

Political Science 4171/5171

Law, Policy, Society

Fall 2020

Online
Thursdays, 4:15 - 7:00

Instructor Information

Morgan L.W. Hazelton, J.D., Ph.D.

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Given the current circumstances, the best way to reach me is by email. I endeavor to be very attentive to emails and generally will respond within 8 hours during on weekdays (during waking hours) and within 24 hours on weekends.

Office: McGannon 153

Office Phone: (314) 977-5169

Regular Office Hours (Zoom): Mondays, 11:00-12:00 & Thursdays, 2:00 to 3:00.

I am happy to schedule a meeting, in addition to my regular office hours. Please contact me via email to set up a meeting. All meetings will be virtual (Zoom or another platform if needed).

Course Description

Catalog Description

Law, Policy, Society examines the complexities and concerns in social science and legal understandings of the relationship between law and society. We will focus on law and legal processes and the relationship between law/courts and society.

Additional Description

When, how, and why do judges make policy? To what extent do different groups affect change through the courts? Does public opinion influence judges? How do legislation and other policy influence who sues and wins? To what extent does the legal system enforce or disrupt inequalities in society? In this course, we will consider these questions and more as part of our inquiry into the relationships among law, policy, and society. While some other courses explore the development of the law and the choices judges make, this course specifically is focused on how courts interact with society at large. This course meets the Social Science core curriculum requirement for the College of Arts & Sciences.

Learning Outcomes & Course Objectives

Undergraduate

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

Learning Outcomes

- use conceptual tools and methodologies to analyze and understand their social world in the context of law and policy.
- think and write critically about human behavior and community in the context of the interactions among law, policy, and society.
- understand various methodological approaches used by social scientists to study law, policy, and society.
- act in their world more effectively and become forces for positive change.
- understand human diversity and its impact on law, policy, and society.

Course Objectives

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Graduate

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

Learning Outcomes

- evaluate, critique, and synthesize competing theoretical explanations in law, policy, and society.
- construct and present arguments and evidence clearly in written work.
- produce original research that investigates legal and policy processes pertaining to the United States in a methodologically-sound and persuasive manner and contribute to ongoing scholarly debates.
- analyze the values that inform the connections among law, policy, and society.

Course Objectives

- describe the relationships among law, policy, and society.
- critique and assess scholarly theories and evidence.
- discuss and defend ideas orally.
- engage in meaningful and productive dialogue with others.
- present the results of their research.
- produce a comprehensive review of the scholarly literature
- construct and present arguments and evidence clearly in essay exam answers and original research

Requirements and Evaluation

Class Participation & Attendance

Absences

Class participation is an essential part of this class, and, thus, your attendance is very important. If you must miss class for a legitimate reason, suGv-323(re5(e)-379(maGd TdO3233(re.for)-am

is communicating to me your need for an excuse. If you have more than one unexcused absences, your class participation grade, which is **worth 10% of your final grade**, will be lowered by 5% for each additional day. For example, if you have three total unexcused absences, your class participation grade will be no more than 0% (of the total 10%) and your overall grade in the class can be no more than 90%.

Additionally, students will be assigned days where they will lead discussion regarding the materials and concepts. These students will be provided with the discussion points from the other students to assist them in guiding our analysis of the readings. On-call days will collectively be **worth 10% of your final grade**.

Discussion is an essential part of the learning process during which we deepen our understanding of the material, draw conceptual connections, and apply theoretical and legal frameworks to new scenarios. You are expected to be prepared to discuss the assigned materials every class. Students will be graded on their participation based on well reasoned answers, taking part in conversations, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, remain civil with and respectful to all members of the class at all times.

Distance Education Etiquette

Your actions in distance education contexts are just as important as in on-ground, face-to-face educational contexts - and sometimes require additional attention and commitment, as some distance education technologies might be less familiar to us. Accordingly, all students are expected to follow the guidelines below:

Synchronous Video Contexts (Zoom, etc.)

- Mute your microphone when you are not speaking. Remember to "un-mute" yourself just prior to speaking. Identify yourself when you begin speaking.
- Expect a few seconds of delay in getting a response from the instructor or another class member to a question; wait before repeating your question or assuming it was not heard.
- If possible, position your camera such that your video feed does not capture too much of your surroundings or other activity/sound from your home/location. Be conscious of posters, art, or other surroundings that others might find offensive or inappropriate for an educational context.
- Use the "Raise Hand" and "Chat" (or similar) features of your video-conferencing tool. This limits verbal interruptions and the confusion generated when multiple people try to speak at once.
- Just as in an on-ground, face-to-face class, limit side conversations, multi-tasking (on your computer or otherwise), and use of your cellphone.

- Temporarily turn off your video feed and mute your microphone when engaged in any non-class conversation or activity.
- Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class' diversity in race, ethnicity, religion, disabilities, gender, sexual orientation, age, social class, marital status, geographies marital

Students will be graded on the assignments in keeping with expectations for student work at the level at which the student registered for the course (undergraduate or graduate).

Discussion Points

In order to focus your reading of the material and enhance classroom discussion, for each class you will produce 6-8 discussion points. These discussion points are due 24 hours before class (Wednesday at 4:15) and should be submitted via Blackboard. These items should include questions, comments, and challenges regarding the readings that you believe would be beneficial to discuss as a class. They can take the form of comments on other students' discussion points to the extent that they add to the conversation. Please identify the reading to which each item pertains. On-call students should review these discussion points.

Paper

There is one major research assignment for this class which will culminate in a final paper. For undergraduate students, this final paper will be a research design (i.e. a plan for how you could carry out original empirical research in the future). For graduate students, the final paper will be a piece of completed original empirical research. This project will be worth 35% of your overall grade. This is not a book review or a summary of a specific research area. This is not something you will throw together at the last second. Your project should explore a topic in regarding law, policy, and society that interests you. The specific topic of the paper will be of your choosing with my approval.

To help you produce the highest quality work, various assignments pertaining to the project will be due throughout the semester, including the research question and annotated bibliography, literature review, research design, rough draft, presentation, and final draft.

Research Question and Bibliography: You will prepare a single, well crafted research question, and an annotated bibliography with articles or books that you will use in your research. You will meet with me to discuss your research topic during the week of August 24th.

Undergraduate students should include a minimum of 10 sources over at least 5 pages (single spaced).

Graduate students should include a minimum of 15 sources over at least 7 pages (single spaced).

Due Sept. 17th { 5% of your final grade.

Literature Review: A 5 page (double spaced) review of previous scholarly work in your research area. The literature review should not be a sequential discussion of each source that reads like an annotated bibliography. Rather, it should be an integrated piece of writing that shows how the various sources come together to provide explanations for your phenomenon of interest, along with evidence for, critiques of, and challenges to the theories. You will need to produce the review of the relevant literature in a relatively short amount of space.

Thus, it is essential that you synthesis the sources to provide a sophisticated and succinct discussion of the relevant works and concepts.

challenges to the project. Additionally, whenever possible, you should provide suggestions on how to address deficiencies in the paper.

Nov. 12th { 5% of your final grade.

Presentation

A 7 minute presentation providing an introduction and highlights of your project with visual aids followed by a question and answer period.

Nov. 19th { 5% of your final grade.

Examination

The final exam in this class will be a comprehensive exam style question that will ask the student to bring materials read in this course together to provide a cogent response to an important question regarding Law, Policy, and Society. In answering the questions, students will need to integrate the relevant materials in providing a response that demonstrates knowledge of the readings and understanding of the concepts from the course. Answers that cover only a few readings or are only a few pages long are very unlikely to provide a comprehensive responses and receive a high grade. I will provide examples of comprehensive exam style questions and tips for answering such questions in class on Oct. 8th. Additionally, examples from various institutions are available online.

Dec. 1st { 25% of your final grade.

Course Evaluations

Students are required to fill out a course evaluation at the end of the course.

Grading

Your grade for this course will consist of the following components and relative weights:

outdoors on all University property when six feet of distance is unpredictable or cannot be maintained).

Saint Louis University is committed to maintaining an inclusive and accessible environment. Individuals who are unable to wear a face mask due to medical reasons should contact the Office of Disability Services or Human Resources to initiate the accommodation process identified in the University's ADA Policy. Inquiries or concerns may also be directed to the Office of Institutional Equity and Diversity. Notification to instructors of SLU-approved ADA accommodations should be made in writing prior to the first class session in any term (or as soon thereafter as possible).

As the instructor of this course, I shall comply fully with SLU's policy and all related ADA regulations.

Students who attempt to enter a classroom without wearing masks will be asked by the instructor to wear masks prior to entry. Students who remove their masks at any time during a class session will be asked by the instructor to resume wearing their masks.

Note: Accordingly, no consumption of any food will be allowed in class.

Students who do not comply with a request by a SLU instructor to wear a mask in accordance with the University's Interim Policy on Face Masks may be subject to disciplinary actions per the rules, regulations, and policies of Saint Louis University, including but not limited to the Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including any of the following:

- dismissal from the course(s)
- removal from campus housing (if applicable)
- dismissal from the University

To immediately protect the health and well-being of all students, instructors, and staff, instructors reserve the right to cancel or terminate any class session at which any student fails to comply with faculty or staff request to wear a mask in accordance with University policy.

Students are strongly encouraged to identify to their instructor any student or instructor not in compliance. Non-compliance may be anonymously reported via the SLU Integrity Hotline at 1-877-525-5669 (or confidentially via the Integrity Hotline's website at <http://www.lighthouse-services.com/slu>).

Academic Integrity and Honesty

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal

and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern.

The governing University-level Academic Integrity Policy was adopted in Spring 2015, and

student success are available on campus. The Student Success Center assists students with academic-related services and is located in the Busch Student Center (Suite, 331). Students can visit <https://www.slu.edu/life-at-slu/student-success-center/> to learn more about tutoring services, university writing services, disability services, and academic coaching.

Disability Services Academic Accommodations

Students with a documented disability who wish to request academic accommodations must contact Disability Services to discuss accommodation requests and eligibility requirements. Once successfully registered, the student also must notify the course instructor that they wish to access accommodations in the course.

Please contact Disability Services, located within the Student Success Center, at **Disability_services@slu.edu** or 314.977.3484 to schedule an appointment. Confidentiality will be observed in all inquiries. Once approved, information about the student's eligibility for academic accommodations will be shared with course instructors via email from Disability Services and viewed within Banner via the instructor's course roster.

Note: Students who do not have a documented disability but who think they may have one are encouraged to contact Disability Services.

University Writing Services

Students are encouraged to take advantage of University Writing Services in the Student Success Center; getting feedback bene ts write-362(4(write-3b)-27mshared)-(k)-354au-354(wrpiou-354(wl

Course Schedule

What follows is a *tentative* outline of the topics to be covered and when we will cover them. I may modify this schedule as necessary based on the dynamics of this particular class. If the schedule is modified, I will provide you with appropriate notice.

Aug. 20 **Introduction**

Syllabus & Handouts

Sign-up for Topic Meetings

The Connections Between Society and Policy

Aug. 27

The Connections Between Law and Policy

Sept. 10 **Judicial Decisionmaking**

David S. Law, 2009. "A Theory of Judicial Power and Judicial Review." *Georgetown Law Journal* 97:723-801.

Douglass C. North and Barry R. Weingast. 1989. "Constitutions and Commitment: the Evolution of Institutions Governing Public Choice in Seventeenth-Century England." *The Journal of Economic History* 49(4): 803-832.

Oct. 1 **Policy and Outcomes**

Bryan Stevenson. 2015. *Just Mercy*. One World.

Oct. 8 **Policy and Outcomes**

Richard Rothstein. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright.

Comprehensive Exam Examples

Oct. 15 **Research Check-In**

Discuss Paper Projects

The Connections Between Law and Society

Oct. 22 **Interest Groups and the Courts**

Gregory A. Caldeira and John R. Wright. 1990. "Amici Curiae before the Supreme Court: Who Participates, When, and How Much?" *Journal of Politics* 52(3): 782-806.

Lee Epstein and C.K. Rowland. 1991. "Debunking the Myth of Interest Group Invincibility in the Courts." *American Political Science Review* 85(1): 205-217.

Paul M. Collins, Jr. 2007. "Lobbyists Before the U.S. Supreme Court: Investigating the Influence of Amicus Curiae Briefs." *Political Research Quarterly* 60(1): 55-70.

Thomas G. Hansford. 2004. "Information Provision, Organizational Constraints, and the Decision to Submit an Amicus Curiae Brief in a U.S. Supreme Court Case." *Political Research Quarterly* 57(2): 219-230.

Oct. 22 **Public Opinion and the Courts**

Kevin McGuire and James A. Stimson. 2008. "The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences." *Journal of Politics* 66(4): 1018-1035.

Michael W. Giles, Bethany Blackstone, and Richard L. Vining, Jr. 2008. "The Supreme Court in American Democracy: Unraveling the Linkages between Public Opinion and Judicial Decision Making." *Journal of Politics* 70(2): 293-306.

Ben Johnson and Logan Strother. 2018. "The Supreme Court hasn't followed public opinion for 50 years. Why would it start now?" *The Monkey Cage*, Oct. 17, 2018. <https://www.washingtonpost.com/news/monkey-cage/wp/2018/10/17/the-supreme-court-hasnt-followed-public-opinion-for-50-years-why-would-it-start-now/>.

Charles H. Franklin and Liane C. Kosaki. 1989. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83(3): 751-771.

Oct. 29 **Judicial Selection and the Courts**

F. Andrew Hanssen. 2004. "Learning about Judicial Independence: Institutional Change in the State Courts." *Journal of Politics* 66(4): 1018-1035.

Nov. 5 **Judicial Selection and the Courts**

Melinda Gann Hall. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95(2): 315-330.

James L. Gibson. 2008. "Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and 'New-Style' Judicial Campaigns." *American Political Science Review* 102(1): 59-75.

Christine L. Nemacheck. 2012. "Selecting Justice: Strategy and Uncertainty in Choosing Supreme Court Nominees." In Kevin T. McGuire (Ed.). *New Directions in Judicial Politics*. Routledge.

Nov. 12 **Legitimacy and Support**

Gregory A. Caldeira and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(August): 635-664.

Jeremy J. Mondak. 1993. "Institutional Legitimacy and Procedural Justice: Reexamining the Question of Causality." *Law and Society Review* 27: 599-608.

Tom R. Tyler, Jeremy Fagan, and Amanda Geller. 2014. "Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men's Legal Socialization." *Journal of Empirical Legal Studies* 11(4): 751-785.

James L. Gibson and Michael J. Nelson. 2018. *Black and Blue*. Oxford University Press. Excerpt.

Nov. 19 **Implementation and Impact**

Bradley C. Canon and Charles A. Johnson. 1999. *Judicial Policies: Implementation and Impact*. CQ Press. Excerpt

Gerald N. Rosenberg. 2008. *The Hollow Hope*. University of Chicago Press. Excerpt.

Matthew E.K. Hall. 2011. *The Nature of Supreme Court Power*. Cambridge University Press. Excerpt.

Nov. 19 **Presentations**

Research Presentations

Dec. 1 **Finals**

Final Exam, 4:00 - 5:50
