



## The Politics of Law in the U.S. and EU

### Educational subject description sheet

#### Basic information

<p><b>Field of study</b> TransAtlantic Studies</p> <p><b>Speciality</b> -</p> <p><b>Organizational unit</b> Faculty of International and Political Studies</p> <p><b>Study level</b> second cycle</p> <p><b>Study form</b> full-time degree programme</p> <p><b>Education profile</b> General academic</p> <p><b>Mandatory</b> obligatory</p>	<p><b>Education cycle</b> 2021/22</p> <p><b>Subject code</b> UJ.WSMTASS.280.6049c93d2c571.21</p> <p><b>Lecture languages</b> english</p> <p><b>Subject related to scientific research</b> Yes</p> <p><b>Disciplines</b> Political science and administration</p> <p><b>ISCED classification</b> 0312 Political sciences and civics</p> <p><b>USOS code</b></p>
<b>Subject coordinator</b>	Paweł Laidler
<b>Lecturer</b>	Paweł Laidler

<b>Period</b> Semester 4	<p><b>Examination</b> exam</p> <p><b>Activities and hours</b> lecture: 30</p>	<b>Number of ECTS points</b> 6.0
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#### Goals

C1	helping students understand current processes of politicization of law and the role of law in political systems
C2	presenting theoretical and practical knowledge about the clash of law and politics in government institutions in the US and EU
C3	comparing most important legal and political institutions in US and EU government reality
C4	understanding contemporary issues of judicialization of politics and constitutionalization of law

## Subject's learning outcomes

Code	Outcomes in terms of	Effects	Examination methods
<b>Knowledge - Student knows and understands:</b>			
W1	theoretical background of legal and political processes in the US and EU	TAS_K2_W01, TAS_K2_W02	written exam
W2	case studies relating to the clash of law and politics in government institutions of EU and US	TAS_K2_W04, TAS_K2_W05	written exam
W3	positive and negative consequences of the politics of law in US and EU	TAS_K2_W04, TAS_K2_W05	written exam
<b>Skills - Student can:</b>			
U1	analyze case studies and legal documents relating to institutions affected by the clash of law and politics	TAS_K2_U01, TAS_K2_U02	project, essay
U2	define and assess the consequences of such processes and judicialization of politics and constitutionalization of law	TAS_K2_U03, TAS_K2_U05	project, essay
U3	present her/his own arguments on positive and negative aspects of functioning of legal and political institutions within US and EU	TAS_K2_U07	project, essay

## Calculation of ECTS points

Activity form	Activity hours*
lecture	30
preparation for the exam	45
projects preparation	30
essay preparation	45
preparation for classes	30
<b>Student workload</b>	<b>Hours</b> 180
	<b>ECTS</b> 6.0

\* hour means 45 minutes

## Study content

No.	Course content	Subject's learning outcomes
1.	Introductory Lecture - theory. Brief history of law and politics. Creation of law. Judges and politics. Constitutionalism. Lobbying. Political justice. Electoral process.	W1, W2, W3, U1, U2, U3

## Course advanced

### Teaching methods:

text analysis, project method, conversation lecture, lecture with multimedia presentation, discussion, case study, e-learning methods

Activities	Examination methods	Credit conditions
lecture	written exam, project, essay	The group project should refer to the topic of the course, but it should not concern the same institutions which are discussed during the course. Two students should prepare a presentation about the clash of law and politics in a governmental institution in U.S. or E.U., in a form of a debate showing positive and negative consequences of the conflict between law and politics. debate should not be longer than 25 minutes, and should be held in May (dates to be arranged). The essay may be written on a topic chosen by the student, but approved by the professor. The essay must have the form of a scientific work (structure, references, bibliography) and should consist of minimum 2500 words). The electronic version of the essay should be submitted before the end of the semester. The final written exam has a form of short essays (5 answers to questions related to the topic of the course). The final grade is a combination of the points received for the project/debate (20%), the essay (30%) and the written exam (50%).

### Entry requirements

The aim of the course is to present the most important terms, concepts, ideas and definitions concerning law and politics with a special focus on the U.S. and E.U. legal and political systems. Despite theoretical framework, the classes are planned to initiate discussions and present numerous case studies, as practical and empirical method can enable the students to understand the real character of the clash of law and politics in several government institutions. The course uses case study and comparative analysis in order to present specific processes occurring in 21st century world: instrumentalization of law, judicialization of politics, political justice, or constitutionalization of politics.

## Literature

### Obligatory

1. Lisa J. Conant, *Justice Contained. Law and Politics in the European Union*, Cornell University Press, 2002.
2. Herbert Jacob, et.al. (eds.), *Courts, Law and Politics in Comparative Perspective*, Yale University Press, New York, 1996.
3. Hein Koetz, Tony Weir, Konrad Zweigert (eds.), *An Introduction to Comparative Law*, Oxford University Press, New York, 1998.

### Optional

1. Henry J. Abraham, *Judicial Process. An Introductory Analysis of the Courts of the United States, England and France*. Oxford University Press, New York, 1980.
2. Nancy V. Baker, *Conflicting Loyalties: Law and Politics in the Attorney General's Office, 1789-1990*, University of Kansas Press, Lawrence, 1992
3. Anne Barron, Hugh Collins, Emily Jackson (eds.), *Introduction to Jurisprudence and Legal Theory. Commentary and Materials*, Oxford University Press, New York, 2005
4. Tanja Boerzel, *Why Noncompliance: The Politics of Law in the European Union*, Cornell University Press, 2021.
5. William Burnham, *Introduction to the Law and Legal System of the United States*, West Publishing, St. Paul, 2001.
6. James Crawford, *Cambridge Companion to International Law*, Cambridge University Press, New York, 2012.
7. Ronald Dworkin, *Law's Empire*, Harvard University Press, New York, 1986.
8. Joanne Hames, Yvonne Loern (eds.), *Introduction to Law*, Prentice Hall, New York, 2009.
9. Herman Lelieveldt, Sebastiaan Princen, *The Politics of the European Union*, Cambridge University Press, 2015.
10. Thomas Lundmark, *Charting the Divide Between Common Law and Civil Law*, Oxford University Press, New York, 2012.
11. Jonathan Olsen, *The European Union: Politics and Policies*, Routledge, New York, 2020.
12. Alexis de Tocqueville, *Democracy in America*, New York, 1984.

## Effects

Code	Content
TAS_K2_W01	Absolwent zna i rozumie w pogłębiony sposób charakter, miejsce i znaczenie nauk społecznych, ich specyfikę przedmiotową i metodologiczną w systemie nauk, którą jest w stanie rozwijać i twórczo stosować w działalności profesjonalnej
TAS_K2_W02	Absolwent zna i rozumie w pogłębionym stopniu terminologię charakterystyczną dla relacji transatlantyckich oraz politologiczne, socjologiczne i kulturowe teorie służące analizie złożonych stosunków euroatlantyckich przełomu XX i XXI wieku
TAS_K2_W04	Absolwent zna i rozumie w pogłębionym stopniu różnice i podobieństwa w podejściu USA i Europy do globalnych problemów oraz będące tego konsekwencją przemiany we wzajemnych realacjach oraz idei partnerstwa
TAS_K2_W05	Absolwent zna i rozumie w pogłębiony sposób przebieg procesów interakcji społecznych i politycznych konkretnych grup i organizacji, szczególnie w wymiarze transatlantyckim
TAS_K2_U01	Absolwent potrafi prawidłowo analizować i wyjaśniać zachowania społeczne i kulturowe w życiu publicznym społeczeństw zachodnich
TAS_K2_U02	Absolwent potrafi wyszukiwać oraz dokonywać krytycznej analizy tekstów i dokumentów źródłowych odnoszących się do relacji transatlantyckich
TAS_K2_U03	Absolwent potrafi identyfikować podstawowe obszary współpracy oraz wyzwań w wymiarze politycznym, militarnym, społecznym i kulturowym w relacjach euroatlantyckich
TAS_K2_U05	Absolwent potrafi prognozować procesy i zjawiska społeczne o różnej skali zasięgu (krajowe, transatlantyckie, międzynarodowe) z uwzględnieniem zjawisk politycznych, ekonomicznych i demograficznych wpływających na doświadczenia człowieka w dobie globalizacji
TAS_K2_U07	Absolwent potrafi samodzielnie przygotowywać złożone projekty społeczne inicjując je lub współpracując z innymi osobami w celu uzyskania jak najwyższej efektywności i jakości pracy