

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

<https://rcsl.hypotheses.org/>

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PRESIDENTIAL ADDRESS

Dear friends and colleagues,

Corona has kept us firmly in its clutches during the past few months. There were some in-person meetings in summer, then in autumn and winter everything went back to virtual. These meetings have advantages as colleagues from all around the globe can attend without cost. On the other hand, they cannot really replace the intensity and atmosphere of face to face meetings and social events.

If we can believe the virologists the worst will be behind us within the next few weeks and therefore we are all looking forward to the big international socio-legal meeting in Lisbon from 13 July to 16 July 2022 which is co-sponsored by RCSL and also serves as space for RCSL working group meetings. It is planned as an in-person event, although sessions can also be organised virtually. Pierre Guibentif and Susana Santos are heading the Local Organising Committee. About 3.500 papers have been submitted, 600 of those for purely virtual sessions. The program committee will group the unassigned papers to sessions at the end of the month. RCSL members have submitted many papers and session proposals. Some RCSL members head Cooperative Research Networks (CRNs) and quite a few RCSL members have formed International Research Collaboratives (IRCs) for the Lisbon meeting and have thereby helped colleagues from B and C countries to receive travel funding from the American Research Foundation. RCSL itself has also awarded some travel funding to nine students from B and C countries. The Lisbon meeting will be the biggest socio-legal event we have ever had and will inspire a lot of new work and projects.

We will have a board and members meeting in Lisbon. At the members meeting the Podgorecki Prize 2022 will be awarded. This year it is for an emerging socio-legal scholar.

The 2021 board meeting was held on the 17th of December 2021 in virtual form. We have accepted a new working group **Judicialization of Social Problems**, Chair: Joao VELLOSO, Canada. You can find a description in this Newsletter. We can pride ourselves on having 14 working groups, and most of them are very active as we could hear from their reports at the board meeting. For details, please, check the RCSL website.

Immediately before the Lisbon Conference, from 10-12 July 2022, the Legal Professions Group will hold its biannual meeting in Coimbra which is 200 km north of Lisbon.

At the board meeting we have also decided to hold the postponed RCSL Conference in Lund which was scheduled for 2020 at the end of August 2023. I am in contact with the Swedish colleagues and will send you more detailed information soon (continued in page 2).

ARTICLES & REPORTS

Presidential Address, Ulrike Schultz	1
Lisbon 2022 Global Meeting, Pierre Guibentif.....	2
Podgorecki Prize 2020, Angelica Cuellar.....	3
Building Bridges, Making Waves, Alysia Blackham.....	3
Working Group on Judicialization of Social Problems, Joao Velloso.....	5
Oñati Community, Susana Arrese.....	6
Enroll! Series, Stefanie Lemke.....	7
Frontiers of Socio-Legal Studies, James Campbell.....	8
Europe's Guidelines on Legal Aid, Stefanie Lemke.....	10
Reimagining the Judiciary, Alicia Kang.....	11
RCSL Membership.....	12
Call book donations for the IISL library.....	12
RCSL Board, Working Groups.....	12
RCSL office address.....	12

Let me also announce again that from 25 June – 1 July 2023 the XX ISA World Congress of Sociology will take place in Melbourne, Australia. It has been postponed from 2022 due to Corona.

The Congress title is “Resurgent Authoritarianism: The Sociology of New Entanglements of Religions, Politics, and Economies”. For more details, please see ISA World Congress website <https://www.isa-sociology.org/en/conferences/world-congress/melbourne-2023>

Corona has also impeded the work at the International Institute for the Sociology of Law, although Martin Ramstedt, the current Scientific Director, and the staff have bravely resisted the restrictions, and the master programme was carried on, partly in virtual form, workshops were also organised virtually, meanwhile visiting scholars can visit the IISL again. And many new publications were launched. Martin Ramstedt has brought in many new ideas, including the memory lectures, virtual book launches etc. In September he will hand over his office to the incoming new Scientific Director. Seven applications were received, the best candidates were proposed to Ikerbasque, the Basque Foundation for Science, and approved by them. Ikerbasque co-funds the position with the University of the Basque country. The SD also becomes Research Fellow of Ikerbasque for the time of his/her term. I will send further information soon.

I wish you all healthy and fruitful coming months and am looking forward to meeting many of you in Lisbon.

Ulrike Schultz
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LISBON 2022 GLOBAL MEETING ON LAW & SOCIETY

Next July 13-16, Lisbon will host the 2022 Global Meeting on Law & Society (<https://www.lawandsociety.org/lisbon-2022/homepage/>). For the seventh time since the 1991 Amsterdam Meeting, researchers on socio-legal issues from all around the world will come together and, hopefully, experience in concrete terms the reality of a global socio-legal field.

This starts with people travelling to the city of Lisbon. After two years of pandemic, the prospect of such a gathering acquired new meanings. Considering the current public health trends, some optimism is permissible. We well may have conditions for travel, and Lisbon 2022 is likely to be the moment of a return to the pleasure of actual meetings. But the pandemic not only made meetings for some time impossible, it also made more acute our concerns with the state of our planet, and our questioning of the human practices that contribute to this state. Travelling, in particular by plane, is one of those practices. So isn't it time to decide not to travel? Those who at this moment are working hard organizing the Lisbon Meeting must have reasons to admit that that there are justifications for travelling to Lisbon. One may be the following: precisely because the state of the planet is at stake,

planetary action is required, and planetary action has to be backed by a planetary sharing of experiences and debates. Part of these debates will, more and more, take place virtually by video-conference. But video-conferences do produce results as long as an effective common background of experience, even if limited in time, provides the words used with effectively shared meaning. So from time to time, we will have to meet, at least, one could dare to argue, every five years, which has been the rhythm for our global meetings since Amsterdam.

This justification only holds if we take the opportunity of the meeting to tackle the issues at stake now. Rather different from previous meeting topics, the theme “Rage, Reckoning & Remedy” addresses in the first place the tensions and conflicts that shape contemporary society. Recent violent events in different places of the world, and reactions of rage against them, obliged us to deal with the issue of racism and slavery, and of situations of extreme inequalities and exclusion. These events take place at a moment when the scarcity and precariousness of the resources needed by humanity are becoming tangible, exacerbating pre-existing conflicts under the pressure of distribution issues. Rage is now also being expressed against the predatory way industrialized modernity is exploiting the planet. These different expressions of rage have to be taken into account by scientific research in the setting of its agenda. This is particularly the case for socio-legal research, and Lisbon 2022 offers a moment and a space for this agenda setting.

So, it is our conviction that 2022 Lisbon has to be an in-person meeting, but we will have to take advantage of all the tools recently developed to allow those who will have to decide not to travel to participate virtually. This is why an important set of sessions will take place by video-conference in parallel to the in-person sessions.

At this moment, nearly 3500 individual abstracts have been approved by the Programme Committee, about two third of them to be presented in person, as well as about 160 roundtables. This means that, despite the peculiar post-pandemic conditions, Lisbon 2022 should gather an attendance comparable to those of the former Global Meetings.

As was the case for those former Global Meetings, the Law & Society Association is the main organizer of the event. A broad set of other groupings operating in the socio-legal domain, and in particular the RCSL, are acting as co-sponsors. The setting up of Lisbon 2022 led to an intensification of the cooperation between these groupings. Several initiatives will take place within the framework of the meeting with a view to improving for the future the conditions and tools for this cooperation.

The meeting will be hosted by ISCTE University Institute of Lisbon, a Portuguese public university which celebrates exactly in 2022 its 50th anniversary. It was launched in a period during which the country, after the April 25th 1974 Revolution, was re-defining itself on the basis of a new constitutional framework, and, since then, it has participated actively in the country's development by teaching and researching with a strong interdisciplinary commitment. The hosting of the Lisbon 2022 Global Meeting on Law & Society is one more way to honour this institutional vocation.

This brings us to the connection between the issues traditionally addressed by socio-legal studies, and in particular the meeting's theme, and the issues currently under debate in Portugal, as well as, in broader terms in the Lusophone world. Taking the best possible advantage of these connections was one of the main concerns of the Local Arrangements Committee of Lisbon 2022, in which all the main research units active in Portugal in the socio-legal domain are represented, as well as the Oñati International Institute for the Sociology of Law, established about 900 km from Lisbon, which means proximity at the scale of the planet. In connection with the Programme Committee and Law & Society Association's Executive Officer, and in partnership with several Portuguese institutions active in the legal domain, the LAC is preparing a set of sessions addressing topics such as constitutionalism and legal pluralism in the Lusophone world, constitutionalism from liberal to digital, drug decriminalization, access to case law, public law facing the pandemic, and, back to the Lisbon 2022 theme, forms of discrimination and racism.

By bridging between the global and Portuguese, as well as Lusophone debates, the organizers hope to strengthen both the momentum of the activities to take place during Lisbon 2022, and thereby the future development of the global socio-legal field, and, in one regional part of that field of the momentum of socio-legal research in Portugal, notably by intensifying interdisciplinary cooperation between jurisprudence and social sciences. An urgent step, now that the theme of Lisbon 2022 obliges us to face more demanding challenges of interdisciplinarity for a comprehensive approach to issues such as environmental harm.

A personal point to end this note. I am myself strongly involved in the organization of the meeting. So, I would like to make clear that I am signing here not in any official quality, but as a colleague who witnesses an impressive world-wide collective effort from the part of his peers, and who considers that he should give an account of it.

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ALYSIA PAIGE BLACKHAM WINNER OF THE PODGORECKI PRIZE 2020

Dear colleagues of the Research Committee on Sociology of Law (RCSL), good afternoon.

First of all, I would like to thank Ulrike for all the support and organization. Despite the world situation we are facing due to the Pandemic, she has made extraordinary efforts to carry on with the activities of the Research Committee on Sociology of Law virtually.

I was honoured to be chair of the Evaluating Committee for the Podgorecki Prize 2020, which also included Marina Kurkchyan from Oxford University and Iker Barbero from the University of the Basque Country. I want to thank them for their support and discussions to determine a winner. Finally, I would like to thank all the candidates who sent their CVs and letters of support. The Committee was quite pleased by the participation

and the level of scientific production demonstrated. For this reason, the Committee decided to award an Honorary Mention to Swethaa S. Ballakrishnen, because of her outstanding achievements as a scholar in the field of sociology of law.

On behalf of the Evaluating Committee, I would like to congratulate Alysia Paige Blackham, associate professor of the Law School of Melbourne University.

The academic and scientific production that Alysia has built throughout her career has allowed her to consolidate research topics of great importance for our academic community.

Alysia is a proud representative of Sociology of Law, which is nurtured by empirical investigation. Her research involves law and discrimination in varied contexts and settings, which she has presented in books, book chapters and a vast amount of articles. She has been invited to various universities of recognized quality, such as:

Faculty of Law, University of Cambridge; Faculty of Law, Lund University; Faculty of Law, University of New South Wales; University of Sydney, University of Helsinki, Oxford University, Kobe University, Japan, and Macquarie University. One of the main tasks that must be accomplished as an RCSL member is widening the frontiers and spreading the results and strategies of our research. We believe that Alysia has accomplished this mission.

The numerous awards she has been given by internationally prestigious institutions in and outside Australia, her country of origin, can only reflect the arduous work she has dedicated to Sociology of Law research.

For the reasons mentioned and for the content of the letters of support received, the Committee decided to award the Podgorecki Prize 2020 to Alysia.

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BUILDING BRIDGES, MAKING WAVES: AGE, INEQUALITY AND SOCIO-LEGAL STUDIES

I am deeply honoured to receive the 2020 Podgórecki Prize for outstanding scholarship by an early career socio-legal scholar. I am profoundly grateful to those who put forward my nomination – Professor Sharyn Roach Anleu, Professor Rosemary Auchmuty, and Professor Pompeu Casanovas – and to the Committee for adjudicating the Prize.

Today I wish to make three points, reflecting on my previous work (which was the subject of the Prize nomination), my current work, and the future of the field of socio-legal studies. First, I want to reflect on how socio-legal research might build bridges, both across and within disciplines. Second, I will consider how socio-legal research might make waves, within and beyond the academy. Third, and finally, I will conclude by reflecting on what this means for the future of the field of socio-legal studies.

First, then, I will reflect on how socio-legal research might build bridges, both across and within disciplines. The very foundation of socio-legal research is embedded in the building of bridges across disciplinary boundaries – indeed, the very rejecting of disciplinary

boundaries themselves (1) – as we engage with and contribute to both legal and interdisciplinary methods and scholarship. But socio-legal research can also build bridges within legal research itself, including across the fields of public and private law; and across different research methods and approaches. This is seen, for example, in the use of mixed methods research designs, which integrate qualitative and quantitative research methods to develop new and challenging insights into legal problems, enriching our understanding of legal phenomena, questioning our assumptions about research and research methods, and building a challenging and inclusive approach to legal scholarship.

Substantively, in my own work, I have sought to build bridges in the areas of age and inequality, spanning labour law, equality law and public law. I have used an age and equality lens to examine legal and socio-legal issues, traversing both public and private law. This has included, for example, research examining individual and organisational experiences of age discrimination at work, in particular organisations (such as universities, (2) manufacturing, government and quasi-government organisations), (3) but also as they affect judges and judging.(4) My work considers how law influences how people view the world; age discrimination law in particular is a form of regulation with largely progressive intent, but where it is difficult to effect meaningful social change. Using reflexive law theory, I consider how law might ‘irritate’ organisational responses to prompt equality, and how we might explain perverse or unexpected impacts of legal change.(5) In my work, I bridge public and private law, using mixed methods research designs, integrating surveys, statistical analysis, qualitative expert interviews, documentary analysis, and doctrinal research.(6) By bridging qualitative and quantitative methods, I seek to map the impact of law, critique how we might view legal ‘effectiveness’, and interrogate the limits of legal intervention.

Second, then, it is important to reflect on how socio-legal research may make waves, both within and beyond the academy. This recognises the significant impact we can have as socio-legal scholars, within and beyond our field. Beyond the academy, our research can influence organisational practices and legal development. We can do this by, for example, undertaking engaged research, in collaboration and partnership with governments, equality agencies, unions, employers, and non-governmental organisations. We can influence social change through and within the research process itself; simply by posing the right questions, we can encourage respondents to think in new ways about law, and (in my field) about equality. We can also make waves through research impact and outreach activities, including by holding inclusive scholarly events; making submissions to government inquiries; and by working collaboratively with equality agencies and practitioners to gather data, identify problems and create solutions. For example, my work on age discrimination against judges has led to judicial retirement ages being increased in at least two Australian jurisdictions.

In undertaking this outreach work, I have been privileged to work with the Australian Discrimination Law Experts group, a group of academics with shared expertise in equality law. (7) Much of our collaborative work has involved responding to the many government consultations relating to equality law. By working together, we have shared the load of making waves, and have had significant influence on the development of equality law across Australia. For example, our input was highly influential in developing a new and innovative piece of legislation – the *Gender Equality Act 2020* (Vic) – which reflects best practice internationally in advancing gender equality in the public sector. With an expert interdisciplinary team, I am currently working with the new Victorian Commission for Gender Equality in the Public Sector to examine the implementation of the Act, reviewing how it can be optimised into the future to best advance equality.

Socio-legal research and socio-legal researchers can also have a significant impact within the academy. At my own institution, I founded and continue to lead an Empirical Research Network, to support and advance empirical research across all legal fields.(8) This Network is particularly important for higher degree research students, who form half of the Network’s members. To strengthen this support, I have also implemented empirical research training as part of our doctoral training program, and created a new subject within our juris doctor degree that introduces students to empirical legal research. By integrating empirical research into each stage of legal training, we can support and advance the next generation of socio-legal scholars.

Third, and finally, this leads naturally to consider the future of the field of socio-legal studies. Clearly, the future of our field is very bright! Socio-legal research is uniquely positioned to offer insights into the complex, thorny problems that face contemporary society. One of the real strengths of socio-legal studies is its inclusive and eclectic nature. As Roger Cotterell has emphasised, the ‘rich, almost anarchic heterogeneity’ of socio-legal studies, and its openness to different aims, outlooks, and disciplines,(9) means we can offer new perspectives and outlooks to legal scholarship, across both empirical and theoretical questions. Socio-legal research can *reshape* legal research, renewing its engagement with social change.(10) Engagement beyond the academy is critical to this reshaping process: there is increasing demand and appetite for engaged socio-legal and empirical legal research from government, practitioners, and NGOs.(11) The future of our field is bright, as we continue to build bridges and make waves, within the academy and beyond.

NOTES

(1) Roger Cotterell, ‘Subverting Orthodoxy, Making Law Central: A View of Sociolegal Studies’ (2002) 29 *Journal of Law and Society* 632, 633.

(2) Alysia Blackham, ‘Managing without Default Retirement in Universities: A Comparative Picture from Australia’ (2015) 35 *Legal Studies* 502; Alysia Blackham, ‘An Experimentalist Approach to Equality: A

Case Study of Retirement in the UK University Sector' (2019) 39 Legal Studies 598.

(3) Alysia Blackham, *Extending Working Life for Older Workers: Age Discrimination Law, Policy and Practice* (Hart Publishing 2016).

(4) Alysia Blackham, 'Judges and Retirement Ages' (2016) 39 Melbourne University Law Review 738; Alysia Blackham, 'Judicial Retirement Ages in the UK: Legitimate Aims and Proportionate Means?' [2017] Public Law 196.

(5) Alysia Blackham, 'Reflexive Change? A Quantitative Review of the Impact of the Equality Act 2010 on Age Equality Measures in Organisations' (2016) 16 International Journal of Discrimination and the Law 122; Alysia Blackham, 'Re-Systematising Labour Law: Beyond Traditional Systems Theory and Reflexive Law?' in Alysia Blackham, Miriam Kullmann and Ania Zbyszewska (eds), *Theorising Labour Law in a Changing World: Towards Inclusive Labour Law* (Hart 2019).

(6) Alysia Blackham, 'When Law and Data Collide: The Methodological Challenge of Conducting Mixed Methods Research in Law' (2022) 49 Journal of Law & Society forthcoming.

(7) See <http://www.adleg.org.au>

(8) See <https://law.unimelb.edu.au/research-programs/ern>

(9) Cotterrell (n 1) 632–3.

(10) *ibid* 634.

(11) Hazel G Genn, Martin Partington and Sally Wheeler, *Law in the Real World - Improving Our Understanding of How Law Works: Final Report and Recommendations* (Nuffield Foundation 2006) <<http://www.nuffieldfoundation.org/sites/default/files/Law%20in%20the%20Real%20World%20full%20report.pdf>> accessed 21 May 2012.

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WORKING GROUP ON JUDICIALIZATION OF SOCIAL PROBLEMS

It is a pleasure to present the new Working Group on Judicialization of Social Problems, approved by the RCSL Board last December. Our main purpose is to have a long term academic forum on how law is being mobilized in the governance of social problems, a place where we can bring together different approaches, empirical contexts, and areas of law. Social problems are legally addressed in countless ways across the globe, and we believe that we still have a lot to learn with each other. In this sense, openness to interdisciplinary, jurisdictional, and regional diversity, and comparative perspectives are fundamental aspects of this collective enterprise of understanding and nuancing judicialization of social problems, the sociolegal strategies involved in such processes, the role of actors and their institutional practices.

The WG has its origins in the three sessions of the XIX ISA World Congress of Sociology (Toronto, 2018) and the Onãti workshop (IISJ, Onãti, 2019) called *Social Control, Judicialization of Social Problems and Governance of Security in Comparative Perspectives*,

organized by myself (João Velloso, University of Ottawa, Canada) and Vivian Paes (Universidade Federal Fluminense, Brazil). In these two events, we counted the participation of over thirty scholars from ten different countries (Global North and South) and many disciplinary backgrounds (law, sociology, anthropology, criminology, political science, social work, and urban studies). At the beginning, our idea was to simply create a session about the dynamics of judicialization and social control, not limited to the idea of criminalization framed from a Global North perspective but would prioritize the sociology of law and socio-legal approaches to the practices of legal institutions when responding to social problems or dealing with security projects. One session became three, three sessions became the basis for a two-day workshop in Onãti and this geographically and disciplinarily diverse network started to take shape, incorporating other scholars over the years. The interest we received for these activities, our discussions, and the need to be enriched even more by other studies were our main motivations to continue with sessions at the IV ISA Forum of Sociology (Porto Alegre, Brazil, 2021) and the *Global Meeting on Law and Society* (Lisbon, 2022), and to create this WG. Finally, we would like to acknowledge that we would not be able to create this WG without the early support from former RCSL president Masayuki Murayama, who encouraged us back in 2017 to develop and consolidate our sessions with a workshop in Onãti, the support from current president Ulrike Schultz, who really made the last push for us to make this happen now, and the comments and support from RCSL Board members and the founding members of the WG.

Nuancing Legal Responses to Social Problems: "Glocal" Scope and Plural Approaches

The judicialization of social problems, as a sociolegal phenomenon, has changed substantially in the last decades, both by harshening criminal punishment and by widening the scope of penalization processes within and beyond criminal justice. Theoretically, and normally, contemporary democracies tend to manage conflicts and people through legal institutions anchored in a liberal triad composed by legal rules, balanced rights and sanctions often associated with criminal law and trials. While criminalization is still the primary face of how legal institutions deal with problematic situations, an increasing number of scholars are pointing to two significant aspects: 1) criminalization is a fairly heterogenous sociolegal process, varying substantially depending on who you are and where you are located; and 2) there are many forms and processes of judicialization and penalization, either within criminal justice (e.g. plea bargaining, regimes for those not criminally responsible or unfit to trial, etc.) or relying on administrative, civil, regulatory and even hybrid legal regimes.

This Working Group welcomes scholars from different disciplinary backgrounds exploring the routines and practices of various legal institutions contributing to the judicialization of social problems and the governance of security. Themes may include the following aspects of judicialization of social problems:

- Legal responses of any kind (criminal, administrative, civil, regulatory, hybrid, etc.), anywhere.
- Criminalization processes (in the plural, from Global North and South).
- Connections between different legal regimes and collateral consequences of judicialization.
- Multijurisdictional forms of governance or judicialization (Federal, Regional, Local, or International).
- Law reform, decriminalization and re-regulation concerning social problems.
- Judicial aspects of policing and governmental agencies managing social problems.
- Legal pluralistic responses to social problems.
- And many other mobilizations of legal orders as part of social control ensembles or the governance of social problems. We have been receiving “outside of the box” contributions since 2018 and we are very aware that we simply cannot yet capture the richness of all the empirical experiences across the globe.

By putting studies about multiple contexts and jurisdictions into conversation, we really hope to develop a better understanding on how law (State-based or not) is being mobilized to govern social problems, the dynamics of access to justice and the forms of resistance to old and new social control projects.

Governance of the WG

The WG will have a structure of governance composed by the chair and up to five regional coordinators (North America, Latin America, Europe, Africa, Asia-Oceania), the chair being responsible for his or her own continental region. This aims to facilitate the global reach of the WG and the organization of local events, as well as assure our presence in international meetings. We started with two regional coordinators, covering the continental regions: Joao Velloso (Canada) for North America and Europe (interim) and Izabel Saenger Nuñez (Brazil) for Latin America. Our plan is to define coordinators for Europe, Africa, Asia-Oceania by the end of 2022. The administrative language of the WG is English, but we can work in the three official languages of the ISA (English, French and Spanish) plus Portuguese. Most of our current members are bilingual or trilingual. Even if this is not a requirement, we hope this will help creating a more diverse community and organizing regional and local conferences in different languages. Please, feel free to join the WG and help in its governance in the future.

Future activities

We plan to have three sessions at the *Global Meeting on Law and Society* (Lisbon, 2022): Judicialization of Social Problems and Governance of Security in Comparative Perspectives I, II & III, being two in person and one online. We also plan to organize or support local and regional online or hybrid events in-between the RCSL international meetings. We have already created a YouTube channel for the WG (see link above) and our plan is to use it to live stream conferences and as a repository for some of our activities. We hope this will help in creating and solidifying international networks and in the recruitment of new members for the WG and the RCSL. Do not

hesitate to contact us at jsp.rcsl@gmail.com, or one of our regional coordinators, and inquire about possibilities of collaborations.

Chair: João Velloso, University of Ottawa, Canada [joao.velloso@uottawa.ca]

Contact: jsp.rcsl@gmail.com

YouTube channel: <https://tinyurl.com/jsp-rcsl>

Regional Coordinators:

- North America and Europe (interim): João Velloso, Univ. of Ottawa, Canada
- Latin America: Izabel Sanger Nuñez, InEAC-UFF, UERJ (Brazil) [izabelsn@gmail.com]
- Africa, and Asia-Oceania: To be determined.

Working languages: English, French, Spanish, and Portuguese.

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OÑATI COMMUNITY

After a difficult 2020, the year 2021 also was not short of challenges. During these adverse times, our Oñati Community (<http://onati.community/>) has embraced the “new normality” and used the difficulties posed by the pandemic to meet in person, to connect remotely. This has led to a series of successful webinars on “Poverty Pandemic, Protests and Policing in the Global South”, later followed by a webinar on the “Socio-legal implications of the Covid19 pandemic in Africa”. In a year when the pandemic is still stealing lives and has led to social, economic, and political difficulties, these analyses need to be discussed among our members. In fact, we have learned, once again, the need to share our local experiences can enrich a global discussion.

Connecting remotely, also allowed us to discuss other current topics such as the “Conflict and its impact on security and development” in the webinar on the case of Afghanistan, or the discussion on answering if the prison abolition has a chance. These two are key topics to be discussed in our community and brought rich debates, as expected.

Alongside these webinars, we connected over reflections on law and the sociology of law. From rich discussions on legal education and teaching styles to another gathering on “How to handbook the sociology of law”. These most recent discussions have been uploaded to our new YouTube channel, for the enjoyment of all.

We have also inaugurated a new series, where former students will present in preparation for their PhD defences. The idea is to use our network to exchange knowledge and to help our community members prior to their defence. The first one has been our former master’s student, Ihintza Palacin Mariscal with “The Basque Language, Education and Media”, being her PhD defence in February 2022.

The Oñati Community did not stop only at online meetings! We had a dynamic online platform with blog posts (<http://onati.community/blog>) covering different topics worth a read: academic culture (including creating collectively and the issue of burnout), elements of the Basque culture, socio-political issues in Colombia and the role of solidarity; and circling back to academia and Oñati after fieldwork in Northern Kurdistan. Also, our useful corner on grant and job opportunities (<http://onati.community/page-18178>) has been very active and has certainly helped members of our community.

Finally, we also had an informal gathering where we saw old and new faces. We used this opportunity to brainstorm new ideas. From this meeting, new dynamics have emerged: a new section “Where are we?” (<http://onati.community/where-are-we>) has been fixed to follow our members around and get to know them better, and a form for our newly created Mentoring Scheme has just been released (joining mentors and mentees), to help our members by using our vast and knowledgeable network.

If you are interested in any of these activities and you are not still a member of this Oñati Community that we cherish so much, please join us!

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KICK-OFF MEETING OF RULE OF LAW SPEAKER SERIES ENROL! WITH COUNCIL OF EUROPE CHIEF JUSTICE

EnRoL! is the new, virtual speaker series for everyone interested in the latest developments in human rights and the rule of law. It was founded by Stefanie Lemke and is organized with the assistance of Qiao Congrui (VU Amsterdam). Every two months, *EnRoL!* gives the floor to two outstanding women who discuss human rights and rule of law topics from around the world. Women being still significantly underrepresented in senior leadership, *EnRoL!* features female role models, practitioners and scholars, from across the globe to initiate dialogue between leading and emerging academics and justice professionals, and to inspire the next generation of women to consider human rights and rule of law in their future careers.

On 21 October 2021, *EnRoL!* kicked off its first event with two distinguished guests, the supreme court judge and president of the Council of Europe Consultative Council of European Judges (CCJE) Nina Betetto and the Chinese criminal defence lawyer Yolanda Chu, who discussed the situation of judges and lawyers in Europe and China. Betetto devoted her talk to the “Changing role of judiciary” in Europe. The relationship between the three powers of the state being transformed over the last few decades, Betetto said that the executive and legislative powers had grown more interdependent; that the power of the legislature to hold the executive to account had decreased. At the same time, the role of the judiciary had evolved: the number of cases brought to the courts and the number

of legislative acts the courts should apply had increased dramatically. Betetto pointed out that the growth of executive power had led to more challenges to its actions in court and this in turn had led some to question the scope of the role of the judiciary as a check on the executive. Betetto concluded that, as a result, the judiciary has to increasingly examine and sometimes even restrain the actions of the other two powers; moreover, that, for parties in litigation and for society as a whole, the court process provides nowadays a kind of ‘alternative democratic arena’ where arguments between the public and the powers of the state are exchanged and questions of general concern are debated. The second speaker, Chu, spoke about the work of lawyers as part of the rule of law development in China. Chu started with a brief account of how the status of Chinese lawyers was reformed from state employees to private professionals in the 1980s, and how the legislation on the rights of lawyers evolved subsequently in the 1990s. The first privately-owned law firm was founded in 1993 and the first ‘Law on Lawyers’ was passed in 1996. Chu then outlined how today’s legal sector looks like, which is dominated largely by licensed lawyers working with law firms. Chu concluded by reflecting upon the role of lawyers in developing the rule of law in China who have been able to channel social disputes of various sorts to legal and judicial venues, make suggestions to the legislative body and in a general sense, enhance legal awareness and public confidence in law over the last three decades in China.

The next event of *EnRoL!* will take place on **17 February 2022, 2 pm – 3 pm (CET)**. Due to the recent unrest in Kazakhstan, Anja Mihr, DAAD Associate Professor at the OSCE Academy in Bishkek, Kyrgyzstan, and Founder and Programme Director of Humboldt Viadrina Centre on Governance through Human Rights, and the Tajik human rights lawyer Farangis Zikriyeva, Director of the NGO Human Rights Matter, will discuss “Rule of law developments in Central Asia”.

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FOUNDING “FRONTIERS OF SOCIO-LEGAL STUDIES”

With the clarity and certitude of hindsight that only the turning of the year can provide, 2021 may now reasonably be described as an ‘*annus horribilis*’. It was marked internationally by restrictions, lockdowns, and quarantines – extraordinary occurrences, unprecedented in living memory for most of us. The world seemed to constrict, and we lost some of our everyday human interconnectedness. (1) And yet, despite this physical constriction, indeed because of it, novel digital communities were established and flourished as we transitioned to an uncertain and indeterminate hybrid reality. It was during this acclimatisation to a ‘new normal’ that *Frontiers of Socio-Legal Studies* came into existence.

Frontiers is the brainchild of Professor Linda Mulcahy, Director of the Centre for Socio-Legal Studies at the University of Oxford. It began with an editorial board of senior academics and research students who were unified and driven by the twin aims of promoting dialogue between Socio-Legal scholars worldwide, and of publishing high-quality original work that would provide a focus upon the often-neglected areas of methodologies and methods within Socio-Legal scholarship.

As the project progressed, a strategy began to take shape for how best to structure the publication so as to achieve these aims. In certain regards, *Frontiers* began to resemble a traditional publication, structured around original essays, exploratory, reflective, or commentary articles, and review pieces. These core contributions were to be contained within three sections: 'Methodological Musings', 'Borderlands', and 'A Good Read', respectively. However, in many respects, *Frontiers* is a quite radical departure from the norm. In addition to the three main sections noted, we began two other streams of interactive content with leading experts in particular areas of Socio-Legal methods: our podcast series 'Talking about Methods', and our new project 'Ask the Author'. Talking about Methods forms a particularly important plank in *Frontiers'* objective to address the training gap in Socio-Legal Studies in the United Kingdom. As a unique educational resource, our podcasts have quickly been drawn on for research training and skills development purposes at university level. But again, beyond even these departures from the safe and familiar, and in a broader sense of our scholarly ethos, the publication was founded upon a particular spirit of openness and exploration: a spirit of frontiers.

The Spirit of Frontiers

The 'final frontier', as aficionados of Star Trek shall recall, referred to the vastness of space and its exploration. Back on Earth, frontiers are of course boundaries, borders, limits, and lines of delineation. The frontier is also the extremity – the bounds of the known – and the entrance to the land of the strange. As a geographical place, the frontier is synonymous with the unfamiliar or unknown, (2) as in Herodotus' 'eschatia', the cartographic stratum of 'most distant lands'. (3) Like the edges of the map, which once captivated the imagination with descriptions of 'there be dragons', the frontier is both full of promise and full of terror. Founding a publication is in many ways itself an encounter with a frontier, one that must be approached with a spirit of discovery.

In a disciplinary sense, the frontier is an epistemic hinterland, perhaps *res nullius*, or perhaps to the borderlands occupied by another field of study. The frontier is not the well-trodden, safe, and familiar environs of the discipline – rather it is its contested and uncharted zone. And borders, as much as they serve to define, include, and exclude, they also encourage some to push boundaries, to reach across barriers, and to seek to mix and match and meld. To reach and cross the frontier is to challenge partitioned 'mental ghettos', (4) and encourages new, more expansive ways of thinking. (5) And so the focus of *Frontiers*, albeit strongly Socio-Legal, is not so to the exclusion of work

in related fields – since as Cotterrell observes 'intellectual advance[s] in social studies now often occur by *ignoring* disciplinary prerogatives, boundaries and distinctions.' (6)

Method in the Madness

In a recent article, Richard Delgado advanced the argument that there is something turgid about legal academic writing, and law journal articles in particular. By requiring a footnote and supporting authority for each and every claim, Delgado contends that such scholarship valorises the uncontroversial and previously accepted to the detriment of novelty and originality. (7) Delgado's critique echoes the lamentations of others for the length, writing style, and referencing system of journal articles, and more broadly, for the slow speed of the publishing process and the sheer inaccessibility (in all senses) of such academic materials. By contrast, *Frontiers of Socio-Legal Studies* publishes short pieces of 700-words, without footnotes, and aims to publish contributions rapidly, in a radically open and accessible manner.

Turning briefly to each of these distinguishing points in turn, I begin with length. The apocryphal short story (often dubiously attributed to Ernest Hemingway), 'For sale: baby shoes, never worn', epitomises a minimalist commitment to say less but mean more. Given that 'brevity is the soul of wit', having to express one's points succinctly is usually a greater challenge than when one is permitted free rein. A 700-word allowance – a limit that might be surpassed within only the first few footnotes at some publications – necessitates exceptional precision. And as our guidelines stipulate, all posts 'should be clear, concise, and avoid excessive jargon.' The result to date has been the production of approachable and comprehensible, but by no means simplified, scholarship. This I suggest will have a particular appeal to those seeking an antidote to the perceived drudgery in style and substance of some law journal articles. (8)

As to referencing, Balkin memorably described the footnote as 'inconsequential, inessential, an intellectual bauble that one could, in theory, do without.' (9) However, one does not need to be as strident as Balkin to still recognise the 'footnote problem'. Indeed, there has been long-running criticism of both the number and size of footnotes in US law review articles. (10) The scale of the problem is beautifully lampooned in Arrow's monstrous bloated parody – and spoof of postmodernist scholarship – which creaks at the seams with footnotes, until eventually the footnotes take over from the body of the text, to become the body themselves. (11)

The problem with footnotes, furthermore, is not just about their volume but about the way in which they are used. Certain critics decry the sometimes-self-praising and self-referential nature of their deployment, (12) and their use as a patina of scholarly rigour – under the *faux*-logic that the quantity of footnotes equates to the quality of the work. At *Frontiers*, by contrast, we do not use footnotes. Instead, and in keeping with the digital nature of our publication, we utilise hyperlinks. Rather than descending into the bloated, inconsequential, self-referential, or self-indulgent, any and all hyperlinks are

intended to be elucidatory: helpful to an international readership and nothing more.

Traditional journals are often grumbled about, particularly for the pace of their processes for reviewing and publishing submissions. Nevertheless, the hegemony of these publications remained relatively unchallenged until the revolutionary emergence of digital outlets, and the technologies that support them. These outlets are often lauded for being less stuffy, less byzantine, and for being able to publish work rapidly. (13) Steadily the importance, and respectability, of the academic blog as a means of disseminating high-quality scholarship quickly and to a global audience has grown. And for fast-moving areas of law, the capacity of digital outlets to operate in a dynamic and responsive way has become invaluable. *Frontiers* attempts to operate straightforwardly and transparently, making considerable effort to communicate clearly and regularly with potential authors. Editors aim to return comments and revisions in a matter of weeks, rather than the months entailed with traditional journals. And where a piece addresses an urgent development, this process can be expedited further.

Global Frontiers

Taken together, I suggest that these differences demonstrate how *Frontiers of Socio-Legal Studies* strives to be a radically open, global publication. Instead of being corralled behind institutional logins or expensive academic subscriptions, our posts and podcasts are freely accessible, shareable, and republishable. Our readership hails from all continents and, as of writing, over 90 countries therein. Of course, many of our readers are based in countries with well-established Socio-Legal traditions, such as the UK, the United States of America, Canada, Australia, and certain European nations, chiefly the Netherlands, Germany, Italy, and France. But our truly global engagement is evident by the considerable number of readers from Latin American and Caribbean (LAC) countries, African nations, and from the Middle East and North Africa (MENA) region. *Frontiers* has also received striking interest in China, an emerging jurisdiction for the discipline, and from India – which has our largest readership outside of the UK – a testament to India's growing place as a major site of Socio-Legal scholarship.

Our openness to the global Socio-Legal community also extends to the scholars whom we publish. We welcome submissions from authors regardless of their academic status, and from anywhere in the world, provided their work is of high quality, is written in English, and abides by our submission guidelines. Indeed, we will work with scholars where their post has the potential to be published but requires revisions. We have published scholars from LAC, the Americas, Africa, Asia, and Europe – often on matters pertaining to those geographic areas, topics that might otherwise not have become wider-known.

Frontiers of Socio-Legal Studies went live on 26th May 2021, and in the months since, we have featured 44 publications. Given the quality of the work involved, this rate of production is in itself an achievement. However,

a sample of our most read (and listened to) outputs illustrates both the remarkable breadth of topics addressed in *Frontiers* to date, and the demand for work on those issues. This is, to my mind, an even greater success, and one that will have positive ramifications for the international Socio-Legal community in the years to come. In Talking about Methods, we have produced podcasts on ethnography, (14) and on surveys. (15) In Methodological Musings, we have featured pieces on signature fetishism in the ethics process, (16) and on conducting fieldwork in Lebanon in troubled times. (17) In Borderlands, we have examined sexual offence cases in India, (18) and social care detention in England and Wales. (19) And in A Good Read, we have explored legal globalisation, (20) and contemporary law and society scholarship. (21) And so, in a spirit of frontiers, we hope to continue making the blog accessible to, and for, the global Socio-Legal community.

NOTES

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- (13) Eric J. Segall, 'The Law Review Follies' (2018) *Loyola University Chicago Law Journal* 50(2) 385-94.
- (14) Fernanda Pirie, 'Ethnography' (May 26th, 2021) <http://frontiers.csls.ox.ac.uk/ethnography/>.
- (15) Pascoe Pleasence, 'Surveys' (May 26th, 2021) <http://frontiers.csls.ox.ac.uk/surveys/>.

(16) Anna Tsalapatanis, “Doing” Ethics: Ethical Approval and Signature Fetishism’ (May 26th, 2021) <http://frontiers.csls.ox.ac.uk/signature-fetishism/>.

(17) Lara Karamé ‘Fieldwork in Times of Crisis: Notes from Lebanon’ (November 17th, 2021) <http://frontiers.csls.ox.ac.uk/fieldwork-in-times-of-crisis/>.

(18) Sarthak Chaudhary and Richa Jain, ‘What Makes an Ideal Prosecutrix? A Call for Socio-Legal Analysis of Indian Sexual Offence Cases’ (December 8th, 2021) <http://frontiers.csls.ox.ac.uk/ideal-prosecutrix/>.

(19) Lucy Series, ‘Social Care Detention: A Socio-Legal Puzzle’ (October 13th, 2021) <http://frontiers.csls.ox.ac.uk/social-care-detention/>.

(20) Shruti Iyer, ‘A Matter Off-Course’ (May 26th, 2021) <http://frontiers.csls.ox.ac.uk/a-matter-off-course/>.

(21) Penelope Andrews, ‘A Reimagined and Refreshing Mosaic of Law and Society Scholarship: the Routledge Handbook of Law and Society’ (May 26th, 2021) <http://frontiers.csls.ox.ac.uk/review-routledge-handbook/>.

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MISSION ACCOMPLISHED: EUROPE’S FIRST GUIDELINES ON LEGAL AID

Stefanie Lemke was commissioned to develop Europe’s first guidelines on legal aid for the Council of Europe. The guidelines on legal aid were adopted in 2021 to help the Council of Europe’s 47 member states to improve the functioning of their legal aid systems in the areas of civil and administrative law.

Legal problems, left unaddressed, can severely impact a person’s livelihood. Countries around the world have therefore set up legal aid programmes which help people defend their rights and close the justice gap between those who have sufficient financial means to pay for a lawyer and those who do not.

In Europe, the guidelines on legal aid are an important milestone, being the very first legal instrument for legal aid provision in the areas of civil and administrative law. They provide generic solutions to policy makers to reform and improve the legal aid service. They also include an explanatory memorandum for everyone who is interested in learning more about legal aid and those who want to know about recent trends and developments in legal aid provision.

Many Council of Europe member states have recently implemented legal aid reforms or are currently planning to undertake them. This includes measures to optimise public expenditure and introducing online technologies to make legal aid services more accessible, reach hard-to-reach communities and keep the legal aid system sustainable over time. From this point, particularly interesting is the development of a variety of online tools for early intervention mechanisms. The guidelines advocate having a holistic approach, such as “one-stop shops”, where in a single location different legal services are provided. IT solutions may include creating a website, ideally a single website, informing people about the kinds of support available to them and

how they can apply for legal aid. Websites can also help people to identify and resolve their legal issues through user-friendly, online interactive assistance (for example, in the form chatbots), and integrated with individualised assistance, including face-to-face legal aid services. One of the best examples of provision of legal information via a website is the Rechtwijzer (“interactive platform to justice”), a legal advice website developed by the Dutch Legal Aid Board. It is run by a joint committee with the support of a number of stakeholders, including the national bar association. This website provides legal assistance by means of a “decision tree”, helping individuals to find solutions to their legal problems in an interactive manner. The website also refers its users to an appropriate expert or organisation if necessary. An additional important feature of this website is an online platform which allows people to settle legal conflicts (for example, divorce cases) through negotiations with the other party to the conflict and the involvement of an impartial third party in an online “dialogue”.

For more information about the guidelines see Committee of Ministers of the Council of Europe, The efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law - Guidelines and Explanatory memorandum (August 2021).

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BOOKS

Review of Maria C. Escobar-Lemmon, Valerie J. Hoekstra, Alice J. Kang, and Miki Caul Kittilson. (2021) *Reimagining the Judiciary: Women’s Representation on High Courts Worldwide*, Oxford: Oxford University Press. ISBN 9780198861577.
DOI:10.1093/oso/9780198861577.001.0001

In the 1970s it was extremely rare for women justices to sit on a country’s highest court. Although many high courts have not attained gender parity, today women are present and visible on supreme courts and constitutional courts around the world. *Reimagining the Judiciary* asks, why has women’s presence on high courts increased worldwide? To tackle this big-picture question, the book poses two specific ones: When and why did women first become high court justices? Where and why have women judges made the largest gains on high courts?

Drawing on multiple literatures, the book provides a theoretical framework to address these questions. The framework focuses on three kinds of explanatory factors: pipelines to high courts, domestic institutions (formal and informal), and international expectations about gender equity in governance. The authors contend that no single factor explains the inclusion of women judges on high courts, but that multiple factors must be considered together to account for change. For instance, looking only at the number of women graduating from law school or judges’ school is

insufficient for understanding which countries have the highest number of women justices on a peak bench. Even when there are many eligible women to appoint as judges, long-standing institutional norms and practices favor the appointment of men. Crucial is challenging conventional ideas about who can be a high court judge; domestic advocacy organizations and emergent regional or global consensus about gender equity can help catalyze this process.

In terms of methods, the authors combine quantitative analysis with qualitative case studies. For the quantitative component of the book, the authors analyzed a cross-national data set on women on high courts that they created, The Women on High Courts Database. The database includes the year of the first woman high court judge for 210 country high courts (time span: 1946 to 2020). It also contains information on the number and percentage of women on high courts, covering approximately 63 percent of country high court-years (unbalanced time-series: 1970 to 2013). The Database is available to the public for free at OpenICSPR (<https://doi.org/10.3886/E135801V1>) and on the authors' website, <http://womenonhighcourts.com>.

Using The Women on High Courts Database, the authors examine when women are first appointed to high courts and what explains the number of women on high courts. In Chapter 2, they find that the first woman is appointed more quickly the more women complete tertiary education relative to men, the more domestic advocacy organizations are linked to the international women's movement, and the more other high courts in the world region reach the milestone. After the glass ceiling is broken, the higher the level of women's representation on high courts in the world region and the more seats on the bench, the greater number of women justices on the high court. The authors also discuss the relatively uncommon occurrence of gender parity on high courts and the phenomenon of reverting back to having no women on a high court.

Interestingly, and perhaps not surprising to scholars of law and society, is the lack of correlation the authors find between accountable methods of selection and women's representation on high courts. A wealth of studies points to the many ways informal norms and practices filters out women and favors the selection of men justices to high courts. Nor does the book find a correlation between a country's level of socioeconomic wealth and women's presence on high courts.

The countries examined in the case studies—Canada, Colombia, Ireland, South Africa, and the United States—allow the authors to examine how pipelines, formal and informal institutions, and international norms shape the gender composition of high courts in a more fine-grained way. In Chapter 4, the case studies show that the pool of eligible women judges is rich and deep. Yet, for a long time many women were overlooked for elevation to the high court. Chapter 5 inspects how formal and informal institutions in different country contexts helps explain change (or lack thereof) in the gender composition of these bodies. Motivated selectors have acted to advance the inclusion of women on high courts; those disinclined

toward appointing women have not always faced pressure or incentives to do so. Moving to a set of factors that has received less attention in the literature on women in the judiciary, Chapter 6 explores the rise of global and regional expectations of gender equity in the judiciary and how domestic advocacy organizations put pressure on appointers to diversify high courts.

Reimagining the Judiciary argues that while more women sit on high courts than ever before progress has remained unequal. Rarely have women comprised half of the judges on a high court. At the same time, new norms and domestic and international commitments to gender equality have emerged, and these encourage a reimagining of the judiciary to include women justices. Advocacy organizations challenge the status quo and make the appointment of women high court justices salient and their exclusion potentially costly for those charged with appointments. Together, the confluence of domestic institutions and changed international norms leads to more women on high courts.

The intended audience for the book is students and scholars of law and society and of women, gender, and politics.

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The form to become a RCSL member or renew, can be found at: <https://www.iisj.net/en/socio-legal-network/rcsl-membership-form> (not the RCSL old webpage)

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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 RCSL 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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