

INTRODUCTION TO THE WORKING GROUP ON SOCIAL AND LEGAL SYSTEMS

BUSINESS & HUMAN RIGHTS

RCSL Webinar Series,
14/01/2025

The RCSL Working Group ‘Social Systems & Legal Systems’: Present and past

Current co-chairs

- Luisa Hedler, post-doc at Copenhagen Business School, Denmark
- Stine Piilgaard Porner Nielsen, associate professor of sociology of law at Aalborg University, Denmark

The WG’s past

- Created in late 1970’s to continue and enlarge the scientific work of a previous WG; ‘Sociological Approaches to Law’ by Adam Podgorecki (resigned in 1997), a father-founder of the ISA-RCSL
 - Previous co-chairs: Germano Schwartz and Lucas Konzen (until fall 2023)
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The RCSL Working Group 'Social Systems & Legal Systems': Focus and work

- Draws on systems theoretical approaches to discuss and examine interconnectedness between social systems and their function
 - Starting point in – but not limited to! – Niklas Luhmann's systems theory
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The RCSL Working Group 'Social Systems & Legal Systems': Focus and work

Online meetings the first Tuesday each month

- Luhmann's texts
 - Members' drafts, articles, etc.
 - Members' input for readings
 - Theme from ISA conference as inspiration for readings (the recognition of the Anthropocene and the environmental concerns that accompany it; *Ecological Communication* by Luhmann (1986))
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The RCSL Working Group ‘Social Systems & Legal Systems’: Focus and work

Conference activities

2024 RCSL Meeting in Bangor:

Panel session: “Law and Systems Theory:

Representations of Law as irritations to the legal system”

2025 ISA Forum, RCSL Sessions:

Panel session: “Justice Communication in the Anthropocene – A Systems Theory Approach”

The RCSL Working Group 'Social Systems & Legal Systems': Focus and work

A platform for collaboration

Special Issue: Vol. 14 No. 5 (2024): Niklas Luhmann's systems theory and sociology of law | Oñati Socio-Legal Series

The special issue offers an introduction to Luhmann's sociology of law and illustrates the theory's relevance for examining socio-legal phenomena in contemporary society

Global Value Chain (GVC) Law: Constituting Connectivity, Contracts and Corporations (GLOBALVALUE)

- Socio-legal approach to GVC law
- Mapping and analysing praxes, instruments and norms of GVC Law within three specific areas: global pharmaceutical, wine and trade fair industries.



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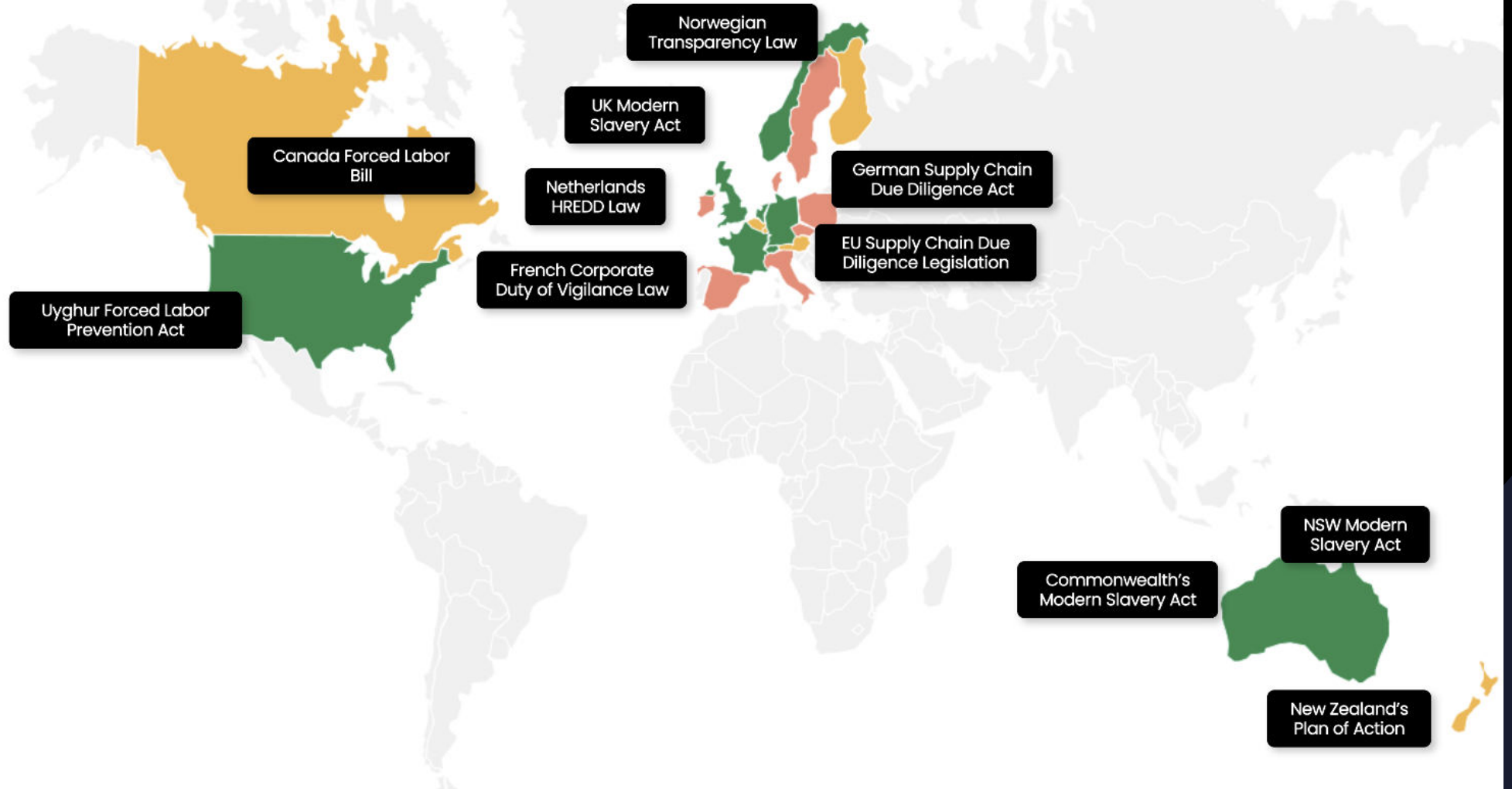
Global Value Chains & Their Regulations

- 70% of international trade involves GVCs (OECD)
- Chains of contracts between multiple legal entities
- Before, only addressed in ‘soft-law’, Corporate Social Responsibility frameworks
- Different initiatives (domestic & international) to institute ‘hard law’ regulation



Supply chain due diligence laws are emerging

- Adopted law
- Political process
- Policy statements & public discussions



GVCs as a problem

- Conditions for HR violations
- Environmental damage
- Working conditions
- Democracy & rule of law





GVC as an object of socio- legal inquiry

- What is ‘GVC law’?
public law / private law
different jurisdictions
‘lead firm’ and legal responsibility
 - What effects do due diligence ‘hard law’
have on the regulatory landscape?
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Systems Theory as a lense

- Luhmann, Teubner, Neves, Kjaer...
- Dealing with a highly complex situation with the aid of abstract points of focus
- Complex interactions / communications between different systems (especially law, politics and the economy)



Law - from contract chains to reflexive law

- Functional abstraction as a helpful tool in comparative law efforts (between domestic
- Teubner's reflexive law – starting point to scrutinize effects of due diligence on businesses



Time and Temporality

- Central temporality-related matters:

Risk

Synchronisation – De-synchronization

Different temporal outlooks of different observation points



World Society

- Attempting to bypass binary divisions through a focus on inevitability of being co-constitutive



Communication as the unit of analysis

- Tools to understanding clashes and confluences in communication – legal, economic, political systems, etc.
- De-focusing on ‘actors’



THANK YOU!

