

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

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

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PRESIDENTIAL ADDRESS

Dear friends and colleagues,

We have a difficult year behind us and there are still many difficult months to come. The virus Corona has turned our lives upside down, in the first months of the pandemic we hardly dared to touch anything as we did not know how and how easy and quickly, we could catch the virus, and some of us were hit by it in spite of all precautionary measures. In Europe the infection rate was very low in spring as seen from today, the summer gave some relief and in December the second wave hit us hard. Vaccination has started but is slow, too slow to have a quick effect.

From mid-March 2020 all conferences were cancelled, and by May some were held remotely, with problems and deficits in the beginning, but working quite well meanwhile with the growing experience we all have gained.

The Law and Society Association annual meeting was the first big socio-legal meeting which used zoom as a conference tool, bringing together some 1.800 colleagues, a logistic challenge, not only technically but also with respect to the different time zones, 7 a.m. at the North American West coast is 4 p.m. in Central Europe, midnight in Japan and 2 a.m. in the morning in Australia, not to speak of Hawaii and other places in between. Our RCSL Conference planned for the last week of August 2020 in Lund was cancelled and it was decided to postpone it. The 4th ISA World Forum scheduled for July 2020 in Porto Alegre was also cancelled and will be held in virtual form from the 23rd to 28th of February 2021. Several RCSL panels are scheduled for it. Lucas Konzen from Brazil has dealt with all the organisational problems of RCSL members. We thank him for all the work he has invested. A RCSL business meeting will be held on the 6th of February, chaired by our RSL secretary, Barbara Bello.

We do not yet know whether in-person meetings will be possible after the summer break, and if they are possible, the question is whether and how much travel funding will be available. We therefore decided to postpone the Lund meeting to another year. Lund had already set up the conference website last year and reopened it at the beginning of this year. I had visited Lund in 2019 to check out the facilities, discuss details with colleagues and agree on the schedule. We thank our colleagues in Lund for all the work and efforts they have invested so far and let us look forward to meeting in Lund in another year. Lund is a beautiful old city with a historical campus in the centre of the town. It is really worth while visiting it. (continued in page 2)

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We have therefore decided to organise the **RCSL meeting in virtual form in September**. It will be on the **21st and 22nd of September** from around noon to 6 a.m. We are aware that it is difficult to find times which suit most of us. We will have to find a balance between the American West Coast which is 9 hours behind central/Western Europe and Australia which is 9-10 hours ahead, with central America 7 hours behind, Japan and Korea 8 hours ahead etc.

The subject of the meeting will be: **In times of pandemics and populism: increasing inequality?**

We will send out further information soon.

This year the **Podgórecki Prize** will be awarded to a senior RCSL member for lifetime achievement. I have circulated the call for proposals already. If you have questions, please, contact Sharyn Roach Anleu (Australia) sharyn.roachanleu@flinders.edu.au who chairs the awards committee which also includes Stefan Machura (U.K.) and Germano Schwartz (Brazil). Laura Lora will assist them. lauranoemilora@derecho.uba.ar. This year we also have to nominate the next **Scientific Director for the International Institute for the Sociology of Law in Onati**. The term of office starts in September 2022. Pierre Guibentif (Portugal/France) will chair the committee pierre.guibentif@iscte-iul.pt with Angelica Cuellar (Mexico) and Luigi Cominelli (Italy), also assisted by Laura Lora.

To those whose RCSL membership has expired in December 2020, please, renew your membership as soon as possible. Manttoni from IISL has sent the renewal letter and link to the form on the 25th of January.

If you have questions, don't hesitate to send me an e-mail.

I am looking forward to our virtual meeting in September, hope to meet many of you there and the meeting in Lisbon in July 2022 which definitely should be in person again.

Keep well, with best wishes,

Ulrike Schultz
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OBITUARIES

OSCAR CORREAS VAZQUEZ: A TRIBUTE

On April 27, 2020, Oscar Correas Vazquez, one of the most important representatives of Sociology and Theory of Law in Latin America, passed away. Vazquez was born in Córdoba, Argentina, and emigrated to Mexico City in the 1970s, where he over almost fifty years he built a brilliant career as a professor, researcher and author.

Within his prolific and stimulating intellectual trajectory, it is important to highlight the creation of a movement in critical socio-legal studies with a Latin-American matrix. This movement engendered, for

instance, the Journal "Crítica Jurídica" (Revista Crítica Jurídica), as well as the organization of numerous congresses of Critical Law. With his capacity and outstanding personality, Vazquez has therefore contributed to training a generation of professors, researchers, and several operators in the legal world. What Professor Correas represents is indisputable, since he is not only one of the most brilliant, original, and fruitful Marxist theorists of law, but also one of the main sources of critical thinking in Latin America. Starting from antagonistic epistemic assumptions offered, on one hand, by Karl Marx, and on the other, by Hans Kelsen, he presents a strong criticism of modern law. And yet, by opposing the formal legal science of positivism, he defends a material legal science which is centered on normative content as a consolidation of socioeconomic phenomena.

Through the extent and solidity of his proposals, he moves forward expressing interest in logical-discursive incursions that include both the socio-political criticism which seeks to demystify Kelsenian formalism and the analysis of indigenous law, legal pluralism, legal rationality and the teaching of law, human rights, and law policy, understood as "legal criticism".

Imbued with a questioning, restless and controversial spirit, based on the eclecticism and complexity of his discursive arguments which are grounded on Sociology and Philosophy of Law, Correas dialogues with the Theory of Law, Semiology, Politics and Anthropology. Therefore, his theoretical-methodological contribution to a social critique of law is associated with an epistemological contribution which confuses itself with a socio-discursive normative proposition.

In summary, for the development of Legal Sociology and for all those who share critical socio-legal thinking, Óscar Correas not only represents an original and scientific perspective from Latin America, but above all leaves us with an inspiring horizon, built on the seeds of rupture, transgression, and transformation.

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BIRTHDAYS

CONGRATULATIONS AND THANKS TO VINCENZO FERRARI: 80 YEARS OF DEVELOPING SOCIOLOGY OF LAW

On 16 December 2020, the socio-legal community celebrated the 80th anniversary of Vincenzo Ferrari, professor emeritus in sociology of law at the University of Milan, former director of the Oñati Institute and former president of the RCSL. Born in 1940 in Collesferro, Vincenzo spent his childhood years between Romagna and Liguria. He then graduated in Law in 1962 at the University of Milan with a thesis in civil procedure, and began to

collaborate academically with Renato Treves, the initiator of socio-legal studies in Italy.

During his academic career, spent among the Universities of Cagliari, Bologna, and finally Milan, he has soon set himself as a point of reference in the definitive affirmation of the sociology of law not only in Italy, but also at an international level. In the international field, he participated in particular in the birth and expansion of the Research Committee on Sociology of Law, of which he was president from 1990 to 1994, as well as holding the position of member of the Executive Committee of the International Sociological Association from 1994 to 2002.

He has taught in numerous foreign universities, and his bond has been consolidated above all with the Hispanosphere and with the Basque countries, where he has cultivated friendships and long-standing scientific relationships, being appointed honorary professor of the Universidad Externado de Colombia and of the Universidad Metropolitana of Caracas, and then doctor honoris causa from the Universities of Buenos Aires, Rosario, Zaragoza and from the Università Nacional Autónoma de México. His research has spanned numerous fields, such as testamentary succession, labor relations, human rights, civic uses and commons, the right to privacy and the administration of justice, combining theorization with the empirical observation of the life of the law, acquired during his career of lawyer and honorary judge.

His authenticity in relating with people has always been accompanied by the ability to understand institutional mechanisms and become part of them in a productive way. This led him to numerous leading roles in scientific associations and journals, as well as to the appointments as Director of the Department of philosophy and sociology of law, and then as Dean of the Law Faculty in Milan, until becoming coordinator of the Law School Deans at the Italian level.

I have several personal memories, but the most interesting date back to the formative years: I was lucky enough to be a student of his in the first year of law school, and while many different subjects, taught by prominent and inspiring scholars, interested me greatly, what in the end pushed me towards a master thesis, and then towards a doctorate in sociology of law, were certainly his human and intellectual figure. Like many, I was fascinated by the ease and simplicity with which he made clear the connections between the grand theories, and then between the grand theories and the reality of law and social life. At the same time, everyone was enthused by his approachability, not common in the world of academia in those times, especially in the legal studies, and by his willingness to involve still young and immature students in intellectually stimulating research.

Without ever imposing himself, Vincenzo has always attracted consensus and united people around his figure, not only for his recognized intellectual gifts, but also for his humour and absence of self-referentiality. For these reasons, he was certainly instrumental in initiating more than one generation of scholars in teaching and research. Over the years, the closeness

of his numerous students, colleagues and friends has deepened, while his passion for understanding the new phenomena that arise in the socio-legal field remains unchanged.

Buon compleanno Vincenzo!

Luigi Cominelli
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ON LAWRENCE FRIEDMAN'S 90TH BIRTHDAY

I am writing to celebrate Lawrence Friedman on his 90th birthday. Lawrence must be the most prolific member of our law and society community. His list of publications includes 40 books (many in multiple editions) and 215 journal articles and book chapters, in addition to numerous book reviews, op eds, magazine articles, and (to show he's keeping up with his grandchildren) blog posts. (He might—indeed, almost certainly will—question my counting.) The diversity of subjects and genres is at least as impressive as the quantity. His books include a handful of mysteries as well as definitive works on such topics as contract law, slum housing, the history of American law, an introduction to American law, crime and punishment in American history, “total justice,” the “horizontal society,” and the impact of laws. His reader with Stewart Macaulay, “Law and the Behavioral Sciences,” can fairly be said to have launched our field. His articles span an even greater range. The first, in 1958, discussed the “concept of the ‘trader’ in early bankruptcy law.” Now, more than 60 years later, he has a forthcoming article about personal identity in modern times. Lawrence transcends national boundaries as well as time, writing about law and development and legal culture in a wide variety of societies. He has, of course, played a pivotal role in the Research Committee on Sociology of Law and the Law and Society Association. And he shows no signs of letting up. The pandemic may have limited his teaching (and certainly travel), but that only has made him more productive. Lawrence—we greet you as you enter your tenth decade and look forward to reading more of your astonishing output and especially to seeing you once we can resume meeting in person.

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WOMEN IN SOCIOLOGY OF LAW

The RC SL wants to honour the trajectory of those female scholars that have developed forward the discipline in the last decades. In the second issue of

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the Newsletter published in 2019, on the occasion of award of the Podgórecki prize to Mavis Maclean, Susanne Karstedt wrote about the significance of Mavis work in the field. A year later, Ulrike Schultz was given the International prize by the LSA, and Susanne Karstedt was in charge again of writing about Ulrike's achievements. In this issue, Kelley Moulton will share the importance of the work done by Dee Smythe.

PROFESSOR DEE SMYTHE, UNIVERSITY OF CAPE TOWN

I am pleased to have the opportunity to introduce my friend and colleague, Dee Smythe. I have had the privilege of working alongside Dee in various capacities since what I think was the very first job in research for both of us, which feels, now, like a very long time ago. She has been an inspiration and a mentor to me, her colleagues and students, and is an indelible presence in the work on violence against women and on law and society in South Africa.

Dee is the Director of the Centre for Law and Society at the University of Cape Town, an innovative multi-disciplinary centre in the Faculty of Law where scholars, students and activists engage critically with, and work together on, the challenges facing contemporary South Africa at the intersection of law and society. Dee also holds appointments as Professor of Public Law in the Faculty of Law at the University of Cape Town, and an appointment as a Visiting Professor in the Department of Law and Department of Culture, Politics and Society, University of Turin. She was the National Research Foundation Interim SARChI Chair in Security and Justice between 2017 and 2020. She holds a PhD from Stanford University.

Dee is a pioneer in the field of Law and Society in Africa, not only in terms of her research and teaching, but also because she has been instrumental in building capacity, and seeking recognition for, the work of the continent's law and society scholars. She is a committed and passionate mentor and supervisor to students and early career scholars, not only from UCT, but also from elsewhere in the country and across Africa. Dee has been instrumental in building a network of scholars on the continent and providing opportunities for mentorship and capacity-building support to ensure that African voices and scholarship become part of the global law and society literature. Dee persuaded the Law and Society Association in the United States to support the first Law and Society in Africa conference (held in December 2016 in Cape Town and hosted by CLS) and was an integral part of the organizing team for it, and a follow up conference (held in April 2019 in Cairo, co-hosted by CLS and the Law and Society Research Unit at the American University in Cairo). She has also co-convened two Early Career Scholars Workshops for scholars from across the African continent (with myself, Mark Massoud and Susan Sterett) with the aim of providing high-quality, individual mentorship to support authors to submit their work for publication. Dee's outstanding service to the Law and Society Association, and to

African scholars in particular, was recognised in 2020 when she was awarded the Law and Society Association Stanley Wheeler Award for Mentorship – the first time this was awarded to a scholar from the Global South.

Dee's body of work speaks to her enormous contribution to understanding the law in context in Africa, and to the nexus between criminal justice and violence against women in both the state and customary justice settings. She is the author of numerous foundational journal articles, chapters and books on sexual offences, attrition in rape cases in South Africa, and on gender, law and justice. Dee's book, which draws from and extends her PhD dissertation work, entitled *Rape Unresolved: Policing Sexual Offences* (1) is a foundational empirical work on the criminal justice system's response to sexual offences in South Africa. Two other books, the *Sexual Offences Commentary* (edited with Bronwyn Pithey) and *Should we consent? The politics of rape law reform in South Africa* (edited with Lillian Artz) comprehensively document policy and legislative reform on sexual offences in South Africa. She is currently completing an edited volume (with Melanie Judge) entitled '*Making Sense of Sorry: Thinking Through Apology in Contemporary South Africa*' (UKZN Press) which will be published in early 2022. The book examines the meaning and work of an apology, and what the generative and limiting dimensions of apologies are in the context of contemporary debates on justice, decolonisation and feminist struggle in post-apartheid South Africa.

Dee's current work is explicitly aimed at developing and promoting the visibility of African law and society scholarship, on decolonising and transforming law and society scholarship and teaching in South Africa and on highlighting 'invisible' voices in this environment. She is currently taking part in two international multiyear research collaborations which will run between 2021 to 2023. The first of these is entitled '*Mapping the pasts and futures of law and society scholarship in Africa*' (co-convened with Diane Jeffthas, University of Cape Town; Sanele Sibanda, University of Pretoria, and Jonathan Klaaren, Wits University), which addresses the gap in African law and society scholarship by studying the pluralities of historiographies and imaginings of law and society scholarship in and on Africa. Building on existing initiatives that have sought to build and highlight African law and society scholarship, the project locates and grapples with contemporary debates, including on decolonization, globalization and climate change, in a way that places the contribution and continuing relevance of law and society scholarship under scrutiny. Project participants come from 11 countries, including South Africa, Zambia, Zimbabwe, Ghana, Tanzania, Egypt, Kenya, UK, USA and the Netherlands, and range across senior, midcareer and early career scholars. The project aims to produce three overlapping interventions into the existing state of African law & society scholarship. First, the project will author a *Handbook on Law and Society in Africa: The Pasts and Futures of Law and Society in Africa* – a scholarly volume linking pasts, present and futures, centred on African debates and

drawn from African scholarship. This volume will engage expansively with the relationship(s) between law and society on the continent, pursuing the mapping goals of the project. Second, the project will compile a student-focused *Critical Reader on Law and Society in/from Africa*, links together African scholarship through a structured selection and reading of extant key texts. Third, the project will build a *Repository of African Teaching and Source Materials* including historical books and journals that are out of print and/or copyright, grey materials and research reports, and links to contemporary scholarship.

Dee's second ongoing collaborative project focuses on '*Authoritarian Legalism in South Africa, Brazil and India*', and is co-convened with David Trubek (University of Wisconsin), Deepa Das Acevedo (University of Alabama), Diogo Coutinho (University of Sao Paulo, Brazil), Fabio de Sa e Silva (University of Oklahoma), Marta Machado and Oscar Vilhena Vieira (both from FGV SP, Brazil). This project explores the complex interplay between populist authoritarianism and law in Brazil, India and South Africa, and explores the role of law in the rise of, and reaction to, autocratic legalism in government agencies, courts, legislatures and the legal profession. The work intends to look at developments and variations in four intertwined domains and the connection between these and other sources of legitimation and resistance (such as social movements, minorities, civil society, media).

Dee's passion for her work, her students and the field are clearly visible to those who have met her or collaborated with her. I am privileged to have walked alongside Dee through my career: tackling endless hours of fieldwork together, learning from her scholarship, benefitting from her mentorship and support, and working with her on building law and society scholarship in Africa. Her current projects are an enormous contribution to augmenting and protecting the legacy of African scholars -- past, present and future -- and epitomizes Dee's commitment to the field. I thank the Committee for the opportunity to introduce her through this brief profile, and in doing so to celebrate her work and her career.

NOTES

(1) Smythe, D, *Rape Unresolved: Policing Sexual Offences*, UCT Press (2015).

Kelley Moulton
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REPORTS

VIRTUAL WORKSHOP 'DISSENTING VOICES: THE MAKING, DEBATING AND SHAPING OF LAW'

On 21 and 22 January 2021, the University of Liège hosted a virtual workshop, organised by Eugenia Relano Pastor (Max Planck Institute for Social Anthropology), Sophie Andreetta (University of Liège), and Susanne Verheul (University of Oxford). The workshop explored the place and the role of dissenting voices in the way legality is constructed and the law is interpreted, in an effort to break away from assumptions that legal regimes speak with one, unanimous voice. The aim of the workshop was to give space to examinations of dissent from interdisciplinary and multi-sited perspectives, with papers from socio-legal studies, political sciences, anthropology and law, and covering cases from Benin to New-Caledonia, and from Sweden to Russia. We further emphasised the role of discussants for each paper, as the workshop also aimed to offer feedback for written papers as the foundation for a Special Issue.

On the first day, the workshop opened with a welcome address by the Dean of the School of Social Sciences of the University of Liège, Professor Frédéric Schoenaers. Professor Baudouin Dupret of the CNRS, Les Afriques dans le Monde, then delivered the first keynote lecture, entitled 'The Rule of Law, the Rule by Law, and the Law of Rules: A Textual Ethnography of Dissent in Adjudication'. Professor Dupret's lecture focused on three cases within authoritarian contexts to discuss how procedural rules and the due process of law transform the polyphony of events, facts, and interpretation that underlie criminal cases, into a monophonic judgement. In her discussion, Professor Barbara Truffin, Université Libre de Bruxelles highlighted how by examining the normalisation of a disappearance of polyphony through the law in criminal trials in authoritarian regimes, Professor Dupret's approach also offers an important mechanism for similar studies of the power of legal processes in other trials and in other contexts. The first panel of the day examined two other contexts, the prosecution in Benin, and Supreme Court Judges in Southern Africa through two papers delivered by Annalena Kolloch, Johannes Gutenberg University of Mainz and Peter Brett, Queen Mary University in London. Asking how dissenting voices can transform legality in the courts, these two papers point to the importance of examining the various contexts in which dissent is expressed. The papers were discussed by Professor Benjamin Rubbers, University of Liège, who pointed out the relevance of researching the relationship between practical working conditions and the linguistic and symbolic traditions of professionalism in determining the form and impact of dissent.

The second panel of the day looked at how judges hear dissenting opinions across borders. Agnieszka Kubal, UCL School of Slavonic and East European Studies in London, developed the notion of dissenting agency to analyse the impact of migrant applicants

from Russia who appear before the European Court of Human Rights in Strasbourg. Maame Efua Addadzi-Koom, Kwame Nkrumah University of Science and Technology in Kuwasi, Ghana, in turn, critically examined the role that dissenting judicial opinions played in developing and shaping the constitutional jurisprudence on the justiciability of socio-economic rights in Ghana. The papers were discussed by legal scholar Michelle Flynn, Max Planck Institute for Social Anthropology in Halle, Germany, who underlined how porous the law can be when it comes to judicial crafting and stressed the relevance of dissenting opinions in human rights' enforceability.

The second day opened with a keynote lecture delivered by Ulrike Schultz of FernUniversität in Hagen, President of the Research Committee for the Sociology of Law (RCSL). The lecture, entitled 'In another Voice: Do Women Change the Judiciary', gave a historically grounded, detailed, and comprehensive overview of the influence gender may have in both the practices and outcomes of decision-making in courts. In her discussion of the lecture, legal scholar Alice Margaria, Max Planck Institute for Social Anthropology, added a quantitative and qualitative reflection on the importance of taking gender seriously in our discussions of dissent, particularly in the context of the European Court of Human Rights.

The final panel included papers by Livia Johannesson, Stockholm University, Sweden, and Oona Le Meur, Science Po and Université Libre de Bruxelles, Belgium. Looking into the role of orality in Swedish administrative courts, and the negotiation of 'custom' in a case of transgender recognition in New Caledonia, this panel focused on how dissenting actions of judges, assessors and litigants have the potential to reinforce the legitimacy of the legal system. Marième N'Diaye of the CNRS, LAM Bordeaux, France, discussed these papers, pointing to the value of legal ethnography in examining the notion of dissent.

We concluded with a discussion session, which summarised the ways in which we can take our examination of dissenting voices further. Through the contributions to the workshop, we learned how legal actors (judges, prosecutors, applicants, and lawyers) navigate legal processes not only to get their voices heard, but to shift judicial precedents or change the make-up and practices of the judiciary. Instances of dissent may further impact society, either by further entrenching authoritarianism, or by providing progressive understandings of the law as a living instrument at the service of society.

Taken together, the papers in this workshop challenged us to look at dissent and the law through four different, but related, lenses. Firstly, we were pushed to closely examine the concept of dissent, distinguishing between dissenting legal opinions, and efforts by a range of actors to dissent from the law, to the law, or by law. Secondly, we need to consider these dissenting actors, as the way dissenting voices can be heard is contingent upon those hearing them. In his keynote lecture, for example, Professor Dupret underlined how judges and prosecutors work with an audience, and that audience differs together with the

nature, and the steps of the procedure. Thirdly, across the panels, the papers in the workshop draw attention to the context of dissent, highlighting how contextual elements affect the way dissent is perceived: either as a useful tool for change, or as a threat to democracy and to the consistency of judicial rulings. Finally, to move ahead in our study of dissent, we need to take its consequences seriously, asking what dissenting voices do to the way judges, prosecutors, legal actors define and understand their role on the one hand, and whether and how dissent can shape society, and perhaps help protect and adjudicate fundamental rights.

Susanne Verheul
Sophie Andreetta
Eugenia Relano Pastor
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OTHER SOCIO-LEGAL EVENTS

Many socio-legal events were held in 2020 and in 2021 more will be organised in virtual form. To give just a few examples of events in English:

On **19 October 2020**, at the annual meeting of the Brazilian socio-legal association, the President of **ABraSD** Renata Almeida da Costa organised a session on "**Global Sociolegal Collaboration**".

https://drive.google.com/file/d/17-DqI3Gjt3tTmjZ_9U10i5sdswDKT17K/view

From **26-27 November 2020** the **German Vereinigung für Rechtssoziologie** and the **Collegium Polonicum, Słubice, Poland** held a virtual meeting on "**Socio-Legal Perspectives on the Rule of Law**". Initially it had been planned as an in-person meeting on the 12-13 March 2020 at the University Viadrina in Frankfurt/Oder, which was immediately before lockdown was imposed in Germany. Adam Bodnar, Commissioner for Human Rights of the Republic of Poland, gave a keynote speech "Between Fear and Resistance – Rule of Law in Poland after 2015". Panels dealt with "Sociology of courts, tribunals and legal professions", "Sociology of Constitutional Courts", "Situating positions in judging" (to which I contributed with a paper on "Effects of the Feminization of the Judiciary"), "Critique of the law from the political right and "Legal cultures in socio-legal perspective".

<https://rechtssoziologie.info/aktivitaeten/tagungen-workshops/>

The year before, 23-24 September 2019, the Vereinigung für Recht und Gesellschaft had organised together with the British Socio-Legal Studies Association a workshop on "**Socio-Legal Studies in Germany and the UK: Theory and Methods**" which resulted in a special issue of the German Law Journal <https://germanlawjournal.com/volume-21-issue-7/> My contribution is titled "Gender in Socio-Legal Teaching

and Research in Germany". For the coming years a French-German meeting is planned. For 2022 or 2023 the network Law and Society of the German Speaking Countries plans its next meeting following the meetings held in Luzern 2008, Vienna 2011, Berlin 2015 and Basel 2018.

On **25-26 February 2021** the Research Group Sociology of Law in the Hamburger Institut für Sozialforschung will organise a workshop on **Legal Expertise in Theory and Practice**. <https://soziologie.de/aktuell/news/legal-expertise-in-theory-and-practice>

From **30 March to 1 April 2021** the **British Legal Studies Association (SLSA)** holds its annual meeting under title of "Where law meets the social sciences and humanities" as "first ever online conference". <https://www.slsa2021.com/>

From **3-5 July 2021** the **Society for the Advancement of Socio-Economics SASE** is organising a Conference on "Contested Law – Contested Social Orders? Technological and Transnational Challenges to the Rule and to the Making of Law" in Amsterdam.

Society for the Advancement of Socio-Economics
SASE-Mini-Conference
<https://sase.org/event/2021-sase-conference/#mini>

If you would like me to circulate information about other forthcoming socio-legal events in English via our socio-legal network, please, send me an e-mail Ulrike.Schultz@FernUni-Hagen.de

Ulrike Schultz

WORKING GROUPS

GENDER, LAW AND SOCIETY WORKING GROUP

The *Gender, Law and Society* Working Group organises activities which focus on the gendered nature of law and the legal construction of gender, by paying particular attention to *law in context*. The Working Group aims at providing space for reflection on issues such as regulating gender in a global world, the intersections between gender – intended as a non-binary category – and other grounds defining identity, as well as other new or updated approaches to gender (e.g., in the framework of transnationalism, super-diversity, etc.). More specifically, among the questions of the Working Group are those concerning how gender is involved in globalization processes, how migration processes are gendered and what gendered effects result from these processes; minorities within minorities; feminist solidarities through social media; how women and men shape

their relations in today's fluid societies. It also stimulates debate on the relation between Feminist global movements and legal change.

Information: The group is a network of about 100 scholars from all around the world. Information is sent out by email.

Website: http://rcsl.iscte.pt/rcsl_wg_gender.htm

Contacts: genderwg@gmail.com

Upcoming Sessions at international Conferences: 2021

LSA Chicago Annual Meeting "Crisis, Healing, Re-Imagining", 27-30 May 2021, Chicago (USA)

- "COVID-19 and the Increase in Violence Against Women" (Chair: Letizia Mancini).
- "Gender 'At Work' in Times of Pandemic-19: Challenges, New Inequalities and Forms of Resistance" (Chair: Barbara G. Bello).

IV ISA Online Forum of Sociology "Challenges of the 21st Century": Democracy, Environment, Inequalities, Intersectionality", 23-27 February 2021, Porto Alegre (Brazil)

- "Gender, democracy and Inequalities: An Intersectional Analysis"

Coordinators: Barbara Giovanna Bello (University of Milan) and Letizia Mancini (University of Milan)

Previous Chairs:

Co-chairs (2012-2020): Barbara Giovanna Bello (University of Milano) and Alexandrine Guyard-Nedelec (University Paris 1 Panthéon-Sorbonne, France), *Gender, Law and Society* Working Group
Until 2012: Rosemary Hunter (University of Kent), *Gender and Law* Working Group

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BOOKS

Stefanie Lemke, *Human Rights Lawyering in Europa: Eine rechtsvergleichende Studie zur anwaltlichen Menschenrechtspraxis und zum Zugang zum Recht in England und Wales, Frankreich und Deutschland*, 337 p., ISBN 978-3-8240-1610-5 (Bonn: Deutscher Anwaltsverlag, 2020). Available in German.

"If the law does not in fact enforce a citizen's rights, and redress his wrongs according to law, (...) government is useless, and the only remedies are reform or revolution."

Gurney-Champion, *Justice and the Poor in England*, p. 1

“Human Rights Lawyering in Europa” presents ground-breaking research on the relationship between affordable access to justice and the provision of legal services to vulnerable rightsholders from a socio-legal and comparative perspective. Due to the quasi non-existence of human rights layering Germany, the author’s home country, the book looks at the socio-legal conditions under which lawyers are able and willing to practice human rights law and support those in need in a relevant sample of European countries. Based on surveys and interviews conducted with law schools, law firms, NGOs and professional bodies in the period between 2009 and 2015, the book provides a concise and contextual in-depth study of civil and common law systems where lawyers are known for their strong commitment to human rights law and explores what it takes to establish a successful human rights culture within the legal profession.

In a nutshell, lawyers play a key role to further human rights. Many professional codes of conduct therefore regard the protection of human rights as an integral part of being a lawyer. Through their legal skills, lawyers are uniquely tasked to assist victims of human rights abuse and claim their rights in the courts. Generally, the notion of “Human Rights Lawyering” is used to describe the activities and responsibilities of lawyers who work in the field human rights: the provision of legal information and advice, legal representation and other out-of-court activities in the area of of human rights law. Directly linked to being a human rights practitioner is access to justice. Access to justice refers to the way people can obtain legal information and advice and resolve their legal disputes. Access to justice is highly relevant to human rights lawyering because the legal field of ‘human rights law’ covers mostly areas of law which typically affect the interest of people who have little or no financial means (e.g., asylum seekers, prisoners, children). Court and lawyer’s fees can therefore be barrier for them to seek justice. Early on, the “poverty lawyering movement” of the late 19th century found that, while industrialisation had brought wealth to many, it simultaneously widened the gap between rich and poor and, as a result of this, some groups of society were more challenged than others in accessing legal services and the courts. Later, it was concluded that this is mainly due to economic, social and cultural barriers such as low-income levels, urbanization, belonging to an ethnic minority and illiteracy, which keep some people from exercising their rights.(1) Against this background, it became common practice in many countries that lawyers are sensitized to the needs of society. This means that future lawyers learn about the protection of human rights and are introduced to social engagement from an early stage of their professional careers.

However, the extent to which legal professionals are committed to human rights can differ strongly from country and country. In Europe, English and French lawyers have an enduring tradition of human rights lawyering and helping the vulnerable of society. In both countries, lawyers have established a thriving human rights culture within their profession, where lawyers work and/or volunteer in the field of human rights law and provide pro bono legal services to

those who cannot afford to pay for legal services. In England and Wales, more than 1,500 solicitors’ practice in the area of human rights and, in France, it is “good form” for every avocat to assist the “poor and weak of society”. This is different in Germany. In Germany, the profession of “human rights lawyer” does not exist and the number of lawyers focusing on human rights law is low. The German legal market is dominated by commercial law firms and lawyers who are specialized in many fields of law but not in the area of human rights. (2) Finding employment with commercial law firms and corporations is also popular among law graduates and young lawyers who describe both as their preferred employers. Human rights organizations, on the other hand, appear to play only a minor in their job hunt. Besides, while international human rights mechanisms can help to communicate human rights matters more effectively to governments, legislators and the public, such human rights complaint systems are rarely used by German nationals. For instance, there is only a small number of German applicants, as compared to those from France and the UK, who consider filing a complaint to the European Court of Human Rights and an even smaller number of German applicants who make a valid application to the court. It is said that the high number of inadmissible complaints is also due to the fact that German applicants are assisted by lawyers who are not sufficiently trained in human rights law. (3) Additionally, the number of complaints against the German government filed to other international human rights bodies, such as the UN treaty bodies, is low. Considering this, it seems that legal practice of human rights law is quasi non-existent in Germany. Human rights law, however, should be right at the heart of the entire German legal profession. It is not only relevant to constitutional lawyers but can impact many fields of legal practice such as family law and tax law. Furthermore, effective protection of human rights is also needed in Germany and requires lawyers specialized in human rights law who are able to detect human rights violations and defend their clients confidently before international human rights mechanisms. Through this, German lawyers could contribute to change and help to further rights, such as group rights, which are not or not sufficiently protected by the national legislator or jurisprudence. Yet the reasons why German lawyers are not able or unwilling to do so have not been explored.

NOTES

(1) Bettinger-Lopez et al. *Georgetown Journal on Poverty Law and Policy* 3 (2011) 364-365, 385; Butler *International and Comparative Law Quarterly* 49 (2000) 361-362; Gilbert/Wright *The International Journal of Human Rights* (1997) 28-29.

(2) German Bar Association (BRAK), Statistics on specialists, available at <https://brak.de/die-brak/satzungsversammlung>.

(3) v. Raumer *Anwaltsblatt* (2014) 393; Rudolf *Anwaltsblatt* (2014) 400; Rudolf / v. Raumer *Anwaltsblatt* (2009) 313.

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Barbara Giovanna Bello, *Intersezionalità. Teorie e pratiche tra diritto e società*, 464 p., ISBN 978-8-8351-0672-2 (Milano: Franco Angeli, 2020) Available in Italian.

Since the introduction of the term by Kimberlé W. Crenshaw in 1989, intersectionality has become an increasingly widespread perspective for addressing such issues as identity, difference, diversity and equality in contemporary contexts. The law should respond to ever new, complex and “unforeseen” instances: intersectionality offers tools to the various social actors to get engaged in fruitful analyses of social and legal changes, undertake new epistemological discourses and promote human beings’ full legal protection. The book aims to describe intersectionality’s implications in the study of law and society, presents the state of the art of its integration into the supranational and national anti-discrimination protection and finally explores the practices followed by legal operators and associations advocating for marginalized people’s rights, by highlighting the dialogue between the different levels of today’s legal culture and experience.

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ANNOUNCEMENTS

PODGÓRECKI PRIZE 2021

The Podgórecki Prize alternates each year between awards for outstanding achievements in socio-legal research, for (1) distinguished and outstanding lifetime achievements, and (2) outstanding scholarship of a socio-legal researcher at an earlier stage of his or her career. In 2021, the Prize goes to a senior legal scholar for outstanding lifetime achievements.

Further information can be found on the RCSL website http://rcsl.iscte.pt/rcsl_apodgpr.htm and http://rcsl.iscte.pt/rcsl_apodgprRules.htm

The prize will be a commemorative certificate. Nominations for the RCSL-ISA Adam Podgórecki Prize require the support of two or more RCSL

members. All nominations will be reviewed by an Award Subcommittee, consisting of three socio-legal scholars nominated by the RCSL Board. The members of the 2021 Podgórecki Prize Committee are: Sharyn Roach Anleu, Australia (chair), Stefan Machura, U.K., Germano Schwartz, Brazil.

The nominations should be sent to Sharyn Roach Anleu till the **15th of March 2021**.

CALL FOR APPLICATIONS/NOMINATIONS AS SCIENTIFIC DIRECTOR OF THE INTERNATIONAL INSTITUTE FOR THE SOCIOLOGY OF LAW

The International Institute for the Sociology of Law, IISL, Onati, is issuing a call through the Research Committee for the Sociology of Law of the International Sociological Association for nominations for the position of Scientific Director of IISL. The 2-year term of the present Scientific Director (SD) at IISL Onati will end in August 2022 for a start of the new Director in September 2022. Outstanding scholars working in the field of studies on law and society around the world are invited to submit their application as candidate to Scientific Director of the IISL for the year 2022 to 2024.

The IISL in Onati is a leading institution for the sociology of law, with an international reputation. <http://www.iisj.net/> IISL receives students and faculty from around the world to Onati for a master program and has created a worldwide network of socio legal scholars and researchers based in Onati through hosting a number of international workshops, conferences and Summer Courses each year, as well as individual visitors. IISL Onati has one of the leading libraries for sociology of law, can offer grants to support visitors, and publishes a highly regarded series of books and journals. It makes an important contribution to the reputation of the Basque Country for academic research and professional training, and plays an important part in the life of the Research Committee of the Sociology of Law in the International Sociological Association <http://rcsl.iscte.pt/> IISL celebrated its 30th anniversary with a Conference in Onati in June, 2019. <http://www.iisj.net/es/node/2126>. The Onati Scientific Director becomes for the time of his/her term a fellow of the Ikerbasque Foundation for Scientific Research in the Basque Country and a distinguished professor of the University of the Basque Country. Candidates have to meet the qualifications for excellence of the Ikerbasque Foundation and have a doctorate (Ph.D. or equivalent) received 8 years before application. The excellence criteria include scientific merit and research track, interest of the Research Statement provided in the application, relevance of research topic and latest publications, and concordance with Basque research capabilities, in this case the Onati IISL (see <https://www.ikerbasque.net/en>). The Foundation's regulations apply to the salary.

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The SD will have an office in the Institute, with the support of all the staff of the Oñati Institute. Family accommodation is provided in the Antia College Residence in Onati at a moderate cost.

If you are willing to be nominated and serve, please send a letter of motivation, your CV, a research statement and a list of publications by **15 April 2021** to Pierre Guibentif, email: pierre.guibentif@iscte-iul.pt, the chair of the independent Nominating Committee appointed by RC SL President Ulrike Schultz.

The Nominating Committee will review all applications to check whether the Ikerbasque requirements are met and present a short list to the RC SL Executive Committee and the RC SL President who will forward the names of two candidates through the Scientific and the Administrative Director of the Onati Institute to the Ikerbasque Foundation for Review. The final candidate will be selected by the IISL Board. You can find a detailed and interesting description of the role of the SD in organising and promoting the academic work of IISL and a profile of the SD, on the RC SL website at http://rcsl.iscte.pt/rcsl_iisl_SD_profile.htm.

For further information contact Pierre Guibentif or Ulrike Schultz ulrike.schultz@fernuni-hagen.de If you have questions about the current SD role or about the Basque scientific environment, please contact Martin Ramstedt, the current Scientific Director (m.ramstedt@iisj.es). For details of the administrative status of the SD please contact the Administrative Director Maite Elorza (m.elorza@iisj.es).

OPPORTUNITIES

DOCTORAL PROGRAMME IN SOCIOLOGY OF THE STATE, LAW, AND JUSTICE

The Doctoral Programme in Sociology of the State, Law, and Justice – coordinated by Boaventura de Sousa Santos, António Casimiro Ferreira and Sara Araújo – is based on the Centre for Social Studies of the University of Coimbra's four decades of international research in the area of sociology of law and politics. Epistemological, theoretical and thematic diversity are valued in a programme that is at once plural, coherent, and substantially committed to the development of critical-thinking skills. The programme addresses the challenges posed by interdisciplinarity and the decolonisation of studies of the state, law and justice. Students will study the main debates and theories while becoming familiar with epistemological, theoretical and methodological tools that will enable them to develop context-sensitive, high-quality and innovative research in order to understand complex socio-legal phenomena across the world's different societies and in global relations.

The theories of law and justice, the studies about the state, democracy and legal pluralism, and the theories of access to law and justice will be viewed through a combination of classical and contemporary Western readings and equally relevant literature from other quarters. Power and inequalities will be addressed along three main structural axes – patriarchy, colonialism and capitalism –, reflected in three curricular units – “Crime and gender violence”, “Modernity, colonialism and racial violence”, and “Social rights, financialisation and inequalities”. In each of these, a plurality of theories, critical perspectives and proposals for an alternative construction will be presented and discussed, allowing students to learn hegemonic theories as well as become acquainted with literature developed in the margins of, or even outside, the academy. This will ensure that students have contact with a wide variety of authors, theories and methodologies while being equipped with critical-thinking tools that will enable them to identify the absences, or invisibilities, produced by these theories. A short-term internship in the second year will constitute a brief experience of mobility. Through this internship, this programme will ensure that students have contact with another institution close to their research interests.

Taught in English and taking a North-South, South-North, South-South and East-West analytical approach, the programme aims to attract candidates from all over the world. Though the seminars will be taught exclusively in English, assessment can be conducted in English, Portuguese or Spanish, in order to permit the inclusion of candidates from different geographical backgrounds and academic paths. The heterogeneous group of students who are expected to take the programme will be challenged to produce non-Eurocentric critical work and engage in intercultural debates that reflect the world's exuberant diversity.

The call for applications will start in the 1st quarter of 2021.

All information could be found at:

<https://ces.uc.pt/en/doutoramentos/programas-de-doutoramento/sociology-of-the-state-law-and-justice/apresentacao>

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DONATIONS

RC SL would like to thank Pompeu Casanovas for his donation.

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://www.iisj.net/en/sociolog%C3%ADa-jur%C3%ADdica/rcsl-membership-form>

Please send the completed form to our membership office:
Manttoni Kortabarria Madina (m.kortabarria@iisj.es).

CALL FOR BOOK DONATIONS

The wonderful Library of the International Institute for the Sociology of Law is suffering. For the last ten years, the institute's budget has been almost "frozen" and the library could hardly keep pace with new developments. It is still perhaps the world's most comprehensive library in our field. A most recent analysis of the acquisitions showed that, especially for the years 2015-2018, an insufficient number of books came to fill up the shelves there. This was especially true for four of the seven areas of the library, e.g. Legal Norms, Social Control, Conflict Resolution and Legal and Judicial Occupations. For other significant subjects, such as law & behavioral sciences and law and digital technologies, as well as for anthropology of law, gaps are particularly visible. Non-English publications, also, are far less available than in the early days of the Institute.

The RC SL invites its members to contribute by offering a free copy of their own recent publications as a donation to the IISL library. This gesture would be helpful for solving our problems and would of course be highly appreciated. You can easily check on-line whether your publications are already present there (<http://www.iisj.net/en/library/about-library>).

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