

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 2024-2025

A (semester 2)

Dutch

Gent

lecture

independent work

Lecturers in academic year 2024-2025

Desmet, Ellen

RE22

lecturer-in-charge

Colman, Charlotte

RE23

co-lecturer

Wissing, Ruben

RE22

co-lecturer

Offered in the following programmes in 2024-2025

[Bachelor of Laws in Laws](#)

crdts

offering

3

A

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

3

A

[Elective Set Laws](#)

3

A

Teaching languages

Dutch

Keywords

Law and society, social functioning 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, critical theory, feminism, intersectionality

Position of the course

'Law and Society' refers to the English 'Law and Society (Studies)'. It is an umbrella term for approaches that focus on a social science, 'external' approach to law. This examines how law and society interact and influence each other. A related 'external' approach is critical legal studies, which focuses on the social (power) structures that help shape the law. Such 'external' approaches are opposed to an 'internal', doctrinal approach to law, which studies law 'in itself', as a system. This course offers an introduction to this social science perspective on law. The student learns to look at law from the perspective of society, especially the functioning of law in practice (the law in action versus the law in the books). Some of the issues addressed in the course are: How do law and society influence each other? What does 'law' mean for people in their daily lives? Why do citizens' views on justice matter? How are human rights invoked, adapted or rejected in culturally and religiously diverse contexts? What can an interdisciplinary dialogue between law and the social sciences teach us? What values and balances of power are reflected in law?

Through the social science study of both law and the context in which law is created and used, the potential, internal contradictions and limitations of law become clear. This approach to law is all the more relevant in our current society, where globalisation, increasing diversity and transnational migration lead to more complex interactions between different normative systems and cultures.

The objectives of the course are situated on two levels. On the one hand, the course aims to provide students with an understanding of 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

The first part of the course outlines the historical and social development around the research field 'Law and Society'. In it, the focus is on legal anthropological insights, including the concepts of 'law' and 'society' and their interaction, 'law and culture', 'legal pluralism', 'semi-autonomous social fields', 'legal consciousness' and 'the cross-cultural relevance of human rights'.

The second part focuses on legal sociological insights. This part covers topics such as the different forms of (in)formal conflict resolution, legalisation and access to law, communication about law and (the importance of) diverse opinions about law.

The third part approaches diversity as an overarching theme from a critical perspective. Superdiversity and decolonisation are central concepts, and specific attention is paid to certain key diversity (or identity) characteristics, such as gender, race, social class and language.

Thematic choices may change each academic year. Examples include citizens' views on law, land and natural resource management, gender, indigenous peoples, speaking justice in the future, mediation, migration, social class, colonisation and post-colonialism, gender, multilingualism. Here, guest speakers may be invited to link to practice.

Initial competences

No specific prior knowledge is expected.

Final competences

- 1 Distinguish and describe the basic principles, concepts and theoretical developments of the research domain of law and society.
- 2 Identify and describe factors that influence and shape law.
- 3 Evaluate and explain the impact of law on society.
- 4 Critically approach the relationship between law and relevant social, cultural, economic and political factors in society, as well as the specific topics discussed
- 5 Be aware of and attentive to the social role and responsibility of the lawyer and criminologist within society.
- 6 Recognise, appreciate and critically approach interdisciplinarity, social science methodology and critical theory related to law.
- 7 Adopt a critical-scientific stance when encountering literature from various social science disciplines.
- 8 Independently identify, relate and integrate phenomena within law and society into existing knowledge.
- 9 Be attentive to and 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.

Study material

Type: Slides

Name: Slides Law and Society

Indicative price: Free or paid by faculty

Optional: no

Language : Dutch

Available on Ufora : Yes

Online Available : No

Available in the Library : No

Available through Student Association : No

Type: Reader

Name: Reader Law and Society
Indicative price: Free or paid by faculty
Optional: no
Language : Dutch
Available on Ufora : Yes
Online Available : No
Available in the Library : No
Available through Student Association : No
Additional information: Also texts in English

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. 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).