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**LAW, JURISPRUDENCE & SOCIAL THOUGHT:  
A PROGRAM STATEMENT**

*Prepared by the Faculty of the  
Department of Law, Jurisprudence & Social Thought  
Amherst College*

## CONTENTS

I.	<u>INTRODUCTION</u> .....	1
II.	<u>TEACHING LAW IN THE LIBERAL ARTS</u> .....	4
	A. Legal Study and Liberal Education .....	4
	B. Teaching Law Within Existing Disciplines .....	8
	C. Toward An Integrated Approach .....	9
III.	<u>COURSE OFFERINGS</u> .....	11
	A. Background.....	11
	B. Current Offerings and Future Plans.....	13
IV.	<u>THE MAJOR</u> .....	16
	A Note on Pre-Professionalism .....	18
V.	<u>CONCLUSION</u> .....	19
	<u>APPENDIX A. Course Descriptions</u> .....	

## I. INTRODUCTION

By a vote of its general Faculty in November, 1992 Amherst College established the Department of Law, Jurisprudence & Social Thought (LJST) as its 29th academic department offering an autonomous undergraduate major. Faculty in the Department of Law, Jurisprudence & Social Thought offer courses and a program of study that attend to the distinctive ways law *combines* moral argument, rhetorical practices and force in regulating social life. Expanding upon intellectual categories established by traditional legal education and the social sciences and humanities, those courses and that program of study advance the goals of liberal education.

Currently six faculty hold appointments in LJST, two of which are one-half time appointments, two of which are full-time appointments, and two of which are ongoing visiting appointments. Professor Austin Sarat is jointly appointed in Political Science and LJST; he holds a Ph.D. in Political Science from the University of Wisconsin and a J.D. from Yale. Professor Thomas Kearns is jointly appointed in Philosophy and LJST, and holds a Ph.D. from Wisconsin and a LL.B. from Berkeley. Lawrence Douglas, who holds a J.D. from Yale, is Associate Professor of LJST. Martha Umphrey, also Associate Professor of LJST, has a J.D. from and a Ph. D. in American Culture from Michigan. Nasser Hussain is Assistant Professor. He has a Ph.D. in History from the University of California at Berkeley. David Delaney is Visiting Assistant Professor. David holds a Ph.D. in Geography from the University of Wisconsin. Adam Sitze, a Ph.D. in Comparative Literature and Cultural Studies, from the University of Minnesota, will be joining the LJST faculty in the fall of 2005.

The Department evolved through a process of curricular development initiated in 1985, conducted first in an experimental program called Law and the Social Order, and subsequently in LJST. From September, 1990 to September, 1993 LJST was offered as a "program without a major." The development of LJST was supported by grants from the Mellon, Keck, and Arthur Vining Davis Foundations. Today LJST has more than 70 majors, making it the fifth among Amherst's departments in number of majors, and regularly enrolls between 600 and 700 students in its courses, making it first among Amherst's academic departments in its per capita student-faculty ratio.

We have undertaken a variety of activities to increase understanding of law within and beyond the College, most importantly the publication of a series of books--*The Amherst Series in Law, Jurisprudence & Social Thought*. *The Amherst Series* is now in its fifteenth year. It was first published by the University of Michigan Press before moving to its present home at Stanford University Press.. Each of the books in this series is based on the lectures and conferences sponsored by LJST, and each includes an essay by a member of our faculty. The first volume, *The Fate of Law*, was published in 1991; subsequent volumes include *Law's Violence*, *Law in Everyday Life*, *The Rhetoric of Law*, *Identities, Politics & Rights*, *Legal Rights: Historical and Philosophical Perspectives*, *Justice and Injustice in Law and Legal Theory*, *Law in the Domains of Culture*, *History, Memory, and the Law*, and *Human Rights: Concepts, Contests, Contingencies, Lives in the Law, Law's Madness, and The Place of Law*. Forthcoming volumes include *Law on the Screen*, *The Limits of Law*, *Law and the Sacred*, *Law and Catastrophe*, and *How Does Law Know*.

The department regularly hosts conferences and symposia. Past events have included conferences on Brown at 40; Looking Back at Law's Century, Dissent in Dangerous Times,

and Legal Scholarship in the Liberal Arts. This spring we will be hosting a conference entitled Forgiveness, Mercy, and Clemency. In addition, each of the faculty are prominent scholars in their own fields and publish books on a wide variety of subjects. For a listing of faculty publications go to <http://www.amherst.edu/~ljst/publications.html>.

In the spring of 1992, what was then the Program in LJST was reviewed by a visiting committee composed of Professors Martha Minow (Harvard Law School), David Kirp (School of Public Policy, University of California-Berkeley), Susan Silbey (Sociology, Wellesley College) and Stanley Katz (President, American Council of Learned Societies). The visiting committee commended LJST saying that it was "a remarkable achievement" that makes "Amherst the leader in the study of law throughout the country." In 1995, LJST's leadership role in the development of legal study in the liberal arts was recognized by the Henry Luce Foundation which awarded Amherst a Luce Professorship to support curricular development under the theme of The Rule of Law and Emerging Democracies.

In the pages that follow we:

- describe the role that legal study plays in the liberal arts;
- describe our approach to teaching law at Amherst;
- discuss the LJST courses thus far developed; and
- present the major.

## II. TEACHING LAW IN THE LIBERAL ARTS

### **A. Legal Study and Liberal Education**

The presence of LJT at Amherst is based on the belief that the systematic study of law advances the goals of a liberal education and accordingly should be included in the Amherst curriculum. This conclusion is based on two general observations: one concerns the importance of law in culture and society, the other the capacity of legal study to engage and enhance the intellectual, analytic, and imaginative capacities of undergraduates.

First, law is ubiquitous. It pervades much of our lives and provides a forum in which the distinctive temper of a culture may find expression. In this country and abroad it plays a major, though variable, role in articulating values and dealing with conflict.<sup>1</sup> While the role of law has never been more substantial or controversial in the United States, in countries from Argentina and Brazil to South Africa and those of Eastern Europe, people are now seeking to develop their own versions of the rule of law as a means of ordering their societies.

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<sup>1</sup>The variety of legal forms and the different ways law is used and understood in different times and places is, for us, as notable and instructive as is the ubiquity of law itself.

The pervasiveness of law reflects human tendencies to engage in normative argument as a regular part of social interaction and to interpret social action in the language of right and wrong.<sup>2</sup> Law, however, is more than a branch of applied ethics; in many cultures, the concept of legal legitimacy is associated not only with the adequacy or normative appeal of legal commands, but also with elaborate rhetorical practices and traditions of reading and interpreting that have parallels in the rich history of biblical hermeneutics.<sup>3</sup> Finally, law finds its most vivid expression when moral argument and interpretation issue in force. While law depends on persuasion, inducements, and voluntary compliance, force (or its possible application) remains the critical tool for legal enforcement.

The study of law invites examination of a wide range of critical questions about persons and the ways they live together, raising issues traditionally linked to liberal inquiry. For example,

- Why are some societies highly dependent on law while others resist legal regulation and favor different modes of organizing, regulating, and changing behavior?
- How does law change, and how do social forces precipitate legal change? What role does legal continuity play in historical change and the structuring of historical time?
- Can immoral law nonetheless be valid and binding?
- How is the power of law exercised, and what role does law play in the calculus of socio-political legitimacy?

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<sup>2</sup>Legality, of course, does not exhaust morality and, at times, contravenes it. Thus legal justice is not coextensive with justice itself.

<sup>3</sup>Hermeneutics is strictly speaking the study of the principles of interpretation. However, when we refer to hermeneutics we are referring to the way those principles are organized and reproduced within any cultural system.

- What is the relationship between the official law and the lives of persons law is supposed to regulate? Is legal regulation efficient? Does law facilitate or impede the growth of scientific knowledge and technological innovation?
- In what ways are the narrative styles used by legal officials distinctive, and in what ways do they resemble rhetorical modes in other domains of social life? How do the canons of argument and proof used in law compare with those used elsewhere, for example, in philosophy, science or mathematics?
- How is the legal concept of authority grounded in a tradition of reading and re-reading canonical texts? How does this tradition of reading conserve and alter the meaning of written law?
- How ought law to be understood as a cultural system? How does it reflect or embody the debates and divisions of the cultures in which it is found? How have legal institutions embraced and constructed, as well as silenced and stigmatized, various national, social, cultural, and personal identities?

Our second general observation is that legal study provides a useful and engaging way to sharpen students' skills as readers, as interpreters of culture, and as citizens schooled in what Aristotle would have regarded as a kind of practical wisdom, a knowledge that extends beyond theoretical understanding to civic and moral action. To understand legal materials students are required to develop habits of close reading and hone their interpretive, imaginative, and analytic abilities. Understanding those materials requires great attentiveness, the ability to see how arguments are constructed, and the willingness to imagine alternative possibilities. Because law is concerned with resolving disputes, the student of law is invited to test his or her ethical arguments and textual understandings in a context where decisions must



be made and force often must be deployed. In each of these respects, legal study complements general education objectives at Amherst.<sup>4</sup>

Nonetheless, one might ask why study law in the liberal arts when there is a well developed tradition of legal study in professional schools? Or, more simply put, why should a liberal arts college do what some believe is now done in law schools? The short answer is that if law schools did anything like what we are describing then it might be less necessary to study law in the liberal arts. But they do not.

Law school has the same relationship to legal study in the liberal arts as medical school does to the study of biology or business school does to the study of economics. In law

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<sup>4</sup>*Education at Amherst Reconsidered* (1978) describes the objectives of general education to include the fostering of "a critical engagement with life, a willingness to examine the given and to question dogma, an ability to entertain novel ways of thinking....In truth," the report continues, "the critical faculty is most directly exercised in reasoning that accompanies choosing: the choice of a course of action, a moral position, a problem for investigation, a method of approach." See pps. 36-37. See also "Report of the Select Committee on the Curriculum," October, 1990. And as the members of the Visiting Committee on LJST wrote:

We understand the central mission of a liberal arts college as providing a general education in culture, history, science, and social organizations while promoting analytic capacity, rhetorical skills, and critical abilities . . . . Understandings of politics, policy and authority would be illuminated by rigorous examination of the relationship between law and other social institutions. Similarly, legal materials can sustain serious inquiry into normative commitments, visions of the good, and competing arguments for responding to human and natural failings. Finally, cross-cultural and historical analyses of legal documents and institutions can grant the student that important combined sense of location and contingency, appreciation of situated practices and the earned knowledge that things could be otherwise, which characterizes a thoughtful, educated person in contemporary society.

See "Report of the Ad Hoc Visiting Committee on LJST," pps. 2-3.

schools, legal study is treated as a subject for professionals and practitioners who must understand what the law says and how it can be used to serve the interests of clients. Law school might more properly be called "lawyering school." While the education of lawyers is important in its own right, legal education emphasizes doctrine and teaching students to "think like lawyers." It focuses on the use of law as a tool rather than its place in society or its ethical and rhetorical dimensions. Consequently, law schools largely ignore broad regions of legal knowledge. Neither our students nor our society is well served when legal education is surrendered to professional schools.<sup>5</sup>

As the late A. Bartlett Giamatti wrote when he was President of Yale, "The law is not simply a set of forensic or procedural skills. It is a vast body of knowledge, compounded of historical material, modes of textual analysis and various philosophical concerns. It is a formal inquiry into our behavior and ideals that proceeds essentially through language. It is a humanistic study-both as a body of material wrought of words and a set of analytic skills and procedural claims involving linguistic mastery....To argue, therefore, for courses in the parts, principles and purposes of law is not to argue for 'professional' training in college in the techniques, accumulated lore and diverse iterations of method that training for the profession also entails. It is rather to argue for philosophic, textual and historical concerns, as one would argue for the teaching of any humanistic or . . . scientific inquiry meant to educate the

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<sup>5</sup>One analogy to our project is provided by the development of religious studies in America. Just as the study of religion in America no longer is directed exclusively to those studying for the ministry, priesthood, or rabbinate, so we recognize that law, as an academic subject, is not the exclusive domain of the legal practitioner. Just as the study of religion established its independent identity as a field in colleges and universities, so too should law. For an elaboration of this analogy see Paul Kahn, The Cultural Study of Law Chicago: University of Chicago Press, 2000.

non-professionally inclined student. It is to argue that the medium of cohesion and conflict, ligature and litigation, that is the law, must be part of the educated person's perspective in order to appreciate one of the grandest, systematic ways of thinking human beings have developed for their survival.<sup>6</sup>"

As a result, just as one might reasonably be concerned about a liberal arts curriculum that neglected cultural systems as important as religion, the state, or the market, so we should be troubled by the omission of sustained and systematic study of legal ideas and institutions.

## **B. Teaching Law Within Existing Disciplines**

While law schools have dominated legal education, they have not completely preempted the field. Law-related courses, such as constitutional and international law, legal and constitutional history, anthropology of law, deviance and criminology, and philosophy of law, have long been found among the offerings of social science and humanities departments. These courses cover several aspects of law and make important contributions to legal study by providing in-depth analyses of various legal phenomena.

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<sup>6</sup>"The Law and the Public," address to the Second Circuit Judicial Conference, September, 1982, p. 36-37. In recent remarks Judge Richard Posner, also an Adjunct Professor of Law at the University of Chicago, echoes Giamatti's sentiment. "Law," Posner argues, is now " an interesting subject of intellectual contemplation, a very important social system...studied for its own sake quite apart from any training in the legal profession." National Law Journal, January 9, 1989. See also Paul Freund, "Law and the Universities," 1953 Washington University Law Quarterly (1953), 367, and Moffatt Hancock, "Teaching Law in the Liberal Arts Curriculum," 7 Stanford Law Review (1955), 320.

They tend, however, to treat law merely as an example of something outside law itself. Embedding legal study within existing social science and humanities departments deprives students of a complete and coherent picture of the way law works in culture and society. For example, just as no one would claim that the study of law is adequate for a full comprehension of politics, so we believe that the study of politics cannot provide a comprehensive understanding of law. While legal study enriches the study of politics, much of what constitutes law (e.g. its hermeneutic and rhetorical dimensions) cannot be brought within the confines of a discipline devoted to matters political. Similarly, while philosophers may use legal materials to work out or illustrate problems in ethics or epistemology, the power and complexity of law is more than a matter of moral argument or a particular way of knowing and apprehending the world. Thus in the absence of a major, the subject of law is carved up without any assurance that the coverage of legal subjects is ordered, organized, or complete.

The major in LJST moves beyond the treatment of law available in traditional departmental teaching. It explores law as a complex historical and cultural phenomenon. What draws us together as teachers and scholars, and what animates the major, is the need to explore and understand the *connections* among the various aspects of law, connections left unexamined within existing disciplinary perspectives and traditions. The major demonstrates how each of the elements of law draws on and refines the others, and probes the meaning of the resulting combinations. In so doing, it recognizes law as a unified subject of inquiry.

### **C. Toward An Integrated Approach**

The proposition that the study of law is appropriate as an undergraduate major is hardly novel, yet we believe that the creation of LJST at Amherst is a substantial innovation

in this area.<sup>7</sup> This is because most of the colleges and universities providing majors in legal studies do so by simply aggregating existing departmental courses. Students move among various social science and humanities departments, taking law-related courses until they satisfy requirements for the major. Courses in constitutional law, the philosophy of law, law and economics, legal history, and the like are put together with little effort at integration.

Amherst created the Department of Law, Jurisprudence & Social Thought as a way of distancing itself from this approach. At its best this approach only reinforces disciplinary perspectivism: The historian speaks about law as an historian and asks the questions historians ask. The political scientist speaks as a political scientist, the literature scholar from the distinct domain of literary study, and so on. Students learn mostly about history, politics, and literature rather than about law. The elements that make law a distinctive human

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<sup>7</sup>While almost every college and university offers some law courses as part of its curriculum, approximately fifty schools-- including American University, Brandeis University, Cornell University, Kenyon College, Oberlin College, the University of California at Berkeley, the University of Massachusetts at Amherst, and the University of Wisconsin at Madison--now offer majors in law or legal studies. Some of these institutions have full-fledged, autonomous academic departments which are variously called "legal studies," "jurisprudence and social policy," and "justice, law and society." They are found at institutions such as the University of Massachusetts, the University of California at Berkeley, and American University. See American Bar Association Commission on College and University Nonprofessional Legal Studies, *Directory of Undergraduate Programs of Legal Studies, Law and Society, Etc.*, 3rd edition, 1992.

phenomenon never receive systematic attention.

The major offered in LJST innovates by moving beyond the confines of the traditional disciplines and their generally fragmentary interests in law. We move from aggregation to a more interactive, integrated, and comprehensive approach.<sup>8</sup> The approach to legal study which animates our work sees law as a distinctive combination of moral argument, rhetorical practices, and force, whose forms are historically and culturally varied. In this "integrated" conception, *each* of the faculty teaching LJST courses strives to be conversant with that combination of elements. We seek to develop common vocabularies and shared

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<sup>8</sup>Our efforts draw on the work of an increasingly interdisciplinary community of legal scholars. This community has created scholarly associations that facilitate communication and exchange about legal study by merging existing disciplinary perspectives. Some organizations have been formed to promote legal study within disciplines, for example, the Organized Section on Courts, Law, and the Judicial Process of the American Political Science Association, and American Psychology-Law Society/Division 41 of the American Psychological Association; others, e.g., the Research Committee on the Sociology of Law of the International Sociological Association, the Society for the Study of Political and Legal Philosophy, the American Society for Legal History, the Law & Society Association, the American Legal Studies Association, and the Association for the Study of Law, Culture, and the Humanities cross disciplinary lines.

In a growing number of widely read journals, interdisciplinary legal scholarship is well represented. For example, *Law, Culture, and the Humanities*, *Law & Society Review*, *Law & Policy*, *Law & Social Inquiry*, *Yale Journal of Law & the Humanities*, *Law & History Review*, *American Journal of Legal History*, *Law & Philosophy*, *Philosophy and Public Affairs*, *Cardozo Studies in Law and Literature*, *The Journal of Legal Studies*, *The International Journal of the Sociology of Law*, *Studies in Law, Politics & Society*, *Social and Legal Studies: An International Journal*.

In addition, a number of research institutes conduct interdisciplinary (but largely social science) research on law. Examples include the American Bar Foundation, Institute for Civil Justice, the Centre for Socio-Legal Studies at Oxford University, the Onati International Institute for the Sociology of Law. Since 1971, the National Science Foundation, through its Program in Law & Social Science, has also supported such research; funding for humanistically oriented interdisciplinary work on law is now regularly part of the activities of agencies like the National Endowment for the Humanities. This interdisciplinary activity has invigorated the work of scholars studying law within traditional social science and humanities disciplines.

understandings that cannot be captured adequately within the disciplinary perspectives now available in the study of law. Whether LJST is viewed as interdisciplinary or multidisciplinary, its faculty think of itself as doing something different from what is done in other disciplines. The faculty speak as legal scholars who aspire to understand and teach students about the connections between law's ethical, hermeneutic and sociological dimensions rather than to parcel out these elements along existing disciplinary lines. When we teach LJST courses, we reach beyond our "home" disciplines to encompass as best we can the complexities of our subject, and weave these threads into a distinctive field of study.<sup>9</sup>

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<sup>9</sup>The hope for an integrated approach to legal study of the kind exemplified by LJST is deeply rooted in the history of American higher education. As early as 1887, Yale Law School established an alternative course of study "for those not intending to enter any active business or professional career, but who wish to acquire an enlarged acquaintance with our political and legal systems, and the rules by which they are governed." In the 1920s, Johns Hopkins University created an Institute for the Study of Law devoted "to the nonprofessional study of law, in order that the function of law may be comprehended, its results evaluated, and its development kept more nearly in step with the complex developments of modern life." And, in 1975, the Report of the Law Center Consultative Committee at the University of Massachusetts contended that there is a

coherent body of knowledge about the social functions and consequences of legal institutions and processes...[that amounts] to more than the extraprofessional study of law; it is itself a new scholarly enterprise. . . . The perspectives of law, on the one hand, and of social science or humanities on the other, cannot merely be placed side by side. Only an uneasy accommodation, perhaps spliced by occasional moments of communication, can result from that approach. What is needed is an effort toward a real synthesis of the intellectual heritage and analytic capabilities of law, social science, and the humanities--one that aims at the creation of a distinctively new

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and broader scholarly discipline with law and legal systems at its core.

In 1954 Harvard law School hosted a conference "On the Teaching of Law in the Liberal Arts Curriculum" which concluded, following Blackstone, that every citizen, "should have 'a competent knowledge of the laws of that society in which we live.'" See Harold Berman, ed., On the Teaching of Law in the Liberal Arts Curriculum, Brooklyn: Foundation Press, 1956, 9.

Several recent developments bring the effort for which the Committee called seventeen years ago closer to realization. First is what Clifford Geertz refers to as the "blurring of genres" between the social sciences and humanities. In legal study, this is facilitated by the increasing prominence of interpretive methods in the social sciences and by the increasing salience of political and social theory in humanistic study. Second, social scientists and humanists, some of whom now have J.D.s as well as Ph.D.s, deal capably with legal materials in their teaching and research. Third, law schools' tentative yet significant receptiveness to non-traditional scholarship enables increasing numbers of law professors to ask new questions and collaborate with colleagues in the social sciences and humanities.



The faculty of LJST and the emerging community of scholars in which they participate share analytic concerns and build on each others' work; like colleagues in more developed fields, we challenge each others' assumptions with the mutual goal of explaining legal phenomena. Yet what both unites us and differentiates us from these colleagues is precisely our interest in exploring the connections among the elements of law we have emphasized.

### III. COURSE OFFERINGS

#### **A. Background**

As noted above, LJST courses aim to study law as a distinctive combination of moral argument, rhetorical practices and force. Those courses examine what happens to each of the elements of law as a result of their mutual interaction--in general, we study how the enterprises of making judgments about right and wrong, assigning meaning to traditions and texts, and assimilating law with cultural practices, are braced by the pressing need to conclude arguments and decide issues. Moreover, each LJST course, in its own way, asks students to push behind specific moral situations and legal case histories, and the language in which they are couched, toward an analysis of underlying principles, historical assumptions, and cultural aspirations.

The courses discussed below offer a coherent program of legal study while productively drawing upon the strengths of Amherst's other law-related offerings. The materials that we teach, and the traditions on which we draw, come from many disciplines. We draw insights from moral philosophy (with its arguments about the right and the good);

literary theory (with its arguments about the meaning of words and the way interpretive acts frame meanings); studies of culture and history (with their insistence on the significance of ritual and symbol as well as on the variability and contingency of social forms); economics, political science, and sociology (with their understandings of the nature of social organization and the realities of power), while keeping law at the center of our intellectual focus.

## **B. Current Offerings**

Our courses are grouped into four areas: (1) legal theory, (2) interpretive practices, (3) legal institutions, and (4) historical and cross-cultural perspectives.

### ***Legal Theory***

Courses in legal theory emphasize the moral and philosophical dimensions that inform legal life and link the study of law with the history of social and political thought. These courses—LJST 19-Are Rights Self-Evident?; LJST 20-Murder; LJST 22-Law, Violence, and Forgiveness; LJST 24-Property, Liberty, and the Law; LJST 26-The Image of Law in Social and Political Thought; LJST 27-Justice and Injustice in Law and Legal Theory; LJST 32-Law's Nature; LJST 33-Race, Place, and the Law; and LJST 39-Re-Imagining Law: Feminist Interpretations; LJST 40-Law's Madness; LJST 46-Law, God, and Modernity; LJST 50-Twentieth Century American Legal Thought--build on Amherst's existing offerings in Philosophy, Political Science, and Sociology.

### ***Interpretive Practices***

These courses--LJST 23-Legal Institutions and Democratic Practices; LJST 25-Myth, Film, and the Law; LJST 30-The Rhetoric of Law: Proof and Persuasion in the Legal Process; LJST 38-Artistic Representation and Legal Regulation; LJST 41-Interpretation in Law and Literature;

LJST 43-Law's History; LJST 56 Representing and Judging the Holocaust--emphasize the way legal processes attempt to resolve normative problems through rituals of interpretation. They examine representational practices, conventions of reading, styles of argument, and canons of proof used in different legal institutions; moreover, they explore connections among these aspects of law, society, and culture.

### *Legal Institutions*

Institutional processes courses focus on the particular ways different legal institutions translate moral judgments and interpretive practices into regulation and socially sanctioned force. In so doing, they emphasize the specificity and variability of law. Courses taught under this rubric are LJST 18-The Social Organization of Law; LJST 23-Legal Institutions and Democratic Practices; LJST 36-The State and the Accused; and LJST 42-Policing: Legal Practices and Popular Imagination.

### *Historical and Cross-Cultural Perspectives*

These courses explore the ways in which law and societies change over time and examine the interdependence of law and culture. Offerings have included LJST 28-Law and Social Relations: Persons, Identities and Groups; LJST 34-Law, Crime and Cultural Processes: An Historical Account; LJST 43-Law's History; LJST 44-The Civil Rights Movement: From Moral Commitment to Legal Change; LJST 45-Law and the American war in Vietnam; LJST 47-Global Legalities; LJST 48-Law and Historical Trauma;

For students of law, a major temptation is to reify or universalize themes and perspectives of their own legal culture. As a response, we recognized at an early point the

need to find ways to bring cross-cultural material into our courses. Given that we are a small department we cannot begin to represent all of the world's legal traditions in our offerings; nor can we expect a single person to "cover" the range of the legal traditions and institutions that exist outside the Western world. We nevertheless acquaint students with examples of the cultural specificity of legal traditions and arrangements. Instead of an area studies approach, we are attracted to a thematic perspective developed by examining any number of geographic areas and cultural traditions.<sup>10</sup>

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<sup>10</sup>Late in the spring of 1992 we consulted five scholars with national reputations in the study of law outside the United States. The scholars who served as consultants and their areas of expertise were: Jane Collier, Anthropology, Stanford (Mexico and Spain), John Comaroff, Anthropology, University of Chicago (South Africa), David Engel, Law, SUNY-Buffalo (Thailand), Lawrence Rosen, Anthropology, Princeton (Morocco), and June Starr, Anthropology, SUNY-Stony Brook (Turkey). We asked each to help us think about three questions; "How might our focus on law as that set of institutions and practices which combine moral argument, distinctive hermeneutic and rhetorical traditions, and force apply in the cultural contexts with which you are familiar? How might it be unsettled? And what kinds of cross-cultural materials can most profitably be integrated into the courses which we are now teaching?"

While we were told that the integrative conception of law on which we have been working applies with considerable force in a diverse array of cultural contexts, the consultants

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made valuable suggestions about local variations and how to understand them, and about what particular comparative material would be most useful in LJT.

#### IV. THE MAJOR

The Amherst College Catalog says the following about what it calls "The Major Requirement":

If one essential object in the design of education at Amherst is breadth of understanding, another purpose, equally important, is mastery of one or more areas of knowledge in depth. Upperclassmen are required to concentrate their studies-to select and pursue a major-in order to deepen their understanding: to gain specific knowledge of a field and its special concerns, and to master and appreciate skills in that disciplined effort.

These sentences raise two issues: (1) whether a subject matter can sustain the kind of focused attention that a major properly demands; (2) whether the arrangement or sequencing of courses provides the opportunity to "master and appreciate skills" of the kind that liberal education seeks to foster.

The major in LJST satisfies both of these standards. In the range, complexity and importance of its engagements, law merits sustained attention. A substantial body of scholarship, cases and other legal texts provide the material for the major in LJST. Legal study is not a flight of late twentieth-century fancy--even though the importance of law in societies around the world is perhaps greater today than at any time in recent memory. Law, as we have noted, embraces venerable questions rooted in humanistic, scientific, and social scientific inquiry; its sustained study is imperative for informed citizenship.

The integrated approach to legal study embodied in our courses (those presently offered as well as those contemplated) and in the major as a whole provides students with

methods of analysis fundamental to liberal arts education and a compelling vision of a critical subject matter. The distribution of courses as well as their arrangement, with a two course introductory sequence, intermediate-level courses, advanced seminars and the opportunity for independent work, move the student of law toward a rich understanding of the subject and of law's role in society. In addition, the curriculum of LJST is designed to foster the development of a substantive focus for student interests in the study of law and skills in analysis, research, and writing as well as capacity for independent work.

Starting in the fall of 2005 the major in LJST:

- I. consists of eleven courses including a two course senior independent project sequence; and
- II. requires each major to take
  - (1) **LJST 18. The Social Organization of Law;** and
  - (2) **A new course in legal theory (no number or name has as yet been assigned).** Together these two courses comprise an introductory sequence which students are required to take before declaring their major.
  - (3) **two junior seminars, one an analytic seminar and one a research seminar.**
  - (4) **a two course independent project sequence during their senior year.**
- III. In addition students are encouraged to take at least one course in legal institutions, legal theory, interpretive practices, and historical and cross cultural perspectives. designated as a departmental seminar which are limited in

enrollment, emphasize independent inquiry, and require substantial writing.

- IV. LJST gives credit for related courses in other departments. Given the foundation of an integrated set of core offerings, the addition of these related courses adds strength and diversity to a major in LJST. Of the nine non-thesis courses that constitute the major, a student can select two, in consultation with her advisor, from courses given in other departments such as Anthropology, Economics, English, Philosophy, Political Science, Religion, and Sociology. Some of those courses usefully serve as introductions to the areas of the major, however most of them complement courses in one of the areas of study designated for the major.

#### **A Note on Pre-Professionalism**

Concerns about pre-professionalism speak to two related issues. In the first instance, they express the worry that students might become so focused on their professional aspirations that they narrow their educational horizons. To counteract this perception, we remind students, in the catalog entry for LJST and in our advising, that the pursuit of a well-rounded education is the best path to post-baccalaureate study. Medical schools have rather well worked out requirements for admission, but there is no parallel in the world of legal education. Law schools advise students to obtain a broad liberal arts education; they are as receptive to students who major in physics, mathematics, history, or philosophy as they would be to students who major in LJST.<sup>11</sup>

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<sup>11</sup>While we reject pre-professionalism, we do not necessarily object when students contemplating a career in law find LJST courses attractive. These students might turn out to be different and better kinds of law students and, ultimately, lawyers as well. They would be, we hope, insightful, creative, and humane readers of legal materials and sensitive to law's power and limitations.



The issue of pre-professionalism also expresses a worry about an education that is applied in its orientation, one that teaches students *how to do* rather than *how to understand*. However, LJST courses and our pedagogy communicate quite another message. While traditionally a substantial number of Amherst students have been interested in legal careers, and while this interest surely motivates some to major in LJST, what they encounter in the department is by no means a technical education in law. The study of law is sustained by the same kinds of intellectual and pedagogical interests and energies associated with other subjects studied at Amherst.

LJST majors pursue a wide variety of careers. Some do graduate work in legal studies rather than going to law school.<sup>12</sup> In addition, LJST majors pursue graduate study in such fields as political science, history, philosophy, sociology, or comparative literature. For those not inclined toward careers in teaching and scholarship, LJST prepares students for work in the private sector, possibly in positions where legal knowledge and understanding of legal processes would be advantageous. Still other students find themselves drawn to public sector and social service careers.

## V. CONCLUSION

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<sup>12</sup>The typical pattern of graduate education in legal study continues to involve a concentration in law within another humanities or social science program. Some schools offer special programs or institutes (e.g., the Institute for Legal Studies at the University of Wisconsin). Many offer joint degree programs combining law school and graduate education in the social sciences or humanities. In addition, a few programs (Jurisprudence & Social Policy at Berkeley; Justice Studies at Arizona State; Justice, Law & Society at American University; Law, Policy and Society at Northeastern; Institute for Law & Society, NYU; Criminology, Law & society, University of California, Irvine) offer graduate degrees in legal studies. Other universities are exploring the possibility of developing such programs.

Legal study conducted in a sustained and coordinated way is fully consistent with the goals of liberal arts education, particularly the cultivation of the habit of close reading and the arts of practical judgment. "For this purpose the law is an unusually useful vehicle: not only does the legal method embody many of the essential and logical steps of careful thinking, but the scope of subjects encompassed by law transcends and integrates many other areas of knowledge."<sup>13</sup> The study of law contributes to an enlightened understanding of the way human institutions shape meanings and cultures. The creation of a major in LJST allowed Amherst to build on the experience of other institutions and to take advantage of the wealth of research and scholarship now produced within the community of legal scholars. We hope our experience will be useful to others who might themselves wish to provide systematic and sustained education in law in the context of the liberal arts.

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<sup>13</sup>"Report of the Law Center Consultative Committee," p. 7.

