

## **Theory and Method in Socio-Legal Research**

### **Analysing Law and Society – 11 sessions in Michaelmas Term**

These seminars provide an introduction to the different contributions that various disciplines have made to socio-legal research. Each session will introduce you to one or more of the themes in socio-legal research, reflecting the expertise of the different research staff at the Centre. These sessions will develop your thinking about law, so that you gain an appreciation of what it means to ask questions about law from a socio-legal perspective and how you might answer such questions using different theoretical and empirical approaches.

### **Practical Socio-Legal Research Methods - 10 sessions in Hilary Term**

In these seminars you will discuss the techniques available for socio-legal research and the ways in which they relate to the different theoretical approaches you might take. You will consider which questions you can ask and answer through which methods. The focus is on empirical research and includes practical guidance on such topics as interviewing, participant observation, sampling, and ethics.

### **Presentations – 2 sessions in Trinity Term**

In one of the two sessions you will make a short presentation of your research project to the rest of the students and some of the Centre's research fellows. You will also be expected to participate in the discussions relating to the other presentations in order to help the other students develop their own projects.

Each of the seminars is a self-contained, stand alone session but each emphasises key principles of good research design. You should think, throughout the course, about how to link the theoretical perspective through which you approach your research topic, the specific research question that you are seeking to answer and the particular research techniques that you will adopt for answering your research question.

## ***MICHEALMAS TERM***

### **WEEK 1: Monday and Wednesday**

**Monday 11th October and Wednesday 13th October, Professor D J Galligan**

#### **Introduction to the Socio-Legal Field**

The object of the first two seminars is to identify the main elements of a legal system and to show what it means to study them from a law-and-society perspective. Since legal theorists have spent a lot of time analysing the concept of law and the elements of a legal system, they provide a good starting point. Of particular use is H. L. A. Hart's *Concept of Law*; it offers an accessible analysis of a mature legal order which is attuned to law's social character and its role in ordering a society.

The key concepts in Hart's account of law are social rules, of which legal rules are one kind, and the acceptance of law by officials. We shall examine the notion of a social rule, what it means to accept a rule, and the rule of recognition as the master rule of a legal order. The role of officials in a legal order will be considered, and Hart's contrast between officials and citizens examined. At the conclusion of this analysis, we shall have the rudiments of a social understanding of law.

At this point the question arises as to whether there are other systems of law besides state law, and, if so, why prominence is given to state law. This leads to questions about legal pluralism, by which is meant different legal orders existing side-by-side, or overlapping, or one dominating another. The discussion here will be brief since legal pluralism is studied in depth later in this course.

Understanding law and legal system as a social formation is the first part of a law-and-society approach; the second is to examine the inter-relationship between law and other aspects of society. One issue is how law as a system of social rules interacts with other systems of social rules, such as those of civil associations, religious bodies, private institutions, family networks, and so on. What happens when legal rules conflict with or try to change other networks of rules? Here the notion of social spheres is developed and put to use in explaining the inter-relationship.

Another issue is why we need law at all. If society is constituted by sets of social rules, all of which help to maintain social order, achieve social goods, and advance social values, what extra value does law add? One answer is that law has distinct social functions which cannot be carried out effectively by other rule-based systems. Another answer, which is sceptical of functional approaches, claims that law, in the sense of state law, being backed by the institutions and organizations of the state, can contribute to the achievement of social goods. In developing this analysis, law needs to be broken down into different kinds of laws, such as criminal, civil, constitutional, and regulation.

The final issue concerns the effectiveness of law. If state law is explained (and justified) on the basis that it has certain social advantages over systems of social rules, then the assumption is that law is effective in influencing behaviour. Here notions of implementation, compliance, and enforcement are introduced, for more detailed discussion in later seminars.

### **Essential Reading**

Hart, H. L. A., 1961. *The Concept of Law*, Clarendon Law Series, 2nd Edition.

Oxford: Oxford University Press.

Weber, M., 1968. *Economy and Society*, Roth, G and Wittick, C., eds. Berkeley: University of California Press.

Durkheim, E., 1984. *Division of Labour in Society*. New York: Free Press.

Ellickson, R., 1991. *Order Without Law: How Neighbors Settle Disputes*. Cambridge, Massachusetts: Harvard University Press.

Galligan, D. J., 2007. *Law in Modern Society*, Clarendon Law Series. Oxford: Oxford University Press.

## **WEEK 2: Monday and Wednesday**

### **Monday 18th October, Dr Lisa Vanhala**

#### **Political Science Approaches to Socio-Legal Studies I: Legal Mobilization**

This seminar will explore the complex relationship between law and social movements. Social movement actors use a wide range of legal tactics – including lobbying, litigation and administrative advocacy – in their campaigns for social, political and economic change. On one hand, movements rely on rights to frame their grievances, to define and reinforce collective identity and to mobilize activists. The realm of the law can provide social reform campaigns with opportunities to influence policy, regulation and enforcement practices. On the other hand, the use of legal strategies and reliance on lawyers can exert a conservative pressure on social movements

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channeling protest and other forms of radical action into conventional political and legal institutions. These tensions inherent in legal mobilization activity have raised a number of theoretical and empirical questions: What are the conditions under which individual and collective actors will turn to the courts to pursue political or social goals? What is the best way for researchers interested in social movements to determine social movement success within the courts, within the policy realm and beyond? What is the impact of legal mobilization on a social movement's collective identity? The literature on the mobilization of law by social movements – by providing a “bottom-up” perspective – draws on, complements and provides alternatives to court-centric studies of social reform. Drawing on a number of examples the seminar will discuss the dominant theoretical and methodological approaches to studying legal mobilization.

### **Essential Reading**

McCann, M. “Litigation and Legal Mobilization”. In K. E. Whittington, R. D. Kelemen & G. A. Caldeira Eds., 2008. *The Oxford Handbook of Law and Politics*. New York: Oxford University Press, pp 522 – 540.

Andersen, E. A. 2005. *Out of the Closets and Into the Courts: Legal Opportunity Structure and Gay Rights Litigation*. Ann Arbor: University of Michigan Press. Chapters 1 and 3.

Hilson, C., 2002. New social movements: the role of legal opportunity. *Journal of European Public Policy*, 9(2), pp. 238-255.

### **Further Reading**

Epp, C. R., 1998. *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*. Chicago: University of Chicago Press.

Holzmeyer, C., 2009. “Human Rights in an Era of Neoliberal Globalization: The Alien Tort Claims Act and Grassroots Mobilization” in *Doe v. Unocal. Law & Society Review*, 43(2), pp. 271-304.

Rosenberg, G. N. , 1991. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago.

**Wednesday 20th October, Dr David Erdos**

### **Political science approaches to studying the Law II: Judicial Review and Human Rights**

This session will introduce political science approaches to the study of the law. It particularly explores how political science can be applied to study of the role in the courts in protecting human rights. The session analyzes a variety of theoretical and methodological questions and also provides you with the opportunity to consider the relevance of political science to your own work. The most important piece to read in that by Stoker and Marsh. This work provides a good introduction to political science, concentrating on exploring various competing approaches within what is a broad and multi-faceted discipline. At least some of these approaches should be of use in your own research. The other readings all apply some kind of political science methodology to the analysis of the relationship between law and society.

### **Essential Reading**

Stoker, G. & Marsh, D., 2002. “Introduction” in David Marsh & Gerry Stoker (eds.), *Theory and Methods in Political Science*. Basingstoke: Palgrave Macmillan, pp. 1-16.

Morton, F. L., 2000. “The Charter Revolution and the Court Party”, *Osgoode Hall Law Journal*. Vol. 30, pp. 627-652.

### **Further Reading**

Eckstein, H., 1975. "Case Study and Theory in Political Science" in F. I. Greenstein & N. W. Polsby eds., *The Handbook of Political Science*, Reading: Addison-Wesley.

Hall, P. A. & Taylor, R. C. R., 1996. "Political Science and the Three Institutionalisms", *Political Studies*. Vol. 44 (5), pp. 936-957.

Hirschl, R., 2004. *Towards Juristocracy*, Cambridge, Mass.: Harvard University Press, pp. 10-16.

Scheppele, K., 2000. *Constitutional Interpretation After Regimes of Horror*, Public Law and Legal Theory Research Paper No. 5, University of Pennsylvania Law School.

Segal, J. A., Epstein, L., Cameron, C. M. and Spaeth, H. J., 1995. "Ideological Values and the Votes of U.S. Supreme Court Justices Revisited", *Journal of Politics*. Vol. 57 (3), pp. 812-23.

### **WEEK 3: Monday**

**Monday 25th October, Dr Cristina Parau**

#### **Political science approaches to socio-legal studies II: The Role of Courts in a Democracy**

The judiciary is a high-impact institution. When functioning properly it deeply affects social well-being, facilitating economic development and shielding the individual from arbitrary State power. In countries transitioning from authoritarian rule to democracy, a judiciary empowered to vindicate the constitution is by consensus regarded as essential to democratic consolidation. Given the important role courts are believed to play, it is not surprising that sociologists and political scientists have in recent decades paid ever more attention to judicial affairs. One post-World War II trend, identified, documented and analysed by a diverse sub-group of these investigators, stands out for its ubiquity – the worldwide expansion of both domestic and supranational judicial power. Informed by a paradigm that blames the vulnerabilities of Parliamentary democracy for World War II and its horrors, many have come to see the judiciary as a check on the alleged evils of untrammelled democracy. In one jurisdiction after another, even in the most conservative and authoritarian civil law traditions courts have been empowered, or have empowered themselves to 'strike down' with finality statutes of Parliament and even plebiscites which they interpret to be unconstitutional. The judicial assumption of power not merely to nullify democratically enacted legislation but also to legislate new general norms in all areas of life has taken judges far beyond their classical function of reviewing cases where the rights of persons are in jeopardy. This seminar will examine a range of theoretical questions, and re-visit long-standing controversies:

- What ought to be the role of courts in a democratic society?
- Ought judges to intervene in policy processes or should they confine themselves to deciding the guilt or innocence of individual persons?
- Is judicial supremacy incompatible with the democratic ideal of popular sovereignty?
- If activism becomes excessive, how and by whom ought it to be curtailed?
- Do any alternatives to the judicialization of politics exist that are more compatible with democracy yet do not compromise the rule of law?

#### **Essential Reading**

Bellamy, R., 2007. *Political Constitutionalism: A Republican Defense of the Constitutionality of Democracy*. Cambridge: Cambridge University Press.

Whittington, K. E., 2007. *Political Foundations of Judicial Supremacy*. Princeton and London: Princeton University Press.

Stone Sweet, A., 2010. "The European Court of Justice and the Judicialization of EU Governance" *Living Reviews in European Governance*. [Online Journal].

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### **Further Reading**

Tate, C. N. and Vallinder, T. R., Eds., 1995. *The Global Expansion of Judicial Power*. New York: New York University Press. [A classic on the judicialisation of politics, which focuses on judiciaries outside the US. It is now slightly outdated, but still worthwhile, as the problem of judicialisation has not gone away]

Stone Sweet, A. (2004). *The Judicial Construction of Europe*. Oxford: Oxford University Press. [A book that evidences the judicial supremacist nature of the European Court of Justice, and how it has fundamentally shaped European integration]

Guarnieri, C. & Pederzoli, P., 2002. *The Power of Judges. A Comparative Study of Courts and Democracy*. Oxford: Oxford University Press. [A book about the nature of judicial power in Southern Europe]

Burbank, S. B. and Friedman, B., 2002. *Judicial Independence at Crossroads: An Interdisciplinary Approach*. Thousand Oaks, Calif: Sage Publications. [Discusses judicial independence from an interdisciplinary perspective. It is primarily theoretical, but does present some empirical evidence from non-US contexts, e.g. Russia.]

Russell, P. H. and O'Brien, D. M. Eds., 2001. *Judicial Independence in the Age of Democracy. Critical Perspectives from Around the World*. Charlottesville and London: University Press of Virginia. [Discusses judicial power and independence in various geographical contexts (e.g. Japan, Germany, Eastern Europe)]

### **WEEK 4: Monday**

#### **Monday 1st November, Dr Marina Kurkchiyan**

#### **Sociological Approaches to Socio-Legal Studies I: Placing Law in a socio-cultural Context**

This session explores the way in which the framework of cultural relativism can assist the exploration of law as a social construct. The session begins with a discussion of the broad nature of the sociological approach to studies of law before moving on to the specific meanings and roles that people in any particular society attribute to it. The factors affecting that process are then considered, including historically formed traditions, existing institutional settings, and contemporary changes. At this session we will also examine current debates about how legal cultures affect the development process in transitional societies. Methodological issues will be raised for explanation and assessment at each stage in the discussion, especially the relative merits of using qualitative and quantitative methods to gather research data.

#### **Essential Reading**

Silbey, Susan S., 2005. "After Legal Consciousness," *Annual Review of Law and Social Sciences*, Vol. 1, 323-368.

Hoffmann, E.A., 2006. "Legal Consciousness and Dispute Resolution: Different Disputing Behaviour at Two Similar Taxicab Companies", *Law & Social Inquiry*, Vol.28(3), pp 691-716.

Kurkchiyan, M., 2009,. "Russian Legal Culture: An Analysis of Adaptive Response to an Institutional Transplant". *Law & Social Inquiry*. Vol. 34 (2), pp. 337-364.

#### **Further Reading**

Ewick, P.& Silbey, S. S., 1998. *The Common Place of Law: Stories From Everyday Life*. Chicago: University of Chicago Press.

Conley, J. M. & O'Barr, W. M., 1987. *Rules Versus Relationships: The Ethnography of Legal Discourse*. Chicago: University of Chicago Press.  
Sarat, A., 1990. "The Law is All Over: Power, Resistance and the Legal Consciousness of the Welfare Poor". *Yale Journal of Law and Humanities*, pp 343-97.  
Nelken, D., 2004. "Using the Concept of Legal Culture" in *Australian Journal of Legal Philosophy*, Vol. 29, pp 1-26.

## **WEEK 5: Monday**

**Monday 8th November, Professor Doreen McBarnet**

### **Sociological approaches to socio-legal studies II: Can law control? A grounded theory approach to regulation, enforcement and compliance**

This session will begin with a discussion of the 'grounded theory' approach in socio-legal studies, demonstrating this approach in action by reviewing a range of key issues and concepts that have been developed through empirically based studies in the area of business regulation. The substantive focus will be on the issue of law as a would-be instrument of control, demonstrating the social and legal factors that influence its implementation and enforcement, and addressing the problematic notion of compliance.

The aims are to:

- discuss the role of a grounded theory approach to socio-legal research
- provide you with some useful conceptual tools from classic socio-legal research on regulation
- introduce you to some alternative perspectives from current thinking on regulation
- suggest how to 'think outside the box' of current conventional wisdom to formulate alternative perspectives and new questions for research.

### **Essential Reading**

Hawkins, K., 1984. *Environment and Enforcement*. Oxford: Clarendon Press, pp.3-15, ch. 6 (also useful: ch. 7, 10)

McBarnet, D., 2004. *Crime compliance and control*. Aldershot, UK: Ashgate, ch. 17 (also useful: ch. 2, 7, 8)

### **Further reading**

Ayres, I. & Braithwaite, J., 1992. *Responsive Regulation*, Oxford: Oxford University Press, generally but especially chapter 2 [particularly for the enforcement pyramid concept]

McBarnet, D., 2007. "CSR beyond law, through law, for law: the new corporate accountability", ch 1 in McBarnet, Voiculescu and Campbell (eds) *The new Corporate Accountability: Corporate Social Responsibility and the Law*, Cambridge: Cambridge University Press, paperback 2009 (also on SSRN web) [for wider modes of governance]

A detailed reference list will also be provided to let you follow through on points raised in the lecture.

For practical method in socio-legal research generally see:

S Halliday and P Schmidt *Conducting Law and Society research: reflections on methods and practices*, Cambridge, 2009

## **WEEK 6: Monday**

**Monday 15th November, Dr Fernanda Pirie**

### **Law beyond government: anthropological approaches**

How should we understand the different types and systems of law that occur throughout the world? By considering radically different examples of law beyond government, what conclusions can we draw about the nature of law, itself?

This seminars use examples of the approaches that anthropologists have taken to law in other societies and cultures, including informal systems of law and dispute resolution. It introduces some of the main anthropological debates concerning colonialism, legal pluralism and the nature of law, itself. We consider the wider implications and applications of an anthropological approach and the nature of the questions it raises. These include an awareness of the cultural specificity of legal concepts and models. This is related to the methods used by anthropologists, typically participant observation, involving long periods of intensive and focused, but essentially unstructured fieldwork.

### **Essential reading**

Moore, Sally Falk. 1973. "Law and social change: the semi-autonomous social field as an appropriate subject of study." *Law and Society Review*, 719–46 (and in Moore, *Law as process: an anthropological approach*).

**or:** Roberts, Simon. 2005. "After government: on representing law without the state". *Modern Law Review* 68(1): 1–24.

**and:** Chanock, Martin. 1985. *Law, custom and social order*. CUP. [Ch1, pp. 3–10; Ch 12, pp. 219–24, 236–39]

**or:** Cohn, Bernard. 1989. "Law and the colonial state in India", in J. Starr and J. Collier (eds) *History and power in the study of law*. Cornell.

### **Further reading**

Fuller, Chris. 1994. "Legal anthropology, legal pluralism and legal thought". *Anthropology Today* 10(3): 9–12.

Rosen, Lawrence. 1989. "Law and culture: the appeal to analogy in Islam", in *The anthropology of justice: law as culture in Islam*. Cambridge: University Press.

Diamond, Stanley. 1973. The rule of law versus the order of custom. In D. Black and M. Maleski (ed.) *The social organization of law*. New York: Seminar Press (and in 1971. *Social Research* 38: 42–72).

## **WEEK 7: Monday and Wednesday**

**Monday 22nd November, Dr Christopher Decker**

### **The interaction of economics and law: aspects and approaches**

This session aims to provide a general overview of the interactions between, and dimensions of, the relationship between legal and economic scholarship. It will discuss early scholarly approaches in this area; the 'Chicago' law and economics movement; and more recent 'behavioural' approaches. In so doing, it will examine the main areas where economics and the law are increasingly intertwined such as: economic sociology; behavioural law and economics; regulation; antitrust and

new institutional economics. It will also consider critiques of these approaches, and the growing interaction of these two disciplines, including by economists, legal and socio-legal scholars.

### **Essential reading**

Mackaay, E., 2000. "History of law and economics" in *Encyclopedia of Law and Economics*, B Bouckaert and G De Geest (eds.), Volume I. Cheltenham: Edward Elgar, pp. 66-99

[Online at <http://encyclo.findlaw.com/0200book.pdf>]

Swedberg, R., 2003. "The case for an economic sociology of law", *Theory and Society* 32(1)

Sunstein, C. & Thaler, R., 2003. "Libertarian Paternalism Is Not An Oxymoron". *University of Chicago Law Review* [Online at

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=405940](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=405940)]

### **Further reading**

Donohue, J., 1988. "Law and Economics: The Road not Taken". *Law and Society Review*, 903.

Sen, A. K., 1977. "Rational Fools: A Critique of the Behavioral Foundations of Economic Theory" *Philosophy and Public Affairs*, 6, p. 317

**Wednesday 24th November, Dr Iris Benöhr**

### **An economics approach to socio-legal studies: human rights and the capability approach**

The session introduces students to the application of an economics perspective to socio-legal studies. This perspective will be applied within the specific field of human rights and economic law. Inspired by the Capability Approach of the economist Amartya Sen and by the work of political philosopher Martha Nussbaum, this seminar includes a review on the justification and effectiveness of social legal norms. The Capability Approach has been developed in the field of welfare economics and particularly aims at promoting justice and human development. We will assess how it can be applied in the legal context and explore methodological, substantive and policy implications.

The seminar will combine theoretical insights with practical case studies. It will assess Sen's definition of 'capability' and the use made of the notion in different legal contexts. Further, the seminar explores how people's capabilities might be enhanced by human rights. It also identifies ways in which capability could be operationalised within EU policy, including corporate responsibility, financial services and consumer protection.

### **Essential Reading**

Nussbaum, M., 1997. "Capabilities and Human Rights", *Fordham Law Review*, 66.

Sen, A., 2004. "Elements of Theory of Human Rights" *Philosophy and Public Affairs*, 32.

Sen, A., 1985. *Commodities and Capabilities*, Oxford: Oxford University Press, ch. 4.

### **Further Reading**

Sen, A., 1999. *Development as Freedom*, Oxford: Oxford University Press, ch. 3.

Salais R. & Villeneuve, R., 2004. "Introduction, Europe and the Politics of Capabilities", in: R. Salais & R. Villeneuve, eds, *Europe and the Politics of Capabilities*. Cambridge: Cambridge University Press.

Deakin, S., 2006. "'Capacitas': Contract Law and the Institutional Precondition of a Market Economy", *European Review of Contract Law*, 3.

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Deakin S. & Browne, J., 2003. "Social Rights and Market Order: Adapting the Capability Approach", in: T. Hervey & J. Kenner, *Economic and Social Rights under the EU Charter of Fundamental Rights: A Legal Perspective*, Oxford: Hart Publishing.

**WEEK 8: Monday**

**Monday 29th November, Professor Max Bergman (Universität Basel)**

**Designing a Graduate Research Project**

**HILARY TERM**

**WEEK 1: Monday**

**Monday 17th January, Dr Marina Kurkchiyan**

**Introduction to Research Methods**

The session on Introduction to Research Methods will provide a general survey of the social and philosophical roots of the various techniques available for data collection and link the ideas involved to a student's initial review of the literature on how to develop a viable research question. Particular attention will be paid to the contested issues in social science research, such as the following. What are we trying to achieve when we are engaged in research activities? Do qualitative and quantitative approaches have equal claims to be considered 'empirical'? When we decide on which methods to use in collecting the information we need, what assumptions are we making and what do they imply? What philosophical approaches do these assumptions rest upon? What do the differences between the various approaches entail for the interpretation of the nature of knowledge and truth? How do these differences apply at the ultimate stage, when research findings are used as evidence to support an argument and the completed text of a thesis must evaluate the validity of the initial research design? Finally, having surveyed the dynamic interplay between theoretical concepts and empirical data, the discussion will stress the importance of constructing a conceptual framework that will ensure the consistency and integrity of a research project.

**Reading**

Robson, C., 2002. *Real World Research*. Blackwell Publishing, part I, pp. 3 – 77.

**WEEK 2: Monday**

**Monday 24th January, Mila Versteeg**

**An Introduction to Quantitative Methods in Socio-Legal Research**

This session will focus on the use of quantitative methods in socio-legal scholarship. It will discuss the growing trend towards "empirical legal studies", where "empirical" is defined as Large-N, or quantitative methods. It will moreover discuss some of the basic principles for large-N research and how quantitative legal data can be used to get at substantive legal questions.

The session will tailor the discussion to the students' research questions and discuss how large-N methods could be part of the students' research designs.

## **Reading**

Heise, M., 2002. "The Past Present and Future of Empirical Legal Scholarship: Judicial Decision-Making and the New Empiricism", *University of Illinois Law Review*, 819. [This article describes the new empiricism in law, and the growing trend towards empirical legal studies.

Available at:

[http://www.law.uiuc.edu/lrev/publications/2000s/2002/2002\\_4/Heise.pdf](http://www.law.uiuc.edu/lrev/publications/2000s/2002/2002_4/Heise.pdf)

Epstein, L. & King, G., 2002. "The Rules of Inference", *University of Chicago Law Review*, 69(1). [This article, by two prominent political scientists, sets out the basic rules of inference for both qualitative and quantitative empirical legal scholarship.

Online at: <http://gking.harvard.edu/files/rules.pdf>

Law, D. & Versteeg, M., 2011. "The Evolution and Ideology of Global Constitutionalism", *California Law Review*, 99. Forthcoming. [This article is an example of large-N empirical scholarship, no need to read all the theoretical details!

Available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1643628](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1643628)

## **WEEK 3: Monday**

### **Monday 31st January, Dr Fernanda Pirie**

#### **Participant Observation**

Participant observation is a type of research that could be regarded as diametrically opposed to the collection of quantitative data. This relates not only to the methods but to the types of questions that can be answered, the research design and the subsequent analysis of data.

In the seminar we will discuss the practical issues of undertaking participant observation, but we will start by considering how participant observation relates to other types of research and the continuum between quantitative and qualitative methods that have been discussed in the first and second weeks. To this end you should do some reading on the nature of ethnography and participant observation and consider how your own project may be placed on the scale between quantitative and ethnographic methodologies. You should also read a case study about participant observation and anticipate whether you might encounter any similar practical issues in your own research.

#### **Reading**

Nader, L., 1986. 'From anguish to exultation'. In P. Golde (ed.) *Women in the field*. Berkeley, California: University of California Press.

For theories of research methods, including participant observation, the following have reasonably good summaries:

Punch, K. F. 2005. *Introduction to Social Research: quantitative and qualitative approaches*. California: Sage Publications.

Hammersley, M. and Atkinson, P., 1995. *Ethnography: principles in practice*.

Abingdon, Oxon: Routledge, Ch. 1.

**WEEK 4: Monday****Monday 7th February, Dr Marina Kurkchiyan****Interviewing Techniques**

The session will aim at the provision of practical advice on how to conduct semi-structured and unstructured interviews. There will be a short discussion on 'how to do it,' incorporating tips drawn from experience in the field. This will be followed by an exercise in which seminar participants will be invited to conduct a sample interview on a specified topic, asking questions either of a fellow-student or an invited informant. The session will then be rounded off with a group discussion of the distinction between individual style and of 'good' or 'bad' practice.

**Reading**

McCracken, G., 1998. *The Long Interview*, London: Sage Publications.

Robson, C. 2002., *Real World Research*. Blackwell Publishing, Part III, pp 269-292.

**WEEK 5: Monday****Monday 14th February, Dr Bettina Lange****Analysing Qualitative Data**

The purpose of this session is to introduce you to various techniques of analysing qualitative data. Qualitative data pose particular challenges for combining creativity and rigour in their analysis. Moreover, given that qualitative – in contrast to quantitative data - are often voluminous and unstructured critical reflection of techniques for managing and interpreting such data is important. The seminar will introduce you to the 'grounded theory approach' as well as discourse analysis as two main approaches to qualitative data analysis. We will discuss 'coding' as a key technique for analysing qualitative data. The seminar will emphasize that techniques for the analysis of qualitative data are not a-theoretical tools, but should be located within theoretical assumptions about how the social world can be understood and researched.

**Reading**

Bryman, A., 2001. "Qualitative Data Analysis", in Bryman, A. *Social Research Methods*, Oxford: Oxford University Press, ch. 19.

Bryman A., 2001. "The Nature of Qualitative Research", in Bryman. A. *Social Research Methods*, Oxford: Oxford University Press, ch. 13.

Silverman, David, 2007. *A Very Short, Fairly Interesting and Reasonably Cheap Book about Qualitative Research*. London: Sage Publications.

**WEEK 6: Monday****Monday 21st February, Dr Marina Kurkchiyan****Combining Qualitative and Quantitative Data**

The session will consider the possibility of combining different methods of data collection while working on a single project, and then assess the potential benefits and disadvantages of doing so. It will explore questions such as when might a researcher consider using an extreme combination of

qualitative techniques with quantitative ones, and why? How can such a mixture be designed, and what would it achieve? Once data have been successfully gathered from an assortment of different methods, to what extent can the findings be considered comparable and consistent? Given that any single project necessarily requires a coherent analytical framework if it is to succeed, is it possible to integrate the results of different kinds of data collection in an effective way?

### **Reading**

Bruman, A., 1995. *Quantity and Quality in Social Research*, London: Rutledge, pp 93 – 175.

Kurkchiyan, M., *Perceptions of Law and Social Order: A Cross-National Comparison of Collective Legal Consciousness*. Forthcoming. Will be distributed.

### **WEEK 7: Monday and Wednesday**

**Monday 28th February, Dr Lisa Vanhala**

#### **Case Study Research**

This seminar introduces students to the case study method of research. It will deconstruct the theoretical foundations of different types of case studies as well as address specific issues of case selection, selection bias, conceptual stretching and the definition of negative cases. It will present a range of specific tools for case-study research such as detailed contextual knowledge, bayesian inference, analysis of crucial cases and process tracing. These points will be situated within an understanding of a broader iterated dialogue among theory, data and research design.

#### **Essential Reading**

Munck, G. L., 2004. “Tools for Qualitative Research” in H. Brady and D. Collier (eds). *Rethinking Social Inquiry: Diverse Tools, Shared Standards*. New York: Rowman & Littlefield Publishers Inc.

Flyvbjerg, B., 2006. “Five Misunderstandings about Case-Study Research”, *Qualitative Inquiry*, 12(2), pp. 219-245.

#### **Further Reading**

Gerring, J. 2004. “What Is a Case Study and What Is It Good For?” *American Political Science Review* 98(2), pp. 341-354.

King, G., R. Keohane, and Verba, S., 1994. *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton: Princeton University Press.

Lijphart, A., 1971. “Comparative Politics and the Comparative Method “, *The American Political Science Review*, 65(3), pp. 682-693.

**Wednesday 2nd March, Dr David Erdos**

#### **Research Ethics**

This session will provide an overview of ethical issues which may arise during socio-legal research. The first part of the session will consider why it is important to consider ethical issues and will also introduce core concepts which underpin ethical thinking in social studies. There will be an emphasis on considering the various and sometimes conflicting ways in which these concepts are interpreted and applied by academics. The second part of the session will introduce the University

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of Oxford's ethical review procedures (CUREC) and provide a general opportunity for further questions and discussion.

**Reading:**

Socio-Legal Studies Association, Statement of Ethical Research Practice  
([http://www.kent.ac.uk/nslsa/images/slsdownloads/ethicalstatement/ethics\\_drft2.pdf](http://www.kent.ac.uk/nslsa/images/slsdownloads/ethicalstatement/ethics_drft2.pdf))

Association of Social Anthropologists, Ethical Guidelines  
(<http://www.theasa.org/ethics/guidelines.htm>)

University of Oxford Central University Research Ethics Committee, CUREC 1/A  
(and related documentation) at

<http://www.admin.ox.ac.uk/curec/oxonly/ethicalapp/index.shtml>.

Centre for Socio-Legal Studies, CUREC Forms – Advice to CSLS Researchers (2010)

Economic and Social Research Council, Framework for Research Ethics, 2010

([http://www.esrcsocietytoday.ac.uk/ESRCInfoCentre/Images/Framework%20for%20Research%20Ethics%202010\\_tcm6-35811.pdf](http://www.esrcsocietytoday.ac.uk/ESRCInfoCentre/Images/Framework%20for%20Research%20Ethics%202010_tcm6-35811.pdf))

Dingwall, R., 2008. "The Ethical Case Against Ethical Regulation in the Social Sciences and Humanities", 21st Century Society. Vol. 3 (1), pp. 1-12

**WEEK 8: Monday and Wednesday**

**Monday 7th March, Dr Marina Kurkchian**

**Sharing Experience of Fieldwork**

In this session two or three of the Centre's most senior doctoral students will be invited to share with the group their experience of conducting empirical research and discuss the problems that they have encountered in the final process of writing a full thesis draft. They will reflect upon the challenges that they have faced at the various stages of advanced research, how they have overcome them, and what lessons they have learned during the implementation of the project that they envisioned at the outset three years before.

**Wednesday 9th March, Dr Bettina Lange and Other Fellows of the Centre**

**Research Design Workshop**

The purpose of this workshop is for students to obtain constructive feedback in an informal atmosphere on the research design for their project. The workshop will be based on short presentations of the 'what, how and why' of your research project with fellows giving feedback on how to tighten links in your project between the key research question that you seek to answer, the theoretical framework through which you want to investigate your research puzzle and the research techniques through which you will gather data in order to answer your research question.

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