

Public Opinion and the American Legal System
A Survey of the How the American Legal System
Works and What the Public Thinks About It
(New College, Sarasota, FL – January 2006)

Meetings: Mondays and Thursdays, 2-4:30pm in the Four Winds Cafe

Expectations

- Participants will come to Independent Study Project (ISP) meetings prepared. It is crucial that all students do the reading and come prepared to ask questions and bring up discussion topics at our meetings.
- Two participants will be asked to be discussion leaders for each meeting. Discussion leaders should get together to discuss the readings and should send me a list of discussion questions by 10am on the day of the meeting. I may choose to add questions that I think are important.
- All participants need to do a one-page write-up for each meeting. These write-ups are due by 10am on the day of our meeting.
- The final project for this ISP will be a 10-15 page research paper or critical essay. Participants should discuss their paper topics with me by January 23rd. The paper is due (emailed to me) on January 31st.

Wednesday, January 4th

Why Do We Have a Legal System?

Readings:

- Carp, Robert A. and Ronald Stidham.2001. *Judicial Process in America*. CQ Press.
(Chapter 1)

Friday, January 6th

How Does the Legal System Work?

Readings:

- Carp, Robert A. and Ronald Stidham.2001. *Judicial Process in America*. CQ Press.
(Chapter 10-11)
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Monday, January 9th

Why Do People Break the Law?

Readings:

- Paltrow, L M. 1989. “Women, Abortion, and Civil Disobedience”. *Nova Law Review* 13: 472-479. OR
 - Welchman, Jennifer. 2001. “Is Eco-Sabotage Civil disobedience?” *Philosophy and Geography* 4: 97-107.
 - Bourgois, Phillipe. “In Search of Horatio Alger: Culture and Ideology in the Crack Economy”. In Craig Reinerman and Harry Levine, eds., *Crack in America*. Berkeley: University of California Press.
 - Zimbardo, Philip. Unpublished manuscript. *The Psychology of Power and Evil: All Power to the Person? To the Situation? To the System?*
 - Krueger, RF, P. S. Schmutte, A. Caspi, T. E. Moffitt, K. Campbell, and P. A. Silva. 1994. “Personality Traits are Linked to Crime in Men and Women: Evidence from a Birth Cohort”. *Journal of Abnormal Psychology* 103: 328-338.
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Thursday, January 12th

Public Perceptions of Crime and Litigation Rates

Readings:

- Haltom, William, and Micheal McCann. 2004. *Distorting the Law*. Chicago: University of Chicago Press. (Chapter 6)
 - Robbennolt, Jennifer K. and Christina A. Studebaker. 2003. “News Media Reporting on Civil Litigation and Its Influence on Civil Justice Decision Making.” *Law and Human Behavior* 27: 5-27.
 - Best, Joel. 1999. *Random Violence: How We Talk About New Crimes and New Victims*. Berkeley: University of California Press. (Chapters 2 and 7)
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Monday, January 16th

Determining Responsibility / Blame

Readings:

- Williams, Garrath. 2003. “Blame and Responsibility”. *Ethical Theory and Moral Practice* 6: 427-445.
 - Alicke, Mark D. 2000. “Culpable control and the psychology of blame.” *Psychological Bulletin* 126: 556-574.
 - Doherty, David. Unpublished manuscript. “Public Attitudes Toward the Tort System: Problems with Procedural Justice or Dirty, Stinkin' Lawyers?”
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Thursday, January 19th

Determining Punishment

Readings:

- Fleury-Steiner, Benjamin. 2004. *Jurors' Stories of Death: How America's Death Penalty Invests in Inequality*. Ann Arbor: University of Michigan Press. (Chapters 5 and 7)
 - Rucker, Derek D., Mark Polifroni, Philip E. Tetlock, and Amanda L. Scott. 2004. “On the Assignment of Punishment – The Impact of General-Societal Threat and the Moderating Role of Severity”. *Personality and Social Psychology Bulletin* 30: 673-684.
 - Clayton, Susan and Susan Opatow. 2003. “Justice and Identity: Changing Perspectives on What Is Fair”. *Personality and Social Psychology Review* 7: 298-310.
 - Rozin, Paul, Laura Lowery, Sumio Imada, and Jonathan Haidt. 1999. “The CAD triad hypothesis: a mapping between three moral emotions (contempt, anger, disgust) and three moral codes (community, autonomy, divinity)”. *Journal of Personality and Social Psychology* 76: 574-586.
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Monday, January 23rd

How Well Do Our Remedies Work? What are the Alternatives?

Readings:

- Nadelmann, Ethan A. “Drug Prohibition in the U.S.: Costs, Consequences, and Alternatives”. In Craig Reinerman and Harry Levine, eds., *Crack in America*. Berkeley: University of California Press.
 - Healy, Gene. 2004. *Go Directly to Jail: The Criminalization of Almost Everything*. Cato Institute. (Chapter 6)
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Thursday, January 26th

Wrap up

Readings:

- Lock, Shmuel. 1999. *Crime, Public Opinion, and Civil Liberties*. Westport, CT: Praeger Publishers. (Chapter 1)
- Papke, David Ray. 1992. “Law in American Culture: An Overview”. *Journal of American Culture* 15: 3-14.