POLS3200

Intro to Law & Politics

Fall 2025

(This syllabus is subject to change at the discretion of the instructor)

Course & Instructor Information

Instructor: Dr. Faisal Kamal
Email: faisal.kamal@utah.edu
Location: Marriott Library (M LI) 1130

Course Time: Mon/Wed 11:50am-1:10pm
Office Hours: Mon/Wed 4:30-6:00pm GC 3350

Course Description

This course explores the relationship between law, courts, and politics from a comparative perspective. A political understanding of law requires us to appreciate the wider sociopolitical context in which laws are drafted and evolve in unexpected ways, the competing interests at play during lawmaking, and how the interpretation of law is laden with biases, prior assumptions, motivations, and interests. A recurring theme that we will focus on is the vast power and discretion that courts and judges have accumulated over the last three decades, whether deliberately or otherwise, and what explains the rise of courts as one of the most consequential political institutions in any state. Although many of the examples will be drawn from the US, the course will also touch on and discuss the relationship between law and politics in other parts of the world.

Course Requirements:

Requirement type	**Weight**
In-class exercises x11 (only 7 highest will count towards the final grade)	21
US Supreme Court case analysis	9
Midterm Test 1	15
Midterm Test 2	20
Final Exam	35
TOTAL	**100**

1) In-class exercises: there will be 11 opportunities to complete in-class exercises (~10 minutes) worth 3% each. They will vary from week to week, but some examples include word match puzzles, multiple choice questions, crossword puzzles, and response papers to name a few. These are meant to be low stakes exercises that are based on the readings. Essentially, it is an incentive to read *efficiently* and develop regular *note-taking* habits. No electronic aid is allowed during the exercise with the exception of hand-written notes.

2) US Supreme Court case analysis: students will select the judgment of a judge from a list of cases (to be provided) and analyze the judge's i) view on the role of courts in politics and society ii) whether courts or legislatures should have the ultimate interpretive authority and the reason(s) why they think it is convincing, and iii) your own evaluation of the judge's view(s). ~600 words to be submitted via Canvas.

3) Midterms and final exam: there will be two midterm tests and one final exam. These assessments are an opportunity to demonstrate your understanding and grasp of the course material, your ability to synthesize different arguments, perspectives, theories, and cases, and *apply* theoretical knowledge to specific cases. The in-class midterms will consist of two essay-style questions (you'll be given some choice). The final exam will consist of three essay-style questions (out of 5 questions). The mandatory question on the final exam will be based on a movie on the theme of law and politics.

Class Schedule and Topics (tentative):

PART I – The rise of courts

Week 1, Aug 18 & 20 | Introduction & apex courts as political institutions

Dahl, Robert A., ed. 1957. "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker." *Journal of Public Law* 6: 279-295.

Week 3, Sept 3 | The global ascendancy of the judicial branch

Sumption, Jonathan. 2019. "Lecture 1: Law's Expanding Empire." 21 May 2019. Middle Temple Hall, London (BBC Reith Lectures). (Also available on video).

Hirschl, Ran. 2008. "The Judicialization of Mega-Politics and the Rise of Political Courts." *Annual Review of Political Science* 11 (1): 93–118.

Week 2, Aug 25 & 27 | Who is supreme? American judicial power in the 21st century

Whittington, Keith E. 2007. *Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History*. Princeton University Press. (Chapter 5).

Week 5, Sept 15 & 17 | Judicial appointments and elevation

Mathen, Carissima, and Michael Plaxton. 2020. *The Tenth Justice: Judicial Appointments, Marc Nadon, and the Supreme Court Act Reference*. UBC Press.

Epstein, Lee, and Jeffrey A. Segal. 2005. *Advice and Consent: The Politics of Judicial Appointments*. Oxford University Press.

Week 4, Sept 8 & 10 | When should we expect the assertion of judicial independence?

Hilbink, Lisa. 2012. "The Origins of Positive Judicial Independence." *World Politics* 64 (4): 587–621. https://doi.org/10.1017/S0043887112000160.

Helmke, Gretchen. 2009. *Courts under Constraints: Judges, Generals, and Presidents in Argentina*. Cambridge University Press.

Week 6, Sept 22 | Judicial activism
TBD

Sept 24 | Midterm Test 1

Week 7, Sept 29 & Oct 1 | Judicial populism
Hilbink, Lisa. 2024. "Judicial Populism: A Conceptual and Normative Inquiry." *Law & Social Inquiry*, November 29, 1–33. https://doi.org/10.1017/lsi.2024.47.

Fall Break

Part II – Select themes on law, politics, and society

Week 8, Oct 13 & 15 | The politics of (un)constitutional amendments
Jacobsohn, Gary Jeffrey. 2014. "Theorizing the Constitutional Revolution." *Journal of Law and Courts* 2 (1): 1–32. https://doi.org/10.1086/674453.

Week 9, Oct 20 & 22 | Courts, executives, agencies and citizenship laws
Cox, Adam B., and Cristina M. Rodríguez. 2020. *The President and Immigration Law*. Oxford University Press.
Macklin, Audrey. 2021. "A Brief History of the Brief History of Citizenship Revocation in Canada." *Manitoba Law Journal* 44 (1): 425–55.

Week 10, Oct 27 & 30 | Law and social engineering
Rosenberg, Gerald N. 1991. *The Hollow Hope: Can Courts Bring About Social Change?* The University of Chicago Press.

Week 11, Nov 3 & 5 | Lawyers and the politico-legal system
TBD

Week 12, Nov 10 | White-collar crime
TBD

Nov 12 | Midterm Test 2

Week 13, Nov 17 & 19 | Popular referendums/Divisiveness over elections and law
TBD

Week 14, Nov 24 & 26 | Big Tech, Concentration of Power and Privatization
Bradford, Anu. 2023. *Digital Empires: The Global Battle to Regulate Technology*. Oxford University Press.

Cordelli, Chiara. 2020. *The Privatized State*. Princeton University Press.

Week 15, Dec 1 & 3 | Conclusion
TBD

University Policies
Americans With Disabilities Act (ADA)
The University of Utah seeks to provide equal access to its programs, services, and activities for people with disabilities. All written information in this course can be made available in an alternative format with prior notification to the Center for Disability & Access (CDA). CDA will work with you and the instructor to make arrangements for accommodations. Prior notice is appreciated. To read the full accommodations policy for the University of Utah, please see Section Q of the Instruction & Evaluation regulations.
In compliance with ADA requirements, some students may need to record course content. Any recordings of course content are for personal use only, should not be shared, and should never be made publicly available. In addition, recordings must be destroyed at the conclusion of the course.
If you will need accommodations in this class, or for more information about what support they provide, contact:
Center for Disability & Access
801-581-5020
disability.utah.edu
Third Floor, Room 350
Student Services Building
201 S 1460 E
Salt Lake City, UT 84112

Safety at the U
The University of Utah values the safety of all campus community members. You will receive important emergency alerts and safety messages regarding campus safety via text message. For more safety information and to view available training resources, including helpful videos, visit safeu.utah.edu.
To report suspicious activity or to request a courtesy escort, contact:
Campus Police & Department of Public Safety
801-585-COPS (801-585-2677)
dps.utah.edu
1735 E. S. Campus Dr.
Salt Lake City, UT 84112

Addressing Sexual Misconduct

Title IX makes it clear that violence and harassment based on sex and gender (which includes sexual orientation and gender identity/expression) is a civil rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, color, religion, age, status as a person with a disability, veteran's status, or genetic information.
If you or someone you know has been harassed or assaulted, you are encouraged to report it to university officials:

Office of Equal Opportunity and Title IX
801-581-8365
oeo.utah.edu
383 S. University Street
Level 1, OEO Suite
Salt Lake City, UT 84112

Office of the Dean of Students
801-581-7066
deanofstudents.utah.edu
270 Union Building
200 S. Central Campus Dr.
Salt Lake City, UT 84112

To file a police report, contact:

Campus Police & Department of Public Safety
801-585-COPS (801-585-2677)
dps.utah.edu
1735 E. S. Campus Dr.
Salt Lake City, UT 84112

If you do not feel comfortable reporting to authorities, the U's Victim-Survivor Advocates provide free, confidential, and trauma-informed support services to students, faculty, and staff who have experienced interpersonal violence.

To privately explore options and resources available to you with an advocate, contact:

Center for Campus Wellness
801-581-7776
wellness.utah.edu
350 Student Services Building
201 S. 1460 E.
Salt Lake City, UT 84112

Academic Misconduct

It is expected that students comply with University of Utah policies regarding academic honesty, including but not limited to refraining from cheating, plagiarizing, misrepresenting one's work, and/or inappropriately collaborating. This includes the use of generative artificial intelligence (AI) tools without citation, documentation, or authorization. Students are expected to adhere to the prescribed professional and ethical standards of the profession/discipline for which they are preparing. Any student who engages in academic dishonesty or who violates the professional and ethical standards for their profession/discipline may be subject to academic sanctions as per the University of Utah's Student Code: Policy 6-410: Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct.

Plagiarism and cheating are serious offenses and may be punished by failure on an individual assignment, and/or failure in the course. Academic misconduct, according to the University of Utah Student Code:

"…Includes, but is not limited to, cheating, misrepresenting one's work, inappropriately collaborating, plagiarism, and fabrication or falsification of information…It also includes facilitating academic misconduct by intentionally helping or attempting to help another to commit an act of academic misconduct."

For details on plagiarism and other important course conduct issues, see the U's Code of Student Rights and Responsibilities.