

LAW, POLITICS, AND SOCIETY

L32-358

Fall Semester, 2010-2011

Dr. J. L. Gibson

Sidney W. Souers Professor of Government

This course is an introduction to the functions of law and the legal system in American society. The course material will stress the realities of the operation of the legal system (in contrast to legal mythology), as well as the continuous interactions and feedbacks between the legal and political systems. There are four specific objectives to the course: (1) to introduce you to legal concepts and legal theories; (2) to analyze the operation of the appellate courts, with particular emphasis on the U.S. Supreme Court; (3) to examine the operation of American trial courts, especially juries and the criminal courts; and (4) to investigate the linkages between culture and law.

There will be one midterm examination and a final exam. Each of the exams will constitute 30 percent of your final grade. You are also required to write a research paper within one of the topic areas listed above. This paper will constitute 30 percent of your grade. The remaining 10 percent of your final grade will be based on class participation and miscellaneous assignments. The final exam will take place during the time slot allocated by the university to this course (Tuesday, December 21, 2010, 6:00 p.m. – 8:00 p.m.).

You are strongly encouraged to attend class, and to have completed the reading assignment prior to class. Because exams will stress material presented in class, you cannot do well in this course without regularly attending class. You are responsible for all class material and assignments regardless of whether you are present. Should you be absent, you should make arrangements to get access to another student's notes. I reserve the right to use pop-quizzes to ensure that the reading assignments are being completed.

MISSING EXAM POLICY: There will be no make-up exams unless you give me 24 hours advance notice of a legitimate university function which prevents you from taking the exam, or provide written documentation of a medical excuse or other emergency which prevents you from taking the exam. You will receive a failing grade (0) for all missed exams for which there is not adequate documentation. Only one make-up will be given, and it will be scheduled at my discretion.

No "Incompletes" will be given in this course. You must complete all of the assignments by the end of the semester. I also observe all university drop deadlines. You should familiarize yourself with the university's rules on ethics, academic misconduct, and plagiarism. You should review the university's policy at <http://www.wustl.edu/policies/undergraduate-academic-integrity.html>. I strictly adhere to these rules.

My office hours are Tuesday 8:00 – 9:00, and Thursday 12:00 pm – 1:30 pm, and by appointment (I am on campus virtually every day). My office is 170 Seigle Hall. My office telephone number is 935-5897, and my email address is jgibson@wustl.edu

Readings for this course have been assigned from two books, both of which are available at the Bookstore. In addition, a few readings are available on E-RES.

Bonsignore, John J., et al. 2006. *Before the Law: An Introduction to the Legal Process*. **Eighth** Edition.

Boston: Houghton Mifflin Company.

Carp, Robert A., and Ronald Stidham. 2001. *The Federal Courts*. Fourth Edition. Washington, DC: Congressional Quarterly Books.

ERES material

Gibson, James L., Gregory A. Caldeira, and Vanessa Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92 (#2, June): 343-358.

Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. "The Supreme Court and the U.S. Presidential Election of 2000: Wounds, Self-Inflicted or Otherwise?" *British Journal of Political Science* 33 (#4, October): 535-556.

Republican Party of Minnesota, et al. v. Suzanne White, Chairperson, Minnesota Board of Judicial Standards, et al.. 2002. 536 U.S. 765.

Gibson, James L., and Gregory A. Caldeira. 2010. "Judicial Impartiality, Campaign Contributions, and Recusals: Results from a National Survey." Unpublished paper, Washington University in St. Louis.

READING ASSIGNMENTS

| <u>Date</u> | <u>Topic</u> | <u>Reading</u> |
|---------------|---|---|
| 8/31 – 9/2 | Introduction to the Course, to the Supreme Court | Carp & Stidman, Ch. 1 |
| 9/7 – 9/9 | Introduction: Democratic Theory, Institutional Design Basic Legal Concepts and Principles | Bonsignore, Part 1, Section 1 |
| 9/14 – 9/16 | Decision Making & Legal Reasoning | Bonsignore, Part 1, Sections 2 Carp & Stidman, Ch. 2 |
| 9/21 – 9/23 | Legitimacy Theory | |
| | Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. “The Supreme Court and the U.S. Presidential Election of 2000: Wounds, Self-Inflicted or Otherwise?” <i>British Journal of Political Science</i> 33: (#4, October): 535-556. | |
| | Gibson, James L., Gregory A. Caldeira, and Vanessa Baird. 1998. “On the Legitimacy of National High Courts.” <i>American Political Science Review</i> 92 (#2, June): 343-358. | |
| 9/28 – 9/30 | Structure & Process in the Judicial System Selection Systems | Carp & Stidman, Ch. 3 <i>Republican Party of Minnesota v. White</i> |
| 10/5 – 10/7 | Behavioral Approaches to Decision Making | Bonsignore, Part 1, Sections 4 Bonsignore, Part 1, Section 5 — Introduction, 5.6 Carp & Stidman, Ch. 5 |
| 10/12 | <u>Paper Topic Due</u> | |
| 10/12 | Preparation and Review for Exam | |
| 10/14 | <u>Midterm Exam</u> | |
| 10/19 – 10/21 | Introduction to Trial Courts, Crime, Criminal Justice | Bonsignore, Part 2, Section 10 |

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| 10/26 – 10/28 | Criminal Justice/Plea Bargaining Due Process | Carp & Stidman, Ch. 4 Bonsignore, Reading 18.4 |
| 11/2 – 11/4 | Judges & Prosecutors | |
| | Gibson, James L., and Gregory A. Caldeira. 2010. "Judicial Impartiality, Campaign Contributions, and Recusals: Results from a National Survey." Unpublished paper, Washington University in St. Louis. | |
| 11/9– 11/11 | Juries: History & Role | Bonsignore, Part 4, Section 14-15 |
| 11/16 | <u>Paper Outline Due</u> | |
| 11/16 – 11/18 | Juries: Truth Finding & Political Roles | Bonsignore, Part 4, Section 16-17 |
| 11/23 | Juries: Truth Finding & Political Roles | Bonsignore, Part 4, Section 16-17 |
| 11/30 – 12/2 | Lawyers and the Allocation of Justice | Bonsignore, Part 3, Section 13 |
| 12/7 | Lawyers: History & Organization Proposed Reforms of the Civil & Criminal Courts | Bonsignore, Part 3, Section 11 |
| 12/9 | Last Day of Class/Review for Exam | |
| 12/9 | <u>Final Paper Due</u> | |
| 12/21 | <u>Final Exam</u> | Tuesday, December 21, 6:00 p.m. – 8:00 p.m. |

**Law, Politics, and Society
Semester I, 2010/2011
Paper Assignment**

Nearly one-third of your grade for this course is based on a required research paper. The paper should be typed and should be between 10 and 13 pages of text (double-spaced). You should spend as

much space as is necessary to produce a good paper. Footnotes and references/bibliography should be used and you must adopt a style manual to guide in the preparation of your paper. The particular manual must be cited in your bibliography. Excessive (more than a few) typographical and spelling errors will be severely penalized, but corrections made by hand on the final copy of your typed paper are acceptable.

The paper is due on December 9. On October 12, a title and a short descriptive paragraph are due. On November 18, a detailed outline with a bibliography is due. The bibliography must include at least seven references, at least two of which must be from law reviews. Both the descriptive paragraph and the outline must be typed. Papers not written in satisfactory English will be returned ungraded. These may be revised and resubmitted. Late papers will be penalized one letter grade per day, and no paper will be accepted after the final exam.

The subject matter of your paper must pertain to some aspect of law and society, but otherwise there are few restrictions on the types of paper you might select. The most important attribute of your paper is not subject matter; instead, it will be graded mainly on the quality of your analysis of the problem. I am not interested in your opinions on the issue you chose to consider, but instead want you to provide an analysis of the existing literature and arguments relevant to the problem. Your analysis should be comprehensive, which of course means that you must select a fairly narrow topic. "Free Speech" would be too broad; an analysis of "hate speech" restrictions on free speech would not be too broad. To reiterate: the quality of your analysis of the problem is the most important attribute of your paper.