

LECTURE / DISCUSSION / DEBATE
LEGISLATURES, JUDICIAL SYSTEMS AND UPANISHADIC HINDUISM

Terms and concepts to know:

Single-Member districts	Multimember districts
Proportional representation	Policy roles
Delegate / Trustee / Politico	Constituency service
Bicameralism	Bicameralism and majority rule
Operation by rules / committee	Legislative powers
Lawmaking	Executive removal
Power of the “purse”	Bureaucracy oversight
Legal positivism	Deontologists
Utilitarians	Common / Equity / Statute Law
Code law	Statute and administrative law
Judicial decisions	Judicial selection
Judicial review	<i>Marbury v. Madison</i>
Traditional approach	Behavioral approach
Judicial policy approach	

Study and discussion questions:

1. Compare and contrast our system of “winner-take-all” single-member districts and that of multimember districts and proportional representation. What are the benefits and drawbacks to both systems? Are Americans reluctant to try the latter and why is this so?
2. According to Heineman, “the legislator’s function is to represent the interests of the people. But for the legislator personally, the primary goal is to obtain reelection” (182). Is this the best way for a “democratic” legislature to function? Is there a way out of this dilemma?
3. Discuss the reasons for our bicameral legislative structure? Was it just about “checks and balances.” Who do you think the Founding Fathers were trying to balance and did it ultimately work in your opinion?
4. Discuss the differences between the deontologists and the utilitarians. Which theory do you feel is more appropriate in questions of jurisprudence?
5. In our judicial process, judges may be appointed or elected to office. Discuss and debate the pros and cons to both systems and make suggestions as to which one is preferable in a democracy.
6. Discuss and debate the efficacy of a jury trial over a trial by judge (or judges). Which would you prefer if you were a litigant and why?
7. Discuss the concept of *judicial review* and judicial activism vs. restraint (constitutional interpretation). Why do you suppose the American people have never questioned the principle of judicial review? Should Supreme Court judges act in accordance with “original intent” or “contemporary meaning”?

Readings:

Heineman. *Political Science*, Chapters 14, 15.

Stevenson/Haberman. *Twelve Theories of Human Nature*, Chapter 2.

Video: *Priceless*.