

# PSC 305: Judicial Politics

Spring 2014

Class Time: 12:00 -12:50 p.m., M,W,F.

Class Location: Obrian 112

Office Location: 416 Park Hall

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Office Hours: T: 1:00-3:00 p.m., W: 10:00-11:30 a.m.

## **Course Description and Objectives**

This is a course in judicial politics, a term which can have many different definitions and refer to a wide range of material. In this course we will cover topics such as the United State Supreme Court, strategic decision making by judges, civil and common law judicial systems, the rule of law, the establishment of judicial review in democracies other than the United States, and the use of courts and judges in semi-democratic and non-democratic states.

The course is designed for students to learn to think critically about judges as strategic political actors and the role they play in shaping government policy. While courses in judicial policies usually focus primarily on the U.S. federal systems, this class will cover judicial systems and politics in the U.S. as well as Canada, Israel, South Africa, New Zealand, Mexico, Egypt, China, Russia, Uganda, Turkey, Argentina, Chile, Brazil, Zimbabwe, and Iran.

Additionally this course seeks to guide students in answering fundamental questions of judicial politics such as, how do judges make and shape policy according to their preferences? How do they react to the institutions and other political actors in their given system? Do judges behave similarly in democracies and dictatorships? And, how do states establish and build rule of law?

By the end of the semester students are expected to have achieved the following learning outcomes:

1. Be able to identify and discuss important scholarly debates and research questions.
2. Demonstrate the ability to recognize and apply key concepts and major theories.
3. Be able to identify and critically evaluate the arguments of scholarly research in political science.
4. Engage in conceptual analysis and theoretical interpretation of political ideas and phenomena.
5. Develop the ability to analyze a scholarly question in political science by drawing logical inferences from qualitative and/or quantitative data.

## Required Texts

All required texts for this course are available through the North Campus bookstore for purchase or rent, and may also be found at reduced prices online. Students are responsible to acquire copies during the first week of class. Articles will also be assigned and they are posted on UBLearn under Course Documents.

Epstein, Lee and Jack Knight (1998), The Choices Judges Make. CQ Press: Washington D.C.. (Will be referred to as E&K in assigned readings.)

Hirschl, Ran (2004), Toward Juristocracy: The Origins and Consequences of the New Constitutionalism. Harvard University Press: Cambridge, MA.

Ginsburg, Tom and Tamir Moustafa, Eds. (2008), Rule by Law: The Politics of Courts in Authoritarian Regimes. Cambridge University Press: New York, NY. (Referred to as G&M in assigned readings.)

## Grading

*Exams:* Three exams will be given in this course, each worth 30%, and will be multiple choice/true false exams. Make up exams are only permitted in truly extraordinary circumstances, such as documented medical emergencies. You must, to the best of your ability, contact me prior to the exam. The exams will test material from your readings, lectures, and class discussions.

*Quizzes:* There will be six scheduled quizzes/assignments during the course of the semester, but students may drop their two lowest scores. Because of the generous drop policy **make up quizzes will not be given under any circumstances**. These quizzes will be multiple choice/true false and will closely mirror the format and content of the exams. Quizzes will only cover the material since the previous exam.

## Viewing Exams

Exams will not be handed back in class. However, after an exam's grades have been posted on UBLearn students may make an appointment to view their exam and go over their answers. Quizzes may often be reviewed in class, but if they are not you may also make an appointment to view them.

A	100-94	C	76-74
A-	93-90	C-	73-70
B+	89-87	D+	69-67
B	86-84	D	66-64
B-	83-80	D-	63-61
C+	79-77	F	60-0

## Academic Integrity

Students are expected to fully adhere to the academic integrity regulations set forth by the University at Buffalo, SUNY. Any violation of the regulations will result in appropriate disciplinary action

as set forth in University policy. Additional information regarding University policy is available at: <http://www.advising.buffalo.edu/student/academicintegrity.php>. Under no circumstances will cheating of any kind be tolerated in this course.

Plagiarism in any and all forms will not be tolerated and will result in a grade of 'F' for the course. This includes, but is not limited to, copying or receiving material from any source and attributing it as one's own without acknowledging and properly attributing the material to the source, or in any other way representing the work of another as one's own work. Information regarding plagiarism and academic scholarship can be found the the UB libraries website, <http://library.buffalo.edu/help/research-tips/plagiarism/> as well as a guide for citing sources, <http://libweb.lib.buffalo.edu/guide/guide.asp?ID=156>. All written work submitted to this course must contain proper citations and conform to accepted citation styles.

## **Attendance and Participation**

It is entirely at the discretion of students to decide whether they attend class on a given day. It is the sole responsibility of students who miss class to keep up with missed notes and assignments from missed lectures. You are free to utilize the UBLearns course website to email classmates for missed information.

## **Laptops and Technology**

Having laptop in class is a privilege that will be extended to you, so long as the policy is not abused. This privilege will be taken away if this policy is abused or proves to be a distraction to the other members of the class. Cell phone use is prohibited. Texting in class is rude, disrespectful, and distracting (to you, your fellow classmates, and to me). If I see you texting or using your phone in any way, I will ask you to leave.

## **Communicating with Me**

The best way to succeed in this class is to stay current with readings and to attend class regularly. However, sometimes things happen. It is always best to communicate with me as soon as issues arise and not wait until they become big problems later. Always check to the syllabus to see if your questions can be answered there. When emailing me, please remember to sign your name and to write in full and complete sentences. Additionally, when communicating with me by email, during class, or outside of class please refer to me as Miss Sievert or Instructor.

## **Readings**

All assignment dates are approximate. We may have to adjust them slightly depending on our speed during the semester. However, barring emergency, the dates for exams and quizzes will not change.

Note: All assigned reading is to be conducted prior to the class for which it is listed.

Section	Date	Topic	Reading
1	1/27	Introduction	
	1/29	Civil & Common Law Systems	“Civil and Common Law Systems”, UBLearns
	1/31	U.S. Federal Courts	“The Federal Judiciary I& II”, UBLearns
	2/3	Intro. to Strategic Judging	E&K, Ch. 1
	2/5	Judges as Policy Seekers	E&K, Ch. 2
	2/7	Strategic Interaction	E&K, Ch. 3, pp. 57-79
	2/10	Strategic Interaction, <b>Quiz 1</b>	E&K, Ch. 3, pp.79-107
	2/12	Institutional Context	E&K, Ch. 4
	2/14	<b>Online Assignment, No Class</b>	“Twelve Angry Men”, UBLearns
	2/17	<b>Online Assignment, No Class</b>	“Twelve Angry Men”, UBLearns
	2/19	Institutional Context	E&K, Ch. 5, pp. 138-157
	2/21	Institutional Context	E&K, Ch. 5, pp. 157- 181
	2/24	Public Opinion and USSC	Gibson et al., “Measuring Attitudes toward the USSC”, UBLearns
	2/26	Review and Catch-up	
2/28	<b>Exam 1</b>		
2	3/3	Courts in Comparative Perspective	Helmke, “Rule of Law”, UBLearns
	3/5	Constitutional Revolutions	Hirschl, Ch. 1
	3/7	Toward Constitutionalization	Hirschl, Ch. 3, pp. 50- 75
	3/10	Toward Constitutionalization, <b>Quiz 2</b>	Hirschl, Ch. 3, pp. 75-99
	3/12	Interpretation of Rights	Hirschl, Ch.4, pp., 100- 125
	3/14	Interpretation of Rights	Hirschl, Ch. 4, pp., 125-148
	3/17-	<i>Spring Break</i>	
	3/21		
	3/24	Rights &Realities	Hirschl, Ch.5
	3/26	Rights & Realities, <b>Quiz 3</b>	Hirschl, Ch. 5

Section	Date	Topic	Reading
2, Cont.	3/28	Mega-Politics	Hirschl, Ch. 6, pp.169-190
	3/31	Mega-Politics	Hirschl, Ch. 6, pp.190-210
	4/2	<b>No Class, MPSA</b>	
	4/4	<b>No Class, MPSA</b>	
	4/7	Comparing High Courts	Gibson et al. "On the Legitimacy, of National High Courts, UBLearn
	4/9	Review and Catch-up	
	4/11	<b>Exam 2</b>	
3	4/14	Authoritarian Regimes	G&M, Introduction
	4/16	Judges and Generals	G&M, Ch. 1
	4/18	Administrative Law & Judicial Control	G&M, Ch.2
	4/21	The Exception that Proves the Rule	G&M, Ch. 3
	4/23	Law and Resistance, <b>Quiz 4</b>	G&M, Ch. 5
	4/25	Enforcing Autocracy	G&M, Ch. 7
	4/28	Institutional Diffusion of Courts	G&M, Ch. 8
	4/30	Building Judicial Independence	G&M, Ch. 9
	5/2	Judicial Power	G&M, Ch. 10
	5/5	Courts in Semi-Democracies, <b>Quiz 5</b>	G&M, Ch.11
	5/7	Judicial Systems & Economic Development	G&M, Ch. 12
	5/9	Last Day	Review & Catch-Up