Description

The seminar is intended to compare studies, theories and researches on what is today called the Political Sociology of Law (PSL) in the United States, France and Latin America. A PSL sees law as a social phenomenon interconnected with political power. This is the type of understanding that was adopted by the classics of sociology (Karl Marx, Emile Durkheim and Max Weber).

The idea is not to compare legal rules (statutory laws, codes or constitutions), as legal professors do, but to compare the sociopolitical cultures underlying these legal rules.
The seminar is designed to provide a theoretical framework for analyzing and interpreting debates in contemporary sociology of law, in Europe, United States and Latin America. The course will emphasize three aspects of the comparison: First, the contrast between a rather theoretical European socio-legal tradition, a more empiricist American legal discipline, and a very fragmented and mixed Latin American sociolegal studies; second, the connections and similarities between these three traditions; and third, the vacuums and difficulties of communication across the three bodies of scholarship, despite the fact that the academic field is increasingly globalized. Cross-cultural comparison might enrich the analysis of some of the main questions regarding the foundation of sociolegal scholarship

Requirements

Session participation: All seminar participants will be expected to play an active role in weekly class meetings. Sessions will center on open discussion of the various readings -- and of the topic as a whole -- with an eye toward arriving at some sort of collective synthesis. Given the fact that literature in English is not always available, the instructor will introduce each session with a 15 to 30 minutes lecture, depending on how well or not the core readings reflect the theme that is treated in the session. After this introduction, the instructor will serve primarily as a discussion facilitator (and, of course, as a discussion participant).

E-mail Dialogues: To form a foundation for each week's in-class discussion, all seminar participants will be responsible for posing (by e-mail) at least 3 questions regarding the core readings. Each student should also pick three of the question - excluding her/his own’s – and respond to them. Questions will be due by 12:00 midnight on Thursday; answers, by 5:00 p.m. on Friday.

Session Organizing: For weeks 3 through 12 of the semester, seminar participants will take turns organizing class sessions. Organizers will not be expected to participate in the e-mail dialogue during “their” week; however, they will have two responsibilities: 1) Make a 10 minutes oral presentation on the core readings required for that session, and 2) Contribute with at least 6 additional references for the additional readings of that session.
**Seminar Papers.** The seminar paper assignment has no formal topic. You may write about any facet of sociolegal scholarship that captures your interest, provided that your subject bears a reasonably close relationship to the course material. The paper can be either theoretical or empirical or both, and it can be related to other work that you are conducting outside of the course.

Seminar papers should make an original contribution of some sort, beyond simply reviewing previous literature. Generally, seminar papers should identify a “problem” of theoretical, empirical, or practical interest and should then seek to resolve that problem through creative use of course readings and supplementary research.

In order to improve the quality of papers, students are asked to write a one-page project of her/his paper and discuss it with me in office hours. This task must be fulfilled before the end of the week number 9.

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If you encounter difficulties with any of these assignments, do not hesitate to discuss your situation with me, either by e-mail or during my office hours.

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CLASS OVERVIEW

1. Organizational Session

I. SOCIO-POLITICAL LAGAL THEORY
2. Political Sociology of Law.
3. Comparative Sociology of Law I: history
4. Comparative Sociology of Law II: law, power and culture
5. Comparing legal Cultures

II. TRADITIONS IN SOCIOLOGY OF LAW
6. The Sociology of Law in United States
7. The Sociology of Law in the United States II
8. Sociology of Law In France
9. The Sociology of Law in Latin America

III. CONTEMPORARY PROBLEMS
10. The question of Rights and social Change I
11. The Question of Rights and social Change II
12. Constitutions, power and social change
13. Law and the Global world
14. Law and Cosmopolitanism
SYLLABUS
COMPARATIVE SOCIOLOGY OF LAW 875

1. Organizational Session (week 1)

I. SOCIO-POLITICAL LEGAL THEORY

A Theoretical Framework for Comparing Socio political sociologies of Law

2. Political Sociology of Law (week 2)

Assigned Readings

- Max Weber 1954 Economy and Society (Categories of Legal Thought) Cambridge Massachusetts, pp. 61-64
- Hunt, Alan, 1978 The Sociological Movement in Law, pp. 93-133

Additional readings

- Santos, B. 1987, “Law: A map of Misreading Toward a Postmodern
Conception of Law", *Journal of Law and Society*, 14-3, pp

3. **Comparative Sociology of Law I: history (week 3)**

**Assigned Readings**

**Additional readings**
- Kenedy, Duncan, 2003 The Methods and the Politics in *Comparative Legal Studies: traditions and transitions*, Pierre Legrand and Roderick Munday (eds), Cambridge: Cambridge University Press; 335-433
- Gessner, Volkmar, Hoeland, Armin ad Varga, Csaba 1996, European Legal Cultures, (excerpts)

4. **Comparative Sociology of Law II: law, power and culture (week 4)**

**Assigned Readings**

Additional readings


5. Comparing legal Cultures (week 5)

Assigned Readings

Additional Readings


II. THE SOCIOLOGY OF LAW AND ITS TRADITIONS.

6. The Sociology of Law in United States (week 6)

Assigned Readings


Additional readings

- Deflem, Mathieu, 2010 Sociology of Law, part III, pp. 142-224


- Hunt, Alan 1978 The Sociological Movement in Law pp. 1-10, 134-151


- Calavita 2010 Invitation to Law and Society
- 2006 Law as a Mean to an End. Threat to the Rule of Law. Cambridge M.A.: Cambridge University Pres.

Text books

- Travers, Max 2010 Understanding Law and Society
- Deflem 2010 Sociology of law
- Pavlich 2011 Law and Society Redefined
- Vago, Steven 2012 Law and Society
- Darian-Smith, Eve Law and Societies in Global Contexts

7. The Sociology of Law in the United States II (week 7)

Assigned Readings


- Deflem, Mathieu, 2010 Sociology of Law, part II, pp. 77-142


Additional Readings


8. Sociology of Law In France (week 8)

Assigned Readings

- Garcia-Villegas, Mauricio 2013, The sociology of law in France (Ch. 7, introduction) *Le pouvoir du droit,* forthcoming Paris: Droit et societe

Additional Readings


- **9. The Sociology of Law in Latin America (week 9)**

**Assigned readings**


**Additional Readings**


III. CONTEMPORARY PROBLEMS

10. The question of Rights and social Change I (week 10)

Assigned Readings


Additional Readings


11. The Question of Rights and social Change II (week 11)
**Assigned Readings**


**Additional Readings**


**12. Constitutions, power and social change (week 12)**

**Assigned Readings**

- Preuss, Urlich (2010) “Disconnecting Constitutions from Statehood; is Global Constitutionalism a Viable Concept”, in *The Twilight of*


Additional readings


13. Law, Power and the Global World (week 13)

Assigned Readings

- Sen, Amartya 2002 “How to judge Globalism”, in the American Prospect


### Additional Readings


### 14. Law and Cosmopolitanism (week 14)

#### Assigned Readings


#### Additional Readings

- Fanon, Frantz. “The Pitfalls of National Consciousness” in *The Wretched of the Earth*.

15. **Concluding session (week 15)**