RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION
RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

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PRESIDENTIAL ADDRESS

Dear Colleagues,

The RCSL 2015 annual meeting was held in Canoas, Brazil, in collaboration with the Brazilian Association of Researchers in the Sociology of Law in May 2015. Thanks to Germano Schwartz, our Secretary and the local organizer, it was a big successful meeting. Those of us who attended, could see rising interest in the sociology of law among Brazilian and Latin American scholars. You can see some scenes of the meeting at the RCSL Facebook Group: https://www.facebook.com/groups/339374569544544/ and in this issue of our newsletter.

As I wrote in the last issue, it is important for the RCSL to reach out to young scholars. In order to make it easier for young scholars to become RCSL members, the Board approved the student discounted fee for RCSL membership (50 Euros for Student from A country; 25 Euros for Student from B or C country). I hope this change will help young scholars join the RCSL.

The preparation for the RCSL 2016 meeting in the ISA Forum is going well. Julia Dahlvik, Program Coordinator, received more session proposals than the space provided by the ISA would allow. We asked the ISA to allocate more sessions. We hope to receive a lot of excellent paper proposals by the deadline of September 30, 2015. For the Vienna meeting, we now have three kinds of grants for young scholars, all of which pay the registration fee to attend the meeting: Grants from the ISA, Grants from the RCSL and the RCSL-IISL Joint Grant Program. Germano will send you the Call for Application soon. We welcome applications from young scholars.

At the Board Meeting in Canoas, a proposal was submitted to make it easier to organize a Working Group. As the RCSL consists of WGs, academic activities of the RCSL depend upon those of the WGs. The proposal intended to make WGs more active by making the initial conditions to organize a WG less demanding, on the one hand, and by applying the same conditions to keep a WG alive, on the other hand. The Executive Committee discussed this issue and agreed with a proposal that a WG could be organized with 10 members from three countries. This would be a significant change from the current Rule that requires 20 members from 8 countries. The Board is now considering the proposal and will vote on it in September. Because the WGs are at the core of RCSL activities and the change of the Rule could have various ramifications, please write to us if you have opinions on this change of the Rule. We welcome your voices on this matter.

As I notified you of the procedure to select candidates of the next Scientific Director (SD) of the International Institute for the Sociology of Law (IISL), the deadline for applications has passed and the Search Committee is now considering candidates. I am glad to tell you that we have very strong candidates for the next SD. The IISL Board will decide the next SD at the meeting in October.

Masayuki Murayama

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VICE-PRESIDENT ADDRESS

As vice-president within RCSL I feel it is a responsibility to promote sociology of law both internally and externally. I´m educated as a lawyer but with a PhD in Social Sciences. In Lund, Sweden, where I´m now working as a senior professor after having had the Chair since 1988, Sociology of law belongs to the Social Science faculty. It has its own department and you can study Sociology of law as any subject within a Bachelor of Arts. However we are not part of LLM program.

From an internal perspective, I think Sociology of law should be integrated into the curriculum for law studies. So far it is regarded as a separate topic whose knowledge value hangs in the air and becomes unclear. One of the main contributions of Sociology of law is to study the genesis and functions of law. In my experience the understanding of traditional jurisprudence could take advantage of this by integrating the understanding of the background and consequences of legal regulation with the legal regulation from a legal dogmatic perspective. It´s much more useful knowledge than legal philosophy which otherwise is prioritized. After all, legal regulation is closely connected to social norms. So this would be one of my main tasks, to try to promote the integration of Sociology of law in the legal curriculum.

My second interest is to spread the message, to try to introduce Sociology of law in those parts of the world where it is not practiced. I have large part of Asia in mind with the exception of Japan and India. Also Africa is mainly without Sociology of law scholars. Sociology of law plays a minor role in the Western world compared to traditional jurisprudence. But where legal science and education are fairly recent and not burdened by a heavy tradition of legal scholarship without empirical interest, the perspective of Sociology of law could easier be implemented in the legal curriculum. If you start more or less from fresh with legal education it seems natural to integrate Sociology of law with legal dogmatic. And there is even a spontaneous demand for Sociology of law in order to develop the legal education. I have myself been teaching in Inner Mongolia, Indonesia and Malaysia and parts of India where the interest for Sociology of law has been manifest. We are currently working with collaboration with a University in Teheran. In these cases, Sociology of law has to be an integrated part of the traditional legal subjects, like contract law, company law, administrative law, etc. not to mention criminal law. This is my external interest, to promote Sociology of law worldwide taking into account the internal perspective mentioned above.

This is not a one man´s job. It has to be a joint effort among scholars in the field. In Scandinavia we will by concerted actions set up a joint Master program – in collaboration with Onati – provided online, which could be adjusted to different parts of the world by bringing in other universities to contribute online or offline (campus based complementary courses). In this perspective I count on the potential collaboration with other parts of the RCSL.

Håkan Hydén

(Photo: H. Hydén speaking at Canoas Conference)

NEWSLETTER CORRESPONDENTS SOUGHT

The RCSL newsletter looks for volunteers who would like to become “correspondents” and report about events, debates, disputes in their areas. Articles should have between half of a manuscript page and four pages length. They can cover content about a certain research area of sociology of law, or about a geographical area.
Please write to the main editor: Stefan Machura, s.machura@bangor.ac.uk

In the Fall issue 2014, the newsletter included an article “The Designs of the Proposed Taiwanese Lay Participation System and the Issues Facing It” by Mong-Hwa Chin. The Spring Issue had an article “The Japanese Lay Judging System in Inaction?” by Takayuki Ii. Our series continues with Russia.

TO BE, OR NOT TO BE: THE QUESTION OF RUSSIAN JURY TRIALS

Russia has attempted on two separate occasions in two different centuries, to create an institution that is a main feature of traditional common law countries: jury trials. Jury trials were implemented by Czar Alexander II who introduced a progressive set of judicial reforms in 1864. This legal transplant, however, had problems fitting into the nature of state policy implemented in the courts. Gradual implementation of jury trials in the

main regions of Czarist Russia was followed by statutory reforms. Part of the objective of these reforms was to limit the jurisdiction of jury trials. Over a century and a half later, a similar spread and backlash has happened in modern times. The gradual implementation of jury trials in Russia today started in 1993 in several regions of the Russian Federation and continued with the spread of jury trials throughout the whole territory of the Federation. As happened the first time, this implementation was followed by counter-jury reforms targeting the legal transplant.

The idea behind the adoption of jury trials in both Czarist and modern Russia was a willingness to increase democratic practices within the administration of justice. The objection to Czarist jury trials had been that the country, courts and public were not ready for them. The argument was based on the fact that the majority of jurors were former peasants released from serfdom who were illiterate. Indeed, most of them had difficulty in understanding all the details involved in the criminal trials and their general role in unfamiliar formal proceedings. In the implementation during the mid-1990s, things were different. New post-Soviet jurors were better positioned to understand the process and their involvement in it, when they are compared to their pre-revolutionary ancestors. This fundamental difference in jurors between the two implementations meant that the legislative backlash against juries differed greatly. The government of Czarist Russia was implementing reforms that were not only aimed at diminishing the scope and jurisdiction of jury trials. Some of the reforms were needed to increase the quality of the hearings in the jury trials. On the modern historical stage, quality was much less of a concern.

Fragile Constitutional Status: The Modern Attempt

In 1991, the Supreme Council of the Russian Soviet Federative Socialist Republic (RSFSR) passed a resolution, which approved the Concept of Judiciary Reforms (Supreme Council 1991). The Concept recognized trial by jury as a fundamental right in cases where the punishment could include a sentence of more than a year in prison. It proposed using jury trials at all levels of the judicial system.

The Concept was followed by a series of legislative reforms resulting in the introduction of jury legislation into the Russian criminal justice system. However, Russian legislators approved the use of juries in far fewer cases under their jurisdiction than what had been proposed in the Concept. A similar track was followed by the new Constitution of 1993. According to Article 20 of the 1993 Constitution, capital punishment, until its complete abolition, may be sanctioned by a federal law only as a penalty for especially grave crimes against life; in these cases, defendants shall be granted the right to a jury trial.

Other articles of the Constitution, in particular Articles 47 and 123, are fragile in their protection of a defendant's right to trial by jury. They provide for possible jury trials when it is envisaged by federal law. In the absence of strong constitutional guarantees, the Russian parliament and government, which have almost no opposition to its legislative proposals in Parliament, enjoy a wide-ranging discretion to impose limits on trials by jury.

Juries as an Annoying Factor

Gradual introduction of jury trials in Russian territory started in 1993 and culminated in 2010. Juries in Russia are delivering verdicts of guilty and not guilty. In addition to questions of guilt, juries are also answering questions of entitlement to leniency. In sum, juries in Russia may only influence the final judgment of the court.

The jury system is not able to alter investigation and prosecution practices radically. This mode of trial, however, has an indirect influence over the quality of the prosecution and investigation dossier as it opens real doors for adversarial court practices and sets a higher standard for the admissibility of evidence.

The real role is played in the delivery of acquittals, a judgment that was almost nonexistent in Russian courts prior to the advent of juries. Acquittal rates in the courts without jury trials in 1994 and 1995 were 1.3 % and 1.4 %, respectively (Thaman 1999, 257). In 1997, only 22 people out of 1,185 defendants were acquitted; the acquittal rate was 1.8 % for that year. In 1998, courts that heard cases under the 'three professional judge' composition did not acquit a single person (Demichev 2003, 257).

The acquittal picture in jury trials is quite different. The proportion of defendants who were acquitted in jury trials over a range of years is 15.2%, 17.6%, 18.6%, 16.5%, 14.8%, 16.1% and 20.2% of defendants brought before them in 2001, 2005, 2009, 2010, 2011, 2012, and 2013 respectively (Pashin 2015). Although they heard around 600 criminal cases annually between 2009 and 2013 (ibid.) out of average a million cases per year brought before the criminal courts, acquittals in serious cases annoy the policy-makers and 'traditional' legal professionals.

No Jury Trials for Terrorists (among others)

In 2008, the counter-reforms restricting jury trials started. The Russian government and in particular President Dmitry Medvedev proposed changes and amendments to the criminal justice law. The government worried about terrorist attacks against local law enforcement authorities. It proposed changes that could exclude terrorism cases from jury trials. The government referred to the existing problems of corruption and intimidation in the courts of the North Caucasus, although no concrete references to corruption or intimidation cases were ever made. The introduction of trials by professional judges for terrorism and extremism cases was deemed the best means available to resolve these issues.

(Continued on page 5)

CANOAS CONFERENCE PICTURES

RCSL President Masayuki Murayama opening speech.

Vice-Rector of Unilasalle and the Chief of Research at Unilasalle.

Local helpers. Unilasalle Master Students with Professor Germano Schwartz and Renata Almeida da Costa (organizers). Professor Wanda Capeller is also on the picture.

Consequently, the Russian government initiated a bill proposing the exclusion of sensitive criminal cases from jury trials. Of the nine articles of the Penal Code proposed for exclusion from jury trials, four were under the chapter of the Penal Code 1996 on 'Crimes against Public Security.' The other five Articles, however, are not related to the fight against terrorism; instead they are all part of the chapter on 'Crimes against Constitutional Basics and State Security.' Although the title of the draft was focused on legislation to fight terrorism, it is doubtful that combating terrorism was its sole objective. Given that the majority of the cases proposed for amendment were linked to political governance but not to the fight against terrorism, one may conclude that anti-terrorism was being used as a foil by those drafting the legislation, who were hesitant to allow jury decision-making in sensitive political cases. With almost no opposition, the bill became law.

Circumscribing Jury Trials in Regional Courts

The first counter-jury reform package was followed by further steps taken by the Russian government. Different legislative attempts were made that also directly or indirectly affected the jurisdiction of jury trials. In 2010, the jurisdiction of regional courts (oblastnyie sudy) was changed due to reforms relating to appeal procedures. These reforms increased the workload of the regional courts substantially. In order to normalize the workload, series of cases were excluded from their jurisdiction. Also, since jury trials function in regional courts, some crimes, including bribery, crimes against judiciary and courts, and transport crimes, were automatically excluded from the jurisdiction of jury trials. Another law was adopted in 2013 that also limited applicability of jury trials (Pashin 2015). Initially, jury trials could be organized with respect to 47 types of criminal cases; as a result of counter-jury reforms this number decreased to 23.

Looking to the Future

A major difference between jury reforms in pre-revolutionary and modern Russia is the attitude of the central authorities. Prerevolutionary Russia witnessed many legislative amendments that not only limited the jurisdiction of jury trials but also improved the quality of this form of trial. For instance, many legislative steps by central authorities were taken to improve quality of work of jury selection commissions. In contrast, modern reforms, taking place in 2008-2013, had a very different objective from improving jury trials: here the aim was to eliminate them.

Surprisingly, however, in December 2014 President Putin promised to consider the proposals of human rights defenders to expand the application of jury trials. In a meeting with the human rights defenders Lyudmila Alekseeva requested that Putin give the right to jury trials back to the people. The president supported this proposal with some qualifications. As a subsequence of that meeting he signed instructions advising Russia's Supreme Court, together with the Government of the Russian Federation, the Office of the President, the Office of the General Prosecutor and Council for development of civil society and protection of human rights that function under auspices of the President. His instructions were "to prepare proposals in order to increase application of jury trials" by the end of March 2015. The Supreme Court together with one of the higher education institutions organized a round table in February 2015 to obtain views on this matter. The Court prepared an initial version of its publicly available proposal. This has been the subject of intense criticism by human rights defenders who requested that the president restore jury trials. The Supreme Court referred to its proposal as an initial draft. At the time of writing (July 1, 2015), no formal final proposal has been submitted to the government. Today, one may only guess at the fate of jury trials in Russia.

Following a meeting in December 2014, proponents of jury trials, including non-governmental organizations, small number of judges and academicians, Bar Association and the Council for Development of Civil Society and Protection of Human Rights were extremely glad to hear that the restoration of jury trials was now open for consideration by the government. However, it was a disappointment to see that the Supreme Court, which has always been a strong opponent of jury trials, was asked to provide the proposals. At a minimum, proponents support preserving jury trials as they exist today and ending the counter-jury reform process that took place between 2008 and 2013. They also argue that the jurisdiction of jury trials should be restored to cover cases previously subject to trial by jury.

The strongest opponents of jury trials in Russia are the Office of General Prosecutor, the Supreme Court and law enforcement authorities. The Supreme Court alone succeeds in repealing of average 40% of all acquittal judgments delivered by jury trials.

The Supreme Court in its initial draft proposal favors the following structure for the reformation of jury trials in Russia to be the most suitable:

- To leave unchanged the jurisdiction of regional courts (so-called oblastnyie sudy e.g. supreme courts of federal republics, provincial courts etc.) where jury trials function;
- To decrease the number of jurors from 12 regular jurors and 2 alternate jurors to 7 regular jurors and 2 alternate jurors;
- To improve the quality of proceedings applied in jury trials by granting presiding judges access to the deliberation rooms. The presiding judges shall participate in the jury deliberation with one vote. In the case of a vote split, juries shall not be able to acquit without the affirmative vote of the presiding judge;
- To provide defendants charged with 'very serious crimes against personality' with a right to choose jury trials in district courts (raionnyie sudy). In such courts, the number of jurors shall be 5 regular and 2 alternate;
- To provide defendants charged with specific categories of crimes with a right to a jury trial with participation of a presiding judge and two lay assessors.

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PICTURES FROM THE CANOAS CONFERENCE II

Some of the “Oñati friends” attending the Canoas Confernce: Professors Adam Czarnota, Mavis Maclean, Teresa Picontó-Novales, Germano Schwartz, Masayuki Mirayama, Marcos Catalan and students Jack Meakin, Iagê Miola, Lucero Ibarra, Marina Kruchin, Mariana Manzo, Alejandro Manzo, Fiammeta Bonfigli.

Conference atmosphere.

It is not known whether the Supreme Court will consider criticisms that were raised against its initial draft of the proposal. However, considering its track record of opposition towards jury trials, one may be skeptical that it would change its position on the transformation of juries to 'lay assessors', which were called 'nodders' in Soviet Russia. This fact makes the future of the Russian jury to look very gloomy.

Endnote

1 For the initial version of the draft proposal see Supreme Court of the Russian Federation (2015).

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The Newsletter presents texts in recent books which are of general interest. The following extract is from Chapter 16 of the book "Delivering Family Justice in the 21st Century", edited by Mavis Maclean, John Eekelaar and Benoit Bastard, pp. 281-304, printed sections from pages 281-285. The volume appeared in 2015 in the Oñati International Series in Law and Society. The newsletter thanks Hart Publishing for the kind permission to reprint the text.

CONTROLLING TIME? SPEEDING UP DIVORCE PROCEEDINGS IN FRANCE AND BELGIUM

This chapter considers the issue of judicial time spent dealing with family matters. When considering the amount of time spent on conflicts that emerge during the breakdown of relationships, we seek to highlight the radical change in the vision of time that has affected civil justice. This analysis sits within the sociology of law and of justice, with an eye to issues of organisation and the logic of work applicable to members of the judicial system and, consequently, how the issue of time sets the rhythm of their activity. This study of the forms of judicial activity envisaged in their time dimension offers an illustration of the acceleration of social time (Rosa 2010), which can be seen at the very heart of the institutions, both the justice system and the family. The transformation of judicial time is in fact doubly affected, because at the same time there have been significant upheavals in the nature of conjugality and parenthood. This 'revolution' has a time dimension: the increase in the number of breakdowns, the chain of successive unions and the resulting conflicts are the origin of the applications brought before the family courts. The judges find themselves in a position where they must provide answers to critical situations that are marked by urgency and by people who are suffering.
(…)

The Emergence of a New Time Frame of Reference for Justice

Judicial time has always been the subject of debate and criticism. However, the issues raised by this theme of time in justice and the length of an action have now changed course. Traditionally, the problem of judicial timing was its slowness. The slow pace of justice was proverbial, criticised, but considered insurmountable. It was denounced as often by litigants as by the professionals who interacted with judicial institutions and by the media who saw an intolerable discrepancy between it and the faster pace they themselves had contributed to creating (Commaille and Garapon 1994). For the judges and the professionals in judicial institutions, these delays were justified by professional elements, 'the ethos of the profession' (Vigour 2008), and by structural and organisational constraints. Praise for slowing processes down (Commaille, 2000) highlighted the independence, the declared serenity and the 'standing back' of the judge in relation to the event, while in

reality, it reflected the absence of material and human resources that would have allowed files to be handled in less time.

In the second half of the twentieth century, dissatisfaction with delays continued to rise. From the 1980s, this had a direct impact on how the system worked. It then developed into taking a more tangible and proactive approach to responsibility for the issue of time (Schoenaers and Kuty 2003), similar to that which was already being done in other sectors of society (Giddens 1991). The new relationship with time is in fact at the origin of the demand for faster responses, and shorter processing times. This requirement follows both from the profound changes in the relationships between the institutions and their constituents (Dubet 2002) and from the complete renewal of the ideas related to managing the institutions. Indeed, there was decreasing tolerance for the distance between the state institutions and their public. In most cases, concern emerged for making them more transparent and affordable, according to the principle of accountability (Pollitt 1990). As regards justice, this movement was reflected in a whole series of innovations during the 1980s and 1990s in both France and Belgium. For example, greater consideration for the victims in criminal proceedings and for applicants in civil proceedings led to an improvement in communicating with and informing the public, with an emphasis on transforming the image of the institution. Similarly, the desire to provide a better response to social demands led to speeding up the proceedings. The desire to deliver justice more quickly has been endorsed by the highest legal authorities as evidenced under Article 6(1) of the European Convention on Human Rights: 'Everyone is entitled to a fair and public hearing within a reasonable time'.

At the same time, and after years of reluctance on the part of judges, judicial institutions became subject to managerial requirements via the principles of new public management, in particular the notions of planning, effectiveness and efficiency (Schoenaers 2008). (...) Organisational, management and legislative reforms were taken up with the explicit aim of speeding up judicial timing at every stage of the process – adjudication, hearing, drafting and execution. At first perceived as contrary to the fundamental principles of law and the administration of justice, these managerial imperatives are now part of the way courts operate, and have become central elements, again raising questions about customary practices in the justice system and their symbolism.

These developments found a variety of expressions in the day-to-day operations of the courts, with tensions sometimes exacerbated with regard to time. In fact, in an ad hoc manner, slowness continues to be celebrated. The search for serenity and truth and the time needed to understand situations are still used to justify significant delays (Latour 2002). This is especially the case regarding the criminal courts and assize courts or, in civil cases, appellate proceedings. However, more generally, expediting proceedings has become a central value and an objective for many decision-makers within the court systems, which leads them to dispose of cases as quickly as possible, even if it means not looking deeply into the substantive issues. Criteria for assessing and comparing courts have been developed. Everything is in place to promote 'productivity' and time-saving (Vauchez and Willemez 2007).

Speeding up proceedings by managerialising justice is well documented in the field of criminal law, a field favoured by reformers of justice. Different analyses have demonstrated how time is perceived, lived, managed and 'orchestrated' here by the various groups of actors who contribute to handling cases, whether handling these in 'real time' (Bastard and Mouhana, 2007) or in 'summary trials' (Léonard 2014) – comparutions immédiates. These analyses suggest that, in this area, acceleration goes hand-in-hand with strengthening the control of the state which seeks to deal with any form of social deviance without delay. This observation of a link between judicial acceleration and punishment moreover leads to questioning the direction of the developments in progress. Is their main effect not to reduce time spent in legal debate, and hence to change the conditions for dispensing justice?

This raises the question, therefore, of whether the same conditions are found in the field of civil justice, where the procedural principles differ greatly. We would argue here that this sector has also been affected by the movement to speed up justice, but according to specific requirements, particularly with regard to family justice.

Segmenting Marital Time and Transforming Methods of Breakdown Management

The particular feature affecting judicial time in civil matters is the fact that the process is not the result of public action, as is the case in criminal law, but is based on the actions of the parties themselves. We therefore face a configuration in which speeding up judicial processing is not exclusively the product of the will and ideology of state organs, but rather the result of developments in the field of family law over the last few decades. If managerialising and researching organisational effectiveness falls within the services for family matters, it is because the search for a swift response appears to be in response to the parties. According to one French judge: 'We are asked to do everything immediately. It's very difficult to manage. The parties are always pressed for time and want a decision now'. We thus return to the issue of the growing number of failing relationships and to the increasing expectations that affect regulating the situations that ensue, with their complexity and their share of conflicts and individual suffering.

For four decades, civil justice has been facing an ever-increasing number of matrimonial breakdowns. This phenomenon is one of the most striking signs of the change in the regime that has affected all family practices, marked by de-institutionalisation: 'Today, the form of private life that each person chooses has little need for external legitimacy, social conformity to an institution or morality' (Singly 2002). The movement to 'privatise' the family is boosted by the transformations that mark relationship breakdowns and by the 'privatisation of divorce' (Cardia-Vonèche and

Bastard 1986). Unions have become precarious; divorces, or more generally, relationship breakdowns, are more frequent and more commonplace. Separation is now an everyday fact in the contemporary conjugal model. This development has had considerable repercussions on the activity of civil courts. In France, over half the civil cases are family law cases. There are more than 130,000 divorces a year, an even greater number of cases deal with the situation of children of unmarried parents and 55,000 cases deal with post-divorce proceedings. In Belgium, approximately 25,000 divorces are granted every year. These figures make resolving family litigation a 'mass dispute'. This growing trend is moreover accompanied by a very profound transformation in how these cases are handled. Over the last 30 years, the judicial handling of divorce has been transformed by the overall change in the character of couples and the transformation of means of dispute resolution (Théry 1993). Because the family has become empowered and privatised, the law, which stopped prescribing how a couple should be organised during the marriage, now acknowledges the freedom of the spouses to organise themselves as they see fit at the time they separate, provided they agree. It is in this way that the preference for a liberal-minded, negotiated model to deal with private disputes has been gradually affirmed, in contrast to the past excesses of legal and state interference in family functioning. It is now expected, even demanded, of the parties that they reach agreement on both the principle of the divorce and the practical details. The law has taken note of this preoccupation and fosters, as much as possible, arriving at a consensus.

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Benoit Bastard, David Delvaux, Christian Mouhanna and Frédéric Schoenaers

PODGORECKI PRIZE

Report from the Jury

We received three nominations this year, any of whom would have been a worthy winner of the award. We structured our discussions by reference to the lifetime contribution of the candidates, their contributions to both theory and research, and their service to the socio-legal community.

After careful consideration of the candidates' CVs and letters of support, the jury decided that the Podgorecki Prize for 2015 should be awarded to Professor Andre-Jean Arnaud.

Professor Arnaud's scholarly contributions extend back almost fifty years and represent an extraordinary and exemplary body of work. This has been foundational in relation to scholarship throughout the civil law world, particularly in France, Italy and South America. He has also been prominently engaged with international organizations, notably UNESCO and the UNDP. His writing embraces both theoretical and empirical concerns, from his early work on the history of the French civil code to later studies of legal reasoning. In terms of his service to the socio-legal community, we would highlight particularly his contributions to the creation of the IISL in Oñati, recognized by his honorary life membership of the Governing Board. However, we also noted his role in the creation of the important journal, *Droit et Societé*, his continuing engagement with postgraduate supervision and support for early-career scholars and his record of involvement with the RCSL. We are pleased to make this award to a scholar who has done so much to establish and sustain the sociology of law, both intellectually and institutionally, over so many years.

Podgorecki Prize Committee
Robert Dingwall, Chair
Maria Ines Bergoglio
Stephan Parmentier

Andre Arnaud Acceptance Speech

Mr President, Members of the steering committee of the RCSL of the ISA,
Ladies and Gentlemen,
Dear Colleagues,
As you can imagine, it is a huge honour for me to receive the Podgorecki Prize, a prize associated with one of the most prestigious founders of the RCSL, and one of the Masters of the sociology of law.
I am indebted to you for receiving it, indebted to all of you who welcomed me when I was walking through various areas, my head full of projects, and, first of all, of attempting to impose sociology of law at the same time as a specific field, and throughout the French University environment. This attempt has succeeded through the gradual creation of the movement Droit et Société in France, and the progressive implementtation of a socio-legal field, which has been introduced as a taught subject in some French speaking Universities, while only Jean Carbonnier held a Chair in Paris.
The RCSL was very important all through my career. During the decade of the Seventies, Prof. Renato Treves invited me to join. Some years later, under the Presidence of Prof. Van Houtte – I was one of the Vice-Presidents –, I was asked to organize the World Congress, in 1984, in Aix-en-Provence.
Another successful RCSL project was to create – and present at global level – the IISL which I had the responsibility to create from nothing. In 1989, I settled down for this purpose at the far end of the mountains of the Basque country, north of Spain, the country of Aguirre, the famous Aguirre: "I am the wrath of God"! This project has borne fruit, and I must stress that Latin America was one of the first to join this International Institute.
Latin America, specifically, welcomed me very early, allowing me first to express myself in various Universities in several countries, and secondly hosting various programs of legal sociology which I had proposed: the PIDIG – Programa interdisciplinar Direito e Globalização – a program relevant to the UNESCO MOST program, The Management of Social Transformations; then, the GEDIM – Globalização Económica e Direitos no Mercosul –, a Research Programme scheduled in the UNESCO agenda; and, finally, the UNESCO Chair 'Violence and Human rights: Government and Governance', already twice renewed and presently directed by a woman, who was my assistant during eight years, in Bogota.
All of that aside, it is largely to the RCSL and to all of you, that I owe this honour that is done to me, today. Let me thank you, as well as all the Colleagues who have expressed their vote in my name.
What more can I say? I wish the developments of research programs to be going on every day with a still greater intensity. It belongs to the young generations to take over.
I cannot find other words to tell you at the same time how I am glad with this unexpected news, and how honoured I feel that the Podgorecki Prize has been, this year, attributed to me. Let me thank not only the Colleagues who have voted in my name, but especially the Members of the 2015 Prize Jury: Prof Robert Dingwall, Chair of the Jury, Prof. Maria Ines Bergoglio and Prof. Stephan Parmentier.
Thank you again for having chosen me, this year, as the winner of this prestigious prize. Merci!

Andre Jean Arnaud
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Podgorecki Prize Award Ceremony, Andre Arnaud present per video link.

CONFERENCE REPORT CANOAS

A First Time Attender's Conference Report Canoas

When in September I first heard about the annual congress of the RCSL in Canoas it was clear to me that my participation in this event was very unlikely. Despite an enthusiastic description of such symposia by Ulrike Schultz, directed to a new batch of IISL Master's students during their introductory course, travel expenses to Porto Alegre seemed to be a prohibiting factor. Fortunately, airline pricing policy is a big mystery and within a few months fares have halved, letting me see my participation chances in much brighter colours. Once I got a conference badge within my reach, I bought the tickets and was preparing myself for what I was told to expect.
Since it was my first such a distant trip, to be precise the first time being outside of Europe, apart from an academic stimulation, I was expecting to experience a great adventure. Latin America has always been on top of my travel wish list, or at least Spanish speaking countries of the continent. Brazil, however, has surprised me in so many ways that I am still very impressed. The congress and its organization were outstanding. After all, I did not expect to be welcomed at the University located over 11k kilometers from Poland in my mother tongue. And it was not only because of my fellow citizen in the organizing team that I felt in Porto

Alegre and Canoas like at home. For clarity of my account let me put my insights into three categories: academic, cultural and personal.

Starting with what actually is the main purpose of such gatherings, I was very much pleased with the quantity and the quality of research in the field of sociology of law taking place in Brazil. At Unilasalle I got an impression that what might seem to be a niche in the European academia belongs to a mainstream in Latin America. And if sociology of law is not as popular there as I imagine, it is, indeed, on the move. Sessions of working groups were very intensive and, as one could expect, 15 minutes slots for presentations were not enough. It was very encouraging to see so many young people presenting their work and actively engaging in discussions. Although there was some space for 'sages on the stage', the congress was dominated by young scholars. This is obviously a good omen for the field. Also the collaboration of the RCSL with other organizations like ABraSD seems to yield very positive outcomes. I understand that some participants could have felt overwhelmed by the extent to which Portuguese was present at the congress but I believe that this was not a major problem for anyone. Besides, chairing a bilingual session was a gratifying challenge for me.

Secondly, coming to Porto Alegre was for me a journey to another continent, one that I have always wanted to visit. Although I did not have enough time and money to explore this part of the world, a week spent in Brazil gave me a grasp of what it means to live in Latin America. I was struck by many contrasts. On one hand, I enjoyed very much local food and drinks, easygoing attitude of Brazilians and their hospitality. My friends, you have exquisite beef and I fell in love with caipirinhas! On the other, inequalities are very visible. Reasons for protests in Brazil, which took place over the past three years, became somewhat clearer to me. And I need to mention that for someone who spent a few years in the Netherlands Brazilian understanding of punctuality might be problematic at times. However, retuning to positives, I was very happy to be able to participate in a Gauchos Diner and a Boat Cruise on Guaíba Lake. They were both very entertaining. I also had a chance to be showed around by Unilasalle students – something that cannot be organized by any travel agency.

Lastly, I think that I had a first hand experience of what academic conferences mean in a non-academic dimension. Apart from meeting numerous interesting people, some of whom I have known, or only have heard about, I have established a few new friendships. It is always nice to get together and see familiar faces, chat for a while and take photos. It is equally nice to meet new people, who during such events can cross our paths and, possibly, stay in our lives for longer. So, thank you Daniel for having come to the panel chaired by me and making me sure that this was just my first visit in Brazil! I am very willing to agree with Renata Almeida da Costa that Latin America is the place where magic happens.

Taking all this into consideration, I can already call the Congress an unquestionable hallmark moment in 2015. I am still very impressed with all that has been offered to me. In all three spheres: academic, cultural and personal, I feel very fulfilled. Therefore, I would like to thank all the participants and organizers for their work and input. I am looking forward to seeing you in Vienna next year. And earlier, in August I am happy to welcome Daniel in Poland! To put it simply, in the same moment the world has expanded and shrunk for me in Canoas.

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REPORT ON THE COLLOQUIUM "PRISON LABOUR IN THE GLOBAL CONTEXT"

Meeting of the Institut für Sozialwissenschaftliche Forschung e.V. – ISF München
Thursday, 26 March 2015

Modern prison labour is progressively organized around the general aim of social rehabilitation. Paid prison labour should contribute to the reintegration of inmates to social life. Nevertheless, the concrete organization of prisoners' labour has remained a controversial topic. Questions such as who should work in prison and under what labour conditions have not been addressed or answered in a unanimous manner.

In the context of globalization and during the last decade there has been worldwide growth in the female labour population and the female prison population. Female labour participation has grown by 4.5% (ILO 2012), while the female prison population, although still small, is growing steadily: the median level is 4.45, but has increased in all five continents by more than 16% over the last decade (IPCS 2012). At the same time, the global prison population rate has risen by about 6% (ICPS 2012). These trends can also have different consequences on the economic use of prisoners' work. Namely, the globalization process has resulted in the unlimited economic use of human work capacity with a view to increasing the competitiveness of national economies. Thus, prison labour seems to become a means to make economic use of human work capacity and moreover, to regulate low-paid work on the informal labour market.

In this regard, since February 2014 an international comparative study has been undertaken at the Institute for Social Research Forschung (ISF München), entitled "State, Firms and Gender: The Economic Use of Human Work in Prison Labour in Latin America and Europe" (Staat, Unternehmen und Gender: ökonomische Nutzung menschlicher Arbeitsfähigkeit am Beispiel der Gefangenenarbeit in Lateinamerika und Europa). The aim of this research project is to analyse the current state and development of prison labour, particularly the economic use of female inmates. This research project is supported by a special research scholarship (Sonderforschungsstipendium) of the Alexander von Humboldt Foundati-

on and is undertaken by Research Fellow Dr Ana Cárdenas Tomažič. The host institute of this research project is the ISF München and the host professor is Prof. Dr Hans Pongratz, sociologist of the ISF München and Professor of the Institute for Sociology, Ludwig-Maximilians-Universität München.

Within the framework of this international research project, Prof. Dr Pongratz and Dr Cárdenas Tomažič organized the colloquium "Prison labour within the context of globalization". The event was conceived as a forum for experts from different academic research fields and areas of offender support to discuss the organization and development of prisoners' work, with a focus on the national and international gender division of labour. This workshop took place on 26 March 2015 at the IBZ Munich (Internationales Begegnungszentrum der Wissenschaft e.V., IBZ München). It was moderated by Prof. Dr Hans Pongratz, and Dr Karin Jurczyk, sociologist, expert in family and gender studies, and director of the Department of Family and Family Policies at the German Youth Institute (Deutsches Jugendinstitut München). The main speakers of this colloquium were distinguished professors and researchers from the fields of sociology and the legal and political sciences (see the full list of speakers).

The main topics of this workshop were current and emerging trends related to prison labour at the international and national level, as well as structural and institutional frameworks contributing to the development of this form of work. Concerning this, special attention was paid to the gender dimension of criminality and prison labour. Finally, a central focus of the discussion was the theoretical approaches that allow research to be carried out on prison labour taking into account the new trends in the economic use of human work capacity in the context of global capitalism. These major trends are:

• Integration of prisons and the prison population to the production chain of firms as part of their decentralization and networking processes
• (Partial) Privatization of prison administrations in the framework of neoliberal reforms of the states
• Enforcement of wage labour and state-organized subcontracted work
• Gender-specific training activities and advanced training in prisons
• Gender-specific organization of prisons´ productive processes
• Precarious working conditions of female prison labour.

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Link to the colloquium programme: http://www.isf-muenchen.de/pdf/22%2012%20KOLLOQUIUMSPROGRAMM_V02a.pdf

RCSL WORKING GROUP "HUMAN RIGHTS" REPORT

On May 7, 2015 at the RCSL Conference "Sociology of law on the move" in Canoas, southern Brazil, the "Human Rights Working Group" held a session, organized by the author of this paper, coordinator of the WG, where seven papers were presented by nine researchers.

Before introducing the papers it is worth noting that the existence of the "Human Rights" group demonstrates clearly the recognition by RSCL of the importance of debate on this topic. Human rights emerged in the eighteenth century when, after the French Revolution, the existence of man as a free being was acknowledged. Now man was accepted as being able to set the course for his own existence. Today, the reality of the African, American, Arab and European systems of defense of human rights, with their peculiarities, differences and varying degrees of development, indicate the success of the idea. Likewise, the debates between Relativists and Universalists expose the relevance of the theme and the political importance which has survived for more than 200 years. Thus, in contemporary times, the three dimensions, namely freedom rights, social rights and peoples (or transindividual) rights ensure the possibility of reflecting on the major subjects relevant to human life by thinking about these rights. However, the most important issue is the struggle to make them effective. In political, academic, trade union, student and everyday life, one also needs to ensure that human rights are not a utopia, but a reality.

The seven papers presented at the meeting were about ethics, human duties, religious tolerance, DNA databases, social control strategies, repressive forces, prisons, juvenile justice, human dignity, and the right to decent work. These are themes that demonstrate the importance and topicality of the debate, and allow us to reflect on societies in the early twenty-first century. The session, therefore, was fruitful. The debates were enriching, with presentation of critiques and exchange of bibliographical suggestions. The only negative aspect to be pointed out is the fact that, although there were five papers in English and two in Portuguese, all of them were registered by Brazilians; the only "foreign" registered author did not attend the event.

The positive aspect of this concentration on work from Brazil is that, by reading the studies presented, it is possible to learn about some of the work that researchers from north to south of Brazil are producing. It is also possible to show how those scholars do not focus on one single point of national interest, but, on the contrary, they present researches analyzing human rights from theoretical and practical viewpoints, and on local and international issues.

The first paper, by Bruno Calife dos Santos, entitled "'Human Duties': for an Applied Ethics to Human Rights", "[…] implies a critical analysis from a cultural and philosophical law perspective about human rights, and indicates that the poverty of an ethical and asserting comprehension about human rights undermines the power of this juridical category in most soci-

eties". Therefore, concludes the author, "a cultural way to see human rights demands that citizens must add the role of ethics and of individual responsibility to guarantee a legitimate and complete theory about this matter."

The second paper "Religious Tolerance as a Substantive Presupposition of Human Rights" was presented by José Ivan Rodrigues de Sousa Filho. Among its conclusion is that it is possible to realize that "religion is not dead in modern society. It retreats to the private self-understanding of individuals, it loses its old supreme epistemic authority, but it still generates knotty challenges to politics and law. Human rights presuppose a social background where no religion provides public normative guidance for all, and no universal standards of rightness. They presuppose a social background where no religion supplies blank checks for oppression. They presuppose a social background where no religious affiliation justifies disrespect."

The third study analyses "DNA databases for criminal prosecution purposes: an analysis of the privilege against self-incrimination from jurisprudence of the Brazilian higher courts," and was presented Taysa Schiocchet. According to the author, "the methodology used in the study consists of a transdisciplinary literature search, as well as documental search for cases of the Brazilian Federal Supreme Court (STF) and Superior Court of Justice (STJ), since 1988."

The fourth study, presented by Professors Gisálio Cerqueira Filho and Gizlene Neder, was entitled "Human Rights, Repressive Forces and Social Control Strategies." The paper "[...] focuses on the institutional process concerning repressive forces (police and justice) in the transition to modernity, working on the ideological options and political feelings referred to as human rights. [The authors] take into account the singularity of the repressive policy choices (which call for 'public order') vis-à-vis the idea of 'public safety.' The idea of public security was involved in the modernization required by the disciplinary order that accompanied the process of expansion of capitalism since the turn of the twentieth century. The political feelings that guide the practices of social control institutions guarantee long-term cultural maintenance of the idea of 'public order', contradicting the modernization and reifying authoritarian practices of neo-colonial historical formations, in which the memory and the experience of slavery are always present."

The fifth article, "Human Rights in Brazilian Prisons", by Dani Rudnicki, presents two models of prisons: state and federal. The former includes hundreds of institutions which vary according to local conditions, suffering major changes from north to south. The latter, composed of four prisons, is ready to receive prisoners considered dangerous (faction leaders) and unwanted in the other system. From the material point of view, the federal system obeys international standards; however, by imposing almost complete isolation on the prisoner, it may be considered more inhumane than the state system.

Then Sinara Porto Fajardo presented a study called "Guarantee of Right to Trial and Full Protection in Juvenile Justice." In it, the author shows that "the Brazilian legislation on childhood, situated among the most adequate of international rules, presents issues that still require adaptation to the doctrine of full protection. The confusion in Brazilian legislation is not alien to the contradictions of representations present in society itself about childhood, public safety, and so on. Thus, the eclectic characteristic of the law is consistent with the ambiguity of the internationally recommended model, despite extrapolating the necessary qualification of Guarantee of Right to Trial in the light of the full protection of the violation of individual rights of adolescents in conflict with the law."

The last study was entitled "The Right to Decent Work as a Guarantee of Human Dignity, the Principle of Non-discrimination and Contemporary Slave Labor.' Gustavo Coelho Farias and Daniel Pires Christofoli, its authors, "[...] realize that the fight against slave labor defends life, health, and workers' physical and mental safety. Thus, the research places the subject as a central point in the field of human rights and analyzes the efforts, both at the political class level and the civil society level, to fight slave labor." The authors conclude that "[...] although slavery is far from being eradicated in Brazil, practical measures have been improving workers' situation."

This brief presentation of the papers shows the importance of the subject and reaffirms the relevance of this working group. More than that, it makes explicit the need to consider human rights in order to secure and implement them. The fact that a great part of the twenty-first century population lives in States that respect human rights does not mean forgetting that, in many other States, human rights are still a utopia. Moreover, one must not forget that new claims, referring to not previously existing situations, are added to the needs of human beings. Discussing them and thinking of them is a way, albeit incipient, to seek solutions to begin to recover the rights of all human beings, and this is also a task for the homo academicus.

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CONFERENCE CALLS

Rights, Justice, Citizenship: Law and the Constitution of Politics - First Meeting of the new "Sociology of Law and Justice" Section of the Portuguese Sociological Association

The first meeting of the new "Sociology of Law and Justice" Section of the Portuguese Sociological Association will take place in Coimbra, 8-9 January 2016, organized by the Centro de Estudos Sociais.

Sociology of Law experienced a rather vibrant development in Portugal over the last decades (for an overview, see Pierre Guibentif 2014) Correspondingly, numerous papers on socio-legal issues were presen-

ted at the recent Conferences of the Portuguese Sociological Association (Associação Portuguesa de Sociologia – APS). At the last APS Conference in Évora, April 2014, the creation of a specialized section was decided by a group of researchers representing the main research centres active in this domain in Portugal. This section has been formally established in March of this year.
The main topic of the Coimbra Meeting will be "Rights, Justice, Citizenship: Law and the Constitution of Politics." Paper proposals should be submitted by 30 September. The complete call – in Portuguese – and details on the submission procedure are to be found on the official webpage of the new section: http://www.aps.pt/index.php?area=318).
Papers in English are welcome.

Literature

Guibentif, Pierre, "Law in the Semi-Periphery – Revisiting an Ambitious Theory in the Light of Recent Portuguese Socio-Legal Research." International Journal of Law in Context 2014 (10): 559-561

Pierre Guibentif

Legal Proceedings against Right-Wing Terrorism: Perspectives from Political Sociology and the Sociology of Law

4-5 December 2015, University of Applied Sciences Duesseldorf

Several countries have witnessed severe acts of right-wing terrorism in the past decades. Be it the bank robberies and murder of Alan Berg by 'The Order' in the U.S., the mass killing by Anders Behring Breivik in Norway, the racist murders by John Ausonius who became known as the 'Laserman' in Sweden, or the racist crimes perpetrated by a group of neo-Nazis in Hungary – not to forget the bombing of Bologna railway station in 1980 and the assassination of Jitzchak Rabin by Jigal Amir. In all these cases, suspects were tried and eventually sentenced. Also, many observers expect a conviction of the defendants in the present proceedings against the NSU in Germany.
Although these crimes have hit the respective societies deeply and created a huge amount of attention, so far there is little sociological research on the impact of these crimes. There is even less academic knowledge about the subsequent court proceedings although those are considered an important contribution to the elucidation of the crimes and the circumstances that made them possible. For some, the trial is also a contribution to justice.
The conference invites contributions from the perspectives of political sociology as well as the sociology of law, such as

- What had been the expectations of the wider public or particular groups regarding the course and the outcome of the legal proceedings. Did they materialize? If not what had been the cause?
- How were the trials and those participating in it covered by the media?
- How was the balance of power between the actors involved in the criminal procedure? Has it changed over the course of the process? If so, in which way and for what reason(s)?
- What kind of reactions did the legal proceeding provoke from racist/-neoNazi groups? Did the trial or its outcome influence the political strategy and/or the choice of arms?
- Did the state authorities react to these severe crimes by discussing or adopting new penal codes? Did the society or particular groups find the trial adequate in regard to understanding the matter and punish the guilty?
- How was the behavior of the accused, not least in comparison with other criminal proceedings?
- Have the trials been influenced by the particular political and legal culture? If so, in which way?
- Which aspects of the crimes had been addressed in the course of the trials, which had been de-addressed? For what reasons?

We invite theoretical as well as more empirical papers that cover one of the issues mentioned above or raises other questions from one of the two sociological questions. By bringing together contributions around several cases of trials against far right terrorists the conference aims at comparing the cases along one or more of the above mentioned or some further questions.
Abstracts of a maximum of 1,000 words should clearly outline the theoretical approach, empirical material (if any), research methods and basic results of the respective study. Please send your abstract as a pdf-file to the e-mail-address below using the following file title: YOUR NAME_LEGAL PROCEEDINGS.pdf no later than September 15th, 2015.
The conference will be organized by sections Political Sociology and Sociology of Law of the German Sociological Association in cooperation with the Research Unit on Right-Wing Extremism at Duesseldorf University of Applied Sciences.
Accepted papers will be notified not later than early October. Organizers will work hard to refund invited speakers.

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https://networks.h-net.org/node/16794/discussions/76207/legal-proceedings-against-right-wing-terrorism-perspectives

Sortuz: Oñati Journal of Emergent Socio-Legal Studies

The journal is currently receiving articles for the second issue of 2015. The issue is planned as a collection open to various topics related to law and society. Sought are high-quality previously unpub-

lished manuscripts on socio-legal research written in any of the following languages: English, Spanish, Euskera, French, or Portuguese.

Authors interested in publications in this issue are invited to send their articles by September 7, 2015. Sortuz does not have article processing charges or submission charges of any kind.

Articles should be no longer than 8000 words, and the submission must also include an abstract of 150 words in English and 5 keywords. In addition, no reference should be made that unveils the identity of the author through the peer-review process. Articles should use the Author-Date system of citation, and include a full Bibliography. Please use the citation stile of the International Review of Sociology.

Information can be found on the journal website: http://opo.iisj.net/index.php/sortuz/about/submissions#onlineSubmissions

RCSL MEMBERSHIP AND FEES RENEWAL

RCSL 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).

RCSL Assembly at Canoas Conference

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