Course Code: SLG2LPFC005

Title: Sociology of Law

Type of Course: Core

Cohort for which it is compulsory: MA Law Politics and Society

Cohort for which it is elective:

No of Credits: 4

Semester and Year Offered: 2nd semester, 1st year students

Course Coordinator and Team: Dr. Anuj Bhuwania

Email of course coordinator: anujbhuwania@gmail.com

Pre-requisites: none

Aim: This course will serve to provide an introduction to sociological and anthropological traditions of understanding law. It will be a survey course and will cover a fairly wide area: it would introduce students to classical as well as contemporary debates in social theory around law, retrace the evolution of anthropological debates around law focusing on their key theoretical controversies, and finally deals with some central debates in the sociology of Indian law.

Brief description of modules/ Main modules with readings:

We will begin this course with an examination of classic debates in social theory about the nature of modern law. We will then briefly examine the legal anthropological tradition, focusing on classic legal ethnographies. We then look at the ‘Law and Society’ tradition and go over some of its key debates. This will prepare the ground for our final object of study: sociological studies of law in India. Accordingly, there will be 4 modules in this course:

Module 1 will be on Law and modern social theory. In this section we will examine classic debates about the nature of modern law in social theory. There will be four principal components. The first will deal with the concerns vis-à-vis law of classical social theory – Montesquieu, Maine, Marx, Weber and Durkheim—its central problem being understanding the role of law in the rise of modernity and capitalism as well as examining the peculiarly modern nature of the new legal form. The second component will concentrate on Foucault’s insights on proliferation of disciplinary norms in the modern era and their relation to transformations of sovereignty and the juridical institutional fields. The third
component will examine the Weimar era writings on law and the state of exception by Walter Benjamin, Carl Schmitt and Franz Neumann, and will then revisit these key texts through their influential re-readings by Derrida and Agamben.

Module 2 will be on Histories and classics of legal anthropology. In this module we will first read some classic debates in legal anthropology and read some historically influential legal ethnographies. We then move on to more contemporary legal ethnographies with discursive and genealogical concerns being foregrounded.

Module 3 will be on the ‘Law and society’ tradition. In this module, we will study the tradition of sociological study of law within legal academia, with its formulation of ‘sociological jurisprudence’ and the American ‘law and society’ approach. We will focus on key debates in this field, including the concepts of legal pluralism, legal transplants, popular justice and legal culture, as well as read some classic contributions of this tradition.

Module 4 will focus on the Sociology of law in India. This course will culminate with a focus on sociological research on law in India. Two main concerns emerge: the project of the postcolonial state to reconfigure social relations through law with its impact on gender, caste and community; and statist attempts to deal with popular justice forms and experiments to revive them.

**Background Books**

The following books provide a useful overview of the field


**Syllabus with List of Readings**

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<thead>
<tr>
<th>Module 1: Law and Modern Social Theory</th>
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<td>Week 1:</td>
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<tr>
<td>Sally Falk Morre, Law and Anthropology, p. 12-24 (Blackwell, 2005)</td>
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<td>Trubek, David, “Max Weber’s Tragic Modernism and the Study of Law in Society,”</td>
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<tr>
<td>Week</td>
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<tr>
<td>Module 2: Histories and classics of legal anthropology</td>
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Sally Falk Morre, Law and Anthropology, p. 65-100 (Blackwell, 2005)
Clifford Geertz, “Local Knowledge: Fact and Law in a comparative perspective,” in Local Knowledge: Further Essays in Interpretive Anthropology

Module 3: The ‘Law and society’ tradition

Week 7, 8 & 9:

Ehrlich, Eugen. Fundamental principles of the sociology of law. Transaction Books, 1936. (Selections)


Tamanaha, Brian Z. "Understanding legal pluralism: past to present, local to
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**Assessment Details with weights:**

- Class Presentations: 15%
- Mid-term examination: 30%
- Report on Fieldtrip to a Delhi Trial Court: 15%
- End-term Examination: 30%
- Class participation: 10%