

Response of LSJ Faculty and Staff to the Review Committee Report January 25, 2010

1) Points of General Agreement

We greatly appreciate the review committee's recognition of all the good things that the LSJ group does and has achieved. The report praises each of our primary areas of activity.

a) The review recognizes that LSJ in a very short time has become a "top program in North America" and "one of the leading American interdisciplinary programs for the study of law and society." We have, more than any program in the nation, "pioneered the study of comparative legal phenomena and enriched this methodology with a focus on globalization and law, particularly through the study of human rights."

b) Our "faculty members have been remarkably productive" as researchers. "By any reckoning, each faculty member has an impressive research agenda" and has generated a prominent national and international reputation.

c) Our undergraduate program "...succeed(s) in its goal of providing a learning experience that encourages comparative analyses, critical engagement in interdisciplinary empirical and theoretical socio-legal scholarship, and the development of 'engaged, global' citizenship." It is "accessible and intellectually rigorous," is praised by students for its curriculum and teachers, and receives high marks for its several rigorous programs of study abroad. Dr. Mark Weitzenkamp is praised "uniformly and enthusiastically" by students for his work as program adviser.

d) Our CLASS interdisciplinary graduate certificate program also has achieved great things, despite the absence of an independent Ph.D. program. The report acknowledges our "graduates' exceptional placement within the field, as well as graduate students' prominence in the Law and Society Association annual meetings." The committee adds that "CLASS graduates rival in reputation and placement graduates from the other major centers for graduate training in socio-legal studies, the University of California at Berkeley and Irvine, and New York University" – all programs with Ph.D. degrees and much larger faculty groups.

e) And the report notes that in its very short history the LSJ/CLASS group has had a big catalytic impact on the UW campus as well as among peer programs in the U.S. and Canada.

We need not boast to acknowledge that all of the above statements are quite accurate.

2) Redefining the Major Dilemma

We also very much appreciate the report's engagement with our central questions and challenges; the report does respond to the concerns that we highlighted in our self-study. At the same time, though, we feel compelled to recognize a key dimension of our concerns that goes entirely unrecognized in the report. In short, we have achieved a very great deal in a very short time with very few resources, and these resources are quickly diminishing for a host of reasons.

a) The report does not call attention to the fact that we achieved all of the above with only 3.0 FTE, some loyal adjuncts, one staff member, and a very small budget. Our self-study offers abundant data (mostly from College sources) showing that our productivity in teaching, mentoring, research, and graduate placement is dramatic when

compared to other units. Indeed, we arguably outperform nearly everyone else in A&S by leading metrics of productivity (performance relative to resources; see our self study on this point). We appreciate kudos for our achievements, but we strongly urge clearer recognition of all that we have done with very the limited resources.

b) Our key concern in noting the above is not to draw more praise, though. It is instead to underline our fundamental dilemmas. Simply put, we cannot sustain our past performance, much less our high ambitions to do more, due to diminishing resources. Several elements of resource depletion are especially important. The most obvious are recent and future budget cuts. One especially important implication was to cut our entire GSA budget, which eliminated our core support for the website, graduate student organization, event planning, and basically the entire CLASS infrastructure of communication and mobilization. Diminished capacity to retain non-tenure track instructors (esp. Jonathan Wender) is another huge challenge. Second, our junior faculty now have been promoted with tenure, and with this has come increased demands – from home units for administrative commitments, from intellectual and professional engagements, from the Center for Human Rights and Jewish Studies Program, etc. – that are pulling their time and energies out of core LSJ activities. These centrifugal forces are in part a testament to the extraordinary energy, creativity, and catalytic impact of our faculty, but they are taking a toll on LSJ. Such challenges are faced by many units, but they are magnified in small interdisciplinary programs where faculty appointments are split with home units. Third, Michael McCann is not only stepping down as director, but his time and energy will be substantially redirected to his home unit of Political Science; he will remain involved in LSJ, but the commitment of his time as director will shrink greatly, while another core LSJ faculty member will have to fill that space, drawing much energy from other LSJ activities. In a group with only 3.5 FTE¹, this is a big change; almost like losing one quarter of the faculty. Fourth, the committee report says nothing about our lack of common space. In our view, the lack of common space and continued fact of physical distance among core LSJ faculty members has escalated greatly the challenge of sustaining commitments to core LSJ causes. These factors together represent a dramatic challenge for a small program that in its early years achieved so much and aspired to do far more. All of this is noted in our self-study, but we now realize we should have made more of it.

c) **The key challenge, then, is how to adapt a radically ambitious program agenda to significantly shrinking capacities.** All of the difficult problems and choices we face turn on dealing with the need to reduce commitments to manageable terms. We appreciate the review committee's many recommendations, but virtually all of the advice would require us to do more, and often far more. The committee simply does not take seriously – and perhaps it is our fault – the radical resource challenge that requires us to do less, because we were very overstretched before and now have steadily diminishing financial and personnel resources.

d) These problems of resources were at the heart of the dilemmas and challenges that we outlined in our self study – the erosion of our criminal justice course offerings and need to alter the track system; the inability to offer an alternative methods course that fits our undergraduate major; the impact of staffing our new LSJ 200 courses; the recent

¹ With Associate Prof. Arzoo Osanloo changing her appointment to 100% LSJ, we went from 3.0 to 3.5 FTE at the start of the 2009-10 academic year.

lull in our graduate program and our communications network in the wake of losing our GSA position; the costs of our substantial contributions to the Center for Human Rights and other worthy enterprises; the inability to develop an adequate community and alumni outreach or advancement program. As such, while we often agree in principle with the recommendations of the review committee, they do not really help us with our core challenges of redefining our core commitments amidst always small and now substantially diminishing resources of faculty time, staff support, and financial flexibility. We do find in the report, however, some welcome support for a few of our inclinations to address our challenges, at least one (Jonathan Wender) of which requires modest financial support from the College. Moreover, we appreciate the challenges outlined in the report, as they have stimulated greater and deeper deliberation among us about the difficult issues facing the program. This is a primary goal of the review process, and it has worked well. The remainder of our report takes up specific issues raised in the committee report in light of these general concerns.

3) Undergraduate program

a) “Eliminating” Criminal Justice

We begin by clarifying some misleading characterizations expressed by the review committee report. Most important, we never planned to cut out our Criminal Justice curriculum. We did cut out a variety of classes that either: did not fit our intellectual agenda, including criminology courses on criminal behavior; were conceived and controlled by other units with different agendas; and/or were taught by some lecturers from the old SoJu program. But this was consistent with our overall intellectual and pedagogical commitment to featuring mostly classes designed and taught by our faculty in line with our core vision. Moreover, two of our faculty, Herbert and Beckett, switched from teaching our core criminal justice courses (375 Crime, Politics, and Justice, and Soc 372, Intro to Criminal Justice) so we that could offer the new 200 level courses. But we continued to offer LSJ 375 and other important criminal justice courses (Drugs and Society; Policing in Comparative Perspective) with Jonathan Wender as the very effective and popular instructor who very much shares our core intellectual commitments. Moreover, a number of our graduate fellows have offered criminal justice-oriented courses. For instance, Jean Carmalt taught a course on the International Criminal Court twice, Arda Ibikoglu taught a course on comparative prisons, Dominic Corva taught a course on comparative drug regulation, Elizabeth Brown taught a course on race and criminal justice, Rose Ernst taught “Crime, Race, and Culture,” Kris Erickson twice taught a class on technology crime and law, and Victoria Babbit taught “Migration, Crime, and Politics.” We also regularly include a course on criminal justice and race by esteemed lecturer Stuart Streichler, and we added Lorna Rhodes’ (Professor, Anthropology) course on prisons.

This evolving plan promised to continue and arguably strengthen the core curriculum addressing issues of criminal justice (as opposed to criminology, which was significantly trimmed). However, these innovations quickly became vulnerable to our declining or unstable resources. Most important has been the state-wide budgetary crisis and the uncertainty this created for the crucial position of Jonathan Wender and the funding of graduate students, whose course offerings are beholden to temporary budgets and ‘soft’ money. Not only is our funding for Wender’s 3-4 courses each year uncertain,

but the decision of Sociology to drop the three courses he contracted to teach for them has pushed him to look for other employment in the region. Moreover, the current pipeline of graduate students specializing in a comparative interdisciplinary approach to criminal justice is thinner than in the past. The result is that our criminal justice curriculum has quickly become precarious, to be sure, but largely for reasons beyond our control. And it is for these reasons that we are reconsidering our options relative to capacities. Again, there has been no collective plan or decision for dropping criminal justice from our curriculum, nor has any decision been made yet about the future, particularly as we await word on further budget cuts. The only reason we were considering elimination of the separate *track* on Social Control and Criminal Justice is the undesirable but real fact that recent resource depletion most directly affects that track. But tinkering with tracks to maintain overall balance signaled no intent to cut the criminal justice *content* in our curriculum.

We are in full agreement with the review committee about core commitments to criminal justice courses. We recognize the importance of criminal justice as a key component in the study of law, societies, and justice as a discipline and, for that reason, we continue to consider various plans that aim to keep criminal justice a prominent feature in our offerings. For instance, we have worked to integrate courses focusing on critical race and law by Naomi Murakawa, who has indicated to several members of the core faculty that she intends to do just this. Arzoo Osanloo's research in Iran and Islamic law has previously focused on family law, but she is now working on Islamic criminal sanctioning and she expects to offer courses on comparative criminal justice in the near future. We also have welcomed contributions from Alexis Harris (Soc) and additional course offerings from Lorna Rhodes (Anthro), both of whom have expressed interest. The problem, however, is that those latter two faculty members' home units have limited listing courses with us, and this tendency is increasing with the university move to Activity Based Budgeting. In any case and we cannot emphasize one point enough: ***The key to sustaining a criminal justice curriculum is sustaining funding for lecturer Jonathan Wender as well as for graduate instructors and lecturer Stuart Streichler.*** We have appealed to the deans on this matter, and they have been very helpful with temporary funding, but the long term funding question looms large. Thus, again resources are the issue. We continue to explore options and are heartened that the divisional dean seems supportive of helping us find answers.

As for tracks, we are considering various options. One option is to combine or reconstruct tracks. Another option is to eliminate substantive tracks and replace them with a different type of structure differentiating between "primary" courses, which are mostly taught by LSJ's core faculty and required for graduation, and "secondary" courses that will be electives and marginal to the program. Some comments offered by review committee members during the interview process seemed to support this logic. But we decided to take up this latter option and others only after we completed the review process. To reiterate, none of the options suggest eliminating criminal justice, but how and how much we can keep or rebuild it is contingent on ever-dwindling resources.

b) Eliminating the Methods Requirement

We are puzzled by the report's statement about a methods course. The methods courses we previously provided as options for students were inherited from the SoJu program and do not fit any of the criteria that we see as appropriate for LSJ. That is, they

do not instruct students in a distinctive socio-legal analytical framework, in the constructivist and interpretive epistemologies common to our courses, or in the modes of analyzing and assessing power that we tend to feature. The courses are conceived by and for other units, are beyond our control, and are mostly irrelevant or even antithetical to what we feel our students need for our major.

We do not doubt that it would be great to have a distinctive course in socio-legal methods. We have considered such a course, perhaps organized around the theme of “Reading Law,” a course in which students would begin with classic formal interpretation of case law and move into “reading” statistical studies of judicial behavior, legal ethnographies, institutional study, and popular cultural texts communicating legal meaning. But at present we have no staff to teach this, especially for all of our majors. Some courses, such as LSJ 363, do provide a methodological inquiry, and perhaps this course, as well as others, could be retooled further toward that aim. But resource constraints again figure prominently; it is not clear that we can count on a faculty member to teach this course to all our students in the future. Indeed, the faculty member most suited to this task, Michael McCann, will be limiting rather than expanding his teaching availability for LSJ. In sum, the committee report’s recommendation overlooks the resource issue, which is the core of our dilemma.

c) Explicit Place for Race

The report’s commentary on race (or lack thereof) was also surprising for us. We offer courses that consider the racial dimensions of law on immigrants and asylum-seekers, homeless, law-breakers, prisoners, etc as well as on the politics of rights among racial and other minorities. Indeed, race is such a crucial analytical component of our methodology and inquiry into law, societies, and justice that nearly every course we offer provides a commentary on race, even if it is not named as such in the title. Moreover, we have thought and discussed at great length *how* we treat the issue of race. One approach – perhaps that implied in the review committee’s comments – would be to treat race as a discrete, separate issue, perhaps building a cluster of courses or even a track around it. For many reasons, we do not think that is the most productive path. Instead, we have opted to address race as one of several salient, intersecting axes of hierarchical power (along with class, gender, sexuality, ethnicity, religion, etc.) that permeate contemporary social and legal organization. Again, virtually every one of our courses integrates attention to race in this complex, subtle, but prominent way. For instance, Arzoo Osanloo’s course, “Engendering the War on Terror,” provides students with analytical tools that do not simply consider gender, race, or class, individually or in a vacuum, but in combination. Angelina Godoy’s course, “Human Rights in Latin America,” takes the same approach by looking at race, class, and gender issues in a broader political framework. Our oldest core course, “Law in Society,” systematically outlines issues of race, class, and gender in each of its four major thematic sections. Indeed there is not space enough to offer a sketch of all the different ways our courses integrate critical race, class, and gender components. The point here, however, is that our commitment to such issues is a crucial methodological component of our program, and as such is not encapsulated in a singular course or set of courses, but is entrenched in the analytics of power that are central to our teaching (and researching missions) and to our aim in helping our students to apply these methods of inquiry domestically, in other nations, and transnationally.

Overall, we are confident that our enacted commitment to diversity goes far beyond that of most units, not only in highlighting the significance of race, but in including other dimensions of diversity that are indeed more in line with the University of Washington's own broadly defined statement on diversity. As our self-study documents, moreover, we are committed to extending our understandings of law, societies, and justice to be inclusive of other world views – so that our students will not only become aware of them, but also force them (and us) to question our own assumptions, and the limits of our own ways of thinking. Thus, our commitment to diversity is not symbolic; it is enacted in many ways that transcend simple categorization.

It is significant that LSJ early on featured courses in critical race theory taught by Patrick Rivers. Rivers later moved into LSJ, as did Andrea Simpson, but unfortunately, both African-American scholars left the university and thus an important component of our race-oriented curriculum left with them. We very much miss their presence in our group. We are currently in talks with Naomi Murakawa to teach at least one course on critical race theory, and she is indeed planning to do so. For the moment, however, she is working toward tenure and is constrained by her commitments to her home unit of Political Science. We hope and expect that she will add to and strengthen the critical race component of our curriculum. Again, our concrete challenge is one of resources rather than commitment. And, in any cases, these courses on critical race theory are grounded in attention to the themes of intersectionality outlined above.

The race issue also came up in regard to the diminishing course offerings in criminal justice, as the committee asserted that fewer such courses would attract fewer students of color. We are not convinced that this linkage is as clear or simple as the committee seems to assume. Moreover, we have already found that our new 200 level classes draw increased numbers of students of color and other underrepresented populations to our courses, and we hope to capitalize upon this by recruiting many as majors.

e. Overall

We face numerous issues trying to staff our ambitious, globally oriented undergraduate program with very limited faculty and declining capacity. All the changes to our curriculum have been made with a focus on “pedagogical and student development goals,” as the report urges; the dilemma for us is not lack of concern for students, but increasing resource scarcity and uncertainty about the future. Indeed, the report recognizes our innovative cutting edge curriculum; our students' high esteem for classes, teachers, and overall program; our focus on improving students' writing and analytical skills; the costly commitment to study abroad and community engagement nearby – all reflecting the high priority we have placed on student learning goals and our willingness to expend scarce resources to ensure the best possible outcomes for our students. The growth in student demand, the high student evaluations of individual courses and the overall program, and high faculty investment reflect this. On specific issues of how to deal with scarce resource distribution we may not be entirely unified among ourselves, but no one should question our common commitment to the good of students. Therefore, we appreciate the report's suggestion that we retain student interests at the core of our decision-making, but we know that doing so will not solve our central dilemmas, as these stem from resource scarcity rather than improper prioritization of goals. We are not

complaining about our resource situation in noting this; we are instead highlighting our realistic approach to material constraints.

More positively, we again embrace and highlight the report's core point – the need to find a way to keep criminal justice, which means finding a way to keep Jonathan Wender in a more stable relationship. Our single biggest challenge at the undergraduate level turns on overcoming that uncertainty. If we lose him, we do lose the bulk of our capacity to teach criminal justice. We continue to work on this.

4) Graduate program

a) Success with the Initial Phase of the Program

We appreciate the report's recognition that the CLASS Graduate Fellows and Certificate program have developed an impressive record and reputation despite its short tenure. We have connected with a large number of students from diverse home departments (Political Science, Sociology, Geography, Anthropology, Social Work, Law, Women Studies). Recent graduates have been placed extremely well and this is in no small part a result of what LSJ faculty have added to their education and credentials. As stated in our self-study, placements include top universities in the U.S.: Yale, University of Wisconsin, University of Connecticut, Syracuse University, and various international universities, including in Malaysia, Israel, Turkey, Korea, Japan, and Denmark (see self-study for much longer list). Similarly, recent graduates won a host of major dissertation prizes and a host of prestigious national and internationally competitive post docs including one at Harvard and another at the Stockholm University in Sweden. We are pleased with the initial phase of our program and are now in a time of great reflection on its future – again amidst a context of reduced resources.

b) Current Challenges

The report is correct about, and perhaps even underplays, the degree to which the program has not achieved all that we envisioned and we are now faced with a critical set of challenges for the future. There are many reasons for this: the structural problem of weak graduate programs in some social science units and no cooperation from others; the failure to win an IGERT grant that would have provided funding to overcome local challenges; the recent graduation of a large, stellar cohort and a generation gap before the new, young group gets engaged; and, most important, recent budget cuts that eliminated funding for the Graduate Student Assistant who in the past was integral to organizing CLASS Fellows and connecting them with faculty. Had the review committee had the opportunity to hear more from key CLASS Fellow alumni from 2 years ago in comparison to current Fellows, they may have even better appreciated the shift that has occurred and the challenges we face.

c) Future Directions

We are facing hard decisions as the group moves forward beyond the IGERT-era efforts and returns to discussions about reaching a common set of goals for the CLASS Graduate Program amongst LSJ faculty. Again, these discussions will be greatly shaped by the issue of resources – financial, personnel, and space. Building on and improving the current program and any future move to an interdisciplinary Ph.D. all hinge on available resources. As the report states, current CLASS Fellows are satisfied with the general goals of the program but desire a stronger sense of involvement in the larger CLASS community of both graduate students and faculty. The LSJ faculty share a vision

about to how to create a flourishing and mobilized group of CLASS Fellows. Regular CLASS Fellow work shares, social activities, collective identity formation through a developed website all flourished under a system with a funded GSA who could assist the faculty GPC. Further, even with minimal resources last year we held a beginning of the year Panel highlighting LSJ faculty and their research in order to provide a forum for faculty, current Fellows, and prospective CLASS Fellows to mingle. Promotions for this event reached units across the campus and attendance and interest was excellent. Along with these events, we could easily see the value in creating a series of professional development workshops that would again connect LSJ faculty and CLASS Fellows.

Yet this vision can only become reality with resources. Assuming that return of a funded GSA will not be possible soon, other options might include a Graduate Program Coordinator that is compensated for the administrative time needed in absence of a GSA. Such a funded LSJ GPC could develop the above mentioned events and undertake the outreach to social science units and potential students that is needed. But, once again, we do not have such funding, or at least cuts in the program have eliminated it. The LSJ faculty are dedicated to coming up with solutions, yet we are keenly aware of, and even stymied by, our current capacity limitations.

5) Advancement and Outreach

As our self-study indicated, efforts towards development were necessarily forestalled in the early years of the Program. Faculty energies were devoted toward developing courses, structuring the overall curriculum, and pursuing research agendas robust enough to ensure tenure and promotion. The youth of the program also meant that the alumni base was small and young, and thus not easily mobilized. Furthermore, significant energies were devoted toward the IGERT application, which, had it been successful, would have provided significant resources. With the IGERT effort now behind us, and with the program at a more mature stage, a more concerted development strategy is indeed appropriate. In a context of limited administrative resources and of multiple demands on faculty time, these efforts will necessarily be more limited than we would ideally like. Our advancement goals are self-consciously long-range and start by building a stronger relationship with current students, alumni, and the community.

Outreach to the community is in fact underway and comes in three principal forms. One is the ongoing involvement of the LSJ faculty in local forums. These are many and various. Professor Herbert served on a recent panel created by the Seattle City Council on police accountability. Professor Beckett has worked on issues involving racial dimensions of local drug law enforcement, and is regularly quoted in the local media. Several faculty consistently publish op-ed pieces in the *Seattle Times*. All of us regularly appear on the radio and before local audiences of various types. Although these engagements are not directly tied to fundraising, they do enhance the stature of LSJ in the local community.

Second, the Program created and distributed its first alumni newsletter last year. In the process, we created a template for future such newsletters so that this can occur on an annual basis. This will provide us a platform from which we can expand and cement our ties to our ever-growing alumni base.

Third, the recently-created LSJ Student Association, with assistance from Professor Herbert, is organizing a series of panel discussions during 2010 focusing on

local justice issues, such as the various struggles of Tent City, the legal regulations shaping organic agriculture, and the realities of undocumented students at UW. These panels will include various members of the local legal, political, and advocacy communities. The expectation is that these panels will enhance intellectual community within the group of LSJ majors and increase the program's exposure to the greater Seattle community.

This last effort may well lead to the creation of an advisory committee. Such a committee might be well-advised, but we need first to generate greater general awareness of the Program and its goals. We also need to be realistic about the extent to which the faculty can invest energies in such an effort given the depth of their pre-existing commitments. Our radical lack of staff support makes ongoing outreach nearly impossible.

Outreach should also occur to other units on campus, such as the Law School. It is uncertain how fruitful these efforts might be, but the new director would be well-advised to move on this front, with the support of select faculty.

6) Governance and Administration

The committee rightly picks up on what we wrote in our self-study – that the present governance structure was established a decade ago for a smaller and very different group of all junior faculty. It has been amended as the group has expanded and developed, but it has not changed significantly to fit the present contours of the group. The present director has openly recommended in recent years that the next director should lead a discussion about revising that structure. Probably the most important decision regarding governance will involve the question of whether to sustain an executive governing committee that includes faculty without LSJ lines as voting members; if so, the size and membership requires specification. Another question is the possibility of regularized meetings. The problem of home unit meeting commitments and teaching schedules has rendered scheduling of regular meetings difficult in the past, but perhaps these challenges can be overcome.

The report does misrepresent the existing committee structure, however, largely because it fails to recognize the distinction between standing committees and ad hoc committees for one-time matters. We have only two permanent committees – the Undergraduate Program Committee and the Graduate Program Committee – and a colloquium director. The Graduate Program Committee, the Graduate Faculty Coordinator, and the various efforts to review and upgrade CLASS all involve the same faculty group at any one time. Given our small faculty size, many functions were delegated to short term ad hoc committees as needs arose. Moreover, various administrative positions – Associate Director, Outreach Coordinator – have been designated in various years contingent on resources and group agenda.

Overall, one of the very biggest challenges for our unit is the lack of administrative staff support. Our administrator, Ann Buscherfeld, is radically overburdened in her service to multiple units. Mark Weitzenkamp is able to handle advising and curricular matters, but he must stretch far to take on the host of other administrative matters. The loss of funding for a GSA (to budget cuts) has been extremely costly to our ongoing group activities, event planning, graduate student outreach and coordination, and communication networks. Many of the review report

recommendations are unrealistic due precisely to the lack of administrative support. We are not complaining, and we know that it is unrealistic to request additional resources in the present context, but we do seek recognition of these important challenges that constrain us in manifold ways.

7) Conclusion

We again thank the committee for its hard work and its achievements in crystallizing some of the challenges that we face. While we agree with many of the review committee's ideas, we simply cannot expand our agenda, commitments, or investments in most of the ways that the report urges; rather, for reasons outlined previously, we must trim our investments and commitments. But the report does give us much to consider as we deliberate about where we will and will not focus our limited energies. Most important, the review process has pushed us to confront our challenges of defining priorities more directly and seriously. That is a major reason for regular reviews, and the process has worked in that regard. And we as a faculty recognize that we need to focus our energies to realize common purposes as we enter the present context of increasingly scarce resources and transition in leadership.