

Law, Letters, and Society

Program Chairman: Dennis J. Hutchinson, LBQ 411, 702.9575

Secretary: Delores Jackson, C 330, 702.7148, djackson@uchicago.edu

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 one recent year, 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 |
| <hr style="width: 100%; border: 0.5px solid black; margin-bottom: 5px;"/> | |
| 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 *PIF* 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, J. Boyer, B. Cohler, J. Comaroff, A. Gugliotta, D. Hutchinson, A. Kass, L. Kass, R. Lerner, J. MacAloon, S. Meredith, W. Novak, W. Olmsted, L. Pick, J. Redfield, G. Rosenberg, H. Sinaiko, M. Sternstein, R. Strier, 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 introduces 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

23900. Introduction to Constitutional Law. (=PLSC 28800/48800) This course introduces 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.*

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.* 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.*

28312. Political Thought of the American Founders. (=SCTH 39120) This course concentrates on Franklin, John Adams, Jefferson, Hamilton, and Madison. *R. Lerner. Autumn.*

28500. Plato's Laws. (=FNDL 23400, PLSC 23800/48300, SCTH 30300) *Prior knowledge of Plato's Republic helpful. Enrollment limited.* This course is a reading of Plato's *Laws*, with attention to the following themes: war and peace; courage and moderation; reason and law; music, poetry, drinking, and education; sex, marriage, and gender; property and class structure; crime and punishment; religion and theology; and the relation between philosophy and politics. *N. Tarcov. Autumn.*

III. Society

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 discussants' surveys or field experiments. *B. Sinclair. Spring.*

21800. Economics and Environmental Policy. (=ENST 21800, PBPL 21800) *PQ: ECON 19800 or higher.* This course combines basic microeconomic theory and tools with contemporary environmental and resources issues and controversies to examine and analyze public policy decisions. Theoretical points include externalities, public goods, common-property resources, valuing resources, benefit/cost analysis, and risk assessment. Topics include pollution, global climate change, energy use and conservation, recycling and waste management, endangered species and biodiversity, nonrenewable resources, congestion, economic growth and the environment, and equity impacts of public policies. *S. Shaikh. Autumn.*

22210. Introduction to Black Chicago, 1895 to 2005. (=AFAM 27305, CRPC 27301, HIST 27301) This course surveys the history of African Americans in Chicago, from before the twentieth century to the present. Themes include migration and its impact, origins and effects of class stratification, relation of culture and cultural endeavor to collective consciousness, rise of the institutionalized religions, facts and fictions of political empowerment, and the correspondence of black lives and living to indices of city wellness. Texts include autobiography and poetry, sociology, documentary photography, political science, and criminology, as well as more straightforward historical analysis. *A. Green. Autumn.*

23100. Environmental Law. (=ENST 23100, HIPS 28801, PBPL 23100) *PQ: Third- or fourth-year standing, or consent of instructor.* This lecture/discussion course examines the development of laws and legal institutions that address environmental problems and advance environmental policies. Topics include the common law background to traditional environmental regulation, the explosive growth and impact of federal environmental laws in the second half of the twentieth century, regulations and the urban environment, and the evolution of local and national legal structures in response to environmental challenges. *Autumn.*

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 emphasis on the political context. Topics include speech, race, and gender. *G. Rosenberg. Spring.*

24901. U.S. Environmental Policy. (=ENST 24701, PBPL 24701) Making environmental policy is a diverse and complex process. Environmental advocacy engages different governmental agencies, congressional committees, and courts, depending on the issue. This course examines how such differentiation has affected policy making over the last several decades. *R. Lodato. Winter.*

25100. Human Rights I: Philosophical Foundations of Human Rights. (=HIST 29301/39301, HMRT 20100/30100, INRE 31600, ISHU 28700/38700, LAWS 41200, MAPH 40000, PHIL 21700/31600) The aim of this course is to help students think philosophically about human rights. We ask whether human rights has or needs philosophical foundations, what we need such foundations for, and where they might be found. We also ask some questions that tend to generate the search for philosophical foundations: Are human rights universal or merely the product of particular cultures? What kinds of rights (e.g., political, cultural, economic, negative, positive) are human rights? Can there be human rights without human duties? Without universal enforcement? Do the rights we enshrine as human mark only some of us (e.g., men) as human? *Autumn.*

26201. Economics and Environmental Policy. (=ENST 21800, PBPL 21800) *PQ: ECON 19800 or higher, or PBPL 20000.* This course combines basic microeconomic theory and tools with contemporary environmental and resources issues and controversies to examine and analyze public policy decisions. Theoretical points include externalities, public goods, common-property resources, valuing resources, benefit/cost analysis, and risk assessment. Topics include pollution, global climate change, energy use and conservation, recycling and waste management, endangered species and biodiversity, nonrenewable resources, congestion, economic growth and the environment, and equity impacts of public policies. *S. Shaikh. Autumn.*

26202. Economics of Urban Policies. (=ECON 26600/36500, GEOG 26600/36600, PBPL 24500) *PQ: ECON 20100.* This course covers tools needed to analyze urban economics and address urban policy problems. Topics include a basic model of residential location and rents; income, amenities, and neighborhoods; homelessness and urban poverty; decisions on housing purchase versus rental (e.g., housing taxation, housing finance, landlord monitoring); models of commuting mode choice and congestion and transportation pricing and policy; urban growth; and Third World cities. *G. Tolley, J. Felkner. Spring.*

26500. War and the Nation-State. (=PLSC 27600/37600) This course examines 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.*

26802. Public Opinion. (=PLSC 22400) What is the relationship between the mass citizenry and government in the United States? 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. We also examine problems of political representation, from the level of political elites communicating with constituents and from the possibility of aggregate representation. *J. Brehm. Spring.*

27100. Human Rights II: History and Theory. (=HIST 29302/39302, HMRT 20200/30200, INRE 31700, ISHU 28800/38800, LAWS 41301) This course is concerned with the theory and the historical evolution of the modern human rights regime. It discusses the emergence of a modern “human rights” culture as a product of the formation and expansion of the system of nation-states and the concurrent rise of value-driven social mobilizations. It juxtaposes these Western origins with competing non-Western systems of thought and practices on rights. The course proceeds to discuss human rights in two prevailing modalities. First, it explores rights as protection of the body and personhood and the modern, Western notion of individualism. Second, it inquires into rights as they affect groups (e.g., ethnicities and, potentially, transnational corporations) or states. *M. Geyer. Winter.*

27200. Human Rights III: Contemporary Issues in Human Rights. (=HIST 29303/39303, HMRT 20300/30300, INRE 31800, ISHU 28900/38900, LAWS 78201) For U.S. students, the study of international human rights is becoming increasingly important, as interest grows regarding questions of justice around the globe. This interdisciplinary course presents a practitioner’s overview of several major contemporary human rights problems as a means to explore the utility of human rights norms and mechanisms, as well as the advocacy roles of civil society organizations, legal and medical professionals, traditional and new media, and social movements. Topics may include the prohibition against torture, problems of universalism versus cultural relativism, and the human right to health. *S. Gzesh. Spring.*

27702. Ethnography of Law. (=ANTH 20410/30410, LAWS 93802, LLSO 27702, MAPS 46800, SOSC 46800) *PQ: Third- or fourth-year standing.* This seminar focuses primarily, but not exclusively, on American legal culture. Topics include the socialization of lawyers in law schools and firms, judicial decision making, and media representations of the law. Students conduct fieldwork in various legal settings as a foundation for class discussions about the contributions ethnographic research can make in understanding legal culture and how such research can be useful in practicing law and shaping social policy. *M. Fred. Winter.*

28000. U.S. Labor History. (=ECON 18600, HIST 18600) This course explores the history of labor and laboring people in the United States. The significance of work is considered from the vantage points of political economy, culture, and law. Key topics include working-class life, industrialization and corporate capitalism, slavery and emancipation, the role of the state and trade unions, and race and sex difference in the workplace. *A. Stanley. Spring.*

28012. Overcoming Torture: Past and Present. (=HIST 29507, HMRT 27300) The abolition of torture, as well as of cruel and inhuman punishment,

is one of the key standards of achievement of the modern era. This discussion course begins with the fact that torture is a remarkably persistent reality in order to explore how, in different times and places, it was contained and how it was overcome (if only temporarily). Classic European cases feature in the first part of discussion. Human rights and humanitarian campaigns against torture in the second half of the twentieth century are discussed in the second part. The United States, past and present, is the focus of the third part. *M. Geyer. Autumn.*

IV. Research and Reading

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