

Political Science 511: Formal Models of Law and Politics

Fall 2006

Professor Ethan Bueno de Mesquita

Office Eliot 335

Office Hours Wednesday, 10:30–12:00

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Course Description In this graduate seminar we will examine some samples from the growing formal literature in the fields of law and politics and judicial politics. We will study issues having to do with judicial institutions and decision making, such as the strategic implications of the judicial hierarchy, deference to precedent, bargaining and deliberation on the supreme court, opinion assignment, and the nature of advocacy in the legal environment. We will examine topics in comparative law including the foundations of judicial independence, the rule of law and economic development, and the relationship between formal and informal contract enforcement. Finally, we will address the relationship between the courts and other branches of government (e.g., judicial oversight of the bureaucracy).

Prerequisites Political Science 505 (Game Theory), equivalent course, or permission of the professor.

Course Requirements The course has three requirements: reading, problem sets, and a final paper.

- *Reading:* The course will require careful reading of 1 technical article each week. It is expected that you will have done this prior to coming to class. You will gain very little from lecture if you have not worked hard on understanding the paper before hand (in particular, you will feel that you understand the models but will neither learn nor remember anything). Because so little reading is assigned, the expectation is that the papers will be read very closely. We will talk more about how to read formal theory articles during the class but, in general, close reading of such articles involves working through the model with pen and pad, reproving each result, and searching for the key assumptions as you read. As a rule of thumb, you should expect to spend between 5-10 hours reading each paper on the syllabus.
- *Problem Sets:* There will be regular problem sets.
- *Final Paper:* At the end of the semester, students will be expected to complete a final seminar paper. This paper should be original research on a topic related to law and politics and of approximately the length of a journal article. Topics should be discussed in advance with the professor.

Course Schedule

August 30 – No class (APSA)

The Hierarchical Court

September 6

Lax, Jeffrey R. 2003. “Certiorari and Compliance in the Judicial Hierarchy: Discretion, Reputation and the Rule of Four.” *Journal of Theoretical Politics* 15(1):61–86.

September 13

Bueno de Mesquita, Ethan and Matthew Stephenson. 2002. “Informative Precedent and Intra-judicial Communication.” *American Political Science Review* 96(4):755–766.

September 20

Cameron, Charles M. and Jeffrey R. Lax. 2005. “Beyond the Median Voter: Bargaining and Law in the Supreme Court.” Unpublished working paper available at <http://www.columbia.edu/~jrl2124/MVB%202005%20temp%20version.pdf>

September 27

Cameron, Charles M. and Lewis A. Kornhauser. 2005. “Decision Rules in a Judicial Hierarchy.” Unpublished paper available at http://www.princeton.edu/~ccameron/qualityv1_8.pdf

October 4 – No class (Out of town)

Judicial Independence

October 11

Rogers, James R. 2001. “Information and Judicial Review: A Signaling Game of Legislative-Judicial Interaction.” *American Journal of Political Science* 45:84–99.

October 18

Stephenson, Matthew. 2004. “Court of Public Opinion: Government Accountability and Judicial Power.” *Journal of Law, Economics, and Organization* 20(2):379–399.

October 25

Maskin, Eric and Jean Tirole. 2004. “The Politician and the Judge.” *American Economic Review* 94(4):1034–1054.

The Judiciary and the Executive

November 1

Gailmard, Sean. 2006. “Discretion Rather than Rules: Choice of Instruments to Constrain Bureaucratic Policy-Making.” Unpublished paper available at <http://depot.northwestern.edu/spg763/menus.pdf>

November 8

Bueno de Mesquita, Ethan and Matthew Stephenson. “Regulatory Oversight with Observable and Unobservable Effort.” Unpublished paper available at <http://bdm.wustl.edu/PDF/misallocation.pdf>

November 15

Matthew Stephenson. 2006. “Bureaucratic Enactment Costs and Endogenous Agency Expertise.”

November 22 – No class (Thanksgiving Break)

Litigation

November 29

Kevin E. Davis and Catherine Hafer, “Equality for the Sake of Efficiency: Economic Implications of Unequal Protection of Property Rights.” Unpublished working paper.

December 6

Reinganum, Jennifer F. 2000. “Sentencing Guidelines, Judicial Discretion, and Plea Bargaining.” *The Rand Journal of Economics* 31(1):62–81.