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Course title:	Law, Society and Politics in Comparative Perspective
Track:	A-Track
Language of instruction:	English
Contact hours:	48 (6 per day)
ECTS-Credits:	4

Course Description

This course explores theoretical and historical perspectives on the intersection of law, society and politics, and aims to foster discussion of contemporary issues among students from different cultures and disciplines. After an introduction to comparative law and legal culture, we read some classical social theorists (Durkheim and Marx), and consider their relevance to contemporary debates about morality, (dis)obedience, conflict, and property. Next, we investigate the role and operation of law in totalitarian settings such as Nazi and Communist Germany, and consider the difficulties such legacies pose for fostering the rule of law in post-totalitarian societies. In this context, we also examine the need for “transitional justice”, as well as the relationship between law, the market, and economic development (e.g. Weber). Finally, we explore the appropriate limits on the exercise of free speech and the right of association.

Overall, the course aims to develop skills at using theory and history to inform debates on contemporary challenges, such as multiculturalism, punishment, (illegal) downloading/streaming/ file-sharing, and economic development. In addition to gaining substantive expertise in various socio- and politico-legal fields, students develop communicative competence through participatory exercises, and intercultural competence through discussion with other students.

Student Profile

This course is open to all students with an interest in social sciences – in particular, history, sociology or political science – or in law. It is designed as an undergraduate class, but the variety of students taking this course typically ranges from first-year students to post-graduate students. This experiential diversity provides unique opportunities for students to learn from one another.

Prerequisites

No prior knowledge of law or of social science is required; the only prerequisite is an open mind.

Course Requirements

Students are expected to **attend** each class; **read** the literature assigned for each class; and **participate** in class discussions and excursions. In addition to active participation, each student will complete (at least) one written protocol that analyzes assigned readings; make a

short in-class presentation on a topic related to one of the daily themes; and take a written final examination.

Grading

The grade for this course will be based on:

class participation	25%
written protocol	25%
an oral in-class presentation (10 minutes)	25%
and a written final exam	25%

Reading

Readings for the course will be contained in a reader that will be provided at orientation.

Course Schedule

Date	Program*
Monday, July 24, 2017	<p>TRADITIONAL AND CONTEMPORARY PERSPECTIVES: LAW, CUSTOM, CULTURE, AND PLURALISM</p> <p>What is law, and how does it differ from custom? What is meant by legal culture? What tensions exist between culture and law, and how can conflicts be resolved?</p> <p><u>Session 1 (9:00 - 10:30)</u> Law, Custom, Folkways</p> <p><u>Session 2 (11:00 - 12:30)</u> Pluralism: Normative and Legal Conflict</p> <p><u>Session 3 (14:00 - 15:30)</u></p> <p>Excursion: Schöneberg - Orte des Erinnerns im Bayerischen Viertel (Places of Remembrance in the Bavarian Quarter) (weather permitting)</p>
Thursday, July 27, 2017	<p>THINKING ABOUT LAW: HOW TO COMPARE LEGAL SYSTEMS</p> <p>What are the most significant similarities and differences between legal systems? What are the functions of courts? What is the role of lawyers?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 - 15:30)</u> Comparing Legal Systems: Culture, Institutions, Actors</p>

<p>Monday, July 31, 2017</p>	<p>TRADITIONAL AND CONTEMPORARY PERSPECTIVES: MORALITY, PENAL LAW AND (DIS)OBEDIENCE</p> <p>What are the functions of law according to Durkheim and other theorists? Why do people obey (or disobey) the law?</p> <p><u>Session 1 (9:00 - 10:30)</u> Durkheim: Morality and Functional Approaches to Law</p> <p><u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 – 15:30)</u> The Rational Approach: Deterrence Legitimacy/Authority and Identity</p>
<p>Thursday, August 3, 2017</p>	<p>TRADITIONAL AND CONTEMPORARY PERSPECTIVES: CRIME AND PUNISHMENT</p> <p>Why punish? Why are some countries/cultures more punitive than others?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u> Crime and Punishment; Shaming</p> <p><u>Session 3 (14:00 – 15:30)</u> Excursion: Gedenkstätte Plötzensee - Charlottenburg (Plötzensee Memorial - ‘Justice’ during the Nazi Era)</p>
<p>Monday, August 7, 2017</p>	<p>TRADITIONAL AND CONTEMPORARY PERSPECTIVES: MARX, CONFLICT THEORY, AND SOCIALIST LEGALITY</p> <p>How does law operate in society according to Marx and other conflict theorists? What was the role of law in the German Democratic Republic (GDR) and other socialist settings?</p> <p><u>Session 1 (9:00 - 10:30)</u> The Conflict Theory of Law, Ideology, and Property</p> <p><u>Session 2 (11:00 - 12:30)</u> Law in Communist States; Socialist Legality</p> <p><u>Session 3 (14:00 - 15:30)</u> Excursion: Gedenkstätte Berlin-Hohenschönhausen (Prison for the former East German Ministry of State Security/‘Stasi’)</p>
<p>Thursday, August 10, 2017</p>	<p>LAW IN NAZI GERMANY; LAW IN POST-TOTALITARIAN SETTINGS (‘TRANSITION’)</p> <p>What was the role of law in Nazi Germany? What challenges do societies face after totalitarianism, war, and other forms</p>

	<p>of disorder? What is the 'rule of law' and (how) can it be created? What are the goals and methods of 'transitional justice'? What is the relationship between law, state and economy, according to Weber and other theorists?</p> <p><u>Session 1 (9:00 - 10:30)</u> Law in and after Nazi Germany</p> <p><u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 - 15:30)</u> The Post-Totalitarian Context; Transitional Justice and the Rule of Law; Institutional & Economic Challenges</p>
<p>Monday, August 14, 2017</p>	<p>STUDENT PRESENTATIONS</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u> <u>Session 3 (14:00 - 15:30)</u> Student Presentations</p>
<p>Thursday, August 17, 2017</p>	<p>RIGHTS AND THEIR LIMITS; FINAL EXAMINATION</p> <p>What are the proper limits on freedom of speech and freedom of association?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u> Freedom of Speech and Freedom of Association</p> <p><u>Session 3 (14:00 - 15:30)</u> Final (Written) Examination</p>

*Field trips may be subject to change depending on the availability of appointments, speakers or weather conditions. On field trip days, it may be necessary to adjust the class meeting times.