

Course title:	Law, Society and Politics in Comparative Perspective
Instructor:	Ellie Frazier
Email address:	kafrazie@ucsc.edu
Language of instruction:	English
Contact hours:	48 (6 per day)
ECTS credits:	6
Prerequisites:	Students should be able to speak and read English at the upper intermediate level (B2) or higher. No prior knowledge of law or social science is required; the only prerequisite is an open mind.

Course Description

This course explores theoretical and historical perspectives on the intersection of law, society and politics, and aims to foster discussion of contemporary issues among students from different cultures and disciplines. Alongside an introduction to comparative law and legal culture, we read some classical social theorists (Durkheim, Weber and Marx), and consider their relevance to contemporary debates about morality, (dis)obedience, conflict, and property. The course invites students to apply these analytical lenses to their own legal and political systems and share their insights in class discussion.

We will use these foundations to investigate the role and operation of law in totalitarian settings such as Nazi and Communist Germany, as well as across contemporary political regimes and societies. Excursions around Berlin will help students gain insight into ordinary citizens' lived experience of the law during times of political turmoil and how state institutions have wrestled with the legacy of these eras.

Throughout the course students will be asked to consider: 1) how law plays multiple and complex roles in society and politics; 2) the functions of state and non-state legal institutions and actors; and 3) how an individual's position in society affects his or her experiences, values, and choices. Students not only gain substantive expertise in various socio- and politico-legal fields, but also develop communicative competence through participatory exercises, and intercultural competence through discussion with other students.

Student Profile

This course is designed for all students having an interest in social sciences – in particular, history, sociology or political science – or in law. It is conceived as an undergraduate class, but the variety of students taking this course has ranged from first-year students to post-graduate students. This experiential diversity provides unique opportunities for students to learn from one another.

Required language skills

The language of instruction is English. Language proficiency on an advanced Intermediate level (Mittelstufe II) is a prerequisite for participation. For orientation purposes, you can assess your language skills here (Common European Framework of Reference for Languages (CEFR)):

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168045bb52>

Course Requirements

Students are expected to **attend** each class; **read** the literature assigned for each class; and **participate** in class discussions and excursions. In addition, each student will complete a **writing assignment** to accompany a short **in-class presentation** that analyzes some of the assigned readings and course themes. Finally, each student is required to take a **written final examination**.

Grading

Class attendance and participation	40%
In-class presentation	25%
Final exam	35%

Readings

A digital reader will be provided.

Course Schedule

Date	Program *
Monday, January 6, 2025	<p>INTRODUCTION: LAW, SOCIETY, AND POLITICS</p> <p>What is law? How does it function differently from norms and customs in society? What tensions exist between law and culture? How do political institutions and actors manage these conflicts?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Introductions and Course Overview • Law, Customs, and Norms <p><u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Pluralism: Normative and Legal Conflict in Political Processes
Wednesday, January 8, 2025	<p>LEGAL INSTITUTIONS AND ACTORS</p> <p>What is the role of law in society? What are the functions of legal institutions, such as courts? What is the role of legal actors, such as judges and lawyers?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Theories of Law and Society • Socio-Legal Approaches to Comparing Legal Systems: Culture, Institutions, Actors

	<p><u>Session 3 (14:00 - 15:30)</u> Law as a Tool of Exclusion in a Pluralistic Society Excursion: Wir Waren Nachbarn Tour („We Were Neighbors“ exhibit in Schöneberg Town Hall) and Orte des Erinnerns im Bayerischen Viertel („Places of Remembrance“ in the Bavarian Quarter) (Schöneberg)</p>
Thursday, January 9, 2025	<p>LAW IN TOTALITARIANISM I: NAZI GERMANY</p> <p>What is fascism? What is totalitarianism? What were the roles of law in Nazi Germany? How did the Nazi regime use ideas of crime and punishment to exercise political power? What are the legal and political legacies of this era?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Law in Nazi Germany • Criminal punishment as a tool of social control <p><u>Session 3 (14:00 - 15:30)</u> Criminalization, Punishment, and State-Execution based on Race, Religion, Sexual Orientation, and (Dis)Ability Excursion: Memorials to the Jewish, Roma and Sinti, Disabled, and Homosexual victims of the Holocaust</p>
Monday, January 13, 2025	<p>LAW'S FUNCTIONS AND IMPACTS: MORALITY, CRIME, AND PUNISHMENT</p> <p>What are the functions of law, according to Durkheim and other theorists? Why punish? Why are some countries/cultures more punitive than others? What is the impact of law on behavior and consciousness? What makes law legitimate? Why do people obey (or disobey) the law? What are the strengths and weaknesses of different theories of compliance?</p> <p><u>Session 1 (9:00 - 10:30)</u></p> <ul style="list-style-type: none"> • Durkheim: Morality and Functional Approaches to Law <p><u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Crime and Punishment; Social Control and Surveillance; Shaming <p><u>Session 3 (14:00 - 15:30)</u></p> <ul style="list-style-type: none"> • Explaining (Dis)Obedience: The Rational Approach (Deterrence) • Explaining (Dis)Obedience: Legitimate Authority and

	Identity
Wednesday, January 15, 2025	<p>LAW IN TOTALITARIANISM II: SOCIALIST LEGALITY & THE GDR</p> <p>What was the role of law, courts, and prisons in the German Democratic Republic (GDR/DDR)? How does this relate to the theories we have learned so far?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Socialist Legality • Surveillance and Political Authority in the GDR <p><u>Session 3 (14:00-15:30)</u> Punishment as Social Control Excursion: Gedenkstätte Berlin-Hohenschönhausen Memorial (Prison for the former East German Ministry of State Security/'Stasi')</p>
Thursday, January 16, 2025	<p>LAW, CONFLICT, & PROPERTY</p> <p>How does law operate in society according to Marx? How does law relate to the economic system in society? What functions does private property serve? How can law challenge and/or reinforce power relations?</p> <p><u>Session 1 (9:00 - 10:30)</u> <u>Session 2 (11:00 - 12:30)</u></p> <ul style="list-style-type: none"> • Marxist Theory of Law, Ideology, and Property • Property: Public vs. Private Aspects of Ownership (Squatting and the Commons; Right to Roam; Street Art) <p><u>Session 3 (14:00 - 15:30)</u> Alternatives to Private Property Excursion: Street Art Museum and Neighborhood Tour</p>
Monday, January 20, 2025	<p>STUDENT PRESENTATIONS</p> <p><u>Session 1 (9:00-10:30)</u> <u>Session 2 (11:00 – 12:30)</u> <u>Session 3 (14:00-15:30)</u> Student Presentations</p>
Thursday, January 23, 2025	<p>LAW AFTER TOTALITARIANISM: CONTEMPORARY ISSUES IN GERMANY AND BEYOND</p> <p><u>Session 1 (9:00 - 10:15)</u> <u>Session 2 (10:30 – 11:30)</u></p> <ul style="list-style-type: none"> • How does the past affect current political life? • What is meant by 'transitional justice' and how is it

	<p>related to the politics of memory?</p> <ul style="list-style-type: none">• What are the roles of state and non-state actors in transitional justice processes? <p>FINAL (WRITTEN) EXAMINATION (12:00 – 14:00)</p> <p>FUBiS Farewell Ceremony (<u>14:00</u>)</p>
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*Please note that the schedule may need to be adjusted on the day of a field trip.