IT’S IN THE SYLLABUS

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The sociology of law: An introduction

Instructor: Axel Pohn-Weidinger, Associate Professor in Sociology

[Friday], [16-18pm], room: [Platane A25 (max. 50 seats) : first class on September tba\textsuperscript{th}:] Shortcut Moodle: \texttt{SOCLAW} apohnweidinger@unistra.fr, office hours Monday from 12-13 (Le Patio, office number 5319).

Please use the “forum” function in Moodle to ask questions or contact the instructor directly via Moodle Message.

Course description

Be it the comparative analysis of the evolution of law Max Weber attempted in \textit{Economy and Society}, or Emile Durkheim’s study on the division of labour, the complex relationship between law and the constitution of modern societies has been a central question to the first generation of sociologists. 20\textsuperscript{th}-century sociology of law has inherited questions such as how law produces social order, how law can bring about social change concerning existing inequalities or discriminations, how conflicts in society are solved or how legality structures everyday life.

This course introduces students to the sociological analysis of law through a selection of empirical investigations and theoretical works drawn from the mainly Anglo-Saxon field of “law and society”. Students will dive into a variety of topics and debates taking place within this field through a close study of key texts which are exclusively accessible in the English language. “French” perspectives in law and society are thus voluntarily left aside unless they relate to and form part of the topics discussed.

The complex interaction and mutual constitution of “law” and “society” will be discussed through a series of questions, such as:

What is “the law”?  
What are “legal cultures” and how can they be compared?  
Why do people (not) turn to the law when facing conflict or adversity?  
What is the place of law in everyday life?  
How is legal work accomplished?  
How does gender matter for the law?

Through the discussion of these questions, we will critically assess relevant concepts within the field sociology of law, such as “legal culture”, “legal mobilization”, “legal (rights) consciousness”, the “making of law” or “gender and judging”.

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Requirements

This course is organized as a seminar. Seminars depend on the engaged and active participation of their members. Attending class and active participation are thus the main requirements of this course. I also expect openness to new ideas and respectful communication within the class: no interruptions, active, patient listening and understanding of the one and another, no domination of discussion, explaining outside references or knowledge, no showing off of language skills.

Readings are obligatory. Students are expected to read approximately 20 pages per week. These readings prepare the discussion and are thus crucial for the good functioning of the seminar. Texts can be found through a quick google search, in Moodle, or with help of the library staff. Bibliographic work is part of the learning process. The objective of each class is that students take away an understanding of the text.

Students are required to be familiar with the syllabus, and any announcements and updates during the semester. Students are expected to check their e-mails regularly and reply to questions asked by the instructor. Please use Moodle Message in case you need to contact me for any matter regarding the course and use the Forum function if your question also concerns other students, so that the response is available for fellow students who can themselves reply and comment; this way, we enter the sort of collaborative process studying at University should be all about and this class certainly is.

Grades will be determined as follows:

Language skills are not going to be evaluated!

1-A presentation in class (2-3 students per presentation) of one of the obligatory readings (20%), including but not limited to a presentation:

— of the author,
— of the theoretical debate the articles contributes to,
— of the main research questions,
— of categories/concepts/methods used in the text,
— of the structure of the article, of main findings,
— of critical aspects (see the document “how to read a research paper” which can be found on Moodle).

Aim for 20 minutes maximum. Please upload the article you will be presenting to the folder “texts” so that your fellow students can read it as well. Prepare at least one question for the audience at the end of your presentation in order to initiate the debate.

2-A power point presentation: (20%). Please upload this presentation to the Moodle-folder “slides” after your presentation.
3-A written summary of one article which relates to the six topics treated in the course: (20%). Students are free to choose an article of their interest but the article has to be validated by the instructor. The chosen article cannot be the same as the article presented in class (1). The summary should contain between 3500 and 5500 signs has to be submitted before December 22nd.

4-Class participation: 20%: Class participation means that you contribute at least once during class on your initiative. If you are absent you can write me the questions you would have asked or comments you would have made.

5-One participation as a “discussant” (20%): you have to prepare two questions concerning the obligatory reading and ask them at the end of the presentation. Introduce your question and explain why you ask this question.

If you participate actively, you will learn:

— How to jump over your shadow
— How to read a scientific text in English
— How to elaborate knowledge in a collective and interactive manner
— How to situate yourself in an internationalized academic space
— How to access ways of thinking and doing sociology (of law) which are uniquely available in English
— How a course you might take during a semester abroad would approximately look like
— A thing or two about the role of law in society

Schedule of topics and readings

The instructor reserves the right to make modest, announced adjustments to the schedule of assignments, the weight of assignments, and the schedule of readings.

See bibliography for detailed references!

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<thead>
<tr>
<th>Number</th>
<th>Course date</th>
<th>Topic</th>
<th>Reading(s)</th>
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<tr>
<td>1</td>
<td>tba</td>
<td>Law and society</td>
<td>The social embeddedness of law (Engel, 1984)</td>
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<td>Further reading:</td>
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<td>(Halliday and Schmidt, 2009)</td>
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<td>The making of law and society in everyday practices</td>
<td>Doing law: the analysis of legal practices</td>
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<td>(Manzo, 1997; Small, 2020)</td>
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<td>Gender and law I</td>
<td>Is there a “gender bias” in judicial decisions?</td>
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<td>(Ramji-Nogales et al., 2007 : 295-296, 376-377)</td>
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<td>(Menkel-Meadow, 2009)</td>
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<td>(Menkel-Meadow, 2012)</td>
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<td>Gender and law II</td>
<td>Gender in dispute resolution at work</td>
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<td>(Hoffmann, 2005)</td>
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<td>(Bumiller, 1987)</td>
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<td>5</td>
<td>(Why) do people (not) turn to law? Legal mobilization I</td>
<td>How do problems become disputes?</td>
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<td>(Sarat and Miller, 1980 : 525-546)</td>
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<td>(Why) do people (not) turn to law? Legal mobilization II</td>
<td>Legal mobilization and social inequalities</td>
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<td>(Conley and O’Barr, 1990)</td>
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<td>(Sandefur, 2008; Albiston et al., 2014)</td>
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| Page | (How) does law relate to the "everyday life"? The study of legal consciousness | Legal consciousness and the hegemony of law  
(Silbey, 2005)  
**Further reading**  
(Fritsvold, 2009; McCann, 1999) |
|------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 8    | (How) does law relate to the "everyday life"? The study of legal consciousness II | Case studies : reactions to street harassment and forms of legal consciousness  
(Nielsen, 2000)  
**Further reading**  
(Hertogh, 2004) |
| 9    | (How) does law relate to the "everyday life"? The study of legal consciousness III | Legal consciousness and legal culture  
(Young, 2014) |
| 10   | (How) are "culture" and "law" interrelated? "Legal cultures" and their comparison I | Explaining differences in national litigation rates or: (why) are the German more litigious then the Dutch?  
(Blankenburg, 1997) |
| 11   | (How) are "culture" and "law" interrelated? "Legal cultures" and their comparison II | A critical assessment: what is legal culture?  
(Nelken, 1997)  
**Further reading**  
(Nelken, 2004) |
| 12   | Law and politics | Law and social movements  
(Levitsky, 2006)  
**Further reading**  
(Levitsky, 2015; McCann, 2008) |


