



Theory of Law and Society

Lecturer: Prof. Zoltán Fleck (Department for Theory of Law & Society)

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Description

The course is built on the reading activity of the students, some essential readings are discussed and disputed during the semester. The core problem is the evil face of law and its theoretical assumptions. As a preliminary, one must understand the very essence of the critical theories and the main arguments of contemporary critique of modernity. The carefully selected texts illustrate the problems and limits of modern law and open the way for constructing a critical view on legal regulation. Students read and dispute texts, find examples and illustrations, discuss moral issues concerning the functionality of modern legal systems.

Student skills: reading, conceptualizing, disputing, formulating critic

1. Critical theories

What is critique? Modernity and crises from the 19th century. The basic concepts of critical social theories. Contemporary conceptualization of crises of modernity.

Reading:

- Andres Reckwitz, Hartmut Rosa: Late Modernity in Crises, Polity, 2023
- Michel Foucault: What is Critique? And the Culture of the Self, The University of Chicago Press, 2024

2. Critical legal perspectives

The third branch of theoretical developments of legal theory: sociological theories, concepts and methodologies (roots and basic assumptions). Modern socio-legal theories, contemporary issues.

Reading:

- Reza Banakar: Normativity in Legal Sociology. Methodological Reflections on Law and Regulation in Late Modernity, Springer, 2015 1-3. chapters
- David Fraser: Law After Auschwitz. Towards a Jurisprudence of the Holocaust, Carolina Academic Press, 2005
- Jens Meierhenrich: Remnants of the Rechtsstaat, Oxford University Press, 2018
- Recommended Reading:
- Reza Banakar: Sociological Jurisprudence, in: Banakar, Travers (eds.): An Introduction to Law and Social Theory, Hart, 2002
- Roger Cotterrell: Law in Social Theory and Social Theory in the Study of Law, in: Austin Sarat (Ed.): The Blackwell Companion to Law and Society, Blackwell, 2004
- Frank Munger: Mapping Law and Society, in Sarat, Constable, Engel, Hans, Lawrence (eds.): Crossing Boundaries. Traditions and Transformations in Law and Society Research, Northwestern University Press, 1998



3. CLS

Critical Legal Studies and its legacy play an important role from the 1960's, the marxist theoretical elements and the CLS left significant traces on the contemporary legal theories.

Reading:

- Alan Hunt: The Theory of Critical Legal Studies, Oxford Journal of Legal Studies Vol. 6. No. 1.

Recommended Reading:

- Jirí Pribán: Sharing the Paradigms? Critical Legal Studies and the Sociology of Law, in: Banakar, Travers (eds.): An Introduction to Law and Social Theory, Hart, 2002
- Alan Hunt: Law, State, and Class Struggle, in: Hunt: Explorations in Law and Society, Routledge, 1993
- Roberto Mangabeira Unger: The Critical Legal Studies Movement. Another Time, A Greater Task, Verso, 2015

4. Critical studies in CEE countries

The partial revival of critical perspectives in post-communist countries gave impetus on theoretical and empirical studies. Whether it remains on the periphery or could challenge the mainstreams?

Reading:

- Rafal Manko, Cosmin Cercel, Adam Sulikowski (eds.): Law and Critique in Central Europe. Questioning the Past, Resisting the Present, Counterpress, 2016

Recommended Reading:

- Carol Greenhouse, Elizabeth Merz, Kay Warren (eds.): Ethnography in Unstable Places, Duke University Press, 2002

5. Crises of democracy and rule of law

Reading:

- András Sajó: Ruling by Cheating, Cambridge University Press, 2021

Evaluation

compulsory mini presentation on one piece of reading, active participation during seminars
course activity (40) presentation (60%)