

LW608 LAW IN ACTION

MODULE OUTLINE

Spring 2012

I. BASIC INFORMATION

Number of Credits - 15

Length of Module – 12 weeks (including reading week and writing week)

Weekly Contact Hours – 2 (1 x 2-hr seminar each week)

Expected Student Study Hours – 150 (including contact hours)

Module Convenor and Lecturer –

Professor Rosemary Hunter

Eliot Extension L37-39. Tel: (82)7544. Email: r.c.hunter@kent.ac.uk

Office Hours – Tuesdays 14.00-15.00

Module Webpage: in Moodle - <https://moodle.kent.ac.uk>

II. AIMS AND OBJECTIVES

The Aim of the Module is to introduce students to the kinds of questions that may be asked about how law operates in practice, the kinds of research methods that may be used to answer those questions, including surveys, interviews, observations and file analysis, and the reflective and critical approach that ought to be taken to the conduct and evaluation of socio-legal research.

The Objectives of the Module are that students will acquire:

- 1) the ability to study the operation of law in practice;
- 2) knowledge and understanding of and ability to apply a range of empirical research methods to the study of law in action;
- 3) knowledge and understanding of and ability to apply key concepts, theories and research findings in socio-legal studies; and
- 4) the ability to take a reflective and critical approach to empirical data and socio-legal research.

In doing so, students will:

- 5) extend and enhance their research skills;
- 6) develop and exercise their skills of critical analysis;
- 7) develop and exercise their skills in synthesising diverse materials and writing clearly and persuasively.

The module will be particularly useful for students wishing to undertake a dissertation that involves some form of empirical research such as surveys or interviews, but is generally open to any student interested in exploring the operation of the law in action.

III. CONTENTS

Contents Outline

This module proceeds from the classic distinction in socio-legal studies between 'law in the books' and 'law in action', i.e. between what law *says* and what it actually *does* – how it operates in practice, how law, legal institutions, legal personnel and associated phenomena impact on people's thinking and behaviour, and how, in turn, law, legal institutions, legal personnel and associated phenomena are shaped and influenced by social, economic and political factors. In order to answer these kinds of questions, it is often necessary to employ research methods beyond the traditional legal repertoire.

The seminar schedule is as follows:

DATE	WEEK	TOPIC
17 January 2012	13	Introduction
24 January	14	Key concepts, theories and methods
31 January	15	Research questions, research design and research ethics
7 February	16	Data instruments, data gathering and management – quantitative data
14 February	17	Reading Week – no classes
21 February	18	Data instruments, data gathering and management – qualitative data
28 February	19	Data analysis and interpretation – quantitative data I
6 March	20	Data analysis and interpretation – quantitative data II
13 March	21	Data analysis and interpretation – qualitative data I
20 March	22	Data analysis and interpretation – qualitative data II
27 March	23	Synthesis and writing up
3 April	24	Writing Week - no classes

IV. TEACHING ARRANGEMENTS AND METHODS

Teaching in the module will consist of one 2-hour seminar per week throughout the term (excluding reading and writing weeks). Seminars will comprise a mix of mini-lectures, discussions of readings and exemplary case studies, and hands-on performance of research tasks.

Students will be encouraged to choose their own research topic to pursue during the module (which may relate to one of their other modules, their proposed dissertation, or a topic otherwise of interest to them). Those who do not have a particular topic they wish to pursue will be assigned a topic to work on either individually or collectively with other students.

In Weeks 16, 19 and 20 seminars will be held in a computer lab (CC04) rather than the regular classroom in order to gain hands-on experience of constructing an online survey, and conducting quantitative data analysis using SPSS.

V. READING AND IT INPUTS

Books

Alan Bryman, *Social Research Methods* (OUP, 3rd edition, 2008) is highly recommended. There is an assigned reading from the Bryman text each week. There are a multiple copies held in the Core Text Collection, but you are encouraged to purchase your own copy if possible.

Max Travers, *Understanding Law and Society* (Routledge/GlassHouse Books, 2010) provides a very useful introduction to the range of theoretical approaches to the sociology of law.

Other Reading

The seminar guide lists required reading for each seminar. Apart from chapters of the Bryman text, these readings consist of articles and book extracts. The articles are all available via the library's online journal holdings. The book extracts will be provided on the Moodle site and/or you will be able to access library copies of the relevant books.

IT Input

During the module you will be introduced to

- Online survey software
- Statistical Package for the Social Sciences (SPSS)

The survey software will be accessible from any computer. SPSS will be available in the computer labs and generally on student desktops. Students may also borrow a copy of SPSS from the library for downloading onto their own computer (for a period of one year).

VI. ASSESSMENT REQUIREMENTS

Assessment Requirements

There is no final exam in this module. Assessment will be by 100% coursework, with a mix of formative and summative assessment totalling 5,000 words.

Assessment no	Topic	Words	Value
1	Research questions and research design	500	formative
2	Ethical issues	500	formative
3	Critical reflection on data collection	500	formative
4	Critical analysis of a socio-legal case study	1000	30%
5	Critical reflection on data analysis	500	formative
6	Key findings and reflections	2000	70%

Formative assessment is to be submitted either directly to the convenor by email (R.C.Hunter@kent.ac.uk) or handed in during class, and will be returned promptly. Summative assessment must be submitted electronically through Turnitin and in hard copy to the Law School Office by the specified due date.

Assessment 1: formulate specific research questions and a design for your research.

Due date: before or in class week 16 – by email or by hand

Assessment 2: identify and state how you will address ethical issues arising from your proposed research.

Due date: before or in class week 18 – by email or by hand

Assessment 3: reflect critically on your experience of data collection

Due date: before or in class week 20 – by email or by hand

Assessment 4: present a critical analysis of a socio-legal case study

Due date: by 16.00 on Friday, 23 March 2012 – via Turnitin and Law School Office

Assessment 5: reflect critically on your experience of data analysis

Due date: by 16.00 on Thursday, 5 April 2012 – by email

Assessment 6: present the key findings of your research, explain how the findings do and do not answer your initial research questions and reflect on what (if anything) you might have done differently.

Due date: by 16.00 on Tuesday, 8 May 2012 – via Turnitin and Law School Office

Failure to submit one or more pieces of formative assessment without the permission of the convenor may result in a mark of zero being allocated to one or both of the pieces of summative assessment. The convenor will recommend a penalty to the exam board and the exam board will make the final decision, taking into account any concessions submitted in the usual way.

Rationale

The assessment regime is designed to achieve two purposes:

- a) To enable you to engage with the research process step by step, and to gain immediate feedback on your learning, in a way that allows you to experiment, take risks and deal with new ideas without having an impact on your final mark (the formative assessment);
- b) To enable you to demonstrate your achievement of the module objectives set out at the beginning of this outline (both forms of assessment).

LW608 LAW IN ACTION

Seminar Guide – Spring 2012

Seminars in LW608 will comprise of three strands:

1. Discussions of exemplary readings in socio-legal research
2. Learning how to conduct research on the law in action
3. Conducting your own socio-legal research project

This seminar guide sets out the questions to be considered in relation to each strand and the readings for strands 1 and 2 on a week by week basis.

WEEK 13: INTRODUCTION

Introduction to the module. Why should we study the law in action and what does it mean to do so?

ESSENTIAL READING:

H Genn, M Partington and S Wheeler, *Law in the Real World: Improving Our Understanding of How Law Works* (Nuffield Foundation, 2006), pp. 1-2, 5-8, 13-26. Available at http://www.ucl.ac.uk/laws/socio-legal/empirical/docs/inquiry_report.pdf (link on Moodle).

WEEK 14: KEY CONCEPTS, THEORIES AND METHODS

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions	<p>The book extracts set for this week give an overview of the kinds of empirical legal research that have been conducted in particular areas of law. As you read these extracts, think about</p> <ul style="list-style-type: none"> • what have been the main preoccupations of empirical researchers in this field? • what kinds of epistemological approaches have they taken? • what kinds of research methods have they used? • can you think of any questions relating to the particular area that haven't been asked? 	<p>Introduction to key concepts, theories and methods in the study of law in action, including</p> <ul style="list-style-type: none"> • consensus and conflict theories • empiricism • positivism and interpretivism • objectivism and constructionism • qualitative, quantitative and mixed methods research 	
Reading	<p>P Cane and HM Kritzer (eds), <i>The Oxford Handbook of Empirical Legal Research</i> (Oxford University Press, 2010) – any TWO of the following chapters:</p> <ul style="list-style-type: none"> • J Hodgson and A Roberts, 'Criminal Process and Prosecution', pp.64-95 (on Moodle) • D Cowan, 'Housing and Property', pp.331-352 (on Moodle) • C Coglianese and C Courcy, 'Environmental Regulation', pp.449-468 • S Roach Anleu and K Mack, 'Trial Courts and Adjudication', pp.545-570 	<p>ESSENTIAL</p> <p>A Bryman, <i>Social Research Methods</i> (3rd ed, 2008)</p> <ul style="list-style-type: none"> • Chapter 1 (careful read) • Chapter 25 (skim) <p>FURTHER</p> <p>M Travers, <i>Understanding Law and Society</i> (Routledge/GlassHouse Books, 2010)</p>	

WEEK 15: RESEARCH QUESTIONS, STRATEGIES AND ETHICS

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions	<p>This week we read one of the classic early pieces of law in action research, Stewart Macaulay's 'Non-Contractual Relations in Business', together with an interview with Macaulay in which he describes how he conceived of and went about his research. In reading these pieces, think about:</p> <ul style="list-style-type: none"> • where did Macaulay get the idea for his research project? • what research question/s did he ask? • what research method did he choose? • how did this research method help to answer his research question? What other options might have been available? • what answer did Macaulay find to his research question? • why do you think Macaulay's research is considered important and groundbreaking? 	<p>The formulation of research questions and hypotheses and the design of research strategies to enable the researcher to answer their specific research questions and/or to test their hypotheses. Key questions will be:</p> <ul style="list-style-type: none"> • How are research questions and hypotheses related to theories and/or existing literature in the field? • How are research strategies related to research questions and hypotheses? <p>Ethical requirements for the conduct of socio-legal research, particularly the issues of:</p> <ul style="list-style-type: none"> • privacy • confidentiality • informed consent • safety 	<p>Formulate research questions and a design for your research.</p>
Reading	<p>S Macaulay, 'Non-Contractual Relations in Business: A Preliminary Study' (1963) 28 <i>American Sociological Review</i> 58-67 (via the Library's online journals collection)</p> <p>'Stewart Macaulay and "Non-Contractual Relations in Business"', in S Halliday and P Schmidt (eds), <i>Conducting Law and Society Research: Reflections on Methods and Practices</i> (CUP, 2009), pp. 14-25 (on Moodle)</p>	<p>Bryman, <i>Social Research Methods</i></p> <ul style="list-style-type: none"> • Chapters 2 and 3 (skim) • Chapter 5 (careful read) <p>Socio-Legal Studies Association Statement of Principles of Ethical Research Practice (link on Moodle)</p> <p>KLS Ethical Review Procedure (link on Moodle)</p>	

WEEK 16: DATA GATHERING AND MANAGEMENT – QUANTITATIVE DATA (Note that this week’s seminar will be held in CC04)

	Socio-Legal Studies	Conducting Research	Your Research Project
<p>Questions</p> <p>↓</p>	<p>This week we read about a survey of ‘legal needs’ which has had a very wide impact in the UK and beyond, Hazel Genn’s <i>Paths to Justice</i> study. The book extract focuses on the methods employed to conduct the survey. As you read it, think about:</p> <ul style="list-style-type: none"> • how does Genn locate her study within the existing literature? • what were the research questions Genn set out to answer? • why was the timing of the survey important? • why was a survey considered the most appropriate way to answer the research questions? • how were the survey questions developed? • what population was surveyed? • how were survey participants recruited? • how was the survey administered? 	<p>Gathering quantitative research data, in particular</p> <ul style="list-style-type: none"> • measurement and indicators • different methods of gathering quantitative data • sampling • designing data instruments: different types of questions • piloting data instruments • managing data 	<p>Design and implement a survey questionnaire and invitation to participate.</p>

Reading	<p>ESSENTIAL H Genn, <i>Paths to Justice: What People Do and Think About Going to Law</i> (Hart Publishing, 1999), chapter 1 (on Moodle)</p> <p>FURTHER 'Hazel Genn and <i>Paths to Justice</i>' in Halliday and Schmidt, <i>Conducting Law and Society Research</i>, pp. 227-239.</p>	<p>Bryman, <i>Social Research Methods</i></p> <ul style="list-style-type: none"> • Chapters 6, 8 and 9 (skim) • Chapters 7, 10 and pp. 644-658 (careful read) 	
Assessment Due			Assessment 1 – research questions and research design (500 words)

WEEK 17: READING WEEK – NO SEMINAR

WEEK 18: DATA GATHERING AND MANAGEMENT – QUALITATIVE DATA

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions	<p>This week's reading provides a reflection on feminist research methods.</p> <ul style="list-style-type: none"> • what epistemological and methodological issues does Bano address in her chapter? • what research methods did she use for her study? • what difficulties did she encounter in conducting the study and how did she deal with them? • are there any lessons from this chapter that you would draw for your own research? 	<p>Gathering qualitative research data, in particular:</p> <ul style="list-style-type: none"> • different methods of gathering qualitative data • sampling and recruiting participants • designing data instruments • piloting data instruments • recording data • managing the research process 	<p>Design an interview schedule and invitation to participate.</p>
Reading	<p>ESSENTIAL S Bano, "Standpoint", "Difference" and Feminist Research', in R Banakar and M Travers (eds), <i>Theory and Method in Socio-Legal Research</i> (Hart Publishing, 2005), chapter 5 (on Moodle)</p> <p>FURTHER R Hunter, 'Talking Up Equality: Women Barristers and the Denial of Discrimination' (2002) 10 <i>Feminist Legal Studies</i> 113-130 (via the Library's online journals collection)</p>	<p>Bryman, <i>Social Research Methods</i></p> <ul style="list-style-type: none"> • Chapters 16 and 19 (skim) • pp. 414-417 and Chapter 18 (careful read) 	
Assessment Due			<p>Assessment 2 – ethical issues (500 words)</p>

WEEK 19: DATA ANALYSIS AND INTERPRETATION – QUANTITATIVE DATA I (Note that this week’s seminar will be held in CC04)

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions	<p>The reading for this week presents a unique approach to studying the legal profession.</p> <ul style="list-style-type: none"> • what was the aim of the research? • what methods did the researchers adopt? • what challenges do you think these methods might present? • what ethical issues might they raise? • what policy issue do the authors address in the second extract? • do you think the data gathered is helpful in addressing this issue? • can you think of any other ways of investigating this policy question? 	<p>Preparing quantitative data for statistical analysis, particularly:</p> <ul style="list-style-type: none"> • types of variables • constructing an SPSS database • labelling variables and values • entering or importing data into an SPSS database • recoding and computing new variables 	<p>Setting up a database in SPSS and populating it with data.</p>
Reading	<p>J Eekelaar, M Maclean and S Beinart, <i>Family Lawyers: The Divorce Work of Solicitors</i> (Hart Publishing, 2000), pp. 31-37, 190-196 (on Moodle)</p>	<p>Bryman, <i>Social Research Methods</i></p> <ul style="list-style-type: none"> • Chapter 14 (careful read) • Chapter 15 (skim + will refer to in class) 	

WEEK 20: DATA ANALYSIS AND INTERPRETATION – QUANTITATIVE DATA II (Note that this week’s seminar will be held in CC04)

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions	<p>This week’s reading is an example of a large-scale study which attempts to draw substantial policy conclusions about transitional justice processes.</p> <ul style="list-style-type: none"> • what literature, research questions and hypotheses do the authors seek to address? • what kinds of data do they gather? • what variables and measures do they use? • do you find their analysis convincing? why or why not? 	<p>Statistical analysis and interpretation of quantitative data, particularly:</p> <ul style="list-style-type: none"> • descriptive statistics • independent and dependent variables • cross-tabulations • tests of statistical significance • charts 	<p>Analysing your survey data using SPSS</p>
Reading	<p>K Sikkink and C Walling, ‘The Impact of Human Rights Trials in Latin America’ (2007) 44 <i>Journal of Peace Research</i> 427-445 (via the Library’s online journals collection).</p>	<p>Bryman, <i>Social Research Methods</i>, Chapter 15 (will refer to in class)</p>	
Assessment Due			<p>Assessment 3 – critical reflection on data collection (500 words)</p>

WEEK 21: DATA ANALYSIS AND INTERPRETATION – QUALITATIVE DATA I

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions	<p>This week's reading provides an example of a research study based on court records.</p> <ul style="list-style-type: none"> • what were the researchers trying to find out? • how did they select their samples? • why do they use pseudonyms for the courts they sampled from? • what advantages and disadvantages of studying court files do they identify? • what kind(s) of data did they gather? • how is the study located within the relevant literature? • do you find their analysis and conclusions persuasive? why or why not? 	<p>Preparing qualitative research data for analysis, particularly</p> <ul style="list-style-type: none"> • transcription • reviewing • coding 	<p>Commencing analysis of your interview data</p>
Reading	<p>C Smart and V May, "Why Can't They Agree?" The Underlying Complexity of Contact and Residence Disputes' (2004) 26 <i>Journal of Social Welfare and Family Law</i> 347-360 (via the Library's online journals collection)</p>	<p>Bryman, <i>Social Research Methods</i>, Chapter 22 (skim)</p>	

WEEK 22: DATA ANALYSIS AND INTERPRETATION – QUALITATIVE DATA II

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions	<p>Finally, we read about a US project in which the researchers used narrative analysis to study small claims courts.</p> <ul style="list-style-type: none"> • what led the researchers to undertake this study? • why did they choose to focus on small claims courts in particular? • what data did they gather • how did they analyse this data? • what findings did they make? • what further questions do the authors identify as arising from their research? • what does this study tell us about the law in action? 	<p>Analysis of qualitative research data, particularly</p> <ul style="list-style-type: none"> • thematic analysis • discursive analysis • reading for absences • capturing affect • understanding meanings 	<p>Interpreting your interview data in the context of your theoretical framework and/or the existing literature</p>
Reading	<p>WM O’Barr and JM Conley, ‘Litigant Satisfaction Versus Legal Adequacy in Small Claims Court Narratives’ (1985) 19 <i>Law and Society Review</i> 661-701 (via the Library’s online journals collection)</p>		
Assessment Due			<p>Assessment 4 – critical analysis of a socio-legal case study (1000 words, formal submission)</p>

WEEK 23: SYNTHESIS AND WRITING UP

	Socio-Legal Studies	Conducting Research	Your Research Project
Questions		Writing up research findings, particularly: <ul style="list-style-type: none"> • synthesising quantitative and qualitative data • answering research questions and hypotheses • synthesising findings within the existing literature • extending or developing theories on the basis of research findings 	Pulling together your findings to answer your research questions and locate them within the literature on your topic.
Reading		Bryman, <i>Social Research Methods</i> , Chapter 27	

WEEK 24: WRITING WEEK – NO CLASSES

Assessment Due: Assessment 5 – critical reflection on data analysis (500 words)

WEEK 25: SUMMER TERM

Assessment Due: Assessment 6 – key findings and reflections (2000 words, formal submission)