

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

<http://rcsl.iscte.pt/>

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**Spring
2008**

Secretary: Luigi Cominelli

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A VERY BUSY YEAR FOR THE RCSL

This year we will have many opportunities to meet for the RCSL is organizing two main events: the annual meeting in Milano, which has created great interest among scholars as well as our participation in the ISA Forum of sociology in Barcelona. Furthermore the WGLP, which is the biggest of our working groups is organizing a meeting in Berder (Britany, France). That makes a lot of scolarly activity and a lot of work for a rather small organization.

This is possible because many people, from the RCSL Board and others are prepared to give a part of their time for the organisation. They must be thanked warmly.

In order to assist young scholars attending the meetings, and especially PhD students coming from developing countries, we give a small number of grants. This is a very important point which is possible thanks to the fees paid by the membership and to the generosity of the donors !

RENDEZ-VOUS A MILAN, BARCELONE et BERDER !

Anne Boigeol
RCSL President

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DONATIONS

The Research Committee is grateful to Jerzy Kwasniewski, Kristian Andenaes, Michelle Cottier, Linda Haller and Małgorzata Fuszara for their donations to the Treves grant and to the Adam Podgórecki prize funds.

THE 2008 RCSL MEETING: "LAW AND JUSTICE IN THE RISK SOCIETY" MILAN-COMO, JULY 9-12, 2008

Almost 300 papers have been submitted for the RCSL annual meeting in Milano and Como.

Please visit the conference website for all the registration info and updates:

<http://users.unimi.it/RCSL2008/page4/registration.html>



DRAFT PROGRAM

9th July 2008

**University of Milano, Via Festa del Perdono, 7
Aula Magna**

15.00 - 16.00: **Registration**

16.00 - 16.30: **Welcome address** -Podgórecki Prize

16.30 - 18.30:

Plenary Session: SOCIO-LEGAL THEORY OF RISK

Chair ALBERTO MARTINELLI

• RAFFAELE DE GIORGI

• VOLKMAR GESSNER

• ALBERTO FEBBRAJO

20.00 Evening free

10th July 2008

University of Milano, Via Festa del Perdono, 7

8.30 - 10.00: **Working Groups/Workshops**
10.15 - 11.45: **Working Groups/Workshops**
12.00 - 13.30: **Working Groups/Workshops**
13.30 - 15.00: **Lunch/Buffer**
15.00 - 16.30: **Working Groups/Workshops**
16.30 - 17.00: **Coffee Break**
17.00 - 18.30: **RCSL Business Meeting, followed by the Meeting of the International Network of Law and Society Associations**
20.00: **Dinner, concert at the University**

11th July 2008

**University of Milano Bicocca –
P.zza dell'Ateneo nuovo, 1**

9.30 - 11.00:

Plenary Session: LAW DEMOCRACY AND RISK

Chair VALERIO POCAR

- BOAVENTURA SOUSA SANTOS
- MARIA ROSARIA FERRARESE
- MARIA JOSÉ FARIÑAS

11.00 - 11.30: **Coffee Break**
11.30 - 13.00: **Working Groups/Workshops**
13.30 - 14.30: **Lunch/Buffer**
14.30 - 16.00: **Working Groups/Workshops**
16.30 - 18.00: **Board meeting**
20.00: **Evening free**

12th July 2008

**Università dell'Insubria
Chiostrò di Sant'Abbondio - Como**



8.15: **Departure from Milano**

10.30 - 12.30:

Plenary Session: RISK AND PRODUCTION

- ANTOINE JEAMMAUD
- SILVANA SCIARRA
- DAVID TRUBEK

Conclusions: ELIGIO RESTA

13.30 - 14.00: **Lunch/Buffer**

14.30 - 20.00

Visit to Historical Sites of the Como Area

20.00: **Return to Milano**

Scientific and Organizational Secretariat:

**FONDAZIONE CENTRO NAZIONALE DI
PREVENZIONE E DIFESA SOCIALE**

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Piazza Castello, 3 – 20121 Milano

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Cnpds.ispac@cnpds.it - www.cnpds.it

**FIRST ISA FORUM OF SOCIOLOGY:
SOCIOLOGICAL RESEARCH AND
PUBLIC DEBATE (BARCELONA, SPAIN
SEPTEMBER 5-8, 2008)**

**Sessions organized by the Research Committee
on Sociology of Law: "Re-thinking legal justice"**

Programme Coordinator

Vittorio Olgiati, Università degli Studi di Urbino, Italy,
olgiati@soc.uniurb.it

Local Host

Teresa Piconto, Universidad de Zaragoza, Spain,
tpiconto@posta.unizar.es

There are substantial reasons to focus on this theme - to refine current socio-legal approaches, or to reframe them in a multi-disciplinary perspective. Before doing so, however, a brief comment about the notion of "legal justice" seems opportune. The term "legal justice" is basically unknown in English legal texts.

Indeed, the term sounds strange or even incorrect. Of



course, law is concerned with justice; that a function of law is to do justice is axiomatic. Since the rise of the nation-state, moreover, the state has been taken as the only official and legitimate source of law. We routinely use terms such as "Ministry of Justice", "Administration of Justice", and, in the English speaking world, judges are labelled

"Justices" by definition. Nonetheless, in popular culture and elsewhere, justice is more than simply the official body of law which the state promulgates or enforces. "Justice" is a normative term, too - as such expressions as "divine justice" suggest.

Moreover, the sociology of law has demonstrated time and again that "law" and "justice" in any meaningful sense cannot simply be equated with official state law. There are, in fact, a variety of radically different modes of law production and enforcement. State law cannot be conceived any more as the only source of law and/or the sole form of justice administration; "legal pluralism" is the norm, not the exception; and folk and community concepts of justice are sometimes at variance with law, sometimes a source of law.

What these concepts are, and how they relate to state law, and to concepts of legitimacy and fairness, are important empirical questions. The effectiveness of law, to a large degree, depends on public acceptance; and this in turn depends on legitimacy and popular concepts of justice. These are issues which the sociology of law confronts on a regular basis.

Sociology of law has challenged the traditional theory and practice of State law as a "collective good," as a generalized medium of social regulation, which is assumed to be universal and effective. There are

competing notions, both within the law, and outside of it. Thus there are important reasons to rethink the whole notion of legal justice.

Interestingly, in the last decades, socio-legal scholars devoted a large amount of their scientific investigations on a variety of topics that in one way or another were and are suggesting a move in this direction. In fact, one now finds an amazing number of studies and research about variables such as e.g. the changing patterns of the due-process-of-law as a "fair justice"; of the rule-of-law as a type of "democratic justice system" ; of welfare State provisions as an expression of "social justice through law"; etc.

Conversely, one can mention an equally extensive socio-legal literature dealing with the quest for "alternative justice" vis-a-vis State law; for a "post-egalitarian justice" as regards current social differentiation; for "procedural justice" to improve political governance, and so on.

Even within socio-legal literature specifically devoted to recurrent issues within the "Administration of Justice" of the State - such as number, length and costs of disputes, judges' recruitment, lawyers' expertise, organizational reforms, etc. - concepts are shifting, and we see an increasing fragmentation of State apparatuses (e.g. "special" vs "ordinary" justice), and exterior multiplication of non politically legitimated authorities provided with judicial powers on the same matters traditionally ascribed to State courts (such as, e.g. family, labour, fiscal, etc. types of "justice").

What it is at stake is nothing less than the fact that the epistemic foundations of official law, as a social order with general support and consent, are becoming more and more problematic even at a symbolic level.

Increased interest in the way in which "legal justice" operates has been stimulated by a number of, often disquieting and even shocking, social events, individual stories, institutional crises, etc., each and all emphasised, as a rule, by the mass media.

As these experiences cannot be reasonably undervalued also, due to the great, deep-rooted and long lasting emotional and cognitive impact, as well as political and institutional direct and collateral effects, it is clear that a much more refined theoretical and methodological approach is now needed to provide society at large with a better understanding of the legal, social, and constitutional problems involved.

Sessions:

Session 1: Legal justice as social justice? The case of gender, race, class and minority groups

Chair: Anne Boigeol, CNRS Paris, France, anne.boigeol@ihtp.cnrs.fr

Session 2: Social mobility, law-policy making and legal justice

Chair: Kalpana Kannabiran, University of Law, Hyderabad, India, kalpana.kannabiran@gmail.com

Session 3: The construction of legal justice in an era of constitutional changes

Chair: Alberto Febbrajo, University of Macerata, Italy, febbrajo@unimc.it

Session 4: The quest for legal justice between theory and practice

Chair: Carlos Lista, National University of Cordoba, Argentina, clista@iisj.es

Session 5: New paradigmatic dimensions of legal justice: Insights from system theory

Chair: Rufat Guliyev, Azerbaijan Academy of Public Administration, azsocas@azdata.net

Session 6. Legal justice as a matter of professional expertise

Chair: Ralf Rogowski, University of Warwick, UK, Ralf.Rogowski@warwick.ac.uk

Session 7. Social experience, legal justice and cultural values

Chair: Susana Novick, Universidad de Buenos Aires, Argentina, susananovick@yahoo.com.ar

THE RC SL TRAVEL GRANTS 2008

The Research Committee on Sociology of Law will offer a travel subsidy to 2 graduate students from B or C countries who submit their proposals for the RC SL Milan-Como meeting.

Applications must consist of a curriculum vitae and a one-page statement illustrating current research interests, to be sent by April 21, 2008, to Luigi Cominelli (luigi.cominelli@unimi.it).

The list of B and C Countries is available at: http://www.isa-sociology.org/table_c.htm#cat_b.

THE WGCSLP MEETING IN BERDER

The Working Group on the Comparative Study of the Legal Professions of the RC SL will meet June 29 to July 2nd, 2008 on the Ile de Berder, in Brittany, France (<http://www.lvt-berder.com/>) for its 2008 event. The meeting will include the usual sessions organized by the following sub-group leaders on their respective topic:

1- Ethics, Deontology

Leny Degroot, l.degroot@jur.kun.nl

2- Family, policy and the Law

Benoit Bastard, bastard@mipplus.org,

Mavis Maclean, mavis.maclean@socres.ox.ac.uk

3- International Lawyering

Terry Halliday, halliday@abfn.org

4- Judiciary

Tony Bradney, a.bradney@law.keele.ac.uk

5- Lawyers and Clients

Joanna Shapland, j.m.shapland@sheffield.ac.uk

6- Legal Aid and legal services

Alan Paterson, prof.alan.paterson@strath.ac.uk

7- Legal Education

Fiona Cownie, f.cownie@law.keele.ac.uk

8- Values & Identities

Hilary Sommerlad, H.Sommerlad@leedsmet.ac.uk

9- Political Liberalism

Terry Halliday, halliday@abfn.org

10- Regulatory Reform

Fred Bruinsma, J.Bruinsma@law.UU.NL

11- Women/Gender in the Legal Profession

Ulrike Schultz, Ulrike.Schultz@FernUni-Hagen.de

The meeting will also feature:

1. A roundtable on "The impact of European law on the structure of the legal professions" (Conveners Ulrike Schultz and Fred Bruinsma).

2. A joint session on "Women/Gender in the Legal professions" and "Gender aspects in Legal education" (Ulrike Schultz and Fiona Cownie, co-organizers).

3. An "Author meets critiques" panel with Rick Abel on the first of his two books on disciplined lawyers, organized by the Ethics and Deontology sub-group (Convener Leny de Groot-van Leeuwen).

If you plan to attend, contact Lise Mounier (lise.mounier@ens.fr) or Emmanuel Lazega (emmanuel.lazega@ens.fr). In your email, please mention also the title of your paper and the subgroup in which you want to present your contribution, and send this information to the appropriate sub-group leader as well (list above).

A couple of indications that might be useful for planning a trip to Berder: participants are expected to arrive on June 29. Sessions will take place from Monday June 30 in the morning to Wednesday the 2nd of July lunchtime. The cost of the meeting will be low, as usual (a first approximation -it all depends in the end on the number of persons who will register- is around 350 euros per person for registration, accommodation, meals, bus from and to Vannes, special dinner on the 30th). Details concerning transportation is available on Berder's website.

For more information, program and registration, contact Lise Mounier (lise.mounier@ens.fr) or Emmanuel Lazega (emmanuel.lazega@ens.fr).

THE OÑATI INITIATIVE FOR A WORLD CONSORTIUM OF LAW AND SOCIETY

The initiative for the WCLS comes from a meeting in Berlin (July 2007) of scholars who are members of some thirty (30) organizations, research centers and networks worldwide. The meeting authorized the chair, Professor Dr. Joxerramon Bengoetxea, Scientific Director of the Oñati Institute at the time, to create a Steering Committee that is broadly representative of the attendees at the Berlin meeting. The Steering Committee currently comprises nine persons (seats) with diverse regional, disciplinary and organizational backgrounds.

Its Co-Chairs are Susanne Karstedt (University of Keele) and Carlos Lista (University of Córdoba, Argentina; Scientific Director, Oñati Institute 2007-2009). Its members are: Joxerramon Bengoetxea (University of Basque Country, San Sebastian);

Benoit Bastard (Centre de Sociologie des Organisations – CNRS, France-RC SL) and Ulrike Schultz (Fern University, Germany-RC SL) shared membership; Malcolm Feeley (University of California, Berkeley-Law & Society) and Terry Halliday (American Bar Foundation-Law & Society), shared membership; Mariana Valverde (University of Toronto); David Levi-Faur (Hebrew University of Jerusalem); Vincenzo Ferrari (University of Milan); Masayuki Murayama (Meiji University, Japan).

It is proposed that the Steering Committee continue to spearhead the WCLS initiative in a process of increasingly broader consultations with law and society representatives world wide. The next systematic consultations will come at the Joint Canadian Law and Society Association and U.S. Law and Society Association meetings in Montreal, May-June 2008, and at the Research Committee on the Sociology of Law annual meeting, Milan, July 2008.

At the appropriate time the Steering Committee will propose a transition to a formal governance structure that might have three components: a Steering Committee, a World Assembly, and a Secretariat.

PRESENTING THE RC SL WG ON "CIVIL JUSTICE AND DISPUTE RESOLUTION"

This is one of the newest Working Groups, created during the Berlin meeting in 2007. The group originally started as an International Research Collaborative for the Berlin meeting. The WG organized its sessions for the first time at the Berlin meeting. The titles of the sessions are as follows:

1. New Insights on Disputing Behavior (Featured Session)
2. Public Attitudes toward Advice Providers and the Court
3. Comparing Roles of Lawyers and Litigation in Disputing Process
4. Comparing Access to Justice in Canada, Brazil and Japan
5. Varieties of Disputing Behavior and Their Determinants
6. International Business Disputes and ADR
7. Disputing Behavior and Socio-Political Changes

As these titles show, the WG covers a very wide range of topics, but the focus is on disputing behavior. However, interests of the members are still very diverse: Access to Justice, Problem Experience and Subsequent Behavior, the Role of Lawyers in Disputing Process, Litigation as a Form of Dispute Resolution, Effects of Legal Consciousness upon Disputing Behavior, Disputing Process and its Social and Political Context, etc. Both commercial and non-commercial disputes are included. Despite this diversity, all the members are interested in comparative studies as well as empirical research. The original members come from Brazil, Canada,

Italy, Japan, Netherlands, Poland, U.K., U.S., and Venezuela. We would welcome more international members to join us.

The WG aims at promoting empirical comparative research on civil justice and dispute resolution by providing opportunities for international members to exchange their perspectives and to discuss their problems. We will organize sessions at an RCSL annual meeting every year and hope to publish books in future. In Milano-Como, we plan to have five sessions of comparative studies on such topics as access to justice, advice-seeking behaviour, civil justice and litigation, dispute resolution in non-Western countries, and problem experiences and disputing behaviour. If you are interested in activities of the WG or joining us, please contact Masayuki Murayama (aa00092@kisc.meiji.ac.jp)

Masayuki Murayama
School of Law, Meiji University

THE 2009 RCSL MEETING

The 2009 Annual Meeting of the RCSL will take place in Oñati, and it will coincide with the Celebration of the 20th Anniversary of the Institute. The date will be from 6 to 10 July 2009.

CALL FOR APPLICATIONS: SCIENTIFIC DIRECTOR OF THE OÑATI INSTITUTE (THE INTERNATIONAL INSTITUTE FOR THE SOCIOLOGY OF LAW)

The International Institute for the Sociology of Law, Oñati, Basque Country, Spain (www.iisj.es) invites applications for the position of Academic Director between September 2009 and July 2011.

The Oñati Institute has a rotating directorship. Once every two years a new Scientific Director is appointed with a view to maintaining and enhancing the Institute's unique multicultural atmosphere. The Oñati Institute is renowned for its global profile, and the RCSL adopts this recognition of the diversity of legal cultures as a guideline in search of candidates for the next directorship, the term of which will begin on 1 September 2009.

Knowledge of English is necessary and a fair competence in one of the other Institute's languages (in particular Spanish or French) or any other international language is desirable. Some familiarity with the Oñati Institute and its activities is also advisable. The job carries a Spanish visiting professor's salary (plus fringe benefits like travel allowances and free accommodation).

Socio-legal scholars interested in this challenging task are invited to submit formal applications or letters of intent and CVs to the RCSL President (Anne Boigeol:

boigeol@ihp.cnrs.fr). The RCSL Board will select and propose one or more of the candidates to the Oñati Institute Board, which will confirm the appointment of the next Director in September 2008. Informal inquiries may be made to Professor Carlos Lista (email: clista@iisj.es).

NEWS FROM OÑATI

Oñati Master In Sociology Of Law

The deadline to receive applications for the 2008/09 Oñati Master Programme ends on April 15th. For more information you can visit the IISL web page: <http://www.iisj.es> or contact Susana Arrese Murguzur (susana@iisj.es).

Summer course 2008

The Summer Course "Migration Processes: policies and legislation in the framework of globalisation" will be held at the Oñati Institute from 30 June-4 July. It will consist of 12 lectures given by prestigious experts in the area. The inaugural talk will be given by the Regional Minister of Immigration of the Basque Government, Roberto Marro. The closing talk will take place in the Palacio de Miramar in San Sebastián, the venue of the summer courses of the University of the Basque Country (EHU/UPV) and will be given by Dr. Javier de Lucas Martín.

The Course also includes three roundtables and a cine-debate session coordinated by SOS Racismo. One round table is by the IISL in which graduates of the Master's will intervene, dealing with a range of immigration issues in their theses, and one visitor from among the 2007 Residence Grants. A second roundtable will be on migration, gender and interculturalism, and the third on civil society, immigration and the rights of foreigners. This session will involve a number of immigrant NGOs based in Gipuzkoa. Both this round table and the cine-debate one will be held in the Casa de Cultura (Kultur Etxea) in Oñati with the aim of bringing the Institute's activities closer to the local community, this time around a very topical issue that is the subject of intense political debate but is also very much present on a daily and local level.

The course will be run by the Scientific Director and coordinated by Malen Gordoia. It will be held in collaboration with the Summer Courses of the EHU/UPV and other organisations that work in the field of migration.

UNITWIN Network of the UNESCO Chair

The Oñati Institute received an invitation to participate in the UNESCO Chair meeting on "Human Rights, Violence, Public Policies and Governance" and the UNITWIN network, presided over by Professor André-Jean Arnaud, to be held in the Universidad de Externado (Bogotá) from 8-10 November 2007. This event was able to call on the participation of representatives of prestigious European and Latin American universities.

Professor Kiko Caballero Harriet attended representing the Institute. The results, as reported by Professors Arnaud and Caballero Harriet, were very positive. Among other things a) the association of the IISL to the UNITWIN Network; b) our representative made a presentation of the Institute; c) it was agreed to hold a meeting in November 2008 in the IISL to evaluate the projects of each university in the network and d) that each university should include a link to the Institute on its website (this would also be included in the UNESCO Chair brochure). More information on the Chair is available at <http://portal.unesco.org/education/>

NEWS

The **XIV Congress of the South African Sociological Association (SASA)** will take place at Stellenbosch University from 7 to 10 July 2008. The congress theme is: "Society, Power and the Environment: Challenges for the 21st Century". The following sub-themes will expound the main theme of the congress: (1) Business, environment and society; (2) Natural resources and local livelihoods; and (3) Climate, energy and survival.

You are invited to submit abstracts related to: (1) the theme of the congress; (2) the field of speciality of the working groups (see attached file for a list of the working groups); or (3) other relevant sociological subjects. Abstracts are submitted online at <http://www.sasaonline.org.za> no later than Friday, 28 March 2008. Full papers must be received by Friday, 30 May 2008. For enquiries, contact the SASA Council Secretary, Heidi Prozesky at +27 83 666 3166, +27 21 808 2092, or hep@sun.ac.za. For congress venue and accommodation information at Stellenbosch, contact Lindy Heinecken at +27 21 808 2132, +27 82 552 5301, or lindy@sun.ac.za.

We look forward to receiving your abstract and paper, and hope you will be able to join us in Stellenbosch in July 2008!

The **International Society for Criminology** is pleased to inform you about its **XV World Congress** to be held from 20th to 25th July 2008 in Barcelona.

Three significant themes will be developed: transnational crime, Urban Crime and Victims and Criminal Justice, joining an important group of well-known university and legal professionals. At congress website you will find the programme and speakers updates: www.worldcongresscriminology.com

On the same website you will also find the Registration and Accommodation Forms, and other useful information. Besides, the International Society for Criminology invites you to participate in the scientific programme through the submission of Abstracts. Applications will be assessed based on their scientific interest and the relevance of the presentation for the conference. You can now download Call for papers form.

It will be a great pleasure to meet you and be able to share ideas and experiences with other professionals all over the world.

THE RCSL BOARD (2006-2009)

President:

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Vice-Presidents:

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Observers - Coopted Members:

Carlos Lista: clista@ciudad.com.ar (Ofiati Scientific Director)

Pierre Guibentif: pierre.guibentif@iscte.pt (in charge of the website)

Luigi Cominelli: Luigi.Cominelli@unimi.it (RCSL Secretary)

Founding members:

William Evan and Adam Podgórecki (†)

NEXT ISSUE OF THE RC SL NEWSLETTER

The Summer issue of the RC SL newsletter will be published in June 2008. You are welcome to submit any material that is related to socio-legal research and which might be of interest for our members. The next issue will include short items (400-500 words), information about conferences, seminars and workshops, brief presentations of collaborative research projects, debates on issues related to teaching, information about courses, recent or forthcoming publications, notices on research funds, prizes and awards. The deadline to submit an item is May 15, 2008. Please write to luigi.cominelli@unimi.it.
