

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. Outside the university, he is co-founder and founding co-editor of *The American Prospect* magazine and writes on public issues for a general audience. 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. His most recent book is *Entrenchment: Wealth, Power, and the Constitution of Democratic Societies* (2019). 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.

Sophie Moullin is a PhD Candidate in sociology and social policy. Between 2008 and 2010, she was a Senior Policy Advisor in the UK Prime Minister's Strategy Unit, working on a range of domestic policy issues. She came to the United States as a Fulbright Scholar at Columbia University before starting her doctoral work at Princeton. Her research interests are in inequality, culture, economic sociology, and welfare states.

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

Oral participation, presentations, and written work: Do the readings before class and be prepared to participate in both lectures and precepts. The written work for the course consists of (a) two short memos and (b) a term paper of approximately 2,500-3,500 words. You'll be asked to present the gist of each of the memos orally in precepts as well as in writing. You'll also be asked to make a short, preliminary presentation of your

paper in the final precept of the semester. *Submit all writing assignments electronically in Word, not as PDFs.*

Exams: The midterm exam will take place in class on March 11 and consist of two short IDs and one essay (there will be a choice of two essay questions). 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 it will be weighted toward the second.

Rules for precepts and lectures: No laptops or other devices should be open during precepts. You're 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. Please download these "Look-for-Listen-for Lists" and ask about any terms that need more explanation or discussion.

Writing Assignments and Precept Presentations

Topics for term papers need to be related to the issues in the course. In framing a paper, students should clarify how the immediate subject bears on more general questions about law, institutions, and policy. 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 Tuesday, March 24; you should plan to meet with the preceptor or professor to discuss the topic and possible sources. **Final papers are due on May 11.**

Each of the two memos will be due in writing to the preceptor **no later than 6 p.m. on 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; you should be prepared to talk 3-5 minutes and to respond to questions. The debate memo should be about 750 words; you should be prepared to argue the side you've been assigned, regardless of whether it reflects your own beliefs.

During the first precept, you will have an opportunity to submit your 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.

A memo should be a concise statement of a theme or problem you see in the assigned readings or an argument of your own in response to them. Before writing a memo, do all the 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. You should be prepared to present the gist of that memo in the seminar and to kick off a discussion on the subject.

Schedule for Precept Debates

Week 1. Public versus private ordering of institutions

Do readings. No written assignments for first week

Week 2. Institutional analysis and law

Reading memos only

Week 3. Political institutions: states, nations, legal systems

Reading memos only

Week 4. Democracy and rights

Debate: Should partisan gerrymandering be declared unconstitutional by the federal or state courts?

2 debate memos, pro and con.

2 background memos on key cases on legislative redistricting:

1) *Baker v. Carr* (1962) and *Reynolds v. Sims* (1964)

Excerpts from decisions and background on cases to be found in:

Issacharoff, Karlan, and Pildes, *Law of Democracy*, 126-163 (see “Law of Democracy Redistricting 1960s” in “Course Materials” on Blackboard).

2) *Rucho v. Common Cause*, No. 18-422; *Lamone v. Benisek*, No. 18-726; and *Common Cause v. Lewis* (North Carolina). See Adam Liptak, [“Supreme Court Bars Challenges to Partisan Gerrymandering,”](#) New York Times, June 27, 2019; Background on North Carolina state case: [Common Cause v. Lewis](#).

Week 5. Rights, civil society, and the limits of state authority

2 reading memos; 2 debate memos

Debate: Should corporations have the right to spend money from their treasuries in political campaigns? (Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)). See also the assigned reading from Winkler, *We the Corporations*.

Week 6: Precepts canceled.

Week 7: Judicial institutions

Reading memo; 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 8. Institutions and economic growth

Reading memos only

Week 9. Property rights and innovation

Reading memo

Debate: Should government extend or limit intellectual property rights to encourage transformative innovation? Eldred v. Ashcroft, 537 U.S. 186 (2003).
See also: Lessig, *Free Culture*.

Week 10. Institutional change and inequality

Reading memo, 2 debate memos

Debate: Should Uber drivers have the rights of employees?

Week 11. Monopoly power, platforms, and the rise of surveillance capitalism

Reading memos

Debate: Should Amazon be broken up?

Week 12. Democratic backsliding and breakdown

Term-paper presentations

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