

Tentative Syllabus for Course
“Seminars on Law and society”:
“Conflict, Culture, and Legal Consciousness”

Instructor:

David M. Engel (Professor, State University of New York at Buffalo Law School,
Distinguished Service Professor, 2004-present)

(Distinguished Visiting Chair Professor, College of Law, National
Chengchi University)

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Hsiao-Tan Wang (Professor, College of Law, National Chengchi University)

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Class Hours: Mondays 16:10-19:00

Classroom: Room 271410, General Building - North Side

Email:

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Professor Wang: hsiaotan@nccu.edu.tw

Office: Room 271427, General Building - North Side (Professor Wang)

Course Description

The seminar is planned by Professor Engel and Wang. Professor Engel teaches in English, and Professor Wang teaches in Mandarin.

Professor Wang starts the lecture and continues for four weeks to introduce ideas of “conflict, culture, and legal consciousness.” Each participating student will then learn to conduct a little project with the help of Professor Wang. On the last half part of the course, Professor Wang will hold seminars and help students to write up their research paper.

During the week of 10/9-13, Professor Engel will deliver three lectures/seminars: the first is on “Development of the Concept of Legal Consciousness”; the second is on “Legal Consciousness in General”; the third is on “Legal Consciousness in Asia.” Students will report the interviews of their little projects in the classes. Professor Engel also offers the consulting advice on academic and career plans for the students under this course. He can be contacted to make an appointment in advance for question and answer.

All the students taking the course should adjust your schedule to meet with the classes of Professor Engel.

Schedule for Professor Engel during 10/9-13

10/11 Lecture/Seminar 1, 19:10 – 22:00

10/12 Lecture/Seminar 2, 19:10 – 22:00

10/13 Lecture/Seminar 3, 19:10 – 22:00

Course Schedule and Requirements

September 11: Introduction to the course

September 18: Basic ideas

Assigned reading: Michael Reisman, “*Lining Up: The Microlegal System of Queues*,” 54 *University of Cincinnati Law Review* 417 (1985).

September 25: Basic ideas

October 2: Basic ideas

October 9: National Holiday - No Class

October 11 (Wednesday, 19:10-22:00): Development of the Concept of Legal Consciousness

Assigned reading: Marc Galanter, “Why the ‘Haves’ Come Out Ahead: Speculations on the Limits of Legal Change,” 9 *Law & Society Review* 95 (1977)

Brief overview of the law and society field. Discussion of precursors of legal consciousness research, including customary law, legal pluralism, legal culture, and dispute processing.

Discussion of student observations of queues.

October 12 (Thursday, 19:10-22:00): Legal Consciousness in General

Assigned reading: One of the following two articles will be selected for all the students to read and discuss: Either Anna-Maria Marshall, “Idle Rights: Employees’ Rights Consciousness and the Construction of Sexual Harassment Policies” (39 *Law & Society Review* 83 (2005)) or Lynette Chua and David Engel, “Legal Consciousness in the Twenty-First Century” (in progress).

Discussion of basic theories of legal consciousness and how they have been applied to the study of law, culture, and conflict.

Discussion of student interviews on Marriage and Family.

October 13 (Friday, 19:10-22:00): Legal Consciousness in Asia (1)

Assigned reading: Qian Liu, “Legal Consciousness of the Leftover Woman: Law and *Qing* in Chinese Family Relations,” *Asian Journal of Law and Society* (2018).

Discussion of specific features of Asian legal consciousness in different aspects of Asian social life, especially marriage and family.

Concluding discussion of student interviews on Marriage and Family.

October 16: Summary of the previous classes

October 23: Conflict and Legal Consciousness

Assigned reading: Felstiner, William L.F., Richard L. Abel, & Austin Sarat, “The emergence and Transformation of Disputes: Naming, Blaming, Claiming...,” 15(3-4) *Law & Society Review* 631-654, 883-910 (1980-81).

October 30: Legal Consciousness in Asia (2)

Assigned reading: Hsiao-Tan Wang, “How Emotion and Subjectivity Shape Legal Consciousness?: Conflict in Taiwan,” *forthcoming*.

November 6: Fieldwork, Analysis, and Writing-up

November 13: No Class

November 20: Presentation Day 1

November 27: Presentation Day 2

December 4: Presentation Day 3

December 11: Presentation Day 4

December 18: No Class

December 25: No Class

January 1: National Holiday – No Class

January 8: No Class

