

**TEACHING SOCIOLOGY IN A LAW SCHOOL: PREDICAMENTS,
NEGOTIATIONS AND INNOVATIONS**

RUKMINI SEN*

This article is primarily an autobiographical exploration of the seven years of teaching at the law school coming from a sociology background. The predicaments of 'marginalization' as a sociology teacher; the experiences of negotiations about justifying the relevance of sociology in a law school and the innovations of continuously upgrading course structure, course material and the methodology of teaching. It has undoubtedly been a challenging wholesome exercise. This paper is a reflection of these experiences—a combination of enabling as well as discouraging negotiations. It is a journey, of learning and unlearning, of coping with developing an interface between sociology and law. A full five years engagement at Bachelors and Masters Degree with sociology did not substantially engage with law as a discipline or a practice. It is obviously important to acknowledge that a job at a law school has enabled me to develop skills on interdisciplinarity. Moreover, the way legal studies has gained popularity in the last decade due to various politico-economic factors also need to be taken on board to appreciate the efforts in law schools, i.e. to envisage the need for interdisciplinary learning at a time when that method was not very common. How to make a subject which studies society and social

* Assistant Professor of Sociology, The W.B. National University of Juridical Sciences, Kolkata. I express my gratitude to Prof. B.S. Chimni for having suggested that it is important to document the personal experience of teaching sociology in a law school. My thanks also to Ruchira Goswami and Nandan Nawn with whom I could discuss my ideas. All shortcomings, however, are mine.

relationships relevant to students who are mainly concerned with resolving disputes and necessary solutions to social problems has been to say the least interesting. The paper has three sections, (a) vision of socially relevant legal education and the need for social science subjects therefore in a law school; (b) predicaments of being a sociology teacher in a law school in connection to the life chances and life styles of students and (c) innovations to make sociology relevant in a law school.

I. INTRODUCTION

As a professor of social sciences at a Law School in Kolkata for seven years, the relevance of sociology as a compulsory subject in a law school was always put forth by the students, especially its relevance to a law student who is going to end up in a law firm at the end of five years – what is exactly the value addition? There is a strict division that is made in Indian academics between social sciences and law, moreover in not consistently engaging in the understanding that law is one of the social sciences. This has been one of the reasons why justifying the relevance of sociology is so imperative on the part of sociology teachers in law schools.

This paper is therefore an experience of participant observation on my part, providing an insight into the cultural and academic ambience of National University of Juridical Sciences, Kolkata (hereinafter NUJS) with special attention paid to the obstacles that a sociology teacher faces in a law school and what efforts are made to overcome them by creating a ‘niche’ for the discipline within the legal discourse. As a participant observer the task here has been to understand how law schools are products of the global times, while a change in different economic and political institutions result in changes in the legal academia. It is the qualitative field notes, taken by the participant observer; the observation of the lifestyle that is part of the students of the law school, studying vision statements of the Vice Chancellors of the law school are the primary and the secondary data which is analyzed in this paper.

The paper is divided into three sections. The first section discusses the background of the emergence of law schools in India, the vision statements of Kolkata law schools over the years, and the theoretical necessity of placing law in a larger social context, which the history and the vision statements

empirically establish. In the second section, the main objective is to highlight the lifestyle and student aspiration at a Law School, the importance of law firms and the experience in law firms from the students' perspective. This will lead to the understanding the obstacles of teaching sociology in a professional, highly competitive environment. The third section establishes the importance of sociology as an encyclopedic discipline and therefore its relevance in legal curriculum. The discussion on the objectives and content of the courses taught in Kolkata law school is done in this section to establish the application of sociological concepts and theories in law.

II. NEED FOR LAW SCHOOLS AND THE VISION OF INTERDISCIPLINARITY

'Law Schools' are different from 'law colleges' under the traditional framework which existed in India prior to Professor NR Madhava Menon's first attempts to establish a law school in Bangalore, National Laws School of India University that started in 1986. Prof. Menon was convinced that the manner in which public interest movements could be sustained in India was through the establishment of independent law schools. The effort to reform legal education in India however was a project that was evident in the Law Commission Reports or even the University Education Commission since Independence. The 1956 Law Commission Report proposed a structural change in legal education. The Commission argued that students should be subjected to rigorous scientific, theoretical and doctrinal training in law. Criticism was directed towards faculty in many law departments being filled with practicing lawyers. A change in pedagogy was also suggested much in the lines of American law schools—using lectures, case-law and the Socratic Method.¹ Interestingly, the Ford Foundation had taken keen interest in Indian legal education since Independence considering India to be a potential ground for furthering higher efficient legal system here. US Professor Von Mehren on comparative and international law, in his 1963 report on the state of India's legal institutions, had suggested that a rationale, legal system based on equality and individual liberty governed by fair rules and procedures could not survive on a resource-poor, caste-conscious society.² Prof. Menon, acting as the pioneer of this changing legal academic dynamics envisioned that faculty members in a law school need to give importance to

¹ Jayanth Krishnan, *Professor Kingsfield Goes to Delhi: American Academics, The Ford Foundation and the Development of Legal Education in India* 46 AM. J. LEGAL HIST. 447 (2004).

² *Id.*

the case method, problem-based approach to the students, an emphasis on clinical legal education, and to make connections with larger issues concerning legal theory, public policy and social justice. He completed his proposal for revamping Indian legal education in 1982 suggesting a five year law programme as rigorous as any engineering or medical school curriculum, both of which had reputation in India for being highly demanding. So the project was to restore the lost academic rigour of law and also to make law lucrative for students to take as a career. The first two years in these five years had to be law courses in combination with social science and humanities courses. The third and the fourth years would be primarily law subjects and the final year a choice of elective subjects and also a strong clinical component. Thus the importance of integrating social science subjects with the law subjects was a part of the vision of the law schools. The recent recommendations of the National Knowledge Commission Report, 2007 also highlights that legal education has to meet various challenges in a globalized society:

“The curricula and syllabi must be based on multi-disciplinary body of social science and scientific knowledge.....Legally education must be socially engaged. This means that legal education programs must compulsorily expose students to the problems of poverty, social exclusion, social change and environmental degradation through clinical legal education, legal aid programs and through seminars and debates that sensitize and expose students to issues of social justice. Working with the poor through one or other program must become a mandatory part of the curriculum. Faculty must include individuals with inter-disciplinary training and direct experience on social issues.”³

NUJS’s mandate on inter-disciplinarily is evidence through the speeches of the Vice Chancellor published each year in the University brochure.⁴ Moreover a brief view at the objectives of the University as stipulated under The West Bengal National University of Juridical Sciences Act, 1999 (Act IX of 1999) also reveal the intent towards

³ National Knowledge Commission, Report of the Working Group on Legal Education 14 (2007) available at http://www.knowledgecommission.gov.in/downloads/documents/wg_legal.pdf (Last visited on 12.09.2009)

⁴ The NUJS Brochure consistently has provided a few words on how the university perceives the role of its students as legal practitioners in the larger society. In this vision, there is an understanding of the requirement for the academic interface of law and society in the integrated five year law curriculum.

interdisciplinarity. The following are a few examples:

- = Advancement and dissemination of learning and the knowledge of law and legal processes
- = Studying the role of law and legal processes in national development
- = Developing a sense of responsibility in the student to serve society by creating skills in regard to advocacy, legal service, legislation, law reform
- = Promoting inter-disciplinary study of law in relation to management, technology, international co-operation
- = Endeavouring to make law and legal processes efficient instruments of social development. A study of economics, sociology and political systems was envisioned during the framing of the objectives of the University itself.

At this point it would be pertinent to briefly discuss the manner in which legal education was envisioned by various Vice Chancellors' visions for the University. In the 2000-01 NUJS Bulletin, it was envisioned that:

“Legal education has to be re-christened as Justice Education if it were to reflect its true mission in society. As medical education is intended to promote ‘Health’ rather than merely to treat diseases, legal education should aim at promoting ‘Justice’ rather than just resolving disputes and ordering relationships. Study of law at NUJS has been based on the assumption that, all knowledge leads to the improvement of the quality of the lives of people in general and the underprivileged sections of the society, in particular... Law is as complex as life itself. Therefore, the study of law, in order to be meaningful, has to be in the context of social realities. In other words, an orientation of the social milieu in which law operates is a sine qua non for social progress and development through law. To be able to analyze and interpret the law critically and to develop abilities to use law as an instrument for making social and economic

policies, a law student has to cultivate multidisciplinary skills....The curriculum and teaching methods are geared to providing opportunities for learning law-in-society or law-in-development.”⁵

The 2003-04 NUJS Bulletin continued with the same vision statement and at the same point of time adding new dimensions to the perspective of legal education.⁶

Till 2003 it was Professor N.R. Madhava Menon who was the Vice Chancellor of the University and the vision statement of the university definitely reflected the vision of the person who initiated this process of change in the legal academia. Between 2004 and 2007, the section ‘From the Desk of the Vice-Chancellor’ was written by Professor B.S. Chimni, professor of International Law at JNU prior to joining NUJS as the Vice Chancellor:

“NUJS is committed to building a unique environment in which to learn about law and the relationship between law and society... We are encouraging critical thinking and knowledge so that the NUJS students go beyond learning the law by rote to develop a deeper understanding of the place and function of law in society... We seek to sensitize our students to issues of social justice, in particular to the concerns of the marginal and oppressed sections of our society.”⁷

In the Report of the Vice Chancellor in ‘The First Annual Convocation’, 2005 Professor B. S. Chimni emphasized on creating:

⁵ NUJS BULLETIN 2 (2000-01).

⁶ NUJS BULLETIN (2003-04); N.R. Madhava Menon — “*Globalization and Legal Studies: Indian lawyers with competitive merit would be in great demand by the business community within the country and outside. Lawyering outside courts and litigation, would assume a lot of importance and lawyers would participate more significantly in socio-economic development under a liberal economic regime...NUJS is involved in producing the lawyers and judges of the future who are comfortable to work in a Knowledge Society in which ‘law’ is expected to assume the role of a mediator in socio-economic transformation, informed by the values of the Indian Constitution; and lawyers will act as social engineers beyond the role of just an agent in a dispute resolution and conflict avoidance would assume centre stage in the new dispensation.*”

⁷ NUJS ADMISSION BROCHURE (2005-06).

*“[a] law school with a difference. We [in NUJS] do so while being firmly committed to the same objectives of the University. Its distinct identity is being inter alia created through establishing a university culture that takes pride in promoting democratic practices, through specializing in certain areas of law, and by laying great emphasis on the values of truth and social justice.”*⁸

The academic-activist combination was evident from the very beginning in the NUJS vision. This meant that there was a constant emphasis on NUJS students having to play a larger role in society. In an academic institution until the students knew the nature and complexity of this society they could definitely not play their desired role.

Even Professor M. P. Singh who became the Vice Chancellor in NUJS since February 2007, had addressed the new 2007 batch of students on their Orientation, which Chancellor reflected continuity and change from the previous aspirations and goals of the University. He said:

*“Law is progressively becoming an all-pervasive instrument of social organization and control. More and more aspects of our lives are falling within this domain. This is happening because we consider law to be most appropriate and acceptable instrument of organizing our lives in society so that we may all live in harmony and peace and achieve maximum wellbeing and fulfillment. Thus law is not a goal in itself but a means to achieve certain goals...If there can be other means, as good as law or better than law for achieving the goals which the law seeks to achieve, we do not fall back on the law all the time for achieving them. We should make as much use of those means as we make the law.”*⁹

These vision statements of all the Vice Chancellors clearly indicate that the interface between law and society is not just necessary but desirable in a law school curriculum. It will be encouraging to see how the two disciplines sociology and law are both similar to each other on many grounds, and also different from each other on certain fundamental issues.

⁸ THE FIRST ANNUAL CONVOCATION SPEECH 8 (2005).

⁹ Message From Vice Chancellor For Students <http://www.nujs.edu/downloads/vcmessage04079.pdf> (Last visited on 17.09.2009).

The rise of law, sociology and technology would coincide on a similar timeframe, which is linked to the rise of the bourgeoisie in Western societies. The relation of Enlightenment to the development of sociology involved both a philosophical emphasis on reason, freedom and individualism and the secular concepts of society and social development as objective, collective forces.¹⁰ The need to separate facts from values, the belief in the possibility of objectivity, science was positive, based on facts not conjecture. Positivism formed an important part of the Enlightenment tradition—both in sociology and also in law. The need to study the law-society interface did not just come only from the practical requirements of institutionally supporting public interest litigation and the need to serve the society. This theoretical interface could well be used to strengthen the empirical condition.

III. LIFE CHANCES AND LIFE STYLES IN A LAW SCHOOL

With the popularity of transnational economic and political structures, the availability of jobs in multinational and national law firms and corporate firms have become a reality for law students passing out of law schools. It is a choice that students of law schools have to make between lucrative salaries in corporate firms and struggling initial years in legal practice in the courts. For many, there is really no choice in the environment of peer pressure. Getting a job at a reputed firm seems to be what drives law students in a law school. In the midst of this pre-determined goal, the law schools aim at integrating social science and a critical subject like sociology in the legal curriculum. But this pre-determined goal of recruitment into a law or a corporate firm is a systematic process that is handled by the Campus Recruitment Committee of the University.¹¹

However, in spite of getting the job at this most desired law firm, the process of ‘disenchantment’ starts early, many start leaving law firms after a year or a couple of years and return to higher studies or to litigation. They however, do not want to acknowledge that there is a process of alienation also. This is mainly because the pay package is such that it camouflages the disenchantment and the kind of ‘exploitation’ that these law firms impose on its expert employees. The tremendous work load, staying in offices till late in the nights, encouraging personal relations to be formed and matured within official relations fail to be realized as creating ‘alienation’ in a corporate set up. Weberian ‘iron cage of oligarchy’ seems

¹⁰ ALAN SWINGWOOD, *A SHORT HISTORY OF SOCIOLOGICAL THOUGHT* 10 (3rd ed. 1984).

¹¹ NUJS CAMPUS RECRUITMENT BROCHURE (2007).

to be at work in these kinds of organizations. Alienation of the self is complete in these organizations. The general understanding that alienation always happens in a manufacturing industrial environment and not within a corporate culture. It is therefore extremely challenging to make sociology relevant to law students in the context of global market forces of a technocratic society.

Simmel's analysis of money also is very important to understand the philosophy of these law firms or corporate firms. It has been established in the historical development of money that it originally had to be a value existing in its own right. There exists controversy surrounding money being a symbol of value or itself being a value. According to Simmel, if money is the common intersection of various series of ends, then the plenitude and diversity of the latter must increasingly fade. This is money's fate because with an increasing level of culture, one can purchase with it more different things. Due to its lack of qualities, money can be given back under any condition. There is impersonality, indifference and also a seductive character of money.¹² Characteristics of modernity on the one hand are related to leveling, equalization, production of more social circles, and on the other hand the independence of the person and the development of the person. Both tendencies are supported by the money economy. A look into why students from law schools want to join law firms and corporate firms is definitely as a response a symbol of modernity and the sustenance of modernity as a result of the symbolic value of money. This question about the 'usefulness' of sociology needs to be looked at again because practitioners of law need the knowledge of law to 'use' it. When the global civil society, military society and the political order is very clearly formed, it is now all the more important to re-negotiate the inter-connection between different academic disciplines, when traditional boundaries are continuously breaking down. The focus of sociology was at a point of time about the collapse of the empire and the rise of the nation-state, now it has shifted to the relative decline of the state and the rise of the global society.

There is a changing concern in the subject matter if sociology over the decades. The main areas of concern in classical sociological studies have been the growth and impact of industrialization, the development of capitalism and class conflict, the emergence and legitimacy of the nation-state, the growing complexity and the differentiation of social institutions, the congruence between 'society' and 'nation', the importance of class-based sources of protest and change.

¹² SIMMEL ON CULTURE 245 (David Frisby & Mike Featherstone eds., 1999).

The changed areas of concern in contemporary sociological studies would mainly includes The emergence of global industrialization, capitalism as a world economy, the growth of transnational economic and political structures, the compensation of time and space, the legitimacy and role of nation-bound political institutions, the origins and impact of (non-class) social movements¹³.

In this changing global order, and the kind of changes that the discipline of sociology incorporates in its subject matter, more and more discussion on legal matters has become a requirement. It is increasingly becoming evident that the judiciary intervenes on nearly every aspect of an individual's and institution's existence. From deciding on parental abuse to taking decisions on which television channel will telecast cricket matches, to passing judgments on executive partiality and therefore shifting sensitive cases from one state to another, the judiciary is omnipresent. Since the society is witnessing a number of changes, the law is also responding to those changes regularly. It is important therefore for law students to understand why laws are being passed at particular historical junctures and what role society plays in these laws.

It is important to discuss the manner in which the discipline of sociology evolved in Indian academia. What role did Indian sociologists play in making connections between changes in society and changing dynamics of law? According to Profesor Yogendra Singh, the period between 1947 and 1970s saw the emergence and development of a consensual Indian sociology. In the second phase the development of the discontent with the state was obvious in the critical sociological writings. The third phase saw the emergence of sociology of identities. In contemporary India there is disarray in the age of globalization and the system seems to be in a state of flux, where pedagogical questions of association or disassociation with the state or private players have become important considerations to be discussed by the academia. What is reflected is that sociology of law was not really a dominant discourse in mainstream sociological theory and research. Anthropological studies on dispute settlement were more prevalent than sociological studies of interface between social problems and law as a mediating agency solving problems. This being the theoretical and the empirical background of sociology, and the lifestyle of the students that the university caters to in the law schools, the hindrances to be faced by the discipline and the content of teaching was evident.

¹³ TONY BILTON, INTRODUCTORY SOCIOLOGY 54 (1996).

The relevance of sociology which is constantly questioned in a law school curriculum can be best addressed in the following manner: The following were the set of questions that have been encountered my sociology teachers in a law school and had to be negotiated with.

A. *Why Study Sociology In A Law School?*

In the first semester the course tries to analyze the social context of the law thus debunking the insulated and neutral ‘black letter’ construction of law. While all social developments have a legal perspective, all legal issues are couched in a social context. In this course in Sociology the intrinsic interrelatedness of law and society is highlighted. One of the major functions of law is maintenance of social order. Law is also perceived as an instrument of social engineering. This dual role of law in maintaining order and initiating change or responding to changes in society is analyzed in this course. Simultaneously, the critical perspective in understanding the role of law in society is also addressed in different modules. Focusing primarily on the questions of order and change, consensus and conflict in different social institutions and processes, law is used as an example to show the connections between social and legal development. It has to be remembered that there is no text authentic book of teaching sociology to law students in India; so much of the syllabus that has been designed has been innovations through experiences keeping the fundamental concepts of sociology non-negotiable. The lack of a text book, thereby necessitating the requirement to find interesting academic (non-journalistic) writings that will attract young 1st year student who has come to study law remains an extremely challenging exercise.

As laid down in the objectives of the study material given to students, the major purposes of studying Sociology in the 1st year of Law School curriculum are:

- = To comprehend that law is a part of society and all aspects of society are in continuous engagement with the law
- = To understand the essential sociological concepts and make connections with law
- = To discuss social institutions like family, religion, education, politics and media with an interface with the legal system

This course besides giving an introduction to the discipline of sociology will become a basis to develop the preliminary sociological

insights into future courses on Family Law and Criminal Law and some Optional Courses like Public Health Law and Media Law. The second semester course on Inequality, Law and Social Movements is on Indian social stratification, movements or collective mobilization of different stratified groups to pressurize the state to make new laws or change existing laws, all with the aim of establishing equality and empowering the discriminated sections of the Indian society. It has to be admitted at the outset that this course has identified only four categories of marginalization—class, women, caste and tribes. The objectives of this course as laid down in the Sociology II study material are:

- = To discuss the history of inequality, provide a brief overview of the changing trajectory of the movements of the different marginalized groups, and to outline how the state has responded in terms of laws
- = To discuss the different Constitutional provisions, separate legislations, and International human rights documents targeting these marginalized groups and ensuring rights to each of these categories
- = To facilitate the students to make connections between what they study in this module and what they will later study in Constitutional Law I, Labour Law, Gender and Law or International Human Rights Law

B. What Syllabus Should Be Framed That Would Attract Law Students?

Questions like what makes students interested in a particular issue is always a matter of consideration. A sociology teacher is caught between making a balance about what is not purely sociological and what also to make a distinctiveness about the course being non-legal. There have been comments about the Sociology II syllabus as: What is sociology in the syllabus? It is just like any other law course. The predicament is tremendous, because the same teacher is faced with the question why should students study sociology in a law school? A sociology teacher is never expected to impart knowledge that maybe found ‘useful’ to the law student. In a professional institution to make ‘social’ issues relevant is a continuous challenge. Students being extremely informative it is all the more important that syllabus is continuously reviewed every semester, depending upon the developments that have happened in the law-society

interface. Sometimes students are asked to provide feedback on the syllabus prepared by the teacher in order to involve greater participation from the students. All the attempts are done keeping in mind that a sociology teacher far more time and efforts to establish her legitimacy among law students.

Sociology is easy to study, because it is like commonsense is a general statement made by many in a law school. Sociology has been critiqued to be a 'trespasser' and most of the disciplines feel threatened by sociology since it has the ability of giving an overview from the social perspective to the other disciplines. The other criticism that sociology has faced is to act as a 'scavenger', i.e. sociology discusses as its content all the residues that the other social science disciplines do not discuss. This critique goes on to further suggest that sociology lacks any unique scope and subject matter because of its tendency to 'interfere' in many subjects. As a response to these criticisms, sociologists like Tom Bottomore emphasize on the 'encyclopedic' effect of sociology, which would mean that sociology has an answer to all questions just like an encyclopedia primarily due to the distinctiveness of the discipline. The discipline has a canopy effect, since it discusses society in its entirety, it can be accommodated in many other disciplines, in order to discuss social ramifications. The problem comes when students chose project topics and they come up with different innovative ideas and say that since 'this' has an effect in society therefore it is a part of sociology project. What they fail to incorporate is the theoretical dimensions and the conceptual issues of the contemporary topic that they have chosen.

C. Where Are The Solutions To All The Problems That Sociology Discusses?

A constant concern that students raise is that sociology makes a critique of many things in society, however does not always give solutions to all these problems. Since law as a discipline has been primarily read from a positivistic method with the object of resolving disputes, therefore the debunking method of sociology as a discipline comes alien in an environment of functionalist interpretation of law. Not just alien, at times resisted. It becomes both challenging as well as an exercise in futility to make students comprehend that social realities are much more complex also paradoxical, and thus to get one time recommendation or solution to historically unresolved problematiques are not easy. Moreover, if legal education is not made to be analytical, contextualized and historical then an understanding maybe generated that for every problem in the society

there is an answer in the law. It needs to be emphasized that governments enact many laws without conducting a proper research about the issue for which the law is enacted.

There exists a hierarchy among the social science disciplines in law schools. The hierarchy that had been predominant in the disciplines of social sciences before this interface between social science and law, where Economics was more dominant as a discipline than the other social sciences, seem to continue in law schools also. Here a course in Law and Economics adds value to the CV of a student, even if the course is theoretical as well as empirical, primarily because the knowledge of Economics is desirable in many of the law courses like Corporate Law or Banking Law or Trade Law. The same is not true about optional courses like Gender & Law and Disability & Law.

There is so little available literature on the interface between sociology and law in India. This is really unfortunate that eminent Indian sociologists had never really written much on the sociology of law in India, where in the Indian legal system has such an interesting sociological complication being a product of colonial ideas, a liberal democratic legal structure being imposed on a culture which is by nature non-egalitarian and stratified. What we do have today is some amount of journalistic writings on sociology of law, but lack of theoretical formulations and case studies are absent. There is very less availability of autobiographies and biographies of judges and lawyers in India. Writing personal narratives among the people of this profession is not common in India and that has also left them outside the ambit of the discussion of common mass. Law as a discipline or a practice did not seem to have caught the attention of the social science academia in India and that has been one of the reasons why this disjunction between the two disciplines continue even today. Moreover, the legal academia has also focused more on analyzing cases or writing case commentaries rather than consistently engaging in serious interdisciplinary writings. The concern of legal research is raised in the National Knowledge Commission document:

“[c]reating a tradition of research in law schools and universities is imperative if India has to transform itself from being only a consumer of available legal knowledge to being a leading producer in the world of new legal knowledge and ideas. We recommend the following measures to develop such a serious culture of research: emphasizing analytical writing

skills and research methodology as integral aspects of the LLB program."¹⁴

D. Identity Crisis of a Sociology Teacher

This is a realization that has happened in the last seven years. Teaching in a law school has forced me to know the fundamentals of different kinds of laws that can be used for purposes of teaching sociology of law to first year students. To the outside community therefore, who have very little knowledge of the law I appear to be somebody who knows the law, and at the law school there is a marginalization that I am a sociologist and whether at all I have a *locus standi* to comment on the law, which is a technical discipline needing specific expertise. Thus, to the outside community there is a 'pseudo-lawyer' status (glorified and revered status because very few people 'know' and interpret the law) and to the community inside the law school it is a 'social scientist in a law school' secondary status. This generates a dual conflict about my identity—whether to consider the resistance to sociology inside the law school as natural or the importance attached to being a part of the law school in the outside community as true?

E. Is Interdisciplinarity A Prerogative Of The Sociology Teacher?

This is a question that has been consistently present—interdisciplinarity is a pedagogy and not about a particular teacher or a course. Just like a sociology teacher needed to read the constitution, statutes and cases to make the course relevant to law students similarly a course in Jurisprudence, Family Law, or Constitutional Law need to have continuous reference to sociological concepts, and approaches or Criminal Law with the colonial history in India, International Law need to be linked with international politics or Trade Law, Banking Law with principles of economics. Students need to be familiar with social science analysis of legal issues through seminal texts by Marc Galanter, Upendra Baxi, Werner Menski, Vasudha Dhagamvar, Rajeev Dhavan or Ratna Kapur among many others to inculcate interdisciplinarity. Only when this is done a culture of interdisciplinary thinking is created among students and not an understanding that the sociology courses have to make connections with law since they are not the 'main' courses in a law school.

¹⁴ NATIONAL KNOWLEDGE COMMISSION *supra* note 3, at 3.

IV. ENCYCLOPEDIA SOCIOLOGY AND ITS ACCOMMODATION WITHIN LAW SCHOOL

Sociology has been a part of the engineering curriculum for a very long time, where sociology of science and technology has been the focus, management courses have taught sociology, where specifically industrial sociology and labour relations has been a subject of discussion. Sociological knowledge is also required in Human Resource Management, in contemporary times in courses related to Hospitality management, fashion designing courses, and media studies. Sociology as a subject has been popular among civil service examinees, possibly because of its encyclopedic nature. Traditional law universities taught sociology, but possibly did not integrate it to the legal curriculum. In contemporary society, sociology is an important component of law school curriculum. An interesting observation can be made here—in academics different disciplines at different points of time has more acceptability and marketability. If in India, 60s and 70s gave emphasis to science and engineering, late 80s and 90s, saw management personnel dominating the economy, and the mushrooming of B schools. Law schools are a growing phenomenon since the mid-1990s and law as a discipline has tremendous market potential in the contemporary global scenario. Sociology, with its ability of adaptation, accommodates itself to the necessities of these disciplines with the passing of time. Law schools endeavour to give a five-year ‘integrated’ law course to its students. It is not that only a sociological perspective to the study of law is required, in-fact a holistic social science perspective is what is necessary. However, there are certain similarities and differences between law and sociology that needs to be kept in mind. Law as a professional practice is concerned with the elaboration of the practical art of government through rules. Its concern is prescriptive and technical.

Are we teaching sociology of law or teaching sociology to law students? I think we are doing the latter, although the syllabus is designed in such a way that it seems to be couched in the theoretical orientation of sociology of law. There is actually not an established sub-discipline of sociology of law as emerged in India till now. Sociology of law must aim to interpret complexity, rather than replicate it or hide within it. It must seek to reveal the broadest significance of the social details it studies, to build bridges between the legal experience of individuals and of different social groups, to construct perspectives

and connect disparate specialized or localized knowledge.¹⁵

Cardozo's definition of law has the following four characteristics: a) normative element, b) regularity element, c) courts, and d) enforcement.¹⁶ Sociologists consider law to be one of the several social codes. The primary function of social codes is to sustain the social order by upholding the basic values and norms of the society. Besides law, social codes include religious codes, institutions, customs and rules of etiquette and manners. Law is the structured and crystallized form of norms and values. Its study can provide a clue to the social values that are really enforced but remain hidden from the public eye. However, it cannot be taken for granted that there is always a real consensus on the basic values underlying the legal system among all sections of the society. Though the legal system that prevails is binding on everyone, ingenious ways are found to circumvent it. The study of all such processes and mechanisms falls in the domain of sociology of law.¹⁷ However, it is still a growing branch—so its contours cannot be sharply demarcated. Through the study of prescriptions and prohibitions concretized in law, sociology is enriched by gaining insight into the operative values and attitudes. The analysis of the function of law adds to the understanding of the processes of social control. Considerations of policy cannot be excluded from the analysis since legal doctrine is continually being shaped in the practice of courts and other agencies of interpretation by reference to assumed social purposes of law. Lawyer's analysis of law is often grounded in an array of philosophical assumptions—about the nature of responsibility, obligation, causation, and the autonomy of the individual—which often remain unexamined. Law as a scholarly professional practice is concerned with elaboration of the practical art of government through rules. Its concern is prescriptive and technical. Sociology is concerned with the scientific study of social phenomena; its concern is explanatory and descriptive. The lawyer is often a person entrusted with part of the apparatus of regulation of social relations, the sociologist however remains a relatively uncommitted observer. Law is a practical craft of systematic control of social relations and institutions; sociology is the scientific enterprise that seeks systematic knowledge

¹⁵ ROGER COTTERRELL, *THE SOCIOLOGY OF LAW: AN INTRODUCTION* 311 (1992).

¹⁶ INDRA DEVA, *SOCIOLOGY OF LAW* 2 (2005).

¹⁷ *Id.* at 3.

of them.¹⁸ A sociological perspective of law does not require that law should somehow be subsumed as part of academic sociology's territory but that it should be viewed with a 'sociological imagination.' Such an imagination constantly seeks to interpret detailed knowledge of law in a wider social context, consistently looks for relations between legal development and wider social changes, tries to understand law as interacting in complex ways with the social environment it purports to regulate, and tries always to approach these matters systematically with a constant sensitivity to the need for specific empirical data and rigorous theoretical explanation.¹⁹

V. CONCLUSION

NECESSITY OF SOCIOLOGY AS A DISCIPLINE AND PRACTICE IN LAW

Law is not made in a social vacuum; rather made keeping the larger social norms in mind, sometimes to reinforce them and sometimes to change them. It is important to debunk the domination of 'objectivity' of law creating division between reason and unreason, male and female, object and subject, knower and known, It is also essential to make students sensitive to the fact that value-neutrality of law is a myth. The legal profession like the other professions like medicine and management supports the interests of the powerful bourgeoisie.

Law in a country like India is to be understood within the historical colonial context and its principles. Thus, sociological literature can become important in studying the functioning of the courtroom from a microinteractionist perspective. Any significant behavioural study would indicate that there exists a power dynamics in the designing of the courtroom. Since, laws are not only the results of benevolence of the state and the judiciary, many of them in-fact are a result of social movements. In order to carry out the same it is required to challenge the myth that a welfare state will be extremely generous about guaranteeing rights to marginal groups and also establish the relation between inequality in a society, collective demands made by the group that faces discrimination, and the response of the state through laws trying to balance the situation.

¹⁸ COTTERRELL, *supra* note 15, at 5.

¹⁹ *Id.* at 6.

One has to understand sociological knowledge can complement legal knowledge in the area of language. Law as a discipline is about technical specifications. This is because, there is a crucial part of application in the law and if the wordings are not clearly present then that might create problems in implementation. The aim of legal language is exclusionist, limiting. On the other hand, sociology is a more philosophical and theoretical discipline, whose language is much profound and all encompassing.

It can be also observed that social Science knowledge can be used in arriving at decisions in court. If one observes the decisions in the employment of *Brandies Brief* in the celebrated case *Muller v. Oregon*²⁰ set the course for future lawyers to use social science data in courts. The Law Commission of India 99th Report on Oral and Written Arguments in the High Court it has been stated that there is a difference between litigation involving disputes about individual action and case dealing with entire classes or groups, where the subject of controversy is the application or validity of social and economic legislation aimed at establishing governmental control over conduct or where public policies are attacked in court as violating constitutional standards.

Furthermore, there are various Supreme Court cases social science research and approaches have been adopted, like *Sakshi v. Union of India*²¹ (use of radical feminist Susan Brownmiller's understanding of sexual assault), *Bandhua Mukti Morcha v. Union of India*²² (using documents like Report on Rehabilitation of Bonded Labour in Monghyr District, Evaluation Study of Bonded Labour—Rehabilitation Schemes in Tehri-Garhwal, UP), *Olga Tellis v. Bombay Municipal Corporation*²³ (using human rights rhetoric on right to livelihood) or *The Naz Foundation*²⁴ judgment on Section 377 of the Indian Penal Code (using excellent research to explain 'abstract' concepts of privacy, dignity and equality).

²⁰ 208 U.S. 412 (1908).

²¹ A.I.R. 2004 S.C. 3566.

²² A.I.R. 1984 S.C. 802.

²³ A.I.R. 1986 S.C. 180.

²⁴ *Naz Foundation v. Government of NCT & Others* 160 (2009) D.L.T. 277.

Sociological knowledge therefore enables law students to debunk the social reality, to ‘defamiliarize the familiar’. Analytical and critical abilities are sharpened in law students with the knowledge of sociology, which is very necessary primarily because law is still delivered in a positivistic manner. The student has to challenge the methodological myth that law is about a division between a technical legal expert and lay person. A lawyer cannot consider the victim s/he is defending to be a mere ‘thing’, rather it is important to understand how s/he makes sense of the world. The basis of law is dialogic, but it is the knowledge of sociology which will enable this dialogue to happen as a critical engagement rather than a top down discourse.

Law is about interpretation and primarily making qualitative interpretation of evidence. This actually means that a *verstehen* approach will best be able to make complete interpretation of evidences. The wide array of research methods that sociology is definitely helpful in legal research also because it is sociological methods that teach us to make qualitative assessments of evidence. Moreover, sociological knowledge would generate a sense of sensitivity and empathy in the lawyer to hear diverse ‘voices’—it is important to give an empathetic hearing to the voice of the victim, in order for justice to be delivered.

Legal education causes legal hierarchy, it supports it by analogy, provides it a general legitimating ideology by justifying the rules that underlie it, and provides it a particular ideology by mystifying legal reasoning. Sociology must study society to analyze ‘the sum total of resources for all possible action’, which are available to actors as the inventory of ends and the pool of means. According to Giddens:

*“The practical impact of social sciences is both profound and inescapable. Modern societies, together with organizations that compose and straddle them, are like learning machines, imbibing information in order to regularize their mastery of themselves. Only societies reflexively capable of modifying their institutions in the face of accelerated social change will be able to confront the future with any confidence. Sociology is the prime medium of such reflexivity.”*²⁵

It is this reflexivity and the critical temperament that sociology

²⁵ ANTHONY GIDDENS, SOCIAL THEORY AND MODERN TECHNOLOGY 21 (1987).

generates in the legal culture that is the contribution that needs to be recognized and forwarded for the creation of more interdisciplinary knowledge in Indian academia. In an environment where boundaries between disciplines are being broken, interdisciplinarity is here to stay and academics need to address this requirement. The experience in law school has been filled with predicaments and paradoxes, however with new challenges and innovative strategies to negotiate with a situation of 'marginalization'. New dialogues on rethinking on the objectives of legal education have been initiated in the Kolkata law school with the promises of interdisciplinarity becoming a part of pedagogy in law schools and not just rhetoric. The dialogue needs to be among social science faculty in law schools, law faculty and also social science faculty in other institutions to integrate in their teaching and research the subjects which complement each other in their subject matter and methodologies.