

# Political Science 4171/5171

## Law, Policy, Society

Spring 2023 v2

Xavier Hall, Room 234  
Wednesday, 4:15 - 7:00

### Instructor Information

Morgan L.W. Hazelton, J.D., Ph.D.

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North Campus:

Office: McGannon Hall, Room 153

Office Hours: Wednesday, 2:30 to 3:30 or by appointment.

Law School:

Office: Scott Hall, Room 848

Office Hours: Monday, 9:00 to 10:00 or by appointment.

### Course Description

#### Catalog Description

Law, Policy, Society examines the complexities and concerns in social science and legal understandings of the relationship between law and society. We will focus on law and legal processes and the relationship between law/courts and society.

## Additional Description

When, how, and why do judges make policy? To what extent do different groups affect change through the courts? Does public opinion influence judges? How do legislation and other policy influence who sues and wins? To what extent does the legal system enforce or disrupt inequalities in society? In this course, we will consider these questions and more as part of our inquiry into the relationships among law, policy, and society. While some other courses explore the development of the law and the choices judges make, this course specifically is focused on how courts interact with society at large. This course meets the Social Science core curriculum requirement for the College of Arts & Sciences.

## Learning Outcomes & Course Objectives

### Undergraduate

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

### Learning Outcomes

- use conceptual tools and methodologies to analyze and understand their social world in the context of law and policy.

- think and write critically about human behavior and community in the context of the interactions among law, policy, and society.

- understand various methodological approaches used by social scientists to study law, policy, and society.

- act in their world more effectively and become forces for positive change.

- understand human diversity and its impact on law, policy, and society.

### Course Objectives

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## Graduate

This course is designed to help students broaden their knowledge, skills, and values so that they will be able to:

### Learning Outcomes

evaluate, critique, and synthesize competing theoretical explanations in law, policy, and society.

construct and present arguments and evidence clearly in written work.

produce original research that investigates legal and policy processes pertaining to the United States in a methodologically-sound and persuasive manner and contribute to ongoing scholarly debates.

analyze the values that inform the connections among law, policy, and society.

### Course Objectives

describe the relationships among law, policy, and society.

critique and assess scholarly theories and evidence.

discuss and defend ideas orally.

engage in meaningful and productive dialogue with others.

present the results of their research.

produce a comprehensive review of the scholarly literature

construct and present arguments and evidence clearly in essay exam answers and original research

## Requirements and Evaluation

### Class Participation & Attendance

#### Absences

Class participation is an essential part of this class, and, thus, your attendance is very important. If you must miss class for a legitimate reason, such as illness, family emergency, or University-sponsored activity, you should contact me via email as soon as possible (which means at least one hour before the missed class whenever possible). The most important factor is communicating to me your need for an excuse. If you have more than one unexcused

absences, your class participation grade, which is worth 10% of your final grade, will be lowered by 5% for each additional day. For example, if you have three total unexcused absences, your class participation grade will be no more than 0% (of the total 10%) and your overall grade in the class can be no more than 90%.

Additionally, students will be assigned days where they will lead discussion regarding the materials and concepts. These students will be provided with the discussion points from the other students to assist them in guiding our analysis of the readings. On-call days will collectively be worth 10% of your final grade.

Discussion is an essential part of the learning process during which we deepen our understanding of the material, draw conceptual connections, and apply theoretical and legal frameworks to new scenarios. You are expected to be prepared to discuss the assigned materials every class. Students will be graded on their participation based on well reasoned answers, taking part in conversations, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, remain civil with and respectful to all members of the class at all times.

## Distance Education Etiquette

Your actions in distance education contexts are just as important as in on-ground, face-to-face educational contexts - and sometimes require additional attention and commitment, as some distance education technologies might be less familiar to us. Accordingly, all students are expected to follow the guidelines below:

### Synchronous Video Contexts (Zoom, etc.)

Mute your microphone when you are not speaking. Remember to "un-mute" yourself just prior to speaking. Identify yourself when you begin speaking.

Expect a few seconds of delay in getting a response from the instructor or another class member to a question; wait before repeating your question or assuming it was not heard.

If possible, position your camera such that your video feed does not capture too much of your surroundings or other activity/sound from your home/location. Be conscious of posters, art, or other surroundings that others might find offensive or inappropriate for an educational context.

Use the "Raise Hand" and "Chat" (or similar) features of your video-conferencing tool. This limits verbal interruptions and the confusion generated when multiple people try to speak at once.

Just as in an on-ground, face-to-face class, limit side conversations, multi-tasking (on your computer or otherwise), and use of your cellphone.

Temporarily turn off your video feed and mute your microphone when engaged in any non-class conversation or activity.

Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class' diversity in race, ethnicity, religion, disabilities, gender, sexual orientation, age, social class, marital status, geography, etc. Consider the diversity you can see or know - as well as that you cannot.

Remember that video-based class sessions (including chat transcripts) may be recorded and retrieved for later viewing.

Non-Video & Asynchronous Contexts (Canvas, Canvas, Online Chats, Discussion Boards, etc.)

When using the "Chat" or "Discussion Board" (or similar) features of your course management system, remember that your course-related communications to the instructor or other students should be considered "professional" (they are not like texts to your friends). Remember that course context and all related written work - including chat and discussion board transcripts - can be recorded and retrieved.

Be cautious when using humor or sarcasm; without the context of facial expressions or other body language, your tone or intent could be missed or misunderstood by others.

Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class' diversity in race, ethnicity, religion, disabilities, gender, sexual orientation, age, social class, marital status, geography, etc. Consider the diversity you can see or know - as well as that you cannot.

Respect others' time and life circumstances, which often don't allow for an immediate response to a question or comment.

## Assignments

All assignment should be typeset in 12-point Times New Roman font with 1-inch margins. They are due via Canvas.

Students will be penalized 10% per day on late assignments. Finc6viinc6vi. ins.

Students will be graded on the assignments in keeping with expectations for student work at the level at which the student registered for the course (undergraduate or graduate).

### Discussion Points

In order to focus your reading of the material and enhance classroom discussion, for each class you will produce 6-8 discussion points. These discussion points are due 24 hours before class (Tuesday at 4:15 ) and should be submitted via Canvas. These items should include questions, comments, and challenges regarding the readings that you believe would be beneficial to discuss as a class. They can take the form of comments on other students' discussion points to the extent that they add to the conversation. Please identify the reading to which each item pertains. On-call students should review these discussion points.

### Paper & Presentation

There is one major research assignment for this class which will culminate in a final paper. For undergraduate students, this final paper will be a research design (i.e. a plan for how you could carry out original empirical research in the future). For graduate students, the final paper will be a piece of completed original empirical research. This project will be worth 35% of your overall grade. This is not a book review or a summary of a specific research area. This is not something you will throw together at the last second. Your project should explore a topic in regarding law, policy, and society that interests you. The specific topic of the paper will be of your choosing with my approval.

To help you produce the highest quality work, various assignments pertaining to the project will be due throughout the semester, including the research question and annotated bibliography, literature review, research design, rough draft, presentation, and final draft.

Research Question and Bibliography You will prepare a single, well crafted research question, and an annotated bibliography with articles or books that you will use in your research. You will meet with me to discuss your research topic during the week of January 23rd.

Undergraduate students should include a minimum of 10 sources over at least 5 pages (single spaced).

Graduate students should include a minimum of 15 sources over at least 7 pages (single spaced).

Due Feb. 22nd { 5% of your final grade.

Literature Review: A 5 page (double spaced) review of previous scholarly work in your

### Final Draft:

For undergraduate students: a complete and polished research design that includes an introduction, literature review, theory section, data and methods plan, and a conclusion.

For graduate students: a complete and polished research paper that includes an introduction, literature review, theory section, data and methods section, analysis and results, and a conclusion.

Due Apr. 26th { 20% of your final grade.

Presentation A 7 minute presentation of your research providing an introduction and highlights of your project with visual aids followed by a question and answer period.

Apr. 26th & May 3rd { 5% of your final grade.

### Examination

The final exam in this class will be a comprehensive exam style question that will ask the student to bring materials read in this course together to provide a cogent response to an important question regarding Law, Policy, and Society. In answering the questions, students will need to integrate the relevant materials in providing a response that demonstrates knowledge of the readings and understanding of the concepts from the course. Answers that cover only a few readings or are only a few pages long are very unlikely to provide a comprehensive responses and receive a high grade. I will provide examples of comprehensive exam style questions and tips for answering such questions in class on Mar. 8th. Additionally, examples from various institutions are available online.

May 10th { 25% of your final grade.

### Course Evaluations

Students are required to fill out a course evaluation at the end of the course.

### Grading

Your grade for this course will consist of the following components and relative weights:



| Type        | Item                                     | Grade Value |
|-------------|--|-------------|
| Verbal      | Class Participation                      | 10%         |
|             | On-call Days                             | 10%         |
|             | Paper Presentation                       | 5%          |
| Written     | Discussion Points                        | 10%         |
|             | Research Question/Annotated Bibliography | 5%          |
|             | Literature Review                        | 5%          |
|             | Research Design                          | 5%          |
|             | Final Paper                              | 20%         |
|             | Peer Review                              | 5%          |
| Examination | Final Exam                               | 25%         |

Grades will be assigned by the following scale:

| Percent of Pts | Letter Grade |
|----------------|--------------|
| 93             | A            |
| 90             | A-           |
| 87             | B+           |
| 83             | B            |
| 80             | B-           |
| 77             | C+           |
| 73             | C            |
| 70             | C-           |
| 60             | D            |
| < 60           | F            |

The above scale represents the highest requirements for a particular letter grade. That is, I may, at my discretion, alter the grading scale to require fewer percentage points to obtain a particular letter grade. If you are taking the course on a pass/fail basis, please see me to discuss the requirements for a passing grade. Students auditing the course are expected to attend class and participate in our discussions. I will only agree to requests for extensions after extensive consultation with a student and only in the most exceptional of circumstances.

## Important Matters

### Academic Integrity and Honesty

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service through

which SLU fulfills its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern. The full University-level Academic Integrity Policy can be found on the Provost's Office website at: [https://www.slu.edu/provost/policies/academic-and-course/policy\\_academic-integrity\\_6-26-2015.pdf](https://www.slu.edu/provost/policies/academic-and-course/policy_academic-integrity_6-26-2015.pdf).

Additionally, each SLU College, School, and Center has its own academic integrity policies, available on their respective websites.

## Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual harassment, including sexual assault, stalking, domestic or dating violence,

Once successfully registered, the student also must notify the course instructor that they wish to access accommodations in the course.

Please contact Disability Services, located within the Student Success Center, at Disability\_services@slu.edu or 314.977.3484 to schedule an appointment. Confidentiality will be observed in all inquiries. Once approved, information about a student's eligibility for academic accommodations will be shared with course instructors by email from CADR and within the instructor's official course roster. Students who do not have a documented disability but who think they may have one also are encouraged to contact CADR. Confidentiality will be observed in all inquiries.

## Mandatory Syllabus Statement on Face Masks (until further notice)

Throughout the COVID-19 pandemic, key safeguards like face masks have allowed SLU to safely maintain in-person learning. If public health conditions and local, state, and federal restrictions demand it, the University may require that all members of our campus community wear face masks indoors.

Therefore, any time a University-level face mask requirement is in effect, face masks will be required in this class. This expectation will apply to all students and instructors, unless a medical condition warrants an exemption from the face mask requirement (see below).

When a University-wide face mask requirement is in effect \_\_\_\_\_, the following will apply:

Students who attempt to enter a classroom without wearing masks will be asked by the instructor to put on their masks prior to entry. Students who remove their masks during a class session will be asked by the instructor to resume wearing their masks.

Students and instructors may remove their masks briefly to take a sip of water but should replace masks immediately. The consumption of food will not be permitted.

Students who do not comply with the expectation that they wear a mask in accordance with the University-wide face mask requirement may be subject to disciplinary actions per the rules, regulations, and policies of Saint Louis University, including but not limited to those outlined in the Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including any of the following:

- { dismissal from the course(s)
- { removal from campus housing (if applicable)
- { dismissal from the University

To immediately protect the health and well-being of all students, instructors, and staff, instructors reserve the right to cancel or terminate any class session at which any

student fails to comply with a University-wide face mask requirement.

When a University-wide face mask requirement is not in effect, students and instructors may choose to wear a face mask or not, as they prefer for their own individual comfort level.

**ADA Accommodations for Face Mask Requirements** Saint Louis University is committed to maintaining an inclusive and accessible environment. Individuals who are unable to wear a face mask due to medical reasons should contact the Office of Disability Services (students) or Human Resources (instructors) to initiate the accommodation process identified in the University's ADA Policy. Inquiries or concerns may also be directed to the Office of Institutional Equity and Diversity. Notification to instructors of SLU-approved ADA accommodations should be made in writing prior to the first class session in any term (or as

4. Consistent with the University Attendance Policy, students may be asked to provide medical documentation when a medical condition impacts a student's ability to attend and/or participate in class for an extended period of time.
5. As a temporary amendment to the current University Attendance Policy, all absences due to illness or an isolation/quarantine directive issued by a qualified health official, or due to an adverse reaction to a COVID-19 vaccine, shall be considered "Authorized" absences.

## University Writing Services

Students are encouraged to take advantage of University Writing Services in the Student Success Center; getting feedback benefits writers at all skill levels. Trained writing consultants can help with writing projects, multimedia projects, and oral presentations. University Writing Services offers one-on-one consultations that address everything from brainstorming and developing ideas to crafting strong sentences and documenting sources. For more information, visit <https://www.slu.edu/life-at-slu/student-success-center/> or call the Student Success Center at 314-977-3484.

## Basic Needs Security

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Jan. 18 Introduction

Syllabus & Handouts

Sign-up for Topic Meetings

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The Connections Between Society and Policy

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Jan. 25 Interests & Interest Groups

Mancur Olson. 1971. *The Logic of Collective Action* Harvard University Press. Ch. 1.

Elmer E. Schattschneider. 1975 *The Semisovereign People: A Realist's View of Democracy in America*, Revised Edition Wadsworth Publishing. Excerpt.

Joshua L. Kalla and David E. Broockman. 2015. "Campaign Contributions Facilitate Access to Congressional Officials: A Randomized Field Experiment." *American Journal of Political Science*

Lee Drutman. 2015. "The solution to lobbying is more lobbying." *The Monkey Cage*



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The Connections Between Law and Society

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Mar. 8 Interest Groups and the Courts

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Gregory A. Caldeira and John R. Wright. 1990. "Amici Curiae before the Supreme Court: Who Participates, When, and How Much?" *Journal of Politics* 52(3): 782-806.

Paul M. Collins, Jr. 2007. "Lobbyists Before the U.S. Supreme Court: Investigating the Influence of Amicus Curiae Briefs." *Political Research Quarterly* 60(1): 55-70.

Thomas G. Hansford. 2004. "Information Provision, Organizational Constraints, and the Decision to Submit an Amicus Curiae Brief in a U.S. Supreme Court Case." *Political Research Quarterly* 57(2): 219-230.



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Mar. 22 Public Opinion and the Courts

Kevin McGuire and James A. Stimson. 2008. "The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences." *Journal of Politics* 66(4): 1018-1035.

Michael W. Giles, Bethany Blackstone, and Richard L. Vining, Jr. 2008. "The Supreme Court in American Democracy: Unraveling the Linkages between Public Opinion and Judicial Decision Making." *Journal of Politics* 70(2): 293-306.

Ben Johnson and Logan Strother. 2018. "The Supreme Court hasn't followed public opinion for 50 years. Why would it start now?" *The Monkey Cage* Oct. 17, 2018. <https://www.washingtonpost.com/news/monkey-cage/wp/2018/10/17/the-supreme-court-hasnt-followed-public-opinion-for-50-years-why-would-it-start-now/>.

Charles H. Franklin and Liane C. Kosaki. 1989. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83(3): 751-771.

Research Design Due

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Mar. 29 Judicial Selection and the Courts

Melinda Gann Hall. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95(2): 315-330.

James L. Gibson. 2008. "Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and 'New-Style' Judicial Campaigns." *American Political Science Review* 102(1): 59-75.

Christine L. Nemacheck. 2012. "Selecting Justice: Strategy and Uncertainty in Choosing Supreme Court Nominees." In Kevin T. McGuire (Ed.). *New Directions in Judicial Politics*. Routledge.

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Apr. 5 Legitimacy and Support

Gregory A. Caldeira and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(August): 635-664.

Jeremy J. Mondak. 1993. "Institutional Legitimacy and Procedural Justice: Reexamining the Question of Causality." *Law and Society Review* 27: 599-608.

Tom R. Tyler, Jeremy Fagan, and Amanda Geller. 2014. "Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men's Legal Socialization." *Journal of Empirical Legal Studies* 11(4): 751-785.

James L. Gibson and Michael J. Nelson. 2018 *Black and Blue* Oxford University Press. Excerpt.

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Apr. 12 Implementation and Impact

Bradley C. Canon and Charles A. Johnson. 1999 *Judicial Policies: Implementation and Impact* CQ Press. Excerpt

Gerald N. Rosenberg. 2008 *The Hollow Hope* University of Chicago Press. Excerpt.

Matthew E.K. Hall. 2011. *The Nature of Supreme Court Power* Cambridge University Press. Excerpt.

Rough Draft Due

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Apr. 19 Consequences of Law

Richard Rothstein. 2015. "The Racial Achievement Gap, Segregated Schools, and Segregated Neighborhoods: A Constitutional Insult." *Race and Social Problems* 7(1): 21-30.

Bryan Stevenson. 2012. "We Need to Talk about an Injustice." TEDTalk. [https://www.ted.com/talks/bryan\\_stevensonwe\\_need\\_to\\_talk\\_about\\_an\\_injustice](https://www.ted.com/talks/bryan_stevensonwe_need_to_talk_about_an_injustice).

Peer Review Due

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Apr. 26 Presentations

Research Presentations

Final Paper Due

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May 3 Presentations

Research Presentations

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May 10 Finals

Final Exam, 4:00 - 5:50

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