

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION
RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

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

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PRESIDENTIAL ADDRESS

Dear Colleagues,

The ISA Forum in Vienna ended successfully last July (Please read **Julia Dahlvik's** excellent report on the ISA Forum in Vienna in this Newsletter). The RCSL organized the largest number of sessions, 21 sessions, in our history of ISA meetings. 15 sessions were organized within the ISA scheme, including the special session in honour of **André-Jean Arnaud**. Even so, some organizers received too many paper proposals to accept within the ISA scheme because of the space limit. Some Working Groups also had to allow three groups, five papers for each, to make presentations in the same room. It was clear that the RCSL needed more space for paper presentation than the ISA provides for us. Therefore, our experimental RCSL scheme was important for us. Thanks to Julia Dahlvik, our program coordinator, we found a conference room and held six sessions there within the RCSL scheme. It was the first time that we organized sessions outside the ISA scheme at the ISA meeting. The sessions went well. But we found a problem: how can we publicize sessions that are not in the ISA program. We will probably not face this

problem at the ISA World Congress in 2018 as we will hold our own annual meeting in the same year. But this will be a challenge for us at the ISA World Forum in 2020, if we join the Forum in the same way as we did in 2016.

The LSA and RCSL Joint Meeting in Mexico City, June 20 – 23, 2017



The preparation for the RCSL-LSA joint meeting in Mexico City co-sponsored by the Socio-Legal Studies Association, the Japanese Association of the Sociology of Law, and the Canadian Law and Society Association has been going well. The deadline is gone now, but a few days before the deadline more than 2.000 paper proposals had been submitted. As

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this is a joint meeting between the RCSL and the LSA, RCSL members have been deeply involved in the activities of the Program Committee, Program Sub-Committees and the Local Organizing Committee. I also trust that many RCSL members have submitted proposals of papers and sessions. Thanks to **Lucero Ibarra Rojas**, the Oñati sessions went very well in Vienna and we organized again two Oñati sessions for the Mexico City meeting. I hope most of the RCSL members who submitted their paper proposals will attend the joint meeting in Mexico City on June 20 to 23, 2017. A notice of the RCSL grant for the registration fee will be sent to the RCSL members after the call for registration is issued.



ISA Forum in Vienna 2016: Luigi Cominelli (Milan) and Masayuki Murayama (Tokyo) in front of plaque for Marie Jahoda in the Main University Building's arcaded courtyard.

Though it might appear too early or too late, the RCSL Board has been considering our annual meeting in 2018, as we will have an unusual situation in that year. The ISA World Congress has been scheduled in Toronto on July 15 to 21, 2018. In June in the same year, the LSA will hold a joint meeting with the Canadian LSA in the same city. Because of this proximity of the two meetings, we decided to hold our annual meeting in addition to the ISA World Congress. This is the first time that we will hold our annual meeting in the year of the ISA World Congress. But this does not mean that we would not organize sessions in Toronto. We plan to hold our 2018 meeting in Europe. Therefore, we will have two meetings, one in Canada in July and the other in Europe in a different month. It may be difficult to attend two meetings in a year, but I hope many RCSL members make a good travel plan well in advance. We will notify you of the 2018 annual meeting as soon as the Board decides the venue.

The Podgorecki Prize Committee for the 2017 prize has been formally organized by **Terry Halliday** (Chair), **Malgorzata Fuszara** and **Joxerramon Bengoetxea**. The 2017 prize is to be given to a senior scholar. The Call for Nomination has been issued. I hope many RCSL members will nominate excellent scholars for the prize. The Committee considers the

possibility of holding a session on the work of the prize winner in Mexico City. Therefore, the deadline for nomination is early, 15 December 2016. Please note the early deadline if you would like to make a nomination.

Masayuki Murayama

CALL FOR NOMINATIONS SENIOR SCHOLAR PRIZE – PODGORECKI PRIZE

Nominations should be sent to the Chair of the jury, Prof. Terence Halliday (halliday(at)abfn.org) to be received by midnight GMT on 15 December 2016.

Details:
http://rctl.iscte.pt/rctl_apodgpr17.htm

BOOK EXCERPT: INSIDE IMMIGRATION LAW

In each issue, the RCSL newsletter prints an excerpt from a recent book. The following text is from Eule, Tobias (2014). Inside Immigration Law, Farnham: Ashgate, contact: Tobias.Eule@oefre.unibe.ch.

This book examines the implementation process of immigration law in Germany through an ethnographic lens. Based on participant observation, interviews and an analysis of public as well as confidential documents in four German *Ausländerbehörden*, municipal immigration offices, this study unveils the complex practices of decision-making and work organisation in a politically contested environment. While both law and migrant groups in Germany have been extensively studied, the *Ausländerbehörde*, site of the granting of permanent residence as well as efforts to expel and deport migrants, has been severely neglected. Yet, it assumes the central position in the interaction between the state and migrant population, as residence law is superior to all non-constitutional laws, directly affects and regulates all aspects of life from social welfare to employment and is of particular relevance in countries with low naturalisation rates such as Germany. The study will show how the implementation of immigration law to individual cases can be a chaotic, improvising and sometimes arbitrary practice, partially a result of the complex, politically laden and constantly changing nature of the German immigration law. As well as being heavily dependent on a bureaucrat's knowledge, skills and political position, the implementation process is greatly influenced by interventions from several sub-state levels of both executive and judicial power, and local representatives of civil society.

Law as a Challenge

This chapter has challenged the notion of one coherent black letter law that is evenly applied. It has shown that firstly, the knowledge requirements are excessive and are clearly a lot to ask from employees with a general background in administration. Secondly, since the law is constantly changing – and these changes are usually not found in the law itself – it is extremely difficult to keep up with important developments. Thirdly, law is politicised on several levels, sometimes leading to a relegation of conflicts between state and immigrant interests to the street-levels of bureaucracy. The sociological study of bureaucracies and administration has to consider these practical issues of law. Accepting law as a process rather than a fixed set of rules (Moore 1978, West 2005) questions the possibility of a straightforward implementation analysis. The question of formal and informal discretion is rather naive, since the boundary between formal and informal is blurred in the practice of everyday office routines. None of the studies discussed in Chapter 2 discuss the law itself or the interactions of bureaucrats and law and thus neglect that applying law is always also a process of interpretation and selection (Hiebaum 2004). The implementation of law is not only a power struggle between legislators and implementers (Bardach 1977; Lipsky 1980; Morris 1985) or between managers and caseworkers (Peters 1995), but also a constant challenge to define, manage and defend the law, which is a symbolic as well as substantive means (Arnold 1935).

The analysis of immigration law, exemplified by the examination of the impact of the Ankara Agreement and the decisions of the European Court of Justice, questions conceptions of law as black letter text which can form a basis of analysis or decision-making. Instead, German immigration law is shown to be plural, since it is based on a multitude of different types of promulgated norms from different levels of politics, inherently ambiguous, as its content can have multiple meanings and interpretations, and constantly changing, since various additional texts and interpretations of text are issued each month. Furthermore, as the study of political interventions into the work of the *Ausländerbehörden* in Chapter 5 will show, the interpretation of the meaning of law is dependent on one's political conviction and thus interactive, potentially even in conflict with other types of norms. Of course, these findings are not especially novel, and this particular perspective on law as a process is deeply indebted to the work of legal anthropologists (Moore 1978) and more theoretical legal sociologists (Arnold 1935, Ehrlich 1975, Hiebaum 2004). More recently, the work of Cotterell (2006) on the role of law opposite other norm systems in different societies as well as the comparative study of 'law in action' in courtrooms (Scheffer, Hannken-Illjes, and Kozin 2010) shows how law is a matter of interpretation and interaction, and can hold a different weight in different contexts. The findings of this study thus lend support to such an analysis of law as practice. Through this, the results point to distinctive shortcomings of previous studies on implementation.

If law indeed is not a fixed and stable set of regulations but vague and in flux, this should be recognised by studies that analyse the implementation of specific policies. This chapter stands out in comparison to all other studies on the implementation of immigration law found and discussed in that it actually considers the law itself. Indeed, most classic studies that analyse the implementation of laws in and through public administration fail to give an account of its inherent ambiguity. Thus in his seminal 'Street-Level Bureaucracy' (1980), Lipsky goes at length to discuss the autonomy of caseworkers to disobey the orders and intentions of legislators and analyses the different uses of discretion based on that autonomy, but does not consider the legal basis that allows for discretion itself. Similarly, both case studies on the – only partially successful – implementation of specific laws (Bardach 1977; Edwards 1980; Kshīrasāgara 1986; Morris 1985) and more theoretical works (Baier, March and Saetren 1986; Peters 1995) neglect an analysis of the law as basis of implementation processes. As a result, all of these studies have found the disparity between law and implementation outcome to be grounded in the institutional structure of public administration (e.g. spatial and organisational distance between promulgators and implementers, cf. Edwards 1980) or individual traits of the bureaucrats (such as adhering to different a political ideology, cf. Bardach 1977 or normative system, cf. Arnold 1935; Kshīrasāgara 1986).

While these levels of analysis are useful and will be explained further in the course of the book (cf. chapters 4 and 6), the inclusion of an analysis of the law itself changes the overall conclusion significantly: As law is ambiguous and changing, it is inherently impossible to ever fully implement it 'according to the law'. Crucially, this does not falsify the role structural deficiencies and individual stubbornness play, but helps to qualify the expectations to the degree to which a policy can actually be implemented. Failing an impossible task is still a failure, but not quite as bad as failing something that could conceivably be achieved. Understanding that outcomes of an implementation process will necessarily differ from the original text(s) due to specific inconsistencies or ambiguities – as in the present example, the whole overall aim of German migration policy – thus directs the attention to processes of interpretation and often political debates over the meaning of a given law (Hiebaum 2004). These in turn help to explain the variations of implementation in different organisations, which can be due to different structural, individual, but also legal-interpretative reasons.

This argument to incorporate the analysis of law in the evaluation of implementation processes and the study in organisations is directly applicable in the other direction. Analyses of laws as practices have focused almost exclusively on law in the context of professional practitioner in and around courts (Banakar 1998; Lautmann 1972; Scheffer et al. 2010). Very few studies (for example West 2004 on everyday Japan) actually analyse how the use of law changes once out of the hands of legal professionals. The analysis of the *Ausländerbehörde* caseworkers, whose work is

based on law but who are not trained in law, has presented very creative and unorthodox ways of dealing with and applying legislation. In this context, law is felt and tamed rather than grasped and comprehended. There is thus a potentially fertile pasture for both theoretical and empirical enquiries in the overlapping between the sociologies of law and organisations.

Analysing the ways in which this management of knowledge happened produced two rather surprising results: very few structural responses to the difficulty of the task could be found in the immigration offices. Officials are thus very much left to their own devices, and resolve this lack of training, learning and control of knowledge by sharing the complexity of the law and working cooperatively on cases. The image of the 'black box' with unknown operational features is thus rather accurate: decisions 'happen' much more informally than following clearly structured steps. The lack of transparency towards clients is thus directly linked to the fact that with shared knowledge and informal networks of information, decisions cannot be made transparent, even if officials were willing to do so. Surprisingly, this communal sharing of knowledge and mutual support in managing the law and decision-making worked rather well in all four offices. While clearly a coping technique in order to deal with adverse work challenges (Lipsky 1980), oral knowledge networks functioned instead of or in addition to formal structures of consultation and learning.

The variations discussed in Chapter 2 can thus be explained by the fact that the law does leave substantial room for interpretation and regulation on sub-national levels. In its complexity and changing nature, the legal basis for managing migration is also very difficult to handle for caseworkers, who receive little formal support, but can share in informal oral traditions of decision-making and knowledge transfers. Through these patterns of mutual support, through together taming the legal basis of their work, officials actually manage to do their job rather well, since the outcomes of these chaotic and improvising practices are relatively similar. Thus the relatively low variation in decisions (variation A) is partially a direct result of the reliability of informal routines in which individuals develop a feeling for, not a comprehension of the law. Finally, the findings of this study concur with classic studies on bureaucracy that street-level officials do wield considerable amounts of individual autonomy and can thus use and abuse their discretion both during the decision-making process and in the decisions themselves. We can thus account for significant proportions of variation A, the decisions, and B, the decision-making process, while variation C, the style of decision-making is vested in the individual autonomy explained above. The next chapters will consider how these variations are possible by looking at the organisational structure of immigration offices (Chapter 4) and examining the political interventions that steer both structure and decision-making (Chapter 5). Chapter 6 will analyse how the officials deal with the complexity of the job and the autonomy

granted. These steps will help to further understand why the management of migration happens as varied and chaotic as it does in the four cases studied.

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RC SL ON THE ISA FORUM IN VIENNA

I had the pleasure and honour to act as Program Coordinator for the RC12 Sociology of Law at the Third ISA Forum "The Futures We Want: Global Sociology and the Struggles for a Better World" that took place at the University of Vienna, Austria, 10-14 July 2016. The general theme provided a platform for dialogue among the different ISA Research Committees, Working Groups, and Thematic Groups; it welcomed diverse approaches, including micro to macro studies as well as comparative and interdisciplinary collaborations. According to the letter of the ISA President of June 2016 there were over 4,000 scholars registered to attend altogether more than 700 sessions. This level of interest in the Forum was also reflected in the large number of abstracts submitted to the RC SL sessions. Thanks to the opportunity of hosting additional sessions in an extra room of the university, it was possible for the first time for the RC SL to organize 20 sessions throughout four days of the Forum.

The Opening Ceremony of the Third ISA Forum took place on 10 July and included welcome addresses by the local organizers and the ISA Presidential Address, as well as a preview for the 2018 ISA World Congress of Sociology, which will be held in Toronto, Canada; the ceremony ended with a concert of traditional Viennese "Schrammel" music. This was followed by



Jan Wincsosek (Warsaw) contributing to a discussion and Nancy Marder (Chicago) taking notes.

The Opening Plenary Session, chaired by Michel Wieviorka, discussing the global topic of the Forum and setting the frame for the days to come. The speakers in this thought-provoking session were Markus S. Schulz, President of the 2016 ISA Forum, Saskia Sassen, Jan P. Nederveen Pieterse, Stephan Lessenich, and Nora Garita Bonilla.

In the remainder of this contribution I would like to provide an overview of the broad range of sessions organized by the RC SL, highlighting the diversity of topics presented at the Forum, while at the same time acknowledging that many more issues are studied by members of the RC SL which unfortunately could not be presented within the scope of the Forum.

On the second day, a panel on Migrant Women in Distress and the Intersectionality of Law and Jurisprudence was organized by Devanayak Sundaram and Rashmi Jain which looked at gender in migration processes from a law and society perspective with an empirical focus. Ole Hammerslev coordinated a session on "Lawyers in Society – Comparative Perspectives", investigating questions such as how globalization and neoliberal structures affect lawyers in different nation-states in terms of their work, specialization, and stratification. Edoardo Fittipaldi, Raffaele Caterina and Giuseppe Lorini set up a panel on Legal Ethology based on the argument that legal ethology can enrich both our understanding of human legal phenomena and of animal societies. Together with my colleagues of the Law & Society section of the Austrian Sociological Association, I organized a session on "Studying Law and Society in the Context of Transdisciplinarity and Transnationality" on the second day, plus a lively poster session on the third day of the Forum, originating from the idea that not only transnational but also transdisciplinary approaches seem indispensable if we want to study how society and law relate in today's world.

On the third day, questions such as how experiences of legal problems and the occurrence of disputes differ between countries or how legal machinery is used or not used to resolve disputes were discussed



Panel “Studying Law and Society in the Context of Transdisciplinarity and Transnationality”, from left to right: Tom R. Burns (Uppsala), Walter Fuchs (Vienna), Julia Dahlvik (Vienna), Fatima Kastner (Bielefeld), Sonja Van Wichelen (Sydney), Samantha Ashenden (London).

In the roundtables organized by Luigi Cominelli under the title Working Group on Civil Justice and Dispute Resolution. David Restrepo-Amariles set up two roundtables on “The Futures We Want in Numbers: Searching Legal Indicators for a Better World”, addressing the topic of legal metrics and social change. Taking as a starting point the bottom-up instances of participation and resistance by women’s movements, Barbara Bello and Alexandrine Guyard-Nedelec ran a panel on “Resisting Oppression, Fighting Violence and Transforming the Law and Politics: Women’s Action Across the World”. At the session “The Living Legacy of Leon Petrażycki’s Legal Realism for Sociology of Law and Other Social Sciences”, organized by Edoardo Fittipaldi, the *Wirkungsgeschichte* of Petrażycki’s legacy was explored, compared and cross-fertilized with other disciplinary approaches.



Panel “The Living Legacy of Leon Petrażycki’s Legal Realism for Sociology of Law and Other Social Sciences”, from left to right: Edoardo Fittipaldi (Milan), Jacek Kurczewski (Warsaw), Małgorzata Fuszara (Warsaw), Krzysztof Motyka (Lublin).

Four panels took place on the fourth day of the Forum. Two sessions on Social and Legal Systems were held on days four and five, organized by Germano Schwartz and devoted to issues related to the development of societies and its connections with different legal systems around the world. The joint session with RC32, Women Migrant Workers: “Are They Protected?,” set up by Anis Farida, unfortunately had to be cancelled. However, Luca Verzelloni and Daniela Piana ran the session “Is There a ‘Quality of Justice’ Standard Worldwide?” Rights and Standards Across Cultural and National Borders, which aimed to reflect on the multiple consequences of the shift from rights to standards that characterizes a large part of the judicial systems throughout the world. – In the centrally organized Common Sessions of the Forum, Mans Svensson and Stefan Larsson contributed a presentation about “Law in a Digital Society: Code, Norms and Conceptions”.



Lucas P. Konzen (Porto Alegre) presenting his poster in the arcaded courtyard.

In addition to Germano Schwartz’s session mentioned above, Rosemary Auchmuty organized two sessions on “Legal Professions and Legal Education” on the last day, exploring among others topics gender bias and diversity or judicial performance and emotion. In parallel to the official programme, we were able to organize sessions in an additional room, among them a special session in memory of Andre-Jean Arnaud (1936-2015) who died on December 25th 2015, and to whom the RCSL is indebted for his far-reaching initiatives for the development of the sociology of law and socio-legal studies. The session was chaired by Masayuki Murayama, President of the RCSL, and introduced by Pierre Guibentif, Vice-President of the French Association Droit et Société, in partnership with whom the session was organized. Germano Schwartz, Pierre Brunet, Adam Czarnota, and Letizia Mancini filling in for Vincenzo Ferrari. Finally, Wanda Capeller, André-Jean Arnaud’s wife, paid a warm tribute to this extraordinary scholar. Furthermore, two roundtables were set up in the additional room, one on Recent Global Social Movements (Abstracts) chaired by Jesús Sabariego,

and another one by Alberto Febbrajo and Håkan Hydén on the Sociology of Constitutions (Abstracts). Another panel on Research in Progress was chaired by Masayuki Murayama. Two highlights of the additional programme were the Method market offered by Benoit Bastard and Mavis Maclean and the two Oñati Sessions chaired by Lucero Ibarra Rojas. At the Method market, students and young researchers were invited to meet and ask questions about the methods and methodologies used in empirical work in the sociology of law but also to discuss research funding and careers. The Oñati Sessions, a joint initiative of IISL and RCSL, offered a possibility for former and current students of the Master's program to present their research to a broad audience; at the same time it allowed Forum participants to see the interesting outcomes of this specialized Master's program.

Last but not least, of course the RC12 Board Meeting and Business Meeting also took place in the scope of the Forum in which some avenues and strategies for the future of RCSL were discussed.

For me personally, it was a fantastic opportunity to meet a large number of the RCSL members and to see the great benefits of such an international network in the sociology of law. I believe that the exchange that takes place in a Forum like this is of great value for the development of the discipline, including inter- and transdisciplinary research and future regional and global cooperation. It was a great experience to be part of this large and lively international network of scholars.

The full list of sessions at the Forum can be consulted at the ISA and RCSL websites:

<https://isaconf.confex.com/isaconf/forum2016/webprogram/Symposium332.html>
http://rcsl.iscte.pt/rcsl_mt_2016_Vienna_.htm

Julia Dahlvik
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Vienna forum, special panel to commemorate Andre-Jean Arnaud (1936-2015):

TWO WORDS

In two words, I would like to thank the Research Committee on Sociology of Law for paying this tribute to André-Jean Arnaud.

André-Jean Arnaud cared very much for the Research Committee on sociology of law.

He organised in 1985 a splendid congress of this Research Committee in Aix-en-Provence which meant, at that time, a great deal to the French sociologists of law.

Indeed, French sociology of law is indebted to him. Not only for the doors he opened all over the world, but also for creating in France the European Law and Society Association and an important Droit et Société publishing network.

He was indeed a very open minded person who crossed borders in this scientific world. Michel Villey wrote that he was a "franc-tireur", an intellectual against intellectual routines, a non-conformist intellectual.

From the beginning of his career, he wrote and published in French reviews important commentaries and notes about Italian and Spanish literature on sociology of law to show to the French readers what was going on in the Southern European countries on this matter.

In the 70's he went with Jacques Commaille to the Soviet Union and exchanged ideas with Russian social scientists about ... democracy.

At the same time, he looked to Latin American socio-legal cultures and started to participate in the Latin American activities of sociologists of law, first going to Mexico and Venezuela among other countries.

Later, after creating the International Institute for the Sociology of Law, he returned to Latin America and helped enormously the Latin American Sociologists of law community to come to the Institute and to establish links with European networks.

In fact, colleagues coming from the South feel welcome in the Institute for the Sociology of Law. It was a great opportunity for all of them!

Brazil especially – a place and culture that he loved so much - is a country beholden to him.

He was indeed, in the framework of the Sociology of Law in France, a different scholar, paying attention to the Southern cultures.

I would also like to stress the bridges he built with other countries, in Eastern Europe such as Poland, and Oriental countries such as Japan, and so many others.

The book that Laure Ortiz and myself are organizing to pay a tribute to Jean-André in France – "Les Mélanges" – testifies to the gratefulness of all those colleagues towards him, but also European colleagues – Italian, Spanish, Portuguese, and others to the ties that he established with them.

For all he gave enormous visibility in his networks.

He was beloved everywhere.

I hope that his books, the review that he created with the Droit et Société team, his letters, his legacy will be important material to the new generations to allow students to do research on his thoughts and ideas.

My family, sons, daughters, grandchildren and myself, we are very grateful to you to remember today, in this occasion, the great person and great thinker, that was – and always will be!

It was a great privilege to share a part of my life with André-Jean Arnaud!

Thank you very much.

Wanda Capeller-Arnaud
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2016 PODGORECKI PRIZE

Laudation by Ralf Rogowski on the occasion of the award of the 2016 Podgorecki Prize at the ISA Sociological Forum in Vienna on 14th July 2016 to Dr. Leonidas Cheliotis

It is my great pleasure to deliver the laudation on behalf of the 2016 Podgorecki Prize Committee, which I had the honour to chair. Our prize-winner Dr. Leonidas Cheliotis, is currently assistant professor at the London School of Economics and Political Science. He obtained his doctorate at the University of Cambridge and taught at Queen Mary University, London, and Edinburgh University before joining the LSE. In 2013 he received the Critical Criminologist of the Year Award of the American Society of Criminology and in 2015 the Outstanding Critical Criminal Justice Scholar Award of the American Academy of Criminal Justice Sciences.

The Podgorecki Prize Committee awards its 2016 Prize to an emergent scholar who has shown originality in his work on topics in criminology and sociology of law, in particular concerning the sociology of punishment and criminal justice policy. The focus of his articles, published in leading international journals, has been on the Mediterranean region and the Anglo-American world from both national and international comparative angles. Methodologically, his research brings together theoretical concepts and insights from a variety of fields, especially from sociology, law, anthropology, psychology and history, also fusing them with findings from fieldwork he has undertaken in criminal justice settings. In undertaking empirical research, he actively seeks to combine a range of research methods, qualitative as well as quantitative.

The Podgorecki Prize Committee wants to mention in particular the following peer-reviewed articles:
Three articles published in the journal *Punishment & Society*:

- 'Punishment and Political Systems: State Punitiveness in Post-Dictatorial Greece', *Punishment & Society* 2016. (with Sappho Xenakis)
- 'Neoliberal Capitalism and Middle-Class Punitiveness: Bringing Erich Fromm's "Materialistic Psychoanalysis" to Penology', *Punishment & Society* 2013.
- 'How Iron is the Iron Cage of New Penology? The Role of Human Agency in the Implementation of Criminal Justice Policy', *Punishment & Society* 2006.

Two articles published in 2016 in the *European Journal of Criminology*:

- 'Punitive Inclusion: The Political Economy of Irregular Migration in the Margins of Europe', *European Journal of Criminology*.
- "'Glocal" Disorder: Causes, Conduct and Consequences of the 2008 Greek Unrest', *European Journal of Criminology*. (with S. Xenakis)

And finally the article:

- 'What's Neoliberalism Got to Do With It? Towards a Political Economy of Punishment in Greece', *Criminology & Criminal Justice* 2010. (with S. Xenakis)

Lastly, I want to mention that Leonidas was proposed for the prize by two eminent, active RCLS members: Professors David Nelken and Susanne Karstedt.

Congratulations!

Ralf Rogowski
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Ralf Rogowski (Warwick), Chair of the 2016 Podgorecki Prize Committee congratulates Leonidas Cheliotis (London) to the Prize.

CHINA'S FIRST ANNUAL SOCIO-LEGAL CONFERENCE, SHANGHAI, 2016

On July 29-30th 2016, about 200 scholars working in the disciplines of law and sociology (many of whom well-known experts) and more than 60 graduate school students from all over China (some Chinese scholars coming from Hong Kong, Taiwan as well as Canada, Germany, Great Britain, Japan, Singapore, and United States) gathered together at the beautiful Xuhui campus of Shanghai Jiao Tong University, to attend the nationwide First Annual Conference of Socio-Legal Studies in China. With the theme "New Visions of Law and Society", the Conference was strongly supported by the China Law Society and its Shanghai counterpart, co-hosted by the Shanghai Association of Law and Society (established in July 2014 and chaired by Professor Ji Weidong) and the editorial board of the authoritative academic journal *China Social Science*, and organized by the KoGuan Law School of Shanghai Jiao Tong University.

At the opening session of the Conference, Professor Zhang Jie, Chinese Academy of Sciences (CAS) and the President of Shanghai Jiao Tong University, Mr. Li Hongyan, the Deputy Chief Editor of *China Social Science*, Mr. Lin Guoping, the Deputy President of the Shanghai Law Society, and Mr. Zhang Mingqi, the

Deputy President of this Society, gave speeches. The internationally well-known scholar of Law and Society, Professor Lawrence Friedman of Stanford Law School expressed his congratulations via videolink. After that, Professor Zhu Jingwen of Renmin University Law School and Professor Ji Weidong of KoGuan Law School, Shanghai Jiao Tong University, made keynote speeches, titled respectively "Standards and Data Analysis in the Assessment of the Rule of Law in China" and "Decision Procedure and Legal Communication in a Risk Society". In the following roundtable discussion, eight scholars in related fields, Professors Cheng Jinhua, Qi Haibin, Ge Hongyi, Zuo Weimin, Zheng Yongliu, Wang Yaxin, Hou Meng and Liu Sida gave an overview of the history of the law and society movement in China, analyzed current studies, and predicted developments and tendencies in the future.

The Conference received more than 200 papers from scholars in many diverse colleges and research institutions including Peking University, Tsinghua University, Shanghai Jiao Tong University, Zhejiang University, Fudan University, Renmin University, Wuhan University, Xiamen University, Jilin University, Zhongshan University, Sichuan University, China University of Political Science and Law, East China University of Political Science and Law, Southwest University of Political Science and Law, Zhongnan University and Economics and Law. More than 80 authors were selected to present papers. The Conference was divided into twelve specific sessions, including "Disciplinary Construction and Methodological Issues of Law and Society", "Dialogues between Legal Dogmatism and Legal Sociology around the Draft Civil Code", "State Governance in a Risk Society and Innovation of the Legal Paradigms", "Public Law, Theory and Sociology of Law", "Legal Profession, Judicial Institution and its Reform", "Empirical Studies in Legal Institutions", "Social Transformation, Disputes and their Resolution", "Legal Behavioral Study and Cognitive Neuroscience", etc. Two "Young Scholar Panels" were also held as separate sessions. Every session featured vigorous discussions, and even fierce debates, while the whole Conference manifested the friendly, healthy atmosphere of an academic community. Especially worth noting was the fact that many legal practitioners including judges, attorneys and other specialists in legal interpretation who were either interested in or well-versed in legal-social methodology came from various cities including Beijing, Shanghai, Suzhou, Hangzhou, and Ningbo to participate in the discussions, which definitely expanded the cross-disciplinary and cross-sectoral influence of the research paradigm of Law and Society.

After dinner on the 29th, Professor Ji Weidong presided over an academic salon on cross-border coordination between law and social studies participated by around 70 scholars of all age groups. The salon focused on the discussion of methods to organize China's socio-legal studies, international communication and cooperation, as well as mobilization for the

2017 International Meeting on Law and Society (a joint meeting with LSA and RC SL) to be held in Mexico City. The salon decided to publish a collection of the papers of this Conference, to organize special issues in several academic periodicals, and, based on the minutes of the discussion, to formulate three policy proposals relating to Civil Codification, judicial reform, and grassroots ordering, which were to be submitted to relevant state authorities.

Another tenet of the First Annual Conference of Socio-legal Studies in China was to establish a large-scale platform of cross-disciplinary communication and cooperation, to integrate the gradually accumulated resources of China's socio-legal studies over the past thirty years, to form a nationwide research network, and even to set up a Chinese Law and Society Association within the Law Society of China. For these purposes, the conference was deliberately opened up to public media. A dozen mainstream newspapers like the Xinhua News Agency, Guangming Daily, Legal Daily, Wenhui News, China Social Science News and Xinmin Evening News, as well as two TV stations made news reports, which publicized the Conference to a considerable extent on a national scale. Many participants in the Conference commented that conferences of comparable scale and quality, abundant content, attractive topics and vigorous debates, had been relatively rare in the legal discipline or even in all the social science disciplines as a whole during the past ten years. As an epoch-making move, the Conference had no precedent and would make significant sense: the "law and society" movement would blaze a new trail on China's academic map, built up efficient organizations and institutions, and presumably establish an independent disciplinary status.

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RC SL MEMBERSHIP AND FEES RENEWAL

RC SL's members whose membership expired or expires can renew it by using the form under this link:
http://rcsl.iscte.pt/rcsl_join.htm

Please send the completed form to our membership office:

Manttoni Kortabarria Madina (manttoni@iisj.es).



WOLFGANG-KAUPEN-PRIZE FOR DORIS SCHWEITZER

The Sociology of Law Section of the German Sociological Association has given its article prize for the best legal sociological article appearing in a journal in 2015 to Doris Schweitzer. Her article in the *Zeitschrift für Rechtssoziologie*. The German Journal of Law and Society, volume 35, issue 1, pp. 91-116 is in German language and covers the topic "Power of indeterminacy? Indeterminate legal concepts as a provocation for poststructuralist theory".

Doris Schweitzer criticizes poststructuralist and deconstructionist approaches to sociology of law that take the indeterminacy of legal concepts as a disruptive factor within the legal order. But what is the effect of indeterminate legal concepts (*unbestimmte Rechtsbegriffe*)? Using the example of the indeterminate legal concept of public morality (*gute Sitten*, § 138 of the German Civil Code) Schweitzer demonstrates that, from a functional perspective, legal order is instead stabilised through the use of indeterminate legal concepts. The author takes this critique to a higher level when arguing there are issues with the theoretical architecture of poststructuralist and deconstructionist approaches. "They are in danger of losing touch with the very object they claim to consider." This has consequences both for (legal) sociological theory and for the intended poststructuralist and deconstructionist strategy of critique, having an impact that goes well beyond the legal realm.



The prize was handed over by the Speaker of the Section, Fatima Kastner (in the picture on the left) to Doris Schweitzer on 30 September at the 2016 German Sociology Congress in Bamberg.

REPORT OF THE WORKING GROUP ON COMPARATIVE STUDY OF LEGAL PROFESSIONS 2016

The Working Group has over 350 names on the mailing list and thirteen sub-groups, of which three (Lawyers and Society 30 Years On; Lawyers and Imperialism; and Histories of the Legal Profession) were added at the last biennial meeting in Frauenchiemsee, Germany.

Information about the group can be found on the RC SL website at

http://rcsl.iscte.pt/rcsl_wg_professions.htm There is also a site devoted to the group's activities at <http://iwgpl.wordpress.com/>

Biennial meeting

The 2016 meeting was held at the Acta Arthotel in Andorra la Vella, Principality of Andorra, 6-9 July 2016. 66 participants attended, from Australia, Belgium, Canada, Denmark, Finland, France, Germany, Israel, Japan, the Netherlands, Poland, Portugal, Russia, Spain, Sweden, Turkey, the United Kingdom and the United States. However, even more nationalities were present as many members work in different countries from their native ones.

The meeting in Andorra followed Working Group tradition in being located in an out-of-the-way venue but broke with tradition in taking place in a four-star hotel, albeit one with very inexpensive rates. We thereby lost some of the romance of previous rustic settings but were very comfortably accommodated and the hotel staff were helpful and friendly.

At the business meeting on 8 July 2016 in Andorra la Vella reports were received from the sub-groups represented.

The working group's largest project is that of the Lawyers in Society 30 Years On sub-group, led by Hilary Sommerlad and Ole Hammerslev, assisted by Ulrike Schultz and Rick Abel. They are putting together an update of the volumes by Rick Abel and Philip Lewis, planned for 2018, with both jurisdictional and thematic chapters contributed by (so far) 76 authors. A good proportion of the meeting in Andorra was given over to presentations of this work, which has also been showcased at conferences around the world and promises to be definitive in the field.

Also very active over the past two years, as always, has been the Family Law and Policy sub-group, led by Mavis Maclean and Benoit Bastard, who published their book *Delivering Family Justice in the 21st Century* (the sub-group's seventh book) last year. They filled four sessions at the Andorra meeting considering what is happening to family lawyers and the changing nature of their roles and professional boundaries, with the digitisation of family justice their next project and plans for an Oñati workshop in 2017.

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A third very active sub-group is that of Women/Gender in the Legal Profession, led by Ulrike Schultz, who in May this year met in Schoenburg, Germany, to discuss Women in the Legal Academy. [Please see the following report by Ulrike Schultz.] This group also had several sessions at the Andorra meeting.

At the end of 2014 a special issue of the International Journal of the Legal Profession on "Gender and Judicial Education" has come out which with two additional articles will be published as a book collection by Routledge in 2016.

The Legal Aid, Access to Justice sub-group, led by Alan Paterson, had one very full session at Andorra but have also met at the ILAG meeting in Edinburgh and will meet again at ILAG in Johannesburg next year.

The Judiciary sub-group, led by Tony Bradney, had two very interesting sessions at Andorra and Legal Education, led by Fiona Cownie, had one very full one, with several people who belonged to this group presenting in the Women in the Legal Academy project.

The International Lawyer and Large Law Firms sub-group, led by Gabrielle Plickert, have laid plans to work towards a comparative publication.

The new Lawyers and Imperialism sub-group, led by Sarah Dezalay, is developing a project considering lawyers in the African continent and imperial influences.

The new Comparative Legal Profession Histories sub-group, led by Susan Carle, has combined work with the legal education and the gender in the legal academy sub-groups. There will also be a meeting at ILEC.

Other sub-groups e.g. Legal Ethics did not have a panel at the Andorra meeting but their members contributed to the Lawyers in Society 30 Years On sessions or other sessions.

Other meetings

Members continue to be active in the RC SL with several attending the RC SL meeting in Canoas in Brazil last year where two legal professions sessions were included. This year, the ISA Forum in Vienna followed the Andorra meeting and once again we had two panel sessions there. Members were also represented at the Law and Society Association meetings in Seattle in 2015 and New Orleans in 2016.

Members also organised and/or participated in a number of Oñati workshops over the last two years, with expected publications to follow.

Ulrike Schultz has secured International Research Collaborative (IRC) status at the joint meeting (LSA, RC SL, etc) in Mexico City for the Gender and Careers in the Legal Academy Project and, together with Monika Lindbekk, for a Women Judges in the Muslim World project. For almost ten years the activities around Gender and Judging have been taking place in the framework of a Collaborative Research Network CRN 32 of the American Law and Society Association.

In addition, Hilary Sommerlad and Ole Hammerslev, together with Rick Abel and Ulrike Schultz, have secured International Collaborative Network status at the joint meeting (LSA, RC SL, etc) in Mexico City for the Lawyers in Society 30 Years On Project, with travel funding for scholars from B and C countries.

Proposals for the next biennial meeting

It was decided that the next meeting of the Working Group would also take place at the Arthotel in Andorra, unless members can find an alternative venue that meets the group's requirements (i.e. sunshine and good food but also, these days, single rooms with en suite accommodation and air conditioning – at an affordable price). Anyone who locates such a venue should contact Rosemary by the end of 2016, otherwise she will commence negotiations with the Arthotel.



Further, it was decided to keep the size of the meeting down to around 70 participants, partly to retain the friendly atmosphere and interaction, but also to enable us to have only two parallel streams, as this year. This means restricting participants to one paper only next time.

Current list of sub-groups and leaders

Subgroup 1: Ethics, Deontology

Leader: Leny de Groot-van Leeuwen,
L.deGroot@jur.ru.nl

Subgroup 2: Family, Policy and the Law

Leaders: Benoit Bastard, benoitbastard1@gmail.com
and Mavis Maclean mavis.maclean@spi.ox.ac.uk

Subgroup 3: International Lawyering and Large Law Firms

Leader: Gabriele Plickert, gplickert@tamu.edu

Subgroup 4: Judiciary

Leader: Tony Bradney, a.bradney@keele.ac.uk

Subgroup 5: Lawyers and Clients

Leader: Avrom Sher, Avrom.Sherr@sas.ac.uk

Subgroup 6: Legal Aid

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

Subgroup 7: Legal Education

Leader: Fiona Cownie, F.Cownie@keele.ac.uk

Subgroup 8: Legal Professional Values & Identities

Leaders: Hilary Sommerlad,
H.A.K.Sommerlad@bham.ac.uk and Steven
Vaughan, s.vaughan@bham.ac.uk

Subgroup 9: Regulatory Reform

Leader: Christine Parker,
christine.parker@monash.edu

Subgroup 10: Women/Gender in the Legal Profession

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

Subgroup 11: Project 2018

Leaders: Ole Hammerslev, ohv@sam.sdu.dk and
Hilary Sommerlad, H.A.K.Sommerlad@bham.ac.uk

Subgroup 12: Histories of Legal Professions

Leader: Susan Carle, scarle@wcl.american.edu

Sub-group 13: Lawyers and Imperialism

Leader: Sara Dezalay, sara.dezalay@gmail.com

Rosemary Auchmuty
r.auchmuty@reading.ac.uk

Careers in the Legal Academy". The venue was an old castle overlooking the beautiful middle Rhine valley. The project will complete the former projects which have led to the comprehensive collections on "Women in the World's Legal Professions" (Oxford: Hart 2003) and "Gender and Judging" (Oxford: Hart 2013), both edited jointly by Ulrike Schultz and Gisela Shaw, and several special issues of the International Journal of the Legal Profession and many articles in international and national journals. 24 colleagues and 6 partners had come to attend the very intense workshop which was enriched with visits to historical sites including a view of the famous rock Loreley and wine tasting. The presentations dealt with: First Women Law Professors, History of Women in Law Faculties, Gender and Careers in the Legal Academy, Role of Women in Legal Education, Reflections on Masculinity and Femininity in the Legal Academy. The presentations are videorecorded <http://www.fernuni-hagen.de/jurpro/tagungen.shtml>

The project "Gender and Careers in the Legal Academy" has been granted the status of an International Research Collaborative by the Law and Society Association for the big international socio-legal meeting in Mexico City in June 2017 where two panels will deal with the subject.

Ulrike Schultz
Ulrike.Schultz@fernuni-hagen.de

UK LAW TEACHER OF THE YEAR: LISA WEBLEY

Long-term member of the RC SL Legal Professions Working Group, Lisa Webley, has been awarded the UK's 'Law Teacher of the Year' award in 2016. This prestigious national award is sponsored by Oxford University Press and recognizes teaching excellence evidenced by, among other factors, observed classes and student and colleague recommendation. Those of us who know Lisa will not be surprised by her achievement, which is testimony to the importance of research-led teaching and the link between teaching and research excellence, but also to the collegial and 'can-do' spirit which underpins everything Lisa does.

Rosemary Auchmuty
r.auchmuty@reading.ac.uk

GENDER AND CAREERS IN THE LEGAL ACADEMY

The Women/Gender in the Legal Profession Group had a special meeting in Schönburg/Oberwesel in Germany for a comparative project on "Gender and

RCSL CANOAS CONFERENCE

The 2015 RCSL meeting took place in the city of Canoas (Brazil) held by Unilasalle. It was a joint meeting with the Brazilian National Association of Researchers in Sociology of Law –ABRASD (<http://www.abrasd.com.br/>) and the Masters in Law and Society of Unilasalle

(<http://www.unilasalle.edu.br/canoas/ppg/ppg-direito/>) More than 500 participants came to Brazil from more than 30 countries. They presented more than 300 papers that can be found in the proceedings below.

<http://www.sociologyoflaw.com.br/edicoes-anteriores>
In 2016 there was a continuation of the meeting with representation from RCSL WG groups on Social and Legal Systems and Human Rights. This time there were more than 300 attendants coming from more than 10 countries. They presented about 150 papers that can be found below

<http://www.sociologyoflaw.com.br/edicao-2016>

The 2017 Sociology of Law meeting will be held from 1-3 June in the City of Canoas together with RCSL Wgs in Social and Legal System and Human Rights, Cátedra Unesco in Human Rights, Center of Social Studies of Coimbra University, Department of Sociology of Law of Universidad de la República and

ABRASD. More details will be announced soon on <http://www.sociologyoflaw.com.br/>

In 2017 Boaventura de Souza Santos will be the opening speaker and will receive an honoris causa for his contribution to the development of sociology of law in Brazil.

Germano Schwartz

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