

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

PAUL STARR
SPRING 2017

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) and will be reissued in 2017 with a new epilogue; *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 *Freedom's Power: The History and Promise of Liberalism* (2008). At Princeton, he serves on the Program in Law and Public Affairs and the American Studies committee. Outside the university, he is co-founder and co-editor of *The American Prospect* and writes on public issues for a general audience.

Jeremy Cohen is a second-year graduate student in sociology. Before coming to Princeton, he was a research associate at the Council on Foreign Relations in Washington, DC, where he contributed research to a biography of former Federal Reserve Chairman Alan Greenspan and to projects on sovereign debt and financial sanctions. His research interests are primarily in economic sociology, particularly the sociology of finance, financialization, risk, and the governance of markets.

Simone Zhang is a second-year graduate student in sociology. Before coming to Princeton, she conducted research on neighborhoods, K-12 education, and affordable housing at the Urban Institute in Washington, DC. She also contributed to an evaluation of the World Bank's investments in higher education in developing countries. Her interests are in social stratification, organizational behavior, education, and cities.

Guest lecturer

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*.

Requirements

Students should do the readings before class and be prepared to participate in both lectures and precepts. The written work for the course consists of two short memos and a term paper of approximately 2,500-3,500 words. Each of these assignments is to be presented orally in precepts as well as in writing. All writing assignments are to be submitted electronically in Word, not as PDFs.

The midterm exam will take place in class on March 15 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.

No laptops or other devices should be open during precepts. Students are welcome to take notes the old-fashioned way – on paper. At the beginning of every week, a list of key concepts and terms in that week's readings and lectures will be posted on Blackboard. Students are encouraged to download those "Look-for-Listen-for Lists," to bring them to lecture and precept, and to ask about any terms that need more explanation or discussion.

Writing Assignments and Precept Presentations

A list of potential topics for term papers will be distributed in the third week, but students may ask to write on an unlisted topic that is related to the general issues raised in the course. In framing a paper, students should clarify how the immediate subject bears on more general questions about law and institutions; all papers should cite one or more of the various theoretical perspectives and conceptual frameworks introduced in readings and lectures. 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 or professor to discuss the topic and possible sources. During the final two sessions of precepts, students will be asked to make a preliminary presentation of the paper to get feedback from the entire group. Final papers are due on May 15.

Each of the two memos will be due in writing to the preceptor the day before the precept when it is to be presented orally. 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 and to respond to questions. The case memo should be about 750 words; students should be prepared to teach the case and answer questions about it 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.**

In writing on a legal case, it is essential to read the court's opinion as well as any dissents; all memos should provide at least one direct quotation from the text. 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 context and relevant facts of the case, and the court's holding as well as its significance. Unlike law-school briefs, our discussion of cases should highlight more of the historical and social context.

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 a memo, students should do **all** 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

1 reading memo

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)

McCulloch v. Maryland 17 U.S. 316 (1819)

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

Week 7. The public-private boundary

1 reading memo

3 cases on property and corporations for individual presentation:

Dartmouth College v. Woodward 17 U.W. 518 (1817)

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

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

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

1 reading memo

3 cases for individual presentation:

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

Lochner v. New York 198 US 45 (1905)

United States v. Carolene Products Co. 304 U.S. 144 (1938)

Week 9. Labor and Employment

2 reading memos

Week 10. Institutional formation and restructuring: the case of health care

2 reading memos

one or more presentations:

National Federation of Independent Business v Sebelius 567 US_ (2012)

Week 11. Civil society and religion

2 reading memos

First term-paper presentations

Week 12. Contemporary institutional change

Term-paper presentations

[last revised January 20, 2017]