

Sociology
Discipline Specific Elective (DSE) 14
Sociology of Law

Discipline Specific Elective-14 (DSE - 14) : Sociology of Law

CREDIT DISTRIBUTION, ELIGIBILITY AND PRE-REQUISITES OF THE COURSE

Course title & Code	Credits	Credit distribution of the course			Eligibility criteria	Pre-requisite of the course (if any)
		Lecture	Tutorial	Practical/ Practice		
DSE 14: Sociology of Law	4	3	1	0	12th Class Pass	Nil

Learning Objectives:

1. To introduce students to the conceptual and theoretical issues in the study of law as a social phenomenon.
2. To familiarize students with the classical and contemporary debates in sociology of law and the social functioning of legal institutions, practices and processes.
3. To contribute to **SDG 16 – Peace, Justice and Strong Institutions** by fostering critical understanding of legal systems, pluralism, justice, and rights-based frameworks

Learning outcomes:

By the end of the course, the students will be able to:

1. Demonstrate understanding of law as an institution from diverse theoretical perspectives.
2. Analyse the ways in which the practice of law is embedded in the social institutions and historical contexts of a society.
3. Critically examine the contradictions, contestations and transformations in the arena of law and society and apply such analyses to study legal issues and legal conundrums.
4. Apply sociological perspectives to real or hypothetical legal issues through case analysis or reflective exercises.
5. Demonstrate a critical understanding of legal systems, pluralism, justice, and rights-based frameworks required to enhance **SDG 16 – Peace, Justice and Strong Institutions**.

SYLLABUS OF DSE:

Course Outline:

Unit I. Introducing Sociology of Law (6 Hours)

This unit provides an introductory map of the terrain of sociology of Law.

- a. Social Realms of Law
- b. Sociology of Law

Unit II. Sociology of Law: Perspectives and Debates (15 Hours)

This unit outlines the key perspectives in sociology of law. It starts with the classical heritage and moves to Critical theory, Law as governmentality and Feminism and Law.

- a. Durkheim, Weber, Marx
- b. Critical Theory, Foucault and Feminism

Unit III. Issues in Sociology of Law: Pluralism and Justice (9 Hours)

This unit discusses issues of customary law, legal pluralism and justice.

- a. Legal Pluralism
- b. Law and Justice

Unit IV. Social Lives of Law in India (15 Hours)

This unit discusses the sociological issues pertaining to the emergence of modern legal order out of pre-colonial and colonial legacies. It further addresses the working of the legal institutions and processes in modern India.

- a. Legal Legacies: Dharma and Customary Law
- b. Emergence of Modern Legal Culture
- c. Institutions and Processes

Essential/Recommended Readings:

Unit I. Introducing Sociology of Law

a. Social Realms of Law

Bohannan, Paul. 1965. The Differing Realms of the Law. *American Anthropologist* 67(6): 33–42.

b. Sociology of Law

Calavita, Kitty. *Invitation to Law and Society: An Introduction to the Study of Real Law*. United Kingdom, University of Chicago Press, 2016. Chapter 2. Types of Society, Types of Law. Pp. 10-29.

Unit II. Sociology of Law: Perspectives and Debates

a. Durkheim, Weber, Marx

Lukes, Steven, and Scull, Andrew. *Durkheim and the Law*. Blackwell., 1984. Chapter 8. Nature and Evolution of Contract. Pp. 192-237.

Podgórecki, Adam. Christopher J. Whelan(eds.) *Sociological Approaches to Law*. Croom Helm, 1981. Chapter 5. Marxism and The Analysis of Law. Pp. 91-106.

Kronman, Anthony T. *Max Weber*. Stanford University Press, 1983. Pp. 96-117.

b. Critical Theory, Foucault and Feminism

Podgórecki, Adam. Christopher J. Whelan(eds.) *Sociological Approaches to Law*. United Kingdom, Croom Helm, 1981. Chapter 6. Contributions of Critical Theory of the Frankfurt School to the Sociology of Law. Pp. 111-128.

Hunt, Alan, and Wickham, Gary. *Foucault and Law: Towards a Sociology of Law as Governance*. Pluto Press, 1994. Pp. 99-116.

Smart, Carol. *Feminism and the Power of Law*. Taylor & Francis, 2002. Chapter 4. The Quest for A Feminist Jurisprudence. Pp. 66-89.

Unit III. Issues in Sociology of Law: Pluralism and Justice**a. Legal Pluralism**

Gluckman, Max. *Politics, Law and Ritual in Tribal Society*. Aldine Transaction, 2006. Chapter 5. Dispute and Settlement. Pp. 169-213.

Merry, Sally Engle. 1988. "Legal Pluralism." *Law and Society Review* 22. Pp. 869-892.

b. Law and Justice

Nader, Laura. The Life of the Law: A Moving Story, *The Valparaiso University Law Review*. 36(3): 655 – 674.

Unit IV. Social Lives of Law in India**a. Legal Legacies: Dharma and Customary Law**

Lingat, Robert. 1998. *The Classical Law of India*. Delhi: Oxford University Press. Chapter 1. The Sources of Dharma. Pp. 3-17.

Davis, Jr, Donald R. 2010. *The Spirit of Hindu Law* Cambridge: Cambridge University Press, Ch. 5. Doubts and disputes (vyavahāra) Pp. 108-127.

Rao, Nitya. 2007. Custom and the courts: Ensuring women's rights to land, Jharkhand, India. *Development and Change* 38(2): 299-319.

b. Emergence of Modern Legal Culture

Galanter, Marc. 1992. *Law and Society in Modern India*. India, Oxford University Press. Chapter 2. The Displacement of Traditional Law in Modern India Pp. 15-36.

Baxi, Upendra. 2009(1986). 'The Colonial Nature of the Indian Legal System' in Indra Deva (Ed.) *Sociology of Law*. Oxford University Press, Pp. 45-59.

c. Institutions and Processes

Cohn, Bernard S. 1965 Anthropological Notes on Disputes and Law in India. *American Anthropologist* 67(6): 82–115.

Moog, Robert. The Significance of Lower Courts in the Judicial Process, in *The Oxford India Companion to Sociology and Social Anthropology*. New Delhi: Oxford. Pp. 1389-1402.

Sudha Vasan. “In the Name of Law: Legality, Illegality and Practice in Jharkhand Forests.” *Economic and Political Weekly* 40(41): 4447–50.

Suggested Readings:

Bourdieu, Pierre. 1987. The Force of Law: Toward a Sociology of the Juridical Field, Vol. 38 *Hastings Law Journal*. Pp. 814 – 853.

Cotterrell, Roger 1998. Why must legal ideas be interpreted sociologically. *Journal of Law and Society* 25(3):171-192.

Das, Veena. 2020. *Textures of the Ordinary: Doing Anthropology After Wittgenstein*. Fordham University Press. Pp. 216-245.

Davis, Jr, Donald R. 2010. *The Spirit of Hindu Law*. Cambridge University Press.

Dhagamwar, Vasudha. 1992. *Law, Power and Justice: The Protection of Personal Rights in the Indian Penal Code*. Sage Publications.

Dhagamwar, Vasudha. *Role and Image of Law in India: The Tribal Experience*. India, Sage Publications, 2006.

Fuller, Chris. 1994. Legal Anthropology, Legal Pluralism and Legal Thought. *Anthropology Today* 10(3): 9–12.

Gilmartin, David. 2010. Rule of Law, Rule of Life: Caste, Democracy, and the Courts in India. *The American Historical Review* 115(2): 406-427.

Goodale, Mark. 2017. *Anthropology and Law: A Critical Introduction*. United States, NYU Press, 2017.

Habermas, Jurgen. Law and Morality, *The Tanner Lectures on Human Values*, Harvard University. 1986.

Hunt, Alan. *The Sociological Movement in Law*. United Kingdom, Macmillan, 1978.

Khare, R. S. 1972. Indigenous Culture and Lawyer’s Law in India. *Comparative Studies in Society and History* 14(1): 71–96.

Luhmann, Niklas. 2004. *Law as a Social System*, Oxford University Press.

Martha Minow (ed.) 2002. *Breaking the Cycles of Hatred: Memory, Law and Repair*, Princeton University Press.

Marx, Karl, et al. 1979. *Marx and Engels on Law*. United Kingdom, Academic Press.

Moore, Sally F. 2005. *Law and Anthropology: A Reader*. Wiley.

Olivelle, Patrick & Mark McLish. 2015. ‘The four feet of legal procedure and the origins of jurisprudence in ancient India’, *Journal of the American Oriental Society*, 135(1): 33-47

Olivelle, Patrick. 2016. *A Dharma Reader: Classical Indian Law*. United States: Columbia University Press.

Parekh, Bhikhu, Thomas Pantham. 1986. Some Reflections on the Hindu Tradition of Political Thought in. Kenneth L Deutsch eds. *Political Thought in Modern India*. India: Sage Publications. Pp. 17-31.

Patrick Olivelle & Donald R Davis Jr. (ed.) 2018. *Hindu Law: A New History of Dharmasastra*, Oxford: Oxford University Press.

Rudolph and Rudolph 1965. Barristers and Brahmans in India: Legal Cultures and Social Change, *Comparative Studies in Society and History*, 8(1): 24-49.

Waldron, Jeremy. 2012. 'How law protects dignity', *Cambridge Law Journal*, 71(1): 200-222.

Note: Examination scheme and mode shall be as prescribed, from time to time, by the Examination Branch, University of Delhi.