RPOS 449Z: Topics in Public Law (Fall 2017)
Law, Democracy, and Justice

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Location: BB 213
Time: TTh 8:45-10:05
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Course Description
Law, democracy, and justice are core, foundational ideas in contemporary politics. But what do these ideas mean? How do we know them when we see them? Why are they desirable? How do we know when they are eroding, failing, or absent? And how can we apply them to evaluate current political events?

This course offers answers to these questions by focusing on three analytic steps: (1) the conceptualization and definition of rule of law, democracy, and justice; (2) an examination of data and the measurement of rule of law, democracy, and justice; and (3) a paper that applies these ideas to current political events. First, we begin by defining each of these core concepts and discussing normative or ethical implications of alternative definitions. The close attention to concept formation provides an analytic foundation for thinking about key dimensions of each of these ideas, the multiple dimensions of these ideas, and the contrasting or complementary dimensions across these three ideas. Key questions that motivate this first part of the course are: What is the rule of law? What is democracy? What is justice? And, why are each of these -- rule of law, democracy, and justice -- desirable objectives? Why should we value and strive for them?

Second, we examine prominent sources of data and information so that we can measure each of these core concepts across countries and over time, or within a single country like the U.S. That is, we will discuss measures of the rule of law, democracy, and justice in order to be able to compare one country to another, and points in time to other points in time. The section on data and measurement introduces students to major databases and data collection efforts in the discipline, including newer and international efforts like the World Justice Project, Varieties of Democracy (V-Dem Project) and Bright Line Watch. Key questions that animate this section are: How can we measure rule of law, democracy, and justice? What are prominent existing measures? What are the strengths and weaknesses of these measures?

Lastly, students will then develop a paper that examines a specific case or small number of cases, focusing on the U.S. in comparative perspective and highlighting recent and/or current events. Using the conceptual and measurement tools developed above, you will be asked to demonstrate an ability to identify patterns of political and legal behavior (e.g., governing, judging, policing) that are consistent and inconsistent with the rule of law, democracy, and justice, and to support your arguments with evidence. Key questions here are: How does rule of law, democracy, and justice compare across countries, or over time within individual countries?

Given the writing intensive nature of the course, multiple activities in class are structured around developing the paper. This paper will use the tools from the first two sections of the course and can either (a) compare one time period to another within a single country, or (b) compare one country to another. In either case, papers will identify and discuss any variation in rule of law, democracy, and justice across time periods or countries, as well as possible causes, consequences, or normative implications of any
variation identified in the comparison. The paper will develop over the course of 6 stages: (1) brainstorming assignment; (2) outline and bibliography; (3) rough draft; (4) peer review of rough draft; (5) in-class presentation; and (6) final paper. At each stage, students will meet in groups and exchange informal feedback. Additionally, the fourth stage (peer review) will provide students with formal, written feedback from other students. Similarly, each student will be required to comment on other student papers. Prof. Ingram will provide feedback at all 6 stages. Several sessions of class will also be dedicated to good writing and editing practices more generally.

Materials
There is not textbook for this course. Course materials consist of articles, reports, databases, and other materials that I will generally provide for you on Blackboard. I will also post updates regarding course on Blackboard. If there is a change to this syllabus, I will announce this in class or via email and post the updated syllabus to Blackboard. To log on to Blackboard, go to https://blackboard.ualbany.edu/ and follow the login instructions. IMPORTANT: You will need to use Blackboard. Be sure your email address in the Blackboard system is configured to reach you.

Requirements
Participation: You are expected to read and come prepared to actively engage the material in class discussions and other activities. Your contributions should be related to the material and constructive. Differing perspectives are encouraged as long as they are relevant and respectful. Personal opinions are not unwelcome, but you should strive to build sound, methodical, reasonable arguments on evidence that can be evaluated fairly by others, not purely on subjective belief or opinion. That said, this is an academic environment, we are all learning, and we all make mistakes, so please be constructive and compassionate when you disagree with someone.

Since participation is a big component of this course, including group activities as part of the peer writing groups (see below), your preparation for class (e.g., reading), attendance, and active engagement during class are important. I do not take attendance every day, but I reserve the right to take attendance at random. 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 any random quizzes (see below), which will also affect your participation grade since you are absent.

Quizzes.
There will be a short quiz at the end of each of the first three sections of the course (on law, democracy, and justice, respectively), for a total of three scheduled quizzes. In addition, there will be up to a total of three unscheduled quizzes that will take place at random with no prior notice, determined by the toss of a coin. I might go several days without tossing a coin, or I might toss a coin several days in a row. If the result is heads, there will be a short quiz on the reading for that day. If the result is tails, there is no quiz. There is the possibility that the coin toss never results in heads, in which case there will be no random quizzes. If there is a random quiz, it will be very short, consisting of 1-3 quick questions. If you have done the reading for that day, you should not have any trouble with the quiz. I will collect all unscheduled quizzes within the first 10 minutes of class.

Each unscheduled quiz is worth 3% of your final grade and this percentage will be drawn from other grading areas, primarily from participation. If you are present but did not complete or cannot answer the
quiz, at least turn in a paper with your name on it so that you get credit for being present. No late quizzes will be accepted. Either you are present to take the quiz or you are not.

**Paper**. A research paper of 12-15 pages is required for this class. The paper is actually an assignment in six parts. Except for presentation, all parts are considered written assignments and should follow the standard format for all writing assignments in this class (double-spaced, 12-point, Times New Roman font). **Part 1 (brainstorm ideas)**: you must submit at least 3 ideas for a paper on [see class schedule below for date]. These ideas should be discussed in five, separate, short paragraphs (3-5 sentences for each paragraph) that clearly communicate the topic in which you might be interested in writing a paper. You will have an opportunity to discuss each of your ideas with your group in class. **Part 2 (outline)**: you must select one idea from your brainstorm exercise and then submit an outline for this paper on [see class schedule below for date]. The outline should consist of at least two full pages and be annotated to provide sufficient detail, and you should have a separate list of references at the end (which does not count towards 2-page requirement). The references should include at least two new, out-of-class references that you identified in your own research. By “annotated”, I mean that entries in your outline should have at least 1-2 sentences fleshing out the content and significance of the entry, i.e., why you are including it in the outline, or how the entry is relevant to the content of the paper. Your peers and I will provide comments on your outline in class. **Part 3 (draft)**: building on the outline above, you must submit a draft of your paper. This draft should be 5-7 pages in length. Please submit **four (4) copies** of this document – one is for me and the other is for each of your colleagues. I will distribute the extra copies in class the same day. **Part 4 (peer comments)**: you must comment on three of your colleagues’ drafts. Comments **must be typed** (double-spaced, 12-point, Times New Roman font) so that your classmate can read them easily, and you should provide at least one, double-spaced page of comments on each draft; these comments should speak to the 5 areas of the paper instructions (see Paper Instructions, on Blackboard). These comments are due the following week, on [see class schedule below for date]. Please submit **two copies** of each set of these comments so that I can receive one copy for grading and each of your classmates can receive a copy of their own. **Part 5 (presentation)**: you must provide an oral, in-class presentation of your paper towards the end of the semester [see class schedule below]. At that stage, you will have spent substantial time developing your paper and will have lots of feedback on it, so the paper should be in fairly polished form. Your presentation should reflect your best effort to present the finished contents of your paper to the rest of the class. **Part 6 (final paper)**: building on comments from me and your peer writing group on your brainstorm, outline, draft, and any comments received after your presentation, you will then revise your draft into your final paper; the final paper is due on the last day of class [see class schedule below]. If you are done working on your paper, you can also deliver your final paper on the day you do your presentation.

**Summary of Grading:**

- Participation: 20%
- Quizzes: 15%
- Research Paper Assignment (60% total)
  1. Paper Brainstorm: 5%
  2. Paper Outline: 5%
  3. Paper Draft: 15%
  4. Peer Comments: 10%
  5. Presentation: 10%
  6. Paper (final): 20%
Writing Groups and Assignments

Peer writing groups: As a writing-intensive class, this course is structured to help you think more and be more self-aware of (a) how you prepare for writing, (b) how you write, and (c) how you revise or re-write. In order to do that, the main writing assignment is broken up into several parts, and you will receive feedback for each part, i.e., you will get feedback at each stage of the writing process.

The main vehicle for this feedback will be your peer writing group. Given the size of class, each group should consist of 4 people and will be established by the second week of class. While some of the class is based on lecture and discussion, we will routinely break up into our peer writing groups to work together on our writing during class, especially during the second half of the semester. You will not be asked to work as a group outside of class, but you may do so if you like. If there is someone you would clearly like to work with on your writing assignment, you will have the option to do so. However, I will also evaluate how groups are working throughout the semester, I may shuffle the groups more than once, and I reserve the right to move people from one group to another at any time.

Written assignments. All scheduled work turned in to me should be considered a written assignment. All written assignment should be typed in the following format: double-spaced (so I have space to comment), 12-point (so I can read it), Times New Roman font. Also, each paper should follow the structure set out in the detailed document on paper instructions, which I will distribute later in the semester. Make sure you refer to this document in preparing your work for this assignment. We will also discuss the instructions in greater detail in class.

Additionally, make sure to cite all sources properly and include a bibliography. The bibliography or list of references never counts towards the length requirement of any assignment.

I have provided some helpful resources online on how to write social science papers, as well as sources on how to read nonfiction books for content (i.e., quickly).

Note that the third part of the paper assignment involves commenting on three (3) of your colleagues’ work. That is, you will comment on the work of the other members of your peer writing group. Your comments should offer constructive feedback that will help strengthen their paper, just as you expect to receive 3 sets of comments that will help strengthen your paper. Also, your comments are being evaluated. Thus, as you make your comments, you should refer to the instructions for the paper identified above and make at least one comment on each component of the paper, gauging how well your colleague has addressed each section. For instance, is the research topic clearly stated? Is it clear why this topic is important or interesting? Further detail on this assignment will be provided later in a set of peer review instructions, and we will discuss these instruction in class.
CLASS POLICIES

Classroom conduct. You are expected to promote a classroom environment that makes it easy for you and 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 electronic devices off during class. Texting and any other kind of messaging or emailing during class is unacceptable. Laptop use is allowed for taking notes and other activities relevant to class, but sending emails, messaging, checking social media, or watching videos online is unacceptable. If you engage in any of these activities, or otherwise use technology inappropriately in the classroom, you will be asked to leave for the day. If you are asked to leave, please do so promptly and without disrupting the class further; if you would like to discuss why you were asked to leave, we can communicate after class and discuss what happened at a later time. If this happens a second time, you will receive a zero (0) for your participation grade for the semester. Again, if you are asked to leave twice, the highest grade you can obtain is a “B” (85%). 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. You should be familiar with this site.

Email. I expect you to check your email on a regular basis. You are responsible for material sent by email.

Late Work and Missed Assignments. Quizzes and any other written work must be turned in at the beginning of class (i.e., first 10 minutes) – 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 10% (i.e., one letter grade) for each day it is late, up to a maximum deduction of 50%, and it is considered late if turned in beyond the time limits above (i.e., after the first 10 minutes of class, or after 5pm on days there is no class unless a specific due date/time is stated; 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.

The most common violation of academic integrity is plagiarism or cheating. My advice is 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 or shaping your research, you must provide a citation that explicitly acknowledges the source of those ideas. In short, don’t take credit for other people’s words, work, or ideas. If you have any questions about plagiarism, please contact me before you submit the assignment for grading. Plagiarism or cheating will result, at a minimum, in a failing grade for the
assignment and the submission of your name to the Office of Conflict Resolution. Ignorance of this policy will not provide a defense to the application of this policy.

**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.

**Counseling and Psychological Services (CAPS).** If you are going through a difficult time (e.g., stress, anxiety, depression, relationship issues, traumatic experience), there are resources on campus to help you. The office on campus that houses these resources is Counseling and Psychological Services (CAPS). Services are free during the academic year, and confidential. Phone: 518-442-5800. Email: consultation@albany.edu. Web: [http://www.albany.edu/counseling_center/](http://www.albany.edu/counseling_center/)

**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.

**Changes to Syllabus.** I will modify and update this syllabus throughout the semester. I will announce these updates, and the current version of the syllabus will always be on Blackboard.

**CLASS SCHEDULE**

**WEEK 1**

**Introductions**

Aug 29  Introductions
  * review syllabus and expectations
  * pre-view survey

**Methods for Case Selection**

Aug 31  Selecting Cases to Study

**WEEK 2**

**Rule of Law: Concepts**

September 5
  * Readings
    * Joseph Raz, 1979, “Rule of Law and Its Virtue” (Blackboard)
• Kleinfeld, Rachel. 2006. “Competing Definitions of the Rule of Law.” (Blackboard)
• In-class activity
  • Survey #1

September 7
• Botero and Ponce 2010, pp. 1-17 (through end of section 2) (Blackboard)
• Rios-Figueroa and Staton 2014, pp. 104-113 (Blackboard)
• Versteeg and Ginsburg 2017, pp. 100-106 (through end of section A) (Blackboard)

WEEK 3

Rule of Law: Measurement

Sep 12
• Botero and Ponce 2010 (remainder of paper; from p. 17 to end; skim appendices)
• Rios-Figueroa and Staton 2014, remainder of paper, focusing on 113-129; skim appendix)
• Versteeg and Ginsburg 2017 (remainder of article, from p. 106 to end)
• Data sources:
  • World Justice Project (WJP)
  • Varieties of Democracy (V-Dem)
  • Freedom House
  • World Bank Governance Indicators
  • Comparative survey data (e.g., LAPOP, Latinbarometer)
  • Linzer and Staton data
  • US Survey and Polling Data
  • BrightLineWatch (BLW)

Sep 14
Continued from above

WEEK 4

Democracy

Sep 19 Regime Types: Introduction
• Readings: Lijphart

*** QUIZ ONE DUE BY START OF CLASS TODAY ***

Sep 21 NO CLASS
*** Classes Suspended: Rosh Hashanah ***

WEEK 5
Democracy: Concepts

September 26

- Collier and Levitsky, 1997, “Democracy with Adjectives” (Blackboard)

September 28


WEEK 6

Democracy: Measurement

Oct 3

- Data sources:
  - Varieties of Democracy (V-Dem)
  - Freedom House
  - Bright Line Watch (BLW)
  - Comparative Elections Database
  - American National Elections Survey
  - GSS

Oct 5
Continued from above

WEEK 7

Justice: Concept

Oct 10

- John Rawls 1971, selections on defining justice as fairness, “difference principle”, “original position”, and “veil of ignorance” TBA (sections 1-4, 11, 48)
- Robert Nozick (1974), selections TBA
- David Miller (1999), selection TBA
- *** QUIZ TWO DUE BY START OF CLASS TODAY ***
Oct 12
• Community Justice
  • Umbreit
  • Ackerman, “Disputes Together: Conflict Resolution and the Search for Community”
  • Nader
• Hayner Ch1 (conceptual materials)

• Recommended:
  • Brian Barry, Why Social Justice Matters
  • G.A. Cohen, Why Not Socialism?
  • Joseph Raz, 2007, “The Argument from Justice, or How Not to Reply to Legal Positivism”
  • David Dyzenhaus 2016, “Dworkin and Unjust Law” (from The Legacy of Ronald Dworkin)

WEEK 8
Mon Oct 16 Midterm Point

Justice: Measurement

October 17
* Reading: TBA
* Data sources: see above

Review and Synthesize Relationships: Conceptual, Causal, Constitutive

October 19
• Walter Murphy, 2007 (Blackboard)

WEEK 9

Comparative Exercises

October 24  U.S. in comparative perspective
• Apply data sources in class to compare U.S. to at least one other country
• Apply data sources in class to compare at least two U.S. states to each other

*** QUIZ THREE DUE BY START OF CLASS TODAY ***

October 26  Truth, Justice, and Reconciliation Commissions in U.S.
• Review paper instructions before start of class today
• Readings:
Everyone:
  * Hayner, Ch15
  * Group 1:
    * North Carolina example
  * Group 2:
    * Ferguson example

WEEK 10

Oct 31  GROUP SESSION
  * Discussion and feedback on brainstorming assignment
*** BRAINSTORMING ASSIGNMENT (PART 1) DUE BY START OF CLASS TODAY ***

Nov 2  Current Events and “Focus on Writing” Best Practices
  * In-class review and discussion of writing practices
  * Current event topic #1

WEEK 11

Nov 7  GROUP SESSION
  * Discussion and feedback on outlines
*** OUTLINE (PART 2) DUE BY START OF CLASS TODAY ***

Nov 9  Current events
  * Current event topic #2

WEEK 12

Nov 14  Current Events and “Focus on Writing” Best Practices
  * In-class review and discussion of writing practices
  * Current event topic #3

Nov 16  GROUP SESSION
*** ROUGH DRAFT DUE BY START OF CLASS TODAY ***

WEEK 13

Nov 21  Current Events and “Focus on Writing” Best Practices
  * In-class review and discussion of writing practices
    * This will be based on rough drafts submitted previous week
  * Current event topic #4
Nov 23  NO CLASS  
*** Classes Suspended (Thanksgiving Break) ***  

WEEK 14  

Nov 28  GROUP SESSION  
* Peer comment feedback session  
*** PEER REVIEWS DUE BY START OF CLASS TODAY ***  

Nov 30  Presentations (start)  
* Survey #2  
* Start presentations  

WEEK 15  

Dec 5  Presentations (cont)  

Dec 7  Presentations (cont)  

*** ALL FINAL PAPERS DUE TODAY ***  
*** Final Day of Class is Dec 7 ***  

FINALS EXAM PERIOD: Dec 13-19  

*** FINAL EXAMINATION WEDNESDAY DECEMBER 15, 3:30 PM – 5:30 PM ***
U.S. Current Events Topic Suggestions (in progress)

1) Judicial Independence
2) Respect for rights
   a) Freedom of speech
   b) Freedom of press
   c) Due process
3) Public Corruption/Government Ethics
   a) Office of Government Ethics
4) Conflicts of Interest
5) Transparency and Access to Information
   a) Tax records
   b) Press briefings
   c) White House records
   d) Climate Data
   e) Census
6) Pardons
7) Voting Rights
8) Affirmative action
9) Criminal Justice
   a) War on drugs
   b) Prosecutorial discretion
   c) Mandatory sentences
   d) Policing
      i) Use of force
      ii) Militarization
10) Electoral Districts
11) Electoral calendar (following through with scheduled elections)
12) Campaign Financing
13) National Security and Foreign Policy
   a) Russia
   b) Afghanistan
   c) North Korea
14) Monuments
   a) Statues
   b) Street names