COURSE DESCRIPTION
This class is about problems in the design and maintenance of a “welfare state” consistent with the rule of law. We take the activities of this state to include income maintenance and social insurance programs, but also those many other policies and programs, characteristic of all modern capitalist democracies, that supplement or replace unregulated markets and formal rights and procedural democracy in the pursuit of improved living standards and more substantive equality of opportunity and outcome among their members. We will examine the welfare state origin and evolution, current problems, and strategies to address those problems.

COURSE REQUIREMENTS & GRADING
Students are expected to attend all class sessions, complete all assigned readings in advance of class, and come prepared with questions or comments about anything they don’t understand, object to, or otherwise would like see more discussion of. Readings average ~140 pages per session and are on the Law School Moodle (https://courses.moodle.wisc.edu/). Depending on how class discussion goes, we may alter the list below. Grades will be based on contribution to class (30 percent) and performance on a 24-hour, open-book, take-home exam available for pickup during the Law School Final Exam period, which this year runs December 7-20.

CLASS SCHEDULE
1. INTRODUCTION TO CLASS & THE CURRENT MOMENT (SEPTEMBER 9)

2-3. CAPITAL, LABOR, AND INSTITUTIONALIZED ACCORDS (SEPTEMBER 16, 23)
NB: For 9/17, you only need to read pages 1-98 of [5]; for 9/24 read the rest of [5], [6], and [7]
4. Welfare State Origins & Evolution in the U.S. (September 30)


5. How the Welfare State Upset the “Rule of Law” (October 7)


6. How Changes in Political Economy Upset the Welfare State … (October 14)


7. … and Generated New Possibilities (October 21)


8. … Along With Lost Illusions (October 28)

[21] Evgeny Morozov, *The Internet Delusion: The Dark Side of Internet Freedom* (New York:


10. Market Simulation (November 11)


11. Better Management (November 18)


12. Transparency & Nudges (November 25)


13. Experimentalism & Public Order (December 2)

[34] Charles F. Sabel & William Simon, “Minimalism and Experimentalism,” MSS