PO 300 – Fall 2011
Professor David Glick
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Office hours: Wednesdays 9:00-12:00

Law, Politics, and Society:

In this class we will study “law in action” and which is connected to, but often very different from, “law on the books.” At times we will take a look at the interactions between law and individuals. We will ask questions such as “what makes us follow the law?” and “how does law affect our daily lives?” At other times we will study interactions between law and organizations such as firms, interest groups, and social movements. We will take a broad look at all of the places we can find law, and at all of the ways that we shape law and that law shapes us. We will touch on topics including crime, Constitutional rights claims, small town practice, legal culture, informal norms, social movements, legal implementation, and property rights. We will also come across a wide range of case studies and applications including parking, divorce, smoking, unions, war powers, school financing, and music piracy.

Course Objectives:
- Understanding of the role that law and legal institutions play in our lives, culture, and political system
- Assessing the realities of “law in action”
- Considering the strengths and weaknesses of using the legal system vs. other methods for achieving goals
- Get comfortable working through academic articles and analysis

Readings and Discussion: On most days, you will read a couple of pieces related to the same topic. These pieces will often disagree with each other, or otherwise leave us all with room to interpret, synthesize, and analyze. This is not a course where there are a lot of basics or facts to learn. There is not a textbook, though on some days I will give you a textbook-like chapter as background. Nearly everything we read will be sophisticated academic analysis primarily directed at other academics. Our job will be to take it all apart and put it all together in interesting ways and to apply the general ideas to a broader set of contexts and topics.

I expect you to come to class prepared to answer questions, evince understanding, and speak intelligently about the day’s materials. Rather than use short reading quizzes, I will freely call on people and expect you to have something to contribute. To help, I may send out a few questions the night before class to guide your thinking. On those days, I will expect you to be able to offer answers to these questions if called upon at an absolute minimum. If you cannot, I will consider you unprepared that day.
Books for Purchase:


Assignments and Grade Components: The final grade for the course will be based on your participation in class and your performance on assignments and exams.

There will be shortish midterm and final exams. Both will be open note and designed to test both your understanding of basics and your ability to put course ideas together in interesting ways.

The other major piece of work in this class with is a substantial (15-22 pages), hands-on, applied, research paper that you will ideally do with one or two other people. I will provide more details later. One option is to identify a real legal dispute (most likely in the Boston area – for example, a landlord-tenant dispute), interview the participants, conduct other research, and then analyze “law in action” in your case. The other option is to identify a law, rule, or regulation (again, most likely in Boston – for example, fire safety in bars) and use it as a case study to test one or more of the theories about law in action that we encounter. This may mean essentially replicating a study we read using a different case or modifying other work to fit the case you are interested in. The key question is how the law or rule you study affects behavior and how this case supports or conflicts with class readings. There will interim deadlines to keep you on track and the final assignment is due at the end of the term.

You can also get extra credit (at my discretion) for emailing me newspaper and/or magazine articles which relate to class content. It is hard to pick up a newspaper (local or national) and not find interesting stories which match up to what we are doing in class and I would like you to keep your eyes open. Please send me stories that you think fit. I will share some with the class and we will probably even discuss some when they fit really well with a given day’s readings.

Your grade for the course will be based on your performance on the above assignments, as well as your preparedness for and participation in class.

- Midterm Exam 22.5%
- Final Exam 25%
- Semester Long Project 40%
- Class Participation 12.5%

Grades for Written Work and Exams: For written work, the A range will comprise only work which features strikingly original thinking and/or argumentation, expressed in clear, cogent, error-free writing. Only students that go well beyond class materials and discussions (in thought,
not extra research) will be considered for an A grade. Papers and examinations in the B range exhibit mastery of the course materials and discussions, expressed in clear, cogent, error-free writing. Papers and examinations in the C range exhibit inadequate understanding of the course materials and discussions and/or deficient, error-plagued writing. Papers and examinations in the D range exhibit wholly inadequate understanding of the course materials combined with deficient, error-plagued writing. Hopefully the D range and worse will not be an issue. Pluses, minuses, or flat grades within any of these ranges reflect the instructors’ judgment of the merits of the paper or examination relative to other papers in the same range. All late assignments will be reduced 1/3 of a grade for every day they are late. Students may appeal grades they feel they received in error but we reserve the right to increase or decrease their grade upon reconsideration.

Other Practical Matters:

Email: The most efficient way to reach me is via email. No promises, but I’ll try to respond quickly. If you write and don’t hear back in 24 hours, please write again.

Office Hours: My official office hours are listed at the top of the syllabus, but I aim to be around and as accessible as possible. If you cannot make it to the scheduled office hours, email with some times that work for you. I’d rather you come to office hour and say you don’t understand a reading before class, than to sit through class without contributing or learning because you didn’t understand the reading.

Laptops: While understanding that there are benefits to having laptops in class, at this point, our experience suggests that the negatives outweigh the positives. Thus, I will prohibit their use. If you are taking enough notes to need a laptop, you’re spending too much time taking notes and not enough engaging with the materials, the instructor, and your classmates.
Part I: Foundations

2. 9/8 - Law’s Scope: From Constitutionalism to Parking Rules


3. 9/13 - The Rule of Law

- Friedman Chapter 1

4. 9/15 - The Rule of Law and its American Variant?

- Kagan, Chapter 1
- Friedman, Chapter 2

5. 9/20 - Legal Disputes

Part II: Law in Our Lives

6. 9/22 - Disputes With and Without Law
   • Robert Ellickson, *Order Without Law* (excerpts)
   • Sally Engle Merry, *Going to Court: Strategies of Dispute Management in an American Urban Neighborhood,* (excerpt in MFM)¹

7. 9/27 - Compliance: Deterrence and Legitimacy
   • Friedman Chapter 11

8. 9/29 - Social Bases of Compliance
   • Friedman Chapter 12
   • Mark F. Schultz, Fear and Norms, “What Jambands Can Teach Us About Persuading People to Obey Copyright Law,” (excerpt in MFM)

9.10/4 - Legal Culture, Torts, and Variations of the Rule of Law Revisited
   • Michael McCann, William Halton, and Anne Bloom, “Java Jive, Genealogy of a Juridical Icon,” (MFM)

Part III: Law’s Potential and Effects

10. 10/6 - Social “Engineering”

11. 10/11 - Regulating Economic Activity
   ● L. Friedman, Law in America (2002), pp. 35-55 (Ch. 3, “Economy and Law in the Nineteenth Century”)

12. 10/13: Protections from Politics (“Rights”)
   ● Friedman, Chapter 10
   ● West Virginia v. Barnette (1942)

13. 10/18 - Regulating Politics and Political Power
   ● Kagan preface (vi-x)

14. 10/20 - Midterm Exam Day
Part IV: The Complex Interactions Between Law and Society

15. 10/25 - Judges and Policy Making
   ● Leif Carter and Tom Burke, Reason in Law, Chapter 3
   ● Gordon Silverstein, Law’s Allure, Cambridge University Press, (2008), Chapter 1
   ● Brian Tamanaha, Law As a Means to an End, (2006) pp 172-189 (Chapter 10)
   ● Buck v. Bell (1927)
   ● Brown v. Board of Education (1954)
   ● M. Goodman and W. Rempel, “In Las Vegas They’re Playing With a Stacked Deck,” Los Angeles Times, 6/8/06

16. 10/27: Agencies As Law Makers
   ● Friedman Chapter 6
   ● Kagan Chapter 9
   ● The Forest Ranger from MFM

17. 11/1 - Politicians Filling in the Gaps
   ● Keith Whittington, Constitutional Construction, Chapter 6
   ● Gordon Silverstein, Law’s Allure, Chapter 8
   ● Victor Williams, “House GOP Can’t Block Recess Appointments,” law.com, 8/15/11

18. 11/3 - The Complex Interactions…
   ● Lauren Edelman, Sally Riggs Fuller, and Iona Mara-Drita, “Diversity Rhetoric and the Managerialization of Law,” (MFM)
Part V: Law, Lawyers, and Public Policy

19.11/8 - Lawyers, Disputes, and Social Control
- Friedman Chapter 13

20. 11/10 - Semester project workshop - 3-5 Page Progress Report / Outline DUE

21. 11/15 - Fairness and Power: Institutions?
- Jeffrey Rosen, “Supreme Court Inc.” the New York Times Magazine, 3/16/08
- http://www.slate.com/id/2297364/pagenum/all/#p2

22. 11/17 - Fairness and Power: Individuals and the Law

- Patricia Ewick and Susan Silbey, “Common Knowledge and the Ideological Critique: The Significance of Knowing That the Haves Come Out Ahead,” Law and Society Review, 33-4, 1999

23. 11/22 - Using the Law for Policy Change
- Charles Epp, the Rights Revolution 1-25
- Michael Paris (2010). Framing Equal Opportunity Law and the Politics of School Finance Reform. Chapter 4

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24.11/29 - Limits on Law’s Impact

25.12/1 - Law’s Ability to Affect Social Policy and Outcomes
- Kagan Chapter 10

26. 12/6 - Thu. 5/26 – The Complicated Mix of Law and Politics
- Silverstein, Ch. 9
- Kagan Chapter 7

27. 12/8 - Paper Presentations / Final workshop