

LAW, SOCIETIES, AND JUSTICE

Report of the Review Committee

The following members of the review committee for the Law, Societies and Justice Program have concluded their review:

Professor Charles Keyes (Chair), Department of Anthropology and the Jackson School of International Studies, Box 353100

Professor Jere Bacharach, Department of History, Box 352560

Associate Professor Marieka Klawitter, Evans School of Public Affairs, Box 353560

Professor Lynn Mather, Law and Political Science, Director, Baldy Center for Law and Social Policy, University of Buffalo Law School, State University of New York, 418 O'Brian Hall, Buffalo, NY 14260

Professor Austin Sarat, Departments of Law, Jurisprudence and Social Thought and Political Science, 101 Clark House, Amherst College, Amherst, MA 01002

INTRODUCTION

The University Initiative Fund (UIF) award in 1999 that led to the development of the program in Law, Societies and Justice (also known as Comparative Law and Societies Studies) resulted in the recruitment of an exceptional faculty in the field of law and social justice. The new faculty members who have been added have contributed to building an undergraduate program that is gaining respect not only on campus but also nationally. The program attracts significant numbers of students who are both motivated and enthusiastic.

LSJ is a leading national model of interdisciplinary lawrelated education for undergraduates. It is innovative in two important ways. First, it has a genuine commitment to comparative and global studies, studies which are both timely and important. No other program in the country has the depth or excellence of this approach. Second, its version of interdisciplinary legal study is integrated and coherent. The animating vision is to this generation what Philip Selznick's vision was to the generation of the 60s and 70s, which saw the development of Berkeley's exemplary program in Jurisprudence and Social Policy. LSJ is part of an important national effort to develop legal education in interdisciplinary legal studies. It has already made a mark and established itself as at the cutting edge.

These particular strengths of LSJ can be seen, for example, in its development of a Human Rights track within the major. By integrating global movements for rights, campaigns for rule of law, and the concepts and ideas from rights networks into Law and Society, the LSJ program has redefined and broadened the traditional concerns of the field. Concepts of social control, rights consciousness, and legal mobilization take on new meaning when examined in a global context. This program also has far more courses on comparative law and institutions than any other program in the country. Another illustration of the uniqueness of LSJ lies in its methodological focus. By aggressively promoting multi-disciplinary, critical, and post-positivist analysis, the program succeeds

in defining a particular niche for itself among similar programs. This perspective facilitates communication across the program faculty through its shared assumptions, language, and methods and also helps to distinguish studies in LSJ from studies, for example, in Sociology.

Michael McCann, one of LSJ's founders is a leading figure in sociolegal studies. His vision has inspired the program and helped recruit as impressive a group of colleagues as exists in any comparable program in the country. He deserves enormous credit for his tireless work, generosity, and intellectual force. The excellence of LSJ is a living testimony to the stellar quality of its founder.

This review occurs at a critical moment in the development of this program. The program has been informed by a compelling vision set forth in the UIF proposal and the faculty members who were recruited clearly were attracted by this vision. The courses they have introduced are the beginnings of a concrete realization of that vision. At the same time, there are now many more key participants in the program than were involved in the development of the UIF proposal. Thus, it is now critical that these faculty members undertake a collective effort to envision how their individual and group competencies and interests will build on the foundations which have been well laid. We hope our report will assist them in this effort as well as providing both the College of Arts and Sciences and the Graduate School with information and assessments to make informed decisions about the future of the program.

THE REVIEW PROCESS

The review of the program with both internal and external members of the committee present took place from the evening of Sunday February 22nd through the afternoon of Tuesday, February 24th. In addition, the internal members of the committee had several appointments between January 30th and February 18th.

The full committee met and interviewed Professor McCann both at the beginning and the end of the review process. Interviews were also held with the following faculty members who hold joint appointments in LSJ: Associate Professor Steve Herbert (Geography), Assistant Professor Patrick Rivers (American Ethnic Studies), Assistant Professor Angelina Godoy (Jackson School of International Studies), Assistant Professor Rachel Cichowski (Political Science), and Assistant Professor Arzoo Osanloo (Anthropology), and Associate Professor Katherine Beckett. Of the eleven faculty members listed as "friends" or "participants" in the program, but who do not hold any formal appointment, the committee interviewed only three in addition to Professor McCann: Associate Professor Jamie Mayerfeld and Assistant Professor George Lovell, both with appointments in Political Science and Professor Walter Walsh from the School of Law. The full committee also met with Professor Stuart Tolnay, chair of the Department of Sociology and (in the company of Professor Walsh), Professor Patricia Kuszler, associate dean for faculty research and development, School of Law. The internal committee members also had separate meetings with Professor David Hodge, Dean, College of Arts and Sciences, Dr. David Szatmary, Vice Provost, UW Educational Outreach, and Professor Robert Crutchfield, former chair of Sociology who has had a long relationship with the Law, Society, and Social Policy component of the department's curriculum. In addition, the full committee met with Mr. Mark Weitzenkamp, the only full time staff person for the program, with 13 graduate students identified as being

associated with the program (12 students in Political Science and one student in Geography), and 13 undergraduate majors. Finally, all members of the committee looked at the LSJ website: <http://depts.washington.edu/class/lcj/>.

RESULTS OF THE REVIEW

In the following sections, we discuss how the program has evolved, make recommendations for maintaining and strengthening an impressive undergraduate program, and offer suggestions for possible future development that builds on this undergraduate component.

1. The Legacy of Antecedents

In the self-study report it is asserted that an obstacle in the development of the LSJ program has been “the residual pull of the SoJu program roots.” This is an allusion to the fact that LSJ evolved out of an older program called “Society and Justice” (SoJu). Much of the SoJu curriculum was grounded in criminology and deviance classes in Sociology and several Sociology faculty were central members of the program. The SoJu program drew significant numbers of students interested in future jobs related to criminal justice. In the initial stages of the evolution toward LSJ, Professor McCann and some other faculty in Political Science worked together with several of the faculty in sociology in an effort to restructure SoJu to make it broader and more interdisciplinary and comparative. However, the development of LSJ following the award of the UIF grant has resulted in there today being two very distinct visions of what to offer undergraduate students in the area of law and society, one represented by LSJ and the other represented by a component of the Sociology program which today is labeled Law, Society and Social Policy.

We have concluded that the LSJ program with its emphasis on “studying legal conventions, discourses, and institutions ‘in society,’ from ‘the bottom up,’ in systematic comparative, cross-national and transnational perspective” (Self-Study, p. 2) is not only radically different from the old SoJu program, but also is clearly very different from the Law, Society and Social Policy component of the undergraduate curriculum in Sociology. The latter is almost exclusively focused on American society and is situated within a disciplinary rather than interdisciplinary framework. It is, nonetheless, the case that the programs often attract similar students. In our review we learned that the advisor in LSJ and the undergraduate advisor in Sociology have met to discuss how to help students choose between majoring in LSJ and in Sociology. Because there is such a high student demand for both programs, the existence of LSJ does not, in our judgment, appear to pose any threat to enrollments in Sociology.

While the programmatic separation makes sense on pedagogical and methodological grounds, the review committee is well aware that the legacy of the roots of LSJ in SoJu is also manifest in tensions that exist between some faculty members in Sociology and some in LSJ. These tensions, we fear, are not likely to dissipate for some time. At the same time, two sociologists – Professors Beckett and Godoy (the former with a joint appointment between Sociology and LSJ and the latter with an adjunct appointment in Sociology) – are key members of the LSJ faculty. Moreover, we were encouraged that Professor Tolnay, the new chair of Sociology, is desirous of minimizing the continuing consequences of the tensions.

Given, however, the persistence of some very negative attitudes on the part of several in Sociology to the LSJ, it is essential, the review committee members believe, that the College make clear to both Sociology and LSJ that it recognizes a formal separation between LSJ and the Law, Society and Social Policy component of the Sociology undergraduate curriculum.

2. An Interdisciplinary Undergraduate Program

The statistical evidence as well as the assessments offered by a group of undergraduate majors with whom the review committee met demonstrate that the program is successful in attracting an impressive number of majors (in the current academic year there are over 100 students who have declared LSJ as a major) despite the raising of admission requirements. The students with whom we met were both enthusiastic in their support of the program and praising of the content of the courses and of the instructors. The syllabi of courses provided to the committee also are evidence of a program that offers students a challenging and rich education.

There are, we feel, a number of issues that need to be addressed to ensure that the undergraduate program can continue to offer such an education for those who enroll in it.

The first issue has to do with curriculum. When the new faculty were recruited they were given a great amount of leeway in designing the courses they would teach. It is now evident that in order to offer a curriculum in which courses build on what students have already learned that several changes in the curriculum need to be made (we recognize that some steps in this direction are already being made):

- Because the core faculty are now in place, this is an excellent time for them to meet as a group to revisit the program requirements and course content. This process of collaboration will allow new faculty to contribute to all courses and to continue building a working, invested faculty.
- Consideration needs to be given to what basic courses in the social sciences outside of those offered by LSJ itself need be made requirements for taking the basic LSJ courses. Two members of the faculty noted that most students were ill prepared for taking courses that emphasize a comparative approach. In addition, other faculty members also were concerned about the need for basic knowledge of social science approaches.
- Consideration needs to be given to the articulation of courses at the 300 and 400 levels in order that students do not register for these as apparently they currently are in a rather ad hoc way.
- Because all faculty members in the program have a joint appointment with another unit, some, but not all, of the LSJ courses are joint-listed with other departments. The joint-listing of courses needs to be reviewed.
- Finally, there are a number of other courses offered in other departments that could be integrated into the LSJ curriculum much as has been done by the Comparative History of Ideas (CHID) program.

The second issue has to do with situating of the program within the College. We considered possibilities other than being directly under the College.

- Law School: At Berkeley a comparable program is located in the Law School rather than in the equivalent of the College of Arts and Sciences. Although many of the LSJ students are likely to apply to go to a law school, we do not recommend that it be transferred to the Law School. The program, in both the eyes of the faculty who teach in it and the view of the review committee, is a liberal arts program and belongs within the College of Arts and Sciences.
- Jackson School of International Studies: The review committee devoted considerable time to considering whether it would make sense for LSJ to be in the Jackson School. There would be some clear positive advantages to situating it within JSIS: (a) it would make possible stronger linkages with other comparative and international studies program; (b) it would make possible taking advantage of an economy of scale in support services; (c) it would make possible the development of a graduate program comparable to those of units within JSIS. However, the review committee concluded that it would not make sense for the program to be transferred to JSIS. There is strong question as to whether the JSIS administrative, fiscal, and advising offices could accommodate the addition of such a large program. But more importantly, we feel that LSJ needs particularly at this stage to be independent to ensure that it is more widely recognized as a significant element of the College.
- In the early stages of the new incarnation of the program, it has been closely associated with Political Science. Professor Michael McCann, the director of the program and the PI on the UIF proposal, is a former chair of Political Science and remains fully within that Department (he does not, at the present time, have a joint appointment with the LSJ program). Several other key faculty are also members of the Political Science faculty. The program offices are located within the set of offices controlled by Political Science. Political Science staff are asked to provide some support services for LSJ (this is a point to which we return later in the report). Given the current situation, there is a need for the program, because it is interdisciplinary, to develop a clear distinction from the Political Science department. This will require some guidance on the part of the College.

3. Graduate/Research Component of the Program

Although the UIF proposal envisaged a program with both an undergraduate and a graduate/research component, respectively subsumed under the labels of “Law, Societies and Justice” and “Comparative Law and Societies Studies”, at the present time the program is almost wholly an undergraduate one. The review committee has several recommendations regarding the development of a graduate/research component.

- Name: In part because the graduate/research component is as yet little developed, we do not find the use of a separate name (CLASS) for this component to be justified. Moreover, we found considerable confusion both within the review committee and, more importantly, from among those we interviewed about why there were – contrary to the practice for other units – two names for the program. We recommend that there be only one name for the program.
- Graduate certificate: The Self-Study report indicates that the faculty are in the process of devising a graduate certificate curriculum that would provide a focus for graduate students in diverse departments to develop connections with the

program as well as have on their record that they have taken significant course work in the field of LSJ. The review committee heard considerable doubts about whether such a certificate component could accomplish the goals sought since such certificate components have not proven to be successful in other units. It is also clear that most graduate students who have been or will be attracted to the University of Washington will come to study with a particular member of the faculty within the disciplinary framework of the non-LSJ unit with which the faculty member is associated. We are supportive of the effort of the LSJ faculty to pursue the development of a graduate certificate, but as an *experiment* that should be reviewed after a few years. We also recommend that the LSJ faculty consider developing the type of informal network among graduate students that has been fostered by the area studies program in the Jackson School through seminars and email lists. It is important that such a network be formally open to all interested graduate students, rather than through word-of-mouth communication that has left some graduate students feeling left out. Proactive efforts should also be made to reach graduate students outside of Political Science.

- Graduate degrees: We concur with the assessment of the Self-Study document, repeated again by Professor McCann when we met with him, that it is premature for the faculty to develop MA or PhD programs for LSJ. However, in the future the faculty may well wish to consider development of an MA program comparable to those offered by the programs in the Jackson School. Such a program might possibly incorporate some graduate courses offered by the Law School that are open to non-Law students.
- Linkages with graduate programs in the Law School: Because the Law School offers both LLM and PhD programs, there does seem to be some possibility of involvement of LSJ faculty in these programs. At the same time, we share the concern of some LSJ faculty members that such involvement might detract from their commitments to the undergraduate LSJ program and to their work with graduate students in their own non-LSJ units. We recommend that further discussions be held about linkages between LSJ and the Law School for graduate studies.
- Research Component: LSJ is currently running an impressive lecture series that will culminate in a conference on “Human Rights from the Bottom Up.” This series not only gives visibility to the program on campus, but also serves as a means to bring interested faculty, graduate students, and undergraduates together. The series and conference have been supported by the Simpson Center for the Humanities and has involved linkage with the Institute for Transnational Studies. This is a model that the program faculty hope to emulate in the future as well. However, such an endeavor requires considerable commitment of time as well as money for organizing the activities and bringing outside speakers to the UW campus. The program itself does not have the resources to do this. It also lacks resources for providing faculty supplementary research support. To be able to realize the program’s potential for research, LSJ needs more administrative support (see below) and the ability to release faculty part-time to develop grant proposals.

4. Faculty

The program began through the cooperation of several faculty with appointments fully in disciplinary units. With UIF support there are now six faculty who have appointments in LSJ joint with a disciplinary unit. Of these, only two (Beckett and Herbert) are tenured associate professors. The other four (Cichowski, Godoy, Onsaloo, and Rivers) are all untenured. In addition, there are seven faculty members in the College of Arts and Sciences who are currently affiliated with the program as “friends” – that is, they are recognized by the program as playing significant roles, but have no formal status in it. Professor McCann, the director of the program, is himself only affiliated as a ‘friend.’ (The other ‘friends’ include 3 associate professors and one assistant professor in Political Science, one professor in the Jackson School of International Studies, and one associate professor of Philosophy).

As early as the coming Spring quarter, several of the junior faculty will come up for reappointment. Within 3-4 years all the junior faculty will have to be considered for promotion and tenure. The two associate professors will also have to be considered for promotion in the next several years. While the initiative for such reappointments, tenure and promotion lies with the non-LSJ unit to which the faculty member belongs, LSJ must also participate formally in the process. At present, only Beckett and Herbert and (and not including the director) are formally eligible to participate in the decision to recommend reappointment or promotion and tenure for junior faculty. There are no full professors with LSJ appointments who could participate in the promotion of Beckett or Herbert.

LSJ depends on the contribution of a number of faculty members who do not, at present, have joint (or any other) appointments in LSJ. The designation as a ‘friend’ imposes no obligation on a faculty member either to teach or contribute to the program in other ways. At the same time, the relatively senior status of some of the ‘friends’ may disempower the more junior faculty in LSJ. There are also other faculty on campus who might well be involved in the program but who, at present, are not even designated as ‘friends’. This rather jerry-built faculty needs to be reconstituted; toward this end the review committee recommends the following:

- The College, in consultation with the current faculty and ‘friends’ in LSJ should determine who should be considered a voting member of the faculty. This may entail shifting the appointment of some faculty members (and this should clearly be done in the case of Professor McCann) to a joint appointment between LSJ and the previous home unit. It should also entail the appointment of some faculty members as adjunct members of LSJ.
- The director of LSJ should work together with the chairs of the units in which faculty have joint appointments to clarify the process whereby these faculty will be considered for reappointment, tenure and promotion.
- It is critically important that LSJ institutionalize its decision-making processes by holding regular faculty meetings and retreats. The lack of proximity of faculty offices, the joint appointments, and the newness of the program, all demand explicit mechanisms to bring faculty together to invest in this program.

5. Administrative Support and Administrative Structure

With a core faculty of 6 joint appointments and 7 ‘friends’, approximately 100 undergraduate majors, courses that appeal to large numbers of other undergraduates, and

aspirations to develop a graduate/research component, it is clear that current administrative support for the program is not adequate. It is also clear that the administrative structure also needs to be rethought in light of the demands on the program. At present, the program is directed by a faculty member who holds a full time appointment in Political Science and who is assisted by one full time staff person. Additional administrative work is being undertaken by other faculty members who have no release time for their work. And additional support is provided by the staff in the Political Science Department without any additional compensation or formal release time from their work from the Department. Given this situation, the Review Committee recommends the following:

- The appointment of the director should be ‘regularized’, by which we mean the length of the term of office of the director should be specified, the director should be formally appointed in LSJ as well as in his (or her in the future) home department, the director should have a specified course reduction during his/her term of office, and compensation for being director should be made explicit. In addition, it is essential that the faculty of the program working together with the College should determine who is eligible to become director in the future.
- Faculty members appointed to other administrative posts such as deputy director or curriculum director should be given clear understandings as to what compensation / release time will be provided for their work.
- Even if the person appointed as curriculum coordinator for the program had not become seriously ill, it is still clear that only 1.0 FTE is not sufficient to handle (a) coordination of the curriculum, (b) advising of majors, (c) coordinating a speaker series and conference, and (d) providing assistance to faculty for their curricular and other needs. Without the additional help of a GSA funded on a one time basis for the lecture series and conference, the assistance of staff in Political Science, and the devotion of significant extra time by program faculty, the program would not have been sustainable this year. On the basis of comparison with the Comparative History of Ideas Program, it seems reasonable that LSJ should have at least 1.5 FTE staff to assist in administering the program.
- The College must also work with Political Science and LSJ to formalize what support, if any, the staff in Political Science will offer LSJ. Since a number LSJ faculty hold appointments outside of Political Science, the relationship that now exists can only lead to increased tensions unless it is formalized.
- LSJ also needs a core budget that makes it possible to provide support for teaching (readers, equipment, supplies), travel support for faculty and outside speakers, and course reductions for faculty involved in service work. UIF rollover funds have been used for such activities, but will soon be depleted. We support Professor McCann’s request for at least \$20,000 per year to be added to the LSJ core budget for these purposes.

6. Future Review

While it is normal for reviews of units to take place on a ten-year cycle, because LSJ is still very new and because it will undergo significant transformations as it becomes more institutionalized, we recommend that the next review of the program take place in five years.

SUMMARY RECOMMENDATIONS

We conclude with a summary of the recommendations we have made for the maintenance and development of the exciting Law, Societies and Justice Program:

1. The programmatic separation of LSJ from the Law, Society and Social Policy component of the undergraduate curriculum in Sociology should be formally recognized by the College.
2. The program should continue as an interdisciplinary program directly under the College, but with clearer definition as to the separation of the program from Political Science as well as Sociology.
3. The program for both its undergraduate and research/graduate components should have a single name.
4. The faculty members of LSJ should develop mechanisms such as regular faculty meetings and retreats.
5. The program needs to revisit the undergraduate curriculum to (a) determine what basic courses in the social sciences should be required as prerequisites for LSJ courses; (b) articulate the LSJ offerings at the 300 and 400 levels; (c) determine what commitments are expected of each faculty member; (d) review the joint-listing of courses; and (e) determine what other non-LSJ courses might be included in the curriculum.
6. For the graduate/research component of the program, the faculty (a) should be encouraged to consider the development of a graduate certificate as an experiment, (b) should consider other means to bring together graduate students working with LSJ faculty in various departments, (c) should explore possible cooperation at the graduate level with the Law School, (d) should seek outside funding for lecture series, seminars, conferences and, ultimately, graduate support (but this can be done, we note, only if there is adequate staff support).
7. The College, in consultation with the current faculty and 'friends' in LSJ determine who should be considered a voting member of the faculty. This may entail shifting the appointment of some faculty members to a joint appointment between LSJ and the previous home unit. It should also entail the appointment of some faculty members as adjunct members of LSJ.
8. The director of LSJ should work together with the chairs of the units in which faculty have joint appointments to clarify the process whereby these faculty will be considered for reappointment, tenure and promotion.
9. The appointment of the director should be 'regularized', by which we mean the length of the term of office of the director should be specified, the director should be formally appointed in LSJ as well as in his (or her in the future) home department, the director should have a specified course reduction during his/her term of office, and compensation for being director should be made explicit. In addition, it is essential that the faculty of the program, working together with the College, should determine who is eligible to become director in the future.
10. Faculty members appointed to other administrative posts such as deputy director or curriculum director should be given clear understandings as to what their responsibilities are and what compensation or release time they can expect for their work.

11. LSJ should have at least 1.5 FTE staff to assist in administering the program and the College must also work with Political Science and LSJ to formalize what support, if any, the staff in Political Science will offer LSJ.
12. The program should have an additional \$20,000 per year added to its operating budget.
13. The program should be reviewed again in five years.