A. Course Description

The goal of this course is to introduce students to the social scientific study of law and courts in American politics. The course will focus on two questions: First, what factors—legal, ideological, strategic, institutional, or otherwise—influence the behavior of judicial actors? Second, what are the effects—social, political, or otherwise—of judicial behavior and institutions? Students will explore (1) seminal works that have defined the principal questions in the field, (2) prominent cutting-edge answers to these questions, (3) both traditional and alternative methodological approaches, and (4) avenues for future research. Topics will include judicial selection, agenda setting, decision making, independence, legitimacy, policymaking, hierarchy, compliance, implementation, and impact. Although the course will focus on the study of the U.S. Supreme Court, we will also consider the study of lower federal courts and state courts.

Learning objectives: After completing the course students should be able to:

• Demonstrate familiarity with the basic concepts in the judicial politics literature.
• Understand the social-scientific process and its special application to law and courts.
• Insightfully critique the theory, methods, and evidence of judicial politics research.

B. Course Materials


C. Student Responsibilities

Assessment and Grading: This is a reading intensive course, meaning that students are expected to devote their time to reading and critically evaluating the course material rather than producing papers or taking tests. Students will be evaluated based on four criteria:

• Response papers (40%)
• In class summaries (40%)
• Class participation (20%)

Each student must write ten 400-600 word papers responding to a week’s reading. Papers should be emailed to the instructor by noon on the day of class. These papers should NOT summarize the readings; instead they should analyze and respond to one of the following questions:

• What are the strengths and/or weaknesses of the readings? Why did they get published? (e.g., theory, data, methods, findings, and/or any other important factors)
• Compare and contrast two or more readings. Which is most persuasive and why?
• What is the next logical step in this research agenda? How would you pursue it?
Students are also required to summarize the main arguments in the readings in class. In each class, students will be randomly selected to provide a brief summary of the research question, thesis, method, and findings from each paper.

Finally, all students are expected to actively participate in class discussion every week. Absences may be excused with a note from the dean of students or health services. Class participation will be evaluated based on frequency and quality of in-class discussion.

**Attendance Policy:** Students are expected to attend all classes. Failure to attend class will negatively affect your participation grade unless the absence is excused. If you cannot attend class due to an important family or medical reason, please notify the instructor in advance.

**Academic Honesty Statement:** Class members are expected to understand the principles and procedures set forth in the University of Notre Dame Academic Code of Honor (http://www.nd.edu/~hnrcode/) and abide by its pledge: “As a member of the Notre Dame community, I will not participate in or tolerate academic dishonesty.”

**Disability Services:** Any student who feels that he/she may need accommodations in order to meet the requirements of this course due to presence of a disability should contact the instructor to make appropriate arrangements.

### D. Weekly Schedule

#### Week 1: How to Study Courts


**Recommended:**

#### Week 2: Social-Psychological Accounts


Recommended:


Recommended: Measuring Judicial Ideology


Recommended: Race, Gender, and Other Ascriptive Characteristics

425-439.


**Week 3: Legalism**


**Recommended:**


**Recommended: Jurisprudential Regimes**


**Recommended: Modeling Legal Rules**


**Week 4: Strategic and Psychoeconomic Accounts**


**Recommended:**


**Week 5: Agenda Setting**


**Recommended: Information and Case Selection**


• Harvey, Anna, and Barry Friedman. 2009. “Ducking Trouble: Congressional Induced Selection Bias in the Supreme Court’s Agenda.” *Journal of Politics* 71(2): 574-592.


**Recommended: Strategic Auditing**


**Week 6: Bargaining**


**Recommended:**


**Week 7: Judicial Hierarchy**


**Recommended:**

Lower Court Reaction to Supreme Court Alteration of Precedent.” *Journal of Politics* 64(2): 534-550.


### Week 8: Separation of Powers Models


**Recommended:**


**Recommended: Court Curbing**


**Week 9. Public Opinion**


**Recommended:**


Recommended: Judicial Legitimacy
• Caldeira, Gregory A. 1986. “Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court.” American Political Science Review 80: 1209-1226.


Week 10: Regime Politics


Recommended:


Week 11: Judicial Impact and Implementation


Required:


• Staton, Jeffrey K., and Georg Vanberg. 2008. “The Value of Vagueness: Delegation,

**Week 12: Judicial Selection**

*Recommended:*
**Week 13. Lawyering**


**Recommended:**


**Week 14. The Role of The Supreme Court**