SEMINAR PROGRAMME:

The readings for each seminar are set out below. Participants are expected to be able to give a brief introduction to each reading of between 5 to 10 minutes, to respond to questions and take part in discussion. There is no prescribed form for an introduction; it may be either a summary or a commentary on the text. Please note that it is the responsibility of each participant to ensure that they know which readings and assignments they are to prepare for each class.

SEMINAR READINGS:

WEEK 2: The Sociology of Law


Why treat law as a form of regulation? What is constitutive about law?


What are the advantages or disadvantages of focusing on the mobilization of law?
WEEK 3: Emile Durkheim


Why does Durkheim focus attention on the types of law? What is social solidarity?


What primary concepts does Durkheim seek to link? How does this approach differ from that in *The Division of Labour*?

WEEK 4: Commentaries on Durkheim


Why does Cotterrell insist that Durkheim was not attempting to offer a general history of law?


Compare and contrast Hunt’s criticisms of Durkheim with those advanced by Cotterrell?


What is a juridical relation?

WEEK 5: Karl Marx


Why does Marx attribute primacy to economic relations? What does Marx mean by a ‘legal and political superstructure’?


How does Cotterrell seek to show that law is not simply a reflection of economic relations?
WEEK 6: Max Weber


What is the ‘England problem’? In what sense is the ‘common law’ irrational?


How does Cotterrell see legality being connected to political legitimacy?

WEEK 7: Foucault


What is the relationship between discipline and law?


What is power? Why does Foucault want to avoid sovereignty?


What is the juridical? How closely connected are sovereignty and the juridical?

WEEK 8: Law and Governance


What is ‘governmentality’? Is law a form of governmentality?

In what sense is law hybrid? How is law related to medical, psychiatric and other forms of knowledge?


Why are contemporary societies preoccupied with security and order?

**WEEK 9: Habermas**


How are ‘medium’ and ‘institution’ distinguished? How are they related to ‘life-world’ and ‘system’?

Habermas, Jürgen “Paradigms of Law” 17 Cardozo Law Rev. 771-84 (1996)

What is ‘materialized law’? How does Habermas hope to rectify its defects?


What is the tension between factivity and validity?

**WEEK 10: Law and Community**


What is community? Can we look to law to advance the life of the community?


What is legal culture? How should we understand the inconsistency of attitudes towards compliance and avoidance?

**WEEK 11: Law and Power**


What is the legal or juridical field? Is the legal profession dedicated to the service of the state?
WEEK 12: Conservative and Liberal Perspectives


On what grounds does Hayek reject ‘constructivism’?


Why does Hayek distinguish between law and legislation?


Are Rawls’ two principles of justice compatible?

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