

Cover Sheet: Request 14339

POS 4674 Political Change and Legal Development

Info

| | |
|------------------------|--|
| Process | Course Modify Ugrad/Pro |
| Status | Pending at PV - University Curriculum Committee (UCC) |
| Submitter | Patricia Sohn pjsohn@ufl.edu |
| Created | 10/14/2019 2:50:17 PM |
| Updated | 11/23/2019 11:06:47 AM |
| Description of request | Requesting a change in course description and title. The course is currently entitled, "Political Change and Legal Development". The request is to change to "Topics in Legal Development and Political Change"; to make the course description more open to attention to a range of legal systems beyond Roman Law; and to allow repeat credit up to 6 credits for this 3 credit course with different instructors. The course is currently being taught by Comparative and American politics faculty. If faculty are to be added to the listing for this course, current faculty teaching the course are Patricia Sohn and Paul Gutierrez. |

Actions

| Step | Status | Group | User | Comment | Updated |
|---|------------------------|---|-----------------|--|------------|
| Department | Approved | CLAS - Political Science 011617000 | Patricia Sohn | | 10/15/2019 |
| Legal Development and Political Change.docx | | | | | 10/14/2019 |
| College | Conditionally Approved | CLAS - College of Liberal Arts and Sciences | Joseph Spillane | The College Curriculum Committee conditionally approves this request, with the following: 1) consider revising the course description by deleting "May address historical and late modern periods" and revising following sentence to "Regions, legal systems, and historical periods addressed vary by instructor." | 11/19/2019 |
| No document changes | | | | | |
| Department | Approved | CLAS - Political Science 011617000 | Patricia Sohn | | 11/22/2019 |
| No document changes | | | | | |
| College | Approved | CLAS - College of Liberal Arts and Sciences | Joseph Spillane | | 11/23/2019 |
| No document changes | | | | | |
| University Curriculum Committee | Pending | PV - University Curriculum Committee (UCC) | | | 11/23/2019 |
| No document changes | | | | | |
| Statewide Course Numbering System | | | | | |
| No document changes | | | | | |
| Office of the Registrar | | | | | |
| No document changes | | | | | |

| Step | Status | Group | User | Comment | Updated |
|---------------------------------|--------|-------|------|---------|---------|
| Student Academic Support System | | | | | |
| No document changes | | | | | |
| Catalog | | | | | |
| No document changes | | | | | |
| College Notified | | | | | |
| No document changes | | | | | |

Course|Modify for request 14339

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Submitter: Patricia Sohn pjsohn@ufl.edu

Created: 11/22/2019 9:21:31 PM

Form version: 6

Responses

Current Prefix POS

Course Level 4

Number 674

Lab Code None

Course Title Political Change and Legal Development

Effective Term Earliest Available

Effective Year Earliest Available

Requested Action Other (selecting this option opens additional form fields below)

Change Course Prefix? No

Change Course Level? No

Change Course Number? No

Change Lab Code? No

Change Course Title? Yes

Current Course Title Political Change and Legal Development

Proposed Course Title Topics in Legal Development and Political Change

Change Transcript Title? No

Change Credit Hours? No

Change Variable Credit? No

Change S/U Only? No

Change Contact Type? No

Change Rotating Topic Designation? No

Change Repeatable Credit? Yes

Repeatable Credit From Non-repeatable to Repeatable

Maximum Repeatable Credits 6

Change Course Description? Yes

Current Course Description Introduces the role of law in political and social development by providing a background in social theory and the history of legal systems, beginning with Roman law.

Proposed Course Description (50 words max) Addresses the relationship between legal development and political change in socio-political context with attention to comparative legal systems as they relate to Western legal development.

Change Prerequisites? Yes

Current Prerequisites POS 2041

Proposed Prerequisites POS 2041 and CPO 2001

Change Co-requisites? No

Rationale The change updates the course description to be in keeping with the way the course is being taught by current faculty, who may be either specialists in American or Comparative politics. It also expands the range of comparative legal systems that the students may expect beyond Roman Law. Today, we have faculty who can introduce students to legal systems including: Civil (including Continental); Common; Westminster; Jewish; Muslim, etc. We have plans to expand at the very introductory level to include attention to traditional Chinese legal thinking/systems as well. We would like to offer repeat credit, as the course may be more American and European when offered by one instructor, and more broadly comparative when offered by another.

Topics in Legal Development and Political Change

↑ POS 4674

T/R

Dr. Patricia Sohn, Ph.D.

333 Anderson

Office Hours: T/R 1:00 – 2:30 p.m.

Course Description

The course addresses legal development, and ways in which political change and legal development influence on another, in certain times and places. Readings and analysis center primarily on materials outside of the U.S. The course will include attention to legal development in Europe; the Middle East (including Jewish and Islamic law systems); the U.S.; and introductory materials relating to (traditional/historical) China. This course is not a course on American courts or American legal development.

Required Texts

Martin Shapiro, *Courts: A Comparative Analysis*. University of Chicago Press, 1986.

Austin Sarat and Stuart Scheingold, *The Worlds Cause Lawyers Make: Structure and Agency in Legal Practice*. Stanford University Press, 2005.

E-reserves Readings

The remaining readings in this course will be selections available on e-reserves at Smathers Library. For the Final Paper and Round Table presentation assignments, students are asked to select one of the following texts for purchase in addition to the required texts above. The e-reserves readings will include a chapter or journal article from each of the following sources.

Western Legal Traditions

- Michael Tigar, *Law and the Rise of Capitalism*. Monthly Review Press, 2019.
- E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act*. Breviary Stuff Publications, 2013.
- Stuart Scheingold, *The Politics of Rights*. University of Michigan Press, 2004.
- Marc Galanter, "Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change" in *Law and Society Review* 1974; for a full text on the argument in this article, see Herbert Kritzer and Susan Silbey, *In Litigation: Do the 'Haves' Still Come Out Ahead?* Stanford University Press, 2003.
- John Henry Merryman, *The Civil Law Tradition*. Stanford University Press, 2007.

Roman Legal Traditions

- Andrew Riggsby, *Roman Law and the Legal World of the Romans*. Cambridge University Press, 2010.
- Peter Stein, *Roman Law in European History*. Cambridge University Press, 2000.
- David Johnston, ed. *Roman Law*. Cambridge University Press, 2015.

Chinese Legal Traditions

- Sun Tzu, *The Art of War*. Wordsworth Editions, 1998. (Includes the introduction to *The Book of Lord Shang*. This book will not suffice if you are choosing to do your presentation for the Round Table on *The Book of Lord Shang*; if so, choose the text below, which is a more direct translation.)
- J.J.L. Duyvendak, *The Book of Lord Shang*. Lawbook Exchange, LTD., 2011.
- Li Chen, *Chinese Law in Imperial Eyes*. Columbia University Press, 2016.

Jewish Legal Traditions

- Menachem Elon, *Jewish Law, Volume I* (this text cannot be chosen for the Round Table or Final Paper assignment)
- Menachem Elon, *Jewish Law, Volume IV* (this text cannot be chosen for the Round Table or Final Paper assignment)
- Christine Hayes, ed., *Judaism and Law*. Cambridge University Press, 2017.
- Patricia Woods [e.g., Sohn], *Judicial Power and National Politics: Courts and Gender in the Religious-Secular Conflict in Israel*. Second Edition. SUNY Press, 2017.

Islamic Law Traditions

- Nathan Brown, *The Rule of Law in the Arab World*. Cambridge University Press, 1997.

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- Judith Tucker, *In the House of the Law* . University of California Press, 2000.
- Fazlur Rahman, *Islam and Modernity* . University of Chicago Press, 1984.
- Anver Emon and Rumea Ahmed, eds., *The Oxford Handbook of Islamic Law* . Oxford University Press, 2019.

ASSIGNMENTS

10% Participation

(A) 33.3% - *Active and appropriate participation in discussion, group activities, Individual Presentations, and ad hoc presentations on readings in the classroom* . (B) 33.3% - *Each student will be assigned to a study group* . Each study group will be assigned to 1 of the E-Reserves readings for a presentation in class. Each student in the study group will be required to present a part of the reading. (C) 33.3% - *Round Tables*. The round tables are a culminating panel discussion in which each student presents one book from the E-Reserves reading list; presentation should address the author's central argument (or, if an edited volume, the overall theme and take-home message of the text) and four chapters from the text. Each student will be assigned to one round table.

NOTE: Attendance. More than 3 absent days will result in 0.5 points off per unexcused absence on a 100 point scale. Three unexcused absences are allowed without penalty.

25% Journal Entry (3)

2 pages. This is your opportunity to engage with the course readings on a personal level. Include only information that would be appropriate for me to read. I encourage you to keep a wider journal of your experience of the course for your own posterity. Please use footnotes and give a reference list, all formatted according to the Chicago Manual of Style, which is available in Announcements in Canvas.

30% Abstracts (3)

In 1-1.5 pages, explain the central argument/contention (or take-home message) of the assigned readings. Each paragraph must be 5-7 sentences (strict limit), drawing upon three (3) major pieces of evidence used in the reading to support that argument/contention. In this assignment, you are working on developing analytical distance and analytical neutrality or clarity. In some ways, it is the opposite of personal engagement. Please use footnotes and give a reference list, all formatted according to the Chicago Manual of Style, which is available in Announcements in Canvas.

35% Final Paper (6 pages)

Each student will write one 6-page essay in response to a choice of two essay prompts in regard to the full book that he/she has chosen to become expert in from the E-Reserves reading list. The final essay will be due on Canvas on the day and time of the scheduled Final Exam for this course. There is no final exam for this course. You will be asked to distinguish between analytical distance and personal engagement with the materials, and to demonstrate both. When in doubt, analytical distance should come first. You may draw in some part upon your abstracts and journals, as appropriate to answering the essay prompt. Essays are limited to the readings from class and will be asked to relate the findings or argument in your chosen text to five other assigned readings for the course, of which one should be one of the required texts (e.g., Shapiro, or Scheingold and Sarat). Please use footnotes and give a reference list, all formatted according to the Chicago Manual of Style, which is available in Announcements.

GRADING SCALE

A 93-100
 A- 90-92
 B+ 87-89
 B 83-86
 B- 80-82
 C+ 77-79
 C 73-76
 C - 70-72
 D+ 67-69
 D 63-66
 D- 60-62
 E Below 60

Course and University Policies

- **Students with disabilities** requesting accommodations should first register with the Disability Resource Center (352-392-8565, or www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

- **Tardiness:** Please do not be tardy. If you are tardy, come in quietly and do not disturb lecture, discussion, or other classroom activities.
- **Absences :** More than 3 absent days will result in 0.5 points off per unexcused absence on a 100 point scale. Three unexcused absences are allowed without penalty.
- **Cell Phones :** Students may have their cell phones out in class if they feel it is important for their safety; however, please do not read, use, or play with your cell phone during class.
- **Respect :** All participants (students, faculty, and/or any guest speakers) in this class are asked and expected to be respectful to one another during discussions and other class exercises, remembering that your student body (as the American polity) includes intelligent people of vastly ranging political, religious, social, and other opinions and subject positions. Discourse in this class is expected to cover a wide range of opinions and subject positions in a way that is civil at all times. We will practice how to do it in class. Sometimes it is hard work. Your cooperation in this effort will be greatly appreciated!
- **Materials and supplies fees :** none other than texts. Students are expected to have access to a computer and to the internet in order to write and to submit assignments.
- **Student evaluations :** Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at gatorevals.aa.ufl.edu/students/. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via ufl.bluera.com/ufl/. Summaries of course evaluation results are available to students at gatorevals.aa.ufl.edu/public-results/.
- **The University's honesty policy** regarding cheating, plagiarism, etc. UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: 'On my honor, I have neither given nor received unauthorized aid in doing this assignment.' The Honor Code (<http://www.dso.ufl.edu/sccr/process/student-conduct-honorcode/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, students are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the faculty instructor for this class.
- **Counseling and Wellness Center .** Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575
- **University Police Department :** 392-1111 or 9-1-1 for emergencies.

Student Learning Outcomes

Students who successfully complete the work for this course will be able to:

1. Identify several primary components of legal systems, including civil law, common law, Roman law, Jewish law, Islamic law, Chinese law, and contemporary rights traditions.
2. Identify Roman, Jewish, Islamic, Chinese, U.S., Westminster, and Continental law systems as belonging to civil or common law traditions.
3. Explain changes in the laws of property rights in at least two legal traditions, including Westminster, Roman, and others.
4. Explain the relationship between property rights and the development of civil and human rights in Western legal traditions.
5. Compare civil and common law systems in terms of "legitimate" sources of law.
6. Apply Shapiro's theory of courts as mediating and conflict resolution systems to several legal traditions.

READING SCHEDULE

Week 1. Introductions.

- Austin Sarat and Stuart Scheingold, eds, *The Worlds Cause Lawyers Make*, Editors' Introduction
- (Available on E-reserves): Sarat and Scheingold, *The Worlds Cause Lawyers Make*, Chapter 11, Jayanth Krishnan, "Transgressive Cause Lawyering in the Developing World: The Case of India"

Western Legal Traditions

Week 2.

- Michael Tiger, *Law and the Rise of Capitalism*, Chapter 16, "Recasting the Law of Real Property"
- E.P. Thompson, Chapter 3 in *Whigs and Hunters*, Chapter 3, "Offenders and Antagonists"

Week 3.

- Martin Shapiro, *Courts: A Comparative Perspective*, Chapter 1, “The Prototype of Courts”
- Shapiro, *Courts: A Comparative Perspective*, Chapter 2, “English Courts and Judicial Independence”

Journal 1 Due Friday

Week 4.

- John Henry Merryman, *The Civil Law Tradition*, Chapter 4, “The Sources of Law”
- Shapiro, *Courts: A Comparative Perspective*, Chapter 3, “The Civil Law System and Preexisting Legal Rules”

Abstract 1 Due Friday

Week 5.

- Marc Galanter, “Do The Haves Come Out Ahead?”
- Stuart Scheingold, *The Politics of Rights*, Chapter 2, “Law As Ideology: An Introduction to the Myth of Rights”

Week 6.

- Sarat and Scheingold, *The Worlds Cause Lawyers Make*, Chapter 2, Lauren Willemez, “A Political-Professional Commitment? French Workers’ and Unions’ Lawyers as Cause Lawyers”
- Sarat and Scheingold, *The Worlds Cause Lawyers Make*, Chapter 3, Anne Southworth, “Professional Identities and Political Commitment Among Lawyers for Conservative Causes”

Round Tables One and Two

Week 7.

- Sarat and Scheingold, *The Words Cause Lawyers Make*, Chapter 5, Liora Israel, “From Cause Lawyering to Resistance: French Communist Lawyers in the Shadow of History (1929-1945)”
- Sarat and Scheingold, *The Worlds Cause Lawyers Make*, Chapter 12, Stephen Meili, “Cause Lawyering for Collective Justice: A Case Study of the *Amparo Colectivo* in Argentina”

Roman Legal Traditions

Week 8.

- Andrew Riggsby, *Roman Law and the Legal World of the Romans*, Chapter 5, “The Legal Professions”
- Peter Stein, *Roman Law in European History*, Chapter 2, “Roman Law in Antiquity”

Journal 2 Due Friday

Week 9.

- David Johnston, ed., *Roman Law*: Chapter 15, Andrew Lintott, “Crime and Punishment”
- David Johnston, ed., *Roman Law*: Chapter 19, R. H. Helmholz, “Canon Law and Roman Law”

Abstract 2 Due Friday

Chinese Legal Traditions

Week 10.

- Shapiro, *Courts: A Comparative Perspective*, Chapter 4, “Judging and Mediating in Imperial China”
- Sun Tsu, *The Art of War*, pps. 23-49.

Week 11.

- J.J.L. Duyvendak, ed. *The Book of Lord Shang*, pps. 167-175, and 206-214.
- Li Chen, *Chinese Law in Imperial Eyes*, Chapter 2, “Translating of the Qing Code and Colonial Origins of Comparative Chinese Law”

Round Tables Three and Four

Jewish Legal Traditions

Week 12.

- Menachem Elon, *Jewish Law: History, Sources, Principles, Volume I*, “The development of Jewish law: Some important factors”
- Menachem Elon, *Jewish Law: History, Sources, Principles, Volume IV*, “The law of personal status in the rabbinical and general courts: additional aspects of the problem of the status of Jewish law in the law of the state of Israel”

Week 13.

- Christine Hayes, ed. *Judaism and Law*, Chapter 3, Christine Hayes, “Law in Classical Rabbinic Judaism”
- Patricia Woods [e.g., Sohn], *Judicial Power and National Politics: Courts and Gender in the Religious-Secular Conflict in Israel*, Chapter 6, “Social Movements and Changing Language of the Court”

Journal 3 Due Friday

Islamic Legal Traditions

Week 14.

- Anver Emon and Rumea Ahmed, eds., *The Oxford Handbook of Islamic Law*, Chapter 1, Ayesha Chaudhry, “Islamic Legal Studies: A Critical Historiography”

Frank Robinson, *Islamic Law and Modernity*, Chapter 2, “Contemporary Muslim Jurisprudence”

- Faziur Kanman, *Islam and Modernity*, Chapter 3, "Contemporary Modernism"

Abstract 3 Due Friday

Week 15.

- Judith Tucker, *In the House of the Law*, Chapter, Chapter 2, "With Her Consent: Marriage"
- Nathan Brown, *The Rule of Law in the Arab World*, Chapter 4, "Egyptian Courts, 1971-1996: The Reemergence of Liberal Legality"

Week 16.

Conclusions

Round Tables Five and Six

Final Paper is Due on the Scheduled Exam Day for This Course