes, references, and appendices. This page size guideline is based on the U.S. standard $8.5 \times 11$ inch paper; if you are submitting a manuscript printed on longer paper, you must adjust accordingly. Font size must be at least 11 point for all parts of the paper, including notes and

https://doi.org/10.1017/S0003055408080404 Published online by Cambridge University Press

references. The entire paper, including references, must be double-spaced, with the sole exception being any tables for which double-spacing would require a second page that would otherwise not be needed. All pages should be numbered in one sequence, and text should be formatted using a normal single column no wider than 6-1/2 inches (rather than the double-column format of the published version of the *APSR*). Include an abstract of no more than 150 words. The *APSR* style of embedded citations should be used, and there must be a separate list of references at the end of the manuscript. Footnotes or endnotes may be included, but should not be used for simple citations.

These specifications are designed to make it easier for reviewers to read and evaluate papers and for potential copyediting and production needs, if accepted for publication. Papers not adhering to these guidelines are subject to being rejected without review.

For submission and review purposes, you may place footnotes at the bottom of the pages instead of using endnotes, and you may locate tables and figures (on separate pages and only one to a page) approximately where they fall in the text. However, manuscripts accepted for publication must be submitted with endnotes, and with tables and figures on separate pages at the back of the manuscript with standard indications of text placement, e.g., [Table 3 about here].

In deciding how to format your initial submission, please consider the necessity of making these changes if your paper is accepted. If accepted for publication, you may also be asked to submit high resolution digital source files or camera-ready copies of graphs, charts, or other types of figures. Following acceptance, all elements within any tables submitted (text, numerals, symbols, etc.) should be accessible for editing and reformatting to meet the journal's print specifications. Instructions will be provided. For specific formatting style of citations and references, please refer to articles in the most recent issue of the *APSR*. And/or for unusual style or formatting issues, you may wish to consult the latest edition of *The Chicago Manual of Style* (15th ed.; Chicago: Univ. of Chicago Press, 2003).

## Specific Procedures

Please follow these specific procedures for submission:

1. Before submitting any manuscript to *APSR*, it is recommended that you download a PDF of the Transfer of Copyright Agreement from the Editorial Manager login page (http://www.editorialmanager.com/apsr/) and review its terms and requirements as well as the permissions granted to authors under its provisions. At any time after submitting, you may sign this and send it on ahead, by mail, to: *American Political Science Review*, c/o Dept. of Political Science, UCLA, 4289 Bunche Hall, Box 951472, Los Angeles, CA 90095-1472. In any case, a signed agreement will be required in order for your work to be published in this journal.
2. During the online submission process at www.editorialmanager.com/apsr you will be invited to submit a list of scholars who would be appropriate reviewers of your manuscript. Do not include on this list anyone who has already commented on your paper or an earlier version of it. Likewise, exclude any of your current or recent collaborators, institutional colleagues, mentors, students, or close friends. You may also "oppose" potential reviewers by name but will be expected to provide specific reasons why they may be inappropriate. The editors will refer to these lists in selecting reviewers, though there can be no guarantee that this will influence final reviewer selections.
3. You will also be required to upload a minimum of two separate files: a) an "anonymous" digital file of your paper; this file should not include any information that identifies the authors, or any other collaborators in the work (including anyone responsible for creating tables or figures, if they are also an author/collaborator); and, do not thank colleagues in notes or elsewhere in the body of the paper or mention institution names, web page addresses, or other potentially identifying information.; b) a separate title page that includes the full manuscript title, plus names and contact information (mailing address, telephone, fax, e-mail address) for all credited authors in the order their names should appear, as well as each authors' academic rank and institutional affiliation. You may also include any acknowledgements or other author notes about the development of the paper (e.g., previous presentations of the research) as part of this separate title page. In the case of multiple authors, indicate which should receive correspondence. In addition, you may choose to include a cover letter.
4. Please review all pages to make sure the file contains all tables, figures, appendices, and references cited in the manuscript.
5. To insure anonymity throughout the review process, if it is important to the development of the paper that your previous publications be cited, please do this in a way that does not make the authorship of the submitted paper obvious. This is usually most easily accomplished by referring to yourself and any co-authors in the third person and including normal references to the work cited in the list of references. Your prior publications should be included in the reference section in their normal alphabetical location. Assuming that in-text references to your previous work are in the third person, you should not include redacted self-citations and references (i.e., do not delete the names of your manuscript's authors). If you are unsure as to the best use of these or any other procedures in rendering manuscripts anonymous, contact the editorial offices of *APSR* prior to submission.



https://doi.org/10.1017/S0003055408080404 Published online by Cambridge University Press

Manuscripts that are judged to be lacking anonymity will be returned, potentially delaying the review processes.

## ELECTRONIC ACCESS TO THE *APSR*

Back issues of the *APSR* are available in several electronic formats and through several vendors. Except for the last three years (as an annually "moving wall"), back issues of the *APSR* beginning with Volume 1, Number 1 (November 1906), are available on-line through JSTOR (http://www.jstor.org/). At present, JSTOR's complete journal collection is available only via institutional subscription, e.g., through many college and university libraries. For APSA members who do not have access to an institutional subscription to JSTOR, individual subscriptions to its *APSR* content are available. Please contact Member Services at APSA for further information, including annual subscription fees.

Individual members of the American Political Science Association can access recent issues of the *APSR* and *PS* through the APSA website (*www.apsanet.org*) with their username and password. Individual nonmember access to the online edition will also be available, but only through institutions that hold either a print-plus-electronic subscription or an electronic-only subscription, provided the institution has registered and activated its online subscription.

Full text access to current issues of both the *APSR* and *PS* is also available on-line by library subscription from a number of database vendors. Currently, these include University Microfilms Inc. (UMI) (via its CD-ROMs General Periodicals Online and Social Science Index and the on-line database ProQuest Direct), On-line Computer Library Center (OCLC) (through its on-line database First Search as well as on CD-ROMs and magnetic tape), and the Information Access Company (IAC) (through its products Expanded Academic Index, InfoTrac, and several on-line services [see below]). Others may be added from time to time.

The *APSR* is also available on databases through six online services: Datastar (Datastar), Business Library (Dow Jones), Cognito (IAC), Encarta Online Library (IAC), IAC Business (Dialog), and Newsearch (Dialog).

The editorial office of the *APSR* is not involved in the subscription process to either JSTOR for back issues or the other vendors for current issues. Please contact APSA, your reference librarian, or the database vendor for further information about availability.

## OTHER CORRESPONDENCE

The American Political Science Association's address, telephone, and fax are 1527 New Hampshire Avenue, N.W., Washington, D.C. 20036, (202) 483-2512 (voice), and (202) 483-2657 (fax). E-mail: apsa@apsanet.org. Please direct correspondence as follows.

Information, including news and notes, for *PS*:

Dr. Robert J-P. Hauck, Editor, *PS*
E-mail: rhauck@apsanet.org

Circulation and subscription correspondence (domestic claims for nonreceipt of issues must be made within four months of the month of publication; overseas claims, within eight months):

Sean Twombly,
Director of Member Services
E-mail: membership@apsanet.org
Reprint permissions:
E-mail: Rights@cambridge.org

Advertising information and rates:

Advertising Coordinator,
Cambridge University Press
E-mail: journals_advertising@cambridge.org

## EXPEDITING REQUESTS FOR COPYING *APSR* AND *PS* ARTICLES FOR CLASS USE AND OTHER PURPOSES

### Class Use

The Comprehensive Publisher Photocopy Agreement between APSA and the Copyright Clearance Center (CCC) permits bookstores and copy centers to receive expedited clearance to copy articles from the *APSR* and *PS* in compliance with the Association's policies and applicable fees. The general fee for articles is 75 cents per copy. However, current Association policy levies no fee for the first 10 copies of a printed artide, whether in course packs or on reserve. Smaller classes that rely heavily on articles (i.e., upper-level undergraduate and graduate classes) can take advantage of this provision, and faculty ordering 10 or fewer course packs should bring it to the attention of course pack providers. APSA policy also permits free use of the electronic library reserve, with no limit on the number of students who can access the electronic reserve. Both large and small classes that rely on these articles can take advantage of this provision. The CCC's address, telephone, and fax are 222 Rosewood Drive, Danvers, MA 01923, (978) 750-8400 (voice), and (978) 750-4474 (fax). This agreement pertains only to the reproduction and distribution of APSA materials as hard copies (e.g., photocopies, microfilm, and microfiche).

The Association of American Publishers (AAP) has created a standardized form for college faculty to submit to a copy center or bookstore to request copyrighted material for course packs. The form is available through the CCC, which will handle copyright permissions.

APSA also has a separate agreement pertaining to CCC's Academic E-Reserve Service. This agreement allows electronic access for students and instructors of a designated class at a designated institution for a specified article or set of articles in electronic format. Access is by password for the duration of a class.

https://doi.org/10.1017/S0003055408080404 Published online by Cambridge University Press

Please contact your librarian, the CCC, or the APSA Reprints Department for further information.

### *APSR* Authors

If you are the author of an *APSR* article, you may use your article in course packs or other printed materials without payment of royalty fees and you may post it at personal or institutional web sites as long as the APSA copyright notice is included.

### Other Uses of APSA-Copyrighted Materials

For any further copyright issues, please contact the APSA Reprints Department.

## INDEXING

Articles appearing in the *APSR* before June 1953 were indexed in *The Reader's Guide to Periodical Literature*. Current issues are indexed in *ABC Pol Sci*; *America, History and Life 1954–*; Book Review Index; Current Contents: Social and Behavioral Sciences; EconLit; *Energy Information Abstracts*; Environmental Abstracts; Historical Abstracts; Index of Economic Articles; Information Service Bulletin; International Bibliography of Book Reviews of Scholarly Literature in the Humanities and Social Sciences; International Bibliography of Periodical Literature in the Humanities and Social Sciences; International Index; International Political Science Abstracts; the *Journal of Economic Literature*; Periodical Abstracts; Public Affairs; Public Affairs Information Service International Recently Published Articles; Reference Sources; Social Sciences and Humanities Index; Social Sciences Index; Social Work Research and Abstracts; and Writings on American History. Some of these sources may be available in electronic form through local public or educational libraries. Microfilm of the *APSR*, beginning with Volume 1, and the index of the *APSR* through 1969 are available through University Microfilms Inc., 300 North Zeeb Road, Ann Arbor, MI 48106 (www.umi.com). The Cumulative Index to the *American Political Science Review*, Volumes 63 to 89: 1969–95, is available through the APSA.

https://doi.org/10.1017/S0003055408080404 Published online by Cambridge University Press