London Interdisciplinary Social Science Doctoral Training Partnership

Advanced Research Methods in Social Sciences

Course Code & Title	LISS352 Introduction to Law in Society				
Convenor(s)	Laura Mai, The Dickson Poon School of Law, King's College London				
Institution	King's College London		**Department**	LISS DTP	
Academic Year	2021-22		**Term**	Autumn	
Number of Seminars	5	**Research Platform**	Social Theory & Epistemology	**Length of Seminars**	2hrs / seminar

Day, Date	Start / End	Room Location
Wednesday, 6 October 2021 Wednesday, 13 October 2021 Wednesday, 20 October 2021 Wednesday, 27 October 2021 Wednesday, 3 November 2021	16:00-18:00	Online via MS Teams
Enrolment Links:	**Available to book on Skillsforge from 24th September. (Click to log in and register)** Questions? Visit our Training FAQ here: https://liss-dtp.ac.uk/our-training-programme/	

Course description:

The aim of this course is to familiarise students with the constitutive role of law in society. It is aimed at students whose research investigates issues where law surfaces as a particular way of knowing, organising, experiencing or governing social settings, groups, or activities.

Developing a deeper understanding of the workings of law can be useful to provide conceptual clarity about the meaning of a range of concepts (e.g. What is a 'right'? What is 'discrimination'? What is 'gender'? What is the 'environment'?). Further, critical engagement with legal structures, actors and practices avoid treating aspects of law as a given, thus allowing to uncover the constantly evolving, context-specific and normatively charged nature of law.

The course caters to students with and without a background in law. Students from the social sciences will be introduced to the workings of law. The objective here is to 'demystify' the law, making it relevant and accessible to social science perspectives. Students with a background in law will benefit from this course by being introduced to social-science perspectives for engaging with law. As such, the course is specifically useful for legal researchers who want to complement doctrinal approaches with socio-legal perspectives.

Seminars will equip students with the theoretical and conceptual tools to identify specifically where and how law plays a role in their research projects. This will require students to be prepared to discuss and reflect on their own research, including research questions and methodological approaches.

Please note: This course does not cover research methods. For training on methods, students are encouraged to attend relevant LISS courses, in particular LISS004 Introduction to Qualitative Research and LISS005 Introduction to Quantitative Research.

Course outline:

*The seminars on this course are designed to be **interactive and participatory.** To enable discussion and exchange, whenever possible, students are expected to have their video switched on during seminars, to be prepared to discuss their own research projects and have engaged with the required preparatory readings listed for each session (see below).*

Session 1: Introduction – Mapping the Field

The first session will introduce students to the field of 'law and society'. We will discuss the relevance of law and legal research for social science research projects and *vice versa*. Students will learn to 'put on' the glasses of law in order to identify how legal norms and rules might influence their object(s) of study. The aim is to allow students to become aware how the law pervades various aspects of society and why law needs to be 'thought with' the study of social phenomena.

In this first session, students will be given the opportunity to briefly present their own research to the seminar group. The aim is to begin to identify how legal phenomena might be relevant to one's research aims, questions and methodologies; or how a social science perspective might help to shed light on the societal workings of the law.

Required preparatory readings:

- Kafka, 'Before the Law'
- Feeley, 'Three Voices of Socio-Legal Studies' (2001) Israel Law Review
- Silbey and Sarat, 'Critical Traditions in Law and Society Research' (1987) Law & Society Review

Questions for consideration and preparatory tasks:

- Start with reading Kaka's 'Before the Law'. What ideas and understanding of law can you identify in the parable? What questions about law does this parable evoke with you? How would you intuitively respond to these questions?
- Now read the papers by Feeley and Silbey & Sarat. How do these papers describe socio-legal (or 'law and society') research?
- Prepare to briefly speak about your own research, focusing specifically on how you consider law in your project. How might you use a social science perspective to research legal phenomena; or, how might you use a legal perspective to explore social phenomena? Are there possibilities to understand legal institutions, concepts and/or practice as social facts in the context of your research?

Going further – selected additional resources:

- Banakar and Travers (eds), *Law and Social Theory* (2nd edn, Hart Publishing 2013)
- Travers, *Understanding Law and Society* (Routledge 2010)
- Mather, 'Law and Society' in Robert E Goodin (ed), *The Oxford Handbook of Political Science* (Oxford University Press 2011)
- McCrudden, 'Legal Research and the Social Sciences' (2006) Law Quarterly Review
- Bourdieu, 'The Force of Law: Toward a Sociology of the Juridical Field' (1987) The Hastings Law Journal

Session 2: Key Concepts of Socio-legal Research – Everyday Law and Legal Pluralism

The second seminar will introduce students to a key concept in socio-legal research that is concerned with the everyday experiences and operations of law across local, national, transnational and international spaces – 'legal pluralism'. To experience law's plurality, we will go on a virtual 'field trip'. Scrolling through newsfeeds and browsing websites, we will encounter various forms of law, including codes of conduct, policies and standards, for example those on privacy, consumer protection and hate speech. We will ask in what ways these codes, policies and standards intertwine with domestic and other forms of law. The virtual field trip will function as a gateway into the understanding of law as a multiple phenomenon that is composed of state and non-state, national, international and transnational forms.

Required preparatory readings:

- Valverde, *Everyday Law on the Street: City Governance in an Age of Diversity* (University of Chicago Press 2012) - Chapter 2, 'The Law of the Street Corner', read pp 24-47 only
- Davies, 'The Ethos of Pluralism' (2005) Sydney Law Review 4

Questions for consideration:

- Based on your reading of Valverde, what laws and norms do you expect to encounter during the virtual fieldtrip? What forms might these laws and norms take, and what might be their function? Jot down some initial thoughts.
- How can we identify legal norms? And relatedly, how can legal norms be distinguished from social norms? Is this distinction even possible and / or necessary; and if so, why / why not?
- How does a legal pluralism lens change the ways we perceive and conceptualise social life? Is legal pluralism a different form of generating knowledge about how social life is constituted and governed; or rather, does it fundamentally alter categories of law, on the one hand, and society, on the other?

Going further – selected additional resources:

- Merry, 'Legal Pluralism' (1988) Law & Society Review
- Tamanaha, 'Understanding Legal Pluralism: Past to Present, Local to Global' (2008) Sydney Law Review
- Griffiths, 'What is Legal Pluralism?' (1986) Journal of Legal Pluralism & Unofficial Law
- Falk Moore, 'Legal Pluralism as *Omnium Gatherum*' (2014) FIU Law Review
- Nelken, 'Eugen Ehrlich, Living Law, and Plural Legalities' (2006) Theoretical Inquiries in Law
- De Sousa Santos, 'Law: A Map of Misreading: Toward a Postmodern Conception of Law' (1987) Journal of Law & Society
- Greenhouse, 'Legal Pluralism and Cultural Difference: What Is the Difference?' (1998) Journal of Legal Pluralism & Unofficial Law
- Roberts, 'After Government? On Representing Law Without the State' (2005) Modern Law Review
- Roberts, 'Against Legal Pluralism' (1998) Journal of Legal Pluralism and Unofficial Law
- Ellickson, *Order Without Law: How Neighbors Settle Disputes* (Harvard University Press 1994)
- Snyder, 'Governing Economic Globalisation: Global Legal Pluralism and European Law' (1999) European Law Journal

Session 3: Perspective I – Legal Consciousness and Narrative

Equipped with an understanding of the field of 'law and society' and key concepts which permeate the field, the third seminar introduces legal consciousness and narrative as the first set of particular perspectives on law in society. Legal consciousness research explores how everyday people and groups experience and construct legal worlds around them. From this vantage point, law is everywhere, not contained but continuously made and unmade through social interactions, discourse, perceptions, ideas and meanings. Alongside legal consciousness, we will explore the role of narratives in constructing law in society.

Required preparatory readings:

- Ewick and Silbey, *The Common Place of Law: Stories from Everyday Life* (University of Chicago Press 1988), read pages 15-23 and 33-47 only
- Cover, 'Nomos and Narrative' (1983) Harvard Law Review, read pp 4-19 only

Questions for consideration:
- Reading Ewick and Silbey, what insights on law in society does legal consciousness research offer? What are the starting assumptions of this perspectives? Which research methods are conducive to investigating legal consciousness, and why?
- What does Cover mean by his concept of 'jurisgenesis'? How is this notion related to the concept of legal pluralism discussed in Session 2?
- Revisit: Kafka, 'Before the Law' from Session 1. Having reached mid-point of the course, reflect on how your reading of the parable has now changed. Does your initial interpretation of the parable still hold? If so, why? If not, what has changed and why? Jot down some thoughts.

Going further – selected additional resources:

- Ewick and Silbey, 'Conformity, Contestation, and Resistance: An Account of Legal Consciousness' (1992) New England Law Review
- Austin Sarat, '"...The Law is All Over": Power, Resistance, and the Legal Consciousness of the Welfare Poor' (1990) Yale Journal of Law and the Humanities
- Silbey, 'After Legal Consciousness' (2005) Annual Review of Law and Social Sciences
- Simon Halliday and Bronwen Morgan, "I Fought the Law and the Law Won? Legal Consciousness and the Critical Imagination" (2013) Current Legal Problems
- Merry, *Getting Justice and Getting Even: Legal Consciousness among Working-class Americans* (University of Chicago Press 1990)
- Rosie Harding, *Regulating Sexuality: Legal Consciousness in Lesbian and Gay Lives* (Routledge 2011)
- Marshall and Barclay, 'In Their Own Words: How Ordinary People Construct the Legal World' (2003) Law and Social Inquiry

Session 4: Perspective II – Legal Communication and Technique

In the fourth session, we discuss the internal workings of the legal system. Accordingly, rather than focusing on how 'ordinary' people view and experience the law in their everyday lives, we now encounter perspectives that conceptualise law as distinct and bounded. To do so we look at legal communication and legal technique. At the centre of this seminar stands the tension between approaching the law as a (more or less) closed and idiosyncratic system which functions according to its own rules, knowledge practices and operations; or whether law cannot and should not be separated from other societal domains because it permeates society at large.

Required preparatory readings:

- Riles, 'A New Agenda for the Cultural Study of Law: Legal Technicalities' (2005) Buffalo Law Review – read pp 973-89 only
- Zumbansen, 'Niklas Luhmann, Law as a Social System' (2006) Social and Legal Studies

Questions for consideration:

- Before reading the preparatory readings reflect on whether, in your opinion, there is something particular to law, legal practice, legal talk and legal institutions? Give examples of why you think this is or is not the case.
- How would you describe the theoretical approaches presented in the preparatory readings? How would you define legal communication and legal technique?
- Does it make sense to conceptualise law as a 'closed' system? What does the notion of 'closure' suggest? What are the arguments for and against this argument?

Going further – selected additional resources:

- Luhmann, 'Law as a Social System' (Oxford University Press 2004)
- Luhmann, 'Operational Closure and Structural Coupling: The Differentiation of the Legal System' (1991) Cardozo Law Review
- Michalkis, 'Law as an Autopoietic System' (1995) Acta Sociologica
- Cunningham, 'Lawyer as Translator, Representation as Text: Towards an Ethnography of Legal Discourse' Cornell Law Review
- Teubner, 'Global Bukowina: Legal Pluralism in the World Society' in Gunther Teubner (ed), *Global Law Without A State* (Dartmouth 1997)
- Mariana Valverde, 'Jurisdiction and Scale: Legal 'Technicalities' as Resource for Theory' (2009) Social and Legal Studies

Session 5: Perspective III – Legal Materials, Spaces and Atmospheres

In the final session, we will encounter a third set of perspectives on law in society, namely those focusing on legal and non-legal materialities, spaces and atmospheres. These approaches take law to specific places, spaces, scenes, encounters and artefacts, thus standing in contrast to perspectives which see law as abstract and immaterial. In so doing, these perspectives do not necessarily focus (exclusively) on humans or social groups, but also non-human collaborators that law relies upon.

Required preparatory readings:

- van Oorschot, *The Law Multiple* (Cambridge University Press 2021), read Chapter 5, 'Visualising Cases'
- Matthews, 'Narrative, Space and Atmosphere: A Nomospheric Inquiry into Hong Kong's Pro-democracy "Umbrella Movement"' (2017) Social and Legal Studies

Preparatory task:

- Having read the preparatory readings, find (or make) an object, a photograph, a drawing, a video, a piece of music or a recording of sounds which you would like to discuss in class in respect of how this object or representation of the world reflects law in society. Be prepared to show the object, photo, drawing, video or sound recording to fellow students and to explain your choice.
- In your opinion, what does a focus on materiality, space and atmospheres add to understanding law in society? What are the difficulties of this approach?

Going further – selected additional resources:

- Latour, *The Making of Law: An Ethnography of the Conseil d'Etat* (Polity Press 2010)
- Pottage, 'The Materiality of What?' (2012) Journal of Law and Society
- Cloatre, 'Law and ANT (and its Kin): Possibilities, Challenges and Ways Forward' (2018) Journal of Law and Society
- Delaney, *The Spatial, the Legal and the Pragmatics of World-Making* (Routledge 2011)
- Sylvestre, Blomley and Bellot, *Red Zones: Criminal Law and the Territorial Governance of Marginalized People* (Cambridge University Press 2019)
- Philippopoulos-Mihalopoulos, *Body, Lawscape, Atmosphere* (Routledge 2015)

Eligibility: You must be a PhD student at either King's College London, Queen Mary University of London, or Imperial College London, using social science methodologies. The course is primarily targeted at social science researchers who want to become familiar with socio-legal epistemology. It will also be beneficial for legal researchers who have thus far taken a doctrinal approach to research and who want to expand their conceptual and theoretical repertoires.

Pre-course preparation: The course will take place through interactive seminars and students are expected to actively participate during online sessions. To allow fruitful discussions students will need to have read the required preparatory readings, as indicated in the course outline above, ahead of each seminar. Students are encouraged to use the 'questions for consideration' to guide their preparatory readings.

Number of students: The maximum number of participants for this course is capped at 20 students. Keeping seminar groups small is intended to allow for reflective group discussion during seminars.