

World Legal Systems

Tuesday/Thursday: 10:50 AM – 12:05 PM

Location: HUM 119

Spring 2023

Contact Information

Instructor: Dr. Joseph Cozza (*He/Him*)

Office: 115 Herzstein Hall

Email: Joseph.Cozza@rice.edu

Office Hours: Tuesday 2:30 – 4:00 and Wednesday 1:30 – 3:00

Course Objectives and Learning Outcomes

Judicial politics is the study of how political dynamics shape courts and how courts, in turn, shape politics and society. This course is an introduction to the comparative study of judicial politics, designed for students who want to learn more about the role of courts in the modern state and to better understand their growing importance as political actors. We will engage with different theories to compare and contrast how law, politics and judiciaries interact around the world.

Participating in this course will help you understand questions such as the following: What is the political logic that gives rise to judicial power? How do different courts make decisions? How do different political contexts (democracy, authoritarianism) shape the way courts make decisions? Why are some judiciaries more independent than others? Can courts bring about social and political change?

The readings will help you develop an understanding of some of the key theories and debates in the field of comparative judicial politics. We will put the theories we engage with in dialogue with events and facts about judicial systems in the United States, Europe, Latin America and Africa.

Given the nature of the class, this syllabus should be considered somewhat preliminary. We may need to add some readings about what is happening in our country or others, if there are significant developments there. You should know before we begin that the readings are often quite challenging and many of them are quite long. In order to participate and succeed in class you will need to be very familiar with the readings. The class will demand a significant amount of preparation each week.

Ultimately, the goal of this course is to give students the tools with which they can critically analyze the design of global judicial systems. Equipped with this knowledge and a broader perspective, students will be prepared to:

- Understand the fundamentals of modern legal systems and judicial decision-making

- Gain specific knowledge in the fields of comparative politics and public law.
- Develop and strengthen written communication and critical thinking skills.
- Learn how to interpret, evaluate, and apply political science research and theories to understand the political world.
- Contribute intelligently to ongoing civil conversation about US and global politics.

Required Texts and Materials

All required course readings and materials will be posted on our class Canvas page.

Exams and Papers

Exams (2) (50% Total)

Exams cover material in the assigned readings and from lecture. These exams are not cumulative. The exams will contain multiple choice and essay questions.

Exam Dates:

- Exam 1: Thursday, February 16th
- Exam 2: Thursday, April 20th

If you foresee problems with the exam dates, see me during office hours or contact me by e-mail at least two weeks *before* the assigned dates.

Judicial Design Project (1) (20% Total)

Students will work on a group project throughout the term. The project will result in a group paper and class presentation. The purpose of the group project is to design a new Supreme Court for the United States, to determine your ideal justices for your newly designed Court, and to propose any new rights protecting amendments. Instructions for the group assignment will be distributed on Wednesday, January 25th. Group papers and presentations will be due Monday, March 6th. There will be some scaffolding assignments due throughout the term. Instructions and deadlines will be distributed in advance of assignment deadlines. Students will also be required to complete a peer assessment survey. Scaffolding assignments and peer assessment surveys will be calculated as part of the total grade for the project.

Reflection Posts (10) (15% Total)

Throughout the course, students will be asked to reflect on the course material by responding to a series of posts on Canvas. There will be 12 prompts posted throughout the semester and students will be required to respond to 10. All responses are due by 10:50 on the assigned day so that we can discuss them in class. Additional details and the question prompts will be posted on Canvas.

Quizzes (5% Total)

There will be at least five quizzes throughout the semester. Quizzes will consist of 1-2 questions based on the readings for that class day and will be completed at the beginning of class. Students will have 3-5 minutes to complete each quiz. Any student who is unable to attend class should

alert me in advance to arrange a makeup quiz. At the end of the semester, the lowest quiz grade will be dropped. Quizzes will typically be announced in advance, but I reserve the right to hold pop quizzes if attendance/participation drops during the semester.

Participation (10% Total)

Participation in class discussions is critical to a constructive and dynamic learning environment. Class participation is different from attendance. During discussion sessions students are encouraged to raise questions and relevant topics in class and are expected to contribute to class discussions regarding the readings and course material.

Grade Policies

Overall course grades are assigned according to the following scale:

93.0% - 100%	A	77.0% - 79.9%	C+
90.0% - 92.9%	A-	73.0% - 76.9%	C
87.0% - 89.9%	B+	70.0% - 72.9%	C-
83.0% - 86.9%	B	60.0% - 69.9%	D
80.0% - 82.9%	B-	0% - 59.9%	F

Final course grades are calculated based on a percentage rounded to the nearest tenth of a percent. For example, a final score of 92.95 is rounded to 93.0 and is an A, while an 82.91 is rounded to 82.9 and is a B-. This grading policy is not subject to appeal.

Grade Appeals

Following the return of graded work, a student must wait **three (3)** days before contacting me about an appeal. After the three-day waiting period, a student has **eleven (11)** business days after the return of graded work (MTWRF) to appeal a grade. Appeals must be made in writing (via email is fine) and provide evidence for the change. In total, the appeal time frame is **fourteen (14)** days from the day the graded work is returned. For example, if an exam is returned on Wednesday, appeals may not be submitted until Tuesday of the following week. Between Tuesday after the exam is returned and the following Tuesday, appeals are accepted. On Wednesday, two weeks after the exam is returned, appeals are no longer accepted. I am always happy to discuss graded work with students at any point during the semester, even after an appeal period has passed.

Makeup Policy

All assignments are due as indicated on the syllabus or on assignment handouts. Makeup exams will be offered when circumstances keep a student from being able to take the exam on the scheduled date. If at all possible, such circumstances should be communicated to me before scheduled exams. Late papers are accepted, but they will be penalized a full letter grade for every day late. Exceptions to this policy can be made at my discretion, but only if circumstances are communicated in advance of the due date. See also, COVID-19/Health related policies.

Absence Policies

While there is no attendance grade in this course, you are expected to attend all class sessions. The exams will heavily rely on what we will discuss in class. There are more details beyond the readings and lecture material we will discuss in class and you will be responsible of those details in the exams. Therefore, I strongly encourage you to come to class.

Students are expected to do the assigned readings *before* we discuss the topic in class, and arrive at class ready to discuss the readings. Please feel free to talk to me if you anticipate needing to arrive to class late or leave early for any reason during the semester.

COVID-19/Health Related Policies

Understanding the persistent threat posed by the ongoing COVID-19 pandemic, some adjustments may be in order to ensure in-person classroom interactions are conducted in a safe and healthy manner. In the event of an outbreak or a significant number of absences, an asynchronous Zoom option will be available. Students should not come to class if they are ill or have been exposed to COVID-19 or any other illness and will have the opportunity to make up any missed work without penalty. Students who miss class for an extended period due to an illness should see me to ensure they have the proper notes from the missed class sessions. Additionally, missing class due to illness/exposure **will not** affect the student's participation grade. If you have to miss class due to an illness, please notify me beforehand, unless impossible, and always as soon as possible. Please stay safe and healthy!

Accommodations for Religious Holidays

If you miss a quiz, exam or assignment in order to observe a religious holiday, you will be given an opportunity to complete the missed work within a reasonable time after the absence.

Course Communication

Course materials, including all readings, will be posted on the course Canvas page. All important course communication outside of class time will be posted as an announcement on the class Canvas page. I do not anticipate using this feature frequently, but I would encourage you to check the Canvas page daily or change your Canvas settings to email you when an announcement is posted. You will also use Canvas to submit the short paper and the blog post assignments.

Office Hours: Office hours are your time and will be held Tuesday, 2:30 – 4:00 and Wednesday, 1:30 – 3:00. You are welcome to stop by to discuss course material, current events, or simply talk politics. If you need to arrange a meeting outside my office hours, please email me with suggested times. I will do my best to accommodate these requests, but they should only be used in circumstances where attendance to my normal office hours is impossible.

Email: The easiest way to contact me outside of office hours is via email. I will only respond to emails during normal business hours (8-6pm, M-F) and will be sure to respond within 24 hours.

Rice Honor Code

In this course, all students will be held to the standards of the Rice Honor Code, a code that you pledged to honor when you matriculated at this institution. If you are unfamiliar with the details of this code and how it is administered, you should consult the Honor System Handbook at <http://honor.rice.edu/honor-system-handbook/>. This handbook outlines the University's expectations for the integrity of your academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process.

Disability Resource Center

If you have a documented disability or other condition that may affect academic performance you should: 1) make sure this documentation is on file with the Disability Resource Center (Allen Center, Room 111 / adarice@rice.edu / x5841) to determine the accommodations you need; and 2) talk with me to discuss your accommodation needs.

Syllabus Change Policy

This syllabus is only a guide for the course and is subject to change with advanced notice.

Course Schedule

Tuesday, January 10

Intro

I. The Creation of Judicial Power

Thursday, January 12

Kafka – Before the Law

Marbury v. Madison

Tuesday, January 17

Stone Sweet, *Judicialization and the Construction of Governance*, pp. 147 – 164 and 172 - End

Thursday, January 19

Shapiro, *Courts: A Comparative and Political Analysis* Part I

Tuesday, January 24

Shapiro, *A Comparative and Political Analysis* Parts II (Social Control) and III (Lawmaking)

Thursday, January 26

Belge, *Friends of the Court: The Republican Alliance and Selective Activism of the Constitutional Court of Turkey*

Tuesday, January 31

Moustafa, Law versus the State: The Judicialization of Politics in Egypt

Thursday, February 2

Ginsburg, Why Judicial Review?

Tuesday, February 7

Brinks and Blass, Rethinking Judicial Empowerment: The New Foundations of Constitutional Justice

Thursday, February 9 - NO CLASS

Tuesday, February 14

Blauberger and Schmidt, The European Court of Justice and its Political Impact

Thursday, February 16

Exam 1

II. The Behavior of Judges

Tuesday, February 21

No Reading

Thursday, February 23

Dworkin, How Law Matters

Tuesday, February 28

Dahl, Decision-Making in a Democracy: The Supreme Court as a National Policy-maker

Jessee, Malhotra, and Sen, A decade-long longitudinal survey shows that the Supreme Court is now much more conservative than the public

Thursday, March 2

Segal, Judicial Behavior

Tuesday, March 7

Epstein and Knight, A Strategic Account of Judicial Decisions

Thursday, March 9

Clark, The Separation of Powers, Court Curbing, and Judicial Legitimacy

Tuesday, March 14 - NO CLASS

Thursday, March 16 - NO CLASS

Tuesday, March 21

Whittington, "Interpose Your Friendly Hand": Political Supports for the Exercise of Judicial Review by the United States Supreme Court

III. Law and Social Change

Thursday, March 23

Epstein, Knight, and Shvetsova, The Role of Constitutional Courts in the Establishment and Maintenance of Democratic Systems of Governance

Tuesday, March 28

Rosenburg, The Hollow Hope – Introduction, Chapter 1, and Conclusion

Thursday, March 30

Epp, The Rights Revolution

Tuesday, April 4

Brinks and Guari, Embedded Courts, Dialogical Rulings: The Political Logic of Judicial Enforcement of Social and Economic Rights

Thursday, April 6

Landau and Dixon, Abusive Judicial Review: Courts Against Democracy

Tuesday, April 11

Voeten, The Impartiality of International Judges: Evidence from the European Court of Human Rights

Thursday, April 13 – NO CLASS

Tuesday, April 18

Group Presentations

Thursday, April 20

Final Exam