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FOR THE SOCIOLOGY OF LAW
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INSTITUTO INTERNACIONAL
DE SOCIOLOGÍA JURÍDICA DE OÑATI

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INTERNATIONAL MASTER'S IN SOCIOLOGY OF LAW
Programme Structure and Learning Outcomes

Scope and focus of this programme

The International Master in Sociology of Law gives a broad overview of the field of socio-legal studies and covers the main subject areas in the sociology of law. It is a research-oriented programme, which provides the students with the conceptual foundations and methodological skills to engage in socio-legal research projects on their own.

A particular feature of this international Master´s programme is that it is not confined to specific national or regional contexts, but takes the comparative, international and global dimensions of socio-legal problems seriously.

The programme draws on a wide range of perspectives from the sociology of law, legal anthropology and socio-legal scholarship, which also includes inputs from history, political science, economics, and psychology. These approaches and viewpoints are applied to classic subject matters of the field, such as crime and deviance, public and private law, legal professions, litigation and dispute resolution, as well as to more cross-cutting issues, such as law and gender, human rights, legal pluralism, law and sustainability.

The programme includes a specific module on socio-legal research, which prepares the students for their Master's thesis projects. This module introduces into the principles and methods of empirical social research, provides ample illustration of their application in the socio-legal field, promotes the planning and design of the students´ thesis projects, and aims to ensure ethical research and writing practices.

Overarching learning outcomes

After completing the programme, students will

- be familiar with central concepts and theoretical debates in the sociology of law and the socio-legal field more generally and be able to apply them to relevant problems in their own fields of interest
- be aware of the alternative methods of empirical social research, be able to assess their respective merits in the socio-legal field, and to design empirical research projects on their own.
- have developed expertise in a broad array of topics relevant to law's role in society, acquired an international mindset, and be sensitised for applications of socio-legal knowledge in specific local contexts.

- have gained orientation in the social and cultural sciences more generally, beyond their own areas of specialisation, and developed the research skills needed for entering relevant doctoral programmes.
- be aware of their social and ethical responsibilities as socio-legal scholars and professionals and able to critical consider connections of power, law, justice, knowledge, and truth in their fields of practice.
- see different positions and viewpoints in their contexts, build bridges between cultural and epistemological communities, and effectively communicate in multidisciplinary and multilingual environments.

Structure of the programme (60 ECTS)

The course programme includes the following modules, which are described in the following pages as to their contents and learning objectives. Exemplary course themes can likewise be found in the descriptions below.

<u>Thematic modules</u>

Law and Social Theory (3 ECTS)

Anthropology of Law (3 ECTS)

Legal Cultures and Non-Western Law in a Comparative Framework (3 ECTS)

Main Issues in Contemporary Sociology of Law (3 ECTS)

New Issues in Socio-Legal Studies (3 ECTS)

Sociology of Crime and Deviance (3 ECTS)

Sociology of Public Law and Private Law (3 ECTS)

Legal Professions, Theory and Practice (3 ECTS)

Sociology of Litigation and Dispute Resolution (3 ECTS)

Globalisation, the Economy and Sociology of Law (6 ECTS)

<u>Transversal modules</u>

Socio-Legal Research and Thesis Seminar (7 ECTS)

Master's Thesis Project and Defense (20 ECTS)

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Descriptions of modules in the programme

Thematic modules

The following modules focus on core fields and topics in the sociology of law and in socio-legal studies. They are usually taught in course periods of two weeks each between late September and late March. The specific course themes may vary from year to year, as teachers are welcome to set a specific focus.

Law and Social Theory (3 ECTS)

Contents of the module:

The course gives an introduction into social theory and its relevance to law. Social theory is a body of thought developed in the social and human sciences, which aims to understand the logic of the social and the very foundations of society. This course presents different traditions of social-theoretical thought which (also) consider the role of law in society. It analyses the basic concepts and theoretical orientations of selected approaches (e.g., along distinctions of structure vs agency, subject vs object), and compares the different ways in which they make sense of law and the social order. The focus can be on social theory in general (classical and contemporary) or a specific range of theories (e.g., sociological, feminist, critical), while striving to give an overall orientation in the field.

Learning objectives:

By completing this course, students gain orientation in the field of social theory and the social sciences more generally. They will be able to describe the subject matter of social-theoretical thinking and illustrate how this has been addressed in different traditions of thought. They will be able to summarise the key ideas and core concepts of representative approaches, comment on their theoretical properties, including their respective insights and blind spots, and discuss their relevance to understanding legal phenomena and the role of law in society.

Exemplary course themes:

- Classical Socio-legal Theories
- Theories of Law and Society
- Theories of Law in Society
- Theories and Approaches to Sociology of Law
- Social Theory of Law

Anthropology of Law (3 ECTS)

Contents of the module:

This course introduces into the anthropology of law. Cultural anthropology is the study of human culture, typically from an ethnographic point of view. It gives a close account of the norms and values guiding behaviour in certain communities (thick description). In the anthropology of law, this approach is applied to legal cultures as normative orders which can be studied in their own right but also in comparison to other legal cultures. The focus is not on official law only but also on other normative sources (e.g., customary, religious) of what people perceive to be their law. In the perspective of legal pluralism, intersections of different legal systems or cultures are of particular interest. Besides providing a basic terminology, the course illustrates pertinent research methods in empirical studies.

Learning objectives:

By completing this course, students get a clear idea of the contribution of anthropology to socio-legal studies. They acquire conceptual tools to study legal cultures and will be able to connect them with suitable research methods. They develop a better understanding of the continuity of social and legal norms, and their interaction, in the mind of participants. They will be able to apply the concept of legal pluralism to empirical phenomena and give examples of concrete studies in the field of legal anthropology.

Exemplary course themes:

- Anthropology of Law: Old and New Approaches
- Anthropology of Law and Legal Pluralism
- Developing Anthropology of Law in a Transnational World
- Negotiating Gender in Daily Life: Legal Perspectives
- Legal Anthropology: An Introductory Guide to Legal Pluralism

Legal Cultures and Non-Western Law in a Comparative Framework (3 ECTS)

Contents of the module:

This course introduces comparative perspectives in the study of legal cultures. Whereas comparative law focuses on the similarities and differences between official legal systems, the comparative study of legal cultures extends this approach to the broader contexts of law and its historical and cultural underpinnings. This includes a comparison of legal thought and professional practices as much as of moral beliefs and cultural institutions. The course considers differences within the Western legal tradition as well as between Western and non-Western law, and it may lay special emphasis on legal cultures in the non-Western world

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(e.g., Islamic legal culture, Asian legal traditions, indigenous laws). It includes dynamic perspectives, which take account of developments across legal systems and processes of change over time.

Learning objectives:

By completing this course, students adopt a comparative perspective on legal systems and legal cultures. They will be able to enumerate and describe various areas in which legal systems and cultures may differ, and to substantiate such differences based on the available literature. Using the tools of synchronic and diachronic comparison, they will be able to describe their own legal cultures and put them into global perspective. They will be able to specify influences between legal systems and discuss their effects.

Exemplary course themes:

- Law and Legal Cultures as Objects of Comparison
- Asian and African Laws in Comparative Perspective
- Islamic Legal Cultures and Accommodation of Islam in Europe
- Multiculturalism/Interculturalism. A Legal and Sociological Approach
- Comparative Legal Culture

Main Issues in Contemporary Sociology of Law (3 ECTS)

Contents of the module:

The course focuses on central issues in the sociology of law in contemporary perspective. A core theme is the law as such, e.g., in relation to power, knowledge, violence, inequality, and resistance. In this regard, critical theories of law provide an important input. Moreover, questions of law and modernity, law and the state, law and the legal subject, democracy, authoritarianism, constitutionalism, (post-)colonialism, and human rights are addressed in the philosophy and sociology of law alike. Another key theme related to these issues is the possibility of progress or effect of social change. This course leverages sociological theories to offer a state-of-the-art account of the role of law in contemporary societies. This includes law´s power and authority as well as its effective limits and legitimacy crises.

Learning objectives:

By completing this course, students gain a deeper understanding of the role of law in the world of today, its potential and shortcomings in providing justice as it is ideally understood. They will be able to specify the relations of law with (other) modern institutions, political objectives, and social phenomena, and to elaborate on the functioning of the law and its limits in this regard. They will be able to discuss whether law is an agent, object or impediment of social change and illustrate this with hypothetical or empirical examples.

Exemplary course themes:

- Sociology of Constitutionalism
- Socio-Legal Approaches to Human Rights
- Sociology of Law in the Global Society
- Critical Approach to International Legal Theory and Practice: Law, Race and Ethnicity
- Original Nation Approaches to Inter-National Law

New Issues in Socio-Legal Studies (3 ECTS)

Contents of the module:

This course is concerned with the theoretical and practical challenges that new developments in the relationship of law and society pose for socio-legal scholarship. The focus is on more recent or emerging phenomena as well as longer-term developments, which affect normative orders on a domestic, regional, or transnational level. This includes, among others, regulatory responses to new technologies (e.g., social media, cryptocurrencies, self-driving vehicles), socio-demographic or economic changes (e.g., female employment, ageing societies), geopolitical conflicts and environmental crises (e.g., economic sanctions, climate change), as well as persisting inequalities (e.g., along class, race, gender, and their intersections) between different social groups and world regions (e.g., poverty, migration).

Learning objectives:

By completing this course, students learn to apply a socio-legal perspective to new topics which may still be understudied or deserve more attention. They will be able to relate the phenomenon in question to what they know about law-and-society relations in general and highlight what is novel and different from comparable phenomena. They will be able to show and exemplify how new developments, social change, or crises challenge existing normative orders, and critically evaluate what kind of adaptations can be observed or realised.

Exemplary course themes:

- Law and Media
- Law in a Digital Society
- Cultural Pluralism, Racism and Citizenship
- Climate Justice, Sustainable Development and the Environment
- Socio-Legal Approach to Children's Rights

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Sociology of Crime and Deviance (3 ECTS)

Contents of the module:

The course introduces perspectives from criminology and the sociology of crime and deviance. This field of study goes beyond criminal law in that it does not focus on the respective body of laws only but aims to understand the social context in which crime and deviance is produced. A relevant concept is that of cultures of control, which differ in their penal policies and systems, or the ways in which punishment, disciplining and policing is institutionalised and justified. In that view, differences in crime rates do not necessarily indicate differences in the propensity of doing crimes. Given the international scope of this programme, the course lays emphasis on phenomena of comparative and global relevance, such as cross-national developments in penal policies or the function of illegal cross-border activities.

Learning objectives:

By completing this course, students acquire a sociological take on crime and deviance, which they be able to explain and justify in theoretical terms and illustrate in terms of the insights it renders about the empirical nature of crime. They will be able to describe different cultures of control in more detail and highlight phenomena of cross-national convergence or divergence. They will be able to view illegal cross-border activities from the point of view why they exist in the first place and how they are being controlled and criminalised.

Exemplary course themes:

- Sociology of Penal Control
- Evidence-based Criminal Policy
- Justice, Security and Public Safety Beyond the Police
- Criminal Policy and Politics in Times of Post-Truth
- International Criminal Justice: Prosecution, Trials, and Knowledge

Sociology of Public Law and Private Law (3 ECTS)

Contents of the module:

This course promotes an understanding of law as a social institution, which is applied to public law (focusing on vertical relations between states and citizens) as well as private law (focusing on horizontal relations between citizens). Moreover, the course questions the very distinction of public and private, which developed against a certain intellectual background and has implications as to what is regarded the normal state of affairs: some matters being public and others private in nature. Therefore, the course is particularly interested in phenomena which illustrate the contingency of this distinction. Examples can be found in different fields, including the privatisation (deregulation) of public tasks to promote competition or the politicisation (regulation) of private transactions to counteract discrimination.

Learning objectives:

By completing this course, students adopt an institutional perspective on law. They will be able to describe the scope both of public law and private law, distinguish their institutional features, and give examples of typical rules. They will be able to locate the public-private dichotomy in intellectual history and discuss its implications for labelling some aspects of social life as public and others as private. They will be able to point out concrete phenomena in which an institutional shift from public to private or from private to public is taking place.

Exemplary course themes:

- Private Legal Relations in the Global Society
- Law in Global Governance
- Gender and Law: Sexual Regulation
- Post-Regulatory Law and Lawyers
- Migration Governance and Border Regimes

Legal Professions, Theory and Practice (3 ECTS)

Contents of the module:

The course deals with the special characteristics of legal professions (lawyers in general or judges, advocates, law professors etc. in specific). It draws on the sociology of professions, which distinguishes professions from other occupations based on the specialised education and expert knowledge required and the social closure and self-regulation of the respective occupational group. While the legal profession is generally characterised by a high social status and a powerful role in society, the structure of the legal field, the position of lawyers, and the demand for legal expertise differ between countries and change over time. This course lays emphasis on comparative perspectives and global trends in legal professions (e.g., gender structure, size of law firms, internationalisation, digitisation, lay juries, judicial politics).

Learning objectives:

By completing this course, students will adopt a sociological understanding of law as a profession. They will be able to describe its basic features in comparison with other expert professions. They will be able to discuss the role of legal expertise in society and to reflect on the position of lawyers as gatekeepers and socio-political elites. They will be able to source information on the demographic properties, social dynamics, and political influence of legal professions in specific historical, cultural and economic contexts.

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Exemplary course themes:

- Legal Scholars and Education
- Professional Actors of the Legal System: Judges, Lawyers and Scholars
- Sociology of the Judiciary: Legal Culture and the Ideologies of Judges
- Lawyers, Empire and Globalization
- Behaviour of Legal Professionals and Institutional Context

Sociology of Litigation and Dispute Resolution (3 ECTS)

Contents of the module:

Conflicts are a normal aspect of social life and a central topic in sociology and political science. Socio-legal scholars are interested in how conflicts are staged and performed within the court system and what alternatives exist, be it on a national or transnational scale. On the one hand, the focus is on the process of judicial adjudication, its preconditions (e.g., access to justice, legal standing) and political and cultural effects (e.g., judicialisation, litigiousness, digitisation). On the other hand, it turns to alternative or private ways of dispute resolution by negotiation, mediation, and arbitration between the parties, often supported by lawyers. Against this backdrop, the course also raises broader questions, such as to what extent contemporary problems can be addressed by legal mobilisation (e.g., climate change litigation).

Learning objectives:

By completing this course, students will develop a broader understanding of legal conflicts and how they can be addressed by using different forms of conflict resolution. They will be able to describe different procedures and evaluate their respective pros and cons. They will be able to discuss the premises and consequences of relying on courts or other tribunals to solve conflicts, consider alternative strategies to remedy individual or collective injustices, and highlight topical phenomena on a national or transnational scale.

Exemplary course themes:

- Dispute Settlement and Adjudication
- Socio-Legal Perspective on Litigation
- Legal Activism and Social Movements
- International Relations, Conflict Resolution and Democracy
- Global Justice and Transnational Legal Mobilization

Globalisation, the Economy and Sociology of Law (6 ECTS)

Contents of the module:

This module sheds light on interactions of the law and the economy in the context of globalisation, using perspectives from political economy and economic sociology. A liberal world economy aims to promote growth by reducing national barriers to the trade of goods and services, foreign investment, the establishment of enterprise, and the mobility of workers. However, this strategy also comes with risks and costs, e.g., regarding losing industries, groups and regions, crisis contagion in an interdependent world, a lack of transparency in global value changes, the underrepresentation of ecological functions in market prices. The courses in this module consider the contribution of law in creating markets and facilitating cross-border transactions as well as the (inter)national regulatory challenges arising therefrom.

Learning objectives:

By completing this course, students get acquainted with perspectives that consider the relations of law, the political economy, and society at large. They will be able to define economic law, specify its functions (e.g., constitutive, facilitative, regulatory), and list relevant legal fields. They will gain orientation in the social-scientific literature on economic globalisation, be able to identify contributions relevant to law, and develop their own points of view regarding specific challenges in the global economy and possible solutions.

Exemplary course themes:

- Sociology of Law and the Economy
- Law, Markets and Globalisation
- Social Construction of a Transnational Legal Field
- The Sociology of European Union Law
- Law and Political Economy

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Transversal modules

The transversal modules include classes focusing on methods and an ongoing thesis seminar, to be held between late September and late March, and, on the other hand, the thesis research project that the students carry out on their own between April and July. Defences are usually scheduled for early September.

Socio-Legal Research and Thesis Seminar (7 ECTS)

Contents of the module:

This course includes different components. On the one hand, it consists in concentrated classes in research methodology, which introduce into qualitative and quantitative research methods, illustrate the different approaches, and tackle questions of research design, ethical aspects of the research, and how to write a research proposal. On the other hand, the course involves an ongoing thesis seminar, which gives input on academic writing (e.g., citation, reading and writing techniques), includes exercises (e.g., writing literature reviews), but mostly focuses on helping the students develop research questions, approaches, and proposals for their own Master's thesis projects. The course also helps to develop a critical mindset regarding the relation of research, power and knowledge.

Learning objectives:

By completing this course, students gain an orientation in the methods and requirements of empirical social research and improve their understanding of and competence in academic writing. They will be able to distinguish different research methods, illustrate them in concrete applications, and discuss their socio-legal relevance. They will be able to recognise and reproduce different genres or writing styles, work systematically towards relevant research questions and proposals on their own, and critically reflect on their (possible) contributions.

Master's Thesis Project and Defense (20 ECTS)

Contents of this module:

This module forms the second part of the programme after completion of the courses listed above (September to March). The Master's thesis project consists in an individual research project on a socio-legal topic, which each student carries out on their own based on their research proposals developed and submitted in the thesis seminar. The socio-legal topic can be freely chosen by the students subject to approval by the academic commission in charge of the Master's programme. The students can select from different research methodologies in the socio-legal field and opt for empirical as well as theoretical research designs. Work on the Master's thesis project takes place throughout a period of four months (April to July) and is supported by a supervisor chosen by the student with support from the institute and subject to approval by the academic commission. The completed Master's thesis will have a maximum length of 15.000 words and be assessed by three examiners. The students will be questioned on their Master's theses in an oral or written defence procedure (September) before they receive their final grades.

Learning objectives:

By completing the Master's thesis project, students show their ability to identify new socio-legal problems, formulate interesting research questions, and address these independently with theoretical approaches and research methodologies drawing from the sociology of law and the socio-legal field more generally. In doing so, they document their ability to navigate relevant literatures, choose from the available methods, and carry out the research, analysis and reporting of results to arrive at meaningful conclusions about the problem at hand.

In addition, the thesis and the defence allow the students to display their knowledge of the wider field in which the thesis project is embedded, as well as their deeper understanding of law as a social form of order, which is by no means uncontested. They will be able to demonstrate their subject-related communicative skills in a multilingual and multidisciplinary environment, in which scholars from different backgrounds comment on their projects, and to experience and present themselves as full members of the academic community.