

## Law and Society (B001672)

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

**Credits 3.0**

**Study time 90 h**

### Course offerings and teaching methods in academic year 2023-2024

A (semester 2)

Dutch

Gent

lecture

independent work

### Lecturers in academic year 2023-2024

Desmet, Ellen

RE22

lecturer-in-charge

Colman, Charlotte

RE23

co-lecturer

Wissing, Ruben

RE22

co-lecturer

### Offered in the following programmes in 2023-2024

	crdts	offering
<a href="#">Bachelor of Arts in Oriental Languages and Cultures(main subject Arabic and Islamic Studies)</a>	3	A
<a href="#">Bachelor of Arts in Oriental Languages and Cultures(main subject China (China Track))</a>	3	A
<a href="#">Bachelor of Arts in Oriental Languages and Cultures(main subject China (UGent Track))</a>	3	A
<a href="#">Bachelor of Arts in Oriental Languages and Cultures(main subject India)</a>	3	A
<a href="#">Bachelor of Arts in Oriental Languages and Cultures(main subject Japan)</a>	3	A
<a href="#">Bachelor of Arts in African Languages and Cultures</a>	3	A
<a href="#">Bachelor of Arts in East European Languages and Cultures</a>	3	A
<a href="#">Bachelor of Arts in History</a>	3	A
<a href="#">Bachelor of Arts in Moral Sciences</a>	3	A
<a href="#">Bachelor of Arts in Philosophy</a>	3	A
<a href="#">Bachelor of Laws in Laws</a>	3	A
<a href="#">Linking Course Master of Arts in Gender and Diversity</a>	3	A

### Teaching languages

Dutch

### Keywords

Law and society, social functioning of law, social genesis of law, culture, 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, diversity, decolonisation

### 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.

A third part of the course addresses the topics of diversity and decolonisation.

## **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**

Lecture, Independent work

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

Various parts of the lectures are given by guest speakers, in order to allow for a greater diversity of voices and perspectives.

Students prepare (some) lectures by reading a text of preparing a particular assignment.

## **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.

Berman, P. S. (2012). *Global Legal Pluralism. A Jurisprudence of Law Beyond Borders*. Cambridge: Cambridge University Press.

Claes, E., & Vrielink, J. (2009). Cultural Defence and Societal Dynamics. In M.-C. Foblets & A. Dundes Renteln (Eds.), *Multicultural Jurisprudence. Comparative Perspectives on the Cultural Defense* (pp. 301-319). Oxford and Portland Oregon: Hart Publishing.

Cowan, J. K., Dembour, M.-B., & Wilson, R. A. (Eds.). (2001). *Culture and Rights. Anthropological Perspectives*. Cambridge: Cambridge University Press.

De Feyter, K., Parmentier, S., Timmerman, C., & Ulrich, G. (2011). *The local relevance of human rights*. Cambridge: Cambridge University Press.

Deflem, M. (2008). *Sociology of Law: Visions of a Scholarly Tradition*. New York, Cambridge: Cambridge University Press.

de Sousa Santos, B. (2002). *Toward a New Legal Common Sense* (2nd ed.). London: Buttersworth.

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.

Engel, D. M., & Munger, F. W. (1996). Rights, Remembrance, and the Reconciliation of Difference. *Law & Society Review*, 30(1), 7-53.

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.

Foblets, M.-C., & Dundes Renteln, A. (Eds.). (2009). *Multicultural Jurisprudence. Comparative Perspectives on the Cultural Defense*. Oxford and Portland Oregon: Hart Publishing.

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., Mercelis, 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.

Swenson, G. (2018). Legal Pluralism in Theory and Practice. *International Studies Review*, 1-25.

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

von Benda-Beckmann, K., von Benda-Beckmann, F., & Griffiths, A. (Eds.). (2009). *The Power Of Law In A Transnational World: Anthropological Enquiries*. New York, Oxford: Berghahn Books.

### 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.

(Approved)

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 assessment

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

Written assessment

**Examination methods in case of permanent assessment**

Written 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

Two points are awarded based on multiple choice questions.

**Calculation of the examination mark**

Written exam: 100%; share of multiple choice questions is 10%.

**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).