Course Description. This course is about judicial politics in different countries, i.e., different justice systems. Judicial politics is the study of how political dynamics shape courts (including justice reforms and actual court decisions) and how courts, in turn, shape politics (including the social impact of institutional rules and decisions). The course introduces the two main systems of law in the world (civil law and common law) and the primary theoretical approaches to understanding judicial politics, proceeding to analyze how institutions and actors in different systems of law interact with various patterns of democracy and democratization. Thus, the course explores two main causal relationships: (1) the effect of politics on the judiciary (politics-to-courts influences), e.g., political interference in the independence of judges; and (2) the impact of the judiciary on politics (courts-to-politics influences), e.g., constraints courts place on governments, or the societal impact of court decisions. The first half of the course emphasizes principal conceptual and theoretical questions facing scholars of judicial politics, while the second half of the course highlights substantive, empirical problems. Examples will draw from experiences inside and outside the U.S., with special emphasis on Latin American judicial politics. Principal course requirements consist of regular quizzes, a mid-term exam, and a final exam.

Pre-requisites. There are no pre-requisites for this course. However, Introduction to Comparative Politics is strongly recommended. Other recommended courses include American Politics, Constitutional Law, Constitutional Rights, and Judicial Process.

Requirements

Readings. The main texts for this course are:


Used and new copies of these books are available at Mary Jane's bookstore and at various online booksellers. These books will be supplemented periodically with journal articles and other short pieces. Please see the class schedule below for a detailed list of the reading assignments. Articles and other short pieces are available via the electronic databases that can be accessed with through Blackboard or the library. Where otherwise unavailable, I
will provide these materials for you. We meet two times per week, and you should read ahead for each class.

**Grading**

- Participation: 10%
- Quizzes: 25%
- Exam 1 (mid-term): 30%
- Exam 2 (final): 35%

**Participation.** Active engagement with the material is critical to your success in class. Generally, you need to encounter the material at least three times in order for you to understand it in any depth. For some people, this may be easy to do independently. However, for most people, the easiest and fastest way to encounter the material three times is to (1) read for class, (2) participate in class discussions, and (3) write notes, outline, or review the material for an exam. Therefore, staying current with the reading, attending class, and participating in class discussion and activities put you in a much better position to work with the material when you take an exam in the course. If you are missing class, I will notice and this will affect your participation grade. If you are missing class, you will also likely miss random quizzes (see below).

**Quizzes.** Considering the importance of participation and active engagement with the materials, there are regular, random quizzes throughout the semester. There will not be a quiz every day, but generally at least one quiz per week. Quizzes usually consist of two or three short questions, and you get an additional point just for being present for the quiz. If you have done the reading for that day, you should not have any trouble with the quiz. Even if you have not done the reading, at least turn in a paper with your name on it so that you get the one point for being present. I will collect all quizzes within the first five minutes of class. No late quizzes will be accepted. Either you are there to take the quiz, or you are not.

**Exam 1 (mid-term).** There will be an exam on Tuesday, March 11. This exam will cover all material covered up to that point.

**Exam 2 (final).** There will be a final exam. This exam will be cumulative and will cover all material covered in the course.

**Classroom conduct.** You are also expected to promote a classroom environment that makes it easy for your peers to engage with the material. In this regard, please keep distractions to a minimum. With regards to technology in the classroom, please turn your phones and other handheld devices off during class. Texting during class is unacceptable. Laptop use is allowed for taking notes and other activities relevant to class, but sending emails, instant messaging, checking social media, or watching videos online is unacceptable. If you are texting, on social media sites, watching videos, or otherwise using technology inappropriately in the classroom, you will be asked to leave for the day. If this happens a second time, you will receive a zero (0) for your participation grade. If you have extraordinary circumstances that justify keeping your phone on during class (e.g., family or medical urgency), please let me know ahead of time, before class starts that day.
**Course website.** If you are enrolled in this course, you should be automatically enrolled in the Blackboard site for the course. All readings that are not in the assigned books (see above) will be posted on this site. Also, quizzes may be administered through this site. I expect you to be familiar with this site.

**Email.** I expect you to check your email. You are responsible for material sent by email.

**Late Work and Missed Assignments.** Quizzes must be turned in at the beginning of class – no exceptions. No late exams will be given. If you have a legitimate reason for missing class (e.g., medical or family emergency), this explanation must be documented. Without a legitimate and documented explanation, late work will be penalized one letter grade for each day it is late, and it is considered late if turned in beyond the time limits above (i.e., after the first 5 minutes of class, or after 5pm on days there is no class; this includes weekends and holidays).

**Academic Integrity.** All students must familiarize themselves with the Standards of Academic Integrity on the University’s website and pledge to observe its tenets in all written and oral work, including oral presentations, quizzes and exams, and drafts and final versions of essays. The full standards and examples of dishonest behavior are available at: http://www.albany.edu/undergraduate_bulletin/regulations.html.

**Americans with Disabilities Act (ADA).** Qualified students with disabilities needing appropriate academic adjustments should contact me as soon as possible to ensure your needs are met in a timely manner.

**Miscellaneous.** If you feel you need any help or simply want clarification on any of the material, please do not hesitate to raise your question in class or approach me outside of class. I will hold regular office hours throughout the summer session. If you cannot arrange to come talk with me during these hours, please call or email me, or contact the Department of Political Science administrative offices, so that we can set up an appointment.

**CLASS SCHEDULE**

**WEEK 1: Jan 23**

1. **Introduction: Public Law, Law and Courts, and Judicial Politics**
   Introductions; overview of course; history of public law/judicial politics

   - Recommended reading
     - Segal and Spaeth. 2002. Ch. 4 - “Political History of Supreme Court”
WEEK 2: Jan 28-30
II. The Global Spread of Judicial Power & Normative Relevance of Law & Courts for Development and Democracy

- Required reading (Tue):
  o Vallinder, Torbjorn. 1995. “When the Courts Go Marching In.” In Tate and Vallinder, Ch. 2 (13-26)
  o Tate, C. Neal. 1995. “Why the Expansion of Judicial Power?” In Tate and Vallinder, Ch. 3 (27-38)

- Required reading (Thu):

- Recommended reading
    ▪ Frances Stewart and Severine Deneulin. “Amartya Sen’s Contribution to Development Thinking.”
    ▪ Amartya Sen. “Reponse to Commentaries.”
WEEK 3: Feb 4-6
III. Key Concept: Judicial Power
   • Required reading:
     ○ Ginsburg, Ch. 2
   • Recommended reading:
     ○ TBA

WEEK 4-5: Feb 11-13, and 18-20
IV. Legal and Institutional Background
   * NO CLASS Th 2/20 Holiday*
   
   Common Law systems
   • Required reading:
     ○ Glendon et al.: Introduction (pp. 1-16) and Part 2 (153-180, 181-215)
   
   Common Law systems, cont.
   • Required reading:
     ○ Glendon et al., cont. (216-243, 266-274, 275-310)
   
   Civil Law
   • Required reading:
     ○ Glendon et al.: Part 1 (17-96)
   
   Civil Law, cont.
   • Required reading:
     ○ Glendon et al., cont.: (97-150)
     ○ Update on French Model

WEEK 6: Feb 25-27

Topics in Comparative Law
   • Required reading (Tue):
     ○ Institutional topics:
       ▪ Dorf, "Abstract and Concrete Review"
       ▪ Resnik, "Judicial Independence"
• Required reading (Thu):
  o Jurisprudential topics
    ▪ Rao, "Abortion Rights"
    ▪ Brownstein, "Religious Freedom"

• Recommended Reading:

WEEK 7: Mar 4-6

V. Theory 1: Political Origins of Court Strength

Judicial Review in U.S.
• Required reading (Tue):

Electoral Theories (Electoral, Insurance, and Signaling Models)
• Required reading (Thu):
  o Ginsburg: “Introduction”, and Ch1; review Ch. 2

• Recommended reading:

WEEK 8: Mar 11-13

*** MID-TERM EXAM, Tuesday, 3/11 ***

Social Movements and Legal Mobilization Accounts
• Required reading (Tue):
  o McAdam, Doug, John D. McCarthy, and Mayer N. Zald. 1996. "Introduction: Opportunities, mobilizing structures, and framing processes -- toward a synthetic, comparative perspective on social movements." In McAdam, McCarthy, and Zald, eds. Comparative Perspectives on Social

- Required reading (Thu):
- Recommended reading:
  - Epp, Ch. 1-2
  - Woods, Introduction and Ch. 1

WEEK 9 *** NO CLASSES: SPRING BREAK, MARCH 17-21***

WEEK 10 Mar 25-27
VI. Theory 2: Judicial Decision Making

Legal model
- Required reading:
  - Selection from Judges on Judging [TBA]
- Recommended reading

WEEK 11 Apr 1-3
Attitudinal Model

- Required reading
- Recommended reading
WEEK 11 Apr 8-10
Strategic Model
- Required reading
- Required reading (divide into groups)
  - Epstein and Knight, Ch. 2-3
  - Ginsburg, Ch. 3 and 4 (pp. 65-105)
- Recommended reading

WEEK 12 Apr 15-17
*** NO CLASS TUE 4/15 ***
Interest Groups & Social Movements Models
- Required reading
  - Teles, Introduction and Ch. 1
- Recommended reading:
  - Fowler et al., TBA
  - Katz et al. 2011 (TBA)

WEEK 13 Apr 22-24
VII: Substantive Problems in Judicial Politics

*Ingram_CJP_Fall2012_rev2014-Jan-22* 8 of 11
Court Building in Brazil and Mexico

Court Building in Eastern Europe and Russia
- Required reading:

WEEK 14 Apr 29-May 1
Court Building in Asia
- Required reading:
  - Ginsburg: divide substantive chapters on Mongolia, and Korea (Ch. 6 or 7; drop Ch. 5 on Taiwan for now)
- Recommended reading:

WEEK 15 May 6-8
*** LAST DAY OF CLASS MAY 8 ***
*** FINAL EXAM NEXT WEEK ***

Decision Making in Mexico
- Required reading:

Decision Making in Portugal
- Required reading:
  - Amaral-Garcia, Sofia, Nuno Garoupa, and Veronica Grembi. 2007. "Judicial Independence and Party Politics in the Kelsenian Constitutional Courts: The Case of Portugal" (working paper; read through p.22, including Table 1;
published version appeared in *Journal of Empirical Legal Studies* 6(2), June 2009, but is missing some of the tables)

**Recommended reading:**

- Decision Making in Brazil

- Law and Politics in Middle East and Southeast Asia

**Review, evaluations, and course summary**

New topics: international law and judicial politics; multi-level judicial politics; courts in authoritarian regimes; empirical analysis of law in general; statistics and social science in law

**Recommended reading:**


Additional Resources:

1. Supreme Court Blog: www.scotusblog.com
4. Law & Courts Section of American Political Science Association: http://www.law.nyu.edu/lawcourts
5. Law & Society Association (LSA): http://www.lawandsociety.org
10. World Treaty Index: http://worldtreatyindex.com
11. Computational Legal Studies: http://computationallegalstudies.com
12. Some relevant journals:
   a. International Journal of Constitutional Law
   b. Journal of Empirical Legal Studies
   c. Journal of Law, Economics, and Organization
   d. Journal of Legal Studies
   e. Judicature
   f. Justice System Journal
   g. Law and Social Inquiry
   h. Law and Society Review