



Social Structure and Law

Theoretical and
Empirical Perspectives

William M. Evan

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Social Structure And Law Theoretical And Empirical Perspectives

Jonathan H. Turner



Social Structure And Law Theoretical And Empirical Perspectives:

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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

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Maksymilian Del 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 *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 of understanding 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 moral authority 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 theory may 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 **Law and Social**

Change Sharyn L Roach Anleu, 2000-05 For students and academics in sociology criminology legal studies and criminal justice studies this is a comprehensive guide to the sociology of law surveying current theoretical debates and examining socio-legal research *Law, Economics and Evolutionary Theory* Peer Zumbansen, Galf-Peter Calliess, 2011-01-01

Evolutionary theory belongs to the rare species of theories that are simultaneously fundamental and over-arching implicating as it does numerous life contexts as well as an array of scholarly disciplines Armed with a profound grasp of evolutionary theory and its implications to social research Professors Zumbansen and Calliess have mobilized an appropriately diverse and truly stellar group of academics to investigate how this theory may provide new insights about law economics and their inter-relations Cast against an especially broad intellectual backdrop set by the editors this volume is sure to become a standard reference in literature Amir N Licht Radzyner School of Law Israel Zumbansen and Calliess have done a wonderful job in assembling papers from the leading scholars in the field who draw on evolutionary approaches for explaining developments in both economics and the law Anybody interested in issues of institutional change will be inspired by the wealth of ideas and the diversity of perspectives Stefan Voigt University of Hamburg Germany Law and economics has arguably become one of the most influential theories in contemporary legal theory and adjudication The essays in this volume authored by both legal scholars and economists constitute lively and critical engagements between law and economics and new institutional economics from the perspectives of legal and evolutionary theory The result is a fresh look at core concepts in law and economics such as institutions institutional change and market failure that offer new perspectives on the relationship between economic and legal governance The increasingly transnational dimension of regulatory governance presents lawyers economists and social scientists with an unprecedented number of complex analytical and conceptual questions The

contributions to this volume engage with legal theory new institutional economics economic sociology and evolutionary economics in an interdisciplinary assessment of the capacities and limits of the state markets and institutions Drawing as well upon legal sociology and the philosophy of law the authors expand and transform the known terrain of law and economics by applying evolutionary theory to both law and economics from a domestic and transnational perspective Legal scholars evolutionary and regulatory theorists economists economic sociologists economic historians and political scientists will find this cutting edge volume both challenging and engaging

Law's Ethical, Global and Theoretical Contexts Upendra Baxi, Christopher McCrudden, Abdul Paliwala, 2015-10-22 Law's Ethical Global and Theoretical Contexts examines William Twining's principal contributions to law and jurisprudence in the context of three issues which will receive significant scholarly attention over the coming decades Part I explores human rights including torture the role of evidence in human rights cases the emerging discourse on traditional values the relevance of Southern voices to human rights debates and the relationship between human rights and peace agreements Part II assesses the impact of globalization through the lenses of sociology and comparative constitutionalism and features an analysis of the development of pluralistic ideas of law in the context of privatization Finally Part III addresses issues of legal theory including whether global legal pluralism needs a concept of law the importance of context in legal interpretation the effect of increasing digitalization on legal theory and the utility of feminist and postmodern approaches to globalization and legal theory

The Law & Society Reader Richard L. Abel, 1995-05 This book seeks to provide answers to everything you ever wanted to know about the law except what the rules are or ought to be This book seeks to provide answers to everything you ever wanted to know about the law except what the rules are or ought to be For centuries the law has been considered a neutral objective arena that sets societal standards and in which conflicting forces resolve disputes More recently however the interaction between law and society has been recognized as a two way street society clearly exerts a considerable influence on the practice and evolution of law Further the discrepancy between what the law mandates and what the social reality is has served as evidence of the chasm between theory and practice between the abstraction of law and its actual societal effects Examining such issues as the limits of legal change and the capacity of law to act as a revolutionary agent the essays in this book offer a well rounded introduction to the relationship between law and society By focusing on flashpoint issues in legal studies equality consciousness and ideology social control and making ample use of engaging case studies The Law and Society Review provides an invaluable resource for scholars and students alike

Criminological Theory Werner J. Einstadter, Stuart Henry, 2006-06-22 Designed for upper level senior and graduate criminological theory courses this text thoroughly examines the ideas and assumptions underlying each major theoretical perspective in criminology It lays bare theorists' ideas about human nature social structure social order c

Understanding Jurisprudence Raymond Wacks, 2021 Understanding Jurisprudence provides an illuminating and engaging introduction to the central questions of legal theory It is the perfect starting point for those new to the subject

Mediation in the Reflection of Law and Society Lenka Holá, Miloš Večeřa, Martina Urbanová, Jan Holas, David

Fiedor, 2021-12-08 Despite slow progress in use mediation continues to consolidate its presence in dispute resolution This important book argues that a more favourable socio legal climate must be created for mediation to thrive and accordingly analyses the legal cultural social systemic and spatial aspects of the use of mediation in the legal practice of the different countries of the European Union EU Based on a spatiotemporal analysis and models of mediation in the EU it pinpoints the social and cultural reasons for the fragmentation of its legal regulation and shows what paths are available to promote the effective implementation of mediation in social practice It is the first book to capture the socio legal context of mediation A spatiotemporal analysis of the extent of use of mediation in a region as large and at the same time as diverse as the EU has never been carried out before Using various methodological and conceptual approaches to analyse the legal and social aspects of introducing mediation to legal systems the authors all with long term experience in the exercise and research of mediation directly in the field provide invaluable insights into such facets of the use of mediation as the following the social context that raises the need for mediation obstacles to the wider use of mediation in resolving disputes between parties the effects of social influences reflected in legislation that shape the laws of each country the basic models that make up the system of access to mediation in specific EU Member States the role of law as a tool for social change and its reflection in the legal regulation of mediation and perspectives for further development of mediation in the EU The legislative efforts proposed to enhance the regulation of mediation in EU countries are based on modern knowledge of law sociology and psychology As a unique combination of exploration of the theoretical determinants of mediation and an empirical study of the extent of its use in the European area this book s fundamental contribution to the legal theory and practice of mediation is inarguable Its analysis of mediation from three perspectives as a means of improving citizens access to justice as a means of applying social justice in society and as a means of restorative justice are of the utmost value in today s global society For users of mediation EU institutions involved in mediation EU Member State authorities addressing the issue of mediation and the wider dispute resolution community worldwide the book will be welcomed for the giant steps it takes toward refining arguments for the promotion of mediation and its development in theory research and practice The Diffusion of Law Sue Farran, James Gallen, Christa Rautenbach, 2016-03-09 In considering diffusion from a global perspective this book provides timely new insights into its application in a variety of fields and at many levels of both legal and non legal orderings This collection contributes to the wider theoretical debate concerning the movement of law and legal norms by engaging with concrete examples of legal diffusion in jurisdictions as diverse as Albania the Czech Republic Poland and Kuwait These examples taken together provide a comprehensive illustration of the theoretical debates concerning the diffusion of laws and norms in terms of both process and form This international multi disciplinary and multi methodological volume brings together scholars from law and social science with experience in mixed and hybrid jurisdictions and advances the

conversation about legal and normative diffusion across the academy It represents a robust challenge to many preconceived ideas about legal movement and as such will be of interest to academics and students working in the fields of Law Sociology Anthropology Political Science Legal Education and comparative method *Human Institutions* Jonathan H. Turner,2004-09-01 In recent years the New Institutionalism has focused more on organizations in their social and cultural environments than on societal level institutional systems Thus missing from these studies has been a larger sociological analysis of institutions per se In his newest book leading social theorist Jonathan H Turner offers a creative richly grounded reinterpretation of social evolution He resurrects a level of analysis undertaken by earlier functionalist theorists but with a new found emphasis that of discovering the larger forces driving the formation of human institutional systems Only by exploring the larger macro dynamics can the institutions of economy kinship religion polity law and education be fully understood as Turner persuasively shows in this magisterial explication of twenty millenia of human social life Law and Politics Mauro Zamboni,2007-10-25 Politics and the political discourse occupy a central position in the modern legal theoretical discussion The goal of this book is to reconstruct and to classify according to ideal typical models the different positions taken by the major contemporary legal theories as to whether and how law relates to politics In particular attention is focused on Kelsen Hart Finnis Critical Legal Studies Law and Economics and legal realisms Though reaching different conclusions these major legal theories have some common points of departure as to the law and politics issue law and politics tend to keep the features of being two different phenomena as well as of presenting regions of interaction although with differences as to extent and intensity Finally a possible explanation is presented as to why such different legal theories though often reaching diametric results somehow must still begin from these common basic points The explanation for this is found in the specific character of law in the modern state and the welfare state in particular *Sociological Jurisprudence* Roger Cotterrell,2017-12-06 This book presents a unified set of arguments about the nature of jurisprudence and its relation to the jurist s role It explores contemporary challenges that create a need for social scientific perspectives in jurisprudence and it shows how sociological resources can and should be used in considering juristic issues Its overall aim is to redefine the concept of sociological jurisprudence and outline a new agenda for this Supporting this agenda the book elaborates a distinctive juristic perspective that recognises law s diversity of cultural meanings its extending transnational reach its responsibilities to reflect popular aspirations for justice and security and its integrative tasks as a general resource of regulation for society as a whole and for the individuals who interact under law s protection Drawing on and extending the author s previous work the book will be essential reading for students researchers and academics working in jurisprudence law and society socio legal studies sociology of law and comparative legal studies

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