

Course Outline

Course number	RBE334				
Course title	Law and Social Theory				
Credit points	3 ECTS (2 LV KP)				
Total hours	80				
Contact hours	32				
Independent studies	48				
Course level	Bachelor				
Prerequisites	none				
Category	Mandatory		Restricted elective	X	Free elective

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Adam Czarnota	PhD	Visiting professor

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Adam Czarnota	PhD	Visiting professor

COURSE ABSTRACT

In their practical day-to-day activities, lawyers and citizens take and must take, much for granted, both the society in which they work and live and its legal order. Lawyers practice within established legal systems, with more or less settled institutions, techniques, traditions and rules. Citizens live, and the laws operate, in societies in which specific social arrangements, structures, roles, expectations and conceptions of what is possible and what is right, are widely held and shape our views about law and about society. Customarily, most of us think within these categories and arrangements, rather than about them. The theoretical investigation looks beneath what we all too often take for granted, to see what accounts for it, what its nature is, how it works, and how it changes. Social theory is a particular way of asking theoretical questions that tries to explain why things are as they are by examining the social practices and institutions that shape the way that people live. To study law and social theory is to explore theoretical issues that arise when we see the law as one part of this broader social context.

This course introduces students to the theoretical study of law by asking questions about the relationship between law and other institutions and practices that shape society. Some of the

questions that will be address in the course include: what social functions are played by legal systems, and the modern legal system in particular? How does law intersect with other social systems, practices, and forms of power? How, for example, is the legal system influenced by the economy, and how does it shape the economy in turn? What is the relationship between the legal system and political actors, such as the state, bureaucracy, classes and social movements? How does law shape, and how is it influenced by, socially dominant ways of thinking, such as ideology, rationality, or beliefs about class, gender, and race? And what drives change in the legal system? Is it, for example, the practices of lawyers? Or politicians? The evolution of ideas? Or economic imperatives?

We will explore these questions in both historical and contemporary contexts. The social theory was born as a response to the massive social, economic, scientific and intellectual changes of the nineteenth century, and contemporary society has inherited many of the ideas and institutions that came to dominate society at that time, from the market economy to liberal individualism. To help gain an understanding of the relationship between law and society, and the concerns of social theory, we explore the central questions course through the work of classic social theorists, such as Karl Marx, Emile Durkheim, and Max Weber. Yet neither society nor the law has stood still since social theory first emerged - indeed, the pace of change in both is without precedent. As such, the course also engages with thinkers whose work responds to the changing social and legal landscape of the 20th and 21st centuries, and who often have a critical relationship with the classics of social theory. This may include the work of Michel Foucault, systems theory, feminist criticism, or theories of biopolitics.

Studying theories of law and society will hopefully lead us beyond our original, and usually quite unreflective views of what is important in law, what functions it plays, what it is for, whose interests it serves and how it serves them, and what causes legal change and how important law is in society. In probing these questions, we might come to confirm, modify or abandon our original assumptions; we will always, however, find these assumptions are more problematic, controversial and puzzling than they appeared at first to be.

GRADING CRITERIA

Criteria	Weighting
Class participation (participation in class is compulsory, students can be absent only in 2 meetings)	20%
Group assignment and presentation	30%
Research essay (2500 words)	50%

COURSE REQUIREMENTS

Attendance is compulsory. Students may be absent in 2 classes during the course.

Class participation means active participation in class discussions. It will be assessed by the lecturer after each class and at the end of the course, students will self-assess their participation.

The topics for the group assignment will be distributed at the 2nd meeting on 12 October 2022.

Students can choose their own topic for the research essay but it will need to be approved by the lecturer or they could pick up a topic from the list of topics to be available on 14 October 2022.

COURSE PLAN – MAIN SUBJECTS

No.	Main subjects	Planned hours
1	The concept of modernity	4
2	Karl Marx: the critique of law and society	4
3	Emile Durkheim: Law and social cohesion	4
4	Max Weber: Law, modernity and the rationalisation of the West	4
5	The rule of law under liberalism, social democracy, neoliberalism and globalisation	4
6	Contemporary feminist critique of law	4
7	Social control and the rule of law	4
8	Law in postmodernity	4