

SOCIOLOGY OF LAW¹

by

W. G. FRIEDMANN

MEANING AND DEFINITION

It is impossible to give any generally accepted and reasonably precise meaning to the term "sociological jurisprudence". Perhaps the only universally accepted meaning of the term is a negative one: the rejection of jurisprudence as exclusively a study of legal logic, the hierarchy of legal norms and the analysis of legal concepts, in other words, the rejection of analytical positivism as the only legitimate province of jurisprudence. This leaves "sociology of jurisprudence" as a catchall term for a vast majority of diverse approaches to the study of law held together by little more than a common tendency to "look more for the working of law than for its abstract content", a formulation given by Roscoe Pound half a century ago.²

Within this framework, Pound spelled out six major areas of a meaningful study of sociological jurisprudence: first, and most important, he called for a study of the social effects of legal institutions, precepts and doctrines, of the law in action as distinct from the law in the books. Second, he called for sociological studies as essential preliminaries in the process of law making and law reform. Third, Pound called attention to the importance of ascertaining the means by which legal rules can be made effective in the actual conditions of social life. Fourth, he demanded a study of the methods used by lawyers and judges in the work by which they have influenced legal development. Fifth, Pound asked for a sociological approach to the history of the institutions of the common law. Sixth, he asked that legal rules should be studied not just in abstract but so as to take account of the concrete circumstances of particular cases. Pound's program is not an exercise in methodology, but a call for a new approach to the study of law in its entirety. It implied that, while neither analytical jurisprudence nor legal philosophy were in themselves sufficient to understand law in life and action, sociological jurisprudence did not mean a substitute for these other areas of legal study but a supplement. Philosophy, analysis and a study of the law in action had to penetrate each other, in order to portray both the working and the ends of law in society.

This program of action has, on the whole, remained the most influential approach in postwar legal writing. It is reflected in the major postwar treatises on jurisprudence. Thus, Julius Stone, a disciple of Roscoe Pound, in his important *Province and Function of Law* (1946) rejects a specific methodology of sociological jurisprudence and devotes a major part of his treatise to an elaboration of Pound's program. This includes, for example, a study of national characteristics in the legal evolution of various systems: of the correlations of social and legal developments in general, as illustrated by the theory of Maine and his successors; of law as an adjustment of conflicting interests, and a study of various social pressures, conflicts and controls and their impact on the law of states, of groups within states, and of the relation of law to other social controls. A similar approach is found in a recent German jurisprudential work. In his *Rechtsphilosophie* (1956) Erich Fechner rejects the one-sided approaches to law,

¹ A survey of the major trends in sociology of law up to the end of the last war is given by Roscoe Pound, "Sociology of Law", in G. Gurvitch and W. E. Moore (eds.) *Twentieth Century Sociology*, 1947. In the text, no distinction is made between "Sociology of law" and "Sociology of jurisprudence", although some writers have made this rather artificial distinction.

² Pound, "The Scope and Purpose of Sociological Jurisprudence", 1911 (1) 25 *Harv. L.R.* 489.

Sociology Of Law Current Sociology

**Prof. Dr. Khudzaifah Dimyati, SH,
M.Hum**



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The Sociology of Law Roman Tomasic, 1985 *Sociology of Law* Manfred Rehbinder, G. C. Landon, 1975 *Sociology of Law* Manfred Rehbinder, 1975 Norms and Actions R. Treves, 2012-12-06 The present volume has been planned and prepared in meetings of the Research Committee for the Sociology of Law of the International Sociological Association at the initiative of its chairman Renato Treves who also took upon himself editorial responsibility The first edition of the volume appeared in Italian under the title *La socioZogia deZ diritto ProbZemi e ricerche* It was published in Milano August 1966 The present English edition has the same contents as the Italian volume with the addition of a concluding chapter by J an Glastra van Loon This publication was undertaken with the purpose of presenting a survey of recent trends in sociology of law in various countries of the world We hope that the growing interest in the discipline as evidenced by the large number of publications issued since the Italian edition of this volume may be considered as justification for this undertaking J v L R T We should like to refer to the *Law and Society Review* published in the United States to the issue of *Acta Sociologica* September 1966 devoted to sociology of law and finally to the many papers submitted to and discussed at the meetings of the Research Committee for the Sociology of Law during the VIth World Congress of Sociology at Evian INTRODUCTION by RENATO TREVES I The sociology of law in its traditional sense and in its more recent developments Origin and objects of this work Theorization Of Law Prof. Dr. Khudzaifah Dimiyati, SH, M.Hum, The book was initially a dissertation had been pertained in front of the Senate of Universitas Diponegoro on June 4 2003 As clued by the title it was aimed to explore and describe the legal thought flourished in Indonesia in the era of 1945 1990 s It was focused on the development of legal thought conducted through collection inquiry and inventory of various sources The inquiry and inventory were deliberately determined within the framework of historical approach meaning to put the thoughts in the context of space and time By this perspective the sources of the theory of law was utilized both the general and special ones related to any particular theories or respective period to figure out taxonomically those thoughts By those considerations the inventory was divided into three period categories First period of 1945 to 1960 s represented by Prof Dr Mr Soepomo and Prof Dr Mr Soekanto Second period of 1960 to 1970 represented by Prof Mr Djokosutono Prof Mr Hazairin Prof Mr Djojodigono dan Prof Mr Soediman Kartohadiprodjo Third period of 1970 to 1990 s represented by Prof Dr Satjipto Rahardjo SH Prof Dr Mochtar Kusumaatmadja SH Prof Dr Sunaryati Hartono SH dan Prof Dr Mohammad Koesnoe SH *Law, State and Society* Bob Fryer, Alan J. Hunt, Doreen McBarnet, Bert Moorhouse, 2018-05-11 Originally published in 1981 *Law State and Society* confronts many of the most important issues within the developing field of law and society The essays cover the key political debates and the subject of the sociology of law through two key debates the first tackling the wider theoretical and political system while the other essays are concerned with more concrete aspects of both the political and social face of law Together the essays show how crucial the potential is that exists for a considerable extension and integration of work that focuses

explicitly on empirical problems yet is at the same time more conscious of the theoretical issues that underpin the effectivity of law

Law, Society and Community Richard Nobles, David Schiff, 2016-04-22 This collection of socio legal studies written by leading theorists and researchers from around the world offers original perceptive and critical contributions to ideas and theories that have been expounded by Roger Cotterrell over a long and distinguished career Engaging with many classic issues and theories of the sociology of law the contributions are likely to become classics themselves as they tackle some of the most significant challenges that modern law faces They do not shy away from what one of the contributors describes as the complexity and multiplicity of our contemporary legal world The book is organized in three parts socio legal themes methodological and jurisprudential themes globalization cultural and comparative law themes Starting with a chapter that re engages with the need to interpret legal ideas sociologically and ending with one that explores the global significance of modern fascination with the idea of the rule of law this selection offers important additions to the oeuvre of Roger Cotterrell a list of whose academic writings is included in the book

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

Sociology of Law, 1972

Law, Culture and Society Roger Cotterrell, 2006 Presenting a distinctive approach to the study of law in society and through a range of specific studies this book seeks to integrate the sociology of law with other kinds of legal analysis and engages directly with current juristic debates in legal theory and comparative law *Routledge Library Editions: British Sociological Association*

Various, 2021-07-14 The volumes in this set originally published between 1969 and 2001 is comprised of original books published in conjunction with the British Sociological Association The set draws together original research by leading academics based on study groups and conference papers in the areas of youth race the sociology of work gender social research urban studies class deviance and social control law development and health Each volume provides a rigorous examination of related key issues This set will be of particular interest to students and academics in the field of sociology health and social care gender studies and criminology respectively

The Sociology of Law A. Javier Treviño, 2008

A Sociological Theory of Law Niklas Luhmann, 2013-10-30 Niklas Luhmann is recognised as a major social theorist and his treatise on the sociology of law is a classic text For Luhmann law provides the framework of the state lawyers are the main human resource for the state and legal theory provides the most suitable base from which to theorize on the nature of society He explores the concept of law in the light of a general theory of social systems showing the

important part law plays in resolving fundamental problems a society may face He then goes on to discuss in detail how modern positive as opposed to natural law comes to fulfil this function The work as a whole is not only a contribution to legal sociology but a major work in social theory With a revised translation and a new introduction by Martin Albrow

Sociology of Law Gloria Lessan, 2018-12-31 Sociology of Law A Reader provides students with engaging literature that addresses law as both dependent and independent variables of the social conditions in which it operates Through a collection of carefully selected readings the text examines the themes of social roots and social consequences of the law the legal profession and the influence of gender and racial structures on legal inequality The reader begins with a chapter regarding lawmaking and featuring articles that address gender rights judicial elections the morality of law and executive orders Additional chapters examine law enforcement law as conflict resolution and law as social change Students read about contemporary issues regarding gender race and the law including the reporting of sexual assault and harassment and the relationship between people of color and sentencing bias The closing chapter includes readings on the legal profession including discussion of the role and limitations of law in addressing racial bias and discrimination criticism of the judiciary and reflections from a female judge Filling a gap in current literature in the discipline Sociology of Law is an ideal resource for courses in sociology and the sociology of law Gloria T Lessan is a faculty member in the Department of Sociology at Florida State University She holds a Ph D in sociology from Tulane University of Louisiana and a M A in sociology from the University of Wisconsin at Milwaukee Dr Lessan s scholarship has been featured in Social Forces Psychological Reports Social Science and Medicine Revista de Ciencias Sociales and Crime Law and Social Change She holds a Global Partner Certificate from Florida State University

Introduction to the Social Sciences (RLE Social Theory) Maurice Duverger, 2020-09-10 Professor Duverger at last provides the student with an overall view of the methodology of the social sciences He briefly traces the origin of the notion of a social science showing how it emerged from social philosophy Its essential elements and pre conditions are described the splintering of social science into specialist disciplines is explained and the need for a general sociology confirmed The techniques of observation used by social scientists are dealt with in some detail and the unity of the social sciences is illustrated by examples of the universal application of these techniques Documentary evidence in its various forms are described along with the basic analytical techniques including quantitative methods and content analysis Other methods of gathering information through polls interviews attitude scales and participant observation are all described Professor Duverger brings together the different kinds of analysis used to assess the information thus gathered Arguing that observing and theorizing are not two different stages or levels of research he examines the practical value and difficulties of general sociological theories partial theories and models and working hypotheses He both describes and assesses the limitations of experiment and the scope of comparative methods in the social sciences He then gives elementary instructions for using and assessing the value of mathematical techniques The

possibilities of presenting social phenomena through graphs and charts are also explored There are useful book lists and diagrams

The Oxford Handbook of Transnational Law Peer Zumbansen,2021 The Oxford Handbook of Transnational Law offers a comprehensive compendium for the field of Transnational Law by providing a unique and unparalleled treatment and presentation in an area that has become one of the most intriguing and innovative developments in legal doctrine scholarship theory as well as practice today With a considerable contribution from and engagement with social sciences the Handbook features numerous reflections on the relationship between transnational law and legal practice

Law and Social Change Sharyn L Roach Anleu,2009-10-29 This is a timely new edition of Sharyn L Roach Anleu s invaluable introduction to the sociology of law and its role as a social institution and social process Discussing current theory and key empirical research from a diverse range of perspectives Law and Social Change gives relevant examples from various cultures and societies to provide a sociological view which goes beyond more jurisprudential approaches to law and society The book provides coverage of major classic and contemporary social theories of law is informed by empirical research drawn from several countries societies includes up to date and relevant examples This thoroughly updated edition engages with modern scholarship and recent research on globalization whilst also looking at related issues such as the internationalization of law and human rights It explores recent reforms at local and national levels including issues of migration and refugees the regulation of anti social behaviour and specialist or problem solving courts and also provides a clear accessible introduction to research methods used in the socio legal field Direct and wide ranging this text will be essential reading for students and researchers on social science and law courses and in particular those taking sociology legal theory criminology and criminal justice studies

Democracy, Governance, and Law Mathieu Deflem,2025-04-18 This volume of Sociology of Crime Law and Deviance brings together scholars to debate sociological socio legal and related insights from the social and behavioral sciences concerned with important contemporary questions on democracy and its role for matters of governance and law

Law, Culture and Society Roger Cotterrell,2017-10-03 This book presents a distinctive approach to the study of law in society focusing on the sociological interpretation of legal ideas It surveys the development of connections between legal studies and social theory and locates its approach in relation to sociolegal studies on the one hand and legal philosophy on the other It is suggested that the concept of law must be re considered Law has to be seen today not just as the law of the nation state or international law that links nation states but also as transnational law in many forms A legal pluralist approach is not just a matter of redefining law in legal theory it also recognizes that law s authority comes from a plurality of diverse sometimes conflicting social sources The book suggests that the social environment in which law operates must also be rethought with many implications for comparative legal studies The nature and boundaries of culture become important problems while the concept of multiculturalism points to the cultural diversity of populations and to problems of fragmentation or perhaps to new kinds of unity of the social Theories of globalization raise a host of issues about

the integrity of societies and about the need to understand social networks and forces that extend beyond the political societies of nation states Through a range of specific studies closely interrelated and building on each other the book seeks to integrate the sociology of law with other kinds of legal analysis and engages directly with current juristic debates in legal theory and comparative law Courts and Social Transformation in New Democracies Roberto Gargarella, Theunis Roux, 2017-03-02 Using case studies drawn from Latin America Africa India and Eastern Europe this volume examines the role of courts as a channel for social transformation for excluded sectors of society in contemporary democracies With a focus on social rights litigation in post authoritarian regimes or in the context of fragile state control the authors assess the role of judicial processes in altering or perpetuating social and economic inequalities and power relations in society Drawing on interdisciplinary expertise in the fields of law political theory and political science the chapters address theoretical debates and present empirical case studies to examine recent trends in social rights litigation

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