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Idea and Methods of Legal Research - P. Ishwara Bhat 2019-09-05 Legal research examines subject matter enshrouded in social circumstances in order to conceptualize theories and prepare a future course of action. This dynamic, inter-disciplinary, and labyrinthine character of legal research requires researchers to be fluid, eclectic, and analytical in their approach. Idea and Methods of Legal Research unearths how the thinking process is to be streamlined in research, how a theme is built on the basis of comprehensive and intensive study, and the paths through which notions of objectivity, feminism, ethics, and purposive character of knowledge are to be understood. The book first explains the meaning, evolution, and scope of legal research, and discusses objectivity and ethics in legal research. It engages with the requirements, advantages, and limits of various doctrinal and non-doctrinal methods and tools, and the points to be considered in selecting a suitable method or combination of methods. It highlights analytical, historical, philosophical, comparative, qualitative, and quantitative methods of legal research. The book then goes on to discuss the use of multi-method legal research, policy research, action research, and feminist legal research and finally, reflects on research-based critical legal writing, as opposed to client-related legal writing. This book, thus, is a comprehensive answer to key questions one faces in legal research.
Exploring the 'Socio' of Socio-Legal Studies - Dermot Feenan 2017-03-01

In this insightful collection, a broad range of scholars analyzes a core issue for socio-legal studies, what is understood by the 'socio' of the 'socio-legal'. Drawing from legal theory, cultural studies, and social policy, the collection's wide scope of themes and topics provides an important stock-take and analysis of the socio-legal field.
Changing Legal and Civic Culture in an Illiberal Democracy - István H. Szilágyi 2021-05-24
Changing Legal and Civic Culture in an Illiberal Democracy is a unique empirical study on recent developments in legal and civic consciousness in Hungary. Drawing its methodology from social psychology, this book illuminates a shift in legal consciousness during the time in which Orbán's government has cemented Hungary's reputation as an illiberal democracy. The book foregrounds the voices of the Hungarian population in how they view the shift towards increasingly right-wing politics and an erosion of the rule of law. It opens with an extensive theoretical introduction of the historical development and psychological dimensions of legal consciousness in Hungary and relates the Hungarian research to international developments. It then presents its empirical results and offers a jargon-free account of ordinary people's changing perceptions of their relationship to Hungary's civic and legal cultures, before finally examining the correlations between surveys. Methodologically, the book establishes that theories of legal

consciousness and social change are bolstered by empirical data. Offering a new way of approaching shifts in legal consciousness and the rule of law in Balkan and Eastern European countries, this text will be of great interest to researchers and students of social psychology, law, international relations and Central European studies.

The Uses of Discretion - Keith Hawkins 1994
Discretion is a pervasive phenomenon in legal systems. It is of concern to lawyers because it can be a force for justice or injustice: at once a means of advancing the broad purposes of law and of subventing them. For social scientists the discretion exercised by legal actors is animportant form of decision-making behaviour, in which legal rules are merely one force in a field of pressures and constraints that push towards certain courses of action or inaction. This book presents a variety of analyses of legal discretion by lawyers and social scientists (drawn from bothsides of the Atlantic), who have made discretion and its uses a central part of their scholarly concerns.

Law and Time - Sian Beynon-Jones 2018-09-21
Research on law's relationship with time has flourished over the past decade. This edited collection aims to put law and time scholarship into wider context, advancing conversations on time and temporalities between socio-legal scholars, anthropologists, sociologists, geographers and historians. Through a diverse range of contributions, the collection explores how legal modalities of time emerge and have effects within wider clusters of social and political action. Themes include: law's diverse roles in maintaining linear historicist models of time; law's participation in the materialisation of times; and the unsteady effects of temporal pluralism and polytemporalities in law. De-naturalising the 'time' in law and time scholarship, this collection positions time as something that can be enacted and materialised as well as experienced, with distinct implications for questions of social justice.

Research Handbook on Interdisciplinary Approaches to Law and Religion - Russell Sandberg 2019
Following 9/11, increased attention has been given to the place of religion in the public sphere. Across the world, Law and Religion has developed as a sub-discipline and scholars have grappled with the meaning and effect of legal texts upon religion. The questions they ask, however, cannot be answered by reference to Law alone therefore their work has increasingly drawn upon work from other disciplines. This Research Handbook assists by providing introductory but provocative essays from experts on a range of concepts, perspectives and theories from other disciplines, which can be used to further Law and Religion scholarship.

Contract and Regulation - Roger Brownsword 2017-09-29
Contract and Regulation: A Handbook on New Methods of Law Making in Private Law sheds light on the darker side of contracts. It begins by exploring the 'regulatory space' in which projects are planned, deals are done, and goods and services are consumed, then shows how a 'bottom-up' approach can be adopted in order to view this transactional space through the eyes of contractors. The expert contributors explore modes of governance that do not fit nicely into traditional contract theory, paying special attention to three key examples: governance and codes of conduction, networks and relations, compliance and use.

Normativity in Legal Sociology - Reza Banakar 2014-11-17
The field of socio-legal research has encountered three fundamental challenges over the last three decades – it has been criticized for paying insufficient attention to legal doctrine, for failing to develop a sound theoretical foundation and for not keeping pace with the effects of the increasing globalization and internationalization of law, state and society. This book examines these three challenges from a methodological standpoint. It addresses the first two by demonstrating that legal sociology has much to say about justice as a kind of social experience and has always engaged theoretically with forms of normativity, albeit on its own empirical terms rather than on legal theory's analytical terms. The book then explores the third challenge, a result of the changing nature of society, by highlighting the move from the industrial relations of early modernity to the post-industrial conditions of late modernity, an age dominated by information technology. It poses the question whether socio-legal research has

sufficiently reassessed its own theoretical premises regarding the relationship between law, state and society, so as to grasp the new social and cultural forms of organization specific to the twenty-first century's global societies.

Subversive Legal History - Russell Sandberg 2021-07-30
Provocative, audacious and challenging, this book rejuvenates not only the historical study of law and but also the role of Law Schools by asking which stories we tell and which stories we forget. It argues that a historical approach to law should be at the beating heart of the Law School curriculum. Far from being archaic, elitist and dull, historical perspectives on law are and should be subversive. Comparison with the past underscores: how the law and legal institutions are not fixed but are constructed; that every line drawn in the law and everything the law holds as sacred is arbitrary; and how the environment into which law students are socialised is a historical construct. A subversive approach is needed to highlight, question, de-construct and re-construct the authored nature of the law, revealing that that legal change on a larger scale is possible. Subversive Legal History is not a type of Legal History but is a characteristic. It describes a legal method that should not be the preserve only of specialist legal historians but rather should be part of the toolkit of all law students, teachers and researchers. The book will be essential reading for all who work and study in Law Schools, proposing a radical new approach not only to the historical study of law but to the content, purpose and ambition of legal education. A subversive approach can revolutionise Law Schools providing a more ambitious legal education which is grounded in the socio-legal reality, helping to ensure that today's law students are better equipped to be the professionals and citizens of tomorrow.

Luhmann and Socio-Legal Research - Celso Fernandes Campilongo 2020-12-30
This book discusses the designs and applications of the social systems theory (built by Niklas Luhmann, 1927–1998) in relation to empirical socio-legal studies. This is a sociological and legal theory known for its highly complex and abstract conceptual apparatus. But how to change its scale in order to study more localised phenomena, and to deal with empirical data, such as case law, statutes, constitutions and regulation? This is the concern of a wide variety of scholars from many regions engaged in this volume. It focuses on methodological discussions and empirical examples concerning the innovations and potentials that functional and systemic approaches can bring to the study of legal phenomena (institutions building, argumentation and dispute-settlement), in the interface with economy and regulation, and with politics and public policies. It also discusses connections and contrasts with other jurisprudential approaches – for instance, with critical theory, law and economics, and traditional empirical research in law. Two decades after Luhmann's death, the 21st century has brought countless transformations in technologies and institutions. These changes, resulting in a hyper-connected, ultra-interactive world society bring operational and reflective challenges to the functional systems of law, politics and economy, to social movements and protests, and to major organisational systems, such as courts and enterprises, parliaments and public administration. Pursuing an empirical approach, this book details the variable forms by which systems construct their own structures and semantics and 'irritate' each other. Engaging Luhmann's theoretical apparatus with empirical research in law, this book will be of interest to students and researchers in the field of socio-legal studies, the sociology of law, legal history and jurisprudence.

Exploiting the Limits of Law - Åsa Gunnarsson 2016-04-22
Moving beyond the question of whether an area of scholarly investigation can truly be characterized as 'legal', Exploiting the Limits of Law combats the often unhelpful constraints of law's subject-matter and formal processes. Through a process of reflection on the limits of law and repeated efforts to redraw them, this book challenges the general sense of pessimism among feminists and others about the usefulness of law as an instrument of change. The work combines theoretical analysis of the law's boundaries with investigation of the practical settings for changing legal and policy environments. Both the empirical focus of this volume, and its underlying theoretical concern with the limits of the law and its

gender implications, render it of interest to legal scholars throughout the world, whether of EU law, feminism, social policy or philosophy.

Constitutionalism 2030 - Christoph Bezemek 2022-08-25
Constitutionalism is in crisis. And the crisis unfolds not only on a national or a regional level. It is a global phenomenon: Democracy is no longer on the rise, the Rule of Law appears weakened, political cohesion seems to erode. Human Rights Protection finds itself questioned, International Criminal Law struggles for broad recognition, international trade may have lost some of its appeal. Institutional actors find their authority questioned, established political parties are threatened by ever-changing popular movements. But where to does the charted road lead? How will the "Crisis of Constitutionalism" unfold in the years to come? Nobody knows, of course. But at the same time: Nobody is too keen to make an educated guess either. This volume remedies that. By giving nine eminent scholars in law and political science the opportunity to make their predictions, where the constitutionalist project will stand ten years from now, it creates a forum of deliberation that will not only aim at anticipating the developments in question but at the same time shape academic discourse on constitutionalism alongside it.

Change in the Law of the Sea - Rozemarijn J. Roland Holst 2022-02-28
This book provides new insights into how change occurs in international law, through a uniquely comprehensive analysis of the mechanisms that allow the 'old' treaty-framework of the UN Convention on the Law of the Sea to respond to changing circumstances.

Theory and Method in Socio-Legal Research - Reza Banakar 2005-12-19
Socio-legal researchers increasingly recognise the need to employ a wide variety of methods in studying law and legal phenomena, and the need to be informed by an understanding of debates about theory and method in mainstream social science. The papers in this volume illustrate how a range of topics, including EU law, ombudsmen, judges, lawyers, Shariah Councils and the quality assurance industry can be researched from a socio-legal perspective. The objective of the collection is to show how different methods can be used in researching law and legal phenomena, how methodological issues and debates in sociology are relevant to the study of law, and the importance of the debate between "structural" and "action" traditions in researching law. It also approaches the methodological problem of how sociology of law can address the content of legal practice from a variety of perspectives and discusses the relationship between pure and applied research. The editors provide a critical introduction to each of the six sections, and a general introduction on law, sociology and method. The collection will provide an invaluable resource for socio-legal researchers, law school researchers and postgraduates.

Globalisation and the Western Legal Tradition - David B. Goldman 2008-02-07
What can 'globalisation' teach us about law in the Western tradition? This important new work seeks to explore that question by analysing key ideas and events in the Western legal tradition, including the Papal Revolution, the Protestant Reformations and the Enlightenment. Addressing the role of law, morality and politics, it looks at the creation of orders which offer the possibility for global harmony, in particular the United Nations and the European Union. It also considers the unification of international commercial laws in the attempt to understand Western law in a time of accelerating cultural interconnections. The title will appeal to scholars of legal history and globalisation as well as students of jurisprudence and all those trying to understand globalisation and the Western dynamic of law and authority.

Research Handbook on Modern Legal Realism - Shauhin Talesh 2021-03-26
This insightful Research Handbook provides a definitive overview of the New Legal Realism (NLR) movement, reaching beyond historical and national boundaries to form new conversations. Drawing on deep roots within the law-and-society tradition, it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law. It explores an impressive range of contemporary issues including immigration, policing, globalization, legal education, and access to justice, concluding with and

examination of how different social science disciplines intersect with NLR.

Disaster Law - Kristian Cedervall Lauta 2014-09-15
Disasters and their management are today central to public and political agendas. Rather than being understood as exclusively acts of God and Nature, natural disasters are increasingly analysed as social vulnerability exposed by natural hazards. A disaster following an earthquake is no longer seen as caused exclusively by tremors, but by poor building standards, ineffective response systems, or miscommunications. This book argues that the shift in how a disaster is spoken of and managed affects fundamental notions of duty, responsibility and justice. The book considers the role of law in disasters and in particular the regulation of disaster response and the allocation of responsibility in the aftermath of disasters. It argues that traditionally law has approached emergencies, including natural disasters, from a dichotomy of normalcy and emergency. In the state of emergency, norms were replaced by exceptions; democracy by dictatorship; and rights by necessity. However, as the disaster becomes socialized the idea of a clear distinction between normalcy and emergency crumbles. Looking at international and domestic legislation from a range of jurisdictions the book shows how natural disasters are increasingly normalized and increasingly objects of legal regulation and interpretation. The book will be of great use and interest to scholars and researchers of legal theory, and natural hazards and disasters.

Routledge Handbook of Socio-Legal Theory and Methods - Naomi Creutzfeldt 2019-08-13
Drawing on a range of approaches from the social sciences and humanities, this handbook explores theoretical and empirical perspectives that address the articulation of law in society, and the social character of the rule of law. The vast field of socio-legal studies provides multiple lenses through which law can be considered. Rather than seeking to define the field of socio-legal studies, this book takes up the experiences of researchers within the field. First-hand accounts of socio-legal research projects allow the reader to engage with diverse theoretical and methodological approaches within this fluid interdisciplinary area. The book provides a rich resource for those interested in deepening their understanding of the variety of theories and methods available when law is studied in its broadest social context, as well as setting those within the history of the socio-legal movement. The chapters consider multiple disciplinary lenses – including feminism, anthropology and sociology – as well as a variety of methodologies, including: narrative, visual and spatial, psychological, economic and epidemiological approaches. Moreover, these are applied in a range of substantive contexts such as online hate speech, environmental law, biotechnology, research in post-conflict situations, race and LGBT+ lawyers. The handbook brings together younger contributors and some of the best-known names in the socio-legal field. It offers a fresh perspective on the past, present and future of sociolegal studies that will appeal to students and scholars with relevant interests in a range of subjects, including law, sociology and politics.

Central and Eastern Europe After Transition - Wojciech Sadurski 2016-04-08
How have national identities changed, developed and reacted in the wake of transition from communism to democracy in Central and Eastern Europe? Central and Eastern Europe After Transition defines and examines new autonomous differences adopted at the state and the supranational level in the post-transitional phase of the post-Communist area, and considers their impact on constitutions, democracy and legal culture. With representative contributions from older and newer EU members, the book provides a broad set of cultural points for reference. Its comparative and interdisciplinary approach includes a useful selection of bibliographical resources specifically devoted to the Central Eastern European countries' transitions.

Law, Legal Culture and Society - Alberto Febbrajo 2018-07-04
This volume addresses the pluralistic identity of the legal order. It argues that the mutual reflexivity of the different ways society perceives law and law perceives society eclipses the unique formal identity of written law. It advances a distinctive approach to the plural ways in which legal

cultures work in a modern society, through the metaphor of the mirror. As a mirror of society, it distinguishes between the structure and function of legal culture within the legal system, and the external representation of law in society. This duality is further problematized in relation to the increasing transnationalisation of law. Based on a multi-level interpretation of the concept of legal culture, the work is divided into three parts: the first addresses the mutual reflections of social and legal norms that support a pluralist representation of internal legal cultures, the second concentrates on the external legal cultures that constantly enable pragmatic adjustments of the legal order to its social environment, and the third concludes the book with a theoretical discussion of the issues presented.

Irresolvable Norm Conflicts in International Law - Valentin Jeutner 2017-08-04
Conventionally, international legal scholarship concerned with norm conflicts focuses on identifying how international law can or should resolve them. This book adopts a different approach. It focuses on identifying those norm conflicts that law cannot and should not resolve. The book offers an unprecedented, controversial, yet sophisticated, argument in favour of construing such irresolvable conflicts as legal dilemmas. Legal dilemmas exist when a legal actor confronts a conflict between at least two legal norms that cannot be avoided or resolved. Addressing both academics and practitioners, the book aims to identify the character and consequences of legal dilemmas, to distil their legal function within the sphere of international law, and to encourage serious theoretical and practical investigation into the conditions that lead to a legal dilemma. The first part proposes a definition of legal dilemmas and distinguishes the term from numerous related concepts. Based on this definition, the second part scrutinises international law's contemporary norm conflict resolution and accommodation devices in order to identify their limited ability to resolve certain kinds of norm conflicts. Against the background of the limits identified in the second part, the third part outlines and evaluates the book's proposed method of dealing with legal dilemmas. In contrast to conventional approaches that recommend dealing with irresolvable norm conflicts by means of non liquet declarations, judicial law-making, or a balancing test, the book's proposal envisions that irresolvable norm conflicts are dealt with by judicial and sovereign actors in a complementary fashion. Judicial actors should openly acknowledge irresolvable conflicts and sovereign actors should decide with which norm they will comply. The book concludes with the argument that analysing various aspects of international law through the concept of a legal dilemma enhances its conceptual accuracy, facilitates more legitimate decision-making, and maintains its dynamic responsiveness.

Law in Modern Society - Denis James Galligan 2007
Galligan considers how legal theory, and particularly Hart's The Concept of Law, has developed the idea of law as a highly developed social system, which has a distinctive character and structure, and which shapes and influence's people's behaviour. The concept of law as a distinct social phenomenon is examined through reference to and analysis of the work of prominent legal and social theorists, in particular Weber, Durkheim, and Luhmann.

Global Civil Society in International Lawmaking and Global Governance - Barbara Woodward 2010-05-17
Drawing upon 'global governance,' 'global civil society' (GCS) and 'international lawmaking' scholarship and presenting studies of GCS practice in international lawmaking processes, including treaty-making, conferences, international organisations and adjudicatory mechanisms, this book comprehensively re-evaluates GCS's role in public international lawmaking.

Law's Community - Roger Cotterrell 1995
Law's Community offers a distinctive analysis of law, identifying political and moral problems that are fundamental to contemporary legal theory. It portrays contemporary law as institutionalized doctrine, emphasizing ways in which legal modes of thought influence wider currents ofunderstanding and belief in contemporary Western societies. Exploring relationships between law and sociology as contrasting and competing fields of knowledge, Law's Community develops ideas from social theory

to identify key problems for legal development; in particular, those of restoring moralauthority to law and of elaborating a concept of community that can guide legal regulation. The analysis leads to radical conclusions: among them, that law's functions need reconsideration at the most general level, that a unitary state legal system as portrayed in traditional kinds of legal theorymay no longer be adequate in complex contemporary societies, and that law should be reconceptualized as a diverse but co-ordinated plurality of systems, sites, and forms of regulation.

Conducting Law and Society Research - Simon Halliday 2009-05-25
This book provides students and scholars with a candid look at how empirical research projects actually happen. Focusing on the interdisciplinary Law and Society field, more than twenty interviews with authors of classic projects - from sociology, anthropology, psychology, political science, law, and history - the chapters are unique in their honesty. They help readers to understand the choices, challenges, and uncertainty that go into even some of the best research projects.

Extending Working Life for Older Workers - Alysia Blackham 2016-11-03
The UK population is ageing rapidly. While age discrimination laws are seen as having broad potential to address the 'ageing challenge' and achieve instrumental and intrinsic objectives in the context of employment, it is unclear what impact they are having in practice. This monograph addresses two overarching research questions in the employment field: How are UK age discrimination laws operating in practice? How (if at all) could UK age discrimination laws be improved? A reflexive law theoretical standpoint is employed to investigate these issues, applying a mixed methods research design that engages qualitative, quantitative, doctrinal and comparative elements. This book demonstrates the substantial limitations of the Equality Act 2010 (UK) for achieving instrumental and intrinsic objectives. Drawing on qualitative expert interviews, statistical analysis and organisational case studies, it illustrates the failure of age discrimination laws to achieve attitudinal change in the UK, and reveals the limited prevalence of

proactive measures to support older workers. Integrating doctrinal analysis, comparative analysis of Finnish law, and the Delphi method, it proposes targeted legal and policy changes to address demographic change, and offers an agenda for reform that may increase the impact of age discrimination laws, and enable them to respond effectively to demographic ageing. Runner up of the 2017 SLS Peter Birks Prize for Outstanding Legal Scholarship!

Law in Modern Society - Denis Galligan 2006-09-14
Providing an introduction to law in modern society, D. J. Galligan considers how legal theory, and particularly H. L. A Hart's The Concept of Law, has developed the idea of law as a highly developed social system, which has a distinctive character and structure, and which shapes and influences people's behaviour. The concept of law as a distinct social phenomenon is examined through reference to, and analysis of, the work of prominent legal and social theorists, in particular M. Weber, E. Durkheim, and N. Luhmann. Galligan's approach is guided by two main ideas: that the law is a social formation with its own character and features, and that at the same time it interacts with, and is affected by, other aspects of society. In analysing these two ideas, Galligan develops a general framework for law and society within which he considers various aspects including: the nature of social rules and the concept of law as a system of rules; whether law has particular social functions and how legal orders run in parallel; the place of coercion; the characteristic form of modern law and the social conditions that support it; implementation and compliance; and what happens when laws are used to change society. Law in Modern Society encourages legal scholars to consider the law as an expression of social relations, examining the connections and tensions between the positive law of modern society and the spontaneous relations they often try to direct or change.

Realistic Socio-legal Theory - Brian Tamanaha 1997
This book attempts to identify and develop foundations for the social scientific study of law in the age of anti-foundationalism. Drawing upon philosophical pragmatism, it establishes an epistemological foundation which specifies the nature of social science and its knowledge claims,

and a methodological foundation which partakes of both behaviourism and interpretivism. This foundation building results in a realistic approach to socio-legal theory, which is set out by way of contrast to the critical schools of socio-legal theory.

From Economy to Society - Bettina Lange 2013-11-11
Leading socio-legal scholars explore whether and how the idea of harnessing the regulatory capacity of a social sphere provides a new analytical lens that can provide fresh insights into transnational risk regulation.

Law and Intersystemic Communication - Gorm Harste 2016-04-15
With contributions from experts in the field of sociology of law, this book provides an overview of current perspectives on socio-legal studies. It focuses particularly on the relationship between law and society described in recent social systems theory as 'structural coupling'. The first part of the book presents a reconstruction of theoretical tendencies in the field of socio-legal studies, characterised by the emergence of a transnational model of legal systems no longer connected to territorial borders and culturally specific aspects of single legal orders. In the following parts of the book, the contributions analyse some concrete cases of interrelation between law and society from an empirical and theoretical perspective.

Law as a Social System - Niklas Luhmann 2004
However, unlike conventional legal theory, this volume seeks to provide an answer in terms of a general social theory: a methodology that answers this question in a manner applicable not only to law, but also to all the other complex and highly differentiated systems within modern society, such as politics, the economy, religion, the media, and education. This truly sociological approach offers profound insights into the relationships between law and all of these other social systems.

The Oxford Handbook of Empirical Legal Research - Peter Cane 2012-05-17
The empirical study of law, legal systems and legal institutions is widely viewed as one of the most exciting and important intellectual developments in the modern history of legal research. Motivated by a conviction that legal phenomena can and should be understood not only in normative terms but also as social practices of political, economic and ethical significance, empirical legal researchers have used quantitative and qualitative methods to illuminate many aspects of law's meaning, operation and impact. In the 43 chapters of The Oxford Handbook of Empirical Legal Research leading scholars provide accessible and original discussions of the history, aims and methods of empirical research about law, as well as its achievements and potential. The Handbook has three parts. The first deals with the development and institutional context of empirical legal research. The second - and largest - part consists of critical accounts of empirical research on many aspects of the legal world - on criminal law, civil law, public law, regulatory law and international law; on lawyers, judicial institutions, legal procedures and evidence; and on legal pluralism and the public understanding of law. The third part introduces readers to the methods of empirical research, and its place in the law school curriculum.

Bioethics in Law - Bethany Spielman 2007-11-09
This groundbreaking volume is the first to analyze how and to what extent bioethics considerations influence today's judges. Previous books have attended to the law that governs bioethics problems, but this is the first to examine when and how bioethical issues impact judicial reasoning and decision-making. The volume examines the cutting-edge of the relationship of bioethics to law, and explores how law receives, assesses, and uses bioethics.

Research Handbook on the Sociology of Law - Jiří Přibáň 2020-12-25
This unique Research Handbook maps the historical, theoretical, and methodological concepts in sociology of law, exploring the rich and complex nature of this area of research. It argues that sociology of law flourishes due to its strong capacity for interdisciplinary engagement and links to other scientific concepts, methodologies and research fields.

Social and Legal Norms - Matthias Baier 2016-04-01
In an era where new areas of life and new problems call for normative solutions while the plurality of values in society challenge the very basis for normative solutions, this book looks at a growing field of research on

the relations between social and legal norms. New technologies and social media offer new ways to communicate about normative issues and the centrality of formal law and how normativity comes about is a question for debate. This book offers empirical and theoretical research in the field of social and legal norms and will inspire future debate and research in terms of internationalization and cross-national comparative studies. It presents a consistent picture of empirical research in different social and organizational areas and will deepen the theoretical understanding regarding the interplay between social and legal norms. Including chapters written from four different aspects of normativity, the contributors argue that normativity is a result of combinations between law in books, law in action, social norms and social practice. The book uses a variety of different international examples, ranging from Sweden, Uzbekistan, Colombia and Mexico. Primarily aimed at scholars in sociology of law, socio-legal studies, law and legal theory, the book will also interest those in sociology, political science and psychology.

A General Jurisprudence of Law and Society - Brian Z. Tamanaha 2001
Law is generally understood to be a mirror of society that functions to maintain social order. Focusing on this general understanding, this text conducts a survey of Western legal and social theories about law and its relationship within society.

Sociology of Constitutions - Alberto Febbrajo 2016-05-05
This collection brings together some of the most influential sociologists of law to confront the challenges of current transnational constitutionalism. It shows the constitution appearing in a new light: no longer as an essential factor of unity and stabilisation but as a potential defence of pluralism and innovation. The first part of the book is devoted to the analysis of the concept of constitution, highlighting the elements that can contribute from a socio-legal perspective, to clarifying the principle meanings attributed to the constitution. The study goes on to analyse some concrete aspects of the functioning of constitutions in contemporary society. In applying Luhmann's General Systems Theory to a comparative analysis of the concept of constitution, the work contributes to a better understanding of this traditional concept in both

its institutionalised and functional aspects. Defining the constitution's contents and functions both at the conceptual level and by taking empirical issues of particular comparative interest into account, this study will be of importance to scholars and students of sociology of law, sociology of politics and comparative public law.

Foundations of a Sociology of Canon Law - Judith Hahn 2022-09-12
This "Open Access" book investigates the legal reality of the church through a sociological lens and from the perspective of canon law studies, the discipline which researches the law and the legal structure of the Catholic Church. It introduces readers from various backgrounds to the sociology of canon law, which is both a legal and a theological field of study, and is the first step towards introducing a new subdiscipline of the sociology of canon law. As a theoretical approach to mapping out this field, it asks what theology and canon law may learn from sociology; it discusses the understanding of "law" in religious contexts; studies the preconditions of legal validity and effectiveness; and based on these findings it asks in what sense it is possible to speak of canon "law". By studying a religious order as its struggles to find a balance between continuity and change, this book also contributes to the debates on religious law in modernity and the challenges it faces from secular states and plural societies. This book is of interest to researchers and students of the sociology of law, legal studies, law and religion, the sociology of religion, theology, and religious studies. This is an open access book.

The Confluence of Law and Religion - Frank Cranmer 2016-04-21
Since the early 1990s, politicians, policymakers, the media and academics have increasingly focused on religion, noting the significant increase in the number of cases involving religion. As a result, law and religion has become a specific area of study. The work of Professor Norman Doe at Cardiff University has served as a catalyst for this change, especially through the creation of the LLM in Canon Law in 1991 (the first degree of its type since the time of the Reformation) and the Centre for Law and Religion in 1998 (the first of its kind in the UK). Published to mark the twenty-fifth anniversary of the LLM in Canon Law and to pay tribute to Professor Doe's achievements so far, this volume

reflects upon the interdisciplinary development of law and religion.

Legal Theory and the Social Sciences - MaksymilianDel Mar 2017-07-05 Ever since H.L.A. Hart's self-description of The Concept of Law as an 'exercise in descriptive sociology', contemporary legal theorists have been debating the relationship between legal theory and sociology, and between legal theory and social science more generally. There have been some who have insisted on a clear divide between legal theory and the social sciences, citing fundamental methodological differences. Others have attempted to bridge gaps, revealing common challenges and similar objects of inquiry. Collecting the work of authors such as Martin Krygier, David Nelken, Brian Tamanaha, Lewis Kornhauser, Gunther Teubner and Nicola Lacey, this volume - the second in a three volume series - provides an overview of the major developments in the last thirty years. The volume is divided into three sections, each discussing an aspect of the relationship of legal theory and the social sciences: 1) methodological disputes and collaboration; 2) common problems, especially as they concern different modes of explanation of social behaviour; and 3) common objects, including, most prominently, the study of language in its social context and normative pluralism.