

Issues and Policies in American Government:
Law, Politics and Society in Comparative Perspective
Gov 312L (Unique 38460)

Classroom: [WEL 1.316](#)
TTH 9:30-11:00
Office hours: Tue (11:00-12:30)
and Wed (9:30-11:00)

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The TAs for the course are Daniel Ryan (dryan2003@yahoo.com.ar) and Ilana Lifshitz (il2359@mail.utexas.edu), two very capable scholars of law and politics. Daniel's office hours are Tu & Thu, immediately before class (8:00-9:30), Ilana's office hours are Mon & Wed, 3:30-5:00. TA office hours are held in BAT 1.118.

The basic purpose of this course is to give you some of the tools and information you will need to critically engage with issues relating to law and politics in our society today. In particular, we will seek to understand the place of the law and the legal system in society, and the ways in which each shapes the other. We will explore the basic structure and purpose of the legal system and then focus on specific issues on which the law might appear to be shaping society, and vice versa – we will look at judicial nominations, prominent judicial decisions, the protection of civil rights, the way the criminal justice system works, and the issues raised by civil litigation for the economy and society, for example. When appropriate we will take very brief comparative looks at other countries, to see which features our legal system shares with others, and which make it unique. We will illustrate and analyze the issues by discussing prominent current events, such as recent Supreme Court nominations, important trials, or noteworthy judicial decisions. By the end of the course, we should have a clearer grasp of the mutual relationship between law, politics and society. My hope is that, after this class, when you read or hear news about some event related to law and courts, you will be able to understand the issues it raises, respond critically and intelligently to the questions it poses, and come to reasoned conclusions about what works and what doesn't in our current legal system.

I would like to make this course as relevant as possible to current events. Rather than buy a course pack, any readings that do not come from the book will be posted on Blackboard, so that we can adapt the course content to new developments, such as an important trial, a Supreme Court decision, or a judicial nomination.

Your grade in this course will be calculated in the following manner:

- 20% two quizzes (10% each)
- 20% your average grade on the various assignments due throughout the semester
- 30% midterm
- 30% final exam (non-cumulative) (offered on Monday, 12/15, 9:00-12:00).

Each test/quiz will be graded 0-100, weighted and averaged to arrive at your final grade. The tests are largely multiple choice with some short answer questions. They aim not only (not even primarily) to see whether you have acquired certain pieces of information, but also to test how well you grasp the theories and concepts underlying that basic information. They will also, on occasion, ask you to carry out critical thinking exercises in response to a prompt, using the tools and

information we have developed in the course. These latter questions are graded, not on the basis of whether we agree with your conclusion, but rather on the basis of whether the answer shows good reasoning, uses (or at least does not ignore) the information we learned in the course, and addresses the important questions we have raised in the course.

Letter grades on all tests and the final grade will be assigned as in the table at right.

Please note that if your score rounds up to the lowest value in a grade range, you will receive the higher grade. If it rounds down, however, you will receive the lower grade (that is, we will not use the so-called “banker’s rule,” so for us, e.g., 96.5% still rounds up to 97). In a class this size there are always a number of scores that cluster around the cut-off points and we simply have to draw the line somewhere.

The various assignments are graded a little more leniently, on a simple 0-3 scale, where 0 = failed to turn anything in, or what was turned in was patently not a serious attempt to carry out the assignment, 1 = an attempt to meet the goals of the assignment that fails in some significant way, 2 = a good to excellent performance on the assignment, and 3 = a truly exceptional performance (offered primarily as an option for those who wish to apply extra effort to recover from one or more 0s or 1s). You can get an A on the assignments if you get all 2s. We do not offer make-ups for the assignments but will drop the lowest grade (and you can always shoot for a 3, to partially make up a 0).

> or =	97	up to	100	=	A+
> or =	94	but <	97	=	A
> or =	90	but <	94	=	A-
> or =	87	but <	90	=	B+
> or =	84	but <	87	=	B
> or =	80	but <	84	=	B-
> or =	77	but <	80	=	C+
> or =	74	but <	77	=	C
> or =	70	but <	74	=	C-
> or =	67	but <	70	=	D+
> or =	64	but <	67	=	D
> or =	60	but <	64	=	D-
> or =	0	but <	60	=	F

Required Books:

- A series of readings, as described in the schedule below, will be available on Blackboard
- The basic text is Tarr, G. Alan. 2010. *Judicial Process and Judicial Policymaking*, 5th Edition (if you have the 4th edition, you should be fine. We will try to point out any differences between the two texts).

General Policies: This class is subject to the Honor Code, standard University policies on Academic Dishonesty, and all University policies on non-discrimination, equality of access and the like. Many of these policies are available from Blackboard, and all from the UT website. If you cannot find them, please let me know, and I will direct you to their location.

At the beginning of the semester, students with disabilities who need special accommodations should notify the instructor by presenting a letter prepared by the Services for Students with Disabilities (SSD) Office. To ensure that they will receive the most appropriate accommodations, students should contact the SSD Office at 471-6259 or 232-2937 (video phone), or <http://www.utexas.edu/diversity/ddce/ssd>.

Other course information and expectations:

- Assignments and course materials not taken from the book will be posted on Blackboard. Assignments, as you might imagine, are in the Assignment section, while readings and other

materials are in the Course Documents section. Any materials used in a lecture will usually be posted to the Course Documents section as well.

- I will use Blackboard (also referred to as BB) to post grades, assignments and announcements, and to send mass emails to the class. Please check to see which email address the University uses to communicate with you, and make sure you are receiving those messages. The University recognizes email as an official mode of correspondence; you are responsible for keeping your email address current and for checking email on a regular basis.

- Class attendance is strongly encouraged. We will be covering a fair amount of material in class that does not come from the readings, and that material will most certainly be on tests and quizzes. We may also, from time to time, conclude that the readings are wrong or miss the point somehow, and that too will be considered part of what you need to know. Finally, missing class is not a valid reason for failing to turn in an assignment in a timely manner. In my experience, students who come to class have little trouble doing well. Students who do not come to class are far more likely to struggle, and very unlikely to do well.

- You should do the readings before class. Even in a class this size, I expect to have some discussion, and it will be hard for you to follow if you haven't done the readings. Moreover, the lectures will assume some familiarity with the material covered in the readings and will build on that. It may be hard to follow the lecture if you have not done the reading ahead of time.

- Since the goal of this class is to prepare you to deal effectively with important issues related to law and politics, I am more than willing to consider any issues you would like to see covered in the class. Please email me with proposed topics, or bring it up in class. We can always find some space in the syllabus to cover them, or, if there is a general consensus that a current event trumps whatever is listed there, we can change the syllabus.

Course schedule and reading assignments

Day	Date	<u>Course schedule and reading assignments</u> (note that, unless it is otherwise specified, the written assignments are due at the beginning of class on the day on which they appear)
Th	Aug 26	Introduction. No readings.
Tu	Aug 31	Listen to the review of the most recent term of the US Supreme Court, and do the assignment associated with it (see Assignment 1 sheet on Blackboard - Assignments, and the opinion in Ontario v. Quon, on BB – Course Content).
Th	Sep 2	Creating and empowering courts. Here the question is, why do we need courts? What are they supposed to do for us? Read Stone Sweet article (from BB – Course Content) and complete Assignment 2 .
Tu	Sep 7	Shapiro ch. 1: the function of courts and their relationship to the state. Read pp. 1-28
Th	Sep 9	Shapiro ch. 1: the function of courts and their relationship to the state. Read pp. 28-64
Tu	Sep 14	Ch.2 Tarr Federal and State courts in the US. This covers the basic structure of our legal system.
Th	Sep 16	Read US vs. Arizona et al (from BB - Course Documents). Complete Assignment 3 .

Tu	Sep 21	Quiz 1 Ch.3 Tarr: Judicial qualifications and selecting state judges, pp. 48-63
Th	Sep 23	Tarr, pp. 63-76 plus Box 3.4: Selecting federal judges and the Kagan confirmation.
Tu	Sep 28	Effect of selection mechanisms on courts: Dahl article (on BB). Complete Assignment 4 .
Th	Sep 30	Tarr ch. 5: Trials, pp.123-141 only
Tu	Oct 5	Watch The Murder of Emmett Till. Keep an eye out for the following issues: the relationship between law and society; the role of the jury in decision making; the role of the police and society in a trial; how dominant social norms can trump due process.
Th	Oct 7	Tarr ch.6: criminal justice and the courts
Tu	Oct 12	MIDTERM
Th	Oct 14	Issues in criminal justice: Effect of politics on prosecutorial priorities; Trials and guilt; the death penalty (readings on BB).
Tu	Oct 19	Wrongful convictions (readings on BB). Complete Assignment 5 on the death penalty.
Th	Oct 21	Civil justice: the litigation explosion. Tarr ch.7
Tu	Oct 26	Tarr ch.7 and A Civil Action; view “A Civil Action,” time & place TBD
Th	Oct 28	Adversarial legalism: Kagan, <u>Adversarial Legalism</u> , pp. 1-17 (on BB). Assignment 6 : the litigation pyramid
Tu	Nov 2	Haltom and McCann, <u>Distorting the Law: Politics, Media and the Litigation Crisis</u> , ch.6 (on BB)(on the McDonald’s hot coffee case: media and tort litigation)
Th	Nov 4	Quiz 2 We will listen to excerpts from the Elena Kagan confirmation hearings, to prepare for the next section of the course.
Tu	Nov 9	Judicial policymaking: Read the piece from Levinson, on Interpreting the Commandments (on BB). Complete Assignment 7 .
Th	Nov 11	Tarr ch.9: Judicial policymaking – what SHOULD they be doing? pp. 277-286, 293 (criteria for evaluation), and 297-300 (legitimacy).
Tu	Nov 16	Tarr ch.10: What can they actually accomplish? <i>Brown</i> , pp.304-315.
Th	Nov 18	New civil rights issues: Same sex marriage? Readings on BB. Complete Assignment 8 .
Tu	Nov 23	Judicial policymaking abroad: readings on BB
Th	Nov 25	Thanksgiving
Tu	Nov 30	Finish Judicial policymaking.
Th	Dec 2	Last day of class: A summary on the relationship between law, politics and society
Mon	Dec 15	Final Exam: 9:00-12:00