

## 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, updated edition, 2017), 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 *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 third-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.

#### Guest lecturer

**Paul Frymer**, 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 14 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 words and questions related to 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 14 (the day before Dean's Date).

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 a memo taking an assigned position in a debate, often about a specific legal issue. 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 debate memo should be about 750 words; students should be prepared to argue their side, regardless of whether it reflects their own beliefs.

During the first precept, students will have an opportunity to submit their top three choices for debates from the list that appears below. The preceptor will then post on Blackboard the assignments for both reading and debate 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. 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.

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. The variety of institutions**

No assignments for first week

### **Week 2. Institutional analysis and the law**

2 reading memos

### **Week 3. Political institutions: nation- and state-building, legal systems, constitutionalism**

2 reading memos

### **Week 4. Democracy, law, and rights**

1 reading memo; 2 debate memos:

*Debate: In pending cases (Gill v. Whitford and Benisek v. Lamone) should the Supreme Court strike down partisan redistricting plans in Wisconsin and Maryland?*

2 additional background memos on key cases on legislative redistricting:

1) *Baker v. Carr* 369 U.S. 186 (1962) and *Reynolds v. Sims* 377 U.S. 126-186.. 533 (1964)

2) *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).

### **Week 5. Legal institutions**

2 reading memos; 2 debate memos:

*Debate: Should companies be able to require employees to submit claims about discrimination and sexual harassment to arbitration?*

Background: Jacob Gershman, "[As More Companies Demand Arbitration Agreements, Sexual Harassment Claims Fizzle](#)," *Wall Street Journal*, January 25, 2018.

**Week 6: Precepts canceled (as they would take place after the midterm).**

**Week 7. Institutions and economic growth**

2 reading memos; 2 debate memos on a legal case

*Debate: Should the state be able to use its power of eminent domain for purposes of economic growth?*

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

**Week 8. Institutions and innovation**

1 reading memo; 2 debate memos

*Debate: Should government extend or limit intellectual property rights to encourage transformative innovation?*

**Week 9. Institutional change and inequality**

2 reading memos

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

**1 reading memo; 2 debate memos**

*Debate: Should the Supreme Court have ruled the Affordable Care Act unconstitutional?*

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

**Week 11. Civil society and religion**

1 reading memo

First term-paper presentations

**Week 12. Democratic backsliding and breakdown**

**2 debate memos**

*Debate: is American democracy in danger?*

Term-paper presentations

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