



Legal Sociology / Spring 2023

Syllabus

I. Introduction and Revision

- 1 21.2.2023 **Introduction & Legal Sociology in Switzerland**
T1: Christoph Graber, Legal Sociology, in: Marc Thommen (ed.), Introduction to Swiss Law, 2nd ed, Zurich: sui generis, 2022, 91–112
- 2 28.2.2023 **Eugen Ehrlich**
T2: Eugen Ehrlich, Fundamental Principles of the Sociology of Law, translation by Walter L. Moll, New Brunswick: Transaction Publishers, 2002 (first published 1913 in German, 1936 in English), 39–41; 121–125; 154–156; 164–165
T3: Eugen Ehrlich and Nathan Isaacs, 'The Sociology of Law', Harvard Law Review, 36 (1922), 130–145
T4: Brian Tamanaha, A Vision of Social-Legal Change: Rescuing Ehrlich from "Living Law", Law & Social Inquiry, 36 (2011), 297–318
- 3 07.03.2023 **Emile Durkheim**
T5: Emile Durkheim, The Division of Labour in Society, 2nd edn, translation by W. D. Halls, Basingstoke: Palgrave Macmillan, 2013 (first published 1893 in French, 1933 in English), 158–180
- 4 14.3.2023 **Max Weber**
T6: Max Weber, Economy and Society: An Outline of Interpretive Sociology, translation by Ephraim Fischhoff, et al., Berkeley and Los Angeles: University of California Press, 1978 (first published 1922 in German), at 311–317
T7: David Trubek, 'Max Weber on Law and the Rise of Capitalism', Wisconsin Law Review (1972), 720–753, at 720–739
T8: Panu Minkkinen, The Legal Academic of Max Weber's Tragic Modernity. Social & Legal Studies, 19 (2010), 165–182
- 5 21.3.2023 **Jürgen Habermas**
T9: Jürgen Habermas, The Theory of Communicative Action, Vol. 2, Lifeworld and System: A Critique of Functionalist Reason, translation by Thomas McCarthy, Boston: Beacon Press, 1987 (first published 1981 in German), 356–373, at 356–366
T10: Mathieu Deflem, 'The Legal Theory of Jürgen Habermas: Between the Philosophy and the Sociology of Law', in Reza Banakar and Max Travers (eds), Law and Social Theory, 2nd edn, Oxford, UK and Portland, OR, USA: Hart Publishing, 2013, 75–90
- 6 28.03.2023 **Niklas Luhmann**
T11: Niklas Luhmann, Law as a Social System, translation by Klaus A. Ziegert, Oxford: Oxford University Press, 2004 (first published 1993 in German), at 291–296
T12: Hugh Baxter, 'Niklas Luhmann's Theory of Autopoietic Legal Systems', Annual Review of Law and Social Science, 9 (2013), 167–184



II. Current Problems

- 7 04.04.2023 **Justice and Society: Procedural Justice**
T13: Jason Sunshine and Tom Tyler, The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing, Law & Society Review, 37 (2003), 513–548
T14: Kristina Murphy, Regulating More Effectively: The Relationship between Procedural Justice, Legitimacy, and Tax Non-compliance, Journal of Law and Society, 32 (2005), 562–589
- 8 18.04.2023 **Power, Regulation and Compliance: Regulating Climate Change**
T15: Caer Smyth, 'Tick the box and move on': compartmentalization and the treatment of the environment in decision-making processes, J. Law Soc. 48 (2021), 410–433
T16: Yuval Feldman and Oren Perez, How Law Changes the Environmental Mind: An Experimental Study of the Effect of Legal Norms on Moral Perceptions and Civic Enforcement. Journal of Law and Society 36 (2009), 501–535
T17: Jacqueline Peel and Hari M. Osofsky, Climate Change Litigation, Annual Review of Law and Social Science 16 (2020), 21–38
- 9 25.04.2023 **Social Control: Criminal Law, Law Enforcement, and Surveillance**
T18: Michel Foucault, Discipline and Punish: The Birth of the Prison, transl. by A. Sheridan, Vintage Books 1995, 170–94 (excerpts)
T19: Clare McGlynn, Kelly Johnson, Erika Rackley, Nicola Henry, Nicola Gavey, Asher Flynn, and Anastasia Powell, 'It's Torture for the Soul': The Harms of Image-Based Sexual Abuse, Social & Legal Studies 30 (2020), 541-562
T20: Deniz P. Konuk, Re-viewing Video Evidence and Police Violence in the Criminal Courts in Turkey, Social & Legal Studies (2023), OnlineFirst
- 10 02.05.2023 **Critical Legal Studies: Feminist Theories and Disadvantaged Groups**
T21: Roberto M. Unger, The Critical Legal Studies Movement, Harvard Law Review 96 (1983), 561–675 (excerpts)
T22: Catherine MacKinnon, Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence, Signs 8 (1983) 635–58 (excerpts)
T23: Vladimir Bogoeski, Continuities of exploitation: seasonal migrant workers in German agriculture during the COVID-19 pandemic, Journal of Law and Society 49 (2022), 681–702
- 11 09.05.2023 **Law without the State: Global and Transnational Law**
T24: Roger Cotterrell, What Is Transnational Law? Law & Social Inquiry, 37 (2012), 500–524
T25: Lawrence M. Friedman, Borders: On the Emerging Sociology of Transnational Law, Stan. J. Int'l Law 32 (1996), 65–90
- 12 16.05.2023 **Law in the Digital Society I: Digital Society, Artificial Intelligence**
T26: Karen Levy, Kyla E. Chasalow, and Sarah Riley, Algorithms and Decision-Making in the Public Sector, Annual Review of Law and Social Science 17 (2021), 309–334
T27: Colin Rule, Online Dispute Resolution and the Future of Justice, Annual Review of Law and Social Science 16 (2020), 277–292
- 13 23.05.2023 **Law in the Digital Society II: Datafication, Human Rights in the Digital Sphere**
T28: Fleur Johns, Governance by Data, Annual Review of Law and Social Science 17(2021), 53–71



T29: Molly K. Land and Jay D. Aronson, Human Rights and Technology: New Challenges for Justice and Accountability, Annual Review of Law and Social Science 16 (2020), 223–240

14 30.05.2023 **Revision / Exam Preparation**

Grading

Depending on class size, we will have an oral examination (50%). In addition, students are required to present one of the texts (T2-T29) in class (10 min., 30%). Oral participation in class counts towards 20% of the final grade.

Textbooks

Mathieu Deflem, *Sociology of Law: Visions of a Scholarly Tradition*, Cambridge: Cambridge University Press 2008

Handbooks

Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds.), *Routledge handbook of socio-legal theory and methods*, London/New York: Routledge, 2020

Mariana Valverde, Kamari M. Clarke, Eve Darian Smith and Prabha Kotiswaran (eds.), *The Routledge Handbook of Law and Society*, London/New York: Routledge, 2023

Austin Sarat and Patricia Ewick (eds.), *The Handbook of Law and Society*, Chichester: Wiley, 2015

Resources

<https://guides.nyu.edu/sociology/law-and-society>

Academic Journals

Annual Review of Law and Social Science: <https://www.annualreviews.org/journal/lawsocsci>

Law and Society Review: <https://onlinelibrary.wiley.com/journal/15405893>

Journal of Law and Society: <https://onlinelibrary.wiley.com/journal/14676478>

Social and Legal Studies: <https://journals.sagepub.com/home/sls>

Law and Social Inquiry: <https://www.cambridge.org/core/journals/law-and-social-inquiry>

Description

This course undertakes an in-depth discussion on the fundamental issues concerning the relationship between law and society, with questions in respect to history, methodology and philosophy of science playing an important part. In doing so, specific questions on the functioning and meaning of law in modern societies will be addressed. The significance of legal sociology in the various workings of the law will be elucidated on the basis of practical examples.

Time / Place

Tuesday, 10.15 am–12.00 am, University of Zurich, KOL-G-221