

Law, Letters, and Society

Program Chairman: Dennis J. Hutchinson, LBQ 411, 702-9575

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Program of Study

The program in Law, Letters, and Society is concerned with law in civilian and customary legal systems, both historically and contemporaneously. The program is designed to develop the student's analytical skills to enable informed and critical examination of law broadly construed. The organizing premise of the program is that law is a tool of social organization and control, not simply an expression of will or aspiration, and that it is best understood by careful study of both rhetorical artifacts and empirical consequences of its application. Program requirements are constructed to support the organizing premise, and, because of the nature of the requirements, transfer students are not eligible to register as Law, Letters, and Society majors.

The program requires course work in three areas, although there is a reasonably broad latitude both expected and permitted in satisfaction of the distributional requirement. There is a substantial writing requirement; candidates for honors are expected to produce further written work under the close supervision of a faculty member whose area of scholarly concern is related to the broad objectives of the program.

Application to the Program. Students must apply in Spring Quarter of their first year to enter the program in their second year. Application forms may be obtained from the Office of the New Collegiate Division in C 330. Applications are available in C 330 on Friday of tenth week of Winter Quarter and must be submitted to C 330 by noon on Friday of first week of Spring Quarter. Students are evaluated on the basis of the application statement and previous performance in the College. Because of the nature of the requirements of the program, no more than twenty-five students can be admitted per year; if more than twenty-five qualified students apply, admissions may be determined by interviews with the program chairman.

Program Requirements

Course work is required in three areas. After successfully completing the Introductory Course, students must take two courses in Letters and two courses in Society. In addition, students must complete six other courses that, while not necessarily offered or listed formally under either rubric, are substantively supportive of the topics, areas, skills, or concerns of the two areas. Courses satisfying the additional requirement are identified on a quarterly basis, and final approval of additional required course work is made by consultation between the student and the program chairman.

The Introductory Course. The Introductory Course must precede all other course work in the major, because it establishes the intellectual moorings of the program. The importance of the Introductory Course lies not in its content (indeed, its precise focus and scope may be different from year to year) but on its approach to the nature of law. In 2005-06, for example, the Introductory Course was Legal Reasoning, a study, based primarily on cases, of the classic conventions of legal argument in the Anglo-American legal system. In other years, the Introductory Course might be Roman Law or Greek Law, Medieval Law, or a text-based course on ancient legal philosophy, or a comparison of modern legal categories and policies with those of former societies and cultures. The objective is not so much to establish a historical foundation for modern studies as to demonstrate that legal systems are culturally rooted; that urgent, present concerns may obscure important characteristics of legal ideas and behavior; and that many recurrent themes in Western legal thought are shaped or driven by both common and uncommon features. Unlike many legal studies programs that attempt to orient study of the law in primarily contemporary debates, usually in the field of American constitutional law, the program seeks to organize its exploration of law as a system rather than as a forum or an instrument.

Other Course Work. After completing the Introductory Course, students must take two courses each in the Letters and Society divisions of the program, plus six other courses complementary to the required work, as outlined previously (the other six courses may be ones cross listed in the program or may be from other disciplines). Letters and Society are not meant as fixed or self-defining fields, but instead as organizational categories emphasizing two fundamental modes of examining law in a systemic fashion. Courses under the rubric of Letters (whether based in the program or in English, philosophy, or political theory) tend to be based on the study of literary and historical artifacts, such as cases, tracts, conventional literature, or other texts, and emphasize the ways in which law formally constitutes itself. Questions of interpretative and normative theory, rhetorical strategy, and the like are central to such courses. Society serves to organize studies from a variety of different disciplines (including history, political science, economics, and sociology) that try to measure, with different techniques and at different times, the effect of law on society. The combined objective is to treat law as an intellectual activity and as a phenomenon, and to emphasize that both occur in contexts that help to shape them, whether ancient or modern.

Research. In addition to satisfying the course requirements, each student in the program must produce evidence of sustained research in the form of a substantial research paper during either the junior or senior year and obtain approval of a member of the faculty, although not necessarily a member of the program faculty. Papers may be written in conjunction with Law, Letters, and Society courses, under the auspices of reading and research courses, or in a Research Seminar. (The paper is an independent requirement, however, and need not be accomplished in conjunction with enrollment in a specific course.) The scope, method, and objective of the paper, as well as its length, are subject to negotiation between the student and the instructor.

Summary of Requirements

1	Introductory Course
2	Letters courses
2	Society courses
<u>6</u>	other complementary courses
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Honors. Students who wish to be considered for honors must notify the program chairman and their faculty supervisor in writing no later than two quarters before the quarter in which they expect to receive their degree. Eligible students must maintain a GPA of at least 3.25 both overall and in the major, and they must write a distinguished research paper. The paper must be submitted pursuant to the deadlines specified above, and the student's faculty supervisor and a second reader must agree that honors are merited. It should be noted that honors are awarded sparingly.

Reading and Research Courses. For students with a legitimate interest in pursuing study that cannot be met by means of regular courses, there is an option of devising a reading and research course to be supervised by a member of the faculty and taken for a quality grade. Such courses may not be used to satisfy the requirements of either the two-course Letters or two-course Society requirements, but up to two such courses may be used to satisfy part of the other six required courses, with the written permission of the program chairman obtained in advance of initiation of the work.

Grading. Two of the six complementary courses required in the program may, with the consent of the instructor, be taken on a *P/F* basis.

Advising. Students who wish to major in Law, Letters, and Society must register for LLSO 24200 in Autumn Quarter of their second year. *This requirement is not negotiable.* Students should note that, as an interdisciplinary major, the program has a strictly limited enrollment and that registration for the Introductory Course is determined during the preceding Spring Quarter. Upon deciding to major in Law, Letters, and Society, students should arrange to consult with the program chairman on their course of study in the program. Students should continue to consult with their College advisers on general degree requirements.

Faculty

A. Asmis, M. L. Behnke, J. Boyer, B. Cohler, J. Comaroff, C. Gray, A. Gugliotta, D. Hutchinson, A. Kass, L. Kass, R. Lerner, M. Lilla, J. MacAloon, S. Meredith, W. Novak, W. Olmsted, L. Pick, J. Redfield, G. Rosenberg, R. Saller, H. Sinaiko, D. Smigelskis, T. Steck, N. Tarcov, D. Tracy, C. von Nolcken, D. Wray

Courses: Law, Letters, and Society (LLSO)

I. The Introductory Course

24200. Legal Reasoning. *Open only to second-year students who are beginning the LLSO major.* This course is an introduction to legal reasoning in a customary legal system. The first part examines the analytical conventions that lawyers and judges purport to use. The second part examines fundamental tenets of constitutional interpretation. Both judicial decisions and commentary are used, although the case method is emphasized. *D. Hutchinson. Autumn.*

II. Letters

22400. Rhetorical Theories of Legal and Political Reasoning. (=HUMA 21400, IMET 32400, ISHU 22800/32800, SOSC 22400) This course uses Plato's *Gorgias* to raise the question of whether practical thinking is possible and considers responses to this question by such writers as Aristotle, Cicero, and Machiavelli. We study the methods and concepts that each writer uses to defend the cogency of legal, deliberative, or more generally political prudence against explicit or implicit charges that practical thinking is merely a knack or form of cleverness. *W. Olmsted. Winter.*

22900. Kinds and Arts of Storytelling. (=HUMA 22902, IMET 32900) Most recent talk about stories is solely in terms of narratives, one manner of storytelling. The course will explore different kinds of stories through the reading of specific examples as well as reflect on what stories are and can do. In addition, students will be given practice in reading stories with attention to how they are put together, especially as sustained sequences, a traditional concern of what have been called arts of storytelling. *D. Smigelskis. Spring, 2007.*

23110. Recent Ethical Reflections. (=HUMA 23110, IMET 33110) The focus will be on some overlapping preoccupations of three eminent sophisticated contemporary thinkers: Stuart Hampshire, Bernard Williams, and Judith Shklar. Each features the contingencies of the "ethical"—individual choices about serious matters and the qualities of character that both inform and result from them. Each also features the importance of imagination in such activity and relies on imaginative materials as part of their analyses and arguments. Each in addition recognizes the importance of the "moral" and "political" as contexts which further inform and are to be shaped by the "ethical" and takes pains to relate these dimensions of the practical. The main texts will be Hampshire's *Innocence and Experience*, Williams's *Shame and Necessity*, and Shklar's *Ordinary Vices* and *The Faces of Injustice*. *D. Smigelskis. Spring.*

24300. American Law and the Rhetoric of Race. (=LAWS 59800) This course examines the ways American law has treated legal issues involving race. Two episodes are studied in detail: the criminal law of slavery during the antebellum

period and the constitutional attack on state-imposed segregation in the twentieth century. The case method is used, although close attention is paid to litigation strategy and judicial opinion. *D. Hutchinson. Spring.*

24711. Lincoln: Slavery, War, and the Constitution. (=FNDL 24711, HIST 27102) *PQ: Consent of instructor. Class limited to twenty-five students.* This course is a study of Abraham Lincoln's view of the Constitution, based on close readings of his writings, plus comparisons to judicial responses to Lincoln's policies. *D. Hutchinson. Winter.*

25400. The Russian Law Code (Ulozhenie) of 1649. (=FNDL 25400, HIST 23600/33600, SOSC 26400) For course description, see History. *R. Hellie. Winter.*

28200. Machiavelli and the Florentine Republic. (=PLSC 27215/52315) *Class limited to fifteen students.* For course description, see Political Science. *J. McCormick. Spring.*

III. Society

20603. Early America to 1865. (=HIST 25300/35300) For course description, see History. *E. Cook. Winter, 2007.*

21502. Codes, Cultures, and Media. (=HUMA 27701, ISHU 27701) For course description, see Humanities. *M. Browning. Winter, 2007.*

21800. Liberating Narratives. (=HUMA 23900, IMET 31800) Some reflective autobiographies written in mid-career are featured. The primary texts are Maxine Hong Kingston's *The Women Warrior*, Bill Bradley's *Life on the Run*, and James Watson's *The Double Helix*. Each exemplifies how some people have used various resources and strategies to increase their ability to act without simultaneously diminishing the similar abilities of others in situations which require overcoming systemically oppressive obstacles. This is in part accomplished through examples of how a flourishing in certain types of activities has been achieved and the kinds of satisfactions involved. *D. Smigelskis. Winter.*

21910. Social History of American Subcultures. (=GNDR 17700, HIST 17700) For course description, see History. *G. Chauncey. Autumn.*

22003. Early Modern International Trade: First Globalization. (=HIST 22502/32502) For course description, see History. *M. Fusaro. Autumn, 2006.*

22211. The New Deal and the 1930s. (=HIST 27801/37801) For course description, see History. *J. Sparrow. Winter, 2007.*

23000. Kinds of Sophisticated Lawyering. (=HUMA 25400, IMET 32700) Examples of the many things lawyers do and do well will be presented. In addition, the implications of the ethical demands that arise during the course

of such activities will be explored as well as the extent to which each kind of functioning can or should serve as a model for other types of functioning within the profession. Some attention will be given to the activities of judges, litigators, and lawyers as managers of others, but there will also be significant emphasis placed on the many things done in what was once called private as opposed to public law, such as obtaining multiparty agreements in contractual situations. *D. Smigelskis. Winter.*

25901. Globalization. (=HIST 17202) For course description, see History. *M. Geyer. Spring.*

26000. Law and Society in Early America. (=HIST 27001/37001) *PQ: Advanced standing.* For course description, see History. *E. Cook. Winter.*

26801. From Antislavery to Empire, 1846 to 1915. (=CRPC 29101, HIST 29101) For course description, see History. *J. Saville. Spring, 2007.*

26901. African-American History to 1877. (=CRPC 27200/37200, HIST 27200/37200) For course description, see History. *T. Holt. Winter.*

28800. African-American History since 1877. (=CRPC 27300/37300, HIST 27300/37300) For course description, see History. *T. Holt. Spring, 2007.*

29000. Sport, Society, and Science. This interdisciplinary course draws faculty from across the University to examine and to integrate important elements of the world of sport and competition, including sport and society; race and sport; medicine and sport; legal, economic, and public policy frameworks; psychological and neurological aspects of competition; the physics of sports; and statistical measurements of performance. *D. Hutchinson, A. Sanderson. Winter, 2007.*

IV. Research and Reading

29400. Research Seminar. *PQ: Consent of instructor. Class limited to fifteen students.* *D. Hutchinson. Autumn.*