

Course Syllabus Subject to Revision

Textbook Information:

Title: In the Company of Scholars--The Struggle for the Soul of Higher Education ([Links to an external site.](#))

Author: Julius Getman

University of Texas Press, 2011

ISBN 9780292735668

Read Getman, **In the Company of Scholars**

online ebook ([Links to an external site.](#))

Professor Walter J. Walsh, University of Washington School of Law, Autumn 2020 & Winter 2021

DOCTORAL SEMINAR

Law B558, 2 cr, Autumn 2020 & 2 cr, Winter 2021

Fri, 1.30 -3.20 pm (PST), Virtual Classroom

Course Description

Basic analytical frameworks and methodology for PhD in Law students preparing to write their dissertation. Surveys doctrinal and also interdisciplinary legal theory ('law and . . .'). Seminar examines law teaching and academic scholarship. Over two-quarter peer review, each doctoral student researches, drafts, redrafts, and finally submits for publication a scholarly article. The Doctoral Seminar is structured with a strong emphasis on community building for a group of emerging legal scholars with a wide range of research interests and great diversity in background. For such an intellectual community to be vibrant and nurturing, the students must learn and practice the skills of articulating and critiquing each other's views. The goal of this seminar is to provide the necessary exposure for such a common language and common reference framework. Required for all PhD in Law students. Virtual classroom Distance Learning option accommodates all time zones.

Content and Readings: This two-quarter-long course aims to provide a general introduction to the basic analytic frameworks and methodology for first-year doctoral students preparing to write their doctoral dissertation. The Law B558 Doctoral Seminar is designed in coordination with the Law B554/JSIS 595 Research Tutorial, taught by Professor Nathalie Williams and Professor Clair Yang, and with Law A595 Jurisprudence and Moral Philosophy, taught by Professor Walter Walsh. It also coordinates with all other required courses in the PhD in Law curriculum, which is designed to prepare doctoral students to become intellectual leaders in the future. This seminar is structured with a strong emphasis on community building for a bright group of emerging legal scholars with a wide range of research interests and great diversity in background. For such an intellectual community to be vibrant and nurturing, the students must learn and practice the skills of articulating and critiquing each other's views. Each PhD in Law student begins researching and writing their own publishable scholarly article

during the Autumn Quarter, completes it after substantial revisions and rewriting by the end of the Winter Quarter, and finally submits their scholarly article for publication no later than the Spring, or Summer Quarters. The goal of this seminar is to provide the necessary exposure for such a shared writing experience, common language, and common reference framework.

All first-year PhD in Law students are required to be enrolled in this seminar. Law students who already hold research doctorates, doctoral students in other UW departments and at other institutions, and other students who also aspire to law teaching should contact the course instructor if they are interested in attending this seminar. The weekly assigned readings and texts are posted on our UW Canvas course website **Doctoral Seminar**. In addition to the assigned texts posted on our UW Canvas course website, each week over both quarters we will read and discuss an extract from our required book Julius Getman, *In the Company of Scholars--The Struggle for the Soul of Higher Education* ([Links to an external site.](#)) (University of Texas Press 2011), which you can pick up or have shipped from the University Bookstore (or purchase as an ebook ([Links to an external site.](#)) from Google Books).

Format and Method: All classes will be offered synchronously in Seattle and will include class discussion. Recordings will be posted on our UW Canvas course webpage shortly after each class. You may also choose a Distance Learning option which may be either synchronous or asynchronous. The synchronous Distance Learning option will allow you to participate simultaneously in all class discussions using Zoom. The alternative asynchronous Distance Learning option allows you to watch all class recordings afterwards at a time of your own choice. The synchronous and asynchronous Distance Learning options are available for both international and US students in all time zones. Students also post virtual reactions to the readings before our classroom discussions. Even if you choose the asynchronous Distance Learning option, you must still follow our synchronous class reading schedule and regularly make your written postings on our UW Canvas course discussion boards before each class, so that all students will concurrently gain the full benefits of participating in our virtual online classroom.

Advanced Teaching Workshop for PhD in Law Students: This course also includes an Advanced Teaching Workshop which requires each PhD in Law and other doctoral students to co-teach one Doctoral Seminar class each academic quarter, after submitting and discussing his or her virtual teaching plan with Professor Walsh. The teaching plan should refer to specific lessons learned from Julius Getman, *In the Company of Scholars* (University of Texas Press 2011). After this co-taught virtual class, that PhD student will write his or her thoughts in our Teaching Reflections Discussion page. Professor Walsh also schedules a recurring Zoom PhD in Law Virtual Coffee Hour on Thursday afternoons (PST) for doctoral students to collaborate and exchange ideas on their own academic professional development in our physical and virtual world. In Week 8 of class, doctoral students will post their article drafts and during the following weeks will have the opportunity to present those first drafts of their scholarly work to their class peers for friendly scholarly discussion and critique.

Pedagogical Goals and Objectives: The Doctoral Seminar requires

- exposure to basic analytical frameworks and methodology for doctoral students
- survey of both doctrinal and also interdisciplinary legal theory
- examination and practice of law teaching and academic scholarship
- research, writing, rewriting, and finally submission for publication of a publishable scholarly article
- delivery and receipt of regular, supportive, collaborative critique and peer review

One focus of the Autumn Quarter Doctoral Seminar is a survey of doctrinal legal analytical frameworks; a focus of the Winter Quarter seminar is a survey of interdisciplinary legal theory ('law and . . .') areas of study. So in this two-quarter seminar the doctoral student will be confronted with a wide and deep range of basic legal theory. In both Autumn and Winter Quarters, PhD in Law students also discuss and practice law teaching and academic scholarship. Goals include discussing:

Autumn Quarter Seminar

What is law?

What is postcolonial legal theory?

What is law as science or prophecy?

What is legal realism?

What is law as interpretation?

What is legal process theory?

What is critical legal theory?

What is law's empire?

Winter Quarter Seminar

What are law and society studies

What is law and economics?

What is comparative law?

What is law and history?

What is law and . . . ?

Instructor: Associate Professor Walter J. Walsh teaches comparative law and constitutional history at the School of Law and in the Law, Societies and Justice (LSJ) Program at the University of Washington. He holds law degrees from University College Dublin (BCL), Yale University (LLM), and Harvard University (SJD), where he wrote his doctoral dissertation on early human rights advocacy, and has practiced and taught law in Europe and in the United States. Dr. Walsh has also trained in his native Dublin, Ireland, at the Incorporated Law Society, and in Strasbourg, France, at the Institut Internationale des Droits des l'Hommes. Professor Walsh is a founding faculty member and teaches each summer in the LSJ European Law & Society Program at the UW Rome Center.

Student Learning Technologies (UW-IT) Support: Contact help@uw.edu or 206-221-5000 for UW NetID and general networking support. UW-IT also maintains a help desk at the Odegaard Undergraduate Library. Very valuable tips on successful online and distance learning practices are set out at [UW Academic Support Programs \(Links to an external site.\)](#).
([Links to an external site.](#))

Access and Accommodations: To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. ([Links to an external site.](#)) If you have a letter from DRS, please provide the letter to the Instructor so you can discuss the accommodations you might need in this class.

Religious Accommodations: Washington state law requires that the University of Washington develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at [Religious Accommodations Policy \(https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/\)](https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/) ([Links to an external site.](#)). Accommodations must be requested within the first two weeks of this course using the [Religious Accommodations Request form \(https://registrar.washington.edu/students/religious-accommodations-request/\)](https://registrar.washington.edu/students/religious-accommodations-request/) ([Links to an external site.](#)).

Assessment: The Seminar is a graded course. You will be graded based on two elements: weekly posted responses (20%), and your draft scholarly article with your accompanying presentation (80%).

i) Doctoral Seminar Required Website Postings, required Canvas virtual response to the reading assignments, no later than 12 noon Pacific Standard Time (PST) same day as upcoming class. Minimum 300 words per class (for 20% of final grade).

PLUS

ii) 40-50 page Publishable Scholarly Article on a topic related to their primary research selected by student with instructor's approval during early Autumn Quarter, and due last day of Winter Quarter exam period (for 80% of final grade). By the end of Winter Quarter, you must produce and present for class peer review a publishable draft article of high scholarly quality. If your target journals are peer-reviewed or special interest, your draft article should be 50 pages double-spaced (approximately 12,000-15,000 words including citations in appropriate form). If your target journals are mainline law reviews, your draft article should be 50 pages single-spaced (approximately 25,000 words including citations in Blue Book form). You are expected to finally submit your scholarly article for publication during the Winter, Spring, or Summer Quarters.

Grades for both Autumn and Winter quarters will be filed at the end of the Winter term. You will be assigned a single overall grade based on your total participation and performance throughout the entire seminar; that grade will be applied to both quarters. This means that you were given a placeholder "extension" for the Autumn Quarter. If this poses a hardship for you due to an external requirement for quarterly grades (i.e., a scholarship), your instructor can assign a provisional grade through the Academic Services department. Any provisional grade, however, is not binding on the actual final grade that might be assigned.

Element i) Virtual Classroom Participation and Weekly Response Papers

A substantial portion of your grade (20%) is based on your Canvas virtual classroom discussion board participation combined with your weekly response papers. The highest grades will be reserved for those who prepare exceptionally and participate actively. In order to participate fully, you will need to post your timely response before every class. The best preparations and virtual discussion board participation will be demonstrated by an engagement with the material that goes beyond simply completing and reporting on the assigned readings; we hope to see you reaching new heights in articulating your positions, probing scholarly thought, and constructively critiquing the positions of others.

The structure of this class requires that we all read the text together, and that you post your simultaneous reactions to each reading at the same time. In addition to the assigned texts on our UW Canvas course website, each week over both quarters we will read and discuss an accompanying extract from our required book Julius Getman, *In the Company of Scholars: The Struggle for the Soul of Higher Education* (2011), which you can pick up at the University Bookstore (or as an ebook from Google Books).

The weekly response papers will be due each week by 12 noon (PST) on the day of each class. For clarity, please open and label your own new reply for each class day. You will not be able to see your classmates' postings until you post yourself. In the replies, you will share the reactions of other readers and you will have the opportunity to engage directly with your fellow students. These discussion boards are mostly meant for you to engage your own thoughts and organize them

effectively. Your instructor will, however, consider them in combination with grading your online participation. The best response papers will demonstrate close reading, careful thought, and extension of the ideas raised by your own experience and knowledge. We will highlight some of these in our Doctoral Seminar class discussions.

Element ii): Winter Quarter Publishable Scholarly Article and Presentation

The remainder of your grade (80%) will be determined by your publishable scholarly article and presentation. It is meant as an opportunity for you to freely explore a subject that is of great interest to you, using whatever legal method(s) you think best apply. We hope you will use this paper as a way to think broadly about your subject. We also hope you will take it as an opportunity to consider experimenting with approaches new to you.

The Winter Quarter publishable scholarly article is an approximately 50 page paper involving original research and analysis of some aspect of your area of interest. If your target journals are peer-reviewed or special interest, your draft article should be 50 pages double-spaced (approximately 12,000-15,000 words including citations in appropriate form). If your target journals are mainline law reviews, your draft article should be 50 pages single-spaced (approximately 25,000 words including citations in Blue Book form).

In the last weeks of the Winter term, we will schedule presentation of your advanced draft scholarly articles during the regular class or at another convenient time. You will be expected to present your scholarly paper either in person or virtually for 30 minutes in a well prepared, professional manner as if you were delivering the paper at a conference. There will be a question and answer period. Unless you have an approved time zone conflict, you should also attend all other presentations and participate actively in the questioning. When you submit your Winter Quarter publishable scholarly article later, your paper should include revisions that incorporate any written or classroom perspectives or information you consider germane.

Office hours: My regular Zoom virtual office hours are every Wednesday afternoon (2-3.30 pm PST), or else make a face-to-face or Zoom appointment at any other time convenient to you by email from within UW Canvas or by texting my cell phone at (206) 321-6348. My office in the University of Washington School of Law is Room 308, William H. Gates Hall, 4293 Memorial Way NE, Seattle, WA 98195, USA.

For all registration inquiries, please contact Professor Walsh, or UW law school Academic Services at mylaw@uw.edu . . .

Winter Quarter Doctoral Seminar course syllabus follows:

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Professor Walter J. Walsh, University of Washington School of Law, Autumn 2020 & Winter 2021

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WINTER WEEK 1

Fri, 1/8, read and post on:

1. Law and Society I

and assigned documentary sources posted on our UW Canvas course website **Doctoral Seminar**

Stewart Macaulay, *Non-contractual Relations in Business: A Preliminary Study*, 28 *American Sociological Review* (1963), pages 55-67

(What did you learn from this article? What is the strength of the research? What is the weakness of the project?)

Ian R. Macneil, *Contracts: Adjustment of Long-Term Economic Relations under Classical, Neoclassical, and Relational Contract Law*, 72 *Northwestern Law Review* 854 (1978)

Julius Getman, *In the Company of Scholars: The Struggle for the Soul of Higher Education* (University of Texas Press 2011), Chapter 4, The Struggle for Change, pages 130-161 (The Legacy of the 1960s)

WINTER WEEK 2

Fri, 1/15, 12 noon PST, **DUE DATE FOR POSTING YOUR WINTER QUARTER DRAFT SCHOLARLY ARTICLE REVISION!**

Fri, 1/15, read and post on:

2. Law and Society II

and assigned documentary sources posted on our UW Canvas course website:

Michael McCann, William Haltom & Anne Bloom, *Java Jive: Genealogy of a Juridical Icon*, 56 *University of Miami Law Review* 113-178 (2001)

David M. Engel, *Landscapes of the Law: Injury, Remedy, and Social Change in Thailand*, 43 *Law & Society Review* 61 (2009)

Julius Getman, *In the Company of Scholars*, Chapter 4, The Struggle for Change, pages 161-176 (The Impact of Feminism)

WINTER WEEK 3

Fri, 1/22, read and post on:

3. Law and Economics I

and assigned documentary sources posted on our UW Canvas course website:

Richard A. Posner, *The Economics of Justice* (1981)

Richard A. Posner, *Economics, Politics, and the Reading of Statutes and the Constitution*, 49 *U. Chi. L. Rev.*(1981)

Julius Getman, *In the Company of Scholars*, Chapter 4, The Struggle for Change, pages 176-190 (Minority Students)

WINTER WEEK 4

Fri, 1/29, read and post on:

4. Law and Economics II

and assigned documentary sources posted on our UW Canvas course website:

Ugo Mattei, *A Theory of Imperial Law: A Study on U.S. Hegemony and the Latin Resistance*, 10 *Indiana J. Global Legal Studies* 383 (2002)

Julius Getman, *In the Company of Scholars*, Chapter 4, The Struggle for Change, pages 190-208 (Older Students and Workers' Education)

WINTER WEEK 5

Fri, 2/5, read and post on:

5. Comparative Law I

and assigned documentary sources posted on our UW Canvas course website:

Ugo Mattei, *Three Patterns of Law: Taxonomy and Change in the World's Legal Systems*, *American J. Comparative Law* 5 (1997)

John Henry Merryman, *The Public Law-Private Law Distinction in European and American Law*, 17 J. Public Law 3 (1968)

John Henry Merryman, *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America* (1969 & 2007)

(What did you learn from this article? What is the strength of the research? What is the weakness of the project?)

Julius Getman, *In the Company of Scholars*, Chapter 5, Special Features of Academic Life, pages 209-229 (Outside Activity, Autonomy and Time, The University Community)

WINTER WEEK 6

Fri, 2/12, read and post on:

6. Comparative Law II

and assigned documentary sources posted on our UW Canvas course website:

Gunter Frankenberg, *Critical Comparisons: Re-thinking Comparative Law*, 26 Harvard International Law Journal 411 (1985)

Julius Getman, *In the Company of Scholars*, Chapter 5, Special Features of Academic Life, pages 230-252 (Conferences and International Travel and Programs)

WINTER WEEK 7

Fri, 2/19, read and post on:

7. Law and History I

and assigned documentary sources posted on our UW Canvas course website:

Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York 1913)

Mark Tushnet, *The Constitution as an Economic Document: Beard Revisited*, 56 George Washington Law Review 106 (1988)

Julius Getman, *In the Company of Scholars*, Chapter 5, Special Features of Academic Life, pages 252-265 (Hierarchy)

WINTER WEEK 8

Fri, 2/26, read and post on:

8. Law and History II

and assigned documentary sources posted on our UW Canvas course website:

Robert W. Gordon, *Critical Legal Histories*, 36 Stanford Law Review 57 (1984)

Julius Getman, *In the Company of Scholars*, Chapter 5, Special Features of Academic Life, pages 266-278 (Community, Continuity, and Polarization)

WINTER WEEK 9

Mon, 3/1, 12 noon PST, *DUE DATE FOR POSTING YOUR WINTER QUARTER PUBLISHABLE SCHOLARLY ARTICLE PENULTIMATE DRAFT!*

Fri, 3/5, read and post on:

9. PhD in Law Student Publishable Scholarly Article Presentations, and Concluding Discussions

and assigned documentary sources posted on our UW Canvas course website:

Please post the abstract and penultimate draft of your publishable scholarly article for peer review and class discussion!

Julius Getman, *In the Company of Scholars* (class discussion and reflections)

End of Quarter

AFTER PEER PRESENTATION, THE FINAL REDRAFT OF YOUR PUBLISHABLE SCHOLARLY ARTICLE INCORPORATING ALL REVISIONS IS DUE LAST DAY OF WINTER EXAM PERIOD

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