

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. 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?
2. 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?
3. Discuss the differences between the deontologists and the utilitarians. Which theory do you feel is more appropriate in questions of jurisprudence?
4. So the Malji article notes correctly that the Constitution of India still enshrines secularism, but the trend for the past three decades indicates it is moving toward Hindu nationalism. This trend is not just specific to India, as other nations and religions around the world appear to be moving in this direction. Is there anything specific about this (Hindu) nationalism that makes it more dangerous than other cultural or religious conflicts? What specifically could one point to in the Hindu case?
5. 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. *Twelve Theories of Human Nature*, Chapter 2.

Video: *In Search of India’s Soul*.