George Mason University  
Graduate Course Approval/Inventory Form

Please complete this form and attach a copy of the syllabus for new courses. Forward it as an email attachment to the Secretary of the Graduate Council. A printed copy of the form with signatures should be brought to the Graduate Council Meeting. Complete the Coordinator Form on page 2, if changes in this course will affect other units.

Please indicate:  __X__ NEW  ____ MODIFY  ____ DELETE

Local Unit: Public & International Affairs/ADJ  Graduate Council Approval Date:

Course Abbreviation: JLCP  Course Number: 720

Full Course Title: Behavior of Law

Abbreviated Course Title (24 characters max.): Behavior of Law

Credit hours: 3  Program of Record: Justice, Law, & Crime Policy

Repeatable for Credit?  ___ D=Yes, not within same term  Up to hours ___ T=Yes, within the same term  Up to hours  _X_ N=Cannot be repeated for credit

Activity Code (please indicate):  ___ Lecture (LEC)  ___ Lab (LAB)  ___ Recitation (RCT)  ___ Studio (STU)  ___ Internship (INT)  ___ Independent Study (IND)  _X_ Seminar (SEM)

Catalog Credit Format  3:3:0  Course Level: GF(500-600)  ____ GA(700+)  _X_

Maximum Enrollment: 20  For NEW courses, first term to be offered: Fall 2005

Prerequisites or corequisites: None

Catalog Description (35 words or less) Please use catalog format and attach a copy of the syllabus for new courses.: JLCP 720 Behavior of Law (3:3:0). Examines the development of law and law’s effect on human behavior. Review of theories of law’s meaning and aims. Examination of the construction of law and investigation of the consequences of law and legal decisions.

For MODIFIED or DELETED courses as appropriate:

Last term offered: Previous Course Abbreviation: Previous number:

Description of modification:

APPROVAL SIGNATURES:

Submitted by: ________________________________ email: smastrof@gmu.edu

Department/Program: ________________________________ Date: ________________

College Committee: ________________________________ Date: ________________

Graduate Council Representative: ________________________________ Date: ________________
GEORGE MASON UNIVERSITY
Course Coordination Form

Approval from other units:

Please list those units outside of your own who may be affected by this new, modified, or deleted course. Each of these units must approve this change prior to its being submitted to the Graduate Council for approval.

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Graduate Council representative: ____________________________ Date: __________
Provost Office representative: ____________________________ Date: __________
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Please indicate: __X__ NEW  ____ MODIFY  ____ DELETE

Local Unit: Public & International Affairs
Graduate Council Approval Date:

Course Abbreviation: GOVT  Course Number: 728

Full Course Title: Behavior of Law

Abbreviated Course Title (24 characters max.): Behavior of Law

Credit hours: 3  Program of Record: Political Science M.A.

Repeatable for Credit?  ___ D=Yes, not within same term  Up to hours
___ T=Yes, within the same term  Up to hours
__X_ N=Cannot be repeated for credit

Activity Code (please indicate): ___ Lecture (LEC) ___ Lab (LAB) ___ Recitation (RCT)
___ Studio (STU) ___ Internship (INT) ___ Independent Study (IND) _X_ Seminar (SEM)

Catalog Credit Format 3:3:0  Course Level: GF(500-600) ____ GA(700+) _X_

Maximum Enrollment: 20  For NEW courses, first term to be offered: Fall 2005

Prerequisites or corequisites: None

Catalog Description (35 words or less) Please use catalog format and attach a copy of the syllabus for new courses: GOVT 728 Behavior of Law (3:3:0). Examines the development of law and law’s effect on human behavior. Review of major theories of law’s meaning and aims. Examination of the construction of law and investigation of the consequences of law and legal decisions.

For MODIFIED or DELETED courses as appropriate:

Last term offered:  Previous Course Abbreviation:  Previous number:

Description of modification:

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Department/Program: ________________________________ Date: __________________

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Graduate Council approval: ____________________________ Date: ________

Graduate Council representative: __________________________ Date: ________

Provost Office representative: __________________________ Date: ________
Behavior of Law

Topic Description

This course examines the development of law and law’s effect on human behavior. We will review major theories of law, including natural law, sociological jurisprudence, legal realism, critical legal studies, and law and economics. Each of these approaches is addressed to two central questions we will consider throughout the term: What is law, and what are its aims? We will also examine the construction of law, both by courts and civil society, seeking to comprehend the many influences on legal norms and understandings. In a final section we will investigate the consequences of law and legal decisions.

This course will require substantial reading and class participation. It is essential that you keep up with the material and come to class prepared to join the discussion. Feel free to email me throughout the course with questions or ideas you have about the readings or class discussions.

Course Prerequisites

None.

Course Objectives and Learning Methods

Students will be expected to learn the major theories of law and be able to critique them. They will also be expected to understand the difference between legal norms and formal law, as well as the factors that influence the development of these realms. Finally, the course calls on students to examine the effects of law and legal decisions.

Instruction will be a mix of lecture, discussion, and group projects. The class will be very-much “hands on,” requiring students to take responsibility for leading discussion and examining case studies.
Course Requirements and Grading

For all but the first week of class I will assign three questions to consider about the reading assignments. Students must select one of the questions and answer in a 1-2 page paper due at the beginning of each class (25% of final grade).

Students will prepare a 20-30 page research paper involving class themes. Topics will be approved mid-way through the semester, with the final paper due at the end of the term. Sources and research materials must be different than those presented in class (55% of final grade).

Students must come to class having read the day’s material and prepared to participate in class discussion. Throughout the term students will take responsibility for leading class discussion (20% of final grade).

Assigned Texts/Readings

Many of the readings can be found in a coursepack that will be available at the Book Store. In addition, students must read selections from the following books, which will be on reserve at the Library:

Donald Black, *The Behavior of Law*
Mirjan Damaska, *Faces of Justice and State Authority*
Richard Posner, *Economic Analysis of Law*
Gerald Rosenberg, *The Hollow Hope*
Tom Tyler, *Why People Obey the Law*

Week One: Toward a Definition of Law

Friedman, “The Legal System”
Friedman, “The Functions and Methods of Law”
Kafka, “The Problems of Our Laws”
Simmel, “Customs, Law, Morality”
Wolf, *In Defense of Anarchism*
*Behrens v. Bertram Mills*

Week Two: Bases of Law

Gluckman, “Judicial Process Among the Barotse”
Lloyd, “Law and Customs”
Pospisil, “The Attributes of Law”
Bohannan, “The Differing Realms of the Law”
Hart, “Law as the Union of Primary and Secondary Rules”
Week Three: Evolution of Law

Friedman, “On the Origin and History of Law”
Friedman, “Law and Legality in the Modern World”
Schwartz, “Social Factors in the Development of Legal Control”
Nagel, “Culture Patterns and the Judicial System”

Week Four: How Law Operates

Black, *The Behavior of Law*
Friedman, “Law as Participation in the Idea of Justice”
Friedman, “Law as Class Ideology”

Week Five: Schools of Jurisprudence – Historical, Positivist, and Natural Law

Alexander Bickel, *The Morality of Consent*
Robert Bork, *The Tempting of America*
John Austin, *The Province of Jurisprudence Determined*
John Rawls, *A Theory of Justice*
Ronald Dworkin, *A Matter of Principle*

Week Six: Schools of Jurisprudence – Realist Perspectives, Critical Legal Studies, and Critical Race Studies

Jerome Frank, *Law and the Modern Mind*
Roberto Unger, *The Critical Legal Studies Movement*
Kimberle Crenshaw, *et al.*, *Critical Race Theory*

Week Seven: Schools of Jurisprudence – Law and Economics

Posner, *Economic Analysis of Law*

Week Eight: The Structure of the American Legal System

Baum, *American Courts: Process and Policy*
Shapiro, *Courts*

Week Nine: How Judges Decide

Baum, *The Puzzle of Judicial Behavior*
Clayton and Gillman, *Supreme Court Decision-Making*

Week Ten: Comparing Legal Systems

Damaska, *Faces of Justice and State Authority*
Rosen, *The Anthropology of Justice*

Week Eleven: The Power and Limits of Courts

Canon and Johnson, *Judicial Policies*
Cover, “Justice Accused”
Rosenberg, *The Hollow Hope*
Week Twelve: The Limits of Legal Coercion

Merry, “Going to Court”
Tyler, *Why People Obey the Law*

Week Thirteen: Law, Status, Wealth, and Power

Galanter, “Why the Haves Come Out Ahead”
Noonan, “Virginia Liberators”
*Streich v. General Motors*

Week Fourteen: Law and Social Change

Rosenberg, *The Hollow Hope*
Friedman, “Explaining the Law”
Friedman, “Social Change Through Law”
Dror, “Law and Social Change”
Calavita, “Worker Safety, Law and Social Change”

**Academic Policies**

Although I am sure we will not have to worry about infractions, George Mason University maintains an Honor Code. The code is available in the *University Catalog*. Please make sure that you consult it and understand its terms. You will be held to them.

If you have a disability that requires an accommodation, please consult the University’s Disability Resource Center. I cannot make any accommodations until the Center has authorized them.

If you have not already done so, you will need to activate your GMU email address. Any class announcements will be delivered to that email address. That said, all written work must be submitted in hard copy.

Catalog Copy:

**JLCP 720/GOVT 728 Behavior of Law (3:3:0).** Examines the development of law and law’s effect on human behavior. Review of major theories of law’s meaning and aims. Examination of the construction of law and investigate the consequences of law and legal decisions.