

V ISA Forum 2025

Knowing Justice in the Anthropocene

Rabat, Morocco, 6–11 July 2025

RCSL Sessions Final Programme – Abstracts

Venue:

Mohammed V University, Rabat

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Sociology
of Law

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Introduction

We are happy to make this volume available to the participants in the RCSL Sessions organized as part of the 5th ISA Forum for Sociology which takes place in Rabat, 6-11 July 2025, as well as to other people interested in the activities of RCSL.

It includes the abstracts of all presentations, thus offering a substantial overview on the topics discussed in the different sessions, which may help attendees to prepare themselves for actively participating in the discussions.

The RCSL sessions had to be organised according to the guidelines issued by the ISA Forum organizers, guidelines which aimed at making it possible to gather more than 4500 participants in the facilities supplied by our host university, Mohammed V University in Rabat, and to open space for the work of more than 60 specialized Research Committees and Thematic Groups.

These guidelines led to a programme quite different from those of usual RCSL annual meetings. There will be no parallel sessions, but one only thread of discussion throughout the week. This allows an intense cooperative work, and connections between the different RCSL Working Groups, which certainly deserve to be intensified, in particular at the moment we have to deal with new cognitive – and urgent practical – challenges, as those linked to the environmental crisis.

On the other hand, participants in our sessions may legitimately be interested in joining other groups or networks, taking advantage of this gathering of researchers of many different specialties, or to use part of the week to discover the city and the country which are hosting the Forum. They obviously are free to do so, and RCSL sessions also will benefit from the input of participants who will come back after having experienced other contexts.

But even for those who would opt for following our RCSL Sessions, there will be space for new encounters. Three sessions were organised in connection with RCSL but hosted by other Research Committees. In the final distribution of the time slots, these sessions could be included in our programme avoiding overlaps. So RCSL participants are warmly encouraged to join them, taking the opportunity to meet new colleagues and to discover new research lines, and in particular, as you will see analysing the abstracts here included, researchers from Morocco.

One last note: RCSL sessions addressing topics more directly linked to the Forum's Topic, Knowing Justice in the Anthropocene, were grouped at the beginning of the week. This should allow us to tackle, already at the occasion of the RCSL Business meeting of Wednesday 9 July, 9:00-10:45 – open to all interested people, including non RCSL members – the question of the possible consequences of this Forum for future RCSL Activities, such as the creation of a new Working Groups focusing on the relations between mankind and the planet which hosts it. A question to which we will have to come back at the occasion of the closing debate, giving this intense week, hopefully, the shape of a learning process. To be continued: see the introduction to the RCSL 2026 Meeting, at the end of this volume.

It will be a pleasure to meet you soon in Rabat,

Pierre Guibentif, Lisbon, 30 June 2025

RCSL Sessions | Fast Schedule

July 2025

MON 7

Session#01
[09:00 - 10:45]

Session#02
[11:00 - 12:45]

Session#03
[13:00 - 14:45]

Session#04
[15:00 - 16:45]

Common sessions
[17:00 - 18:45]

Session#05
[19:00 - 20:30]

TUE 8

Session w/ WG01
[09:00 - 10:45]

Session#06
[11:00 - 12:45]

Session#07
[13:00 - 14:45]

Session#08
[15:00 - 16:45]

Common sessions
[17:00 - 18:45]

WED 9

**Podgórecki Prize & RCSL
Business Meeting**
[09:00 - 10:45]

Session#09
[11:00 - 12:45]

Session w/ RC19
[13:00 - 14:45]

Session#10
[15:00 - 16:45]

Common sessions
[17:00 - 18:45]

**THU
10**

Session#11
[09:00 - 10:45]

Session#12
[11:00 - 12:45]

Session w/ RC30
[13:00 - 14:45]

Session#13
[15:00 - 16:45]

Common sessions
[17:00 - 18:45]

Session#14
[19:00 - 20:30]

**FRI
11**

Session#15
[09:00 - 10:45]

Session#16
[11:00 - 12:45]

Session#17
[13:00 - 14:45]

Session#18
[15:00 - 16:45]

Closing Ceremony
[17:00 - 18:30]

RCSL Sessions

Overview

Mohammed V University,
Rabat

Monday 7 July 2025

09:00-10:45	Session#01: Opening Panel - Rights in the Anthropocene (Part I)	Room ASJE001
11:00-12:45	Session#02: Rights in the Anthropocene (Part II)	Room ASJE001
13:00-14:45	Session#03: Constitutionalism, Politics and Environmental Justice in the Anthropocene	Room ASJE001
15:00-16:45	Session#04: Derecho y Política a La Hora Del Antropoceno - Law and Politics in the Anthropocene (Roundtable Session)	Room FSE026
17:00-18:45	Common sessions	
19:00-20:30	Session#05: Can the Justice Systems Meet the Challenges of the Anthropocene Era? Retracing the Complex Connections between Society, Environment, and Law	Room ASJE001

Tuesday 8 July 2025

09:00–10:45	Session hosted by WG01 Sociology of Local–Global Relations, with participation of RCSL: Ethnographing Access to Rights in the Anthropocene	Room SJES005
11:00–12:45	Session#05: Environmental Justice as a Gender Issue / Decolonialism and Sociology of Law 1	Room ASJE001
13:00–14:45	Session#07: The Contribution of Legal Cultures to Our Understanding of Justice, in the Context of the Anthropocene	Room ASJE001
15:00–16:45	Session#08: Justice Communication in the Anthropocene – a Systems Theory Approach	Room ASJE001
17:00–18:45	Common sessions	

Wednesday 9 July 2025

09:00–10:45	Announcement of the 2025 Podgórecki Prize – RCSL Business Meeting	Room ASJE001
11:00–12:45	Session#09: Knowing Digital Justice in the Anthropocene: Developments in Digitalization and AI in Public Sector and Governance	Room ASJE001
13:00–14:45	Session hosted by RC19 Poverty, Social Welfare and Social Policy, with participation of RCSL: Sociologie de la pauvreté chez Serge Paugam: Une étude sur la possibilité de généralisation	Room SJES026
15:00–16:45	Session#10: Decolonialism and Sociology of Law 2	Room ASJE001
17:00–18:45	Common sessions	

Thursday 10 July 2025

- 09:00–10:45 **Session#11: Legal Alienation in Ordinary Legal Consciousness: Everyday Experiences (Part I)** Room ASJE001
-
- 11:00–12:45 **Session#12: Legal Alienation in Ordinary Legal Consciousness: Everyday Experiences (Part II)** Room ASJE001
-
- 13:00–14:45 Session hosted by RC30 Sociology of Work, with participation of RC5L: **Issues and Changes in Legal Work in the Age of the Anthropocene and AI** Room SJES025
-
- 15:00–16:45 **Session#13: Rurality in Sociolegal Scholarship** Room SJES001
-
- 17:00–18:45 Common sessions
-
- 19:00–20:30 **Session#14: Dispute Resolution and Innovation** Room ASJE001

Friday 11 July 2025

- 09:00–10:45 **Session#15: Gender Issues and Access to Justice** Room ASJE001
-
- 11:00–12:45 **Session#16: Rule of Law vs Rule by Law in the Anthropocene: Questioning the Political Use of Law in the Judicial and Developmental Fields** Room SJES025
-
- 13:00–14:45 **Session#17: Disability Politics, Well Being and the Law: Perils and Possibilities** Room ASJE001
-
- 15:00–16:45 **Session#18: Judicialization of Social Problems and Governance Security in the Anthropocene - Closing Debate** Room ASJE001
-
- 17:00–18:30 Closing Ceremony

Map

VENUE SITE MAP / PLAN DU SITE



- 1 SJES (Faculté des Sciences Juridiques, Économiques et Sociales / Faculty of Legal, Economic and Social Sciences)
- 2 FSE (Faculté des Sciences de l'Éducation / Faculty of Education Sciences)
- 3 ASJE (Annexe de la Faculté des Sciences Juridiques, Économiques et Sociales / Annex of the Faculty of Legal, Economic and Social Sciences)

Extracted from the official V ISA Forum Website:
<https://isaconf.confex.com/isaconf/forum2025/meetingapp.cgi/Map/69>

RCSL Session#01:

Opening Panel – Rights in the Anthropocene (Part I)

Monday 7 July, 09.00–10.45

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Laura Noemi Lora**, Universidad de Buenos Aires, Argentina; member of the [RCSL Rabat 2025 Programme Committee](#)

Opening Panel

Pierre Guibentif, president of RCSL, will introduce the sessions of RCSL at the 5th ISA Forum of Sociology, comparing the different approaches to the Forum's topic "Knowing Justice in the Anthropocene" adopted by the different RCSL Working Groups. He then will give the floor to invited colleagues for a talk about the [International Institute for the Sociology of Law](#) and its relevance for ISA, and a talk about socio-legal research in Morocco.

Welcome to the Participants and Introductory Words

Pierre Guibentif, DINÂMIA'CET-Iscte, Iscte – Instituto Universitário de Lisboa

On Trespassing Disciplinary Boundaries: The IISL in the age of Anthropocene

Shalini Randeria, Representative of ISA in the IISL Governing Board

Le Droit en mal de sociologie. Etat du champ disciplinaire de la sociologie au Maroc

Mohammed Mouaqit, Ancien professeur à la Faculté des sciences juridiques, économiques et sociales, Université Hassan II Aïn Chok, Casablanca, Maroc
(Presentation in French – English translation)

Rights in the Anthropocene (Part I)

Paper Presentation Session of RCSL WG Human Rights

Session Organizer: **Dani RUDNICKI**, Universidade La Salle, Brazil

Language: English, French

Session Description:

The beginning of the 21st century has presented challenges for humanity. Despite the progress in transportation and, in particular, in the media, scientific thinking has been challenged by flat-earthers, "experts" who question the effectiveness of vaccines and climate change deniers. It is therefore urgent to

take a stand against these attacks on reason, as well as against the resurgence of authoritarian and far-right regimes and governments that are causing racism, xenophobia, sexism, Islamophobia and anti-Semitism to flare up, in addition to religious prejudice and gender discrimination. Thus, it is imperative for legal sociologists to think about the role of law and rights in contemporary society. And, with regard to Human Rights, it is important to consider their various dimensions. Thus, the objective of the session is to reflect on the role of Human Rights in contemporary times, including the rights to freedom - including freedom of speech, of artistic expression, of research -, social rights, peoples - or transindividual - rights, and even the rights of animals and nature.

Abstracts:

Right to Housing, Capacities of the Subject and Conventions of Legality

ID# 163828

Keywords:

Housing, Right, capability approach and legal interpretation

Jean DE MUNCK, Catholic University of Louvain, Belgium; University of Louvain-la-Neuve, Belgium and **Léonard PARDOEN**, Catholic University of Louvain, France

In the era of the Anthropocene, both evictions and migrations as well as the conditions of the real estate market endanger the right to housing. The exercise of this right is threatened from all sides, even in European social states where homeless people proliferate and where a serious crisis of access to real estate ownership is raging. It calls for the coordination of a sociological perspective on its implementation with a reformulation of the bases of the universal right to housing from the point of view of a theory of justice.

In Social States, the right to housing has been constitutionalized. Different mechanisms allow people to access the right. However, this right is very indeterminate. It is therefore the subject of an iterative interpretation that allows legal intermediaries to define it in multiple implementation mechanisms: Courts, tribunals, negotiations and political pressure, real estate agencies, individualized mediations. In a recent sociological inquiry in Belgium, we identified three conventions of legality allowing the implementation of rights. These conventions build not justice, but daily legality.

This sociological description of the legal implementation of rights cannot suffice to account for the evaluation from the point of view of justice. On the normative level, the question is that of the conception of the subject of law on the one hand, of housing on the other. From the perspective of the Capability Approach, housing appears as a resource or as a factor of conversion. A home is a condition for becoming capable of being oneself and acting freely in the world. A fundamental moral right, it takes the place of the right to property in Kant's legal philosophy: it consists of having a place to live in the world.

The Role of Civil Society Organizations in Business and Human Rights Litigation: Hate Speech in the Technology Sector

ID# 163465

Keywords:

Business and Human Rights, Hate Speech, International Human Rights and Social Movement

Ayako HATANO, University of Oxford, Japan; The Center for Human Rights Education and Training, Japan

Civil society organizations (CSOs) and individuals have become pivotal actors in business and human rights litigation, particularly in the technology and digital sectors. This study explores how CSOs leverage human rights instruments and principles, such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), through strategic litigation and advocacy. By examining key case studies, it illustrates how CSOs influence corporate accountability, shape legal frameworks, and mobilize public opinion to address issues such as online hate speech and violations of digital rights. The analysis draws on global challenges, including the role of social media in exacerbating conflict and violence, and highlights the limitations of government regulation in this domain. The paper also discusses how strategic litigation has driven reforms in balancing content moderation, protecting freedom of expression, and ensuring privacy and data protection, offering valuable lessons for global application.

The paper underscores the socio-political impact of CSO-led litigation, showing how these efforts shape societal norms, influence legal and regulatory frameworks, and alter corporate behavior. It highlights common strategies employed by CSOs, including litigation, collaboration, and public advocacy, while addressing the challenges they face in a rapidly evolving digital landscape. The paper explores how these actors shape human rights norms both globally and locally and investigates whether strategic litigation and global social movements are extensions of hegemonic rule-making or tools that grassroots individuals incorporate into their local human rights practices with a victim-survivor-centered approach. Ultimately, the paper aims to contribute to the ongoing discourse on business and human rights, the regulation of online hate speech, and corporate accountability in the digital age, emphasizing the critical role of CSOs in vernacularizing human rights norms and shaping a rights-respecting future.

RCSL Session#02:**Rights in the Anthropocene (Part II)****Monday 7 July, 11.00–12.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Jean DE MUNCK**, Catholic University of Louvain, Belgium**Paper Presentation Session of RCSL WG Human Rights**Session Organizer: **Dani RUDNICKI**, Universidade La Salle, Brazil*Language: English, French***Session Description:**

(See Session Rights in the Anthropocene Part I)

Abstracts:**Global Ethics and Legal Policy****ID# 156424***Keywords:**Global Ethics and Legal Policy***Jacek KURCZEWSKI** and **Malgorzata FUSZARA**, Sociology and Anthropology of Custom and Law, IASS, University of Warsaw, Poland

A, Podgórecki, starting from the concept of the scientific politics of law by Leon Petrażycki and the related sociology of law arrived at the concept of mega-sociology combining the issue of social engineering with the normative dimension of "global ethics" and legal structure of societies. We point out that within this theory, in legal experiences and legal acts, the scope of subjects of rights and obligations goes beyond the scope of human beings and "legal persons", including primarily animals, but also other non-human subjects. Global ethics taking into account the surrounding environment of which humans are just a part is thus the third element of the triad beginning with human-individualistic ethics passing into the ethics of pro-social duties, which is inadequate to contemporary challenges. Podgórecki believes that the new ethics is becoming independent of traditional myths and religions, and the world of science is its representative. We point out that this adaptation of Petrażycki's theory allows for the construction of a program of legal policy that will go beyond the boundaries of the human species, and we give examples such as the rights of apes and the laws of rivers that go beyond these wondering to what extent the implementation of the program can free itself from natural (human) intelligence and human monopoly of power (the State). This new ethics, however, requires a new politics, precisely global and intersecting with hierarchical models of power-based legal policies. We wonder then to what degree global ethics does involve mutual aid principle interacting with politics of trans-political solidarity of ethically emancipated social movements and environments.

L'appréhension juridique de la justice sociale à l'ère anthropocène

ID# 160649

Keywords :

Droit and Justice Sociale

Meriem REGRAGUI, Université Internationale de Rabat, Morocco

La justice sociale, concept transversal aux sciences humaines et sociales, a été interrogée depuis l'Antiquité par des philosophes, des sociologues et des juristes. Si les appréhensions de cette notion ont évolué au fil des siècles, l'avènement de l'Anthropocène pose de nouveaux défis à sa conceptualisation et à sa mise en œuvre.

Les changements climatiques, la dégradation des écosystèmes et la raréfaction des ressources naturelles exacerbent les inégalités existantes et en créent de nouvelles. Aussi, le droit se trouve confronté à des questions inédites: la reconnaissance d'un statut juridique aux réfugiés climatiques, la responsabilité des États en matière de réduction des inégalités environnementales, et la question de la répartition équitable des ressources rares; sont autant de problématiques qui interrogent la notion de justice sociale à l'aune du droit. Ces enjeux soulèvent des questions fondamentales : la justice sociale doit-elle se recentrer sur les dimensions environnementales ? Comment concilier les aspirations à la justice sociale à l'échelle locale avec les enjeux globaux ? Le droit est-il outillé pour répondre aux défis de l'Anthropocène ?

Dans un contexte mondialisé, on se demande également si la justice sociale devrait adopter une conception globale, ou si elle doit conserver des spécificités locales? Les différentes interprétations qui en ont été faites à travers les cultures, renseignent davantage le juriste sur la relativité du concept.

Cet exposé propose d'explorer les conceptions de la notion de justice sociale à l'ère de l'Anthropocène. Il s'agira d'analyser les apports et les limites des approches juridiques existantes, d'identifier les nouvelles formes d'inégalités et de vulnérabilité, et d'envisager des pistes pour une justice sociale plus inclusive et durable. En somme, il s'agira de réfléchir à la manière dont le droit peut contribuer à construire un avenir plus juste et équitable pour tous, dans un contexte marqué par les bouleversements environnementaux et sociaux.

Legal Personhood and Agency in the Age of the Rights of Nature

ID# 160371

Keywords:

Anthropocene, Legal personhood, Representation and Rights of nature

Lukasz DZIEDZIC, Maastricht University, Netherlands

Extending legal personhood to natural entities has been one of the tools relied upon by numerous legislatures and courts across the globe in order to enhance their legal protection, while also creating a point of attribution for legal rights, such as property rights, rights to exist and flourish, and rights to be restored. These developments, as well as related discussions regarding the potential legal personhood of artificial intelligence, have led to a renewed interest in the concept in legal theory.

In the course of these developments one particular, influential, strand of literature argues for the exclusion of natural entities as potential legal persons on conceptual grounds. A leading proponent of this position, Visa Kurki, claims that natural entities such as rivers cannot be legal persons because incidents of legal personhood can only be attributed to entities that can hold claim-rights or perform acts. This paper will critically assess such claims by unpacking these conceptualizations of legal personhood and demonstrate that a conceptual exclusion of natural entities as legal persons is based on evaluative assumptions regarding the nature of claim rights, which do not warrant the conceptual exclusion. It will be argued instead that the attribution of legal personhood is a pure act of legal fiat that does not require to take such evaluative assumptions on board. Where such evaluative assumptions become relevant is rather at the point of justifying which entities should be legal persons, and that is why some normative justifications for extending legal personhood and rights to natural entities will be provided consecutively. Finally, this paper will address the 'elephant in the room' resulting from discussions on the nature of legal personhood, namely the fact that natural entities cannot act in the law and thus need to have their interests translated by means of legal and political representation.

Towards a Transposition of the Anthropocene: Human Rights in a Scenario of Sustainability of Life

ID# 158293

Keywords:

Anthropocene, Climate Crises, Human Rights and Humanity

Antonio Carlos WOLKMER, La Salle University, Brazil

Towards a Transposition of the Anthropocene: human rights in a scenario of sustainability of Life The initial problem posed is how to conceive of a new era for humanity and planet Earth in the face of the risks of destruction and extinction of living beings, stemming from the depletion of survival conditions and the limits of natural resources. In this scenario, with a possible apocalyptic outcome, what role will normative processes and, especially, Human Rights play in the future? A range of questions arises concerning the future of human life and living beings in the Anthropocene era: not only the coexistence of Human Rights with Non-Human Rights but, above all, how the prevailing traditional conception of Human Rights would be able to address these new adversities. The central problem is: how to position Human Rights within this future scenario, including the integration of Non-Human Rights? This concern also introduces the controversial implications of the Anthropocene era, which brings into question the future of humanity and planet Earth itself. The proposed reflection is to, in light of the gravity of socio-environmental, political, legal, and natural crises, highlight alternatives in different fields of human activity, not only interdependent mechanisms that foster resistance to the hegemonic civilizational model present in the Anthropocene but also constitutive processes capable of advancing beyond the current normative frameworks, recreating ecocentric forms of the Human Right to life, of Human Rights as integrated with the Rights of Nature.

Les droits des animaux de l'Empire Ottoman à la Turquie moderne

ID# 158138

Keywords:

Turquie, anthropocène, droits des animaux and l'Empire Ottoman

Üskül Engin ZEYNEP ÖZLEM and Bengisu MERT, Galatasaray University, Turkey

En Turquie, traiter les animaux avec compassion est un héritage de l'Empire ottoman. Les ottomans croyaient, selon les préceptes de l'islam, dans le respect due aux animaux. Comme une application culturelle, les ottomans nourrissaient les animaux dans les espaces privés et publics et respectaient leur dignité. Cependant, après la déclaration de la deuxième monarchie constitutionnelle, les animaux ont été bannis de l'espace public. Cette situation s'explique par les efforts d'occidentalisation, les pays européens étant considérés comme un modèle à imiter en la matière. Avant ce bouleversement, l'Empire ottoman avait construit de nombreux nichoirs et ouvert de nombreuses fondations pour les protéger.

De nos jours, même si les droits des animaux n'étaient pas un sujet de débat public, il existait une norme sociale qui imposait de bien traiter les animaux. On trouvait alors dans les rues pleines d'animaux errant, le soutien d'élevage par le gouvernement et ce, jusqu'à récemment furent le fruit de choix politiques. Toutefois, l'augmentation des importations ces dernières années a fait passer l'élevage au second plan et les chiens errants sont devenu la cible de lois prônant leur éradication. Ces lois ont profondément affecté la société turque, qui a toujours eu une compassion à l'égard des animaux errants depuis longtemps, et de nombreuses manifestations ont vu le jour pour contester ces lois nouvelles.

Dans cette étude, les droits des animaux en Turquie seront examinés à la lumière travers d'une revue littéraire.

RCSL Session#03:**Constitutionalism, Politics and Environmental Justice in the Anthropocene****Monday 7 July 2025, 13.00–14.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Meriem REGRAGUI**, Université Internationale de Rabat, Morocco**Paper Presentation Session of RCSL WG Sociology of Constitutions**Session Organizer: **Jiří PŘIBÁŇ**, Cardiff University, United Kingdom*Language: English***Session Description:**

The sociology of constitutions has expanded the concept of constitution beyond its classical juridical and political meaning and disconnected it from statehood. It has decoupled constitutions from institutional politics and looks for new modes of political action and subjects beyond their typically modern conceptualisation in popular sovereignty, nationhood and nation state to address global issues of environmental justice and challenges related to the societal and climate changes of the Anthropocene. The concept of constituent power in global society needs to be addressed beyond its common political and juridical conceptualisations and theoretical frameworks. The stream will focus on the climate crisis and constitutionalism, development of global legal and political networks, interaction between human and non-human agencies, the constitutionalism system and environment, democratic reforms and public mobilisation at subnational, national and supranational levels, cosmopolitan constitutionalism and ethics, human and non-human rights, law and development, environmental rights and transnational justice.

Abstracts:***What Makes a Constitution Just? Sketch for a Sociological Theory of Constitutional Justice***

ID# 162118

*Keywords:**constituent power, constitution making, constitutional imaginaries and constitutional justice***Abdurrahman NUR**, Yıldız Technical University, Turkey

Although the concept of constitutional justice is mostly used in the literature to mean the judicial system undertaking the function of constitutional review, it also refers to the problem of justice in terms of the constitutional formation of a legal system. In this latter sense, constitutional justice is an intricate problem. How can one say if a constitution is just? In legal philosophy, it seems difficult to answer this question without referring to some kind of transcendence, from which criteria for justice are derived, whether it be the state, natural law or divine law. This paper asks if a sociological theory of constitutional justice is

possible. Setting out to construct the social space of constitution making as a “field of constituent power”, where the living constitution is coded into a written constitution, it argues that longue duree formation of constitutional imaginaries in this space can serve as a “historical transcendence” according to which the question of constitutional justice is decided. Finally, the paper provides a case study by offering a comparative analysis of 1921 and 1924 constitutions of the Ottoman–Turkish state in terms of constitutional justice.

For a New Social Contract

ID# 160357

Keywords:

constitutional theory, democracy, justice and philosophy of law

Massimo FICHERA, University of Maastricht, Netherlands

This is an age of uncertainty for constitutionalism and contemporary democracies. On the one hand, they are exposed to increasing demands to deliver “goods” such as economic prosperity and peace, to ordinary citizens in an effective way, and to address global problems, such as climate change, health, etc. On the other hand, their underpinnings are questioned to an unprecedented extent in terms of legitimacy and inclusiveness (or justice).

These two poles – effectiveness and legitimacy/justice- are not necessarily in tension with each other, but generate a number of claims that are potentially contradictory and require a renewed analysis of the main parameters of Western liberal democracy.

The paper seeks to go beyond those studies on the relationship between constitutionalism and democracy that either assume an inherent conflict between them, or proclaim the end of State sovereignty, or, on the contrary, assume State sovereignty as exclusive paradigm of constitutional studies. Rather, the ambition is to keep in mind the process of transformation that familiar legal and political categories are going through. The claim is that it is necessary to identify as clearly as possible the complex variety of actors or subjects involved in such process of transformation of contemporary democracies – including those who are potentially the losers and winners- as well as the stakes, the interplay between such actors/subjects and the implications and challenges for the nature and scope of contemporary legal systems. The paper advocates a new form of social contract, which is particularly urgent in the context of the climate crisis and the relevance of non-human agents. Moreover, methodologically, the paper attempts to build a bridge between philosophy of law and sociology of law.

The Data Governance Act and European Constitutional Imaginaries: Assessing the Environmental Impact of European Data Sovereignty

ID# 158825

Keywords:

data sovereignty, data extractivism accumulation, sociology of constitutions and sociotechnical imaginaries

Marta MARONI, Maastricht University, Netherlands

Data have gained ground as a metaphor for prosperity and innovation, promising to solve complex individual and societal problems, including environmental crises. The EU is pursuing an ambitious strategy of reorganising the European economy and society around big data. As part of its data governance strategy, the EU has enacted the Data Governance Act (DGA). This legislation establishes a horizontal regime to unlock the re-use of certain categories of protected data held by the public sector, sets up data intermediation services, and promotes services based on data altruism for the public good. The DGA echoes issues of solidarity and distribution, treating data as the great equaliser in today's surveillance-capitalistic society.

However, by combining sociotechnical and constitutional imaginaries, this paper argues that the idea of data as a source of powerful innovation also functions as a tool for the self-empowerment of the European constitutional project. The paper underlines how the European data governance strategy comes at the expense of environmental justice. To advance this argument, the paper particularly focuses on data centres. Data require physical infrastructure as they need to be stored and securely contained. Data centres, massive assemblages necessary to store, manage, and process data, are part of critical internet infrastructure. A constant power supply and cooling systems are imperative for protecting the operations of data centres, which are dependent on specific climate and geographical conditions. This paper claims that, while the European data strategy attempts to foster greater redistribution, efficiency, and prosperity, the strategy remains inherently rooted in the capitalistic logic of extraction and accumulation, which dramatically contributes to the exploitation of environmental resources. This is an opportunity to rethink constitutional questions at the boundaries of law, technology and the environment.

Traditional Water Sharing Practices of the Amazigh of Morocco: Centralised Tribal Polities Vs. Decentralised Tribal Confederations

ID# 164519

Keywords:

African Constitutionalism, Indigenous Practices, Morocco and Water conservation and sharing

Jan Galip ERK and Nawal BAADI, Université Mohammed VI Polytechnique, Morocco

This paper seeks to expose the various traditional practices of water conservation and sharing among the Amazigh communities of south-eastern Morocco. The remote southeast had remained mostly spared from full-scale French colonial intrusion. Many of the traditional institutions of the Amazigh – both their traditional customary laws and the indigenous constitutional orders of the Ait Yafelman and Ait Atta tribal polities in the region – remained relatively intact at the time of independence. The early decades of independence did not come with much of an intrusion by the modern Moroccan state either. As a result, both tribal polities remained in place as well as the different traditional practices of water conservation. What makes this region an informative case-study for studying indigenous constitutionalism is that the Ait Atta were a centralised tribal polity while the Ait Yafelman were a confederal union of various constituent tribes. Both, however, occupied very similar geographies of vast semi-desert arid plains interspersed by oasis valleys of irrigated agriculture. Both polities also contained communities in the low-lying agricultural valleys and communities in the highlands herding livestock. Both polities also included non-members whose rights and obligations were different than those considered as indigenous. Everything other than their constitutions were similar. How water was conserved and shared followed very elaborate policies and

practices in both the Ait Atta and the Ait Yafelman, but the differences in their indigenous constitutions influenced how things worked. One was a centralised tribal polity with the ability to dictate and enforce policies from the centre, the other required compromises reflecting the local context. Anthropologists have studied the Amazigh of the southeast, but this is the first time the scholarly framework of Sociology of Law is put to use with an eye to distil lessons that could enrich the study of non-Western non-state constitutions.

Supporting Climate and Disaster Risk Financing at Community Level and Needed Devolution of Power at Local Government Institutions in Bangladesh

ID# 163444

Keywords:

Climate change, Devolution of power, Local Government and Natural Disasters

Monjurul AHSAN, Center for Climate Justice- Bangladesh (CCJ-B), Bangladesh

Although Bangladesh contributes a very small part of global emissions but most affected by extreme climate conditions due to its geographic location and flat, low-lying topography. As per the Disaster Management Act, 2012, the local government in Bangladesh is authorized to play a crucial role for disaster management and adaptation to climate change. Among tiers of Local Government Institutes (LGIs), the Union Parishad (UP) is the lowest tier of the local government's elected body, which has direct connection with the local community for providing services at the local level and has wider acceptance at the local community. However, this century old organization could not play its expected role for the disaster preparedness and adaptation activities and other services as per need in face of the adverse effects of climate change due to a lack of funds and manpower.

The study found that most of the government funds relating to climate change and disaster management are controlled by different government departments, while a tiny fraction of the fund can be reached at the local level from the Annual Development Plan (ADP) of the government budget as the planning process is centralized and those planning processes hardly consider the needs of the local government. Again, donor supported projects are time-bound; they lack the needed long term coordinated support. Again, donors have their own priorities and areas of interest for bilateral support for technical assistance, capital, and aid. The study argues that money should not be halted at the hands of central government; rather, a substantial proportion of the funding directly should be made available to local government institutions to support grassroots climate and disaster risk financing purposes. Again, donor's need to consider the specific needs of the local community regarding climate and disaster risks rather than their own agenda.

RCSL Session#04:**Derecho y Política a La Hora Del Antropoceno – Law and Politics in the Anthropocene****Monday 7 July 2025, 15.00–16.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Roundtable Session of RCSL WG Law and Politics,Session Organizer: **Angélica CUELLAR VAZQUEZ**, FCPyS de la UNAM, México*Language: English, Spanish, French***Roundtables:****Roundtable A:*****La Digitalización De La Justicia. Prácticas y Percepciones De Inclusión y Exclusión*****Roundtable B:*****Professional Identity, Institutional Constraints, and Legal Agency*****Roundtable C:*****Regulatory Capacities and Environmental Justice in the Anthropocene: Navigating Global-Local Tensions in an Era of Planetary Boundaries*****Roundtable A:****La Digitalización De La Justicia. Prácticas y Percepciones De Inclusión y Exclusión**Chair: **Angélica CUELLAR VAZQUEZ**, FCPyS de la UNAM, México**Roundtable Description:**

En la actualidad las dinámicas sociales son guiadas por el uso de la tecnología y las plataformas digitales que han logrado disminuir la distancia social y contribuir a una mayor difusión de la información de manera global. Bajo esta perspectiva y tomando en cuenta la reconfiguración social que vivimos a raíz de la pandemia por COVID-19, es importante analizar y discutir cómo se ha potencializado el uso de la tecnología en la administración de justicia. Existen grupos vulnerables que no tiene acceso a la digitalización de la justicia creando escenarios de exclusión.

Abstracts:

Avances y Retrocesos En Los Procesos De Transformación De La Justicia Brasileña Analógica En Digital y La Apuesta En La Participación Social Para Una Jurisdicción Efectiva

ID# 155948

Keywords:

Brasil, Justicia, Participación social and Tecnología

Claudia Maria BARBOSA, Pontifícia Universidade Católica do Paraná, Brazil

El proceso de transformación de la justicia analógica en justicia digital en Brasil no tiene paralelo en el mundo. En menos de 20 años, el Poder Judicial más grande del mundo en términos de volumen de papel se ha vuelto 100% digital, un movimiento que ha implicado cambios en el ejercicio profesional de millones de abogados y agentes públicos que trabajan en el ámbito de la justicia. Bajo la coordinación del Consejo Nacional de Justicia, órgano creado por enmienda constitucional en diciembre de 2004 y encargado de la planificación estratégica del Poder Judicial, están importantes iniciativas destinadas a la transformación digital de la justicia brasileña. En esta investigación teórica apoyada en miradas críticas de los derechos humanos, en la sociología de la administración de justicia y en teorías de la gestión pública, se busca, a partir del análisis de datos del poder judicial brasileño, relacionar el camino digital de la justicia con los avances, desafíos y retrocesos provocados en el proceso de inclusión, en la promoción de la igualdad, en el aumento de la eficiencia y eficacia de los derechos y. Los desafíos para una jurisdicción efectiva se relacionan sobre todo con la construcción de la equidad judicial y con la mejora de la *accountability* de la justicia. La hipótesis, confirmada por los resultados, es que el uso de la tecnología ha permitido avances, pero también retrocesos en la protección de los derechos humanos, y el mejoramiento de la jurisdicción debe estar guiado por una mayor participación social en el establecimiento de las políticas judiciales.

Cedec-Ceipoc Digital Archive: Research Experiences and Reflections on the Contentious Politics of Brazilian Constitutional Democracy

ID# 161037

Keywords:

Brazilian politics, Supreme Federal Court, constitutional crisis and memory archive

Celly COOK INATOMI, Universidade Estadual de Campinas, Brazil, **Pedro VASQUES**, Cedec, Brazil and **Andrei KOERNER**, Unicamp, Brazil

This communication has two interconnected objectives: first, to present the "Cedec-Ceipoc Digital Archive" (www.acervodigital.cedec.org.br); second, to share preliminary reflections that explore the potential of the interviews conducted within this project to analyze changes in contemporary democracy. The Digital Archive aims to gather testimonies from social science researchers regarding their academic and political experiences over the past decade, a period marked by the emergence of tensions and uncertainties in Brazilian politics. This includes the development and archiving of in-depth interviews about current research, academic background, and researchers' professional trajectories, as well as key issues for political-constitutional analysis in the coming years. Regarding the preliminary insights that link the materials produced to a critical moment in contemporary democracy, our analysis of the interviews

focuses on the dynamics and unfolding developments of Brazil's current political tensions, particularly in relation to the role played by the Supreme Federal Court.

El Control Constitucional De Normas Generales Por La Suprema Corte Mexicana

ID# 155957

Keywords:

comportamiento judicial, control constitucional, normas generales and suprema corte

Alberto Abad SUAREZ AVILA, Instituto de Investigaciones Jurídicas, Mexico

Una de las funciones más relevantes de los Tribunales Constitucionales es la de revisar la constitucionalidad de las normas generales. Sin embargo, no es una cuestión sencilla ya que presenta diferentes problemas no solo a nivel interpretativo sino político en los sistemas donde esta prevista. Es en el ejercicio de esta función en la cual se presentan los espacios de mayor estrés institucional entre el poder de revisión y los poderes establecidos, ya que en último momento, esta función permite que las normas generales puedan ser expulsadas cuando no cumplan con el parámetro de control de la regularidad constitucional.

A través del estudio de las figuras de la acción de inconstitucionalidad y el amparo contra leyes (indirecto) en el periodo de 1994 a 2024, el artículo que se presenta muestra los espacios de restricción y activismo que ha tenido la Suprema Corte mexicana en la materia, como respuesta al contexto político del momento. Los hallazgos permiten teorizar sobre las circunstancias en las cuales el sistema tolera una mayor o menor participación de los tribunales constitucionales en la labor de control.

Poderes Judiciales Bajo Acecho: México En Perspectiva Comparada

ID# 166623

Keywords:

Democratic decline, Judicial independence and Mexico

Camilo SAAVEDRA HERRERA, Instituto de Investigaciones Jurídicas, UNAM, Mexico and **Josafat CORTEZ**, Facultad de Ciencias Políticas y Sociales, UNAM, Mexico

El acecho de los poderes judiciales, particularmente de las cortes supremas y los tribunales constitucionales, es una de las características del proceso de declive democrático que ha experimentado un número creciente de países en los 15 años más recientes. Aunque la experiencia mexicana de los tiempos recientes pareció durante un tiempo un caso prototípico de este proceso, el proceso de aprobación y los alcances de la reforma judicial de septiembre 2024 indican que en realidad se trata de un caso extremo, en la medida en que la reforma supone una purga judicial completa, introduce el voto popular como mecanismo de elecciones de todos los juzgadores, e instaura un tribunal con amplias facultades para disciplinar a todos los jueces. El objetivo de esta ponencia es describir el proceso que desembocó en la aprobación de la reforma y utilizar el caso mexicano para analizar la forma en la que las características y respuestas de los poderes judiciales inciden los procesos de acecho judicial. The targeting of judicial powers, particularly supreme and constitutional courts, is one of the characteristics of the process of democratic decline that an increasing number of countries have experienced over the past 15 years. Although Mexico's recent experience initially appeared to be a prototypical case of this

process, the approval process and the scope of the judicial reform of September 2024 indicate that it is, in fact, an extreme case. This is because the reform involves a complete judicial purge, introduces popular vote as the mechanism for electing all judges, and establishes a court with broad powers to discipline all judges. The aim of this paper is to describe the process that led to the approval of the reform and to use the Mexican case to analyze how the characteristics and responses of the judiciary influence judicial targeting processes.

Roundtable B:

Professional Identity, Institutional Constraints, and Legal Agency

Chair: **Susana SANTOS**, Iscte – Instituto Universitário de Lisboa, Portugal

Roundtable Description:

This roundtable advances critical perspectives on the complex interplay between legal professional identity, institutional constraints, and social change through diverse methodological approaches and theoretical frameworks. The presentations collectively illuminate how legal professionals navigate competing demands of institutional power, professional autonomy, and social justice across different political and cultural contexts. The presentations collectively challenge conventional understandings of legal professional identity while offering new theoretical and methodological tools for understanding how legal professionals navigate institutional constraints and contribute to social change. This analysis has important implications for both scholarly understanding and professional practice in an era of global legal transformation.

Abstracts:

Right to Counsel Defended By Four Lawyers: Empirical Studies on Lawyers' Diverse Roles in the Taiwanese Compulsory Defense Cases

ID# 161954

Keywords:

empirical legal studies, legal profession, public defender and right to counsel

Ching-fang HSU, National Chi Nan University, Taiwan

In Taiwan, the right to counsel is clearly stipulated in Article 31 of the criminal procedural law, where a criminal defendant has the right to legal representation in severe crimes and disadvantaged conditions, including physical and mental disability, mid-to-low income, aboriginal identity and/or other socioeconomic disadvantages recognized by the presiding judge. In practice, however, four different types of legal counsel may be retained by the defendants in need: regular lawyers, legal aid lawyers, voluntary counsel and public defenders. Do different lawyers perform differently in compulsory defense cases? Using both quantitative and qualitative data, this paper makes two claims. First, in terms of case outcomes, lawyers paid by the government perform only slightly differently from those in the regular legal services market on the metrics of guilty/innocent and the length of sentence. The court, nevertheless, drastically

relies on public defenders and legal aid lawyers, both financially supported by the government, to represent disadvantaged criminal defendants. Second, in terms of professional autonomy, public defenders, voluntary counsel and legal aid lawyers experience different degrees of court dominance, which affects the volume of caseload and the lawyers' willingness to participate in the compulsory defense system. The public defenders, as government lawyers stationed in court, experience the least autonomy from judicial administration, but intriguingly develop an autonomy free from clientele and market pressure. Data used in this paper include (a) a database composed of 27,692 cases from the first two instances of the Taiwanese judiciary from 2013 to 2023, and (b) in-depth interviews with 65 legal practitioners in Taiwan, including 2 judges, 9 public defenders, and 54 lawyers (45 lawyers were interviewed in 2018 and 9 lawyer were interviewed in 2024).

Justicia Cívica y Juventudes: Una Relación Conflictiva

ID# 166355

Keywords:

conflicto, justicia, justicia cívica and jóvenes

Christian ASCENSIO MARTÍNEZ, Universidad Nacional Autónoma de México, Mexico

En el año 2019 fue reformada la Ley de Cultura Cívica de la Ciudad de México (LCC-CDMX) y se planteó como objetivo el establecimiento de reglas mínimas de comportamiento cívico, con la finalidad de garantizar una convivencia sana y respetuosa. En la Ley mencionada se enfatiza la necesidad de preservar el orden público por medio de la participación ciudadana, es decir el ejercicio, respeto y cumplimiento de sus derechos y obligaciones. Un marco normativo con tales características genera preocupación respecto de la interacción entre policía y ciudadanía en el marco de la "preservación del orden" ya que sabemos por la literatura especializada que en tales circunstancias pueden presentarse abusos tales como: detenciones arbitrarias, uso excesivo de la fuerza y prácticas discriminatorias hacia individuos e incluso comunidades (Zavaleta, Kessler, Alvarado y Zaverucha, 2016; Tyler y Cheryl, 2004). De tal manera que algunos aspectos señalados en la LCC-CDMX como la noción de orden público y convivencia sana, ameritan un abordaje sociológico orientado a dilucidar ¿quién o quiénes determinan aquello que será definido como orden público y convivencia sana? ¿Cómo se caracteriza dicho "orden", es decir qué normas de comportamiento lo sostienen? ¿Cuáles son los mecanismos de inclusión para que las y los jóvenes opinen o negocien las normas impuestas o la definición de orden?

Deconstructing Legal Professional Identity: An Analysis on the Meanings of Hukukcu (Jurist) in Everyday Legal Practice in Turkey

ID# 166382

Keywords:

Deconstruction, Everyday legal practice, Legal consciousness and Legal profession

Ezgi SEREF, Keele University, United Kingdom

The term *hukukcu* (jurist) is commonly used to refer to someone who has legal expertise. It is also exclusively used among legal professionals to refer to a legal professional who has distinct legal knowledge, qualities, skills, and orientations. The double meaning of *hukukcu* naturalizes under the premise

of standardized legal education/training and professional competition as a routine part of everyday legal practice while obscuring the ambiguities that it generates in both constituting a common place for legal community and distinguishing from one legal professional from another. In providing an understanding of these ambiguities, this paper interrogates the meanings that lawyers attribute to the term *hukukcu*. It examines how lawyers articulate the distinctions between the term *hukukcu* and *avukat* (lawyer). It argues that *hukukcu* constitutes a playful centre in informing legal professional orientations as part of everyday practice. Through analysing the narratives of twelve lawyers living in Turkey, it provides a map of the themes through which lawyers express the distinct knowledge, qualities, skills, and orientations of *hukukcu* as opposed to those of *avukat*. It also demonstrates two modes in which lawyers position the professional practice of *avukat* in relation to that of *hukukcu*. This paper challenges the monolithic conception of contemporary legal professional construction through discussing the function and elements of *hukukcu* in concurrently opening possibilities of and imposing limitations on legal change.

Political Concepts Beyond Disciplines: A Research Agenda of Democratic Global Legal Science

ID# 154674

Keywords:

democracy, disciplinarity and interdisciplinarity, knowledge production and science and law

Max STEUER, O.P. Jindal Global University (JGU) and Comenius University in Bratislava, Slovakia

Law struggles with recognition as *science*. While acknowledged as a practice, craft or art, even some legal scholars contest the understanding of law as science. This paper sets out a research agenda studying how the alienation of law from the domain of ‘science’ fuels a narrower understanding of both concepts, and obfuscates attempts to reach beyond disciplinary boundaries, shaped particularly by US-centric social sciences of the 20th century. The paper explores how, when law is perceived as ‘unscientific’, distinct from the more neatly delineated domains of knowledge (including sociology), the understanding of science itself narrows down to allegedly value-free, typically theory-testing research, illustrated by academic journals claiming not to be restricted on a disciplinary basis, yet encouraging a standardized structure where theory precedes methods and results in a theory-testing fashion.

The proliferation of notions of ‘interdisciplinarity’, while generative for collaborations, rarely alters the disciplinary anchoring of knowledge production, as materialized in the organization of academic institutions into faculties and departments. A considerable portion of ‘legal scholars’ is not innocent in this alienation. Doctrinal scholarship, when leaving no space for other ways of legal knowledge generation, stifles communication with scholars thinking about ‘living law’. On the other hand, empirical legal studies, when embracing positivist social science, may succeed to appeal to knowledge consumers beyond law, but alienate doctrinal scholars. Identifying the risk of undermining of both scientific and legal authority via such alienation, this paper asks instead how a focus on overarching *political concepts* instead of *disciplines* might help remedy the gap, when the study of concepts allows for non-dominating, democratic, yet disciplined engagement beyond discipline. Ultimately, the paper calls for surveying the capacity of existing approaches and institutions of ‘legal knowledge production’ to contribute to such an endeavour. Such surveys should prioritize decolonial approaches emerging from more diverse environments.

The Rule of Law and Lexicons of Development and Justice in a Shifting Middle East and North Africa

ID# 158277

Keywords:

Comparative Law, Middle East, Rule of Law and Sociology of Law

David MEDNICOFF, University of Massachusetts-Amherst, USA

Two phenomena have typically been true recently regarding the rule of law in Arab states as they seek to expand, or at least retain, their reach. First, judicial review has been minimized in order for it not to constrain executives (e.g., Brown 2001). Second, law has been deployed as a lexicon that can sustain bureaucratic growth and globalization. In such a context, states seek to instrumentalize the rule of law as a technology of public administration, and, sometimes, intimidation.

Nonetheless, legal values across Arab societies are contested complexly domestically, regionally and internationally (e.g., Dupret 2021). However autocratically states may deploy law, this contestation means liberalizing norms around law and justice emerge, and erupt, as they did in 2011 (e.g., Brown and Mednicoff chapters; Bali and Lerner 2017). Governments in the MENA reacted to 2011 in part by foregrounding legal change that they claim enhances the rule of law, a strategy assisted by multifaceted lexical meanings of “the rule of law” itself.

Building on original data from a \$1 million grant project in the Arab Gulf, this paper argues that Arab governments, particularly those with major resources like Gulf states, have balanced religious and secular tropes around law to underscore technocratic and transnational mediational legal features so as to claim fealty to the rule of law, while avoiding pressures for greater legal accountability or political rights. This effort helps account for the extensive public diplomacy that countries like Qatar and the UAE maintain around the rule of law. Explicating the process of skirting judicial review by hyping law as a technology of growth and globalization links the paper to both panel themes. Specifically, the paper illustrates its argument based on overall legal growth in the post-2011 Arab world, and the recent case of Qatar’s legal management of the 2022 World Cup.

Roundtable C:

Regulatory Capacities and Environmental Justice in the Anthropocene: Navigating Global-Local Tensions in an Era of Planetary Boundaries

Chair: **Patrícia ANDRE**, CEDIS – Research and Development Centre in Law and Society, NOVA School of Law, and DINÂMIA’CET – Iscte, Portugal

Roundtable Description:

This roundtable addresses the interplay between regulatory governance, scientific knowledge, and environmental justice in the Anthropocene, bringing together diverse perspectives from legal studies, environmental governance, and sustainability rights. The presentations collectively investigate how institutional frameworks and regulatory mechanisms are being challenged and transformed by

unprecedented planetary changes, while exploring emerging paradigms for environmental justice and sustainable governance. Drawing from the presentations, the roundtable will discuss the evolving relationship between scientific knowledge and regulatory capacity in addressing environmental challenges while also tackling the tension between global governance frameworks and local implementation mechanisms.

Abstracts:

Anomie, Anthropocene and Risk Management: The Gap between Scientific Knowledge, Social Expectations and Regulatory Response

ID# 162614

Keywords:

Anomie, Anthropocene and Regulatory capability

Ignacio AYMERICH OJEA, Universitat Jaume I, Spain and **Laura Noemi LORA**, Universidad de Buenos Aires, Argentina

The Anthropocene marks a historical turning point in the relationship between humans and nature. If it was technological capabilities that enabled the human species to have ever greater prospects of survival in the face of natural hazards, now the use of technology can place nature as the one threatened by humans. If technological development was accompanied by the regulatory capacity of states to coordinate the action of citizens in the face of threats, who will now exercise regulatory power to respond to climate change? There is growing scientific evidence of the effects of climate change, a growing social demand to address it, and yet an institutional inability to address the situation through effective regulation. International agreements show limited capacity, which is opening space for responses based on each state's individual defense strategy.

Scientific Knowledge and Evidence in Planning of Government Regulatory Action

ID# 163370

Keywords:

Better regulation, Evidence, Planning and Sociology of law

Julia CARCELLER STELLA, Universitat Valencia, Spain

Regulatory planning, in contexts of uncertainty and risk, requires information and knowledge, today more than ever. Evidence is an enormously valuable resource for the formulation of legal norms and decision making in the Anthropocene. To explore capacities and channels of knowledge transfer and scientific-technical advice for planning and regulatory design is an unpostponable and growing demand. The subject matter is directly linked and cannot be separated from the socio-legal perspective. The use of evidence for making regulations establishes links between legal norms and reality. And this would allow in same way to make evaluation of results and analysis of regulatory action effectiveness.

Rethinking Legal Frameworks: Network Approaches to Law in the Age of the Anthropocene

ID# 163934

Keywords:

*Anthropocene, Network Law and Socio-Legal Scholarship***Cassiano DE TOLEDO RIBAS**, Universidade de Sao Paulo, São Paulo, São Paulo, Brazil

Traditional legal models, which typically emphasize linear cause-and-effect relationships, are increasingly inadequate for addressing the global and interconnected nature of contemporary environmental challenges. This poster investigates the intersection of emerging legal frameworks and the complex nets that characterize the Anthropocene, an epoch defined by profound human impacts on Earth's ecosystems. It presents key findings from my doctoral research, which aimed to identify and analyze socio-legal scholarship proposing a shift toward more adaptive, network-based approaches to law that recognize the interdependencies between natural, human, and technological environments.

The research highlights the necessity for legal structures capable of regulating not only individual actors or isolated events but also interactions that transcend geographical, sectoral, and disciplinary boundaries. Network-based socio-legal approaches aim to develop more resilient legal frameworks that can effectively manage the non-linear processes of the Anthropocene. Addressing the multi-scalar challenges that emerge at local, national, and global levels also requires legal institutions to evolve and adapt to dynamic feedback loops. Key areas of concern include climate change, environmental degradation, and the regulation of digital networks.

Ultimately, this research points to a reimagined legal paradigm that reflects the environmental interconnectedness and supports global sustainability and justice in the face of unprecedented ecological and technological challenges.

Knowing Justice in the Anthropocene. Using Life Story Narratives in Socio-Legal Research

ID# 162306

Keywords:

*narrative interview, researching social justice, socio-legal methods and subordinated groups and the legal system***Valéria KISS**, assistant professor, Hungary

The focus of my poster is the use of biographical methods and narratives in socio-legal research, but the broader question I want to arise with my contribution is the need of enhancing methodological consciousness in socio-legal research in general. In the context of Anthropocene societies and legal systems face specific challenges regarding justice. Socio-legal scholarship need to be inventive, open and reflexive when it comes to methodological choices in order to find answers or, even more importantly, ask the right questions about the relationship between law and society, especially subordinated groups in this historical context.

In my presentation I would like to introduce the use of narrative life story interviews in socio-legal research from this perspective. Since 2013, I have participated in three studies that examined questions related to legal consciousness and the relationship to law using the method of narrative life-history interviews. The

latter two of these studies addressed the issue of social change. In my poster, I will present our interviewing experiences and address questions that arose during the analysis.

All three studies encountered challenges and provided insights into approaching interviewee recruitment and conducting interviews. Regarding analysis, issues arose in the first study, suggesting that we should not exclusively approach the resulting empirical material using the hermeneutic case reconstruction method. In my poster, I will outline the concept of horizontal analysis we have developed, its possible methodological foundations, and the challenges it presents.

RCSL Session#05:**Can the Justice Systems Meet the Challenges of the Anthropocene Era? Retracing the Complex Connections between Society, Environment, and Law****Monday 7 July 2025, 19.00–20.30**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Luca VERZELLONI**, University of Milano-Bicocca, Milan, ItalySession Organizers: **Daniela PIANA**, University of Bologna, Italy, and **Luca VERZELLONI**, University of Milano-Bicocca, Italy*Language: English***Session Description:**

Climate litigation and environmental justice are becoming key issues in our contemporary societies for two interrelated reasons. On one hand, to maintain consensus, political institutions often choose not to address the controversial issues related to climate change, delegating their resolution to the "justice systems" – all the institutional and individual actors involved in the delivery of justice) in both national and international contexts. On the other hand, the ability of justice systems to respond to the new environmental legal needs impacts the protection of rights and the well-being of present and future generations.

Justice systems are increasingly under pressure to decide on divisive environmental issues that, if not properly addressed, risk undermining the legitimacy of not only judicial institutions but also the very social contract on which our societies are founded. However, legal and judicial institutions are structured to address traditional legal issues, and justice operators often lack expertise to respond to new justice demands. In the Anthropocene, new forms of knowing – in a relational sense – are necessary to retrace the complex connections between society, environment, and law.

This session aims to explore whether and how justice systems in both the Global South and North can respond to the new demands for environmental justice. It welcomes papers on: environmental legal needs and access to justice; the contribution of informal institutions; the role of media and citizens' associations; the transformation of legal professions' activities; interactions with other knowledge systems, and the impact and sustainability of judicial decisions.

Abstracts:***Legal Geographies of a City in Distress: Climate Emergency, Urban Revitalization Projects and the Fight for Spatial Justice in Porto Alegre, Brazil*****ID# 166638***Keywords:*

Lucas KONZEN, Federal University of Rio Grande do Sul (UFRGS), Brazil

There is a growing awareness of the global climate emergency and its impact on cities in the Global South. However, little is known about the legal geographies of cities where economic and political challenges are compounded by environmental distress.

This paper aims to contribute to the socio-legal literature on law and urban space, focusing on conflicts over the regulation of public space and struggles for spatial justice in Porto Alegre, Brazil. Categories from the subfield of legal geography served as the theoretical framework for designing a qualitative study as part of a project supported by the Brazilian National Council for Scientific and Technological Development (CNPq).

In May 2024, Porto Alegre experienced severe flooding after unprecedented torrential rains affected large areas of the State of Rio Grande do Sul in southern Brazil. The waters of Lake Guaíba took weeks to recede, leaving several neighborhoods submerged and impacting key urban infrastructure, with lasting consequences for residents.

Among the directly affected areas were emblematic waterfront public spaces: the Mauá Pier, Moacyr Scliar Park, and Marinha do Brasil Park, where urban revitalization projects were being implemented through public-private partnerships, albeit not without dispute. These locations also housed crucial components of Porto Alegre's flood protection system—walls, floodgates, dikes, and pump houses—that partially failed during the flooding due to a lack of maintenance.

In this context, despite the efforts of authorities at various levels, major media, and actors involved in delivering justice to maintain political consensus, controversial issues regarding the regulation of urban public space emerged, particularly concerning the protection of rights and the well-being of present and future generations. This paper seeks to illustrate the importance of norms and normative practices in addressing these new challenges and demands for spatial justice.

Earthquake Disaster Management in Turkey and the Contractor As a Scapegoat Figure

ID# 163574

Keywords:

*Contractor, Disaster Management,
Disaster justice and Judicialization of social issues*

Gözde AYTEMUR¹, Julie Alev DILMAC¹ and Cem OZATALAY², ⁽¹⁾Galatasaray University, Turkey,
⁽²⁾Galatasaray University, Istanbul, Turkey

The Anthropocene represents a transformative epoch where human activity is the dominant force shaping the environment, creating unprecedented legal and societal challenges. Turkey, as a high seismic activity has witnessed the collapse of over 35,000 buildings and the loss of more than 50,000 lives in the 2023 earthquakes which has prompted critical evaluations of current disaster management. This research examines the “judicialization” of earthquakes, exploring how criminal justice addresses the environmental dimensions of disasters through the prosecution of contractors. Central to this inquiry is the contractor's

evolving role as a scapegoat figure within the justice system and how this reflects broader socio-political responses to environmental destruction.

By analyzing legal and social reactions, this study poses several key questions: How is the contractor's responsibility defined in terms of punishment? Does the criminal justice system adopt a protective perspective or a punitive treatment in the trials of contractors? How do the actors of the justice system take their stand, and according to what do they change? What strategies do the parties (victims and defendants) to the proceedings adopt in response? Which is the contribution of experts and "out of court" actors to the trials and how do they influence the state of affairs?

To answer these questions, we will conduct interviews with a range of stakeholders, including judicial actors (judges, prosecutors, lawyers, defendants, victims, experts) and "out of court" actors (journalists, NGOs, public opinion). Additionally, through participant observation of ongoing and future trials, we will explore how judicial rituals serve to address societal trauma by holding contractors accountable, thus illustrating the justice system's role in managing disasters. This research ultimately aims to shed light on how criminal justice systems navigate the complex intersections of legal, environmental, and social responsibilities in the Anthropocene era.

Judging the Sustainability and Being Accountable - Different Approaches and Perspectives on ESG Reporting for Judicial Offices

ID# 159503

Keywords:

CSRD, ESG reporting, Judicial offices and accountability

Federico GUSMEROLI, Emma SCARLATTI and Giulio MICHETTI, C.O. GRUPPO Società Benefit, Italy

Over the past few decades, sustainability has become a critical concern for all organizations: nowadays, no one could step aside from a global task of being more responsible and accountable on this issue.

European lawmakers have been introducing enforceable rules to strengthen the mandatory accountability and regulate the reporting requirements on ESG matters. The introduction of a new set of European standards that are tuned on the various sizes of organizations may lead to an unambiguous, easy-to-compare framework of sustainability reporting.

Although ESG reporting is typically associated with the corporate world, public sector institutions are recognizing the importance of managing this issue and demonstrate their commitment towards sustainability. For this reason, this research aims to explore the bounds of European normative.

This challenge is even more important for the Judicial Offices, that are increasingly called to judge cases of misleading advertising and false statements on ESG topics. Although some Courts and Prosecutor's Offices occasionally released documents labelled as "Social Responsibility Report", often the main concern of these reports is the judiciary efficiency far more than the actual impact on the environment, workers, local communities and other stakeholders.

The raise of internal awareness and external expectations on the ESG accountability could possibly come into conflict with the predominant organizational culture and the established practices in Courts. Starting from several case studies current situation in several European countries and a specific survey, our work

aims to explore current approaches and future perspectives on this topic, with a focus on the consistency between choices made by a sample of Judicial Offices and the European ESG reporting framework.

Reframing Climate Protests As Public Order: The Criminalization of Environmental Activism in Italy

ID# 166176

Keywords:

Penal Policy, Climate Activism, Environmental Justice and criminalization Processes

Ferdinando SPINA and **Angelo GALIANO**, University of Salento, Italy

Despite the agreements reached at the United Nations Framework Conferences on Climate Change and the decades-long efforts of conventional environmental movements, the climate crisis caused by human activity and environmental exploitation persists. In this context, the voices of new movements of young activists promoting sustainable ways of living should be heard and supported.

Nevertheless, at least in Western democracies, these movements fail to have a significant impact on political decisions. Indeed, their forms of protest, which are often unconventional and occasionally at odds with the law, elicit negative responses from the general public and punitive actions from police and judicial bodies.

Consequently, social issues pertaining to climate change and environmental justice are reframed as matters of security and public order. Furthermore, forms of dissent against production and consumption practices that contribute to ecological disorganisation are increasingly criminalised through the broadening and intensification of criminal sanctions.

The paper addresses this phenomenon, beginning with an examination of the Italian context and proceeding with a comparative analysis of similar jurisdictions. In Italy, a campaign of criminalisation of environmentalist protest has been conducted for several years by the news media, political forces and, more recently, the judicial system. Firstly, the paper analyses the protest actions undertaken by Italian activists associated to the Last Generation climate movement. It then treats the responses these actions have generated, both in public discourse and within the penal system, with a focus on recent amendments to the penal code and the trials held against activists.

The paper proposes to trace the trajectories of the mediatic-judicial circus that limit the right to manifest and delegitimise arguments against the treadmill of production in favour of a civilisational transformation aimed at avoiding the environmental catastrophe.

Silence and Climate Disobedience in the English Courts

ID# 156272

Keywords:

Civil Disobedience, Criminal Trials, Environmental Activism and Non Violent Direct Action

Steven CAMMISS, University of Birmingham, United Kingdom and **Graeme HAYES**, Aston University, United Kingdom

In this paper, we discuss the criminal trials of environmental (and other) activists, prosecuted in England for their participation in non-violent direct action and disobedience. Drawing on recent cases, interviews, and observations of trials, we outline how the British government and the higher courts have responded to the ongoing protest wave of direct action by systematically removing the defences available to these activists in court. As a result, these activists typically accept that they have committed the actions they are accused of, but plead not guilty (to charges of criminal damage or public nuisance), without now having recourse to any defence in law. We discuss how judges then seek to manage activists in the courtroom, by surveilling and curtailing their capacity to explain their motives and their actions, and imposing various forms of silencing. We argue that this process is designed to create an artificial and arbitrary separation of politics from the law. But it also creates opportunities that can be seized by defendants to develop resistant voice and agency.

Climate Litigation in Times Of Upheaval: Media Framing of Responsibility and Guilt in the Climate Crisis

ID# 157266

Keywords:

Climate Litigation, Climate movement and Legitimacy

Lea FRERICHS, University of Hamburg, Germany

If societies are not prepared for certain progressive court rulings and the resulting political guidelines, a backlash in politics and civil society may occur (Setzer and Vanhala 2019). For this reason, court rulings must be situated within the framework of the generally applicable norms of a society. Courts also maintain their legitimacy and that of the political system by ruling within these socially accepted norms (Vilaça 2024). Social movements can shape social discourses and norms, as well as exert pressure on political processes, thereby significantly influencing public perception and the relevance of certain issues within a population (Rucht 1994; Tarrow 2011). This article explores the extent to which the climate movement can contribute to the acceptance of climate litigation judgments, using the examples of the case *Neubauer v. Germany*, which received a high level of approval in both politics and civil society, and the case *KlimaSeniorinnen v. Switzerland*, which faced rejection in both politics and civil society (Blattner 2024). A comparative analysis of the judgments, one decided at the national level and the other at the international level, is conducted regarding the political and social reactions to the judgments and the role of the climate movement in these contexts.

Ethnographing Access to Rights in the Anthropocene (Session organized in connection with RCSL)

Tuesday 8 July, 09.00–10.45

Room SJES005 (Faculty of Legal, Economic, and Social Sciences)

Co-Chair: **Benoît EYRAUD**, Université de Lyon CNRS – Centre Max Weber, France

Paper Presentation Session hosted by WG01 Sociology of Local-Global Relations, organized jointly with RC12 Sociology of Law (RCSL), as well as RC09 Social Transformations and Sociology of Development, RC19 Poverty, Social Welfare and Social Policy, RC33 Logic and Methodology in Sociology and RC48 Social Movements, Collective Actions and Social Change

Session Organizers: **Lauriane DOS SANTOS**, MSH-P UAR 2503 CNRS-UPF ; EASTCO, Université de la Polynésie française, French Polynesia, and **Leila DRIF**, Maison des Sciences de l'Homme du Pacifique UAR 2503 CNRS | University of french Polynesia, French Polynesia; Institut Convergence Migration, France; French Institute for the Near East (IFPO), Lebanon

Language: English, French

Session Description:

In the face of the global challenges posed by the Anthropocene, we are witnessing a crisis in national and international legislation, characterized both by the creation of new rights and the friction caused by the transfer of sovereignty from States to international jurisprudence, or, on the contrary, by their rigidity in applying international law. Against this backdrop, individuals and social groups on the fringes of the legislative arena are mobilizing various ethical, normative and legal frames of reference to assert their rights at local level. How do they secure their access to resources (social, political, environmental)? What are the effects of these multiple frames of reference on the production of rights? On collective mobilization, living together and citizenship?

This panel session aims to welcome contributions that take an empirical and qualitative approach to access to rights from a sociological perspective. The focus will be on contexts of legal pluralism, such as the coexistence of national and customary law in post-colonial areas, or of international law and national legislation. The methodological approaches may be applied in different ways, for example in the form of 'judicial ethnographies' analyzing interactional situations between justice professionals and litigants, or from the perspective of 'ethnographies of law', paying attention to the paths and ordinary social practices through which individuals and groups produce their rights, and litigate their cases.

Contributions may fall under one of the panel's two headings: 1/"working for rights and securing access to resources"; 2/"seeking redress in the Anthropocene: the judicialization of causes".

Abstracts:

The Common, Political Marginalization and Water Conflicts for Survival in a Moroccan Oasis

ID# 153770

Keywords:

Ethnography, environnement, ethnic conflicts and ground water

Fouzia BORJ MAROC, Université Hassan II, Morocco

Studies on oases worldwide reveal that the natural resources in these areas are decreasing sharply. In Morocco, ecology policies and technological evolution have led to the emergence of agriculture dynamics, which, in turn, have resulted in the spread of modern, elite owned farming lands that are encroaching on traditional oasis space.

This article explains how the shift in resource use practices has led to the depletion of the waters of the traditional irrigation systems “*Khattaras*”, but also to *legitimate pluralism of access to water, and -most of all- infringed upon the survival needs of marginalized small farmers and sapped their negotiation capacity. The changes in forms of agriculture and the tough competition over resources have triggered water conflicts and stimulated the emergence of many ecology protest movements by local actors. The latter are due to the undermining of the traditional water rights governed by common property customary laws on access to water within oasis communities. This reality has had a great impact on access to water and has even led to ethnic conflicts.*

The results of this study first show the importance of conflicts over upstream and downstream water resources depending on the hierarchy in the space of the oasis-Aljorf (vertical conflicts), which has led to breakdowns in social ties between beneficiaries who sometimes belong to the same tribe (horizontal conflicts). However, this also reveals that the drilling techniques have become a resources ‘ownership’ instrument for elites that contribute to the creation of a new space.

Sécuriser l’Accès Au Foncier : Sortie d’Indivision Des Terres Et Production Sociale De La Propriété En Polynésie Française

ID# 154149

Keywords:

Access to rights, law and society, qualitative methods and social change

Lauriane DOS SANTOS, Université de la Polynésie française, Tahiti, French Polynesia

La question foncière constitue un problème juridique et social relativement ancien en Polynésie française dont la complexité s’est surtout construite à partir de la période coloniale. Les transformations économiques, démographiques et sociales de la période contemporaine ont toutefois contribué à en faire désormais l’un des grands enjeux de cette collectivité, à la fois du point de vue des conflictualités familiales qu’elle génère et des défis qu’elle pose à l’institution judiciaire en termes de traitement des procédures. Les litiges liés à la propriété de la terre traversent aujourd’hui l’ensemble des milieux sociaux sur ce territoire. Les demandes de sortie du statut d’indivision des terres familiales (statut qui concerne environ 57% des terres de la collectivité) constituent le point névralgique du problème, justifiant la mise en place d’une structure dédiée inédite au sein de la République française : le tribunal foncier de Polynésie française (2019). Cette communication présente les résultats d’une enquête qualitative auprès de justiciables

engagés dans une procédure de sortie d'indivision des terres familiales. On s'intéresse à la production sociale du droit foncier comme mode de sécurisation des ressources dans ce contexte, entre stratégies collectives et conflictualités *inter et intra* générationnelles. Dans un premier temps, l'analyse des récits de vie permet de montrer en quoi l'accès à la terre est devenu un enjeu important et conflictuel au sein des familles contemporaines, dans un contexte caractérisé par des crises multiples. Dans un second temps, l'analyse des parcours d'accès au droit permet d'identifier les freins et les leviers mobilisés par les individus pour obtenir la propriété de terres, montrant une imbrication de démarches judiciaires et d'arrangements informels dans le cours ordinaire des pratiques sociales.

Questionnements Sur Les Mécanismes De Réinstallation Des Réfugiés Depuis Un Pays Tiers – Le Cas Du Québec

ID# 152546

Keywords:

Migrations internationales, Réfugiés, Réinstallation and Sélection

Idrac MICKAEL, CEDEM, Belgium

Cette communication a pour objectif de décrire et de discuter le processus de sélection des Réfugiés Pris en Charge par l'État (RPCE) du Québec. Dans un contexte mondial défavorable à l'accueil des réfugiés, les programmes de réinstallation depuis un pays tiers deviennent des leviers permettant de contourner les regards suspicieux entourant les migrations de population pour garantir un accès légal et sécurisé à certains pays d'accueil. Ces mécanismes connaissent une véritable réminiscence depuis les années 2000 alors qu'ils restaient marginaux au siècle dernier, qui a pourtant connu des conflits plus meurtriers et des déplacements de populations bien plus intenses que ceux que connaît aujourd'hui l'échiquier mondial. Cette communication est issue d'une recherche confiée par le ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI) du Québec à l'Équipe de Recherche Interdisciplinaire sur les Familles Réfugiées et Demandeuses d'Asile (ERIFARDA) de l'Université de Montréal (UdeM). Il se base sur une revue de littérature réalisée à l'hiver 2021, que nous confrontons à huit entretiens semi-directifs réalisés au printemps 2021 avec des cadres du Haut-Commissariat des Nations Unies pour les Réfugiés (HCRNU), de l'Organisation Internationale pour les Migrations (OIM), d'Immigration Réfugiés et Citoyenneté Canada (IRCC) et du MIFI. L'objectif est de mettre en débat le processus de sélection réalisé dans des pays tiers, souvent au sein de camps de réfugiés, avec les recommandations émanant des acteurs supranationaux. Dans son objectif de permettre aux réfugiés un accès légal et sécurisé au Québec, nous verrons que bien des enjeux stratégiques entrent en ligne de compte.

Sans Statut, Sans Droits? Construire Un Droit International De La Reconnaissance Pour Le Sud Global

ID# 156690

Keywords:

Global South, access to rights, beyond status and theories of recognition

Leila DRIF, Maison des Sciences de l'Homme du Pacifique UAR 2503 CNRS | University of french Polynesia, French Polynesia; Institut Convergence Migration, France

Au-delà de sa dimension instrumentale de régulation sociale, le droit exerce une fonction anthropologique « d'institution de l'humain », en favorisant le « faire société » (Ost, 2016 :97). Ce cadre commun repose sur des modes de reconnaissance institutionnels donnant accès à des droits socio-économiques et politiques (Fraser,2011) aux individus, via l'attribution d'un statut. Comment, dès lors, les personnes ne bénéficiant pas de la reconnaissance institutionnelle d'un statut, qu'il soit politique (réfugié), administratif (bénéficiaire/ayant-droit d'une institution), ou socio-professionnel (travailleur non déclaré, bénévole, ou personne exerçant une activité non reconnue comme un travail) -, font-elles pour se faire reconnaître des droits et accéder aux ressources leur permettant de subvenir à leurs besoins ?

Cette communication vise à réfléchir aux conditions d'émergence d'un « droit international de la reconnaissance » (Jouannet, 2011) comme instrument juridique d'intégration des espaces sociaux marginalisés et subalternes, dans le Sud global. Elle défend l'hypothèse d'une humanitarisation des droits sociaux et économiques, s'agissant des personnes exclues des cadres normatifs de reconnaissance statutaire définis par les institutions. Cet essai de théorisation s'appuie sur la mise en dialogue de trois études de cas empiriques, fondées sur l'expérience anthropologique de sujets privés de la jouissance de leurs droits faute de reconnaissance institutionnelle : au Liban, le cas des réfugiés syriens, que le gouvernement libanais ne reconnaît pas comme réfugiés ; en France, le cas des déboutés de l'asile issus des Suds, qui sont exclus du droit de séjour et du travail, et en Polynésie française, l'exemple des personnes dont l'activité économique de subsistance n'est pas reconnue sur le marché du travail.

(Re)Formuler Ses Droits Dans l'Exil : Le Cas Des Réfugiés Syriens Dans Le Grand Beyrouth

ID# 156838

Keywords:

accès aux droits, exil and expériences et pratiques des droits

Chérif-Alami ANIS, Université Paris 1 Panthéon-Sorbonne - CESSP - Ifpo Beyrouth, France

L'arrivée au Liban depuis 2012 d'environ 1,5 million de réfugiés syriens a posé de façon aigüe la question de leur accès aux droits à la santé en situation d'exil dans ce pays. Cette communication tâchera de répondre à cette question faussement simple : comment se soignent-ils en exil dans un pays où les soins de santé sont très coûteux et où leurs droits réels n'ont cessé d'être liquéfiés par certaines politiques publiques répressives depuis 2014? Elle s'appuiera sur deux enquêtes par entretiens et observations menées dans le cadre de mon Master 2 et de celui de ma thèse de doctorat, entre le camp de Sabra et Chatila, les quartiers de Nabaa, de Karm el-Zeitoun et de Hay el-Sellom, tous situés dans le Grand Beyrouth. Ces enquêtes ont été menées au long cours depuis décembre 2018, auprès de groupes de Syriens, d'autres étrangers et de Libanais particulièrement vulnérables et dominés. Cette communication visera à répondre à plusieurs questions emboîtées : quels droits revendiquent-ils dans un contexte où leurs droits se résorbent rapidement dès 2014, où leur accès à une santé onéreuse au Liban devient de plus en plus difficile? Comment entretiennent-ils des rapports avec le droit à la santé - libanais, syrien et humanitaire international - dans une situation d'exil que la littérature de sciences sociales associe souvent à une condition de "sans droit"? En quoi leur double expérience - et double référentiel - de réfugié au Liban et de citoyen dans leur pays d'origine se manifeste-t-elle au coeur des formulations de leur mécontentement tout comme dans leur quête de reconnaissance juridique?

Reintroducing the Vulnerability of Asylum Seekers into the Examination of Their Asylum Application. an Ethnography of the Legal Work Carried out By Volunteers in an Association Involved in the Reception and Legal Assistance of Migrants

ID# 164257

Keywords:

Access to asylum application, Ethnography, European Dublin Regulation and legal Assistance

Lynda SIFER-RIVIÈRE, SESSTIM, AMU, UR EST, France

This paper examines the role of associative actors in investigating access to migrants' rights through an ethnography of a legal office set up to guarantee access to rights for asylum-seekers in France since 2016. In the face of a more and more restrictive French and European policy on migrants, especially in the context of the Dublin III directive, the volunteers of a legal assistance service are trying to resist, not to say to fight, the reintroduction of physical and mental vulnerability into the examination of their asylum claims. According to the European Dublin Regulation, the administrative authority to which an application for international protection is referred must send the foreign national back to the first member state through which they passed after leaving their country of origin. They become the object of a game of Ping-Pong between European countries, to the extent that they define themselves by the name of the legal procedure to which they are submitted: I'm Dublin. We will show how the volunteers took advantage of an article of the regulation, which allows a State to 'depart from the criteria of responsibility, in particular for humanitarian reasons', to use and turn the regulation against the administration. The aim is to examine how the legal work carried out by volunteers contributes to access to and the examination of asylum applications and to reintroduce the consideration of their vulnerability. The results show how a double struggle is being waged: the guarantee of access to asylum rights and access to health care, through support work that is aimed at the reintroduction of the bodies of exiles and their vulnerability to the authorities, and at the exiles themselves.

(Re)Construction Sociale De La Citoyenneté à Partir De La Ville : Une Étude Sociojuridique Quant Au Potentiel Émancipateur De La Régénération Urbaine

ID# 159686

Keywords:

citoyenneté, conscience du droit, pouvoir d'agir and régénération urbaine

Nathalie NUNES, Centre for Social Studies / University of Coimbra, Brazil

La régénération urbaine est une approche politique holistique, intégrant des aspects physiques, sociaux, économiques et environnementaux, tout en s'inscrivant dans des partenariats public-privé, et mobilisant des contributions multidisciplinaires. Cette présentation aborde les résultats d'une recherche-action explorant un processus participatif de co-création dans l'espace public urbain, à partir de solutions fondées sur la nature. Grâce à une observation participante et à l'analyse de contenu d'entretiens, dans le contexte du projet européen URBiNAT, l'étude se concentre sur l'arène de co-création, impliquant bénéficiaires et parties prenantes, et sur ses coulisses, où interviennent les promoteurs. Quatre hypothèses sont avancées: (re)construction de la citoyenneté dans la ville; conscience du droit entre latences et émergences; pouvoir d'agir des bénéficiaires, parties prenantes et promoteurs; action et recherche émancipatrices.

Les conclusions offrent des lignes directrices pour un modèle de régénération urbaine émancipateur. Dans ce cadre, la mobilisation du droit repose sur la communication et l'interaction entre les différentes instances impliquées. La régénération urbaine inclusive constitue un processus de transformation pour toutes ces instances, visant des alternatives de vie, politiques et économiques, et des pratiques innovantes d'action et de recherche. La citoyenneté peut être activée comme une force socioculturelle collective, dont le pouvoir d'agir et le développement concernent bénéficiaires, parties prenantes et promoteurs. L'intégration de la perspective sociojuridique permet de mobiliser, capter, développer et concrétiser le droit comme la construction sociale d'une vie digne pour tous, un droit vivant qui se traduit par une citoyenneté substantielle et pleine.

Cette démonstration corrobore une nouvelle conception du droit, comme connaissance culturelle constitutive d'identité sociale, relations et luttes. Elle intègre la rupture épistémologique quant à la perception du droit défendue en sociologie du droit, de sorte qu'il est également capté en termes d'attentes, aspirations et revendications, et non pas seulement quant à l'ordre qu'il doit produire.

Réclamer Justice, Réparer Le Péyi. Mobilisations Antillaises Et Usages Militants Du Droit Face Au Scandale Du Chlordécone De La Martinique à L'Île-De-France.

ID# 163229

Keywords:

Martinique, cause lawyering, chlordécone and demandes de réparations

Justine BANEGAS, Sciences Po School of Research, France

Officiellement utilisé de 1972 à 1993, le chlordécone, un pesticide organochloré employé contre le charançon du bananier dont la toxicité était connue de l'État français depuis le début des années 1970 et déclarée par l'OMS depuis 1979, est aujourd'hui responsable de la contamination de 92% des Martiniquais et 95% des Guadeloupéens. Si plusieurs recherches épidémiologiques et toxicologiques sont déjà parues, la littérature en sciences sociales est encore peu développée sur cette question, par ailleurs encore jamais étudiée sous l'angle des usages du droit. À partir d'un double terrain en Martinique et en Île-de-France, alliant des observations participantes en français ou en créole et des entretiens semi-directifs avec des membres de collectifs anti-chlordécone et les avocats de ces collectifs, cette recherche met en lumière la façon dont la saisie du droit reconfigure l'espace des mobilisations antillaises, et, à travers les demandes de réparations qu'il met en jeu, le rapport aux institutions françaises censées répondre au scandale.

Les données récoltées ont permis de dresser une première cartographie d'une mobilisation de victimes d'un scandale environnemental et sanitaire à la temporalité politique et judiciaire unique, et inscrit dans un espace politique spécifique, celui d'une ancienne colonie départementalisée. Elles ont notamment rendu possible l'identification de plusieurs modèles de *cause lawyering* dans la mobilisation en retraçant la trajectoire des avocats et leurs stratégies judiciaires respectives. Elles révèlent par ailleurs un ensemble de pratiques de fabrication de la preuve par les collectifs anti-chlordécone, mettant au jour un cas singulier de contre-expertise et d'épidémiologie populaire permettant d'investir des dispositifs judiciaires destinés à l'indemnisation. À travers ceux-ci, elles permettent enfin d'interroger de manière élargie de nouvelles attentes en matière de réparation, tant sur le plan symbolique que matériel, pour « réparer les corps et le péyi », depuis un espace politique ultramarin en crise.

RCSL Session#06:**Environmental Justice As a Gender Issue / Decolonialism and Sociology of Law 1****Tuesday 8 July 2025, 11.00–12.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Luisa HEDLER**, Copenhagen Business School, Denmark**Merges two Paper Presentation Sessions prepared separately:**

Environmental Justice As a Gender Issue, of RCSL WG Gender, Law and Society Session Organizers: **Barbara Giovanna BELLO**, University of Tuscia, Viterbo, Italy, and **Letizia MANCINI**, University of Milan, Italy;

Decolonialism and Sociology of Law 1, of RCSL WG Comparative Studies of Legal Professions Session Organizers: **Ole HAMMERSLEV**, Lund University, Sweden, **Michael MOLAVI** and **Ida NAFSTAD**, Sociology of Law Department, Lund University, Sweden.

*Language: English***Environmental Justice As a Gender Issue****Session Description:**

Environmental justice refers to the set of needs and outcomes related to a healthy environment, equal access to environmental goods, equal protection from environmental harm, and equal participation in decision-making about these issues. Traditionally, race and income have been the social categories that have received the most attention in relation to environmental justice. Women have always been present and active in environmental justice movements. Still, it is only recently that the gender dimension and issues directly related to environmental justice have begun to gain visibility. On a global scale, gendered environmental injustice is evident and is compounded by the intersection of factors such as class, age, income, ethnic or national minority status.

The panel aims to explore the multiple dimensions of the relationship between gender and environmental justice from a socio-legal and interdisciplinary perspective. We are interested in theoretical and empirical proposals for the analysis of issues such as (among others):

- the macro-factors influencing different forms of injustice, such as capitalism and patriarchy;
- the forms of struggle for environmental justice at the transnational and local levels, including online;
- Women's participation in environmental decision-making in global and/or local South-North dynamics;
- the ethical underpinnings of the struggles for environmental justice;

- ecofeminism (including anti-speciesist ecofeminism), ecoactivism and intersectional environmentalism;
- the relationship between human beings and nature, and the social dimension of the environment, in particular regarding the impact on women and their rights.

Abstracts:

Gender-Based Violence and Psychoactive Substance Use Among Women

ID# 156952

Keywords:

Gender-Based Violence, Psychoactive Substance Use, Stigma and Structural Inequalities

Anabel RAMÍREZ LÓPEZ, Pontifical University of Comillas, Spain

The intersection of gender-based violence (GBV) and drug use among women presents a critical public health challenge, exacerbated by structural inequalities and social stigma. This communication explores the reciprocal relationship between violence and psychoactive substance use among women, focusing on how these two phenomena are mutually reinforcing. Drawing on qualitative data from interviews with women in Spain who have experienced both violence and drug use, this study examines the unique vulnerabilities faced by women drug users. Research indicates that women who use drugs are disproportionately affected by various forms of violence, including intimate partner violence, sexual abuse, and structural violence. These experiences often perpetuate substance dependence as a coping mechanism for trauma.

The findings highlight how GBV against women who consume psychoactive substances often goes unrecognized or is downplayed by societal and institutional frameworks, which fail to consider the compounded stigma of both drug use and being a victim of violence. Moreover, trauma related to violence is frequently managed through increased substance use, creating a cyclical pattern that exacerbates social and health vulnerabilities in these women. The study underscores the need to integrate gender-sensitive approaches in legal, health, and social services to address the complex interactions between violence and psychoactive substance use. Coordinated interventions that include both addiction treatment and support for GBV victims are essential to breaking this cycle of victimization.

This research advocates a reassessment of drug policies and violence prevention strategies, emphasizing the importance of a gender perspective in the pursuit of environmental and social justice.

Law As a Tool for Climate Justice: Learning from the Women's Movement. a Comparison between the Climate Movement and Women's Movement in the Use of Law As a Tool for Social Change.

ID# 157292

Keywords:

Climate Movement, Climate litigation, Law and Women's Movement

Lea FRERICHS, University of Hamburg, Germany

Law is utilized to maintain and legitimize patriarchal structures and serves as a means to oppress and to uphold the status quo (cf. Butler 1991). However, law also functions as a mechanism for emancipation and the establishment of justice. It can be an important instrument for social movements to achieve progress and change (Gerhard 1997). Historically, the women's movement has employed legal frameworks to combat systemic inequalities and promote gender equality. Landmark cases, legal reforms, and international treaties have all played a central role in advancing women's rights. Similarly, the climate movement has begun to recognize the potential of law as a mechanism to hold governments and corporations accountable for environmental degradation and climate change. Notable examples include climate litigation against fossil fuel companies and governments, as well as advocacy for the recognition of the rights of nature (Setzer and Higham 2023). Despite these efforts, the climate movement often encounters significant obstacles, including political resistance, inadequate legal frameworks, and the entrenched interests of powerful stakeholders. Understanding how the women's movement is overcoming similar challenges can provide valuable insights into strategies that can be employed to enhance the effectiveness of climate justice initiatives. This study does not only draw lessons from past successes but also identifies innovative approaches that can be applied to the current climate crisis. Through a comparative analysis of the women's and the climate movement, this article examines how social movements utilize law to effect change and what strategies are employed to achieve legal reform. It aims to explore the parallels between the women's movement and the climate movement, focusing on how both utilize law as a tool for social justice. By comparing their tactics, successes, and challenges, this study aims to identify ways to improve the effectiveness of legal advocacy in climate justice initiatives.

Women's Environmental Justice Movements: Inequalities and Rights

ID# 160002

Keywords:

environmental justice movements, inequality, rights and women

Giovanna TRUDA, University of Salerno, Italy

The main goal of women's environmental justice movements is to address environmental inequalities, but at the same time promote social justice. These movements are aware that environmental issues, such as climate change, pollution and the management of natural resources, have a disproportionate impact on some communities, especially marginalized ones, and that women, especially in developing countries, are often among the most affected. An approach that recognizes this interconnectedness considers it essential to integrate women's rights into solutions for environmental change. Women around the world are often at the forefront of environmental justice movements and it is these movements that combine the fight for women's rights with environmental protection, when they call for a more inclusive and just approach to natural resource management and climate policies. Environmental changes can amplify existing inequalities, for example in the health sector, nevertheless women, due to their socioeconomic position, face specific environmental risks, such as increased water scarcity, loss of arable land and natural disasters¹. However, women have developed forms of resilience through community and solidarity

¹Truda G., (2023), "Combattre les inégalités de genre dans la gestion de l'eau: protection des droits et autonomisation des femmes", (Eds) Woloszyn, P., Girardot, J. J., Truda, G. *Water [Wars and Peace] Socio-ecology of water, Sharing Economy and Territorial Intelligence*, Gutenberg Edizioni, Vol. 14.

practices and are involved in informal networks of support and cooperation that help them face environmental challenges.

The paper presents a survey of the major women's movements for environmental justice in the world and in Italy, this survey aims to identify common elements, in order to understand which dynamics are activated in the forms of environmental change where women are protagonists and which social dynamics this commitment affects.

Decolonialism and Sociology of Law I

Session Description:

Our sessions emerge from a critical self-reflexivity concerning the disciplinary origins, theories, and orientations associated with the sociology of law, as well as the role of Scandinavian countries as colonial powers, including in the Arctic region involving the Sami peoples. The sessions aim to contribute to decolonization in various forms. Bringing together perspectives from scholars at different career stages, they provide a platform for critical discussion and debate on a range of issues pertinent to decolonizing the sociology of law. This includes examining the role of researchers, positionality, and knowledge production, re-evaluating foundational scholarship in the discipline, and exploring ongoing decolonial practices and processes, including reorienting the relationship of humans with nature in the Anthropocene.

Abstracts:

Temporal Inequalities and International Human Rights Law

ID# 160526

Keywords:

Colonial temporalities, Human rights, Nordics and Sámi people

Emma LENNHAMMER, Lund University, Sweden; University of Groningen, Netherlands

The presentation aims to shed light on the need to consider colonial temporalities when researching international human rights law, especially in relation to indigenous peoples. Temporal concepts are integral to the language, function, and monitoring of human rights treaties. In the context of economic, social, and cultural rights, the role of time is particularly significant. The notion of progressive rights-realisation, as outlined in the International Covenant on Economic, Social and Cultural Rights, creates a temporal space where subjects of rights need to remain until it is their turn to have their rights fully realised. The timing of this realisation is influenced by a variety of constantly changing factors: for example, how different actors – states, civil society organisations, and the United Nations Committee on Economic, Social and Cultural Rights – use time in imagining human rights.

Despite the Sámi people's long-lasting presence in the area which is currently recognised as Norway, Sweden, Finland, and Russia, their recognised presence in the realm of economic, social, and cultural human rights is quite recent. In the context of Sweden, it was not until the mid-1990s that the Sámi were explicitly mentioned during the review process of Sweden's implementation of the ICESCR. Moving from being made invisible in the earlier years, to being included in brief statements, the Sámi people's rights-concerns are becoming increasingly centred. Similarly, various actors engaging with international human

rights law are increasingly invoking time. However, the *uses of and control* over time in the context of the Sámi people are impacted by the colonial legacies in the region. Thus, the focus of this presentation is to reflect on the way (legal) times operate in relation to the use of power within the context of Nordic states and the Sámi people's human rights.

Decolonizing the Sociology of Law in Central and Eastern Europe: Rethinking Legal Discourses and Colonial Legacies

ID# 164689

Keywords:

Central and Eastern Europe (CEE), Decolonization, Legal Discourses and Orientalism

Ewa GORSKA, University of Wrocław, Poland

This presentation examines whether the sociology of law in Central and Eastern Europe (CEE) requires decolonization, challenging the common assumption that CEE countries, because they lack overseas colonies and have not undergone formal postcolonial and decolonization phases, are exempt from the need to decolonize thought, research, and education. It presents a critical analysis of legal discourses in national and European tribunal rulings involving CEE countries, focusing on topics such as Islam, migrants, and the Palestinian question.

The findings reveal the persistence of Orientalist narratives and colonial logics in legal interpretations, which continue to shape judicial decisions and the production of legal knowledge in the region. The presentation draws on the Polish context to illustrate how some CEE countries experienced periods of regional colonization and harbored aspirations for overseas expansion, even if these ambitions did not result in lasting overseas colonies. It addresses both the 'native' colonial mindset, rooted in local colonial aspirations, and 'imported' colonial ideologies that have permeated legal reasoning. The analysis shows how historical and contemporary power dynamics influence legal discourses, suggesting that coloniality operates in subtle but enduring ways, even in regions without a direct colonial past.

The presentation advocates for the integration of decolonial perspectives in legal education and research in the CEE, with a particular emphasis on the sociology of law. It calls for incorporating decolonial perspectives to address the hidden legacies of coloniality that continue to shape legal epistemologies and societal attitudes. This approach invites a broader debate on the importance of decolonial thought in CEE legal scholarship and its potential to foster more inclusive and critically engaged socio-legal research.

Lawyers Dealing with Everyday Life Ethics in Corporate Legal Firms in Cabo Verde and Mozambique: Colonial Continuities, Resistance, and Change

ID# 166076

Keywords:

North-South relationships, decolonialism, lawyers and neocolonialism

Susana SANTOS, Iscte – Instituto Universitário de Lisboa, Portugal

The development of law firms in Cabo Verde and Mozambique dedicated to corporate and international projects aligns with the rapid expansion of globalized financial markets. Portuguese law firms have been

using different channels and instruments – legal, economic, political, and cultural cooperation- to enter and shape these markets. One of the forms used is the training of local practitioners and the establishment of partnerships ensuring a strategy of economic and political influence that can be described as postmodern colonialism (Silbey, 1996).

Special attention should be taken at a micro-level focusing on the lawyers' practices and perceptions of ethics and professionalism.

What happens to lawyers who study in the Global North and work in the Global South? Having studied Law in the former colonizer country and acting professionally in their home country impacts their moral reasoning and, if so, how do ethical codes and moral commitment evolve? What is the impact of educational and professional socialization on their activity? How do they think about it? Do they reflect on it?

To answer these questions, we conducted fieldwork in Mozambique and Cabo Verde and interviewed thirteen lawyers selected from a mixed sample of Portuguese lawyers working in another jurisdiction CV and MZ: Mozambican and Cape-Verdean lawyers who studied in Portugal and Europe and practice law in their home country in a firm with a partnership or cooperation agreement; and Mozambican lawyers who studied in their home country and practice law in a firm with a partnership or cooperation agreement with a Portuguese law firm.

Results show that ethical compliance with local populations grows with physical proximity and living locally. Nevertheless, each lawyer is involved, simultaneously, in many projects and transactions making them unaware of the outcome of what can be sustained as a strategy for dealing with professional ethics.

RCSL Session#07:**The Contribution of Legal Cultures to Our Understanding of Justice, in the Context of the Anthropocene****Tuesday 8 July 2025, 13.00-14.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Ferdinando SPINA**, University of Salento, Italy**Paper Session of RCSL WG Comparative Legal Culture**Session Organizer: **Agnieszka KUBAL**, University College London, United Kingdom*Language: English***Session Description:**

In the Anthropocene, the interconnections between law, society, knowledge production and the environment are becoming increasingly complex. Understanding how different societies conceptualize and administer justice is essential for addressing global challenges. This session aims to bring together diverse perspectives to examine how legal cultures serve as frameworks for the production of knowledge about justice across various cultural contexts.

We encourage prospective presenters to draw inspiration from key themes in the field of comparative legal cultures. The unique characteristics of legal systems within their social settings are crucial for understanding how justice is perceived and implemented (Nelken 2014). The role of societal values and historical contexts in shaping legal practices and beliefs highlights the diverse ways justice is conceptualized and enacted (Kurkchiyan 2018). The dynamic nature of legal cultures in response to global mobility and cross-border interactions offers insights into how migration law evolves and adapts (Kubal 2019). Furthermore, the practical implications of legal culture in shaping judicial outcomes and policy implementations are essential for comprehending the real-world impacts of these systems (Feest 2016).

By taking inspiration from these themes, papers should explore how different legal cultures contribute to our understanding of justice, particularly in the context of the Anthropocene. We seek comparative studies that highlight the ways in which legal knowledge is produced and utilized in various cultural contexts. Topics of interest include, but are not limited to, environmental justice, human rights, and indigenous legal traditions.

(Session organized by RCSL Working Group Comparative Legal Culture)

Abstracts:***We Are the 99% - Comparative Legal Culture of the Denied Claimants before the European Court of Human Rights*****ID# 155006**

Keywords:

Eastern Europe, human rights and legal culture

Agnieszka KUBAL, University College London, United Kingdom

The popularity of the ECHR among Eastern European and Russian citizens, who have taken to heart the right to individual petition is unprecedented. Yet a great majority of these individual petitions – over 90% – fail to reach a judgment or are declared inadmissible by the Court. This leads to a fundamental question – if human rights claims are made, but never materialize, what are the consequences? What does it mean for the individuals mobilising human rights in Eastern Europe and Russia – the lawyers, applicants, judges, NGO activists, state legal counsels – and the broader development of these societies? What issues are being marginalized by the Court through rejecting claims, which reflect the function of law as a power mechanism? Who are the applicants and what are their causes that are ultimately silenced by a legal venue which often represents the last resort for seeking justice? Grappling with these questions comparatively and examining the consequences of the miscarriages of human rights justice for the actors involved, the paper relies on the framework of relational legal consciousness (Chua and Engel 2019) highlighting the law's potential to simultaneously empower and alienate (Hertogh 2018, Kubal 2023, 2024).

Negotiating Membership: A Comparative Study of Echr Accessions in Hungary, Poland, Romania, Russia, and Ukraine

ID# 155007

Keywords:

Comparative Analysis, ECHR, Eastern Europe and International Justice

Denis SHEDOV, University College London (UCL), Germany and **Agnieszka KUBAL**, University College London, United Kingdom

This paper presents an in-depth exploration of the complex process of accession to the Council of Europe (CoE) and compliance with the European Convention on Human Rights (ECHR) by five Eastern European countries—Hungary, Poland, Romania, Russia, and Ukraine. Based on a chapter from the book "Who Are the Humans Behind Human Rights? Historical and Comparative Perspectives from Eastern Europe and Russia," produced as part of the HuRIEE (Human Rights in Eastern Europe and Russia) research project, this paper provides a detailed examination of the journey these nations undertook in aligning themselves with CoE principles.

The discussion aims to provide valuable context for attendees who may be less familiar with the CoE and the European Court of Human Rights. By tracing strategic negotiations by national governments and documenting the debates within parliaments and among political elites, this paper captures the various perspectives, priorities, and challenges that shaped each country's path toward CoE membership.

Further, the analysis delves into how these accession processes were represented in the media, highlighting the narratives and messages communicated to the broader public. This examination sheds light on political, societal, and media responses during this critical transitional period. Ultimately, the paper seeks to provide a nuanced understanding of the political dynamics, public perceptions, and broader implications of these nations' accession to the CoE and their adoption of ECHR standards.

The Legal Complex: Professionalisation of Human Rights

ID# 155696

Keywords:

Eastern Europe, Helsinki committees, human rights and legal complex

Beata HUSZKA, University of Oxford, United Kingdom

This chapter offers a compelling exploration of the intricate evolution of the legal profession specialising in human rights litigation within Eastern European countries and Russia. This in-depth, comparative analysis unravels the transformation of human rights practice into a formalized and prominent field of expertise. This chapter utilises the theoretical concept of 'a legal complex' by Lucien Karpik and Terrence Halliday (2011) to demonstrate the relational nature of human rights professionalisation, encompassing the networks of legal professionals, activists, journalists, and grassroots organizers as a broader collective social actor. Alongside the professionalisation of human rights among trained lawyers, through human rights educational programmes and professional associations organized by local bar councils, this chapter traces the emergence of various specialized human rights organizations and NGOs, which openly replaced the previously covert Helsinki Groups. Finally, it explores the pivotal role played by transnational educational and exchange networks that shaped this critical aspect of the region's human rights landscape (educational exchanges with Western scholars, universities, and the regional cooperation under the auspices of the International Helsinki Federation for Human Rights).

The Court Is Closer Than You Think: On the Everyday Experiences of Strasbourg

ID# 156206

Keywords:

ECtHR, Eastern Europe, Human rights and Legal consciousness

Hanna OLIINYK, University of Oxford, United Kingdom

This paper examines the experiences of selected applicants and lawyers from Poland, Hungary, Ukraine, Romania, and Russia as they navigate the European Court of Human Rights (ECtHR) system. Through a comparative lens, it explores the motivations driving individuals to seek justice, the complexities of domestic legal processes, and the outcomes of their Strasbourg cases. The study investigates the intricate relationships between applicants, their legal representatives, and the ECtHR, highlighting the challenges faced in pursuit of justice. The title, drawn from an interview quote, underscores the significant impact of ECtHR decisions on the daily lives of those involved. To contextualize these experiences, the empirical data is analyzed using the theoretical framework of relational legal consciousness (Chua and Engel, 2019) and the 'vertical' and 'horizontal' perspectives on rights consciousness (Engel, 1998, 2012; McCann, 2012). This approach firmly situates the narratives within broader socio-legal scholarship. Drawing from a chapter in the book 'Who are the humans behind Human Rights? Historical and comparative perspectives from Eastern Europe and Russia' (HuRiEE Research Project), this presentation will primarily focus on the experiences of Ukrainian applicants to the ECtHR, while maintaining a comparative perspective with the other countries studied.

An Exploration of the Mechanisms of Legal Cultural Formation for Artists through the Lens of the Neganthropocene.

ID# 157478

Keywords:

Legally Alienated Artists, Neganthropocene and cultural particularity of each community

Yayoi KITAMURA, Kyoritsu Womens' University, Japan

In Japan, professional wrestler Hana Kimura tragically took her own life after facing severe online harassment while appearing on a reality TV show. International reports framed the incident as an inevitable consequence of reality television's inherent connection to social media bullying, often driving participants to mental illness or suicide. However, while much of the discourse focused on the dangers of social media, the role of major broadcasting companies and their contractual relationships with the participants received little public scrutiny. In many cases, large broadcasting companies impose unilateral and favorable contracts on young, inexperienced participants. This imbalance sparked outrage among filmmakers and actors, leading them to advocate for better working conditions and protections for vulnerable actors and other industry professionals.

This phenomenon is not new. Historically, artists, though not legal experts, have actively contributed to the establishment of welfare systems to protect their industries and communities. For instance, composer Felix Mendelssohn, who founded the Leipzig Conservatory in 1843, had already introduced a welfare system for the members of the Leipzig Gewandhaus Orchestra during his tenure as conductor eight years earlier. Similarly, literary figures such as John Milton, Daniel Defoe, Alexander Pope, and Victor Hugo were instrumental in advocating for the legal protection of authors' rights.

The question then arises: how have these artists, dedicated to preserving the rights of their communities, come to engage with the law? And in what ways does the cultural particularity of each community resonate with the challenges of the Anthropocene era? This study will explore these issues through the lens of philosopher Bernard Stiegler's concept of the 'Neganthropocene.'

RCSL Session#08:**Justice Communication in the Anthropocene– a Systems Theory Approach****Tuesday 8 July 2025, 15.00–16.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Julia DAHLVIK**, University of Applied Sciences FH Campus Wien, Vienna, Austria**Paper Session of RCSL WG Social and Legal Systems**Session Organizers: **Luisa HEDLER**, Copenhagen Business School, Denmark, and **Stine NIELSEN**, University of Southern Denmark, Denmark*Language: English***Session Description:**

In his 1986 book "Ecological Communication", sociologist Niklas Luhmann pessimistically ascertains that the level of complexity of modern society cannot easily be swayed towards making the necessary, life-preserving changes in order to solve what already then was identified as the 'environmental problem'. Since then, there have been several attempts – especially in the regulatory and legal spheres – to address environmental concerns, especially in their tension with economic imperatives of growth and consumption. From soft-law voluntary agreements, international treaties, extra-territorial legal challenges to both companies and states to outright legal or constitutional change, the legal system, irritated by environmental concerns, communicates legally about the environment in different, sometimes innovative ways.

This panel proposes to discuss the different ways in which justice, for example related to 'the environment', 'nature', 'environmental degradation' and other issues are communicated about, especially in the legal system. Papers could focus on voluntary Corporate Social Responsibility (CSR) reporting of private companies and other types of Business and Human Rights; Climate Adaptation urban planning requirements; European Court of Human Rights decisions regarding State's responsibilities towards its citizens regarding negative consequences of climate change; all the way to legal innovations in Global Value Chain law. What different types of communication emerge, and what are their implications and consequences both to the legal systems in which they occur, and to the possibilities of justice in the Anthropocene?

Abstracts:***Exploring the Role of Reflexive Regulation in Attaining Fair Wages for Public Sector Refuse Collectors in the Anthropocene.*****Abstract ID# 154854***Keywords:*

Kirandeep KAUR, University of Warwick, United Kingdom

This paper examines the critical role of reflexive regulation in achieving equitable wages for public sector refuse collectors in the context of the Anthropocene, a term denoting the current geological epoch characterised by significant human impact on the Earth's geology and ecosystems. The study explores the complexities of labour dynamics within the waste management sector, where environmental degradation, economic inequality, and social justice intersect. Reflexive regulation, which involves ongoing self-evaluation and adaptation of policies and practices, is posited as a transformative approach to address wage disparities faced by refuse collectors, who are often undervalued despite their essential contributions to urban sustainability and public health.

Through a qualitative analysis of case studies, interviews, and policy documents, the research demonstrates how traditional regulatory frameworks fall short in ensuring fair compensation due to their static nature and lack of responsiveness to the evolving socio-environmental context. In contrast, reflexive regulation emphasises stakeholder engagement, promoting dialogue between workers, policymakers, and the community to co-create fair wage standards that reflect the true societal value of refuse collection work.

The findings suggest that by integrating principles of reflexivity into wage setting and labour practices, public sector authorities can create more just and equitable labour conditions. Furthermore, the study highlights how such regulatory approaches not only enhance workers' rights and livelihoods but also contribute to broader ecological resilience in the face of environmental challenges. Ultimately, this research advocates for a paradigm shift towards reflexive regulatory mechanisms as a means to foster social equity and environmental stewardship, aiming to galvanise support for fair wages for refuse collectors in a rapidly changing Anthropocene context.

What Luhmann Can Tell Us about Rights of Nature: Conflicts of Communication in the Negotiations of Non-Human Nature's Status As a Legal Subject in New Zealand

ID# 154945

Keywords:

New Zealand, Niklas Luhmann, Rights of Nature and social systems theory

Maria KAALUND, Aarhus University, Denmark

How can the social systems of a functionally differentiated society, which have detached themselves from their perceived environments of nature, re-establish a place for nature? An innovative way in which the legal system has communicated about nature in recent years is in the form of Rights of Nature (RoN) laws, that is, laws which endow nature or natural entities with legal rights. However, the existing literature on RoN tells us that one of the underlying issues of understanding nature as a legal subject is the way in which this status exists and moves across different societal spheres; legal, economic, political, etc. This makes it important to ask how RoN is translated across these spheres, including how meanings are altered and how that potentially instructs understandings, analyses and recommendations differently. In this paper, I argue that Luhmannian systems theory provides us with a theoretical lens through which we can productively analyse this. I then proceed to investigate parliamentary negotiations of the inclusion of nature into the

category of legal subjects in New Zealand's 2017 Te Awa Tupua (Whanganui River Claims Settlement) Bill – a decision presented as a way to advance both environmental justice and justice for the Māori population. Using a second-order observation approach one sees how the river's status as a legal subject is negotiated in the light of a range of communicative logics, including political, legal and economic, and care communication. One can further call into question the attempted equation of legal communicative logics about the river's status as a legal subject and what in parliamentary negotiations is presented as the Māori view of the river – a cluster of intimate communication, care communication, and religious communication.

What Is Corporate-Speak for Planetary Survival? – Communicating "Physical Environment" through Corporate Due Diligence Laws

ID# 165186

Keywords:

Anthropocene, corporate due diligence, global value chain law and systems theory

Luisa HEDLER, Copenhagen Business School, Denmark

Concepts such as the Anthropocene, or Planetary Boundaries, have been engaged to mobilize knowledge on the degradation and exhaustion of the physical environment produced by the scientific system as visible (and especially, actionable) risks in other social systems (Ellis, 2020). Taking Niklas Luhmann's (1986) descriptions of the complexity of communicating about the physical environment in other social systems as a point of departure, the Anthropocene can be described as an attempt by society of understanding the physical environment in such a way to make it more apt to cause resonance towards other social systems.

When it comes to establishing normative expectations on environmental protections in the legal system, this already highly complex and difficult endeavour might have their impact limited by multi-national companies and wide global value chains (GVCs), which are both pointed out as having the potential to incur enormous amounts of harm, and possessing legal forms that are able to evade the legal scrutiny from states. In order to address this gap and increase the resonance both domestic, regional and international regulation has turned to the language of Corporate Due Diligence in order to make global value chain visible, and thereby subjected to jurisdiction, even if extra-territorially. But how well do the concepts communicate and travel through the articulation of the problem and the legal shape of addressing it?

In this paper, I investigate how the environmental urgencies and limits imposed by the physical environment are perceived and communicated about in attempts at regulating global value chains through corporate due-diligence laws. Through the use of legal analysis, and complemented with preliminary results of ethnographic fieldwork in Professional Trade Fairs, I highlight the ways in which the cognitive expectations of the Anthropocene regarding the physical environment appear (or disappear) in contemporary GVC regulations.

Announcement of the 2025 Podgórecki Prize – RCSL Business Meeting

Wednesday 9 July 2025, 09.00–10.45

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Session organizer and chair: **Pierre Guibentif**, RCSL president, DINÂMIA'CET-Iscte, Iscte – Instituto Universitário de Lisboa

Language: English

Announcement of the 2025 Podgórecki Prize

2025 RCSL Podgórecki Prize is to be awarded to a senior socio-legal scholar for distinguished and outstanding lifetime achievements (see the complete 2025 call; more about the Podgórecki Prize on this Website).

It will be announced by the 2025 Podgórecki Prize Jury: **Susana SANTOS**, Lisbon, Portugal (Chair), **Ferdinando SPINA**, Lecce, Italy, and **Joao VELLOSO**, Ottawa, Canada.

RCSL Business Meeting

The agenda of the RCSL Business Meeting will be circulated before the meeting.

RCSL Session#09:**Knowing Digital Justice in the Anthropocene: Developments in Digitalization and AI in Public Sector and Governance****Wednesday 9 July 2025, 11.00–12.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Julia DAHLVIK**, University of Applied Sciences FH Campus Wien, Austria**Joint Paper Presentation Session of RCSL WGs Digitalization, AI and Society and Law and Development**Session Organizers: **Julia DAHLVIK**, FH Campus Wien, Vienna, Austria and **Pedro FORTES**, UERJ, Rio de Janeiro, Brazil*Language: English***Session Description:**

This session examines current developments of digitalization and AI in the public sector from a governance and a Law and Development perspective. Automated-decision making and potentially discriminatory algorithms may influence the distribution of individual benefits, social welfare, and the quality of public administration. Digitalization and AI may radically transform governance, ideology, democracy, and justice. Digital access to public services may actually exclude the (digitally) underprivileged. In addition, digital governance can play a role for sustainable development and social justice, especially relating to transitions in the context of the climate crisis. Our Working groups aim to investigate these questions from different theoretical and empirical approaches, including individual, societal as well as organizational/institutional perspectives. In this session, we aim to identify key issues for future research, with a broad focus.

Abstracts:***Who Is the Problem Represented to be? Subjectification and the Social Division of Automated Welfare Surveillance*****ID# 161855***Keywords:**Automated Welfare Surveillance, Critical policy analysis, Social division of welfare and WPR*Ellinor **BLOM LUSSI**, Lund University, Sweden

Automated welfare surveillance has become increasingly more popular in public sectors. Sweden is no exception; on the 1st of January 2024, a new Swedish authority was launched. The UBM, short for Utbetalningsmyndigheten, is a public agency that will utilize system wide data analysis in order to detect, forestall and prevent inaccurate welfare payments. Meaning that the authority will screen welfare

recipients for fraud using algorithms and data analysis. Previous cases of algorithmic welfare fraud schemes indicates that there are significant risks of harm when states utilize automation when conducting welfare surveillance.

Sweden is commonly recognised as a social democratic welfare model, meaning that the state provides welfare benefits to all citizens. The Swedish welfare state makes a difference between allowances, deductions and subsidies. While this division formally takes shape as an organisational difference, the division also has moral and social implications. It is argued that tax reductions and tax reliefs tend to require far less documentation and control than social welfare, a notion that very closely can be connected to the idea of the criminalisation of poverty.

This paper seeks to engage with the issue of who is considered to be the problem when the Swedish state establishes an automated welfare surveillance scheme. With the WPR framework (short for what's the problem represented to be?), this paper will answer the research questions: Who is the target population in the establishment of the UBM? And how has this problem representation come about? By making use of public reports and official documents, this paper highlights who the presumed welfare fraudster is, and how the idea of who is presumed as the "problem" has changed over time.

AI and Cybercrime in Post-Socialist Poland: Legal, Governance, and Social Justice Implications in the Digital Era

ID# 157826

Keywords:

Artificial Intelligence, Digital Governance, Legal Reform and Public Trust

Berenika DYCZEK, University of Wrocław, Poland and **Bartłomiej WIECZOREK**, Bartłomiej Wieczorek Law Firm, Poland

This talk examines the nexus of artificial intelligence (AI) and cybercrime within Poland's evolving legal framework, with a particular focus on how post-socialist governance structures are responding to AI-driven threats. The accelerated digitalization and the emergence of automated cybercrimes, such as phishing and ransomware, have outpaced Poland's legal system, which still bears the hallmarks of its pre-1989 centralized structure. Qualitative interviews with Polish legal professionals revealed significant deficiencies in legislation, difficulties in digital evidence collection, and a growing public distrust in legal institutions, which has been further exacerbated by the increasing sophistication of AI-powered attacks. The findings underscore the necessity for legal reforms that address the role of AI in cybercrime and the development of specialized training for legal professionals in digital forensics and AI technologies. Furthermore, the talk examines the impact of AI on governance and public sector administration, including its influence on the distribution of justice and the potential exclusion of digitally underprivileged populations. The challenges posed by AI to governance, law enforcement, and public trust give rise to significant questions regarding the accessibility and equity of justice in the Anthropocene era. This talk contributes to the broader discussion of digital justice by proposing interdisciplinary approaches to integrating AI into legal systems and public administration, with the aim of ensuring more resilient governance structures.

Law, Hiperconnectivity, and the Anthropocene: Reflections on Challenges of Digitalization and AI.

ID# 157871

Keywords:

Anthropocene, Artificial Intelligence, Hyperconnectivity and Law

Pedro FORTES, UERJ, Brazil

Hiperconnectivity means the factual matter that human beings are nowadays permanently using technological devices, which are generally connected to the internet, like smart phones, digital watches, and personal computers. This article explores the current setting and the future prospects, considering how the permanent connection with digital devices and artificial intelligence may empower and alienate human beings: are these human inventions making us less or more humans in the Anthropocene? On one hand, new technological devices may open windows of knowledge and empower individual users to develop their capabilities. On the other hand, excessive use of technology may also reduce our connections with the life-world and with real human experiences. By examining the challenges related to hyperconnectivity in terms of telecommunications, for instance, we should remember the lessons brought by communications theorist Umberto Eco that we should neither be integrated (fully accept the new masses technology as it is developed without any critical evaluation), nor apocalyptic (fully reject the new masses technology as if it would bring the end of the world without accepting its positive impact). In our analysis, we should focus on the possibilities and limitations of new technologies through an empirical and interdisciplinary perspective brought by sociology of law to the reflection on challenges of digitalization and artificial intelligence. As part of this effort, we summarize the recent developments of algorithmic law as a means of establishing the normative control of algorithms and their mathematical formulas that provide technological commands with concrete consequences in terms of distribution of rewards and sanctions. Prodigious examples of algorithmic law may come, for instance, from episodes of digital discrimination and consumer fraud resulting from misuse of new technologies. The article concludes with final remarks on what we should do to prevent and to correct these wrongdoings for the preservation of our humanity.

Courts in a Time of Permacrisis: Knowing Justice (Digitally) in the Anthropocene

ID# 155337

Keywords:

Aesthesis, Architectural Phenomenology, Courts Digitisation and Presence

Lorna CAMERON, University of Lincoln, United Kingdom

As we navigate the *Anthropocene*, we find ourselves in an era of *permacrisis* – a time of continuous and overlapping crises which have a global as well as national impact.

As the ecological event horizon approaches the societal imperative is to reshape and redirect our activities, but this puts us into conflict with our boundaries of sovereignty and culture, challenging our understandings of justice, and our confidence in the rule of law.

The ways in which we access justice must evolve and advances in digital technologies promise greater accessibility to justice at less cost. However, the recent pandemic has shown that less engagement diminishes the rule of law and our confidence in it.

We *know* justice and the rule of law through the social and cultural life of law; through the court as the place of law with its aesthetics, architecture and artefacts, and the rituals and performative traditions of the trial. As our courts become digitised, we do not yet understand the impact of digitisation on this 'knowing'.

Matthews² argues that through an attention to obligations, rather than rights, a sensitivity to the forces and relations that define the Anthropocene might be fostered. This implies a shift of emphasis from the *aesthetics* to the *aesthesis* of the human experience. This paper argues that *aesthesis* is a key element of *knowing* justice and extends the argument to propose that the integrity of the criminal trial therefore relies on the physical presence of the people at its centre. It follows that an anthropological analysis of the architectural phenomenology of the trial courts can help us to *know* justice (digitally).

AI-Assisted Court System: System Design and People's Attitude

ID# 153833

Keywords:

AI Court, Fact-Finding by AI, Legal Decision by AI and People's Attitude

Shozo OTA, Meiji University, Japan

This paper presents our interdisciplinary collaboration among legal scholars, socio-legal scholar, A.I. scientists, Bayesian statistician to develop an A.I.-assisted court system. In this system, the fact-finding is based upon Bayesian network system, the legal decision is based upon D.N.N. and N.L.P., and the legal reasoning is based upon logic programming. We also conducted several surveys about the attitude of Japanese people toward A.I. judge system. The Bayesian decision theory and hence the Bayesian network are the only well-defined and logically coherent decision model. The problem is that it is difficult for legal professionals to understand and utilize it. It also needs a huge amount of data to deal with various facts and evidence. The Deep Neural Network is the most promising model for the natural language processing, as is shown in the development of ChatGPT-4o. The problem is it needs a huge amount of data since it is based upon the large language model. The legal reasoning means the inference with several legal norms to reach the conclusion, i.e., the judgment. The logic programming is suitable for the legal reasoning since it is logically perfect (see the logic programming language "prolog," which is based upon the first order predicate logic). The problem is only human experts can, so far, translate legal rules and precedents into logical rules. People are very reluctant to use court in Japan (and also any countries). We conducted several surveys to find out whether and to what extent people expect and/or worry the utilization of A.I. court system.

² Matthews, D. (2023). Law and Aesthetics in the Anthropocene: From the Rights of Nature to the Aesthesis of Obligations. *Law, Culture and the Humanities*, 19(2), 227-247.

Sociologie de la pauvreté chez Serge Paugam: Une étude sur la possibilité de généralisation (Session organized in connection with RC SL)

Wednesday 9 July 2025, 13.00-14.45

Room SJES026 (Faculty of Legal, Economic, and Social Sciences)

Chair: **Moussaoui SAID**

Paper Presentation Session hosted by RC19 Poverty, Social Welfare and Social Policy, organized in connection with RC12 Sociology of Law (RC SL)

Session Organizers: **Moussaoui SAID**, Faculty of Letters and Human Sciences, Mohammed First University, Oujda, Morocco, **Yousra EZZAARI**, Faculty of Letters and Human Sciences, Mohammed First University, Oujda, Morocco, and **Meryem MELHAOUI**, Faculty of Letters and Human Sciences, Mohammed First University, Oujda, Morocco

Language: French, English

Session Description:

Si l'une des conditions essentielles d'une théorie scientifique est sa capacité à être généralisée, tout en prenant en compte l'ensemble des conditions spécifiques à la théorie scientifique en sciences humaines et sociales, qui diffèrent largement de la logique causale adoptée en sciences naturelles, alors, dans cette session, nous aborderons la contribution de Serge Paugam à travers son projet sociologique. Nous discuterons de la possibilité de généraliser sa théorie ainsi que du cadre conceptuel qu'il a utilisé pour étudier les différentes formes de pauvreté dans les sociétés européennes. Ce projet s'est concrétisé à travers plusieurs ouvrages, parmi lesquels "L'Exclusion sociale: L'État des savoirs" (1996), "Le Salarié de la précarité" (2000), "La Disqualification sociale: Essai sur la nouvelle pauvreté" (2003), "Les Formes élémentaires de la pauvreté" (2005), "Le Lien social" (2008), "L'Intégration inégale" (2014) et "L'Attachement social" (2023).

Ces ouvrages expriment la cohérence et la complémentarité des différentes étapes qui ont marqué son projet scientifique visant à étudier les diverses formes de pauvreté et d'injustice sociale, en lien avec les politiques publiques dans les domaines sociaux et économiques, ou par rapport à l'État providence, en s'appuyant sur plusieurs variables liées aux formes de liens sociaux, au degré de progrès social et à la nature de l'État providence. Cette analyse nous permettra de discuter toutes les conditions historiques, sociales ainsi qu'épistémologiques et théoriques qui pourraient nous permettre, au Maroc, de nous inspirer de l'ensemble du cadre conceptuel utilisé par Serge Paugam pour comprendre les processus de pauvreté et d'injustice sociale dans notre pays.

Abstracts:

La Relation entre pauvreté et solidarité: Analyse sociologique des liens sociaux et de la dépendance

ID# 155157

Keywords:

dépendance, liens sociaux, pauvreté and solidarité

Youssra EZZAARI, Faculty of Letters and Human Sciences, Mohammed first university – Oujda, Morocco and **Moussaoui SAID**, Faculty of Letters and Human Sciences, Mohammed First University, Oujda, Morocco, Morocco

L'étude présentée porte sur la relation entre la pauvreté et la solidarité, elle consiste à chercher la possibilité de généraliser le projet de Serge Paugam dans le contexte d'impact des liens sociaux non seulement sur le côté économique mais aussi sur la protection de l'existence social de l'individu, tout en prenant en considération la dépendance du pauvre quel que soit la forme de sa pauvreté, ce qui implique directement le concept de la solidarité face aux insécurités et aux inégalités.

La pauvreté selon Paugam dépend de la typologie différentielle des sociétés, et pour cela il s'ait basé sur la comparaison des différents types des pays ce qui nous mène à se focaliser sur l'influence de la conscience de chaque société à ses propres actions vis-à-vis les diverses formes de la pauvreté et son gouvernance quel que soit personnelle ou collectif, traditionnelle ou moderne, ainsi que sur l'influence de réseaux de solidarité sur la densité de la pauvreté.

Notre cadre théorique est donc basé sur la comparaison entre les sociétés sud et Nord européenne déjà étudié par Serge Paugam et notre société marocaine; s'appuyant sur une vision compréhensive dans les travaux, les enquêtes et les recherches effectuées ainsi qu'une poursuite analytique des plusieurs facteurs dégagés dans la réalité de la pauvreté et de la fragilité au sein de la société marocaine (rurale et urbaine) et surtout l'affaiblissement ou la transformation de la solidarité et des liens sociaux pour pouvoir interpréter la possibilité de généralisation et d'implication du cadre conceptuel et théorique dans l'étude de la pauvreté et la solidarité au niveau de la société marocaine tout en prenant en considération le régime d'attachement proprement typique à chaque société, l'évolution et le changement social comme étant contrainte et défi pour la société marocaine et l'existence de nouvelles liens.

La migration des étudiants marocains : Entre pauvreté sociale et quête d'intégration économique et culturelle

ID# 154179

Keywords:

Etudiants, Migration, l'exclusion and pauvreté sociale

Meryem MELHAOUI, Faculty of Letters and Human Sciences, Mohammed First University, Oujda, Morocco, France and **Moussaoui SAID**, Faculty of Letters and Human Sciences, Mohammed First University, Oujda, Morocco, Morocco

Cet article aborde la migration des étudiants marocains vers l'étranger sous l'angle de la pauvreté sociale et de l'exclusion, en mettant en lumière l'impact des conditions économiques et sociales au Maroc, telles que la pauvreté et la précarité, sur le désir d'intégration sociale et économique. En s'appuyant sur le cadre

théorique de Serge Paugam concernant "l'intégration inégale", il analyse les facteurs qui poussent les étudiants à quitter le pays, notamment la faiblesse des politiques publiques, le manque d'opportunités professionnelles et l'exclusion sociale. L'article examine également la possibilité d'un retour de ces étudiants après avoir achevé leurs études à l'étranger, en explorant si ce retour est motivé uniquement par des raisons économiques ou s'il inclut également des dimensions sociales et culturelles. Cette analyse est liée aux politiques migratoires marocaines et internationales, en mettant l'accent sur le rôle de l'État marocain dans l'encouragement au retour des compétences et sa contribution à la lutte contre la pauvreté et la précarité sociale, dans le but de bâtir une société plus inclusive et intégrée.

RCSL Session#10:**Decolonialism and Sociology of Law 2****Wednesday 9 July 2025, 15.00–16.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Agnieszka KUBAL**, University of Oxford, United Kingdom**Paper Presentation Session of RCSL WG Comparative Studies of Legal Profession, set up in partnership with WG Law and Migration**Session Organizers: **Michael MOLAVI**, Sociology of Law Department, Lund University, Sweden, and **Kyriaki TOPIDI**, European Centre for Minority Issues, Germany*Language: English***Session Description:**

Our sessions emerge from a critical self-reflexivity concerning the disciplinary origins, theories, and orientations associated with the sociology of law, as well as the role of Scandinavian countries as colonial powers, including in the Arctic region involving the Sami peoples. The sessions aim to contribute to decolonization in various forms. Bringing together perspectives from scholars at different career stages, they provide a platform for critical discussion and debate on a range of issues pertinent to decolonizing the sociology of law.

This session aims also at open a debate on the following topic: European colonialism has been tightly connected to nation-state building, forging mono-lingual and mono-cultural societies. The dichotomy between "civilized" Western culture and "untamed" nature served as a frame to force upon colonized groups a monocultural context. Today, the internet provides new opportunities for identity formation due to its modes of diffusion and access. It serves as a place for the creation and negotiation of identities. This justifies a decolonial approach to the positionality of minority and indigenous groups in the digital space, highlighting patterns of inequalities, specifically racial and gendered policies within national identity building processes projected online, and reflecting how the expansion of digital spaces creates conditions for forming decolonization processes with modified and adapted narratives of cultural self-representation.

Abstracts:***Colonial Practices and Mechanisms Hampering Access to Administrative Justice: Empirical Evidence from a Multi-Local Case Study*****ID# 153116***Keywords:**access to administrative justice, colonialism, language and digitalization and multi-local case study*

Julia DAHLVIK, University of Applied Sciences FH Campus Wien, Vienna, Austria

This contribution looks at how colonial practices and mechanisms are still in place, hampering access to administrative justice for large groups of people. On the basis of three empirical case studies in different world regions – Northern Canada, the so-called Dutch Caribbean and South Africa – I will analyse common threads in how Indigenous as well as non-Indigenous people are (potentially and actually) hindered from access to public services and the involved rights and benefits.

Two pillars of discrimination in this sense are explored in more detail: First, the matter of language politics is investigated with empirical data. In the Canadian Northwest Territories, where half the population is Indigenous, people who work in the administration receive a bonus if they speak French, but not if they speak an Indigenous language, although there are nine of the latter. In Curacao, an island in the Dutch Caribbean with autonomous status since 2010, the laws are written in Dutch and ‘imported’ Dutch judges lead the court hearings in Dutch, although the majority of people speak Papiamentu.

Second, the digital transformation of public services taking shape around the world bears many opportunities, but the realization of these is conditional. My findings confirm the literature which suggests that digitalization has the potential to add barriers to accessing (administrative) justice, and it particularly concerns the already vulnerable and marginalized, often Indigenous and minority groups. The paper posits that digitalization of public services cannot be an end in itself; instead, the digital transformation should be used to improve social justice, also with regard to access to public services and the involved rights and benefits.

The findings are based on field research, including in particular interviews and focus groups with denizens, public ombuds’ employees, and civil servants as well as participatory observation.

Digital Self-Representation of Minority Wom*n: An Intersectional Analysis of Sámi Content Creators

ID# 156625

Keywords:

Decolonisation, Instagram, Intersectionality and Self-Representation

Jody METCALFE, Utrecht University, Netherlands and **Kyriaki TOPIDI**, European Centre for Minority Issues, Germany

Intersectionality is useful as both a theoretical framework and tool for practical analysis. This is particularly the case in the experiences of minority women holding multiple minoritised identities and interacting with power structures that have historically and contextually marginalised them. This paper considers self-representation of Sámi wom*n through colonial legacies of forced assimilation and lasting colonial gender dynamics; their engagement with environmental activism through decolonial representations; and the development of inter-Sami and inter-indigenous solidarity. Through an in-depth discourse analysis on three Sámi wom*n content creators on Instagram, the analysis shows how they utilize the digital realm towards self-representation and cultural survival, while challenging dominant and mainstream narratives about their culture. This paper aims to show how intersectionality can provide a critical framework to connect digital self-representation and minority identity. Ultimately, this paper aims to capture the digital

processes of identity production in intersectional terms, namely in relation to minority and indigenous identity(ies), representation, discourse and power.

Digital Colonisation in Africa: Continuities of Colonial Exploitation through Knowledge Production

ID# 158647

Keywords:

Digital Colonisation, Digital Subaltern and Knowledge Production

Shilpi PANDEY PANDEY, Vrije Universiteit Brussel, Belgium

Big Techs such as Google and Meta have changed our lives drastically. They have provided new ways of connecting with others, trading goods and services, campaigning and influencing elections, advertising, and distributing news. These companies have, therefore, enormous influence and power over society, carrying out activities in different areas which can all be situated in the digital landscape. Hence, reference is made to the fact that today's colonialists are digital. These companies are, however, not focusing on the exploitation of foreign populations to access natural resources and raw materials, but rather creating digital technologies and infrastructures to make sure they exercise control over activities in the digital space.

This new phenomenon, sometimes called 'digital colonialism', mainly threatens the developing world (including Africa) by imposing a Western digital ecosystem. This chapter explores whether colonialism is reinvented by the domination of Big Techs in the developing world using primary and secondary sources. This analysis is done by taking diverse perspectives of post-colonial literature and an interdisciplinary approach to examine the complex issues relating to digital colonialism in Africa.

In doing so, the paper highlights the disparities in technology access and the perpetuation of colonial legacies, culminating in a comparative analysis between traditional and digital colonialism. Using an interdisciplinary lens, we integrate insights from various fields to offer a comprehensive understanding of the subject. This article evaluates whether digital colonialism could be considered a new form of colonialism and whether there are similar patterns between traditional colonialism and digital colonialism.

Erosion of Minority Rights in the 21st Century: Navigating Global Challenges, Postcolonialism, and the Role of AI

ID# 160655

Keywords:

Anti-discrimination, Artificial Intelligence, Diversity and Minority Rights

Roberta MEDDA-WINDISCHER, Eurac Research – Institute for Minority Rights, Italy and **Katharina CREPAZ**, Eurac Research – Center for Autonomy Experience, Italy

Since the beginning of the 21st century, the previously favorable stance towards minority rights, regarded as fundamental components of democratic societies, has begun to show signs of fatigue, if not outright resistance, leading to the erosion of established minority rights standards. As a result, minority rights have increasingly lost prominence on political agendas, overshadowed by other global challenges, including

the disruptions caused by climate change, rising global economic inequalities, health crises, increased international mobility, international conflicts, and technological advancements, particularly in media and artificial intelligence. This shift also intersects with the ongoing global debate on postcolonialism, which calls for a re-examination of power structures and a reconsideration of whose voices and rights are prioritized.

Aiming to revitalize the field of minority rights research and reframe the minority rights paradigm amid global challenges, including postcolonialism, this presentation explores the increasing significance of AI systems across various domains of human life, particularly in relation to minorities and the accommodation of their needs and claims. Using Kimberlé Crenshaw's (1989) concept of intersectionality as the main framework, we argue that discriminatory AI is a human-made problem and can therefore only be tackled through a human-centered approach. This approach includes discussing protected attributes and their (in)stability, vulnerability, and essentialist vs. non-essentialist attributions of group identity, as well as focusing on human-made inequalities and power imbalances as the source of biased AI systems. AI models are biased and discriminatory because our societal structures are as well; solutions that only address technological challenges fall short of tackling the underlying issue of inequalities. We analyze the EU AI Act and the European Centre for Algorithmic Transparency as possible strategies for mitigating discriminatory effects through AI governance, and conclude that successfully creating fair AI will not be possible without addressing the societal roots of its discriminatory behavior.

The Coloniality of LAW: Constitutionalism and Human Rights

ID# 160319

Keywords:

Decoloniality, Human rights and Modernity/coloniality

Amélia SAMPAIO ROSSI, Pontifícia Universidade Católica do Paraná, Brazil

Human rights are usually and traditionally understood as an outcome of the political and legal context of modernity, which did not take into account the existence of other subjects besides the abstract and ideal individual, other kinds of knowledge and other forms of structuring power. It is in this perspective that we intend, applying the historical-dialectical method and undertaking bibliographical research, to deepen the knowledge on the critical perspective on human rights and on constitutionalism itself, with the aim to highlight the obscure side to colonialism, which has been obfuscated by modern hegemonic thinking. The decolonial perspective, as it points to the unveiling of the dominion over the non-European other and to the universalism of Eurocentrism as a way of being, of knowing and of exerting power, can demonstrate the inconsistencies of the dominant perspective on law and especially on human rights and their low effectiveness.

RCSL Session#11:**Legal Alienation in Ordinary Legal Consciousness: Everyday Experiences (Part I)****Thursday 10 July 2025, 9.00–10.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Balázs FEKETE**, Eötvös Loránd University Faculty of Law / Center for Social Sciences, Hungary**Paper Presentation Session of RCSL WG Knowledge and Opinion about the Law – Legal Consciousness**Session Organizer: **Balázs FEKETE**, ELTE Faculty of Law, Hungary*Language: English***Session Description:**

Legal alienation has a great impact on people's everyday legal consciousness in the Western legal cultures. The modern law, besides organizing social life in modern societies rather efficiently, has a strong potential to alienate ordinary people through its technical rationality and impersonal procedures. That is, modern legal consciousness and legal alienation cannot be separated when studying people's relationship to the law. Socio-legal studies have already tried to conceptualize legal alienation from various perspectives. For example Patricia Ewick and Susan S. Silbey argue that ordinary legal experience can be animated by various narratives and one of them is the so-called "against the law" narrative which is characterised by the individual resistance to law as a representation of state power. Marc Hertogh pointed out that legal alienation is a multifaceted social phenomenon and it makes sense to differentiate among its various dimensions (in Hertogh's interpretation: legal meaninglessness, legal powerlessness, legal cynicism, and legal value-isolation).

This panel invites contributions aimed at studying any aspects of everyday legal alienation. Since the study of legal alienation needs a complex methodological approach both qualitative and quantitative approaches are welcome and the presentations can also have a national level or a case study focus, too.

Abstracts:***From the Bottom to the Top: Legal Skepticism in Serbia*****ID# 159060***Keywords:**Access to Justice, Legal Alienation and Legal Skepticism***Danilo VUKOVIC and Mila DJORDJEVIC**, University of Belgrade Faculty of Law, Serbia

Various empirical researches conducted during the last two decades consistently indicate that two sets of values and attitudes coexist in Serbia: support to the rule of law and legality and skepticism with regards to the legal system and courts. This includes low trust in courts and other public institutions, belief that law is not neutral, but an expression of interests of powerful groups and individuals, and unwillingness to go to courts due to the high costs, length of proceedings, lack of trust in courts and corruption. Furthermore, legal professionals demonstrate a lack of trust in judicial institutions, while businesspersons do not perceive laws and courts as channels to challenge governments' decisions and achieve justice or their interests.

Social context in which these values and attitudes coexist is marked, on one hand, by high income inequality and poverty rates, and prominent role of the state in economy and other spheres of social life (often designated as political capitalism and "society capture"), on the other. Bearing in mind these features of contemporary Serbian society, the aim of the research is to explore narratives about the law, legal system and judiciary and clarify structural determinants of legal skepticism across various social strata.

We aim to conduct exploratory qualitative research (in depth interviews and focus group discussions) with three groups of respondents: (1) citizens of lower socio-economic position (with lower education and lower material status), (2) middle and higher socio-economic position (with higher education and material status), and (3) businesspersons (owners or managers of small and medium enterprises). By comparing these groups, we seek to examine whether there are significant differences in their attitudes towards the law and the legal system. We aim to understand if socio-economic status and professional background shape opinions on the rule of law, legal institutions, and access to justice.

Alienated Human Rights? Comparative Insights from a Study of Abortion Debates in Poland and Argentina

ID# 164888

Keywords:

Argentina, Poland, abortion and legal alienation

Marta BUCHOLC, University of Warsaw, Poland

Are human rights a part of everyday experience? Have they found a way into ordinary legal consciousness? And, if so, have they remained a vital part of it? In our study of abortion debates in Poland and Argentina, we have analyzed the attitudes towards human rights of social activists active in abortion debates based on individual and focus group interviews conducted in both countries the years 2023 and 2024. My talk presents initial findings on the alienation of human rights as reflected in the data, and discusses the explanatory hypothesis connecting legal alienation to the mode of constructing what is perceived as a viable argument in political debates concerning abortion.

Legal Consciousness and the Belittlement of Insolvency Law: A Case Study of Portuguese Judicial Proceedings

ID# 166628

Keywords:

insolvency law, legal consciousness and vulnerabilities

Patrícia ANDRE, CEDIS – Research and Development Centre in Law and Society, NOVA School of Law, and DINÂMIA'CET – Iscte, Portugal

This paper presents the main findings of a qualitative analysis of Portuguese case law in insolvency and pre-insolvency proceedings, conducted as part of the IN_SOLVENS research project. The study reveals significant shortcomings in the application of insolvency law, highlighting procedural inertia, disengagement by parties, insufficient data on debtors, and the reinforcement of both epistemic and social vulnerabilities.

Framing these findings within a broad notion of legal consciousness, which encompasses both internal and external legal perspectives, this study argues that insolvency law is systematically disregarded by legal actors—judges, attorneys, and even the individuals involved as parties to the proceedings. This disregard reflects not only the traditional stigma associated with insolvency but also an overarching legal obliviousness. Courts and legal professionals often display a lack of interest and engagement with the socio-political goals underlying insolvency law, contributing to its downplaying as a secondary or less important legal field.

Through this lens, we observe how both everyday and professional legal consciousness are shaped by absences and voids, reinforcing the estrangement of ordinary individuals from the law. In particular, the procedural disengagement observed in the courts—alongside parties' own inertia—suggests a deeper detachment, where the potential of insolvency law to restructure financial and social vulnerabilities is overlooked. This contributes to a broader belittlement of insolvency law, perpetuating the very vulnerabilities it seeks to address.

Jury Deliberation As a Site of Intersection between the Legal and Ordinary Consciousness: Interaction Analysis of Judges' Management of Deliberation and the Phenomenon of 'Alienation'

ID# 160027

Keywords:

conversation analysis, jury deliberation, legal consciousness and the Lay Judge System

Takanori KITAMURA, Tokai University, Japan

Japan's Lay Judge System, introduced in 2009, was designed to adjudicate serious criminal cases. The panel, composed of three professional judges and six ordinary citizens, determines not only the guilt or innocence of the accused but also the severity of punishment in cases of guilt.

This study focuses on one aspect of the phenomenon of "legal alienation" through a detailed interaction analysis of jury deliberations within this criminal justice system. It examines how the everyday consciousness of lay citizens intersects, aligns, conflicts, and compromises with the legal consciousness of professionals at the micro-level of social interaction.

Previous studies have explored how lay people's actions and consciousness in legal contexts become alienated through the technical rationality, specialized terminology, and procedures inherent in legal settings. While discourse-level analyses have been conducted, few studies have specifically examined such phenomena within the context of jury deliberations.

We collaborated with legal professionals to conduct realistic simulated trials and jury deliberations. All interactions were video-recorded and analyzed using conversation analysis. Our study identified several specific practices employed by professional judges to manage deliberations. Among these, the practice of "formulating"—which involves ostensibly summarizing and paraphrasing lay judges' contributions while subtly reshaping and altering certain aspects—played a crucial role. These practices subtly, but accountably, steer the discussion toward a legally relevant framework at critical points in the deliberation.

Such practices address a core dilemma faced by professional judges: balancing the need to provide lay judges with ample opportunities to express their views while simultaneously guiding the deliberation within the bounds of legal standards of evidence and proof.

By highlighting these micro-level interactional practices, this research offers new insights into how legal professionals navigate the tension between lay participation and legal relevance, shedding light on previously overlooked aspects of the intricate phenomenon of "legal alienation."

RCSL Session#12:**Legal Alienation in Ordinary Legal Consciousness: Everyday Experiences (Part II)****Thursday 10 July 2025, 11.00–12.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Balázs FEKETE**, Eötvös Loránd University Faculty of Law / Center for Social Sciences, Hungary**Paper Presentation Session of RCSL WG Knowledge and Opinion about the Law – Legal Consciousness,**Session Organizer: **Balázs FEKETE**, ELTE Faculty of Law, Hungary*Language: English***Session Description:**

(See session Legal Alienation in Ordinary Legal Consciousness: Everyday Experiences Part I)

Abstracts:***Making Sense of Law: Iranian Women's Informal Networks and Community Building in Navigating Legal Alienation*****ID# 156558***Keywords:**Juridical Field, Legal Alienation, Legal Exclusion and Netnography***Reyhaneh JAVADI**, University of Alberta, Canada

This paper examines the ways Iranian women overcome legal alienation through informal networking and community building to counter structural gendered oppression. When discussing Iranian women's encounters with the legal system, the body of literature often overlooks how lay people navigate a highly specialized field. This paper addresses this gap by studying individual women's struggles to overcome legal alienation and exclusion in the juridical field. Focusing on the women's individual cases and their attempts to redress their grievances, this paper investigates sources women use to understand legal procedures and translate the laws. Adapting Bourdieu's account of the juridical field and employing *netnography*, this research studies how women network for their legal cause and navigate their entry into the juridical field. It analyzes a popular online social forum (*Ninisite*), widely used by housewives and mothers, as an online ethnographic site and examines the dynamics, interactions, and relationships within the forum.

A preliminary analysis of interactions within the forum from 2020 to 2024 reveals that women engage in dynamic exchanges on topics such as divorce, custody, alimony, rebellious wife behaviour, and extramarital relationships. Women use the platform to share experiences, seek legal advice, translate

complex legal terms, interpret laws and legal procedures, and collectively make sense of their legal rights. The study highlights how women use these informal, supportive networks to challenge legal exclusions, bridge knowledge gaps, and navigate the juridical field more effectively. This research contributes to our understanding of gender inequality and legal alienation by elucidating the role of informal community building in helping women confront discriminatory legal structures. Rather than depicting women as helpless and passive victims of rights violations or as unknown and silent heroines of resistance, this study illustrates how women actively engage with legal processes, create networks, and make sense of the law in their everyday lives.

Beyond Alienation: Legal Consciousness and Legal Experience in Hungary

ID# 158454

Keywords:

alienation, legal consciousness, narrative interview and survey

Fruzsina TÓTH, assistant professor, Hungary

Legal alienation is currently a key theoretical concept to understand how the law works – or fail – in everyday use. (Hertogh 2018) Moreover, from a broader perspective, this concept also can help us to analyze the structural problems in our modern democracies. It also prompts us to consider what happens in a society where there has almost certainly never been a basic trust in the law. Thus, the people, in general, have never been able to alienate from it. (Fleck 2017)

Our research aims to understand how the family history, family experiences and the memory of these influence individual's attitude and trust toward the law. Based on our preliminary result, we have found that there is a fundamental distrust in the law in Hungary. It may be said that legal alienation is the norm rather than the exception. Additionally, this situation is deeply rooted in the family histories as nearly every family has experiences in which the law – or most certainly the legal and political system – caused harm, caused trauma.

In my presentation, I will explore a possible connection between the legal alienation and the historical experiences according to narrative family and life history interviews, and a representative survey.

Muslim Legal Consciousness, Family Law and Everyday Lived Experience

ID# 160543

Keywords:

Diversity, Legal Pluralism, Legal consciousness and Muslim

Samia BANO, SOAS University of London, United Kingdom

In this paper I reflect on legal alienation and the everyday lived experience of British Muslims using civil and plural/ privatized systems of law to resolve matrimonial disputes. There is now a growing body of literature documenting the ways in which English and European family law systems accommodate diverse family arrangements with the settlement of migrant ethnic and religious communities across European countries. Migration from the global south has led to important insights into the ways in which family law systems have adapted to what is now described as the emergence of the 'multicultural family.' At the heart of this

work lie important questions over debates on rights, choice, agency, autonomy, welfare, duties, and responsibilities. There is however an absence on insights on legal alienation of formal and personal systems law and the ways in which everyday experience of law produces ordinary legal consciousness. Drawing upon empirical research and feminist literature I raise critical questions of legal alienation, self, power, voice, authority and the production of knowledge in social and legal realities raising questions over the ways in which social, political and legal practices may marginalize minority voices, knowledge and lived legal experience. At the heart of this paper lie critical questions on the operative and constitutive effects of modern law, belonging and identity, conceptualization of the 'centre and periphery' and the ways in which discourses on diversity in law continue to reflect unequal power relations. What do we understand as Muslim legal consciousness? In what ways do these diverse practices in legal experience be understood as legal alienation of practices that may disrupt, transform and resist traditional conceptions of legal consciousness? The interplay of diverse, social and lived legal knowledges and plural experiences produce new insights into the experience of legal alienation in ordinary legal consciousness for British Muslims.

Conspiracy Theory Legal Meaning Making As a Form of Legal Alienation: Exploring the Sovereign Citizen Movement

ID# 165793

Keywords:

Reichsbürgers, law in the everyday and sovereign citizens

Andrea KRETSCHMANN, Leuphana University Lueneburg, Germany

Members of the sovereign citizen movement worldwide deny that the state they live in exists, and with it, they explicitly deny its applicable law (e.g. by writing extensive letters to authorities in which they dispute the bureaucracies' or the states' legitimacy). Against a world that seem to have conspired against them, they nevertheless hold in common an affinity for an alternative law: Self-made legal code and constitutions, identity cards, personal seals and coats of arms, court proceedings or set borders along one's own property testify to the desire to own law-making as against the backdrop of (legal) alienation. The paper discusses how and why sovereign citizens establish such alternative laws and legal practices by taking the German so-called "citizens of the Reich" as an example. Based on an ethnographic study, the paper argues that the movement copies legal procedures, forms, and aesthetics to appropriate the authority and legitimacy that characterizes the applicable law to their own law. Thus, in this way law not only becomes entangled for lending strength to the group's ongoing conspiracy theoretical search for truth. Drawn upon in a fragmented and incoherent way, it becomes a form of conspiracy theory meaning making.

Issues and Changes in Legal Work in the Age of the Anthropocene and AI (Session organized in connection with RCSL)

Thursday 10 July 2025, 13.00–14.45

Room SJES025 (Faculty of Legal, Economic, and Social Sciences)

Chair: **Elizabeth CHAMBLISS**, University of South Carolina, Joseph F. Rice School of Law, USA

Paper Presentation Session hosted by RC30 Sociology of Work, organized in connection with RC12 Sociology of Law (RCSL)

Session Organizer: **Corinne DELMAS**, Université Gustave Eiffel/LATTS (UMR 8134), France

Language: English, French

Session Description:

This session examines the changes in legal work in the face of the issues raised by the finiteness of our ecosystem and by technological developments, in particular digitisation and the rise of AI, which is now generative. Papers will cover the different professions and worlds of law (magistrates, lawyers, solicitors, barristers, notaries and public notaries, in-house lawyers, court clerks, bailiffs, clerks and assistants, etc.). They will focus in particular on the challenges facing these workers today (assistance but also competition from tools such as AI, ecological issues, employees' new relationship with work in the post-Covid period, changes in the organisation of work and working methods with, in particular, the rise of teleworking, social and ecological responsibilities, the social responsibility of companies and their employees, equality between men and women, etc.). It will also look at changes in the activities and missions of companies (for example, the rise of mediation and arbitration, changes in the law, the rise of soft law, etc.) The technical dimension of daily work activities will be taken seriously and considered from an empirical perspective, describing these work activities and aiming to understand contemporary changes.

Abstracts:

Client Selection As a Site of Resistance: Corporate Lawyers' Ethics through a Moral Economy Lens

ID# 154364

Keywords:

Corporate lawyers, Lawyers' ethics and Moral economy

Tamara BUTTER, University of Amsterdam, Netherlands

Do all clients and causes merit representation? This question is at the heart of current debates on lawyers' ethics in the academic, the professional and the public domain. Amongst other developments, the climate crisis and the Russian invasion in Ukraine brought this topic to a head.

By using a moral economy lens (Webb forthcoming), this paper explores client selection and existing controversies about large law firms' social license to operate as a 'site of resistance'. These controversies can be seen as indicative of the 'double movement' a moral economy lens provides us with. That is, the engagement in counter-moves that resist the processes of marketisation and commodification within corporate practice. This exploration sheds light on the interaction between macro- (developments in society) meso- (logics and dynamics at the level of firm) and microlevels (how individuals view and respond to this matter) which can help to identify and comprehend corporate lawyers' ethics in response to changing societal demands.

Pushbacks to DEI and ESG and Corporate Law Firm Responses

ID# 156947

Keywords:

Law, Normative Structures, Professions and Work

Robert ROSEN, University of Miami, USA

Corporate law firms are guided by the profit principle. Profits per Equity Partner is the basis for their competition. As a result, it is argued, their professionalism is reduced to following client directions.

Law firms tout their DEI and ESG efforts. Research has revealed that there were pushed to DEI by the demands of their clients. Many law firms have found a profit center in ESG consulting.

In the U.S., under political pressures, about 20% of large corporations are scaling back on DEI. Leading corporate actors have retreated on ESG. Shareholder proposals on these subjects are being defeated in increasing numbers. Republican State Attorney Generals wrote to the 100 largest law firms advising them to discontinue their ESG and DEI efforts. Some law firms have been sued over their DEI policies.

This article analyzes how the 100 largest U.S. law firm have responded to the changing market and these political pressures. Through scraping their websites, I will describe their responses. For example, are law firms following some of their clients and firing their DEI staff? Where firms have acted in ways that appear inconsistent with their market and the political pressures to which they are subject, I will engage in ethnographic analysis.

This data will enable a better understanding of law firms as businesses. It also will enable a finer understanding of the legal professionalization project. The pushback against DEI and ESG in corporations not only changes their demands from law firms but also their conceptions of business ethics. What do law firm responses tell us about the relations of business and legal ethics?

In the Anthropocene, there will be pushbacks against necessary changes and retreats from commitments to them. This article describes how law firms responded.

The Relationship between Lawyers' Working Conditions and Their Subjective Welfare

ID# 163393

Keywords:

Lawyer, Subjective Welfare and Working Conditions

Toshiyuki KUSUMOTO, st., Japan

If lawyers, who play important public roles in legal dispute resolution, can feel fulfilled in their work and improve their subjective welfare, it is believed that this will lead to improved social contributions from lawyers' public roles. Therefore, we conducted a web-based survey of Japanese lawyers to investigate the relationship between lawyers' employment status, work content including some social insurance coverage status, working environment and conditions, and subjective welfare, such as in what situations or under what working conditions lawyers feel a sense of fulfilment and happiness in various duties and work, and their enthusiasm for contributing to their work increases. Statistical analysis of the survey results revealed that there is a significant correlation between employment status, some social insurance coverage status, and subjective welfare. Although the social role and mission of lawyers is emphasized, it can be said that improving the working environment and conditions increases the satisfaction and enthusiasm for their activities. Furthermore, it can be said that the results are suggestive of what employment status and working conditions contribute to human subjective welfare for workers in general.

The Hungarian Notariat and the Challenges of the 21st Century

ID# 163172

Keywords:

legal professions, notariat, post-socialist societies and technological development

Fruzsina TÓTH⁽¹⁾, Valéria KISS⁽¹⁾, Fruzsina GULYA⁽²⁾ and Ágnes GYURSÁNSZKY⁽²⁾, ⁽¹⁾assistant professor, Hungary, ⁽²⁾Eötvös Loránd University, Hungary

The topic of our presentation is how people working in the Hungarian legal professions, especially the notariat, reflect on the social challenges and turning points of the late modernity, including global challenges such as technological developments, the possibilities of using artificial intelligence, or the specific Hungarian, regional, post-socialist societal and vocational challenges.

Our presentation will be based on the analysis of narrative career story interviews conducted in the research project *Women in the legal professions in Hungary*, in which 17 notaries were interviewed. In the presentation we will discuss the turning points in the history of the Hungarian notarial profession, which is important for understanding how it follows political changes like a "litmus paper". In this respect the introduction (reintroduction) of private notariat from 1992 and its impact on people working as notaries is of particular importance.

In our presentation, we will focus on the types of career paths and generations of notaries that have emerged since 1992, and we will examine how the above mentioned challenges are interpreted in the narratives and constructions of professional identity of people belonging to different types and generations.

The Uses of Digital and AI By Legal Workers in France: The Case of Notaries

ID# 155869

Keywords:

AI, Digital, legal work activities and notaries

Corinne DELMAS, UNIVERSITE GUSTAVE EIFFEL/LATTS (UMR 8134), France

What are the effects of digital and AI on legal work activities? Based on survey data on the notarial profession and a comparison with other legal professions, we will examine the uses of digital technology and AI by legal professionals (particularly in terms of appropriation and resistance) as well as the contrasting effects of these technologies on tasks and activities, their organisation and working conditions in their temporal (working time, reconciliation with other temporalities, dispersion in work, etc.) and social (sociability, communication between workers, etc.) dimensions.) and social aspects (sociability, communication between workers, etc.) and spatial aspects (remote/on-site working, office reorganisation, flex office, etc.). These uses and effects vary according to the job, career path, activity, specialisation and structure of the workplace.

RCSL Session#13:**Rurality in Sociolegal Scholarship****Thursday 10 July 2025, 15.00–16.45**

Room SJES001 (Faculty of Legal, Economic, and Social Sciences)

Chair: **Corinne DELMAS**, Université Gustave Eiffel/LATTS (UMR 8134), France**Paper Presentation Session organized jointly with RC24 Environment and Society, and RC40 Sociology of Agriculture and Food**Session Organizer: **Elizabeth CHAMBLISS**, University of South Carolina, Joseph F. Rice School of Law, USA*Language: English***Session Description:**

Rurality has emerged as an important axis of analysis in US sociolegal scholarship. Among access to justice scholars, there is growing attention to the problem of rural 'legal deserts' and the limits of lawyer-centric models for delivering legal assistance and expertise. Environmental and land use scholars criticize US energy policies that pit urban against rural communities and minimize the role of state regulation in creating and perpetuating geographic inequities. Patterns of migration and political polarization increasingly break along urban/rural lines—though popular rhetoric about rural America is also marked by cultural myths and implicit urban normativity. This session seeks to build connections between US scholarship on rurality and related work in other parts of the world, and to consider how this work informs broader questions about the relationship between place, justice, and expertise.

Abstracts:***Dispossession in the Anthropocene: Impacts on Rights of Rural Communities*****ID# 156205***Keywords:**Anthropocene, dispossession, rights of rural communities, sustainability*

Dolunay Çörek Akyıldız, Galatasaray University, Faculty of Law and Leiden University, Van Vollenhoven Institute, Turkey–Netherlands

The Anthropocene era marks a critical period characterized by intensified human impact on natural systems and the rapid transformation of ecosystems. One of the most significant outcomes of this era is the acceleration of large-scale dispossession processes that particularly affect rural communities. The transfer of agricultural lands, water resources, and forests to facilitate capital accumulation and development projects deeply impacts the social, economic, and environmental fabric of these communities.

This study employs a literature review methodology to examine the effects of dispossession in the Anthropocene, with a particular focus on the rights of rural communities. Practices such as land grabbing, industrial agriculture, and infrastructure development not only disrupt traditional farming practices but also threaten the rights of rural populations, exacerbating social inequalities and increasing human rights violations. Analyzing the tension between international human rights and environmental law, the research explores the implications for rural communities' rights from a legal sociology perspective. It highlights the resistance strategies employed by these communities, including grassroots movements and sustainable agricultural practices, which advocate for social justice.

By grounding the discussion in real-world examples, this study aims to contribute to the discourse on dispossession and rural rights, proposing recommendations for redefining and protecting these rights in the Anthropocene. Ultimately, it seeks to amplify the voices of rural communities in the international arena, emphasizing the need for equitable resource management and environmental governance.

Extracting Clean Energy

ID# 154613

Keywords:

Community Economic Development, Energy Justice, Energy Law and Law and Geography

Ann EISENBERG, West Virginia University College of Law, USA

Rural communities are in the spotlight of the clean energy transition. Utility-scale wind and solar farms require substantial land, which means developers look to rural localities to site those projects. Yet, many rural residents oppose them. Clean energy scholarship has therefore investigated ways to defuse that local opposition and address the potential inequities of this new rural energy burden. "Community benefits" have emerged as a tempting cure-all. Many hope community benefits can compensate and pacify rural localities through frameworks requiring economic resources from clean energy development to stay local.

This Article argues that community benefits fail to address the energy industry's structural problems that helped create rural marginalization in the first place. Centrally, while community benefits are better than nothing, they (a) stem from a narrow, market-centric conception of energy justice that still prioritizes the activities of powerful, sometimes-predatory, profit-motivated companies and (b) perpetuate a system that treats rural regions as sites of extraction for distant consumers' benefit. In other words, community benefits help entrench the internal-colonial land relations that characterized the fossil fuel era.

The extractive company-community-consumer triad remains under-appreciated in rural dynamics in the clean energy transition. By examining the intersection of theories on internal colonialism and clean energy justice, the Article sheds light on why many rural communities oppose hosting clean energy even when ample community benefits are offered. If the clean energy transition is going to serve as a meaningful opportunity to help mitigate rather than worsen broader urban/rural tensions, more fundamental structural reform based on a deeper conception of energy justice is needed. This reform requires liberating the internal energy colony through measures to facilitate localized, distributed electricity generation, decenter corporate profit, and take uneven development seriously in its own right, not merely as an afterthought to our collective need to decarbonize the grid.

Rural Legal Markets

ID# 158031

Keywords:
lawyers and rural

Elizabeth CHAMBLISS, University of South Carolina, USA

The U.S. legal profession tends to appeal to a romantic conception of rural lawyers as accessible generalists who serve their communities through pro bono and community service, and some characterize rural private practice as public interest work. Many commentators call for programs to attract law graduates to rural locations and at least fifteen states have implemented such programs. Yet we know very little about modern rural legal markets or the role of rural private practitioners in serving low-income clients.

This mixed methods study investigates the contours of private practice in rural South Carolina. It finds, first, that rural private practitioners play a limited role in serving low-income clients. Less than 25% of South Carolina's rural practitioners practice in the state's poorer rural counties and most report doing limited pro bono work. Second, specialization is a key ingredient for successful rural practice. New lawyers may take whatever clients they can get, but most practitioners quickly become more specialized, and some specialties can be lucrative, such as personal injury and real estate. Third, personal injury cases can be an important means of subsidizing less profitable work, but personal injury work has become more commoditized as the result of mass market advertising, making local ties less important to plaintiffs, and making low-margin practice sustained by periodic personal injury cases less viable. Finally, family ties play a central role in attracting and sustaining rural private practitioners, raising questions about the scalability of recruiting lawyers without local ties.

Rather than providing incentives for private practitioners based on location, the study suggests that we look for ways to directly subsidize specific types of service based on evidence of legal need. We also should consider new ways of marketing flat-fee, routine legal services to make them more geographically accessible and capture economies of scale.

Legal Deserts, Spatial Inequality, and Criminal Legal Systems: A Study from Rural Washington USA

ID# 161225

Keywords:
indigent defense, legal profession, rural and spatial inequality

Lisa PRUITT⁽¹⁾, **Jennifer SHERMAN**⁽²⁾ and **Jennifer SCHWARTZ**⁽²⁾, ⁽¹⁾University of California at Davis, USA, ⁽²⁾Washington State University, USA

This paper draws on a mixed methods study to sketch stresses on the criminal legal system in rural Washington, USA. It reveals how the dearth of attorneys available to do the work of prosecuting and defending cases is subjecting defendants to delays and leaving them vulnerable to ineffective assistance of counsel. Another stressor on the system is its heavy reliance on local governments to finance not only indigent defense, but also substantial portions of prosecutorial and judicial functions.

Rural lawyer shortages are typically associated with dwindling numbers of attorneys, which in turn typically correspond to overall population loss. Yet historical data suggest that the number of active attorneys in most rural Washington counties has grown in recent decades, commensurate with population growth. Thus, the problem we identify is specifically a shortage of attorneys equipped and willing to do indigent defense and prosecution work.

While shortcomings in indigent defense delivery nationally are widely documented, this paper reveals what those deficits look like in a rural context in which the constitutionally mandated service is often provided by relatively inexperienced attorneys subject to scant oversight. The paper also reveals new challenges arising from the fact that indigent defense attorneys increasingly live far from their clients and appear only remotely in the courthouses where their clients are. Deputy prosecutors, too, are increasingly absent from rural courthouses, appearing only by video feed.

Some of the stresses on these legal systems could be alleviated by increased funding from the state, which could be used to attract more attorneys to work in these roles in rural places. Meanwhile, with virtual appearances proliferating, safeguards to foster meaningful and confidential attorney-client communications are necessary.

The Bare Minimum: Effects of Legal Deserts on Pretrial Jail Detention

ID# 166037

Keywords:

Access to Justice, Criminal-Legal System, Rural Poverty and Social Inequality

Jennifer SCHWARTZ and Jennifer SHERMAN, Washington State University, USA

Legal deserts literature, often applied to the civil realm, is also important to understanding inequalities in criminal legal system outcomes. One issue garnering recent attention is the lack of lawyers, especially criminal defense lawyers and other legal resources, particularly in rural jurisdictions. This place-based gap in access to justice intersects with broader concerns among criminologists and rural legal scholars about increasing rural jail populations, which contrast with declining urban jail and overall prison populations. Most of those detained in local jails in the US are pretrial. Our previous research in rural Washington State found that many were jailed for court nonappearance and other minor offenses, which greater access to legal, pretrial, and social services could help mitigate.

We take a mixed methods approach to study whether and how limited legal resources contribute to frequent jail admissions and lengthy pretrial jail stays. First, we examine the quantitative relationship between availability of criminal-legal resources and jail admissions, as well as length of pretrial detainment, across rural and urban counties in Washington State. Specifically, we assess whether fewer lawyers per capita, lesser spending on public defense, lack of an office of public defense, and criminal court backlogs are related to county jail admissions and lengthier pretrial jail stays, net controls. Next, we draw on qualitative interviews with 71 individuals who spent time in one or more of the six rural jails in our study. Their experiences further illustrate the ways in which the lack of legal resources worsened and prolonged jail stays and undermined individuals' abilities to recover quickly from arrests. Our findings suggest that broadening access to legal resources in rural areas might reduce incarceration, yet legal resources alone would be insufficient. Our results highlight the need for additional social services that are responsive to the rural context.

Identifying Trinary Control Patterns in Civil Disputes in Contemporary Chinese Rural Villages

ID# 163848

Keywords:

Chinese village governance, Governance, Rural China and Social Control

Darrell IRWIN, University of Connecticut, Storrs, Connecticut, USA and **Dawei ZHANG**, Central China Normal University, China

Examining “self-governance” [zizhi 自治] within Chinese governance structures finds a self-run, yet ideologically-driven, grassroots system. Self-governance is used in China to manage the civil disputes in organizations and companies and community committees, both rural and urban. The language of self-governance reinforces a Marxist structure of democratic centralism that regulates public affairs at the grassroots level where governance is comprised of rural village and urban resident committees. We focus on the role of rural village committees that are given quasi-bureaucratic powers in matters of social order and justice. Using the authors’ 2021 sample data of 2,343 respondents collected from 164 villages in rural China (Jiang et al. 2024) and recent conceptual views on rural social stability (Trevaskes, 2024), we examine the rural village committee’s influence on governance.

Scholars find the “fusing” of governance models for grassroots conflict mediation is administered in rural Chinese villages using a trinary control system (Trevaskes, 2024; Jiang et al. 2024). At the village level, committees exert measures of semiformal control, promote solidarity through informal social controls, often through an elite gentry (or *xiangxian*), and allow police to exert formal control, to maintain community social order and justice (Jiang et al. 2024). The administration of law, ranges from mediation to punishment, though invoking punishments is normally left to the formal control agents. Semi-formal controls may be effectively used for resource allocation, land management disputes and civil disputes among villagers, who tend to be elderly as their children migrated to urban areas. Village committees are shown to develop autonomous self-governance, through coordination with formal institutions, such as the Chinese Communist Party, and informal institutions within villages, to resolve disputes, combat crime, allocate resources, and establish community solidarity.

RCSL Session#14:**Dispute Resolution and Innovation****Thursday 10 July 2025, 19.00–20.30**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Marta BUCHOLC**, University of Warsaw, Poland**Paper Presentation Session of RCSL WG Civil Justice and Dispute Resolution,**Session Organizer: **Hideaki IRIE**, Kyushu University, Japan*Language: English***Session Description:**

The WG Civil Justice and Dispute Resolution of RC12(Sociology of Law) will organize a session on Dispute Resolution and Innovation. Dispute resolution procedures include private mediation and other informal methods as well as civil litigation in courts. The use of various digital technologies, ranging from teleconferencing systems to artificial intelligence, is also being promoted both within and outside the courts. How do these social changes affect fairness?

Abstracts:***Are Citizens' and People's Tribunals an Efficient and Fair Means of Dispute Resolution?*****ID# 162607***Keywords:*

*absence of res judicata, alternative dispute resolution,
consent to jurisdiction and participatory justice*

Lyna MAAZIZ, Galatasaray Üniversitesi (GSÜ), Turkey

Citizens' and People's Tribunals are non-traditional means of dispute resolution, and a heritage of the Russell Tribunal which aimed to investigate crimes committed in the Vietnam war (late 1960s). A quite recent example is the Tribunal having judged in 2021 China's acts violating Uyghurs' human rights.

On the one hand, the success of this relatively long-lasting practice relies on the direct involvement of different actors of the civil society such as: law practitioners, journalists, NGOs, activists, as well as members of the targeted sub-community. Such a diversity in the participants is an undeniable asset because it allows varied approaches and personal experience to be taken into consideration in the appreciation of a factual situation or series of events. This can answer some criticisms of the traditional court system where judges are excellent lawyers but may not have enough understanding of special circumstances and sometimes miss calling for expertise.

Replicating the different layers of society in a courtroom can be beneficial since opening the debate wider than a hearing exclusively reserved to law specialists will contribute to a more representative and inclusive

reasoning, supposedly resulting on a more legitimate decision. Moreover, privileging Citizens' and People's Tribunals may be interesting for the parties seeking an alternative resolution of the dispute particularly in the context of court congestion and delays. It is not certain that this option may reduce the costs borne however, since the investigation would still generate expenses.

On the other hand, Citizens' and People's Tribunals raise concerns relating to: the possible lack of consent to jurisdiction; the absence of *res judicata*; the difficulty to impose reparation; the risk of non-execution of the decision, *inter alia*.

Despite these deficiencies, should Citizens' and People's Tribunals be encouraged, or more, *generalized*, as a supplementing dispute resolution mechanism?

Securing Access to Land: The Social Production of Property in French Polynesia

ID# 154151

Keywords:

access to justice, inequalities, land property and social change

Lauriane DOS SANTOS, Université de la Polynésie française, Tahiti, French Polynesia

Land issues are a relatively old legal and social problem in French Polynesia. However, the economic, demographic and social transformations of the contemporary period have contributed to make it one of the major challenges on this territory, both from the point of view of the family conflicts it generates and the challenges it poses to the judicial institution in terms of handling proceedings. Disputes related to land ownership now cross all social circles in this territory. Requests to end the status of joint ownership of family land (a status that concerns about 57% of the community's land) are the core of the problem, justifying the establishment of a dedicated structure that is unprecedented within the French Republic: the Land Court of French Polynesia (2019). This paper shall present the results of a qualitative research with litigants involved in a procedure for the exit of undivided ownership of family land. The paper shall study the social production of land rights as a way of securing resources in this context, between collective strategies and *inter- and intra-generational* conflicts within Polynesian extended families. First, the analysis of life stories shows how access to land has become an important and conflictual issue within contemporary families, in a context of multiple crises. Secondly, we shall analyze the social pathways to access property law and justice and then identify the obstacles and levers the litigants use by to obtain land ownership, showing an interweaving of legal procedures and informal arrangements in the ordinary course of social practices.

Access Concerns and Dispute Resolution within Plural Justice Systems: Administration of Justice Under Customary Law in Northeast India

ID# 162000

Keywords:

Access, Customary law, Dispute Resolution and Justice

Melody HMANGAIMAWI, Indian Institute of Technology, Madras, India

Access to justice is often studied in conjunction with Alternate Dispute Resolution (ADR) and dispute perspective studies. The paper is based on the practical application of the dispute perspective model to

identify access concerns and issues in plural justice systems. It involves the application of a non-linear and fluid dispute pyramid model that encompasses adaptive implementation and monitoring, apart from the conventional model of identifying, attributing blame and asserting claims to avoid oversimplification and implementation of superficial remedial measures on complex and multifaceted societal issues. This research incorporates ethnographic observations and oral histories, substantiated by case studies, to explore inconsistencies in existing mechanisms and approaches to justice. ADR is especially significant for the case of indigenous societies in Northeast India because of three major reasons: problems in accessing formal courts, the ambiguous concept of justice in informal customary courts, and the autonomy of administration under customary law. The tribes included in the study have multiple and parallel forums for dispute resolution circumscribed by customary law. Perceptions of justice in tribal societies can be dynamic and depend not on procedural justice but on restorative justice guided by customs. This leads to the subjective connotations of justice in tribal societies, which may differ across tribes depending on what is considered just in relation to the existing norms. In a scenario where the notion of justice is contested and where multiplicities of justice exist, how does one formulate policies for equal access to justice? This question warrants a critical analysis of access to justice through the lens of intersectionality to devise alternative mechanisms for grievance redressal and resolution of disputes in tribal areas. Another major concern in customary law is its gendered implications. The study employs the 'woman question' to study women's negotiation for space and access concerns for women under customary law.

Access to Justice in Times of Crisis: Experiences from Family Proceedings during the COVID-19 Pandemic in Switzerland

ID# 162253

Keywords:

COVID-19 pandemic, Family proceedings, digital justice and gender inequalities

Sabrina RODUIT¹, Gaëlle AEBY², Cécile CREVOISIER², Michelle COTTIER¹, Eric D. WIDMER³ and Marina SUCARI¹, ⁽¹⁾Centre for Legislative and Evaluation Studies, University of Geneva, Switzerland, ⁽²⁾School of Social Work, HES-SO Valais-Wallis, Switzerland, ⁽³⁾University of Geneva, Switzerland

The COVID-19 pandemic, which put pressure on the entire justice system in Switzerland as elsewhere, has drastically and critically complicated access to justice. In family law, separating and divorcing individuals with minor children who were already in an unstable situation experienced increased material and emotional vulnerability.

To avoid delays and deal with emergencies, the Swiss government opened up the use of remote hearings in civil cases, as it was the case in other countries. While digital justice has several advantages (e.g. speed, cost reduction), it also raises several practical and ethical concerns (e.g. technology, confidentiality). Given the federal organisation of the Swiss justice system, the use of remote hearings and the associated social distancing measures have been uneven across the different cantonal civil courts, leading to an inequality in access to justice.

This interdisciplinary project entitled "*The practice of family law during the COVID-19 pandemic: digital justice and gender inequalities*" aims to investigate the practices and challenges associated with the shift to digital justice during the COVID-19 pandemic in family proceedings in Switzerland, with a focus on separations and divorces. It consists of a legal text study of the changes in Switzerland with an international

comparison (1), coupled with a qualitative study of three case studies of court practices (2) and a quantitative survey of family judges and lawyers (3). Based on these three types of data, this presentation focuses on professionals' practices to understand how they have contributed to mitigating/increasing/decreasing gender and social inequalities in access to justice during a major crisis.

Access to Justice and Failure to Identify Women Victims of Trafficking for Criminal Exploitation, Especially Drug Trafficking

ID# 159618

Keywords:

criminal exploitation, drug trafficking, identification of victims and women trafficking

Raquel LÓPEZ GARRIDO, Universidad Pontificia Comillas, Spain

Women trafficking is an international issue. The first step in order to provide basic services to their victims is their identification. However, when it comes to criminal exploitation, the failure to identify the victims interferes with these women's access to justice. In Spain, the failure to identify victims of women's trafficking for criminal exploitation, especially drug trafficking, has denied access to justice to many women, finding them in prison for drug trafficking judgements, even if the victim is fulfilling all the indicators and protocols for trafficking. This is the case in STS6008/2023, a Sentence carried out on a women victim of human trafficking for criminal exploitation in drug trafficking, charged with prison even with the fulfillment of the indicators for human trafficking. We will expose and analyze the problematic based on the obstacles encountered by this woman in their access to justice in Spain, having the mentioned Sentence already adopted as jurisprudence, which will close the door on the identification of victims of human trafficking, punishing and denying access to justice. Instead, they are being criminalized and punished for a crime they were forced to perpetrate due to their situation of vulnerability. The STS6008/2023 is a set of appeals in which they expose that the characteristics of the woman judged meet the criteria to identify her as victim. However, the decision is based on her not being judged for human trafficking, but for a crime against public health. Both international and domestic protocols outline the importance of the identification of victims by professionals, as many of the victims are not aware of their situation or are afraid and would not speak up. This failure to identify victims by the justice lands a benchmark to deny access to justice to women victims of human trafficking for criminal exploitation, especially drug trafficking.

RCSL Session#15:

Gender Issues and Access to Justice

Friday 11 July 2025, 09.00–10.45

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Nadia KHROUZ**, Center for Global Studies (CGS) – International University of Rabat, Morocco

Paper Presentation Session of RCSL WG Civil Justice and Dispute Resolution

Session Organizer: **Hideaki IRIE**, Kyushu University, Japan

Language: English

Session Description:

The WG Civil Justice and Dispute Resolution of RC12(Sociology of Law) will organize a session on Gender issues and Access to Justice. The issue of access to justice appears sharply against the vulnerable. A perspective that considers gender issues renews our understanding of justice. This session will address various angles on the relationship between gender issues and access to justice issues.

Abstracts:

Gender Gap in Access to Justice: The Role of Lawyers and Courts

ID# 154600

Keywords:

China, access to justice, gender inequality and labor litigation

Wenjie LIAO, Rochester Institute of Technology, USA and **Youyi WANG**, Fujian Academy of Social Sciences, China

Previous research indicates that in labor litigation, women workers in China are awarded significantly less compensation than men for the same amount of claim, a pattern that exacerbates the already dire gender inequality in the workplace. This paper examines whether the legal profession and legal institutions can mediate this gender gap. Using more than 90,000 legal decisions issued in 2019 across China, we found that while men and women do not differ in their likelihood of using legal presentation in litigation, women are more likely to utilize legal aid services and men are more likely to use private lawyers. While the presence of both legal aid agents and private lawyers significantly increases the number of evidence presented in a case, which in turn increases the rate of compensation awarded towards the worker, legal aid's effect is significantly smaller in comparison to that of a lawyer, suggesting that women might benefit less from legal presentation. Additionally, we found that in courts where special gender-focused training program is implemented, the gender gap between compensation rate is non-existent, suggesting the courts' awareness of and action towards gender dynamics in law suits are consequential in their legal decision-making. These findings have implications for understanding how legal profession and institution

can shape the gendered access to justice and provide important insights for policy makers who aspire to design and implement policies that promote gender equality through the law.

The Influence of Adversarial Conduct in Legal Procedures on Women's Access to Justice: Female Experiences with Enemy Criminal Law Practices in the Turkish Judicial System

Abstract

ID# 160114

Keywords:

Access To Justice, Enemy Criminal Law, Misogyny and Turkish Legal Culture

Gökçe MARAŞLI, International Institute for The Sociology of Law, Spain; University of Kyrenia, Cyprus

The concept of enemy behaviour towards women has a long history. In the historical period, this enmity appeared in different shapes. In ancient Greece, it was expressed by philosophers and poets humiliating women, while in the Middle Ages witch trials were established and women were judged according to irrational reasons. Hostile attitudes developed against women in many areas of social life cause women to be excluded from social life and to hesitate to attend social life. Law is one of the fields where women face these prejudices. The masculine structuring within classical legal practices causes women to avoid accessing the justice. Both during the complaint and during the trial, women are confronted with misogynist attitudes and practices that prevent them from being a part of the justice system. In this study, the problem of women's access to justice has been analysed based on the reflections of misogyny in law. However, the hostility that prevents women from accessing the justice system is addressed according to the theory of enemy criminal law. In Turkey, it has been observed that women and males receive disparate treatment in courtrooms, resulting in a prevailing perception of impunity in cases involving crimes against women. Nonetheless, in instances where women are defendants, the judiciary adjudicates them with utmost severity. This condition has led women to lose faith in receiving equal treatment in court, resulting in their reluctance to seek access to justice. This scenario was studied through a gender-based study of enemy criminal law, as addressing such attitudes and activities just through the concept of enmity would not yield adequate legal knowledge. Within this framework, court documents were examined, and solicitors from several cities were interrogated. The influence of a gender-biased enemy criminal law culture on women's access to justice was demonstrated through field study.

As a Transformative Force in Masculine Legal Culture, Feminist Advocacy "Feminists at the Court Room"

ID# 162865

Keywords:

field research, masculine legal culture, masculine violence and women's access to justice

Eylem ÜMIT ATILGAN, Associate Professor Dr., Cyprus

As in many other countries, the demand for gender equality has long been the most dynamic wing of the struggle for rights in Turkey. Rising criticism of policies related to women and gender has led to the

positioning of activism in Turkey alongside various forms of collective action, organizational structures, and political stances. Today, networks of feminist lawyers who voluntarily follow femicide and LGBTI+ violence cases in Turkey and collect data on them cover the whole country. Since the neoliberal right-wing government withdrew its signature from the Istanbul Convention, the number of feminist lawyers joining solidarity networks to combat increasing masculine violence is increasing day by day. While patterns of masculine legal culture, such as impunity and misogynistic judicial practices, narrow women's access to justice, a stronger army of lawyers is emerging to support victims of masculine violence.

Based on data from qualitative research with activists advocating for rights against masculine violence against women and LGBTI+ in Turkey, this paper primarily addresses the following questions: Can we talk about the transformative effect of feminist advocacy in cases of masculine violence on legal culture? What role do feminist lawyer networks that provide voluntary advocacy support in cases of masculine violence play on women's access to justice? While seeking answers to these questions, it is also aimed to produce local knowledge of this field and support advocacy by revealing the difficulties faced by rights defenders and activists who struggle for gender equality and the strategies and suggestions they have developed to overcome them. Using NVIVO12, I analyzed the qualitative data from in-depth interviews and focus groups with lawyers defending victims and/or their relatives in cases of masculine violence, interpreting it in the context of theories on advocacy, legal culture, and women's access to justice.

Inheritance Patterns in Serbia: Analyzing Gender and Kinship Disparities in Court Decisions

ID# 164594

Keywords:
gender disparities

Mila DJORDJEVIC, University of Belgrade Faculty of Law, Serbia and **Milica VLAJIC**, University of Belgrade Faculty of Philosophy, Serbia

According to the Inheritance Law of the Republic of Serbia, male and female heirs are granted equal rights. However, many daughters in various regions of the country still renounce their inheritance in favor of their brothers, and mothers often cede property to their sons. Some existing research shows that in rural areas of Serbia, nearly half of women renounce their inheritance. Despite the legal protections that guarantee equal inheritance rights, it appears that patriarchal values play a significant role in perpetuating these customary practices.

Under Serbian law, renouncing an inheritance is an irrevocable decision that must be made before the conclusion of the inheritance judicial procedure, and it carries implications for other entitlements, such as eligibility for social assistance. However, when heirs make their inheritance declaration, state officials are not required to inform them of the consequences of renouncing their inheritance rights. As a result, it is not uncommon for female heirs to later regret their decision and seek to reverse it, only to discover that doing so is legally impossible.

The research centers on the analysis of court decisions issued by Serbian courts in 2022. The central hypothesis is that patrilineal inheritance patterns are most prominent in the distribution of property. The aim of this research is to uncover patterns of property inheritance within families in Serbia, with a particular focus on how gender and kinship relations shape the distribution of assets among heirs. Additionally, the study seeks to explore the discrepancies between legal provisions and actual inheritance practices.

At the Intersection of State Law and Non-State Law: Implications of the New Divorce Amendment Act on the Fundamental Rights of Muslims in South Africa

ID# 160303

Keywords:

Muslim marriages, Non-state law, South Africa and State law

Waheeda AMIEN, University of Cape Town, South Africa

Until 28 June 2022, all religious marriages in South Africa were not legally recognised. On 28 June 2022, the South African Constitutional Court found that the non-recognition of Muslim marriages is unconstitutional because it violates the rights to equality, access to justice, and children's rights among others. The Court held that the common law definition of marriage was unconstitutional to the extent that it does not include Muslim marriages. The Court further ordered the South African state to amend existing legislation or enact new legislation to recognise and regulate the consequences of Muslim marriages. Until that happened, the Court ordered the implementation of an interim measure to enable Muslim spouses who were or are undergoing Muslim divorce to institute a civil divorce in terms of the Divorce Act 70 of 1979. Early in 2024, the Al Jama'ah party, a party that purports to represent a Muslim constituency in South Africa, successfully had amendments to the Divorce Act enacted through the Divorce Amendment Act 1 of 2024. The latter purports to implement the interim measures anticipated by the Constitutional Court. In this paper, I consider the point at which Muslim family law meets civil family law through the Divorce Amendment Act. I examine the implications of the amendments for Muslim parties and children born of Muslim marriages. I especially explore the extent to which the intersection between state and non-state law allows Muslim marriages and divorces to be incorporated into a secular legal framework, and the implications of such incorporation for the rights to freedom of religion, gender equality and children's rights.

Towards a Multidimensional Conceptualization of Access to Justice on a Global Scale

ID# 154787

Keywords:

ACM, access to justice, comparative constitutional law and conceptualization

Marta AURINO, Sciences Po Bordeaux, France

Access to justice is a critical factor in evaluating the role of constitutional courts within legal systems, particularly in European models. Historically, distinctions between different forms of constitutional justice have been based on the abstract or concrete nature of judgments, categories closely tied to the ways in which courts are accessed. As constitutional review has shifted towards a more subjective dimension, access mechanisms have evolved, expanding the powers and functions of courts. Constitutional courts, initially established to safeguard the constitutionality of laws, now handle a broader range of cases due to the increasing number of parties entitled to bring claims. However, access goes beyond the mere identification of trigger mechanisms granted by constitutional powers. It also opens the door to exploring, from a *de iure condendo* perspective, the possibility of introducing new judicial powers. This study investigates constitutional justice systems worldwide to analyze two key dimensions: the scope of access (A) and the subsequent expansion of court competences (B). To fully grasp the complexity of these dimensions, the research adopts an interdisciplinary approach, using empirical methods from social

sciences, particularly Multiple Correspondence Analysis (MCA). This methodology helps reveal the nuances of dialogue between various constitutional justice systems and provides deeper insight into the dynamic relationships between them. Ultimately, the study seeks to offer a comprehensive understanding of the impact of access to justice on the evolving role of constitutional courts.

RCSL Session#16:**Rule of Law Vs Rule By Law in the Anthropocene: Questioning the Political Use of Law in the Judicial and Developmental Fields****Friday 11 July 2025, 11.00–12.45**

Room SJES025 (Faculty of Legal, Economic, and Social Sciences)

Chair: **Irene LIZZOLA**, Sciences Po Bordeaux, FranceDiscussant: **Mariam BENALIOUA**, Les Afriques dans le Monde–Sciences Po Bordeaux, France**Paper Presentation Session organized jointly with TG03 Human Rights and Global Justice**Session Organizers: **Mariam BENALIOUA**, Research Unit: Les Afriques dans le Monde (CNRS UMR 5115), France, **Baudouin DUPRET**, Research Unit: Les Afriques dans le Monde (UMR CNRS 5115), France, and **Irene LIZZOLA**, Sciences Po Bordeaux, France*Language: English, French***Session Description:**

What do the uses of the law and of the rule of law by regimes, whether in the North or the South, reveal about their political nature?

Law in the age of the Anthropocene is positive law, i.e. social engineering aimed at shaping the world rather than revealing its natural structures. From then on, law becomes an instrument of governance, and the rule of law slips into rule by law, which makes it particularly operational in authoritarian contexts, as a matter of legitimization, control, effectiveness and even predictability. However, it is only in certain circumstances that the law becomes an instrument of authoritarianism. This is true of references to the rule of law, which can be used without political exploitation or be subject to instrumentalist misuse.

Firstly, we are interested in the functioning of the judicial institutions that occupy political space in the name of the rule of law. These institutions are concerned to demonstrate respect for procedures and the rule of law; however, they may participate in a repressive State policy. This is how the rule by law replaces the rule of law (Shapiro, 2007; Ginsburg and Moustafa, 2008).

Secondly, we examine the rule of law as a lexicon of development promoted by multiple actors calling for legal reformism, institutional modernisation, and the strengthening of “good governance” (Atlani-Duault, 2005; Pétric, 2012). We consider both the display of development objectives and the marginalization of criticism and specific actors within cooperation projects.

Abstracts:**Twisting the Rule of Law into Rule By Law in MENA Countries: The Role of Religion****ID# 158780***Keywords:*

Tommaso VIRGILI, WZB Berlin Social Science Center, Germany, **Massensen CHERBI**, Merian Center for Advanced Studies in the Maghreb (MECAM), Tunisia, **Benedetta PANCHETTI**, Università Mercatorum, Italy and **Tachfine BAIDA**, Sciences Po Bordeaux, France

The selective application of religious norms in MENA countries illustrates how religion can function as both a tool of political control and a means of maintaining religious orthodoxy, often at the expense of the rule of law.

This control is facilitated by constitutional ambiguities surrounding Islam and secularism in post-independence MENA. In Morocco and Algeria, the recognition of Islam as the state religion raises questions about whether these declarations are symbolic or carry legal weight. Tunisian constitutions have been even more ambiguous, leaving unclear whether Islam or its “objectives” hold symbolic, sociological, or legally binding significance. Such vagueness allows regimes to control religion and its authorities, resembling a pseudo-secularism termed “Maghrebian Gallicanism” (Fregosi).

In multi-confessional Lebanon, religion’s institutional role is even more pronounced, as the state architecture is organized along religious lines, and Christian and Muslim laws are granted exclusive authority over family matters (Messarra, Gannagé). This shows how religion affects not only institutional dynamics but also individual rights, with statutes and case law restricting gender equality, sexual self-determination and freedom of conscience under the guise of religious orthodoxy. This use of religion opposes the rule of law, which upholds individual liberties and procedural safeguards. Instead, it reflects an instance of rule by law – specifically, a divine law that defines the substantive limits of government and legislation (El Fadl).

Our analysis will thus explore the interplay between positive law and religion: 1) how states exploit religion to reinforce their authority; and 2) how they bend the rule of law to uphold religious dogmata. We will work on: a) historical debates on the place of religion from the colonial and post-colonial periods; b) contemporary scholarly debates; and c) empirical evaluation of secular and religious elements in the institutional architecture, legislation and case law of Algeria, Morocco, Tunisia and Lebanon.

De quoi la CRIET est-elle le nom ? État de Droit et droit de l’État au Bénin

ID# 159740

Keywords:

Bénin, CRIET and illibéralisme

Pauline JARROUX, Université libre de Bruxelles, Belgium

C’est en 2018 qu’a été créée la Cour de Répression des Infractions Économiques et du Terrorisme (CRIET), qui siège désormais à Cotonou, au Bénin.

Cette juridiction spéciale, largement mieux dotée en moyens matériels que les tribunaux de droit commun du pays, est présentée comme répondant aux besoins d’une justice efficace et transparente, et aux enjeux des « nouvelles criminalités » (terrorisme, blanchiment de capitaux, cybercriminalité etc.) auxquelles le Bénin est désormais confronté.

Si elle est réputée pour la dureté de ses décisions, elle est aussi critiquée dans le pays pour sa « politisation », en écho à certaines affaires qui y ont été jugées, impliquant des opposants politiques ou, au contraire, des proches du pouvoir. Son installation a, pour de nombreux observateurs et analystes, confirmé le constat du « tournant autoritaire » pris par le pays, à la suite de l'élection en 2016 du Président Patrice Talon.

Ma communication vise à interroger ce que signifie, pour le personnel et les professionnels du droit et de la justice, travailler à la CRIET, alors que le pays était jusqu'ici loué pour la vitalité de sa démocratie. Quelle forme y prend, et où se loge le « tournant autoritaire »?

Dans le travail quotidien, le respect des normes, la probité des magistrats, l'accueil des justiciables, sont mis en avant comme des éléments distinctifs du fonctionnement de la juridiction. Le procureur et ses substituts, mes principaux interlocuteurs au cours de mes dix premières semaines d'enquête, sont eux aussi soucieux du respect des procédures. L'interventionnisme politique y serait, en somme, localisé, circonscrit, de l'ordre de l'exceptionnel. Cette grille de lecture est-elle pertinente? Que permet-elle de dévoiler, ou au contraire d'obscurcir, à propos du fonctionnement quotidien du droit et de la justice dans un régime « illibéral »?

Widening the Gap. the Role of National Power Dynamics in the Disconnect between Penitentiary Law Reform and Practices in Niger

ID# 153435

Keywords:

Niger, military, power dynamics and prison reform

Carole BERRIH, CERDAP2 (Univ. Grenoble Alpes, Sciences Po Grenoble), France

Using Niger's penitentiary system as a case study, this paper illustrates how reformers' emphasis on legal texts, viewed as a prerequisite to implementation but disconnected from institutional dynamics and power relations, has widened the gap between norms and practices. Since the 1990s, several reforms have taken place, culminating in a major overhaul of penitentiary laws in the 2010s led by the Ministry of Justice, with support from the EU-funded Program for Justice and the Rule of Law. While prison regulations were previously governed by decrees, this reform introduced the first law on the prison system, supplemented by decrees and regulations. These new texts, which retained many provisions from the earlier decree, expanded detainees' rights, such as increasing the number of meals provided or clarifying disciplinary rules – reflecting a stacking of norms (Darbon 2003, Bierschenk 2014) common in the development sector in Africa.

These reforms were adopted in a context marked by strong military influence over institutional dynamics, marginalizing the Ministry of Justice in terms of influence, capacity, and resources. This (im)balance is evident in the prison system: while the Ministry is theoretically responsible for detainees, budgets, and administration, the National Guard of Niger (GNN), a military body, is the sole actor deployed in prison.

Since legal texts only have value based on the importance assigned to them (Le Roy 2005), prison realities remain unaffected. The adopted texts, supported by 'external reformers' (Olivier de Sardan 2021), blinded by a situated, positivist view and by predetermined power relations, and committed but powerless internal reformers, had no influence on the prison system. The GNN disregarded the texts, leading to a deeper

disconnect between written norms and on-the-ground realities. This paper is based on data collected during doctoral research from 2018 to 2023 (defended in 2024).

Re-Re-Branding Hong Kong: Of Brands, Laws, and Public Diplomacy

ID# 164154

Keywords:

Hong Kong, National Identity, Rule by Law and Rule of Law

Andra LE ROUX-KEMP, University of Lincoln, Lincoln Law School, United Kingdom

The idea of “branding” Hong Kong was first conceptualised in 1996, shortly before the UK retroceded Hong Kong to the People’s Republic of China. This need for a Hong Kong brand stemmed from a general anxiety that the city would lose its distinct identity after reunification, and policies were subsequently put in place to frame the new Hong Kong Special Administrative Region as an international hub for finance, trade, investment, tourism, transport, and communications. Hong Kong was thus positioned as “Asia’s world city” and the “gateway city [for the West] to the East”. Since then, however, the visual imagery news agencies have brought to our screens have painted a different picture of Hong Kong in our mind’s eye. The bright coloured umbrellas and sit-in street protests of 2014 have rendered Hong Kong synonymous with the so-called “umbrella movement” and the more violent protests of 2019/20 with its teargas filled streets and standoffs between students and riot police on campuses signalled to the rest of the world that this is a city in crisis. Against this background, the distinct role that law and the Hong Kong legal system have played in the branding, nation-building, and public diplomacy of Hong Kong will be explored. It will be shown that rule of law discourse has, and continuous to be invoked as a distinguishing feature of Hong Kong. Also, claims about core values representing the “true identity” of Hong Kong and its people are often premised on Hong Kong’s laws and legal system. How did the laws and legal system of Hong Kong come to represent its identity and the basis upon which much of its branding and public diplomacy are built? What does this say about the brand of this nation, and what does it mean for its laws and legal system?

RCSL Session#17:**Disability Politics, Well Being and the Law: Perils and Possibilities****Friday 11 July 2025, 13.00–14.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Susana SANTOS**, Iscte – Instituto Universitário de Lisboa, Portugal**Paper Presentation Session of RCSL WG Judicialization of Social Problems**Session Organizer: **Ravi MALHOTRA**, University of Ottawa, Canada*Language: English***Session Description:**

In this panel, we explore disability politics and its intersection with legal discourse from several perspectives. Engaging with the latest research from the fields of occupational therapy, the social sciences, and the law, we seek to put the lived experiences disabled people at the centre of discussion. We will directly address what it means to think about disability justice in the Anthropocene by careful interrogation of the latest insights of our respective disciplines. Bringing together scholars from South Africa, the United States, Canada, and Australia, we seek to address the barriers that have impeded disabled people in multiple social domains including employment, education, health care services, and beyond. For too long marginalized, we consider how topics such as disability harassment, violence, stigma, and invisibility in public and private spaces, such as the home, community, healthcare, and workplace, have impacted the well-being of disabled people. We explore how legal discourse intersects with these lived experiences to permit us to explore new ways of being, living, and working. Our panel directly contributes to the formulation of new research questions and new findings that will foster disability justice in the Anthropocene.

Abstracts:***Harassment and Disability Justice: Rethinking the Place of Workers with Disabilities in the Anthropocene*****ID# 151696***Keywords:**Disability Rights and Harassment***Ravi MALHOTRA and Cheyanna SAMMY**, University of Ottawa, Canada

Whose knowledge counts in the Anthropocene? How can we include the voices of people with disabilities? In this paper, we explore the meaning of disability justice through a reflection of the lived experiences of workers with disabilities in Ontario, Canada. Based on an analysis of 39 qualitative open-ended interviews with adults living with a variety of disabilities engaged in some sort of paid work, we interpret their experiences and identify barriers. We suggest that three variables worked to demoralize disabled participants: stigma, unattainable expectations, and barriers. Together, we argue that these variables

constitute a poisoned environment for some workers with disabilities: the working conditions are hostile, negative and intolerable. We suggest how avoiding burnout and facilitating retention of employees with disabilities requires a serious commitment to fostering an inclusive environment. We are cognizant how time structures the workplace in a way that is exclusionary of many people whose mind-bodies function in disparate ways. Using the groundbreaking work of the philosopher Cornelius Castoriadis, we suggest that his notion of social imaginary significations may assist in creating a workplace that is sensitive to the needs of people with disabilities and respects the knowledge of disabled people to create authentic disability inclusion in the workplace.

Disability Inclusion in the South African Health System: Results of a Health System Assessment

ID# 152137

Keywords:

disability, health system, healthcare and policy

Lieketseng NED, Stellenbosch University, South Africa

People with intellectual and developmental disabilities face more barriers accessing healthcare and, on average, experience worse health outcomes. These barriers are attributed to inadequate health systems. The Missing Billion Inclusive Health System Framework is a new tool to support policy makers assess levels of disability inclusion within health systems. We used this framework in South Africa (SA). Information sources used to complete the assessment included SA laws and policies, publicly available data and datasets, published literature and interviews with people with IDD, their carers/family members and service providers. The framework was comprehensive and feasible to complete. It highlighted key strengths in terms of disability inclusion in the South African health system as well as gaps and leverage points for action. This framework enabled us to identify progress and opportunities to strengthen disability inclusion in our health system. There are opportunities for strengthening data and evidence, inclusive policies, healthcare worker training on disability and health service accessibility. These insights enable us to set a benchmark for disability inclusion in South Africa, and how government, civil society and academia worked together to identify ways in which the health system could be more inclusive of people with disabilities. Actions must be centered on, and informed by, people with disabilities

Technology Facilitated Violence Against Women and Girls with Disability in the Sub-Saharan Region: Anthropocentric Intensification, Risk and Resistance.

ID# 152164

Keywords:

Gender based violence, Risk and Resistance, Technology and women with disabilities

Karen SOLDATIC, Western Sydney University, NSW, Australia

As technology develops, it broadens the scope for potential opportunities for violence and abuse, both by exacerbating conventional forms of Gender Based Violence and by perpetrating qualitatively new forms of violence that were previously impossible, or which take a fundamentally different form online. During an

era of intensified digital penetration in the sub-Saharan region, digital inclusion not only enabled women and girls with disabilities to shape their narrative and make their voices heard via digital technologies, but also opened up the risk of reproducing and entrenching long standing forms of discrimination, deep social stigmatization and covert everyday forms of microaggressions towards people with disabilities. Anthropocentric modes of engagement heavily rely upon further digitisation across all forms of social, economic and cultural life. Civil society, government and social platforms, Apps, communications and information flows are now built around new AI and algorithmic formulae, modelled on NLP processes that often entail deeply entrenched structural biases, generating further risks. Whilst technology companies such as Microsoft are developing fully accessible everyday technologies, such affordances are not necessarily available to highly vulnerable community members in the Sub-Sahara region. Novel digital affordances thus operate at a distinct place of contradiction for women with disabilities – they offer the promise of new forms of accessible engagement yet simultaneously, are limited in their regulatory capacity to safeguard women and girls with disabilities from technology facilitated sexual violence and vulnerability. Drawing upon the findings of a large-scale national survey across South Africa, this paper will demonstrate new emergent vulnerability and risk for women and girls with disabilities and discuss practices of disruption and hacking practiced by this group to disrupt the everyday forms of violence that they experience when being online.

The Access Equity Model: An Action-Oriented Framework to Address Health and Participation Disparities Among People with Disabilities

ID# 152173

Keywords:
civil rights, disability and equity

Susan MAGASI, University of Illinois Chicago, USA

In 1990, the Americans with Disabilities Act enshrined legal protection from discrimination based on disability status into federal law. Yet, despite progress made from 35 years of civil rights protection, the 74 million people living in the United States with disabilities continue to experience significant barriers to social participation in all aspects of society as full and equal members. Notably, people with disabilities, especially those living at the intersection of other minoritized identities based on race/ethnicity, gender, sexuality, and economic status, are disproportionately impacted by the adverse effects of social determinants of health, leading to health and participation inequities.

To support the development of evidence-informed interventions and public policies to break down barriers to health and participation experienced by people with disabilities, a community-based participatory research team of disability rights advocates and disability scholars developed the Access Equity Model. Grounded in aggregated data from four qualitative studies with cross-disability samples (n=159), the Access Equity Model emphasizes modifiable barriers and supports at the individual and environmental levels as entry points for intervention, as well as measurable outcomes, grounded in the World Health Organization's International Classification of Functioning, Disability, and Health.

This presentation will include exemplars of the application of the Access Equity Model across a range of contexts and demonstrate its utility in addressing the complex health and participation inequities that confront people with disabilities in the Anthropocene.

RCSL Session#18:**Judicialization of Social Problems and Governance of Security in the Anthropocene – Concluding Debate****Friday 11 July 2025, 15.00–16.45**

Room ASJE001 (Annex of the Faculty of Legal, Economic, and Social Sciences)

Chair: **Ravi MALHOTRA**, University of Ottawa, Canada**Judicialization of Social Problems and Governance of Security in the Anthropocene****Paper Presentation Session of RCSL WG Judicialization of Social Problems**Session Organizer: **Joao VELLOSO**, University of Ottawa, Canada*Language: English, French***Session Description:**

The judicialization of social problems and the governance of security has changed substantially in the 21st Century, both by harshening criminal punishment and by widening the scope of penalization processes. Traditionally, democratic societies tend to manage problematic conflicts and “dangerous” populations through legal institutions anchored in the following liberal triad: legal rules, balanced rights, and sanctions mostly associated to criminal law. Beyond criminalization, many scholars are pointing to a variety of forms of judicialization, relying on criminal or administrative, civil, regulatory and even hybrid legal regimes. The panel puts into conversation papers about different contexts, hoping to illuminate how law and legal regimes are mobilized to govern security and social problems.

Abstracts:**“I Am No Longer Free to Raise My Child the Way I Want”. the Experiences of Ethnic, Religious, or Cultural Minority Families with the Dutch Child Welfare System****ID# 159914***Keywords:**best interest of the child, child protection, courts and ethnic/religious diversity***Iris SPORTEL**, Institute for Sociology of Law, Radboud University Nijmegen, Netherlands

Many social problems linked to ethnic minority families end up in the child welfare system. For example, courts are tasked to decide whether particular cultural practices of migrant and minority families constitute child abuse, and what actions should be taken with families suspected of being involved in

practices such as honour-related violence or radicalisation. At the same time, marginalisation as well as differences in decision-making by state actors has been shown to contribute to an overrepresentation of ethnic minority families in the child welfare system.

Child protection cases can be particularly intense and sometimes intrusive encounters with the state for the families involved. In this paper I will focus on the experiences of ethnic, religious, or cultural minority families with the Dutch child welfare system. While some parents actively ask for help, for example when dealing with family conflict or experiencing difficulties in raising their children; others are confronted with unasked-for or even unwanted interventions in their family by state institutions. Especially in cases where children are removed from their parents' care this can lead to struggles over children's belonging and identity, for example with regard to issues such as vaccination, attendance of religious events, food restrictions, or clothing or hair.

The paper is part of a larger research project on the role of conceptualisations of culture, ethnicity and religion in court cases on children. The project is an ethnographic study using different methods including an analysis of court files and court judgements; interviews with parents and other family members; interviews with court actors such as judges and lawyers; with NGOs and child welfare social workers, and with religious representatives.

(De)Judicializing Gender Violence? Hybrid Regulation in Juvenile Victim-Offender

Mediation

ID# 163789

Keywords:

(de)judicialization, gender violence, juvenile justice and victim-offender mediation

Géraldine BUGNON, University of Fribourg, Switzerland

Regulating gender violence is one of the major contemporary challenges for justice systems. On one hand, social movements denounce the structural dimension of this violence presented as the result of patriarchy (Cavalin et al. 2022); on the other hand, scientific literature highlights the ineffectiveness of criminal justice in identifying gender violence, condemning offenders, and protecting victims (Koss et al. 2003; Lieber 2023).

Responses take two different directions: on one hand, reforming criminal law to make it more "effective," as evidenced by the recent revision of sexual criminal law in Switzerland; on the other hand, inventing new ways of "doing justice" by relying on so-called alternative justice models, such as mediation and restorative justice. Both types of responses are subject to controversies (Cossins 2008; Casas Vila 2016; Burns et Sinko 2023), which denounce in the former case a "carceral feminism" and point out in the latter case the risks of secondary victimization.

This paper aims to critically interrogate an alternative response to gender violence among juveniles in Switzerland: how is the use of victim-offender mediation justified by the courts? How are categories such as "violence," "offender," "victim," or "justice" employed? How does this contribute to (re)distributing agency, responsibility, and vulnerability in gender violence situations? to what extent is the "social problem" of gender violence (de)judicialized by these alternative forms of justice?

This paper is based on 18 months qualitative research conducted in Switzerland among mediators and juvenile judges, from a perspective of analyzing law in action. I conceptualized these alternative justice mechanisms as hybrid systems, operating at the fringes of the judicial power (Daly 2002; Zernova 2007), and relying on plural and competing norms from legal realms as well as from psychology or social work (Tränkle 2007).

The Mobilization of Legal Discourse in the Approval of Laws Restricting Circulation in Public Streets in Brazil

ID# 165935

Keywords:

Legislative Debates, Public Security and mobilization of legal

Anna MARQUES, UNIVERSIDADE FEDERAL DO RIO GRANDE DO SUL, Brazil

Public security is a major concern in Brazil, generating legislative proposals at all levels. However, public debate often diverges from evidence-based analysis, relying on perceptions and popular opinions. This is especially evident in local contexts with limited access to specialized advisory resources, leading to public policies that may not effectively meet security needs. It is crucial to analyze how these debates are shaped, particularly the mobilization of legal concepts, which serve as tools of persuasion, legitimacy, and respect for legality. The central question is: "What legal arguments are mobilized by municipal legislators for the approval of laws restricting circulation in public streets in Brazil, and how are they presented?"

This study conducts a multiple-case analysis of legislative sessions that approved circulation restrictions in the cities of Natal (Law No. 531/2018), Porto Alegre (Law No. 938/2022), and São Paulo (Law No. 16.439/2016). These cases were chosen for their geographic representativeness, potential to reveal differences, and the availability of necessary documents for content analysis. The debates were examined based on four categories: (1) What legal arguments were mobilized? (2) How were these concepts used for persuasion and legitimacy? (3) How were opposition and civil society reactions addressed? (4) What were the main points of divergence?

In Natal, the discourse framed security as a right justifying circulation restrictions, contrasting the right to life with the right to freedom of movement. In Porto Alegre, the debate focused on the legality of private security, pitting the right to protection against the right to the city. In São Paulo, the discussion centered on balancing acquired rights and judicial decisions after constitutional challenges. These legislative discourses reflect local sociopolitical climates and national ideological interests.

Concluding Debate

As a conclusion of the RCSL Sessions at the 5th ISA Forum of Sociology, "Knowing Justice in the Anthropocene", Pierre Guibentif, president of RCSL, will open a short debate assessing the discussions held throughout the week, addressing the Forum's topic "Knowing Justice in the Anthropocene", with a view to the planning of future activities of RCSL on environmental issues.

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Annual Meeting of the Research Committee on Sociology of Law

Santiago, Chile, August 31 to September 3, 2026

The Democratic Rule of Law in World Society

First Announcement

Prepared by Aldo Mascareño

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Introduction

From August 31 to September 3, Santiago, Chile, will host the 2026 Annual Meeting of the RCSL, focusing on the theme The Democratic Rule of Law in World Society. This Meeting will primarily examine whether liberal representative democracy—a cornerstone of modern political and legal systems—can effectively respond to the diverse demands of a world society that is now structurally, culturally, and territorially differentiated.

The Meeting will explore whether the normative and legal foundations, as well as the mechanisms of representative democracy—which have historically supported the political systems of Western societies and led to significant achievements such as equality before the law, fundamental rights, property rights, the welfare state, and human rights—can still address the conflicts, inequalities, and new technical challenges present in today's world society.

Concept

One of the most significant achievements in the evolution of modern societies is the transfer of the ability to impose decisions on others to a third party that would act impartially, based on a set of commonly accepted rules. This concept serves as a fundamental definition of the rule of law. The evolutionary question that arises is: Why would an individual or a group of individuals willingly give up their power to shape their social and physical environment and instead entrust that power to an impersonal entity, which could potentially act against them?

This type of evolutionary movement is full of presuppositions. Firstly, in a factual dimension, it assumes that social structures have developed sufficiently to establish autonomous institutions responsible for defining coexistence rules that can impose limits on specific groups. These groups, due to their military and economic power, as well as their ability to manipulate prestige symbols and cultural generalizations, can wield influence and control over the fundamental aspects of social order. Secondly, in a social dimension, it

assumes that the world cannot continue to be dominated by particular interests, as the increasing structural and semantic complexity of social relations necessitates more complex and decentralized forms of organization. Moreover, thirdly, in a temporal dimension, it assumes that the future is not merely a repetition of the past; rather, it is open to debates and conflicts between alternative worldviews. However, these perspectives must adhere to an abstract set of impartial rules that facilitate cognitive and normative mobility and adaptability.

All of these presuppositions are encapsulated in the idea and structural composition of the rule of law. Since the eighteenth century, the rule of law has served as a reflective framework through which modern society can observe itself as a unity of differences: a unity founded on adherence to standardized and impartial rules, while also embracing the diversity that their application permits. Like other evolutionary achievements of modern societies, the rule of law has faced significant challenges throughout its history. It has gradually prevailed over colonial rule in various regions of the world since the nineteenth century; it has also been defended in battles against totalitarianism during the first half of the twentieth century, and through civil revolts against dictatorships and patrimonial regimes across the globe.

The highly differentiated structure and centrifugal dynamics of modern world society in the twenty-first century resemble the early days of the rule of law in European society, but now on a global scale. Back then, fragmentation was evident in territories dominated by competing and conflicting powers, and the development of the State was seen as a solution to the issue of social order. In contrast, modern societies are experiencing a weakening of the rule of law, characterized by various centrifugal forces of differentiation. Alongside transnational functional differentiation and classic challenges such as territorial wars and forms of patrimonial domination, we are confronted with additional complexities today: ethnonational confrontations of native peoples captured by confrontational decolonization strategies; the construction of fundamentalist para-state architectures in the Middle East; the dominance of drug cartels and organized crime networks over vast territories, particularly in Latin America and Africa, which openly dispute with violence the forms of social order; neo-nationalist State strategies aimed at rebuilding pan-regional zones of cultural influence and political domination.

Within modern democracies, a growing sense of nationalism and a lack of trust in democratic institutions are increasingly fragmenting representative political parties. Moreover, the current capacity of populist leaders to disseminate misinformation about democratic politics and promote promises of national and community renewal through social media captures the imagination of people seeking social inclusion across multiple systems and regions. Moreover, the specific habituation to the restriction of fundamental freedoms due to the pandemic makes it more acceptable for states to regularly decree constitutional states of exception in the face of internal disorders.

According to the Democracy Index 2024,³ only 15.0% of countries can be considered full democracies (Central Europe and a few countries in North and Latin America, Oceania, and Asia), 27.5% are flawed democracies, 21.6% are hybrid regimes, and 35.9% are authoritarian regimes, mainly concentrated in Africa and Asia. There are regressions compared with prior measurements and a global picture of stagnation regarding democracy and the rule of law in today's world society. Consequently, the evolutionary achievement of the rule of law is nowadays deeply questioned at the global level in its most fundamental presuppositions, namely, that it can autonomously manage the rules of coexistence in modern society, that no particularistic domination is allowed to rule within its framework, and that the future is open for alternative views that cognitively and normatively will adapt to the abstract framework of the rule of law.

Since the subject addressed poses global socio-legal issues in a broad sense, it is also the aim of the 2026 RCSL Meeting in Santiago to engage with it in a multiregional and interdisciplinary way by attracting scholars from different regions of world society to discuss the foundations, history, present, and future

³ Economist Intelligence 2025. Democracy Index 2024. What's Wrong with Representative Democracy. Available at: <https://www.eiu.com/n/campaigns/democracy-index-2024/>.

projection of the rule of law and explore the possibility of different variants of the rule of law in contemporary world society.

A series of questions regarding the relationship between law and society emerge from this global perspective. These questions can be addressed from historical, sociological, legal, and anthropological viewpoints:

- Is the rule of law an achievement that can only be expected in developed countries?
- Is there a relationship between economic development and the rule of law?
- Is the concept of the rule of law one that is primarily relevant to Western regions, lacking normative force in other regions of the world?
- Can we conceive of alternative forms of the rule of law in societies with different cultural traditions?
- What features might different variants of the rule of law share, and on what basis would they differ?
- To what extent is the fragmentation of territorial units possible in indigenous processes of decolonization?
- How much political fragmentation can liberal representative democracy tolerate in contexts that impose high demands on democratic institutions?
- How can the rule of law address the rise of diverse identities in modern democracies?
- How can the rule of law address the challenges posed by radical technological developments such as digital social networks and artificial intelligence?
- How can it sustain itself in the face of weak institutional trust, misinformation, and populist or post-democratic leadership?

These questions are vital for understanding the historical development and future prospects of the fundamental institution of the rule of law in modern world society.

Practical Information

The call for papers, which will also welcome any session and paper proposals on other relevant issues in the sociology of law and justice, as well as a detailed timeline and a preliminary schedule, will be published in September 2025.

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For complete information about the 5th ISA Forum of Sociology:

<https://www.isa-sociology.org/en/conferences/forum/rabat-2025>

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