PSC 8215: LAW, POLITICS, AND SOCIETY
Department of Political Science ● George Washington University
Spring 2012 ● Wednesdays, 3:30 – 5:30pm ● Monroe Hall B35

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Office hours: Open-door policy for graduate students

COURSE DESCRIPTION
Welcome to Law, Politics, and Society. This class is one of two judicial politics Ph.D. seminars. We’ll cover two big themes in the class: (1) the dynamics and development of law and legal processes from both qualitative and quantitative perspectives, and (2) the relationship between law/courts and society (including public perceptions and assessments of judicial institutions and implementation and impact of judicial and legal policies).

REQUIRED BOOKS

LEARNING OUTCOMES:
1. Possess a comprehensive understanding of various theoretical and empirical perspectives on law, legal change, and the relationship between courts and society.
2. Be able to critically evaluate the literature.
3. Become accustomed to searching for and reading additional work not assigned in class that relates to the assigned readings.
4. Develop research questions related to the work read and write critical commentary of the work.
GRADING

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. **Discussion Questions (10%)**: Before each class, each student will submit some questions (to the entire class) for class discussion and some research questions that you thought about in response to the work. So that we can all have a chance to review these questions before class, please submit these questions via email by 12:00pm on the day of class.

3. **Seminar leader (15%)**: Each student will choose two of the classes throughout the semester and be the “seminar leader” for those classes. 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 (at least) the first half of class.

4. **Final paper (50%)**: 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 or prepared for journal submission. 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.

   **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. While you will assess numerous readings that were not assigned in class, 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 the 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. Friday, March 9: Preliminary proposal of your research topic (similar to a conference proposal).
2. Friday, April 13: A (roughly) 1 to 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. **FINAL PAPER DUE MONDAY, MAY 14**

**CLASS POLICIES**

*University Policy on Religious Holidays:*
- 1. Students should notify faculty during the first week of the semester of their intention to be absent from class on their day(s) of religious observance;
- 2. Faculty should extend to these students the courtesy of absence without penalty on such occasions, including permission to make up examinations;
- 3. Faculty who intend to observe a religious holiday should arrange at the beginning of the semester to reschedule missed classes or to make other provisions for their course-related activities.

**ACADEMIC INTEGRITY**

I personally support the GW Code of Academic Integrity. It states: “Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information.” For the remainder of the code, see: [http://www.gwu.edu/~ntegrity/code.html](http://www.gwu.edu/~ntegrity/code.html)

**SUPPORT FOR STUDENTS OUTSIDE THE CLASSROOM**

**DISABILITY SUPPORT SERVICES (DSS)**

Any student who may need an accommodation based on the potential impact of a disability should contact the Disability Support Services office at 202-994-8250 in the Marvin Center, Suite 242, to establish eligibility and to coordinate reasonable accommodations. For additional information please refer to: [http://gwired.gwu.edu/dss/](http://gwired.gwu.edu/dss/)

**UNIVERSITY COUNSELING CENTER (UCC) 202-994-5300**

The University Counseling Center (UCC) offers 24/7 assistance and referral to address students' personal, social, career, and study skills problems. Services for students include:
- crisis and emergency mental health consultations
- confidential assessment, counseling services (individual and small group), and referrals
  
  [http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices](http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices)

SECURITY
In the case of an emergency, if at all possible, the class should shelter in place. If the building
that the class is in is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location.

COURSE SCHEDULE

Week 1 (Wed, 1/18): Course Introduction

PART I: LAW, LEGAL POLICY, AND LEGAL CHANGE

Week 2 (Wed, 1/25): Law and Legal Reasoning

Week 3 (Wed, 2/1): Thinking About Legal Dynamics

Week 4 (Wed, 2/8): The Rights Revolution
- Epp (1998)

Week 5 (Wed, 2/15): American Political Development and Legal Change


**Week 6** (Wed, 2/22): *The Supreme Court and Legal Change*

• Epstein and Kobylka (1992)


**Week 7** (Wed, 2/29): *The Supreme Court’s Treatment of Precedent Over Time*

• Hansford and Spriggs (2006)

**Week 8** (Wed, 3/7): *Courts and Policymaking*

• Howard and Steigerwalt (2011)

**NO CLASS ON 3/14 – SPRING BREAK **

**Week 9** (Wed, 3/21): *The Litigation State*

• Farhang (2010)

**PART II: THE RELATIONSHIP BETWEEN LAW/COURTS AND SOCIETY**

**Week 10** (Wed, 3/28): *Race and Perceptions of the Justice System*

• Peffley and Hurwitz (2010)


• Tyler (2006)

**Week 12** (Wed, 4/11): *Public Perceptions and the Legitimacy of the U.S. Supreme Court*


**Week 13 (Wed, 4/18): Judicial Power and Impact**


• Staton, Jeffrey K. 2010. *Judicial Power and Strategic Communication in Mexico*. Cambridge University Press. [specific chapters TBA]

**Week 14 (Wed, 4/25): Implementation of Legal Rights**

• Epp (2010)