

## Law and Society (B001672)

Due to Covid 19, the education and assessment methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

**Course size** *(nominal values; actual values may depend on programme)*

**Credits** 3.0

**Study time** 90 h

**Contact hrs**

30.0h

### Course offerings and teaching methods in academic year 2021-2022

A (semester 2)

Dutch

Gent

guided self-study

5.0h

lecture: response lecture

25.0h

### Lecturers in academic year 2021-2022

Desmet, Ellen

RE22

lecturer-in-charge

Colman, Charlotte

RE23

co-lecturer

### Offered in the following programmes in 2021-2022

[Bachelor of Arts in Moral Sciences](#)

crdts 3

offering A

[Bachelor of Arts in Philosophy](#)

3

A

[Bachelor of Laws in Laws](#)

3

A

[Linking Course Master of Arts in Gender and Diversity](#)

3

A

### Teaching languages

Dutch

### Keywords

Law and society, social functioning of law, social genesis of law, culture, diversity, law in action, law in context, legal pluralism, citizens and law, legal culture, legal awareness, legal norms and social norms, cross-cultural relevance of human rights, ethnography, dispute management processes, regulation

### Position of the course

This course offers an introduction to a socio-legal perspective on law. The student learns to view law from the perspective of society, in particular the functioning of law in practice (the law in action versus the law in the books). On the one hand, we look at the role of society in the development of law and, on the other hand, at the role and effect of law in (certain aspects of) society. Some of the issues discussed in the course are: How do law and society influence each other? What does "law" mean to people in their daily lives? How are human rights invoked, modified or rejected in culturally and religiously diverse contexts? What can an interdisciplinary dialogue between law and the social sciences teach us?

Through the social science study of both law and the context in which law is created and used, the potential, the internal contradictions and the limitations of the law become clear. This approach to law is all the more relevant in our current society, in which, for example, increasing globalization and transnational migration lead to a more complex interaction between different normative systems and cultures. Particular attention is paid to the theme of diversity.

The objectives of the course are situated on two levels. On the one hand, the course aims to provide students with insight into the basic concepts and approaches within the research domain of law and society. On the other hand, the course aims to sharpen students' critical reflection.

### Contents

In the first part of the course, the historical and social development around the research field "Law and Society" is outlined. This includes the concepts of 'law' and 'society' and their interaction (social genesis and social functioning of law), 'law in action', 'law in context', 'legal pluralism', 'persons of the law', 'functions of law',

'semi-autonomous social fields', 'processes of dispute management', 'legal awareness' and 'the cross-cultural relevance of human rights'.

A second part of the course elaborates on these core concepts. The students are invited to study and understand the knowledge and insights acquired in the first part in more depth and detail, based on case studies.

Topical themes are selected that can change every academic year. Examples are cultural defense, citizens' views on law, land and natural resource management, gender, indigenous peoples, future justice, mediation, migration. Special attention is paid to the interactions between different levels (local, national, regional, global); guest speakers are invited to make the link with practice.

### **Initial competences**

No specific prior knowledge is expected.

### **Final competences**

- 1 To have knowledge of and insight into the basic principles, concepts and theoretical developments of the research domain of law and society.
- 2 To have insight into the factors that influence and shape the law and to have insight into the impact of the law on society
- 3 To reflect critically on the relationship between the law and the relevant social, cultural, economic and political factors in society.
- 4 To reflect critically on the specific themes that were discussed.
- 5 To be aware of the social role and current responsibility of the lawyer and criminologist within law and society.
- 6 To reflect critically on the added value and challenges of interdisciplinarity.
- 7 To adopt a critical-scientific attitude when getting acquainted with (scientific) literature from various disciplines.
- 8 To independently identify and assess phenomena within law and society, and integrate these into the existing knowledge.
- 9 To demonstrate cultural sensitivity and respect for diversity.

### **Conditions for credit contract**

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

### **Conditions for exam contract**

Access to this course unit via an exam contract is unrestricted

### **Teaching methods**

Guided self-study, Lecture: response lecture

### **Extra information on the teaching methods**

Students prepare for each session by reading one or more texts or another assignment. These form the basis for interactive and critical discussion during class.

### **Learning materials and price**

Reader on Ufora

Powerpoint presentations on Ufora

### **References**

- Banakar, R., & Travers, M. (Eds.). (2005). *Theory and Method in Socio-Legal Research*. Oxford: Hart.
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- Cowan, J. K., Dembour, M.-B., & Wilson, R. A. (Eds.). (2001). *Culture and Rights. Anthropological Perspectives*. Cambridge: Cambridge University Press.
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- de Sousa Santos, B. (2002). *Toward a New Legal Common Sense* (2nd ed.). London:

(Approved)

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Donovan, J. M. (2008). *Legal anthropology: an introduction*. Lanham: Altamira Press.

Ehrlich, E. (2002). *Fundamental Principles of the Sociology of Law*. New Brunswick, London: Transaction Publishers.

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Engel, M. H., & Engel, J. S. (2010). *Tort, Custom, and Karma. Globalization and Legal Consciousness in Thailand*. Stanford: Stanford University Press.

Ewick, P., & Silbey, S. S. (1998). *The Common Place of Law. Stories from Everyday Life*. Chicago: University of Chicago Press.

Felstiner, W. L. F., Abel, R. L., & Sarat, A. (1980). The Emergence and Transformation of Disputes: Naming, Blaming, Claiming. *Law and Society Review*, 15(3-4), 631-654.

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Goodale, M., & Merry, S. E. (2007). *The Practice of Human Rights: Tracking Law between the Global and the Local*. Cambridge: Cambridge Univ. Press.

Hertogh, M. (2018). *Nobody's Law. Legal Consciousness and Legal Alienation in Everyday Life*. Palgrave Macmillan UK.

Hubeau, B., Gibens, S., Merceles, S., Parmentier, S., Ponsaers, P., Van Aeken, K., Vande Walle, g. & Van Houtte, J. (eds.) (2012). *Dialogen tussen recht en samenleving*. Leuven, Den Haag: Acco.

Kubal, A. (2013). Conceptualizing Semi-Legality in Migration Research. *Law & Society Review*, 47(3), 555-587.

Merry, S. E. (2006). *Human rights and gender violence: translating international law into local justice*. Chicago [u.a.]: University of Chicago Press.

Merry, S. E. (2010). What is legal culture? An anthropological perspective. *Journal of Comparative Law*, 5(2), 40-58.

Moore, S. F. (1973). Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study. *Law & Society Review*, 7(4), 719-746.

Schwitters, R.J.S. (2008). Recht en samenleving in verandering. *Een inleiding in de rechtssociologie*, Deventer: Kluwer.

Silbey, S. S. (2005). After legal consciousness. *Annual Review of Law and Social Science*, 1(1), 323-368.

Starr, J., & Goodale, M. (2002). *Practicing ethnography in law : new dialogues, enduring methods*. New York, NY [u.a.]: Palgrave Macmillan.

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von Benda-Beckmann, F. (2002). Who's afraid of legal pluralism? *The Journal of Legal Pluralism and Unofficial Law*, 47(37-82).

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### Course content-related study coaching

Students have the opportunity to ask questions and receive feedback from the teachers during and after class. Questions can also be forwarded to the teachers online via Ufora or via email. Finally, the student can also come by appointment. From one week before the exam period until after the exam, no substantive questions can be asked.

### Assessment moments

end-of-term assessment

### Examination methods in case of periodic assessment during the first examination period

Written examination

### Examination methods in case of periodic assessment during the second examination period

Written examination

### Examination methods in case of permanent assessment

### Possibilities of retake in case of permanent assessment

not applicable

**Extra information on the examination methods**

Periodic evaluation: written exam with questions that assess knowledge, insight and reflection

**Calculation of the examination mark**

Written exam: 100%

**Facilities for Working Students**

During the academic year, working students can always contact the lecturer to obtain more information about the learning material. The assistants are also available (both by email and by appointment).