

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 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
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. Along with the Research Seminar (LLSO 29400), such courses may not be used to satisfy the requirements of either the two-course Letters or two-course Society requirements, but 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. Only two research courses may be used within the major.

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, R. Bird, J. Boyer, B. Cohler, J. Comaroff, J. Dailey, W. Doniger, C. Fasolt, J. Hevia, D. Hutchinson, A. Kass, L. Kass, R. Lerner, J. MacAloon, W. Novak, W. Olmsted, D. Orlinsky, P. Markell, L. Pick, J. Redfield, G. Rosenberg, W. Schweiker, H. Sinaiko, M. Sternstein, R. Strier, N. Tarcov, C. von Nolcken, D. Wray

Courses: Law, Letters, and Society (LLSO)

I. The Introductory Course

24200. Legal Reasoning. *Open only to secondyear 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

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. Not offered 2010–11; will be offered 2011–12.*

27401. American Originals Franklin/Lincoln. (=FNDL 24401, NCDV 27401) *PQ: Third-or fourth-year standing, and consent of instructor.* We study readings from two American originals, Benjamin Franklin and Abraham Lincoln, with attention to their distinctive understandings of the worlds they inhabited, prudence and statesmanship, moral virtues and vices, the power and limits of language, and wit. *D. Hutchinson, R. Lerner. Autumn.*

28200. Machiavelli's Political Thought. (=PLSC 27216/52316) *PQ: Consent of instructor.* This course is devoted to the political writings of Niccolò Machiavelli. Readings include *The Prince*, *Discourses* on Livy's history of Rome, selections from the Florentine *Histories*, and Machiavelli's proposal for reforming Florence's republic, "Discourses on Florentine Affairs." Topics include the relationship between the person and the polity; the compatibility of moral and political virtue; the utility of class conflict; the advantages of mixed institutions; the principles of self-government, deliberation, and participation; the meaning of liberty; and the question of military conquest. *This seven-week course of extended class sessions begins in week four of Autumn Quarter. J. McCormick. Autumn.*

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. It traces

the formation of a deferential, nonpartisan politics in the colonies, and its replacement in the Revolutionary era with politics that increasingly used political party 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.*

21911. Politics of Reproduction in Historical Perspective. (=GNDR 26501/36501, HIST 27010/37010) For centuries, women's traditional authority over reproductive matters (i.e., birth control, pregnancy, childbearing) was little remarked upon. Yet in the twentieth century—and especially in the last quarter century—these "female matters" of birth control, abortion, and childbearing have moved to the center of national and international politics, the source of furious disputes and even violence. This course traces the history of these developments, beginning with the nineteenth century, focusing on the legalization of abortion and its aftermath in America, and studying subsequent battles over access to contraception, *Roe v. Wade*, reproductive health around the world, and who should be a mother. We analyze the origins of the idea of reproductive rights in the women's movement and trace how it became an issue in presidential politics. The focus is on the United States, but we bring in comparisons from Europe, Africa, and South Asia. *C. Stansell. Winter.*

22210. Introduction to Black Chicago, 1893 to 2008. (=CRES 27705, HIST 27705/37705) *A. Green. Spring.*

23600. The Environment in U.S. History. (=ENST 23600, HIST 19000) This course examines human engagement with the natural world in what is now the United States. The promise of Edenic bounty, the threat of desolate wilderness, and the temptations of unprecedented affluence have each been seen as crucial to the formation of American identity. We explore the interaction of environmental change with human activities and ideologies that reflect broader themes in American culture. *A. Gugliotta. Winter.*

24011. Political Nature of the American Judiciary System. (=PLSC 22515) This course introduces the political nature of the American legal system. In examining foundational parts of the political science literature on courts conceived of as political institutions, we focus on the relationship between the courts and other political institutions. Questions include: Are there interests that courts are particularly prone to support? What factors influence judicial decision making? What effect does congressional or executive action have on court decisions? What impact do court decisions have? While answers are not always clear, students should complete the course with an awareness of and sensitivity to the political nature of the American legal system. *G. Rosenberg. Winter.*

24503. Slavery in Ancient Greece and Rome. (=ANCM 39610, CLAS 36907, CLCV 26907, HIST 20603/30603) While Classical Greece and Rome were among the few civilizations in world history in which slavery permeated all

aspects of society, evidence for many aspects of slavery in antiquity is sparse. This course explores slavery in ancient Greece and Rome in its social, cultural, and economic contexts, with particular emphasis on the methodological challenges that arise from the nature of the evidence. Texts in English. *C. Hawkins, Autumn.*

25100. Human Rights I: Philosophical Foundations of Human Rights. (=HMRT 20100/30100, 29301/39301, INRE 31600, 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? *M. Lott, Autumn.*

26901. African American History to 1877. (=CRES 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 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, especially autobiographical materials, supplemented by readings in important secondary sources. *T. Holt, Autumn.*

26908. U.S. Civil War and Reconstruction, 1846 to 1890. (=CRES 28201, 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, Winter.*

27100. Human Rights II: History and Theory. (=CRES 29302, HIST 29302/39202, HMRT 20200/30200, INRE 31700, JWSC 26602, 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, 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.*

28100. Law and Society. (=PLSC 22510) *PQ: PLSC 28800 or equivalent, and consent of instructor.* This seminar examines some of the myriad relationships between courts, laws, lawyers, and the larger society in the United States. Issues include legal consciousness, judicial biases, the role of rights, access to courts, implementation of judicial decisions, legal education, and the legal profession. *G. Rosenberg, Spring.*

28313. Race in the Twentieth-Century Atlantic World. (=CRES 28704, HIST 28704/38704, JWSC 26400) This lecture course introduces the workings of race on both sides of the Atlantic from the turn of the twentieth-century to the present. Topics include the very definition of the term “race”; policies on the naming, gathering and use of statistics on racial categories; the changing uses of race in advertising; how race figures in the politics and practices of reproduction; representations of race in children’s books; race in sports and the media. We explore both relatively autonomous developments within the nation-states composing the Atlantic world, but our main focus is on transfer, connections, and influence across that body of water. Most of the materials assigned are primary sources from films, fiction, poetry, political interventions, posters, advertisements, music, and material culture. Key theoretical essays from the Caribbean, France, England, and the United States are also assigned. *L. Auslander, T. Holt, Spring.*

28604. Law and Social Movements in Modern America. (=GNDR 28604, HIST 28604, HMRT 28604) This course traces and examines the relationship of law and social movements in the United States since 1865. We examine how lawyers and ordinary citizens have used the law to support the expansion of social, political and economic rights in America. We also look at how the state and civic organizations have shaped and deployed law to criminalize the strategies of social reform movements and stifle dissent. *J. Dailey, Autumn.*

28800. African American History since 1877. (=CRES 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, Winter.*

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;

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, Staff. Winter.*

IV. Research and Reading

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