All these disciplines interact with and enrich the study of law at the University of Chicago Law School.

By Catherine Lange

There's nothing irrelevant to a legal education. There's nothing irrelevant to the practice of law," states Richard A. Epstein, James Parker Hall Distinguished Service Professor of Law.

The fact that the University of Chicago Law School has always been "less wedded to the idea of law as an autonomous discipline" is one of its strengths, says Geoffrey P. Miller, Kirkland & Ellis Professor of Law. Even before the establishment of the Law School in 1902, people such as Ernst Freund, a political science professor appointed in 1894, insisted that law was already being taught at the University—in such political science offerings as federal government, law of municipal corporations, Roman law, and history and elements of the law of property. Law-related courses also existed within the new University's Department of Sociology and its College of Commerce and Administration.

The founding of the Law School did not isolate it from these other disciplines. Rather, it sought then—as it does now—to learn from them, following a vision defined by the University's first president, William Rainey Harper, in stressing the relationships between law and other social studies and the interaction of law with its social and human context.

Today's Law School curriculum requires students to take a prescribed first-year program covering five principal areas of law—contracts, torts, property, criminal law, and civil procedure. Beyond the first year, though, all courses (other than the required course on The Legal Profession) are elective.

This is not to say, however, that the Law School does not have a strong expectation that virtually all students will take a core group of upper-level courses. To the contrary, as Dean Geoffrey Stone '71 observes, "the vast majority of our students take Administrative Law, Constitutional Law, Corporation Law, Evidence, Taxation, Federal Jurisdiction and a fairly long list of courses that any lawyer should take in order to be a literate member of the profession. We are, after all, a law school." Dean Stone adds that the interdisciplinary courses are designed to be "enriching and to give perspective."

"A University School of Law is far more than a training institute for admission to the bar. It implies a scientific knowledge of law and of legal and juristic methods. But these are the crystallization of ages of human progress. They cannot be understood in their entirety without a clear comprehension of the historic forces of which they are the product, and of the social environment with which they are in living contact. A scientific study of law involves the related sciences of history, economics, philosophy—the whole field of man as a social being."

—William Rainey Harper
Law and Politics: U.S. Courts as Political Institutions. 513. (Seminar.) (=Pol Sci 370.) The purpose of this seminar is to introduce students to the political nature of the American legal system. In reviewing a substantial amount of the social science literature on courts, we will focus on the relationship between the courts and other political institutions. The sorts of questions we will ask include: Are there interests that courts are particularly prone to support? What effect does congressional or executive action have on court decisions? What impact do court decisions have? Aut (3). Mr. Rosenberg.

The interdisciplinary offerings have included courses and seminars such as Courts as Political Institutions, Law and Science, Contemporary Legal Theory, English Legal History, History of the Jury, Japanese Law, Social Welfare Policies, History of Criminal Justice, the European Court of Justice, Legal Aspects of the Arab-Israeli Conflict, Roman law, Accounting, Constitutionalism and Individual Rights in Post-Communist Europe, Law of the European Community, The Mental Health System, American Law and the Rhetoric of Race, Feminist Approaches to Legal Issues, and Law and Literature.

Although many of these offerings are taught by members of the law faculty, others are taught by professors from other parts of the University.

Law and Politics

Gerald Rosenberg, for example, an Associate Professor in the Department of Political Science and the College, teaches Law and Politics: U.S. Courts as Political Institutions.

"I'm a lawyer by training as well as a political scientist, and my work focuses on the judiciary," says Mr. Rosenberg. "So, there is a natural bridge."


"Teaching this course," says Mr. Rosenberg, "allows me to keep my foot in the door to legal thinking." Being at the Law School, he notes, creates access to "the intellectual life of the Law. One can pick up something of that through the journals, but by being in contact with law faculty and participating in workshops, you are a living part of it.

"Law students come into my course extraordinarily confident that they know all about how courts work," notes Mr. Rosenberg. "We spend some time thinking about whether courts are any good at making social policy. Many cases over the last two decades have raised the issue of how ought we as a society deal with our prison systems, with racial segregation in our schools, with mental health institutions, and so on. It never occurs to law students to ask, are courts any good at doing this?

"In the beginning, law students fight with the literature. Then, toward the middle of the course, they begin to struggle with the weight of mounting evidence. Toward the end of the quarter, they reintegrate their thinking about what they previously assumed about courts."

Gil Burstiner '93, who took the Law and Politics seminar last fall, says of Mr. Rosenberg, "I was constantly in tension with him. I took the role in class as one of the defenders of the 'holiness' of the Law. In every paper, I would take a position of defending the legal system against his social science attacks. In the end," says Mr. Burstiner, "I realized that a lot of my presuppositions weren't as clear as I once thought."

Law and International Relations

Where disciplines have different structures, the common meeting ground is the common problem," said Edward H. Levi '55 in his Talks on Legal Education. In the area of international relations, international lawyers and political scientists "are equally concerned with the international system—how it operates and to what extent it can be regulated," says Anne-Marie Burley, newly tenured Professor of Law, who has a Ph.D. in political science from Oxford as well as a J.D. from Harvard. "They think about it from different perspectives, but in the end it's shortsighted to think that you could do one discipline without taking into account the insights of the other.

"One of the keys to interdisciplinary work is not to be merely a consumer of the literature of the other discipline, but to understand the vantage point from which it's produced," says Ms. Burley. "To do this, I give my students whatever political science data they need, and then I..."
push them to rethink the legal doctrines in light of that information.”

Ms. Burley teaches Law and International Relations: The European Court of Justice, which she describes as “an attempt to look at the European Court of Justice from the perspective of international relations theory, integration theory, and comparative political theory to see how the court functions as an agent, not of legal integration, but of political integration. It’s a political perspective on law.”

Constitutionalism in Eastern Europe. 554. (Seminar.) This seminar will consider the current state of constitution making in Central-Eastern Europe and the ex-USSR. Emphasis will be placed on the political processes of bargaining and arguing that produce one sort of constitutional outcome rather than another. The new constitutions of Bulgaria and Romania will be analyzed in detail, as will various draft constitutions from Poland, the Ukraine, and so forth. Attention will also be paid to emergent patterns in executive-legislative relations, judicial review, and the mixture of positive and negative rights. Aut (3). Mr. Holmes and Mr. Elster.

Law and History

Of what conceivable utility is legal history to a lawyer, for example, who’s trying to give tax advice? The obvious answer is that there is none directly,” says Dennis J. Hutchinson, Senior Lecturer in Law and Associate Professor in the College.

“Now, does that mean that what I do is irrelevant,” asks Mr. Hutchinson, whose work focuses on the institutional behavior of American courts, and the Supreme Court in particular, over the last fifty years.

“Perhaps it does, and it may mean what Dick Helmholz, Ruth Wyatt Rosenson Professor of Law and Director of the Legal History Program, does is even more irrelevant, by a factor of 400 years. He’s trying to determine the influence of Canon Law in the ecclesiastical courts in the Middle Ages on the development of English common law, which, as we know, the model that the American common law takes off from.

“What legal history does,” says Mr. Hutchinson, “is make us consider law in its larger sense, as situated within a culture.” Richard Ross, newly appointed Assistant Professor of Law, adds, “If you are asking broader questions—for instance, why is the tax code structured as it is, why do we have taxation in the first place, or how have people in different societies and times thought about taxation, then history becomes important.”

Mr. Ross points out that American legal history in the last thirty years has moved away from looking at institutional and doctrinal history, “which had been the bread-and-butter of legal history for centuries” to looking at law’s presence more broadly within society.

The topics that interest legal historians today, he says, include the social and economic roots of legal change, especially at the local level; how legal institutions construct authority; race and gender issues, including the historical roots of oppression of certain groups, as well as the accommodations, mediations, and resistance that certain groups have made to the law. “Of late, within legal history,” says Mr. Ross, “there’s been an interdisciplinary move, drawing on law and society scholarship, on theories

Law and Government

The Law and Government Program sponsored a series of workshops a few years ago which looked at developments in Eastern Europe following the collapse of communism. “It turned out the workshops just scratched the surface,” says Michael W. McConnell ’79, Professor of Law, Director of the Law and Government Program, and Co-director of the Center for the Study of Constitutionalism in Eastern Europe.

“This was one of the truly historic events of our lifetimes.” Consequently, the Law and Government Program instituted the Center for the Study of Constitutionalism in Eastern Europe.

Mr. McConnell, a scholar of constitutional law, observes, “It is most interesting to see the process of countries evolving their constitutional structures—how they go about making the kinds of key decisions that were made for us over 200 years ago. Certainly, this is a field in which lawyers do not have a monopoly of understanding.

“One of the problems Americans have in analyzing developments in Eastern Europe is the tendency to ignore the region’s history, sociology, and cultural divisions.” However, says Mr. McConnell, “People who know a lot about the societies but not very much about constitutional structure are at sea as well. Oftentimes, they have an idea about how things ought to be done without being aware of the ways in which these structures can go awry.”

For example, he says, “Most Eastern Europeans assume that proportional representation is the more democratic and better system. Yet there are powerful reasons to think that, especially in societies where you have so many social divisions, proportional representation would perpetuate conflict and would be exactly what you don’t want. We’re trying to stimulate scholarly discussion of these kinds of questions.”
of interpretation coming out of literary studies, and on cultural anthropology."

Law and Feminism

"A feminist analysis of law tends to be interdisciplinary," says Mary E. Becker '80, Professor of Law. "As you move beyond considerations of formal equality, you see that the ways in which law discriminates against women is more subtle," says Ms. Becker. "You then need to bring in perspectives other than law."

For instance, in her course, Feminist Approaches to Legal Issues, readings include material from psychoanalytic feminism, sociological studies of the allocation of labor within the family, and feminist political theory. The course presents approaches offered by various leading feminists within the legal academy.

Feminism also plays a role in other classes at the Law School. For example, in Elements of the Law, Cass R. Sunstein, Karl L. Llewellyn Professor of Jurisprudence, introduces feminist readings, along with other approaches to law (including critical legal studies, social contract theory, and law and economics). Mr. Sunstein discusses the feminist attack on pornography in his Free Speech course and raises ideas about what sex equality entails in his Equal Protection course.

In his Contracts course, says Lawrence Lessig, Assistant Professor of Law, the objective is "to look at the issues by taking different perspectives—an economic perspective, a perspective of justice. Feminism, or examining gender assumptions, helps to make sense of the material."

Law and Business

Interaction is the word Dennis Carlton, Professor of Business Economics in the Graduate School of Business, stresses when talking about crosslisted courses. "The class in which there is the most interaction among mixes of students is one that makes an interdisciplinary subject truly interdisciplinary," says Mr. Carlton. "For example, if I'm teaching a course in corporate finance in the Law School, some of the Business School students in the class may be more apprised of some of the more important recent developments in finance while law students might be more apprised of where the latest litigation is occurring."

Mr. Carlton says that the key is "to get participation from both viewpoints. You pose a question. You hear how the economist answers it, and then you hear how the lawyer answers it. Then you ask people's reactions to each other's answers. What have they left out? What have you left out?"

"Different disciplines stress different things," he says. "The answer that emerges from such interdisciplinary dialogue is a better answer than the answer from one discipline alone. There's a real interchange of ideas. They learn from each other."

Law and Public Policy

Evelyn Brodkin, Associate Professor, School of Social Service Administration, has taught Politics of Welfare in the Law School since 1989. "Students indicate by entering this class that they want an opportunity to think about problems of a just society, social welfare, and poverty in a constructive way," says Ms. Brodkin. "They are introduced to analytical tools from a discipline that are very different from the sort of analytical tools they've become accustomed to working with in Law School."

Many of the students in her class, she says, work in the Mandel Legal Aid Clinic and "are trying to make sense out of what might otherwise look like distinct or unique experiences. What I try to do," she says, "is introduce them to ways of thinking about the system."

Recently, Ms. Brodkin notes, she sees "Law School students who clearly have a deep commitment to social issues and are looking for ways to act on that commitment."
On the first day of class last fall, students enrolled in Price Theory greeted their professor with a standing ovation. Gary S. Becker, University Professor, Departments of Economics and Sociology, had just been named recipient of the 1992 Nobel Memorial Prize in Economics. His response, says Douglas Cole '93, was, “Quiet down. . . . I'm not any smarter or brighter than I was a week ago.”

Mr. Becker proceeded to begin instructing the students in the area which he pioneered—applying traditional economic tools, such as utility analysis, to real-life situations involving families, marriage, education, and crime. For example, says Mr. Cole, “One of the questions on the final exam dealt with how you would expect the divorce rate to vary under two different legal rules in family law.”

Mr. Cole says, “We learned more about things that many Law School professors have been alluding to. We took a partial differential calculus-based approach to utility analysis—a very rigorous, in-depth mathematical approach—and learned really how to use that.”

“I don’t dream of a world in which all law professors use math,” says Douglas G. Baird, Harry A. Bigelow Professor of Law and Director of the Law and Economics Program. However, he says, when you “extend your ability to go beyond technical barriers, you can then choose to do what you want with law and economics.”

Randal C. Picker '85, Professor of Law, who holds both a masters degree in economics and a law degree, says he thinks of himself and his colleagues in law and economics as scientists. “We run experiments, come up with new ideas, revise our theories.” He adds, “To be truthful, I think of this like baseball. If you’re a .300 hitter, you’re an all star. Well, if you throw out ten ideas, and three of them turn out to be good ideas, you’re an all star in this business.”

Mr. Picker notes a current experiment, which includes a seminar in Game Theory and the Law, which he co-taught last fall with Mr. Baird; William M. Landes, Clifton R. Musser Professor of Law and Economics; and Robert Gertner, Associate Professor, Graduate School of Business. Game theory, says Mr. Picker, incorporates “the next generation tools of law and economics.” [See “Law and Economics II: The Sequel,” beginning on page 10.]

The two fields provide “an interesting mesh,” he says. “Economics often tends to be abstract, but it also has an undisciplined quality about it.” Law, on the other hand, “forces you to deal with real facts, real situations, real cases. A judge can’t say, well, let’s assume x, y, and z. The judge has to make a decision, and that has a disciplining quality.”

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Michael Fishbane (left), Nathan Cummings Professor of Jewish Studies in the Divinity School. Gary S. Becker (right), University Professor, Departments of Economics and Sociology, and recipient of the 1992 Nobel Memorial Prize in Economics.

She admits that “those avenues in recent years have been limited” but emphasizes that “it's an important search.” [See “Creating Career Options in Public Service” on page 16.]

“These are students who are up to have an opportunity to make a social impact in a variety of ways. So, I think it’s quite valuable for them to have a broader social perspective as part of their training.”

Law and Religion

When Michael Fishbane, Nathan Cummings Professor of Jewish Studies in the Divinity School, first met Mr. Epstein and Mr. Miller in the Law School, he says he was “both surprised and delighted” that they had read his work.

“So much of the Jewish tradition is, in fact, a legal tradition,” says Mr. Fishbane. He notes that teaching Jewish Law within a law school creates “the kind of nexus” in which Jewish law has developed historically—interacting since antiquity with many other legal traditions, including those of Mesopotamia, Greece, and Rome.

Mr. Fishbane hopes to dispel any notion that “people in antiquity did not think subtly or carefully. I thought it would be important for students to realize the contribution of Jewish civilization to law and to see the power and diversity of legal thinking in antiquity,” he says.

“The focus of this course will be very different from others I teach for professionals in Jewish studies,” says Mr. Fishbane. “Normally, the focus would be on the philological, technical side, with a close comparison of very small sections—in the original languages.” In the Law School, he will discuss translated texts which raise “much larger questions, at a higher level of philosophical importance.” Topics will include slavery, deposits, rights, boundaries of property, and the notion of the person.
Interdisciplinary environment

"When others were talking about interdisciplinary study, this Law School did it," says Norval Morris, Julius Kreeger Professor of Law and Criminology. "It is genuine scholarly curiosity that leads us."

Individual interests of members of the faculty, says Mr. Morris, help to define the presence of other disciplines within the Law School. For instance, he says, Hans Zeisel, former Professor Emeritus in Law and Sociology, "indulged his interest in the jury, the death penalty, and research methodology." He adds, "I have indulged my interest in problems of punishment," and notes that teaching in the core subjects is enriched by faculty's work in other areas.

"As long as you're interested in what other people are doing, you'll find a way to incorporate it into your own work," says Mr. Epstein. "One of the mistakes people make is to think that interdisciplinary work requires that you be on the cutting edge of two disciplines simultaneously. I don't think anybody can stay there very long.

"What you have to do is try to be at the edge of your discipline, and push it forward on the strength of some reasonably well understood principles in some other discipline."

Ronald H. Coase, Clifton R. Musser Professor Emeritus of Economics and recipient of the 1991 Nobel Memorial Prize in Economics, adds that the interdisciplinary environment at the Law School is "a reflection of the character of the University. It is very easy for someone who wants to do something in another department to move into it. The Law School does in its own sphere what is general in the University.

"It is also true," says Mr. Coase, "that lawyers feel competent in talking about everything. They move very easily from one subject to another. It fits in with their natures."

Mary E. Becker '80 (top, left), Professor of Low; Dennis J. Hutchinson (bottom, left), Senior Lecturer in Law and Associate Professor in the College; Ronald H. Coase (above, center), Clifton R. Musser Professor Emeritus of Economics and recipient of the 1991 Nobel Memorial Prize in Economics; and Douglas G. Baird (above, right), Harry A. Bigelow Professor of Law and Director of the Law and Economics Program.