

---

**PLSC 389C**  
**Comparative Constitutions**

**Term:** Summer 2016, 05/31 - 07/01  
**Location:** Online

---

**BASIC INFORMATION**

**Instructor:** Amuitz Garmendia Madariaga  
**Email:** agarmen1@gmail.com  
**Office hours:** On Skype, by appointment

**COURSE DESCRIPTION**

Constitutions define the rules by which societies are governed and they exist both in democracies and dictatorships. Different institutional structures create different combinations of winners and losers, and the consequences of these choices shape the robustness and stability of regimes around the globe. Through theory and comparisons of comparative constitutional experiences, this course will focus on the following topics: the examination of institutional options available when designing a government (e.g. the basic type of electoral system, the design of parliamentary and presidential executives, the (de)centralization of power in unitary or federal states, or the choice of innovative mechanisms to strengthen transparency and accountability); the writing of constitutions in distinct contexts (e.g. post domestic or international conflicts); and the change on the content of constitutions through amendments (e.g. to meet the variable necessities of a society or/and strategically favor its decision-makers). Throughout the course we will consider the role of peoples, of legislatures, and of courts as legitimizers and interpreters of constitutional texts. This course satisfies the Comparative Politics requirements and counts as a related course for students pursuing the Concentration in Politics and Law available to Political Science majors.

---

**READINGS**

Readings for the course will consist of books and a set of articles (listed by topic below). Articles and selected chapters will be posted in the appropriate topic folder in the **Content** section on Blackboard. The readings listed below use the following abbreviations (listed in **bold** as a superscript after the citation):

- (L): Available on Binghamton Online Libraries
  - (B): Available online on [Blackboard](#)
  - (R): Reading is required for class
  - (S): Reading is suggested for class
-

## COURSE REQUIREMENTS

**Read the Syllabus!** The syllabus is for the benefit of the class; it informs you about required readings, learning objectives, grading expectations, course policies, how to contact me, required assignments, and any other general information pertaining to this class.

**Tips for success!** The class will meet online. Each student is responsible for completing the readings (around 30-60 pages per course day) prior to the course day, and for contributing to the discussion of the material online. Participation in class discussions (by submitting your discussion posts and discussion answers) is a significant portion of your final grade, so each absence will reduce your participation grade. Please check below the requirements for class discussions. Aside from class discussions, each student will write one critical review and a case study, and these should be e-mailed to me, submitted to Turnitin page of the class, as a well-structured Word or PDF document, by 10 pm EST of the chosen week's Saturday.

**Grading:** Students will be assessed according to the following Binghamton University grade scale:

<b>A</b> (93–100)	<b>A–</b> (90–92)	<b>B+</b> (87–89)	<b>B</b> (83–86)	<b>B–</b> (80–82)
<b>C+</b> (77–79)	<b>C</b> (73–76)	<b>C–</b> (70–72)	<b>D</b> (66–69)	<b>F</b> (< 65)

Final grades are rounded to whole numbers, where  $\geq \#.5$  is rounded up and  $\leq \#.49$  is rounded down. Grades for the class will be based on the following points system:

<i>Discussion Posts</i> (13 course days)	◇	$3 \times 13 = 39$
<i>Discussion Answers</i> (13 course days)	◇	$2 \times 13 = 26$
<i>Critical Review</i>	◇	15
+ <i>Case Study</i>	◇	20
<b>Total</b>	◇	<b>100%</b>

**Discussion Posts (39%):** Students are asked to make a post everyday under the thread I created, which covers discussion topic for that particular day on the discussion board on the Blackboard. Student posts must not be less than a paragraph of at least 6-8 sentences. The first discussion thread will be the meeting class, and I will give the details of it later. The posts should not be a mere summary of the readings. Instead, students are required to argue a point in critique or response to the reading material. Students can also ask one or two questions that can lead to a good discussion. Please, be concise but substantial in the way you make your argument. Discussion posts should be posted the same day of the class. Each discussion post will be graded over 3 points:

- Two points; on the quality (showing knowledge and competence on the readings) of the post.
- One point; on the originality (creativity) of the post.

**Discussion Answers (26%):** Apart from making an original post, students are expected to respond to the posts of at least two of their classmates, and, out of courtesy, respond to everybody who responds to them. If students fail to respond other people's posts, then they will fail to get 2 points assigned for this task. If students fail to answer properly (only answering one post, failing to answer to the replies to their original posts, lack of quality in posts, failure to show knowledge they acquire from the readings), then they will get partial points at most. Each discussion answer will be graded over 1 point:

- One point; on the quality (showing knowledge and competence on the readings) and originality (creativity) of students' response to their fellows' original posts
- One point; for students' response to everybody who responds to them. Discussion posts should be posted the same day of the class.



### *Netiquette* or Discussion Board Participation Policy

All discussions in this course will be, for the most part, between you and the other class members of this course. Please post and respond in these discussions with thought provoking, honest cordiality; bashing or flaming other class members is inappropriate. Keep the discussions flowing and remember, there are no stupid questions or answers – all your thoughts are unique to you and your experiences. Accordingly, I will not reply to each of your responses in a discussion. I usually will respond to a few posts (more, if the discussion gets off topic) and let you, the students, lead the way. To help pace yourself with the discussions, make sure to follow the readings, as well as the post and reply schedule for each discussion.

**Critical Review (15%):** In the beginning of the course, every student will choose one week in which he or she will be responsible for writing a critical review of the readings for that week (a minimum of three, at least one for each day). Then, a critical review is a short written exercise that combines summarizing capacities with critical thinking to assess the readings in one of the weeks. This paper should be 4 pages long (12 point Times New Roman, double spaced, 1" (2.5 cm) margins) and should encompass the following:

- Present the main argument of the readings that you are reviewing in a clear and concise manner (summarize them). What is the research question or topic of each of the works? What are the main arguments and evidence in support of these arguments? **Note: this part should be short.**
- Evaluate the theoretical soundness of the arguments and/or evidence presented, offering well-justified criticisms. What are the strengths and weaknesses? Does the author consider alternative explanations? If not, what could those be?
- Explain how the readings fit together and the linkages between them. Do they wrestle with similar puzzles? Is there a unifying theme? How do they connect with what we have explored in previous weeks? Which reading do you find more convincing and why?

**Case Study (20%):** The main purpose of this exercise is to bring students closer to the reality of the design, type, persistence or change of constitutions, and their rules, in one specific political system of their choice. This assignment is due once the course is over, giving students the opportunity to go over main theoretical propositions in the course readings, linking them to their empirical analysis of the constitutional text and ancillary institutions in one specific country. This paper should be 12 pages long (12 point Times New Roman, double spaced, 1" (2.5 cm) margins) and should encompass the following:

- Choose a country, and find the most updated text version of its current written constitution and ancillary organic laws.
- Explain the historical process of constitution making, main actors involved, their incentives and constraints, the bargaining context, as well as their main institutional choices.
- Analyze these institutions, their outcomes (for instance, the type of party system as a consequence of chosen electoral rules), as well as the main historical amendment processes.

**ASSIGNMENTS AND LATE ASSIGNMENTS**

Formal assignment deadlines are as follows:

<u>Assignments</u>	<u>Deadline</u>
<i>Discussion Posts</i> .....	Every class day between 1:00 am EST. and 4:00 pm EST
<i>Discussion Answers</i> .....	Every class day between 1:00 am EST. and 11:59 pm EST
<i>Critical Review</i> .....	10 pm EST. on the Saturday of the chosen week (weeks 2-4) .....(Upload it to Turnitin)
<i>Case Study</i> .....	10 pm EST. on the Saturday of the last week .....(Upload it to Turnitin)

I expect you to check into our online course area at least 4 times per week for a total of at least 120 minutes. I will also make all course announcements (assignment updates, etc.) via our online course area, so please, check in often. Students will be expected to fully understand the implications of turning in their assignments late. No excuses will be accepted for late assignments. If an emergency arises, creating a situation where an assignment cannot be completed by the deadline, students are required to submit the work they have at the time of the emergency. Send me an email with the assignment as an attachment ([agarmen1@binghamton.edu](mailto:agarmen1@binghamton.edu)). I will judge the quality of the work, given the emergency. Keep in mind that I will need some sort of proof that an emergency occurred. Absent of an emergency, **all** late assignments will be penalized according to the following procedure:

**Any assignment submitted past the deadline**   ◇   Will receive **F**

Failure to complete any of the assignments for the course implies more than just a zero for that assignment. Students are required to complete all **graded** and **ungraded** assignments. **Failure to submit all assignments will result in an F for the entire course, regardless of your overall grade in the class.**

## COURSE OUTLINE

Week	Topic	Date	Name
1	0	May 31	Introductory class
1	1	June 01	Defining Constitutions
1	2	June 03	Institutions and Institutional Analysis
2	3	June 06	Making Constitutions
2	4	June 08	Contextual Factors
2	5	June 10	Constitutions in Authoritarian Regimes
3	6	June 13	Presidentialism and Executives
3	7	June 15	Parliamentary Democracy
3	8	June 17	Legislatures
4	9	June 20	Elections and Party Systems
4	10	June 22	Federalism
4	11	June 24	Courts
5	12	June 27	Constitutional Amendments
5	13	June 29	Persistence and Change in Political Systems
5	14	July 1	Preparing Final Case Studies

## READING SCHEDULE

## WEEK 1: FAMILIARIZING WITH THE CONTENT OF THE COURSE

## Topic 0: Introductory class

May 31

- Please read the syllabus and assignment guidelines
- Course organization
- Getting to know each other: meeting online!
- <http://comparativeconstitutionsproject.org/>

## Topic 1: Defining Constitutions

June 1

- Magna Carta (easily found online, e.g., <http://www.constitution.org/eng/magnacar.htm>)
- Federalist papers no.15, *The Insufficiency of the Present Confederation to Preserve the Union*, Alexander Hamilton (easily found online, e.g., <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-15>)
- Hardin, Russell. 1989. Why a Constitution? In *The Federalist Papers and the New Institutionalism*. New York: Agathon Press, pp. 100–120 (B)(R)
- Mueller, Dennis C. 2003. 26.8 Constitutions: Contracts or Conventions? In *Public Choice III*. Cambridge University Press, pp. 634–639 (B)(R)

**Topic 2: Institutions and Institutional Analysis****June 3**

- North, Douglas and Barry Weingast. 1989. Constitutions and Commitment: The Evolution of Institutional Governing Public Choice in Seventeenth-Century England. *The Journal of Economic History* 49(4), pp. 803-832 (B)(R)
  - Pierson, Paul. 2000. The Limits of Design: Explaining Institutional Origins and Change. *Governance* 13(4), pp. 475-499 (B)(R)
  - Carey, John M. 2000. Parchment, Equilibria, and Institutions. *Comparative Political Studies* 33(6/7): 735-761 (B)(R)
- 

**WEEK 2: DESIGNING CONSTITUTIONS****Topic 3: Making constitutions****June 6**

- Elster, John. 2012. Clearing and Strengthening the Channels of Constitution Making. In *Comparative Constitutional Design*, Cambridge University Press, pp. 15-30. (B)(R)
- Blount, Justin, Elkins, Zachary, and Tom Ginsburg. 2012. Does the Process of Constitution-Making Matter? In *Comparative Constitutional Design*, Cambridge University Press, pp. 31-65. (B)(R)

**Topic 4: Contextual Factors****June 8**

- Lijphart, Arend. 2004. Constitutional design for divided societies. *Journal of Democracy* 15(2): 96-109 (B)(R)
- Horowitz, Donald. 2008. Conciliatory institutions and constitutional processes in post-conflict states. *William and Mary Law Review* 49, pp. 1213-1248.
- Hirschl, Ran. 2012. The Political Economy of Constitutionalism in a Non-Secularist World. In *Comparative Constitutional Design*, Cambridge University Press, pp. 164-194. (B)(R)

**Topic 5: Constitutions in Authoritarian Regimes****June 10**

- Gandhi, Jennifer. 2008. *Political Institutions under Dictatorship*. Cambridge University Press, pp. 1-41. (B)(R)
  - Przeworski, Adam. 2013. Ruling against rules. In *Constitutions in Authoritarian Regimes*. Cambridge University Press, pp. 21-35. (B)(R)
  - Elkins, Zachary, Ginsburg, Tom and James Melton. 2013. The Content of Authoritarian Constitutions. In *Constitutions in Authoritarian Regimes*. Cambridge University Press, pp. 141-164. (B)(R)
-

**WEEK 3: INSTITUTIONAL CHOICES (I)****Topic 6: Presidentialism and Executives****June 13**

- Cheibub, Jose Antonio. 2007. *Presidentialism Parliamentarism, and Democracy*. Cambridge University Press, chs. 1-2 (B)(R)
- Samuels, David J. and Matthew S. Shugart. 2010. *Presidents, Parties and Prime Ministers*. Cambridge University Press, 2010, chs. 1-3 (B)(R)

**Topic 7: Parliamentary Democracy****June 15**

- Cox, Gary W. 1987. *The Efficient Secret*. Cambridge University Press, ch. 6 (B)(R)
- Strøm, Kaare. 2003. Parliamentary Democracy and Delegation. In *Delegation and Accountability in Parliamentary Democracies*. Oxford University Press, pp. 55-106 (B)(R)

**Topic 8: Legislatures****June 17**

- Tsebelis, George and Jeannette Money. 1997. *Bicameralism*. Cambridge University Press, chs. 1-2 (B)(R)

---

**WEEK 4: INSTITUTIONAL CHOICES (II)****Topic 9: Elections and Party Systems****June 20**

- Boix, Carles. 1999. Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies. *American Political Science Review* 93(3), 609-624 (B)(R)
- Reynolds, Andrew, Ben Reilly, and Andrew Ellis, eds. 2008 (2005). Electoral System Design. The new International IDEA Handbook. Stockholm: IDEA (available online at <http://www.idea.int/publications/esd/>); read chs. 1-2 (pp. 1-33)
- Benoit, Kenneth. 2007. Electoral laws as political consequences: explaining the origins and change of electoral institutions. *Annual Review of Political Science* 10: 363-390 (B)(R)

**Topic 10: Federalism****June 22**

- Riker, William H. 1964. *Federalism: Origin, Operation, and Significance*. Little, Brown and Company, chs. 1-2 (B)(R)
- Stepan, Alfred. 1999. Federalism and Democracy: Beyond the US Model. *Journal of Democracy* 10(4), pp. 1-8 (B)(R)
- Bednar, Jenna. 2009. The Robust Federation. Principles of Design. Cambridge University Press, ch. 2 (B)(S)

**Topic 11: Courts****June 24**

- Ferejohn, John, Rosenbluth, Frances, and Charles Shipan. 2008. Comparative Judicial Politics. In *The Oxford Handbook of Comparative Politics*. Oxford University Press, pp. 727-751 (B)(R)
  - Vanberg, George. 2005. *The Politics of Constitutional Review*. Cambridge University Press, ch. 1 (B)(R)
  - Moustafa, Tamir. 2009. *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt*. Cambridge University Press, chs. 1-2 (B)(R)
- 

**WEEK 5: AMENDMENTS OR THE IMPORTANCE OF CHANGING THE RULES****Topic 12: Constitutional Amendments****June 27**

- Lutz, Donald. 1994. Toward a Theory of Constitutional Amendment. *American Political Science Review* 88(2), pp. 355-370 (B)(R)
- Dixon, Rosalind and Richard Holden. 2012. Constitutional Amendment Rules. The Denominator Problem. In *Comparative Constitutional Design*. Cambridge University Press, pp. 195-218 (B)(R)

**Topic 13: Persistence and Change in Political Systems****June 29**

- Gurr, Ted R. 1974. Persistence and Change in Political Systems, 1800-1971. *American Political Science Review* 68(4), pp. 1482-1504 (B)(R)
- Gates, Scott, Hegre, Havard, Jones, Mark P., and Havard Strand. 2006. Institutional Inconsistency and Political Instability: Polity Duration, 1800-2000. *American Journal of Political Science* 50(4), pp. 893-908 (B)(R)

**Topic 14: Preparing Final Case Studies****July 1**

- Individual Skype meetings of 15 minutes with the Instructor
- Online discussion on the challenges of writing the Case Study

<b>NOTE: Case Study Due Saturday, July 2nd</b>
--



**Gen. Ed. Requirements** This course satisfies the Social Science N requirement. Students in N courses will demonstrate: (1) Knowledge of major concepts, models, and issues (and their interrelationships) of at least one of the social sciences: anthropology, economics, geography, history, political science, or sociology; (2) An understanding of the methods used by social scientists to explore social phenomena, including, when appropriate to the discipline, observation, hypothesis development, measurement and data collection, experimentation, evaluation of evidence, and analysis by mathematics or other interpretive frameworks.

**Academic Honesty** Plagiarism and cheating are serious matters that, should they occur, will be pursued to the limits of University rules. Moreover, academic dishonesty will result in a failing grade for the course. For details regarding the University's policy on cheating and plagiarism and academic dishonesty more generally, see the University Handbook.

**Course Material** Students are advised to **retain all course material** for all course work for **two weeks** after final grades are received. This includes: returned assignments, Turnitin email receipts, and electronic versions of written assignments. I will not consider any grading questions without evidence of the assignment. All writing assignments are to be submitted through Turnitin. Each time you submit to Turnitin, an electronic receipt is emailed to you—no receipt means something went wrong, so check your email after you submit to the Turnitin link.

**Students with Disabilities** Students with disabilities should register with the office of Services for Students with Disabilities (607.777.2686), University Union (Room 119), [ssd@binghamton.edu](mailto:ssd@binghamton.edu). Extra time and necessary arrangements can be made in conjunction with that office and the instructor.

**Course Website/Syllabus** The online version of the syllabus is the official syllabus for this course as it is updated periodically. I reserve the exclusive right to alter the syllabus if I feel such changes are necessary for the class. Visit the course website to view the most recent version of the syllabus (updated date is located at the lower right corner of the document). You will be notified in your Binghamton email of any changes to the syllabus. **YOU** as the student are responsible for having the most updated copy of this document, and I will make sure you are notified of any changes.

**Internet Access & Assignments** Failure to complete an assignment because of a faulty or lacking internet signal will not be excused. Assignment dates and times are posted well in advance, and it is your responsibility to ensure that you will have adequate access to Blackboard during those and other times required to fulfill assignment requirements, if necessary.

**Assignment Extensions** No extensions will be allowed for any assignment, as all assignments are posted well in advance of the due date. Students are expected to know the deadlines and complete all assignments by their due date, preparing in advance for any unforeseen events that may fall around the assignment deadline. I will not respond to extension requests, and **no** excuses will be accepted.