

## WWS 333/SOC 326: LAW, INSTITUTIONS AND PUBLIC POLICY

PAUL STARR  
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### Course Information

#### Instructors

**Paul Starr** is professor of sociology and public affairs at Princeton University and holds the Stuart Chair in Communications at the Woodrow Wilson School. His interests include institutional analysis, political sociology, and the sociology of knowledge, technology, and information, especially as they bear on questions of democracy, equality, and freedom. Professor Starr has written three books about health care institutions and policies: *The Social Transformation of American Medicine* (1983), which won the Bancroft Prize (American History), C. Wright Mills Award (Sociology), and Pulitzer Prize (General Nonfiction); *The Logic of Health Care Reform* (1992); and *Remedy and Reaction: The Peculiar American Struggle over Health-Care Reform* (2011, revised ed. 2013). He is also the author of *The Creation of the Media: Political Origins of Modern Communications* (2004) and numerous articles about current changes in the media and public sphere. At Princeton, he serves on the American Studies committee and the Program in Law and Public Affairs. Outside the university, he is co-founder and co-editor of *The American Prospect* and writes on public issues for a general audience.

**Jason Windawi** is a third-year graduate student in sociology. His academic interests include risk, complexity, and governance in economic institutions, as well as economic and organizational sociology more broadly. Prior to joining the program, he was an advisor to some of the largest institutional investors in the United States, United Kingdom, and Europe. He holds degrees from Stanford University and Columbia University.

#### Guest lecturers

**Paul Frymer**, associate professor of politics at Princeton, is the director of the Program in Law and Public Affairs (LAPA). He is the author of *Uneasy Alliances: Race and Party Competition* and *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party*.

**Kim Lane Scheppele** is Laurence S. Rockefeller Professor of Sociology and Public Affairs in the Woodrow Wilson School and the University Center for Human Values, as well as the former director of the Program in Law and Public Affairs. She came to Princeton in 2005 from a position as the John J. O'Brien Professor of Comparative Law at the University of Pennsylvania Law School, where she taught law students for a decade. Her fields of interest are comparative constitutional law (the constitutional law of other countries), terrorism, political transitions, evidence and the sociology of law.

## Requirements

Students should do the readings before class and be prepared to participate in both lectures and precepts. Besides taking part in general discussion, students will make two oral presentations in precepts (see below).

The written work for the course consists of two short memos and a term paper of approximately 2,500-3,500 words. A paragraph describing the topic for the paper is due by email to the preceptor on the Monday after the midterm break; students should plan to meet with the preceptor to discuss the topic and possible sources. Papers are due on May 9.

The midterm exam will take place in class on March 9 and consist of two short IDs and one essay (there will be a choice of two questions on the essay). The final will have the same format, but it will be somewhat longer. It will refer to material in both halves of the semester, though weighted toward the second.

## Precept Presentations and Written Memos

Students will be asked to submit two written memos and to present them orally at precepts during the semester. The memos will be due each week the day before the precept when presentation is to take place. One of these memos/presentations will be about readings for that week; the other will be about a landmark legal case. The memo on the readings should be about 500 words; students should be prepared to talk 3-5 minutes to present their views. The case memo should be about 750 words; students should be prepared to teach the class about the case in a presentation of about 5-7 minutes.

During the first precept, students will have an opportunity to submit their top three choices for case memos (from the list that appears below). The preceptor will then post on Blackboard the assignments for both case and reading memos. Seniors are encouraged to volunteer for assignments in the first few weeks to avoid conflicts with senior thesis deadlines. **Memos should be e-mailed to the preceptor by 6 p.m. the day before the presentation.**

To write on a legal case, students should read the opinion (or the excerpts in the casebook listed below). To find the cases, go to [Lexis](#) (which you can access only inside the university or through another licensed account), click on "Legal Research," then "Get a Case," and enter the appropriate information. Your memo should state concisely the issues at stake, the relevant facts of the case, and the decision as well as its significance. It should show some evidence you've read the original text of the decision.

The reading memo should be a concise statement of a theme, argument, or problem raised by one or more of the assigned readings (or a subset of them, as the preceptor may indicate). Before writing their memos, students should do **all** of the relevant readings, even if the memo primarily addresses only one of them. Rather than just summarizing readings, memos should identify a question, develop an idea, or take a position. Students should be prepared to kick off a discussion in class about the points they make.

## **Schedule for Precept Presentations**

**Week 1. No precepts.**

**Week 2. The variety of institutions; institutional analysis and legal systems.**

**Week 3. Political institutions: state-building, the nation-state, and constitutionalism**

2 reading memos

**Week 4. Democracy and law**

2 reading memos

4 cases on legislative districting and gerrymandering for individual presentation:

*Baker v. Carr* 369 U.S. 186 (1962)

*Reynolds v. Sims* 377 U.S. 126-186.. 533 (1964)

*Karcher v. Daggett* 462 US. 725 (1983)

*Vieth v. Jubelirer* 541 U.S. 267 (2004)

Excerpts from decisions and background on cases to be found in: Issacharoff, Karlan, and Pildes, *Law of Democracy*, 126-186, 788-827 (see “Course Materials” on Blackboard). Students who do one of these presentations are encouraged to meet together in advance with the professor and work as a group.

**Week 5. Legal institutions**

2 memos about readings on courts, lawyers, and juries

2 cases on judicial review for individual presentation:

*Marbury v. Madison* 5 U.S. (1 Cranch) 137 (1803)

*Chevron USA v. Natural Resources Defense Council* 467 U.S. 837 (1984)

**Week 6: precepts will serve as review sessions for midterm.**

**Week 7. The public-private boundary**

2 reading memos (one on readings about property; one on readings about privacy)

2 cases on property for individual presentation:

*Charles River Bridge v. Warren Bridge* 36 U.S. 420 (1837)

*Kelo v. City of New London* 545 US 469 (2005)

1 case on privacy for individual presentation:

*Bartnicki v. Vopper* 532 US 514 (2001)

## **Week 8. The institutions of capitalism and sources of economic growth**

Up to 2 reading memos

2 cases for individual presentation:

*Lochner v. New York* 198 US 45 (1905)

*Wickard v. Filburn* 317 US 111 (1942)

## **Week 9. Politics, technology, and constitutive choice: the case of communications.**

1 reading memo

3 cases on freedom in communication for individual presentation:

*Sullivan v. New York Times*, 376 U.S. 254 (1964)

*Universal City Studios, Inc. et al. v. Sony Corporation of America Inc.*

["Betamax Case"] 464 US 417 (1984)

*Reno v. ACLU*, 521 U.S. 844 (1997)

## **Week 10. Civil society and religion**

2 reading memos

1 case for individual student presentation:

*Torcaso v. Watkins*, 367 U.S. 488 (1961)

## **Week 11. Institutional formation and restructuring: the case of health care**

2 reading memos

Up to 3 individual student presentations (1 for Roberts opinion; 1 for Ginsburg opinion; 1 for dissenting conservative justices):

*National Federation of Independent Business v Sebelius* 567 US\_ (2012)

## **Week 12. Contemporary institutional change**

2 reading memos

1 case for individual student presentation:

*Citizens United v. Federal Election Commission* 558 U.S. 310 (2010).

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