Welcome to *Law, Politics, and Society*. This class is one of two Ph.D. seminars in the judicial politics core. The other is POL 614 (American Judiciary), which covers the literature on judicial behavior and decision making. This class (673) is intended to cover some judicial politics topics related to law, politics, and society. In particular, we’ll cover five big themes in the class: (1) general and classic conceptions of law and legal reasoning (both normative and empirical inquiries); (2) “judicialization” and rights expansion in the U.S. and beyond; (3) the dynamics and development of law and legal processes from both qualitative and quantitative perspectives; (4) the relationship between courts and society (including public perceptions and assessments of judicial institutions and implementation and impact of judicial and legal policies); and (5) trial courts and litigation.

**REQUIRED BOOKS**


**REQUIREMENTS**

1. **Seminar participation** (25%): I have very high expectations regarding seminar participation, which is a core component of the entire course. Participation is what makes a seminar a seminar! I expect students to come to class having carefully read and carefully thought about the assigned readings. Students should be prepared to engage in discussions of the readings. In the event of a lack of participation, I will call on students to discuss and critique the readings in order to stimulate a discussion.
Regarding participation in general, I encourage students to take risks with their class comments. Don’t hold back from participating because you think your comments may sound “dumb.” Take a chance and say what’s on your mind (as long as it relates to class, of course!). Each and every student’s input and impressions are worthy of class discussion.

Also, oftentimes the knee-jerk reaction in seminars is to offer negative commentary about the readings. While we can certainly spend time offering critical commentary of the theoretical and empirical components of the work, let’s try hard to acknowledge explicitly the positive aspects of the research as well. Remember, the research we’ll read has been published, meaning that the people who decided to publish the work thought it had significant intellectual merit.

2. Reaction papers (20%): Before each class, each student will write a short paper in response to the readings for the week. The length of the papers should be between 2 to 3 pages (single-spaced), and they can be very informal, including bullet points of your thoughts on the readings. The papers should include four central components: (1) some general summary observations of each reading; (2) positive impressions about the theoretical and empirical contributions; (3) critical impressions of the theoretical and empirical components, including what you would have done differently; and (4) some questions for class discussion and some research questions that you thought about in response to the work.

3. Seminar leader (10%): Each student will choose one of the classes (there are 12 total) throughout the semester and be the “seminar leader” for that class. The basic requirements of the seminar leader include: (1) offering a very brief overview of the readings (remember, all of us will have already read the material); (2) suggesting both positive impressions and critical impressions of the theory, research design, and empirical findings; and (3) posing questions and leading seminar discussion for the first half of class.

4. Final paper (45%): Each student is required to submit a final paper. Students have two options for this paper.

   **Option 1**: A full-fledged research paper reporting the results of original research. The paper should be written as if it were to be given at a professional conference. It should include a clear explication of the importance of the research question, a characterization of the literature related to the research question, a theoretical framework, a clear explanation of the research design, and an empirical examination of the hypotheses (either quantitative or qualitative) and a discussion of the results. I strongly encourage students to choose this option.

   **Option 2**: A review paper that chooses a theme or topic from class and offers a critical assessment and commentary of the literature on that topic. The paper should go beyond a mere “lit review” and should attempt to offer original arguments and contributions. It could resemble a review piece one might see in the *Annual Review of Political Science* or the “field essays” that used to appear in *Political Research*
Quarterly. Such a paper can offer an assessment on what has been done on the topic (what have we learned? what do we know?), suggest holes in the literature of both the theoretical and empirical varieties (what don’t we know?), offer suggestions on what remains to be done, what new approaches could be taken to advance knowledge on the topic, outline a new theoretical or empirical framework for analyzing questions in the field, etc.

For both paper options, the following benchmarks must be met throughout the semester:

1. Wed., 10/3 (Week 5): Preliminary proposal of your research topic (similar to a conference proposal).
2. Wed., 11/14 (Week 11): A (roughly) 2-page (single-spaced) summary outlining your paper. For the research paper (option 1), this should include a rough outline of your theory, hypotheses, a description of the data you will use, research design and a general sense of what your empirical analysis will look like. For the review paper (option 2), this should include a general outline of the research you will assess and an outline of some of the arguments you will make.
3. Wed., 12/12 (Week 15): Preliminary version of the paper is due. Class members should send the paper to everyone in class. I’ll assign discussants for each paper.
4. Finals week (Mon., 12/17): Mini conference. Each student will give a short presentation of their paper. Each student will be a discussant for a paper. Students should read each paper.
5. Thurs., 12/20: FINAL PAPER DUE

ACADEMIC HONESTY
Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person’s work as your own is always wrong. Any suspected instance of academic dishonesty will be reported to the Academic Judiciary. For more comprehensive information on academic integrity, including categories of academic dishonesty, please refer to the academic judiciary website at:
http://www.stonybrook.edu/uaa/academicjudiciary/

COURSE SCHEDULE
(Note: Optional readings are marked with *)

Week 1 (Wed, 9/5): Course Introduction

I. LAW AND LEGAL REASONING

Week 2 (Wed, 9/12): Conceptions of Law and Legal Reasoning
Carter and Burke (2007), all

II. JUDICIALIZATION AND RIGHTS EXPANSION AROUND THE WORLD

Week 3 (Wed, 9/19): Law, Politics, and Judicialization
Shapiro and Sweet (2002)

Week 4 (Wed, 9/26): The Rights Revolution
Epp (1998)

III. THE DYNAMICS AND DEVELOPMENT OF LAW AND LEGAL PROCESSES

Week 5 (Wed, 10/3): Path Dependence, Structural Breaks, and the Law

Week 6 (Wed, 10/10): Historical Institutionalist and American Political Development
Perspectives on Legal Change
Kersch (2004)

**Week 7 (Wed, 10/17): The Supreme Court’s Treatment of Precedent Over Time**

Hansford and Spriggs (2006), all

**Week 8 (Wed, 10/24): Dynamics of Legal Policy on the Supreme Court**


**IV. THE RELATIONSHIP BETWEEN COURTS AND SOCIETY**

**Week 9 (Wed, 10/31): Public Opinion and the Supreme Court I: Legitimacy and the Bases of Support for the Supreme Court**


**Week 10** (Wed, 11/7): *Public Opinion and the Supreme Court II: The Supreme Court’s Impact on Public Opinion*


**Week 11** (Wed, 11/14): *Implementation and Impact of Judicial Policies I*

Canon and Johnson (1999), all


**Week 12** (Wed, 11/21): *Implementation and Impact of Judicial Policies II*

Rosenberg (1991)


**V. LITIGATION AND TRIAL COURTS**

**Week 13** (Wed, 11/28): *Varieties of Bias Associated with Litigation Outcomes and Trial Courts*


**Week 14** (Wed, 12/5): *Work on papers – NO CLASS*

**Week 15** (Wed, 12/12): *PRELIMINARY VERSIONS OF PAPER DUE – Seminar Wrap-Up*

**FINALS WEEK** (Mon, 12/17): *Mini Conference: Presentation and Discussion of Papers*

Final paper due Thursday, Dec. 20.