RPOS 541
FIELD SEMINAR IN PUBLIC LAW

Professor: Julie Novkov
E-mail: jnovkov@albany.edu

Downtown Office: Milne 306  Uptown Office: 16 Humanities
Downtown Office Phone: 442-5279  Uptown Office Phone: 442-3112
Uptown Office Hours: TBA

COURSE DESCRIPTION

This course is the field seminar for public law. Its goals are to 1) introduce students to the primary paradigms for research in this area, 2) lay out classic and contemporary debates within the field, 3) prepare students for advanced graduate coursework, and 4) facilitate the development of critical frameworks for reading, thinking, and writing about law and politics. Some orienting questions we will consider are the following: What is law? What role do courts play in politics, culture, and society? How can we best ask and answer questions about law and courts, and what are the strengths and weaknesses of different approaches? What is distinctive about the study of law through the lenses of political science?

The course will be run in a seminar format, with the students spending most of the class time discussing the readings. The professor will facilitate these discussions both formally and informally.

COURSE REQUIREMENTS

First, a caveat: this course will be taught on a graduate level and the workload and expectations will be high. Most students will have done at least some reading on law. I will expect you to come to each class meeting having done all of the readings thoroughly and carefully. Class attendance and participation will constitute a significant portion of your grade. Students will be expected to attend class and participate in class discussions. You will be expected to keep up with the reading throughout the term.

In addition to the regular participation you do in class, each student will be expected to give a presentation twice during the term. For each presentation, you will write a short (1-2 pp.) response paper for distribution before the class meeting. I will provide weekly discussion questions on which you may choose to base your response paper. You will then spend ten to fifteen minutes presenting and discussing your paper, and you will facilitate the day’s discussion.

Students will also be responsible for submitting weekly journals for 8 weeks of the course. I will collect and grade these journals periodically to ensure that you are keeping up, and your final grade for this assignment will be based on all of the journals. The journal entries will generally be based on the questions with which I provide you,
although you may occasionally write on another aspect of the reading that you find particularly intriguing.

Students will also do two additional writing assignments. The first will be a book review. And the second will be a mock comprehensive examination which you will have one week (rather than the standard day) to complete at the end of the term.

The weights of your various obligations are detailed below:

- Class participation: 10%
- Presentations on the readings: 20%
- Book review: 10%
- Mock comp: 30%
- Final journal: 30%

A schedule will be compiled at the beginning of the term for presentations. The timing for the mock comp is inflexible and no late papers will be accepted.

**POLICIES**

*Students with disabilities.* If you have a documented disability and anticipate needing accommodations in this course, please make arrangements to meet with the professor soon. Please request that Disabilities Resource Center send a letter verifying your disability.

*Extensions for papers.* Extensions for papers will only be permitted under compelling circumstances and if the extension is requested in advance. Any student who does not turn in her or his paper on time and has not contacted the professor in advance will lose a half grade per day for every day the paper is late unless the student can provide a University-approved excuse.

*Class attendance.* You will be expected to attend class. Each student is permitted to miss two days of class per term with no questions asked and no penalties or reductions in his or her class participation grade. Any classes missed beyond those two will be taken into account in determining your class participation grade, regardless of the reason.

*Regrading of materials.* You may request regrading of materials. If you wish to make such a request, contact the professor for a copy of the regrading policy. You will be asked to provide a written explanation of why you wish to have the assignment regraded.

*Plagiarism or cheating.* This one’s simple: don’t do it. Don’t even think about doing it. Plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing him or her. If you use someone else’s language directly, you must use quotation marks. If you rely on another person’s ideas in creating your argument, you must provide a citation. If you have any questions about plagiarism, please contact me before you submit the assignment for grading. If you plagiarize or cheat in this class, the **BEST** outcome you can hope to achieve is a failing grade from me, in addition to any mandatory university sanctions. Plagiarism or cheating, even if unintentional, will result in a failing grade for the assignment at the **very minimum.**
MATERIALS


SYLLABUS

**September 1: What is Public Law?**
APSA paper assignment: select a paper from APSA’s annual meeting website and post a note about it on the discussion board.

**September 8: Politics, Institutions, and Law: Foundations**
Alexander Bickel, *The Least Dangerous Branch* (excerpts)
Martin Shapiro, *Courts* (excerpts)

**September 15: Legal Realist Foundations**
Karl Llewellyn, *The Bramble Bush* (excerpts)
Jerome Frank, *Courts on Trial* (excerpts)

**September 22: Approaches to Law and Politics**

**September 29: Debates over What Matters**
October 6: *Judicial Attitudes*
Segal and Spaeth, 2002 - Introduction, Ch. 3, 8

October 13: *Strategic Behavior*
Epstein and Knight. The Choices Justices Make (1998)
Segal and Spaeth (2002) Ch. 8, second half

October 20: *Comparing Mobilization*
Charles Epp, *The Rights Revolution*

October 27: *The Supreme Court as an Institution*
Ronald Kahn and Kenneth Kersch, *The Supreme Court and American Political Development*
BOOK REVIEW DUE

November 3: *Law and the Historical Construction of Rights*
Pamela Brandwein, “Reconstruction, Race, and Revolution”
George Lovell, “Justice Excused: The Deployment of Law in Everyday Political Encounters”

November 10: *Politics and Public Perceptions*
Thomas Keck, *The Most Activist Supreme Court in History*

November 17: *Do the Courts Matter?*
Gerald Rosenberg, *The Hollow Hope* (second edition)
Neal Devins, “Judicial Matters” (review of *The Hollow Hope*, first edition)
Michael McCann, “Causal versus Constitutive Explanations”
Michael Klarman, “*Brown* and *Lawrence* (and *Goodridge*)”

**November 24: Classic Law and Society**

**December 1: Do the Courts Matter? Part II**
Michael McCann, *Rights at Work*
FINAL JOURNALS DUE
MOCK COMP DISTRIBUTED