Political Science 217: Law, Politics and Society

Fall 2012
Mondays & Wednesdays 4:30 – 5:45pm
Van Hise room 594

Instructor: Carlton Henson
Office Hours: Mondays and Wednesdays, 3:00 – 4:20 pm in Aldo’s Café (in the Wisconsin Institutes for Discovery) and by appointment
Email: chenson@wisc.edu

TA: Sean McNulty
Office Hours: 1:20-3:20 pm North Hall Room 122 (and by appointment)
Email: smcnulty2@wisc.edu

Course Description:

This class is an introduction to the legal process by examining how law intersects with politics and society. The course has three broad and overlapping sections. First, we will begin with theoretical concepts of law and justice. Next, we will review the development and character of legal institutions in the U.S. Finally, we will look at particular issues in law and the connection between law and social change.

Motivating questions:

What is the relationship between law and justice?
What are the extent and limits of individual rights? Who should decide these questions?
Can law bring about social change?

Course Format:

This course will incorporate lectures and class discussions. A particular focus of this class will be improving critical thinking and effective communication, two skills that are vital in the fields of law and politics. Students will be expected to attend class regularly and to take an active part in class discussions. Please come to class having read the materials and prepared to discuss them.
**Written Assignments:**

- There will be **two midterm exams**, which will consist of identification and essay questions. The dates of these exams are **October 15** and **November 14**. The exams will be cumulative and will cover all course material to date.

- The **final exam** will be held **December 22**, 2:45 pm – 4:45 pm (room TBD). The final exam is cumulative: it will cover all course material.

- There will be 10-15 **random short quizzes** at the beginning of class to test your reading comprehension of the materials assigned for that class, the material covered in the previous class, and current events. I will drop your lowest two scores from these quizzes in calculating your total quiz score at the end of the semester.

**Readings:**

The required readings for each class are listed below. The required textbook for the class is:


The additional required readings (mostly articles and book chapters) are posted as a single pdf on the course’s webpage at [https://learnuw.wisc.edu](https://learnuw.wisc.edu).

Additionally, you are required to briefly read the **front page** of the New York Times **every weekday** for articles related to law and the legal process. “Front page” means those articles on the front page of the daily printed edition, which is also shown online under “Today’s Paper”:


The Times is available to UW students for about $3.00 per week for M-F delivery and complete online access. You can access the list of online articles for free, but the Times imposes a monthly limit on article access. If you really want to save $3 a week, you can generally access specific articles for free and without limits using a search engine.

**Class Participation:**

Participation in class and section are important parts of this course. Speaking to and in front of others is a critical skill. If you decide you do not want to speak in front of others, then you are deciding that you will never want a leadership or management position. This class is a low risk forum for practicing and improving this skill.
Class participation includes participation in section, and you will be graded on both the quantity and quality of your contribution in class and in section. After the first midterm, I will begin calling on those who have not yet volunteered, proceeding alphabetically.

Please post a headshot to your UW account to make it easier for me to learn your names and give you proper credit for class participation.

A few important notes:

- I do not take attendance, and you do not need to notify me if you will miss a class because of illness or unavoidable schedule conflict. Note, however, that class participation and random quizzes constitute 25% of your total grade.

- Exam and paper dates are set. Mark your calendars now. There will be no make-up exams unless you can provide proper documentation for a genuine emergency or illness. Do not miss an exam and assume that you can make it up.

- Students needing special accommodations to ensure full participation in this course should contact me within the first two weeks of the semester. You also may contact the McBurney Center regarding questions about campus policies and services.

- As the semester progresses, I may modify the syllabus, and if so, will announce any changes in class. You are responsible for knowing what happens in class whether you attend or not.

- Please put “PS 217” in the subject line of any email to insure a reasonably prompt response. For emails with this subject reference and received between 8 am and 8 pm, M-F, I will normally respond within 24 hours.

- You must wait 48 hours after an exam or paper has been returned before complaining about your grade. Contact your TA first; I will not respond to any concerns that have not been presented to your TA. You should prepare a 1-2 page memo outlining why you deserve a higher grade, and this must be based on your own work rather than comparison to others. Upon re-evaluation, your grade may go down or up (or remain the same).

- Academic integrity is critical to maintaining fair and knowledge based learning at UW Madison. Academic dishonesty is a serious violation; it undermines the bonds of trust and honesty between members of our academic community, degrades the value of your degree and defrauds those who may eventually depend upon your knowledge and integrity.
Any instance of academic misconduct, including plagiarism, will be taken seriously. Misconduct will result in notification to the Dean of Students. Please consult http://students.wisc.edu/saja/misconduct/UWS14.html for the details about what constitutes academic misconduct. If you see other students cheating, please tell me or your TA.

I take a dim view of cheating and will seek the most severe sanctions against anyone who cheats in this class.

On each exam and paper, you will be required to execute this pledge:

On my honor, I have neither given nor received any unauthorized help on this (exam, quiz, paper).

Grading (all grades are curved):

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<thead>
<tr>
<th>Course Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Class Participation (including section)</td>
<td>15%</td>
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<tr>
<td>Random quizzes</td>
<td>10%</td>
</tr>
<tr>
<td>Midterm Exam 1 (October 15)</td>
<td>20%</td>
</tr>
<tr>
<td>Midterm Exam 2 (November 14)</td>
<td>20%</td>
</tr>
<tr>
<td>Final Exam (December 22)</td>
<td>35%</td>
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Course Schedule

1. Wednesday, September 5: Introduction – Review of Syllabus


   Will, “The Regulatory Heavy Hand- Again,” syndicated column from July 8, 2012


3. Wednesday, September 12: What is Law?

   LJS Chapter 1 - All
4. Monday, September 17: What is Justice?
   LJS Chapter 2- All

5. Wednesday, September 19: What Is Rule of Law?
   Fuller, “Morality of Law,” pp. 33-41 (1964)
   Video: “UNDP South Sudan: Rule of law” available at
   http://www.youtube.com/watch?v=iEKIkcHOV78 (4 minutes)
   Video: Jim Woolsey: “The Need for the Global Rule of Law” available at
   http://bigthink.com/ideas/5277 (2 minutes)

6. Monday, September 24: Sources of Law & Legal Reasoning
   LJS Chapter 3, pp. 57-62

7. Wednesday, September 26: Law and Social Control
   LJS Chapter 9 - All
   Video: “A Meditation on the Speed Limit” (5 minutes) available at
   http://www.youtube.com/watch?v=1B-OxoZmVIU
   [“The Perimeter” (I-285) is a 10-12 lane, 65 mile interstate beltway around
   the center of Atlanta. The posted speed limit is 55 or less. The video is about
   a group of students who filmed what happened as they drove 55 on I-285.]

8. Monday, October 1: The Limits of Social Control
   LJS Chapter 10 - All
   Video: Four Ways to Fix a Broken Legal System, Philip K. Howard at TED, 2010 (18 minutes) available at:
   http://www.ted.com/talks/philip_howard.html

   Levy, “Making of the Constitution,” pp. ix-xl (from Essays on the Making of
10. **Monday, October 8: Constitutional Structure**


   Federalist Papers Nos. 10, 51 & 78

11. **Wednesday, October 10: Lawmaking**

   Vago, Chapter 4, Lawmaking, pp. 159-188

12. **Monday, October 15: FIRST MIDTERM**

13. **Wednesday, October 17: Judicial Institutions, the Least Dangerous Branch**

   LJS Chapter 4 - *All*

14. **Monday, October 22: Judicial Review**


   Chemerinsky (2009), excerpts from *Marbury v Madison* (pp. 1-10), from *Constitutional Law*, 3d Edition, Aspen Publishing

15. **Wednesday, October 24: Judge-made Law**

   Baum (2008), excerpts from *American Courts*, pp. 10-16.


16. **Monday, October 29: Judicial Selection**


17. Wednesday, October 31: Certiorari - How Issues Reach the Supreme Court; Lottery or Not?


U.S. Supreme Court Rule 10 on Certiorari

18. Monday, November 5: Law & Economics – A Tentative Introduction


19. Wednesday, November 7: Crime and Criminal Law

LJS Chapter 5 - All

20. Monday, November 12: Civil and Administrative Law

LJS Chapter 7 - All

21. Wednesday, November 14: SECOND MIDTERM

22. Monday, November 19: Rights and Liberties

LJS Chapter 3, pp 62-80


23. Wednesday, November 21: No Class (Thanksgiving)

24. Monday, November 26: Law and Social Change

LJS Chapter 11 – All
25. Wednesday, November 28: The Evolution of Civil Rights

LJS Chapter 13, pp. 337-349
Rosenberg (1991), The Hollow Hope, Chapter 2, (pp 42-71)

26. Monday, December 3: Affirmative Action

Petition for Certiorari in Fisher v. Texas

27. Wednesday, December 5: The Defense of Marriage Act


28. Monday, December 10: Rights of Criminal Defendants—Focus on the 4th

LJS Chapter 6 – All

29. Wednesday, December 12: Law and Globalization


Final Exam is December 22: 2:45 pm – 4:45 pm
(location TBD)