The Course: This course will focus on the ways in which implicit (automatic/subconscious) biases intersect with legal issues—i.e., doctrinal areas, public policy, legal actors, and civic activism issues. To perform well in this course will require that students be engaged with a substantial body of scholarly literature in law and psychology. The class meets at times and places TBA; if, however, the class wants to meet at the regularly scheduled time on Monday afternoons, that is when we will meet.

Required Reading Materials: I will post pdfs of the other reading materials to the class TWEN account.

Office Hours: Please feel free to stop by my office, room 3346, at your convenience. My office hours are from 3:00 p.m. to 4:00 p.m., Monday and Wednesday. If you need to schedule an appointment with me, please email me at parksgs@wfu.edu to arrange a time. My office telephone number is 336.758.2170. If you cannot reach me, you may reach my assistant, Ms. Sonya Casstevens at casstesa@wfu.edu or in office 3340.

Classroom Procedure: In this class, I will not be lecturing. You will be expected to have read all of the assigned material before class and prepared to discuss the readings during class. I realize that the reading load is heavy, especially for the first few weeks. While we may not necessarily discuss each reading in detail, they should be helpful to giving you a broad picture of the issues in this area, especially as you think about paper topics. Some of the law review articles will be redundant in their discussion of the social science, so feel free to skim the redundant sections. Aside from reading assigned pages, you must generate at least 4 questions per chapter/article you read to aid in promoting class discussion about assigned readings. You must forward me your questions via email by 24 hours the day before each class.

Grading: Class participation counts for 50% of your grade and will be determined by the extent to which you do the readings, submit questions, and engage in class dialogue. You will be required to write a final paper, which will count for the other 50% of your grade. Paper topics must be approved by March 1. You may not write a paper on topic already addressed in the literature in the same fashion that it is addressed in the literature. You will be required to meet with a library liaison to determine the best and most efficient method of research, search engines, and sources (you must use legal and social science sources). The paper must be 20 pages, including citations (Bluebooked in footnotes).

Class Attendance & Preparation: If you need to be absent for illness, personal or family emergency, or job interview, please email me before class. There is no need to give me the specifics of why you will be absent. Please be prepared for each class, which means, having done the readings and taking notes. Turn your cellular phones off before attending class.
ASSIGNED READINGS

Week 1: Implicit Social Cognition: Scientific Foundations and Critiques

John T. Jost et al., The Existence of Implicit Bias is Beyond Reasonable Doubt: A Refutation of Ideological and Methodological Objections and Executive Summary of Ten Studies that No Manager Could Ignore, 29 RES. ORG. BEHAV. 39 (2009).

Week 2: Implicit Social Cognition: Moral Culpability

Angela M. Smith, Control, Responsibility, and Moral Assessment, 138 PHILOSOPHICAL STUDIES 367 (2008)
Angela M. Smith, Responsibility for Attitudes: Activity and Passivity in Mental Life, 115 Ethics 236 (2005)
George Sher, Out of Control, 116 ETHICS 285 (2006)
Neil Levy, Restoring Control: Comments on George Sher, 36 PHILOSOPHIA 213 (2008)

Week 3: Implicit Social Cognition: Broader Debates and the Classic

Charles R. Lawrence III, The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism, 39 STANFORD LAW REVIEW 317 (1987)

Week 4: Implicit Social Cognition of Legislators and Judges

Eric D. Knowles et al., Racial Prejudice Predicts Opposition to Obama and His Health Care Reform Plan, 46 JOURNAL OF EXPERIMENTAL SOCIAL PSYCHOLOGY 420 (2009)
Jeffrey J. Rachlinski et al., Does Unconscious Racial Bias Affect Trial Judges?, 84 NOTRE DAME LAW REVIEW 1195 (2009)

Week 5: Implicit Social Cognition of Judges (Cont.)

**Week 6: Implicit Social Cognition of Lawyers/Mediators**


**Week 7: Implicit Social Cognition of Juries**


**Week 8: Implicit Social Cognition in Employment Law**


**Week 9: Implicit Social Cognition in Communications and Contracts Law**

Ian Ayres, *Pervasive Prejudice?: Unconventional Evidence of Race and Gender Discrimination* 19-44 (University of Chicago Press 2001)

Laura J. Kray et al., *Battle of the Sexes: Gender Stereotype Confirmation and reactance to Negotiations*, 80 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 942 (2001)

**Week 10: Implicit Social Cognition in Election Law and Race & Crime**


**Week 11: Implicit Social Cognition: Racial Profiling and Self Defense**


**Week 12: Implicit Social Cognition: Hate Crimes / Death Penalty**


Week 13  Implicit Social Cognition and Public Policy: ADA / Second Amendment / Affirmative Action / Health Care Disparities


Week 14  Rethinking Implicit Bias and Law: Gender, Colorism and Racial Prototypicality

Justin D. Levinson & Danielle Young, *Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence*, 112 WEST VIRGINIA LAW REVIEW 307 (2010)

Week 15  Rethinking Implicit Bias and Law: System Justification and Shifting Standards, and Moral Credentialing


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Week 16: Implicit Social Cognition, Social Justice, and Civic Action

B. Keith Payne & C. Daryl Cameron, *Divided Minds, Divided Morals: How Implicit Social Cognition Underpins and Undermines Our Sense of Social Justice*, in *HANDBOOK OF IMPLICIT SOCIAL COGNITION*

