Political Science 263/263W
Comparative Law and Courts
Wednesdays 2-4:40
LCHAS 104

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This course examines courts from a comparative perspective. By the end of the 20th century, the growing power of courts abroad has led to the so-called “judicialization of politics.” Yet, difficulties in establishing and maintaining independent judicial institutions continue to plague governments around the world. The overarching goal of this course is to understand why, when, how, and where courts function or fail to function as independent checks on government. To address these fundamental questions, the course is divided into two main parts. The first part is devoted to examining leading theories of why judicial independence emerges and endures. The second part of the course is primarily empirical, examining the role of courts in Western Europe, Eastern Europe, Russia, Latin America, Asia, Africa and the Middle East.

Organization and Course Requirements

For students registered to take the class without a writing credit, grades will be based on the following assignments:

Participation: 20%
Midterm I: 40%
Midterm II: 40%

For students registered with a “W,” grades will be based on the following assignments:

Participation: 20%
Midterm I: 25%
Midterm II: 25%
Research Paper 30%

Participation
Participation makes up a significant part of your grade for this course. This class is a discussion seminar, not a lecture course. It is essential that students be prepared to discuss all of the readings each and every class. Many of the works that we will read are intellectually demanding; be sure to leave yourself enough time to do all of the readings carefully.
In addition, all of the students will be divided alphabetically into three groups each week, each of which will be responsible for presenting one of the three readings for that week. Specifically, students whose last names are A-G will present the first reading listed on the syllabus for that week, students whose last names are H-O will present the second reading listed on the syllabus for that week, and students whose last names are P-Z will present the third reading listed on the syllabus for that week. From each group, one student will then be randomly drawn in class to give a 10-15 minute presentation of the main points from the reading as well as raise important questions and criticisms. In order to be prepared, each student should bring a 1-2 page set of notes to class, and will be required to submit the notes for circulation following the class if they are called on.

Exams
There will be two in-class midterms. Both exams will be based on the assigned readings and class discussion. They will contain identification terms, short questions, and essays. A list of possible identification terms will be distributed prior to each exam.

Make-Up Policy
Make-up exams and assignments will be given only under the most exceptional circumstances. Exams will not be re-scheduled to accommodate other courses. Missed exams or assignments due to illness require a doctor’s note.

Term Paper (Only for Students Taking the Course for “W”)
Each student will choose a country and topic on which they will write a 10-12 page research paper. Students should be prepared to hand in a 1-2 paragraph description of their topic on February 20th. Annotated bibliographies are due no later than March 20th. A draft is required and can be turned in anytime on or before April 3rd. Final Papers are due at the beginning of class on Wednesday, April 17th. Late papers will not be accepted.

Books
The following books are required and available for purchase on Amazon:


Articles
All articles and individual book chapters are available on-line via Blackboard.
Weekly Class Schedule

Week 1: Course Introduction
1/16

Week 2: Judicial Independence and the Rule of Law
1/23


Week 3: Judicial Independence and Institutional Design
1/30


Week 4: Theories of Judicial Decision-Making
2/6


Lee Epstein and Jack Knight. 1998. The Choices Judges Make. CQ Press. (Chapters 1-3)

Lee Epstein and Jack Knight. 1998. The Choices Judges Make. CQ Press. (Chapters 4-6)
Week 5: Explanations of Judicial Independence I: Delegation
2/13


Week 6: Explanations of Judicial Independence II: Information, Bargaining, and Competition
2/20


W Students: Paper Topics Due in Class

Week 7: Midterm I
2/27

In-Class Midterm

Week 8: Common Law versus Civil Law Systems
3/6


**Week 9: Spring Break No Class**
3/13

**Week 10: Rights Revolutions in Comparative Perspective**
3/20


_W Students: Annotated Bibliography Due in Class_

**Week 11: Western Europe**
3/27


**Week 12: Russia and Eastern Europe**
4/3


_W Students: Last Day to Turn in Drafts_
Week 13: No Class
4/10

Week 14: Latin America
4/17


W Students: Final Papers Due in Class—No Exceptions

Week 15: Asia, Africa and the Middle East
4/24


Week 16: Midterm II
5/1