

**Theoretical Perspectives in Sociology of Law, 15 HP**  
**PhD Course**  
**Schedule**

**Convenor: Ole Hammerslev**  
**Spring Term 2023 Course outline**

Time: 10.15-12  
Meeting room: TBC + Zoom

Sessions	Date	Seminar Topics	Indicative Readings
1	17 Jan	Introduction to the course and presentation of PhD projects	Darian-Smith, Eve (2013) <i>Laws and Societies in Global Contexts</i> . Santa Barbara: Cambridge University Press Chapters 1 to 3
2	31 Jan <b>Presenters:</b>	Classical Sociology of Law	Banakar, Reza (2015) <i>Normativity in Legal Sociology</i> : Chapters: 1, 2, 7  Deflem, M. (2008) <i>Sociology of Law: Visions of a Scholarly Tradition</i> . Cambridge University Press, 1-142 <a href="https://deflem.blogspot.com/2008/01/socoflaw.html">https://deflem.blogspot.com/2008/01/socoflaw.html</a>
3	7 Feb <b>Presenters:</b>	Modern Socio-Legal Theories, Session 1  Jurgen Habermas' contribution to sociology of law	Habermas, Jürgen (1985) <i>The Theory of Communicative Action</i> . Volume 2: <i>Life World and System: A Critique of Functionalist Reason</i> . Beacon. Pp. 356–373.  Banakar and Travers (2013) Chapters 3 and 4.  Deflem chapter 8
4	28 Feb <b>Presenters:</b>	Modern Socio-Legal Theories, Session 2:  Teubner & Latour	Teubner Gunther (1983) 'Substantive and Reflexive Elements in Modern Law'. In: <i>Law and Society Review</i> 17(2) 239-285. 46 pages  Banakar and Travers (2013) Chapter 10
5	14 March <b>Presenters:</b>	Modern Socio-Legal Theories, Session 3:  The force of law and transnational fields	Bourdieu Pierre (1987) 'The Force of Law: Toward a Sociology of the Juridical Field'. In: <i>Hastings Law Journal</i> 38 (5): 814-853  Dezalay, Yves and Garth, Bryant (1995) "Merchants of Law as Moral Entrepreneurs: Constructing International Justice from the Competition for Transnational Business Disputes" <i>Law &amp; Society Review</i> , Vol. 29, No 1, pp.27-64.

			<p>Arnholtz, Jens &amp; Hammerslev, Ole (2013) Transcended power of the state: the role of actors in Pierre Bourdieu's sociology of the state in <i>Distinktion: Scandinavian Journal of Social Theory</i>, p. 1-23.</p> <p>Banakar and Travers (2013) Chapters 16 to 18</p>
6	28 March <b>Presenters:</b>	Classical Sociology and Anthropology of Law	Moore, Sally Falk (ed) (2005) <i>Law and Anthropology: A Reader</i> . Malden MA, Blackwell Publishing.
7	11 April <b>Presenters:</b>	Legal Pluralism	<p>Merry Sally, Engle (1988), 'Legal Pluralism' <i>Law &amp; Society Review</i>, Vol. 22, No. 5, pp. 869-896.</p> <p>Griffiths, Ann (2002) "Legal Pluralism" in Banakar, Reza and Travers, Max (eds.) <i>An Introduction to Law and Social Theory</i>. Oxford: Hart. (chapter 15)</p> <p>Nafstad, Ida (2015) "Gypsy Law – the Non-state Normative Orders of Roma: Scholarly Debates and the Scandinavian Knowledge Chasm", <i>The Journal of Legal Pluralism and Unofficial Law</i>, Vol. 8, issue 1, pp. 92-109.</p> <p>Ali, Shaheen S, Anne Griffiths, Hellum, Anne (2011) <i>From Transnational Relations to Transnational Laws: Northern European Laws at the Crossroads</i>. Routledge.</p>
8	25 April <b>Presenters:</b>	Legal consciousness and dispute transformation	<p>Silbey, Susan S. (2005). Everyday Life and the Constitution of Legality. In <i>The Blackwell Companion to the Sociology of Culture</i> (eds M.D. Jacobs and N.W. Hanrahan). <a href="https://doi.org/10.1002/9780470996744.ch22.332-345">https://doi.org/10.1002/9780470996744.ch22.332-345</a>.</p> <p>Ewick, Patricia and Silbey, Susan S. (1998) <i>The Common Place of Law: Stories from Everyday Life</i>. Chicago: The University of Chicago Press.</p> <p>Sarat, Austin (1990) The Law is All Over: Power, Resistance, and the Legal Consciousness of the Welfare Poor in <i>Yale Journal of Law and the Humanities</i>, 2, p. 343-79.</p> <p>Felstiner, William.L.F., Abel, Richard L. and Sarat, Austin (1980/1981), <i>The emergence and transformation of disputes: naming, blaming and</i></p>

			<p><i>claiming</i> in <i>Law &amp; Society Review</i>, vol. 15:3/4, p. 631-654.</p> <p>Conley John M., &amp; O'Barr, William and Riner, Robin Conley (1998) <i>Just Words: Law, Language, and Power</i>. Chicago: University of Chicago Press, chapters 4 + 5, pp. 60-97.</p> <p>Hertogh, Marc (2009) <i>What's in a Handshake? Legal Equality and Legal Consciousness in the Netherlands</i> in <i>Social &amp; Legal Studies</i>, vol. 18:2.</p>
9	9 May <b>Presenters:</b>	<p>Modern Socio-Legal Theories, Session 4:</p> <p>On gender, sexuality, race and ethnicity.</p>	<p>Harriet Samuels (2013) "Feminist Legal Theory" in Banakar, Reza and Travers, Max (eds.) <i>An Introduction to Law and Social Theory</i>. Oxford: Hart, pp. 129-146.</p> <p>Mariana Valverde (2014), <i>The Rescaling of Feminist Analyses of Law and State Power: From (Domestic) Subjectivity to (Transnational) Governance Networks</i>, <i>UC Irvine Law Review</i>, Vol 4(1) pp-325-352</p> <p>Smart, Carol (1989) <i>Feminism and the Power of Law</i>. London and New York: Routledge</p> <p>Crenshaw, Kimberle (1989) "Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics". <i>University of Chicago Legal Forum</i>, 139-167</p> <p>Brännström, Leila (2018) <i>The terms of ethnoracial equality: The Swedish court's reading of ethnic affiliation, race and culture</i>, <i>Social &amp; Legal Studies</i>, 27(5)</p>
10	23 May <b>Presenters:</b>	<p>Late Modernism and postmodernity</p>	<p>Foucault, Michel (1980) <i>Power/Knowledge: Selected Interviews and other Writings 1972-177</i>. Pantheon Books.</p> <p>Hildebrand, Mireille (2015) <i>Smart Technologies and the End(s) of Law</i>. EE Elgar</p> <p>Santos, B. de Sousa (1987) <i>Law: A Map of Misreading. Toward a Postmodern Conception of Law</i> in <i>Journal of Law and Society</i>, vol. 14:3, p. 279-302</p> <p>Eve Darian-Smith, <i>Postcolonial Theories of Law</i> in Banakar, Reza and Travers, Max (eds.) <i>An Introduction to Law and Social Theory</i>. Oxford: Hart (chapter 14).</p>

<b>Assignments</b>	<b>The course will contain three written assignment (each worth 5 credits) and two seminar presentations. One presentation will be on a specific theory and one on the theoretical framework for your thesis. Presentations will be brief – between 20 to 30 minutes and will be used as a point of departure for discussions.</b>
2500 words (the word count does not include bibliography)	<p><b>1.</b> Write an essay on the theoretical development of the sociology of law. How has socio-legal theory developed over the last hundred years? How does it relate to other research areas such as legal studies, comparative law, sociology, political science and social anthropologies? Where do you think it is heading? (5 credits)</p> <p><b>Submit before 21 February; to be discussed 28 February</b></p>
2500 words	<p><b>2.</b> Discuss various concepts or approaches which you deem relevant to socio-legal research - historical, sociological, philosophical, economic, Marxist, feminist, etc. Which of them is relevant to your research and why? Which theories are not relevant to your work and why? (5 credits)</p> <p><b>Submit before 24 March; to be discussed 28 March</b></p>
2500 words	<p><b>3.</b> Write the first draft of the theoretical framework of your thesis (5 credits). This third assignment may be used as a basis for your presentation</p> <p><b>Submit before 2 May; to be discussed 9 May</b></p>