

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 time to time) but on its approach to the nature of law. In 2006–07, 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
6	other complementary courses
11	

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 consent of instructor, be taken for *P/F* grading.

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, 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

22104. Intellectual Property and Piracy. (=CHSS 31900, HIPS 26700, HIST 23000/33000) Intellectual property presents some of the most pressing problems in modern science, industry, and law. This course helps students understand why. It explains the principles of modern intellectual property by examining their historical development over the last five hundred years. Using sources from the history of literature, art, and music—as well as from modern science and information technology—students discover how piracy and property have clashed since the Renaissance, and still do so today. Students are then well placed to address the central problem of intellectual property, and one of the most basic questions facing today's universities: what is the proper relation between creativity and commerce? *A. Johns. Autumn.*

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.*

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.*

27402. Thucydides. (=FNDL 29315, PSLC 23900/53900) This course is a reading of Thucydides' history, one of the classic guides to politics within and among political communities. Themes may include: progress and decline; justice, necessity, and expediency; strengths and weaknesses of democracies and oligarchies in domestic and foreign policy; stability, revolution, and civil war; strategy, statesmanship, and prudence; causes and effects of war and peace; imperialism, isolationism, and alliances; and piety, chance, and the limits of rationality. We also read the first parts of Xenophon's *Hellenica* on the conclusion of the war. *N. Tarcov. Autumn.*

27500. Hegel's Philosophy of Right. (=FNDL 23000, HUMA 24700, IMET 36900) This course will first focus on "translating"—becoming more familiar with—what is to many the peculiar language of Hegel, a language which has set and still sets the most important boundaries and questions for many thinkers, not merely about politics but also about economics, sociology, and especially the general strategies of Hegel's broad argument that will also be explored as far as time and student interest permit. Furthermore, once some comfort with the language is attained, various strategies will be used to guard against the possible bewitchment by what will probably be for many a somewhat new language of thought. *D. Smigelskis. Spring.*

28511. Machiavelli and Clausewitz on War. (=FNDL 29311, PLSC 24400/54400) This course is a reading and comparison of the two greatest modern thinkers about war. *N. Tarcov. Spring.*

III. Society

20602. American Political Culture, 1600 to 1820. (=HIST 28301/38301) This colloquium examines the culture and practice of political participation in early America, with a comparative look at early Modern England. We trace the formation of a deferential, nonpartisan politics in the colonies, as well as its replacement in the Revolutionary era with politics that increasingly used political parties as a means of democratic participation. *E. Cook. Autumn.*

20603. Early America to 1865. (=HIST 18700) This course surveys major themes in the settlement of the British colonies, the crisis of the American Revolution, and the growth of American society and politics. *E. Cook. Winter.*

20911. Political Communication Networks. (=HIST 28301/38301, PLSC 26610) The focus of this course is to examine empirical evidence to determine if an individual's social context has the ability to impact her political behavior. We examine two major questions: to what extent do we observe correlation between individuals' actions and those within a social framework and to what extent may we identify a causal relationship between the political behavior of the social group and the individual. Specific readings are drawn from collective action problems, information flow within networks, network formation, and the extent to which

we can observe respondents' voting behaviors that are consistent with their discussions in surveys or field experiments. *B. Sinclair. Spring.*

21000. Total War and Genocide. (=HIST 23406) Wartime barbarization, a sense of existential crisis, and the role of war in hardening fault-lines of group identity are important contributing factors in explaining why genocide so frequently occurs during wartime. This colloquium examines to what extent war acts as a simple precipitating circumstantial factor and to what extent it actually creates the conditions necessary for genocide. The spotlight is on nineteenth- and twentieth-century history. We draw upon a wide range of examples from outside Europe, as well as obvious and not so obvious ones from Europe and its fringes. *M. Geyer. Autumn.*

21502. Codes, Cultures, and Media. (=HUMA 27701, ISHU 27701) As organizations of cultural knowledge, codes create not only means of communicating but also infrastructures for communication. In our globally networked societies, digital media and technologies generate new forms of messages for us to encode and decode as well as develop new public and private environments for communications. We compare cultural case studies of earlier electronic media (i.e., telegraph, radio, television) with the re-mediating influences of digital media (i.e., computers, software, cyberspace, cell phones) on cross-cultural conceptions and practices of property, democracy, and the commons. *M. Browning. Winter.*

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.*

22004. Civil Rights in Twentieth-Century America. (=HIST 18803) This course focuses on struggles over the definition of civil rights and who could claim them over the course of the twentieth century. The African American Freedom Movement is at the narrative center of this course, but other civil rights movements (e.g., the women's movement, the gay rights movement, other ethnic-based rights movements) are discussed as well. *J. Dailey. Spring.*

22005. Origins of the Welfare State in Europe, 1848 to the Present. This course provides a comparative analysis of the historical rise and evolution of the welfare state in Europe in the nineteenth and twentieth centuries. We also examine the contemporary political, economic, and legal challenges faced by welfare-state legal and social institutions in contemporary European affairs. *M. Grandner. Winter.*

22212. Postwar America. (=HIST 25302) *J. Sparrow. Winter.*

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.*

23600. The Environment in U.S. History. (=ENST 23600, HIST 19000) Contemporary environmental issues are deeply rooted in a complex history, often ignored or misunderstood. This course examines human engagement with the natural world in what is now the United States: how the expansion of the market economy impacted the natural world, how various peoples struggled to control resources, how landscapes changed from ecosystems to infrastructures, how natural resources fostered industry and agriculture, and how conceptions of the natural world evolved. We consider the politics, economics, and social and cultural development of the United States in an environmental framework. *A. Gugliotta. Winter.*

23900. Introduction to Constitutional Law. (=PLSC 28800/48800) This course is an introduction to the constitutional doctrines and political role of the U.S. Supreme Court, focusing on its evolving constitutional priorities and its response to basic governmental and political problems (e.g., maintenance of the federal system, promotion of economic welfare, protection of individual and minority rights). *G. Rosenberg. Winter.*

24000. Civil Rights/Civil Liberties. (=PLSC 29200) *PQ: PLSC 28800 or equivalent, and consent of instructor.* This course examines selected civil rights and civil liberties decisions of U.S. courts, with particular emphasis on the broader political context. Areas covered include speech, race, and gender. *G. Rosenberg. Spring.*

25701. Early American Legal History. (=HIST 28300/38300) This course explores the role of law in history and of history in law through a survey of American legal developments from the colonial era to the Civil War, treating the law not as an autonomous process or science but as a social phenomenon inextricably intertwined with other historical forces. We examine the life of the law in antebellum America by exploring the interrelationships between changes in legal institutions and doctrines and larger social processes (e.g., migration, revolution, constitution making, economic transformation, social regulation, civil war). *W. Novak. Winter.*

25800. Modern American Legal History. (=HIST 28400/38400) This course explores the role of law in history and of history in law through a survey of American legal developments from the Civil War to the present, treating the law not as an autonomous process or science but as a social phenomenon inextricably intertwined with other historical forces. We examine the life of the law in America through the twentieth century by exploring the interrelationships between changes in legal institutions and doctrines and larger social processes (e.g., industrialism, reform, state building, social-welfare legislation, the civil rights struggle). We are particularly concerned with the rise of a new American liberal legal order. *W. Novak. Spring.*

25902. African-American Politics. (=PLSC 22100) This course explores both the historical and contemporary political behavior of African Americans, examining the multitude of ways in which African Americans have engaged in politics and political struggle in the United States. In some cases, the political behavior of black Americans has manifested itself through traditional modes of participation (e.g., voting, the running of black candidates for public office, involvement in political parties). In other cases, African Americans have worked to gain, exercise, and maintain the rights guaranteed to all citizens in the United States through activities deemed outside “traditional” political participation. To understand such different approaches to the liberation of black people, we must pay special attention to the attitudes, world views, and ideologies that structure and influence African-American political behavior. An analysis of difference and stratification in black communities and its resulting impact on political ideologies and mobilization is a crucial component of this course. We consistently seek to situate the politics of African Americans in the larger design we call American politics. *C. Cohen. Spring.*

26500. War and the Nation-State. (=PLSC 27600/37600) The aim of this course is to examine the phenomenon of war in its broader socioeconomic context during the years between the emergence of the modern nation-state in the late 1700s and the end of World War II. *J. Mearsheimer. Winter.*

26000. Law and Society in Early America. *PQ: Advanced standing. E. Cook. Winter.*

26601. Organization, Ideology, and Political Change. (=PLSC 28000/38000) This course centers on the comparative analysis of the emergence and institutionalization of public bureaucracies in the United States, Great Britain, France, Germany, Japan, and the former Soviet Union. The aim is to see whether there are distinctly different patterns of organizational rationality or whether bureaucracies are all culturally unique. *B. Silberman. Autumn.*

26701. Urban Politics. (=PLSC 25200) This course is designed to allow students to place research that tackles some of the basic urban problems confronting American society within the context of theories of urban politics. We begin by critically reviewing classic works in urban politics, such as those of Dahl, Banfield,

Peterson, and Castells. During the second part of the course, we shift to consider how the theory covered in the first part of the course can help us analyze and understand the implications for American democracy of selected severe urban problems. Problems selected for more detailed review this year include the Katrina disaster, and racial and ethnic urban conflict. *M. Dawson. Autumn.*

26802. Public Opinion. (=PLSC 22400) What is the relationship between the mass citizenry and government in the U.S.? Does the public meet the conditions for a functioning democratic polity? This course considers the origins of mass opinion about politics and public policy, including the role of core values and beliefs, information, expectations about political actors, the mass media, economic self-interest, and racial attitudes. This course also examines problems of political representation, from the level of political elites communicating with constituents, and from the possibility of aggregate representation. *J. Brehm. Spring.*

26901. African-American History to 1877. (=CRPC 27200/37200, HIST 27200/37200) This lecture course examines selected topics in the African-American experience, from the slave trade to slavery emancipation. Each lecture focuses on a specific problem of interpretation in African-American history. All lectures are framed by an overall theme: the “making” of an African-American people out of diverse ethnic groups brought together under conditions of extreme oppression; and its corollary, the structural constraints and openings for resistance to that oppression. Readings emphasize primary sources (e.g., autobiographical materials), which are supplemented by readings in important secondary sources. *T. Holt. Autumn.*

26908. U.S. Civil War and Reconstruction: 1846 to 1890. (=HIST 28201) This course explores the coming, course, and contestation of the outcomes of the U.S. civil war and the postwar crisis of Reconstruction. *J. Saville. Spring.*

27101. Democracy and the Information Technology Revolution. (=PLSC 23100) The revolution in information technologies has serious implications for democratic societies. We concentrate, though not exclusively, on the United States. We look at which populations have the most access to technology-based information sources (the digital divide), and how individual and group identities are being forged online. We ask how is the responsiveness of government being affected, and how representative is the online community. Severe conflict over the tension between national security and individual privacy rights in the United States, United Kingdom and Ireland is explored as well. We analyze both modern works (e.g., Turkle, Gilder) and the work of modern democratic theorists (e.g., Habermas). *M. Dawson. Winter.*

27701. Philosophy, Race, and Racism. (=CRPC 27000, PLSC 27000) This course is an intensive examination of some selected philosophical treatments of race and racism. Topics include the history of European racial thought; biological and social constructionist notions of race; the conceptualization of racial and cultural identities as “mixed” or “mestizo”; the interpretation of racial identities in

the perspective of the philosophy of history; and the conflict between cognitivist and noncognitivist theories of racism. Readings include now “classic” texts by W. E. B. Du Bois, Jean-Paul Sartre, and Frantz Fanon, as well as recent work by Linda Alcoff, Anthony Appiah, Molefi Asante, Etienne Balibar, Homi Bhaba, Jorge Garcia, Paul Gilroy, Charles Mills, Michele Moody-Adams, and Adrian Piper. *R. Gooding-Williams. Winter.*

28009. U.S. Women’s History. (=GNDR 18000, HIST 17903) This course explores the history of women in the modern United States and its meaning for the world of both sexes. Rather than studying women in isolation, it focuses on changing gender relations and ideologies; on the social, cultural, and political forces shaping women’s lives; and on the implications of race, ethnic, and class differences among women. Topics include the struggle for women’s rights, slavery and emancipation, the politics of sexuality, work, consumer culture, and the rise of the welfare state. *A. Stanley. Autumn.*

28311. Genocide of European Jews. (=HIST 23401/33401) This lecture/discussion course asks the following questions: What explanations can be offered for the mass murder of the Jews in Europe? Who were the perpetrators? What were the respective roles of the German police apparatus, of the German army, of the Nazi Party, of the state bureaucracy, of ordinary Germans? What were the responses of occupied populations in Europe, of neutral countries, of the Allies, and of Jews themselves? How have historical interpretations evolved over the past half-century? *B. Wasserstein. Winter.*

28711. Race and Racism in American History. (=CRPC 27400/37400, HIST 27400/37400) This lecture course examines selected topics in the development of racism, drawing on both cross-national (the United States, Latin America, and the Caribbean) and multi-ethnic (African American, Asian American, Mexican American, and Native American) perspectives. Beginning with the premise that people of color in the Americas have both a common history of dispossession, discrimination, and oppression as well as strikingly different historical experiences, we probe a number of assumptions and theories about race and racism in academic and popular thought. *T. Holt. Spring.*

28800. African-American History since 1877. (=CRPC 27300/37300, HIST 27300/37300) This course explores in a comparative framework the historical forces that shaped the work, culture, and political struggles of African-American people in the United States from the end of American Reconstruction to the present. *T. Holt. Spring.*

IV. Research and Reading

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