

The Politics of Justice

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Political Science 192 (15)
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Class Times: Wednesday 11:10-1:00

Goals and Objectives. The primary purpose of this course is to explore the politics of justice. It is not a philosophy course, although we will discuss different conceptions of justice. We will be engaged in examining justice and how it is or is not manifest in the political world or in public policy.

Texts and Readings: We do not have any assigned textbooks. We will read selections from books and journal articles. I will make readings available on Blackboard.

Requirements and Grading: Since this course is a WID course (Writing in the Disciplines), the bulk of your grade will be based on writing assignments, in addition to a class participation grade. The first writing assignment will be a concept paper that critically examines notions of justice, which we will discuss the first three weeks of the semester. For instance, you could question the assumptions undergirding the theories of justice or you could critique the application of the theory under different conditions. Of course, a balanced essay would also comment favorably on the strengths of the theory.

A first draft of this assignment will be due on September 26th and will be discussed on September 28th. You will make a brief presentation of your ideas in class, and you will receive comments on your essay from two classmates (I will select two essays for each person to critique, and those critiques will form part of the basis for your class participation grade). The final essay, which I will grade, will be due on October 5.

The second major writing assignment is a longer paper (10-15 pages). You will propose a study to examine the implications of justice theories on an area of public policy or political behavior. The second portion of the course will explore applications of justice theory to a number of political and policy questions. You are free to choose one of these topics or a different topic and propose an empirical study that will investigate the ramifications of justice concepts on the subject. There will be several checkpoints along the way: October 19 – a paper proposal is due; November 16 – presentation and discussion of first draft; November 30 – presentation and discussion of final project.

The paper proposal should be one page and should discuss the question or topic that you intend to explore. You should also spend at least one paragraph discussing how the theories of justice apply to your topic and the related hypotheses or expectations. It would be useful to propose in one paragraph how one might empirically test your hypotheses. Remember these are not final thoughts, but a proposal. The proposal will be due in class on October 19th.

The first draft will be due by noon on November 14th. This will give your classmate discussants a chance to read your paper prior to class on the 16th. I will assign one or two students to read each paper. You should then consider the suggestions made by your peers in the final version of the paper, which will be due in class on November 30th.

The second project will be worth 50% of your course grade, while the first paper will count for 30%. Class participation will account for 20% of the course grade.

Class Schedule: The following course outline lists the topics that we will cover in this class. I will finalize reading assignments shortly and will post those on Blackboard. This is a tentative schedule and list of topics and could be subject to change as the semester progresses.

August 31: Introduction

Concepts of Justice

September 7: Justice as Fairness

Rawls, John. 1999. *A Theory of Justice*. Rev. Ed. Cambridge: Harvard University Press. (Chapters 1-3)

September 14: Second Thoughts about Rawls

Frohlich, Norman, Joe A. Oppenheimer, and Cheryl L. Eavey. 1987. "Choices of Principles of Distributive Justice in Experimental Groups." *American Journal of Political Science* 31 (August): 606-636.

Galvin, Richard F., and Charles Lockhart. 1990. "Discrete Idiosyncratic Goods and Structural Principles of Distributive Justice." *Journal of Politics* 52 (November): 1182-1204.

September 21: Procedural Justice

Line, E. Allan, and Tom R. Tyler. 1988. *The Social Psychology of Procedural Justice*. New York: Plenum Press. (Chapters 2, 4, and 5)

Thibaut, John W., and Laurens Walker. 1975. *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Lawrence Erlbaum Associates. (Chapter 11)

September 28: Discussion of Essays

Applications

October 5: Institutional Legitimacy

Gibson, James L. 1989. "Understandings of Justice: Institutional Legitimacy, Procedural Justice, and Political Tolerance." *Law & Society Review* 23 (3): 469-496.

Tyler, Tom R., and Kenneth Rasinski. 1991. "Procedural Justice, Institutional Legitimacy, and the Acceptance of Unpopular U.S. Supreme Court Decisions: A Reply to Gibson." *Law & Society Review* 25 (3): 621-630.

Gibson, James L. 1991. "Institutional Legitimacy, Procedural Justice, and Compliance with Supreme Court Decisions: A Question of Causality." *Law & Society Review* 25 (3): 631-636.

Mondak, Jeffery J. 1993. "Institutional Legitimacy and Procedural Justice: Reexamining the Question of Causality." *Law & Society Review* 27 (3): 599-608.

October 12: Litigation

Howard, Robert M., Richard E. Chard, Joel T. Kaji, and Jeffrey Davis. 2000. "Pre-Trial Bargaining and Litigation: The Search for Fairness and Efficiency." *Law & Society Review* 34 (2): 431-456.

Ringquist, Evan J. 1998. "A Question of Justice: Equity in Environmental Litigation, 1974-1991." *Journal of Politics* 60 (November): 1148-1165.

Kitzmann, Katherine M., and Robert E. Emery. 1993. "Procedural Justice and Parents' Satisfaction in a Field Study of Child Custody Dispute Resolution." *Law and Human Behavior* 17 (October): 553-567.

October 19: Income Distribution

Alwin, Duane F. 1987. "Distributive Justice and Satisfaction with Material Well-Being." *American Sociological Review* 52 (February): 83-95.

Michelbach, Philip A., John T. Scott, Richard E. Matland, and Brian H. Bornstein. 2003. "Doing Rawls Justice: An Experimental Study of Income Distribution Norms." *American Journal of Political Science* 47 (July): 523-539.

Headey, Bruce. 1991. "Distributive Justice and Occupational Incomes: Perceptions of Justice Determine Perceptions of Fact." *British Journal of Sociology* 42 (December): 581-596.

October 26: Transitional Justice

Gibson, James L. 2002. "Truth, Justice, and Reconciliation: Judging the Fairness of Amnesty in South Africa." *American Journal of Political Science* 46 (July): 540-556.

Huyse, Luc. 1995. "Justice after Transition: On the Choices Successor Elites Make in Dealing with the Past." *Law & Social Inquiry* 20 (Winter): 51-78.

Rudolph, Christopher. 2001. "Constructing an Atrocities Regime: The Politics of War Crimes Tribunals." *International Organization* 55 (Summer): 655-691.

November 2: Race

Hurwitz, Jon, and Mark Peffley. 2005. "Explaining the Great Racial Divide: Perceptions of Fairness in the U.S. Criminal Justice System." *Journal of Politics* 67 (August): 762-783.

Sniderman, Paul M., Edward G. Carmines, Geoffrey C. Layman, and Michael Carter. 1996. "Beyond Race: Social Justice as a Race Neutral Ideal." *American Journal of Political Science* 40 (February): 33-55.

Nacoste, Rupert W. 1985. "Selection Procedure and Responses to Affirmative Action: The Case of Favorable Treatment." *Law and Human Behavior* 9 (September): 225-242.

November 9: Judicial Decision Making

Knight, Jack, and Lee Epstein. 1996. "The Norm of *Stare Decisis*." *American Journal of Political Science* 40(November): 1018-1035.

Segal, Jeffrey A., and Albert Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *American Political Science Review* 83(June): 557-565.

Gibson, James L. 1978. "Judges' Role Orientations, Attitudes, and Decisions: An Interactive Model." *American Political Science Review* 72(September): 911-924.

November 16: Discussion of Papers (First Drafts)

November 23: Criminal Justice

Gordon, Sanford C., and Gregory A. Huber. 2002. "Citizen Oversight and the Electoral Incentives of Criminal Prosecutors." *American Journal of Political Science* 46 (April): 334-351.

Sunshine, Jason, and Tom R. Tyler. 2003. "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing." *Law & Society Review* 37 (September): 513-548.

Seron, Carroll, Joseph Pereira, and Jean Kovath. 2004. "Judging Police Misconduct: "Street-Level" versus Professional Policing." *Law & Society Review* 38 (December): 665-710.

November 30: Final Project Presentations