Adrian Howe (Australia)
Title: "Emotional Law—Provocation and the Cultural Politics of Law Reform."
Abstract: "This paper analyses the cultural politics of criminal law reform, focusing on 21st century efforts to reform partial defences to murder in jurisdictions in Australia and the UK. Subjecting the case law and conventional black-letter law commentaries to critiques offered by feminist law scholarship and contemporary emotion theory, it explores deeply emotional reactions to the provocation defence—western societies' most emotional law. A comparative analysis is provided of the different options canvassed in debates that have raged in recent law commission inquiries into whether provocation is capable of reform or whether it should be abolished outright. It is argued that reforms which retain the defence but limit its use or which more 'radically' abolish the defence but retain provocation as a sentencing discretion are destined to fail because they do not get to the heart of the problem—the deeply ingrained cultural script that men who kill in the heat of 'passion' deserve some compassion. All contributors to the debate have emotional investments in their positions, but it is the passionate attachments of provocation's ardent apologists for this antediluvian defence that are the paper's analytical focus."

Agnieszka Kubal (UK)
Title: "Recognizing the Place of Legal Culture in Legal Integration Research. Polish post-2004 EU Enlargement Migrants in the United Kingdom."
Abstract: "The paper is placed at the intersection of migration and legal studies. Enquiring into the study of the immigrants in the new socio-legal environment suggests existing gaps and certain shortcomings in the current knowledge on the various aspects of legal integration. This research, engaging critically with the reviewed literature, offers a new approach to studying legal integration, taking Polish post-2004 EU Enlargement migrants in the UK as a case study. It suggests a combined focus on structural factors stemming from the host country's legal environment as well as migrants' cultural background – their values, accustomed patterns of legal behaviour, attitudes to law (legal culture) – in the process of shaping – and possibly re-shaping – their relationship to law during the settlement process.
This paper aims to offer an understanding of how people in their daily interactions gradually change their behaviour, views and attitudes engaging in the complex interplay between the new environment and their cultural background during the process of integration. This study makes the claim for the proper recognition of the cultural background of immigrants while investigating their modes and strategies of legal integration. It acknowledges the legal culture of immigrants as a significant factor in empirical research, accounting for nuances and bringing out the subtle differences and therefore revealing the bigger, richer picture of immigrant integration, than one solely relying on structural factors and government policies of immigrant incorporation. The approach to legal culture adopted in this research acknowledges the diversity of sub-cultures and sub-groups within it, at the same time stressing a general, distinguishable and largely shared pattern of accustomed behaviour, thinking and experience of law."

Ahti Laitinen (Finland)
Title: "Arson: Crime Rates, Offenders, and Prevention in Finland."
Abstract: "This paper deals with arson and its prevention in Finland. Arson will first be viewed in the light of history and criminological theory. The second part of the paper contains the results of an empirical study on arson. The material has been collected from different official sources. For example, the offenses data base of the police, the so-called "Accident data base" of the Ministry of the Interior, and the data base of trials have been used. In addition, the documents of the preliminary investigations of the police have been utilized. According to the preliminary results, approximately one-third of all fires are arson. Most often the offenders are young, undereducated males. What is surprising is that arson is more common in some prosperous cities, where, for example, the unemployment rate is unusually low. During 2005-2007 many arson of historical and valuable buildings, like

churches, have occurred. This has again started a strong discussion about arson as a crime, and the prevention of arson."

Alberto Febbrajo (Italy)
Title: "Law and Politics in Time of Crisis. A systems theoretical perspective."
Abstract: "How can the current world society crisis be described from a system theoretical perspective? Should the causes be found in the incapability of the political and of the legal systems to regulate societal developments? And what is the impact of the current economic recession on the welfare governance? Are new institutional forms emerging as a response to the crisis?"

Alexandre Pesseri (Brazil)
Title: "Square pegs and round holes: copyright, access to content and information."
Abstract: "The diminishing of replication costs and the technical possibilities of creation and adaptation of artistic and literary works that came along with the digital technologies, have made possible new forms of expression that are characterized by the use of portions of preexisting cultural artifacts for the creation of original works of art. This "sampling culture" is made possible by the recombination of information. The reuse of works and concepts in new contexts, with different semantic values, has enhanced the quality and quantities of works available for the public, and thus incrementing culture as a whole. But the legal status of such works is polemic, at best. Arguably, how far can legal limits affect creativity? Techniques such as collage, mash-ups, mixing et alli are being freely used by artists to bring significant innovation into the art paradigm; but the copyright framework was not built to understand such re-contextualization of intellectual works. A text fragment, a sound bit or an image, used in another context, are still (for copyright effects) essentially the same pieces of protected works. Intellectual creations follow the technological and cultural changes in society, and are not contained by a predetermined script of innovation possibilities. It is inevitable and natural that the existing protections mechanisms are inefficient when confronted with such novelty. Considering the digital challenge, this paper proposes to analyze how such mechanisms can stifle creativity and the promotion of culture, and hinder access to content in detriment of social interests."

Ana Catarina Mota Fernandes (Portugal)
Title: "Violence within the private life and multiculturalism."
Abstract: "This paper intends to offer an overview of a study on violence within private life within the multicultural societies of the present days. Such form of violence bears inside an uneven conception of family and gender relations, and with the globalizations' phenomena and the migratory movements it has been gaining new contours and raising further questions. This phenomenon places the new multicultural societies before behaviours that are beforehand considered as criminal offenses in many destination countries, but that are committed by im-migrants motivated by cultural reasons related to the ethical group to which they belong. It is interesting to observe such behaviours in an objective, impartial way, seeking to contextualize them and comprehend their motivations, in order to establish (1) if the aggressor acted motivated by cultural reasons, related to its ethnocultural group (2) and if there is an antinomic relation between such specific practice and the respect for the dignity of the human being and fundamental rights. It is furthermore crucial to consider if there should be given special treatment to the ones who commit a crime for ethnocultural reasons, i.e. if multiculturalism can appear as a new excuse in criminal law."

Andrea Diaz Rozas (Belgium)

Title: "Is reconciliation a useful term for truth commissions? The case of the Peruvian truth and reconciliation commission."

Abstract: "This paper argues that the use of term “reconciliation” during transitions is problematic not only because the complexity and diverse definitions of the concept, but also because the relation between the capacities and resources of these bodies and what they are able to pursue. Dismissing this reality generates different problems that I will develop in three points: a) first, truth commissions that include “reconciliation” in their names and mandates use a twofold approximation to “reconciliation”, merging micro and macro definitions of this concept which at the end have unnecessary and problematic results; b) second, these bodies mix two “not inherently linked” functions or tasks, the seeking of truth and the achieving of “reconciliation”; and c) third, they have a limited time of existence and restricted resources to accomplish such an ambitious task as promoting “reconciliation” in addition to the seeking of truth. This analysis is then applied to the Peruvian case, where it is possible to see all these shortcomings in the framework of a specific case."

Andrei Koerner (Brazil)

Title: "Instituições judiciárias, prática judicial e pesquisa sobre o pensamento jurídico na América Latina."

Abstract: "A comunicação apresenta os resultados parciais de pesquisa sobre a prática decisória do Supremo Tribunal Federal nos anos noventa. Adotou-se uma abordagem institucional, tratando o processo decisório no Tribunal como parte da produção normativa do Estado brasileiro, com o objetivo de se identificar o arcabouço conceitual que tornou-se predominante naquele processo. Num primeiro momento, a pesquisa foi concentrada nas características institucionais do STF antes e depois da Constituição de 1988 e nas decisões do Tribunal sobre o próprio processo do controle concentrado da constitucionalidade (a ação direta de inconstitucionalidade). O STF adquiriu desde 1965 características institucionais que o diferenciam tanto do modelo da Suprema Corte norteamericana quanto dos Tribunais Constitucionais europeus. Constatou-se que a concepção do tribunal sobre o processo constitucional após 1988 apresenta fortes continuidades com a prevalecente no período anterior.

Verificou-se, também, mudanças nessa jurisprudência ao longo da década de noventa, sob o impacto das fortes pressões sobre o Tribunal durante o processo de reforma neoliberal do Estado brasileiro, impulsionadas durante o primeiro mandato de Fernando Henrique Cardoso (1995-1998). Nota-se, pois, que, na ordem constitucional instaurada em 1988, o sistema brasileiro de controle da constitucionalidade manteve características próprias, que podem ser identificadas em quatro dimensões: a constituição da autoridade política, a forma de governo, os processos constitucionais e os métodos de tomada de decisão.

Apresenta-se, enfim, uma explicação político-sociológica dessas características e se propõe uma pesquisa comparativa do pensamento sobre os processos constitucionais na América Latina, a fim de conhecer e explicar as variações desses institutos jurídicos em nosso continente."

Angélica Cuellar (México) y Germano Schwartz (Brazil)

WG Law and Politics

Título de la sesión: "Derecho y transformación social en América Latina."

Abstract: "¿Hasta que punto el derecho ha acompañado o ha servido para promover transformaciones sociales en latinoamerica? El objetivo de este workshop es observar el derecho como una acción social. Una acción que es procesada por distintos actores con intereses, valores, ideologías y preferencias políticas. Así pues, debemos preguntarnos ¿cómo es utilizado el derecho en los procesos de transformación política en el contexto de América Latina? ¿Acaso hemos llegado a un punto en el que los movimientos sociales, y la ciudadanía en su conjunto, recurren al derecho como parte de su estrategia para transformar la realidad social de nuestros países? o, por el contrario, ¿será que la ley es un mecanismo utilizado por los gobiernos para desincentivar la agencia ciudadana? La oleada

democratizadora y la llegada de gobiernos de filiación izquierdista a la región hace pensar en la posibilidad de un cambio en las instituciones encargadas de impartir justicia, sin embargo, aún está por verse el uso que darán estas nuevas administraciones al derecho y si son capaces de utilizarlo para fomentar prácticas democráticas garantizando los derechos ciudadanos."

Angélica Cuéllar Vazquez (México)
Título: "La sociología jurídica en América Latina."
Abstract: "La sociología jurídica es una disciplina nueva en América Latina que todavía no se consolida en muchos países de la región. En la ponencia que presentaré, menciono los países y los temas que me han parecido más relevantes y también señalo reflexión teórica, tanto apoyada en las macro-teorías de autores clásicos como conceptos concretos construidos a un nivel micro para investigaciones concretas, es aún incipiente.
Frente a esto que podríamos llamar timidez teórica, destaca el abrumador trabajo empírico que se ha realizado. Las investigaciones sobre los tribunales, las judicaturas, acceso a la justicia, los mecanismos de mediación, los cambios en la cultura jurídica asociados a transformaciones democráticas en la región, el cambio de los estados autoritarios del cono sur y los cambios en las culturas jurídicas, han sido temas explorados y desarrollados en la región latinoamericana que han pensado al derecho como parte de sus sociedades.
En esta ponencia pretendo hacer una reseña de lo que ha sido y es la sociología jurídica en México y en el resto de América Latina; para ello seguiré la siguiente estrategia: primero, definiré el objeto de la sociología jurídica; posteriormente describiré y analizaré las características de la sociología jurídica desarrollada en la región, citando los autores que me han parecido más relevantes así como los temas tratados. Para finalizar, haré una breve reflexión a manera de conclusiones."

Ann Varley (UK)
Título: "Modest Expectations: Gender, Marital Property and Inheritance in Urban Mexico."
Abstract: "The question of how far individual property rights can or should be separated out from social relations has received renewed attention in recent years in the light of tenure regularisation and titling programmes in many parts of the world. This article examines the connections between law, gender, and property in low-income neighbourhoods of Guadalajara, Mexico. Most discussions of the social embeddedness of property rights relate to customary law and agrarian land, but the focus here is on urban homes and a civil law tradition. The paper examines marital property and the question of whose name should appear on property titles, and inheritance: differing beliefs about who should inherit the family home. The findings draw on a survey of women householders and discussion groups in each area. I conclude that women are indeed less likely to be regarded as fully-acting subjects in relation to property, although there is evidence of a shift towards greater equality, and that the opposition of individual title to social embeddedness in current debates about titling is a false dichotomy."

Anna Krajewska (Poland) and Anna Konieczna (Poland)
Title: "Immigrant women on Polish labour market: in search for policy."
Abstract: "In the past few years Poland – as well as the other countries of the region – was dealing with the growing number of immigrants coming in search of employment. Poland has not yet developed a coherent and unified policy towards foreigners coming into the country. Poland lacks a comprehensive approach to the immigration issue, and the public authorities focus only on adjusting the Polish law to the requirements of the common asylum and migration policy of the European Union. At the same time, the actual situation of foreigners employed in Poland is often clearly less advantageous than that of Polish citizens. Illegal

employment is widespread. Abuse by employers is commonplace. There is no integration policy and no support system for refugees and persons under other forms of international protection. Prejudice and stereotypes are ripe among Polish employers. Due to all of the above reasons, the Polish labour market is not attractive to foreigners. There is also no policy pertaining to foreign women undertaking employment in Poland. It is to be expected that the situation of such women is particularly difficult: they encounter not only the problems that all foreigners, irrespective of gender, face on the Polish labour market, but they also experience unequal treatment to which also Polish women are exposed in the professional sphere. In the paper I will present the results of research concerning the situation of immigrant women working in the elderly care sector in Poland. The research aims to identify the main problems immigrant women deal with on the Polish labour market. This will indicate the main challenges to the policy concerning immigrant women seeking employment in Poland."

Anne Boigeol (France)
Title: "The rise of women in the corporate bar and the reproduction of gender difference."
Abstract: "In this paper the contrasted situation of women in the corporate bar in France will be presented. If it is unarguable that more women reache partnership, gender inequalities still exist through old and new forms of differenciations which will be analyzed."

Antal Szerletics (Hungary)
Title: "Souvenirs of the past": the regulation of totalitarian symbols in Hungary."
Abstract: "The Hungarian Criminal Code contains a provision prohibiting the public display of Nazi and communist totalitarian symbols (i.e. the swastika, red star, sickle and hammer, SS badge and arrowcross). A recent decision of the European Court of Human Rights (*Vajnai v Hungary*) has held that the applicant's conviction for the public use of the red star violated the right to freedom of expression. The outcome of this case necessarily implies the amendment of the criminal code but the legislator seems hesitant to modify the current regulation. Partial decriminalization is unappealing, since the legislator tries to maintain a neutral position and treat both totalitarian regimes equally - especially in the light of the Constitutional Court's opinion formulated in judgment *14/2000 AB* that reaffirms this positivistic neutrality. Full decriminalization, encompassing Nazi symbols, is undesirable due to the growing extreme right wing sentiments in the country. In fact, this social tendency has caused the legislator to consider the introduction of more limitation on the freedom of expression (e.g. criminalizing Holocaust denial).
The case raises important questions concerning our approach to such remnants of the past. Can the reference to public order or to the offense to certain segments of society legitimize the violation of freedom of expression? Is it possible to differentiate between the crimes of the Nazi and communist regimes? Is criminalization, at all, the best way to handle these issues? I argue that the militant approach (*"Streitbare Demokratie"*) is unnecessary in this situation. My theoretical objection against the limitation of freedom of expression is based on John Stuart Mill's argument: the evil of silencing the expression of an opinion, even if the opinion is erroneous or morally wrong, is that it deprives people of the "clearer perception and livelier impression of truth, produced by its collision with error". The practical arguments against criminalization include the objective wording and indefinite content of the statute (e.g. its application is independent of intent or circumstances). At any rate, it seems unlikely that right-wing movements would discredit themselves by using Nazi totalitarian symbols; rather, they find a way to unite under new but historically bound symbols."

Antonio Azuela de la Cueva (México)
WG Urban Problems

Title: "Urban space and the environment. Bridging the gap."
Abstract: "One of the most important environmental discussions in the United Kingdom today is about the necessity of building a third runway at Heathrow airport. A national government in Italy was brought down by its disastrous management of a waste disposal crisis. A small peasant community has prevented the use of "their" water to provide millions at Mexico City with regular water supply. All these cases have one thing in common. They are environmental conflicts that have a direct impact on urban areas. Most of these conflicts have legal implications and are processed through legal institutions. However, most of the literature on environmental regulation does not take into account its urban dimension. The same is true the other way around. Accounts of the relationship between the law and urban space rarely take into account the environmental dimension as if territory could be divided between urban and non-urban forgetting the artificiality of this division. In order to bridge this gap, we need to undertake the analysis of both the cognitive and regulatory dimensions of legal phenomena. The panel on "Urban space and the environment. Bridging the gap" is an invitation to socio-legal scholars to discuss the interrelations between law, urban space and the environment."

Antonio Casimiro Ferreira (Portugal)
Title: "Governance and Organization of Justice: a new geography of justice."
Abstract: "The social context of justice and the performance of judicial courts suffered intense changes in recent years due to social, economic and political transformations occurred, involving mutations in the social awareness of the judiciary role in the increasing social and political visibility of courts. The administration of justice specificity as an organizational phenomenon is very significant among the different approaches related to the organization of justice systems, according to the centrality of courts and taking into account that the judicial system must satisfy to meet the demands of democracy. The organization of the courts influences the current discussions concerning the judicial activity, especially the organizational approaches about the functions of courts, mainly in search of increased quality and transparency of justice. In this reflection should be taken into account social factors that influence the functioning of courts besides rationality and efficiency. Issues related to the organization and management of courts will be discussed in this workshop in accordance with the perspectives of reforms on the judiciary map and "justice territories", trying to forward with proposals that can contribute to increasing the effectiveness, efficiency and quality of justice, trying to incorporate the experience of Portugal and comparative studies."

Artur Stamford da Silva (Brasil)
Título: "Sociología de la decisión jurídica: fallos y transformación social en Brasil."
Abstract: "Sociología de la decisión jurídica es un programa de investigación sobre la semántica social del derecho. Esto Programa tiene por objeto la producción de sentido del derecho desde los fallos de tribunales y, por objetivo, demostrar que la producción y transformación de sentido de los institutos jurídicos no resultan ni del arbitrio ni de la discrecionalidad, pero sí, de la comunicación del derecho (sistema de sentido que es). Para llegar a esto objetivo, los datos son colectados en sites de Tribunales. Una vez obtenidos, en la íntegra, los textos de los fallos, los dados son sistematizamos y analizados. Las análisis son hechas bajo el marco teórico de la teoría de la sociedad de Niklas Luhmann, a tenor de la cual: "comunicación es la célula de la sociedad"; "la sociedad es un sistema que establece sentido"; "sentido es una operación de comunicación" (información + darla-a-conocer + entenderla). Esta circularidad nos lleva a observar el derecho de la sociedad como sistema de sentido: sistema, porque el derecho es una forma de diferenciación por comunicación y, sentido, por ser producto de la operación de selección por diferenciación. Así, "en tanto el sistema jurídico utiliza el lenguaje para comunicar, presupone posibilidades de conexión fuera del sistema". Por eso, investigar los fallos es una manera de observar la paradoja derecho/sociedad, la paradoja del establecer normas (identidad, unidad y estructura) mutantes (adaptación, acoplamiento, variación). Ocurre que los dos lados de la forma del

derecho componen, a lo mismo tiempo, la producción de sentido del derecho. Nuestras encuestas utilizan los fallos de Tribunales para buscar una explicación a la producción de sentido vividas por los institutos jurídicos, por lo tanto, la transformación semántica del derecho. Aun no conclusas, entre las temáticas de investigaciones, citamos: igualdad; aborto anacefálico; videoconferencia; cosa juzgada; patrio poder; propiedad (MST); prueba ilícita, homoafetividad, concesión de medicamentos, corrupción, racismo, crimen de bagatela. *O presente trabalho foi realizado com apoio do CNPq, Conselho Nacional de Desenvolvimento Científico e Tecnológico – Brasil."

Arvind Kumar Agrawal (India) and Hanne Petersen (Denmark)
Title: WG Law and Migration. "Law, Human Rights and Migrants."
Abstract: "International Sociological Association Annual Conference of the Research Committee of Sociology of Law Working Group On Law and Migration Law, Human Rights and Migrants ONATI, July 2009 Dr Arvind Agrawal (arvind2004@rediffmail.com),Head, Department of Sociology, University of Rajasthan, Jaipur, and Convener, Ad Hoc group of Sociology of Law, Indian Sociological Society, India. Abstract Within the existing framework of International Law, is there any scope for the host state to create conditions for a more meaningful and dignified way of enforcing the human rights of migrants from the countries and the communities outside? The Rights and Law discourse delineates such a facilitation process with which the citizens must get around them for regulating the process of living cohesively. To this enforceability, the means of legal regime is an anchoring point. As for the case of migrants (both internal and international migrants), displaced persons, refugees and asylum seekers, there is a need for going beyond the rights accorded by citizens among themselves to the issue of Constitutionality, State as system of rights called as Human Rights. In this regard, the legal norms as human rights provide the capacity for the Migrants to have the rights as a political will and as a medium of regulating the state and society to respect the human dignity of these social groups in the host society. Law, thus provides intersubjective recognition for the migrants as a class of people along with the natives in a given society and community. The functionality, validity of law to regulate the human rights of the migrants in the host society/migrated place and state of affairs of migrants in a host state will be captured with a set of papers among the sessions proposed."

Asier Martínez de Bringas (Bilbao)
Título: "Aplicación extraterritorial del Convenio 169 de la OIT en el Estado español."
Abstract: "La tesis y argumento fundamental que queremos defender en este escrito es que el C sí posee valor jurídico para el Estado español, siempre que se apela a una aplicación extraterritorial del mismo. Con ello se quiere significar que el contenido y obligaciones jurídicas que establece el C, sí son de obligado cumplimiento para el Estado español, pese a que éste carezca de pueblos indígenas en el ámbito territorial de sus fronteras. Una de las formas para otorgar validez jurídica a los contenidos del C es apelando a una aplicación extraterritorial del mismo, esto es, el C tendrá validez jurídica fuera de las fronteras del Estado español, para todos aquellos actores españoles -en un sentido lato hablaríamos de "órganos de la sociedad" , aunque de manera específica nos referiremos a ETN- que tengan algún nivel de actuación e intervención en territorio indígena. Con una estrategia como la de la aplicación extraterritorial del C se pretende ampliar el alcance de las responsabilidades en materia de derechos humanos a otros actores (españoles) distintos del Estado que, aún no actuando en territorio español, lo hacen, en el marco de posibilidades que otorga la globalización del capital, en otros Estados y territorios, representando y habilitados por el propio Estado."

Avanti Perera (Sri Lanka)

Title: "Doctoring the Law: Resolving Medical Negligence Disputes in Sri Lanka."

Abstract: "This paper explores the relevance of legal culture, context and consciousness to the process of dispute resolution in the area of medical negligence. The arguments presented are drawn from findings of research-in-progress on medical negligence claims processing in Sri Lanka. The empirical evidence has been obtained from analysis of documents, in-depth interviews with healthcare officials, medical professionals, the judiciary, lawyers, civil society groups and claimants, and results of a pilot study of brief interviews with out-patients at a hospital in Sri Lanka. Preliminary field data indicates competing demands, dynamics and desires among the various stakeholders who operate and interact in the chosen area of disputation. Where existing dispute resolution mechanisms in the form of tort law and other "legalised" and bureaucratised processes do not seem to effectively respond to medical negligence disputes, it may be time to consider a different approach to the issue. By considering the relevant theoretical and practical implications, the thrust of this paper is an attempt to understand the potential for application of alternate dispute resolution (ADR) to medical negligence disputes in Sri Lanka. Although the current stage of research does not suggest a particular type of dispute resolution process, the emerging ideas provide strong support for law and policy to be approached from comparative socio-cultural perspectives rather than through the narrow lenses of mainstream definitions and structures that States have on offer at present. The conclusions indicate that the "law" must be capable of adjusting to divergent purposes, processes and outcomes."

Bärbel Dorbeck-Jung (Netherlands)

Title: "Drawing inspiration from regulatory innovation of European nanotechnologies regulation."

Abstract: "It is striking that the socio-legal discipline has not yet paid much attention to the governance of new technologies, which increasingly attracts other social science scholars. This paper is an attempt to identify the lessons European risk regulation can learn from nanotechnologies governance. Regulators and academics who are interested in regulatory issues of modern technologies are having exciting times. Regarding the huge promises of profit-making, governmental ambitions and potential benefits to society it is expected that applications of nanotechnologies will penetrate and permeate through nearly all sectors and spheres of life, and will be accompanied by immense changes in the social, economic, ethical and ecological spheres. In this field regulatory innovation is driven by the European Commission's commitment to the precautionary principle and a worldwide emerging sense of responsible technology development that is largely inspired by lessons from earlier technology regulation (amongst which genetic modified organisms). Regulatory innovation is induced by the fundamental uncertainties of risk problems (i.e. toxicity) and the unpredictability of nanotechnological evolution paths. Conventional tools do not seem to be equipped to provide quick and anticipatory regulatory action. Up to now, most countries have taken an incremental regulatory approach which focuses on co-regulation between public and private regulators. This paper analyses nanotechnological co-regulation within the European Union (amongst which the European Commission's Code of Conduct for Responsible Nanosciences and Nanotechnologies Research and voluntary reporting schemes on nanotechnological risks and product properties). It compares these regulatory efforts with earlier European technological risk governance. This leads to conclusions related to the innovation of technological risk regulation. If these lessons inspire further research of socio-legal studies the aim of the paper is achieved."

Benoit Bastard (France)
Title: "Women as visting parents: contact centres in a gender perspective."
Abstract: "Contact centres pretend to be "neutral" as they organize contacts between children and their non-custodial parent in highly contested divorce. It seems to make no difference, for professionals working in these services, if the visiting parent is a man or a woman. For them, the interest of the child is the main focus. Still, the activity of contact centres is characterised by a strong gender bias, which is rarely questioned: the visiting parent is generally the father. The fact that few mothers attend contact services as visiting parents depends on the decisions taken usually during the divorce process and, more generally, reflects the specialization of gender roles as regards the caring of children. In this contribution, I will describe the situation of visiting mothers in contact centres and discuss this phenomenon. Using a gender perspective, I will argue, that beyond its apparent neutrality, the intervention of contact centres is restoring disaffiliated fathers in their role and, so doing, contributes to change the balance between men and women."

Bernard Hubeau and Stephan Parmentier (Belgium)
Title: "Lawyers and their professional, public and market logics."
Abstract: "What is the background of the lawyer population in Flanders? What fields of law are they engaged in and how are they organized? What is their income and what are their ambitions? These questions are discussed through the results of an empirical survey with the whole lawyer population in Flanders, the first ever conducted of this size and nature, conducted by a research team from the K.U.Leuven and the U. Ghent. Moreover, the empirical survey results are analysed in the framework of some major developments in the legal professions in all Western countries, including professional logics, public logics and market logics. "

Boaventura de Sousa Santos and Tiago Ribeiro (Portugal)
Title: "The value of life in work accidents. Some brief considerations."
Abstract: "The goal of this paper consists in the problematization of the normative frameworks and judicial practices concerning injuries in the context of work accidents in Portugal. The sociological task of studying the value of life and the body is a problematic but revealing exercise of contemporary social relations. On the one hand, the dominant compensatory models historically prioritize the coverage of strictly patrimonial damages deriving from injuries, reducing the individual to its economical and productive dimensions, devaluing aspects like the personal and social disadvantages of which they are victims in a subordinated labour relation. Depreciation of physical integrity within the asymmetric context of work relations will be one of the most visible markers of the structural inequalities the social State and labour law aim to correct and, however, keep reproducing and strengthening. Accordingly, we will try to analyse the normative options regarding body damage compensation in the context of work accidents, discussing its impact towards the victims as well as the insurance companies responsible for the compensation. On the other hand, multiple deficiencies in the Portuguese judicial system and culture - weak judiciary support regarding access to law and justice, unqualified professionals, passivity of the Public Prossecutor, dubious legal medical examinations, lack of institutional articulation, among others - contribute to degrade the effectiveness of victims' social and labour rights, awarding them, in the most dramatic conditions, a biography of lessness and subcitizenship. Having characterized the problematic of compensation within the Portuguese judicial system, we shall try to understand the nature and effects of resorting to labour mediation of work accidents, so as to highlight the risks involved in dejudicialization. This system legitimized by the rhetoric of acceleration and efficiency in conflict resolution constitutes an empirical verification of some of the recent tendencies of vulnerability of victims towards the insurance industry."

Bregje Dijksterhuis (Amsterdam)
Title: "Activistic alimony judges prevent legislation three times."
Abstract: "My finished empirical PhD research is on an existing form of judicial cooperation, the 'Werkgroep Alimentatienormen', a judicial alimony commission, in which family law judges of the 19 District Courts and five Courts of Appeal participate. This Commission drafted guidelines, that regard the alimony ex-partners are obliged to pay after their marriage had broken up. These alimony guidelines ('alimentatienormen') give judges something to hold on to when calculating the level of alimony. The important question I raise in this book is if the activities of the judicial alimony commission can be considered as judicial tasks. The assumption was that the judges in the judicial alimony commission,set up guidelines to fill the existing gaps in legislation, because the legislator did not perform his task. I found that this assumption is not correct. The judicial alimony commission, pioneer in the field of judicial collaboration, tried to prevent legislation actively. When the legislator came into action, the judicial alimony commission tried to stop this process by criticizing the legislative proposal and by developing their own alimony guidelines and thus offering alternative regulation. The legislator decided three times to discontinue the legislative procedure. I found that the making of guidelines by judges has certain disadvantages. The judicial alimony commission was blind to five aspects of regulation. First, the judicial alimony commission had insufficient sight of the social economic consequences of their choices for society. Further, judges have insufficient sight of usefulness of their alimony guidelines. The third blind spot is that judges have insufficient sight on the political development of their guidelines over a long period. Because of their pragmatic approach, the judicial alimony commission did not notice for a long time that the system worked out more positively for the partner who is obliged to make maintenance payments and less for the partner and the children who needed maintenance payments. Fourthly, the agenda of the judicial alimony commission was mainly set by judges. The consequence was that the alimony commission did not meet in a need for changes from other organizations that were involved in alimony. The fifth disadvantage is that judges hold on to their own regulation. The legislator asked the opinion of the judicial alimony commission about proposed legislation in a domain where judges fulfill a role, because judges had to work with the legislation if it should come into force. The implication is that for 30 years a battle was going on between the judges and the legislator about the field of regulation on alimony maintenance. The arguments of the judicial alimony commission against the proposed legislation were neither convincing nor consistent. The main objection was that the proposed legislation was too broad. But that argument includes all legislation. The judicial alimony commission had a good timing of their intervention in the legislative procedure. The Dutch Lower House listened more to the judges than to any other organization involved in alimony. These judicial interventions were hardly made public. The judicial alimony commission had identified with its own regulation, so that he was not able anymore to advice in a distant manner. Judges saw proposed legislation primary as a threat to their own regulations. They watched over their judicial domain of regulation in the field of alimony. I found that Judges have a restricted sight on the public interest. The Judiciary and the legislator have different perspectives, which leads to different choices. If judges are of the opinion that the goals of the legislator are partly not relevant, it is undesirable that they can prevent legislation, even if they come up with an alternative. The argument that judges can solve the problems that the legislator signals shows an overestimation of their possibilities."

Carlo Pennisi (Italy)
Title: "Nec tecum nec sine tecum: partecipation and proceduralization of the administrative decision in Italy."
Abstract: "In Italy, the traditional models of administrative decision are challenged by social and institutional changes that question their assumptions: the due process (principio di legalità) and the separation of powers. Such assumptions were the guarantees expressed by the rule of law in the civil law tradition. The attempt to retrieve those guarantees by means

of more efficient normative tools and the pervading influence of EU decision practices are deeply changing the ways of administrative decision. In this process, the proceduralization redefines both administration and citizens starting off from weak and contingent collective decision structures which are permeable to uncontrolled influences on behalf of the politicians. The decisions produced in these experiences are revisable and recursive: this triggers a new and problematic attention on the participation of social actors to public and administrative decisions but requires time (and patience) that collective movements cannot afford. "

"Nec tecum nec sine tecum: partecipation and proceduralization of the administrative decision in Italy."

I modelli tradizionali della decisione amministrativa sono sfidati, in Italia, da mutamenti sociali ed istituzionali che mettono in discussione i loro presupposti: il principio di legalità e la separazione dei poteri. Tali presupposti avevano costituito le garanzie espresse dal modello dello stato di diritto. Il tentativo di mantenere quelle garanzie con strumenti normativi che recuperino efficienza ed il pervasivo influsso delle pratiche decisionali dell'UE stanno modificando profondamente le modalità della decisione amministrativa. In questo processo, la procedimentalizzazione ridefinisce contestualmente amministrazione e cittadini a partire da fragili e contingenti strutture di decisione collettiva molto permeabili da incontrollate influenze del personale politico. La rivedibilità e la ricorsività delle decisioni prodotte in queste esperienze anima una nuova e problematica attenzione sulla partecipazione delle persone alle decisioni pubbliche ed amministrative, ma richiede un tempo (e una pazienza) che i movimenti collettivi non possono permettersi."

Carlos A. Lista (Argentina)
Title: "La Sociología Jurídica en Argentina." [1]
Abstract: "En Argentina la inserción de la sociología en los planes de estudio de las carreras de abogacía fue muy temprana, mucho antes de que se abrieran las primeras carreras de sociología. Algunas de las universidades públicas más antiguas cuentan con cátedras de sociología que ya han celebrado su primer centenario, lo cual no significa que la situación de la investigación y enseñanza de la sociología y la sociología jurídica en las carreras de abogacía en el país sea estable ni carente de problemas. Por el contrario, su inserción es precaria, marginal y en tensión con el paradigma jurídico dominante.
El trabajo contiene algunos datos y reflexiones sobre el desarrollo de la sociología jurídica en Argentina, con particular énfasis en su enseñanza. Es parte de un proyecto de investigación aún en desarrollo."
[1] Trabajo en co-autoría con Silvana Begala, docente de Sociología Jurídica, Cátedra B, Facultad de Derecho y Ciencias Sociales, Universidad Nacional de Córdoba, Argentina.

Caroline Gendreau (Canada)
Title: "Considerations of Methods Arising from an Appropriation of Max Weber's Work."
Abstract: "My specific interest in Max Weber's work is its usefulness for empirical research in sociology of law. The goal of my presentation is to highlight -and to discuss- certain requirements of methods whose implications are important for understanding "empirical law". From this perspective, I argue for the necessity of combining an investigation of social actors' motivations (their subjective meaning) with an empirical study of various legal rationalities which characterize law in specific contexts. To do so, I suggest to establish an empirical analytic framework (as opposed to an action framework) for the in-depth and multi-faceted examination of the way social actors' motivations are, to different degrees of intensity, linked with law. This is central to Weber's sociology to identify "empirical law" i.e. such as understood by social actors and effectively taken into account in their action. Moreover, this analysis is of particular utility to elaborate different types of "relationship to

law" of the observed social actors. As for the investigation on legal rationalities, it seems that more attention should be paid to the "juridical techniques" used by different groups of legal intermediaries (lawyers or non-lawyers). In fact, the "juridical techniques", from modes of reasoning to tangible forms of procedures, are of great utility because they are empirically identifiable and thus they are a valuable method for sociology of law. This appreciation comes from an empirical study I recently conducted which is an example of an appropriation of Max Weber's work for contemporary sociology of law. I compared the observable -yet non-exclusive- consequences of the relationship between legal intermediaries and social actors consulting them on the "relationship to law" of the latter. According to my research, "state law" is characterized by a very different legal rationality whether it's "carried" by legal intermediaries that are lawyers or mediators (non-lawyers). This was observed by a close examination of the "juridical techniques" used by these two groups of legal intermediaries while I was conducting a study on divorces negotiated in Montreal during the early 1990's. The findings suggest, among other things, that the diverse type of "relationship to law" of the divorcees I interviewed (nearly 80) are a significant consequence of their relationship with those legal intermediaries. This may contribute to better understand how law is, factually, part of social relations in various contexts."

Catherine Hoskyns (UK), Silvia Niccolai (Italy) and Ann Stewart (UK)

Title: "Disability Discrimination by Association. Social and Legal Implications of the European Court of Justice Ruling in *Coleman v Attridge Law (Case C-303/06)*."

Abstract: "In July 2008 the European Court of Justice (ECJ) ruled that European anti-discrimination law embodied the right to equal treatment not only of a disabled person but also of someone closely associated with that person, namely through the act of caring. This ruling has important implications for the complex relationship between paid work and caring and for the scope of EC law. Sharon Coleman, the claimant in the case, was a legal secretary in the law firm Attridge Law in the UK. Her baby born in 2002 was found to be severely disabled. After months of struggling to care for the child as a single parent she finally resigned from the firm and claimed unfair dismissal. After consulting lawyers, she lodged a claim for unfair treatment on grounds of disability, on the basis that she was the main carer of her disabled son and that parents in the firm with normal babies had been treated more favourably than her. The case went to the UK Employment Tribunal which referred a number of questions to the European Court.

The paper will examine this case from three perspectives. First, its place in the jurisprudence of the Court. The ECJ has in the past taken a firm line on unpaid work and caring seeing these activities as outside the public sphere and therefore more appropriately dealt with at national level. However, new forms of employment, the extension of EC anti-discrimination law to new grounds, and the general drawing together of the economic and the social, make these distinctions harder to maintain. The ruling may therefore be an isolated one triggered by particular circumstances - or the beginning of a new trend. Either way it has significant implications. In this context we shall make use of recent Italian feminist theory which reads in the condition of being both a worker and a carer a challenge to the traditional subordination of the reproductive to the productive sphere.

Second, we will explore the origins and use of arguments for discrimination by association which play a central role in the Coleman case and in the rights oriented opinion of the Advocate General. .After examining how this concept has arisen and how it has been used in European countries and other jurisdictions, particularly the US, the paper will assess its capacity to give recognition to the new needs of workers with caring responsibilities. In this section, the origins of the case in the UK will be examined in detail, assessing the roles of the claimant, the lawyers involved, public agencies and the media as well as the use made of legal reasoning and argumentation.

Third, we will explore the consequences and implications of the ruling by examining what effect it is having in the UK and other European countries and the resulting implications for EC anti-discrimination law. Are ‘carers’ emerging as subjects in law, is ‘care’ becoming a value in contemporary living and if so what is the contribution of the concept of discrimination by association to meeting these new demands?

Finally, the paper will consider how the legal and the social interact in both the bringing of this case and its implementation."

Cecília MacDowell (Portugal) and Teresa Maneca Lima (Portugal)
Title: "The Politics of Human Rights, Transnational Activism and Justice."
Abstract: "In the last twenty years, human rights values, language and norms have gained prominence in law, politics and social activism at local, national and international scales. The definition, legalization and implementation of human rights norms have become a central issue of social, legal and political practices. We have observed an increasing transnationalization of legal institutions and a growing number of individuals and organizations using international law to address conflicts over human rights in different part of the world. The politics of human rights involves several types and levels of relationships: between local and international communities; between social, legal and political actors and institutions at the local, national, regional and transnational levels of interaction. Thus, the increasing engagement with the politics of human rights offers a unique opportunity to examine a set of complex relationships and conflicts in the current development of law, politics and transnational activism all over the world. This session seeks to promote a discussion on the ways in which the politics of human rights relates to transnational activism and justice in their concrete embeddedness. How do social movement actors engage with human rights discourses and frameworks to foster their causes? How do they use human rights norms and approach (trans)national institutions created to protect human rights? How do legal and political actors and institutions participate in the field of human rights at both national and international levels of interactions? How does the politics of human rights relate to the development of democracy? What are the contributions and limitations of the legalization of human rights in different cultural and political contexts? These are some of the questions that this workshop intends to address."

Cecilia MacDowell Santos (Portugal)
Title: "Homoparental rights are human rights: Reconstructing the European Convention through legal mobilization."
Abstract: "There is little sociological analysis of transnational legal mobilization in the context of the European Court of Human Rights (ECHR). The local impacts of the cases presented to the ECHR, the political and social processes shaping the legal mobilization of the European Convention on Human Rights, as well as the discourses and strategies of the litigants and judges involved in the disputes are topics of research that deserve further investigation. Moreover, little we know about the cases against Portugal in the ECHR and the lessons we can draw from them. This paper aims to fill some of these gaps by examining the role of transnational legal mobilization in the reconstruction of European human rights and homoparental rights, using Portugal and the ECHR as a case study. Drawing on partial results of the research project "Reconstructing Human Rights through Transnational Legal Mobilization? Portugal and the European Court of Human Rights," housed at the Center for Social Studies at the University of Coimbra, the paper examines the case of Salgueiro Silva Mouta v. Portugal, which addresses the parental rights of a gay man who was discriminated against by the Portuguese Court of Appeals on the basis of his sexual orientation. The paper examines the discourses of the actors involved in this case, all the way from the domestic courts to the ECHR. This was the first case to introduce the discussion of homoparental rights in the Portuguese courts and in the ECHR. It shows that, even from an individualistic perspective, transnational legal mobilization can contribute to the reconstruction of both parental rights and human rights. By recognizing as human rights the homoparental right and the right to non-discrimination on the basis of sexual orientation, the ECHR decision enlarged and reconstructed, though in a limited way, the meaning of European Convention provisions."

Cecília MacDowell Santos (Portugal) and José Atiles (Puerto Rico)
Title: "Political Violence, the State and (Trans)national Justice."
Abstract: "In this Workshop we propose a socio-legal and political reflection on how the State, social movements and justice systems address the issue of "political violence" at both national and international scales. The major goal is to reflect on the definitions and uses of "political violence" as possible strategies for either imposing or resisting forms of dominance and control by the State, inter-governmental institutions and social movement actors in varying political contexts. Social movement actors may include, for example, guerrilla movements, national liberation struggles, and struggles over the memory of a violent, authoritarian past. Regarding the State, we are especially interested in encouraging a debate on its role as a major actor in promoting the use of violence as well as defining "political violence" while also serving as protector of citizens against violence. This may include reflections on "new" categories of political-juridical action such as the establishment of a "state of exception" and anti-terrorism laws. This can also include the ways in which the State participates in the construction of political memory. Finally, the Workshop seeks to engage in a discussion on the particular role played by the Judiciary and varying mechanisms of "transitional justice" - such as Truth and Reconciliation Commissions, memorials, reparations - in the struggles over the definitions of "political violence" and the constitution of political memory and justice. The debates on the role of justice systems in response to such struggles can also focus on the participation of international courts or quasi-judicial institutions, such as the European and Inter-American Systems of Human Rights."

Cecilia MacDowell Santos. University of Coimbra (Portugal) and University of San Francisco (USA)
Title: "Political memory-justice and transnational human rights mobilization in Brazil."
Abstract: "The literature on "transitional justice" calls attention to the constitutive role of justice in relation to political memory, stressing that the political context is one of the major factors shaping the formation and implementation of "transitional justice" measures in specific places and historical moments. Usually centered on criminal trials that gain international visibility, or on extra-judicial commissions of truth, justice and/or reconciliation, this literature tends, however, to assume that in periods of political transition State action is homogeneous and that the State has a single political will, most often identified with a consensus on making justice about the violations of human rights that occurred during the period of repression. In addition, this literature tends to overlook the role of transnational human rights activism and the use of international human rights law in the process of reconstructing the memory of a violent past. This paper attempts to contribute to this literature by examining both the potentials and limits of transnational human rights activism in the struggles over political memory-justice, as well as the contradictory practices of the State in response to such struggles. Drawing on cases against Brazil taken by human rights activists to the Inter-American Commission on Human Rights, both during and after the period of State repression under the military dictatorship, the paper problematizes the notion of "transitional justice" by examining the complex relationships between transnational justice, transnational human rights activism and State action, showing the contradictory positions of the Brazilian State in both political periods and the challenges facing the labor of memory-justice in Brazil today."

Cerfontaine Gaëtan (Belgium)
Titre: "Le droit procéduralisé comme intermédiaire : méthode et approche diachronique."
Abstract: "Cette communication est basée sur une recherche empirique menée pendant près d'un an sur un programme européen de développement durable de l'économie rurale appelé LEADER (Liaison Entre Actions de Développement de l'Economie Rurale). Ce dernier

s'inscrit dans un mouvement, abondamment commenté par la littérature sociologique, de territorialisation et de procéduralisation de l'action publique (Duran, Thoenig, 1996), conférant aux acteurs locaux un pouvoir inédit de définition des enjeux. La majorité de ces travaux souligne les relations d'interdépendance et les modalités de coordination entre les différents acteurs (Le Galès, 1995) et met également en évidence un système articulant les différentes logiques d'action (Crozier, Friedberg, 1977 ; Musselin, 2005). Toutefois, les interactions et les jeux de pouvoir, qui figurent au cour de la sociologie de l'action organisée, ne rendent compte, à eux seuls, que de certaines formes relativement stables de la vie des organisations (Friedberg, 1993). Basée sur une méthodologie fondée sur les entretiens face à face (Friedberg, 1988), cette approche analytique semble mieux se prêter à l'analyse de la permanence que des processus qui sous-tendent l'innovation. L'apparition depuis quelques années d'analyses symétriques conférant un pouvoir d'actantialité aux objets (Callon, 1986) a contribué au développement d'approches par les instruments (Le Galès, Lascoumes, 2005) pouvant intégrer les questions classiques que posent la science politique et la sociologie de l'action publique (Lascoumes, 1996). Considérer les politiques procédurales comme des objets intermédiaires (Mélard, 2008) permet ainsi de rendre compte de leur capacité de médiation (Latour, 2006) et de donner un compte rendu de l'action plus dynamique. Comme ce fut le cas pour notre travail, l'entrée dans l'analyse par les controverses comme le suggère ce courant théorique n'est cependant pas toujours possible. L'entrée par les nombreux documents produits tels que les programmes de développement stratégique, les présentations de projets ou les évaluations, constitue ainsi, non pas une solution du moindre mal, mais au contraire, comme l'a montré Florian Charvolin (2003), une méthode permettant de déployer toute la capacité médiatrice de ces instruments procéduralisés."

César Leonidas Gamboa Balbín (Madrid)
Título: "Defensa legal de territorios indígenas en la amazonia peruana."
Abstract: "Hasta hace pocos años las organizaciones indígenas no confiaban ni utilizaban las herramientas legales del marco internacional y nacional de derechos humanos o mecanismo que reconocían sus derechos colectivos. Sin embargo, poco a poco han ido utilizando estas herramientas y otras más para tratar de cambiar y moldear la nueva legislación que intensifica las actividades extractivas en la amazonia peruana. El presente ensayo pretende exponer brevemente un estado de la cuestión, pero sobre todo, pretende identificar los cambios de prácticas estatales y de las organizaciones indígenas en el uso de estas herramientas legales (consulta previa, participación, monitoreo, procesos de planificación, etc.) ante la política energética en Perú y la región."

Chiara Calderoni (Italia)
Title: "Some Limits of Citizenship in the Present “World of Migrations."
Abstract: "Some limits of citizenship in today world will be exposed in this paper, focusing on the Italian and Spanish laws on citizenship and on the factual implementation of these laws. After having briefly explored part of the debate concerning the issue, it will be shown how the empirical analysis on the two countries confirms and reinforces the theoretical idea of the existence of these limits."

Christian Sundquist (USA)
Title: "Child Soldiers, the Persecutor Bar and Asylum."
Abstract: "I plan to examine the content and meaning of the American immigration barrier to asylum for individuals who have engaged in the persecution of others on account of political opinion, ethnicity or social group. I argue that this so-called Persecutor Bar should be interpreted in a narrow fashion so as to allow for claims of certain applicants who were coerced as children into performing disqualifying acts of persecution. That said, I argue that

an often ambiguous distinction between Voluntary and Involuntary Acts is inadequate to guide asylum policy, as it can ultimately result in a Socractic Paradox for decisionmakers."

Christophe Dubois (Belgium)
Titre: "Orienter la culture carcérale vers la justice réparatrice en Belgique."
Abstract: "La présente communication portera sur la mise en oeuvre, en Belgique, de la circulaire ministérielle du 4 octobre 2000, qui proposait d'orienter la culture de la détention vers la justice réparatrice.
Premièrement, l'analyse du texte de cette circulaire révèle qu'il s'agit d'un dispositif d'action public flou, renseignant le cadre normatif et cognitif d'un projet de changement, bien plus que d'une procédure substantielle contraignante pour les acteurs. Le concept de «partition à construire», emprunté au compositeur John Cage, nous permettra d'éclairer ce point.
Ensuite, l'analyse de quatre établissements pénitentiaires distincts démontre qu'en réalité la politique pénitentiaire étudiée, même si elle est floue et qu'elle tente d'introduire en prison (univers bureaucratique) une valeur (la réparation) perçue comme utopique, permet à de nouveaux acteurs de créer des activités, tout en nouant des partenariats avec des associations extérieures. En outre, on observe la création de lien social dans des univers où les effets désocialisants sont déterminants.
Dans cette optique, notre analyse vise à situer des effets d'amplification et des effets de réduction, ainsi que ceux de cadrage et de débordement, consécutifs à la mise en œuvre de la circulaire du 4 octobre 2000."

Cirus Rinaldi (Italy)
Title: "Victims, Victimization Arenas and Recognition: Theoretical and Methodological Assumptions."
Abstract: The aims of the paper are theoretical and methodological: the first step is aimed to develop a theoretical framework through which analyse the definition of victimization under a “process approach” (following Viano, 1989; 1990) focusing on loan sharking, racketeering and extortion in Sicily; the methodological aim takes into account the advantages of using qualitative methods and mixed methods research in process oriented perspectives. Under this constructivist and processual perspective, the definition of victimization will take into account four different and complementary stages: (a) the act (individuals’ experience of harm or suffering caused by someone else); (b) the perception of the act (the perception of the harm considered as unfair and the self-perception as victims); (c) the “quasi-formal” recognition (the perceived victims needs to find someone to validate their claim, e.g. family, friends, professionals, etc.); (d) the “formal” recognition (claiming the official status of victim, publicly validation, and support). This interdisciplinary processual framework will help the researcher: (i) to analyse the social construction of the status and the role of the victim according to what has been defined elsewhere as a sociology of social problems (Spector and Kitsuse), (ii) to address questions concerning who will occupy each stage, who will move from one stage to the next, and when, how, and why (Viano, 1989). The victim’s career and the different status passages (Glaser and Strauss, 1971), as explained before, give the researcher the opportunity to focus on the interaction between people’s social structure’s constraints and their subjective interpretation of these; moreover they allow the investigator to analyse the interplay between objective and subjective, that is, between the Self and the related “significant society” which defines the dynamic of the status passage itself. From a socio-criminological perspective, the understanding of such interplay is a contribution to to the shift from a “victimology of the act” (e.g., specific violent crimes) to the “victimology of the action” (Fattah, 1992a; 1992b), stressing its processual dynamics and components. From a methodological point of view, the paper will show uses and strengths of Grounded Theory as a qualitative research methodology emphasizing the generation of theory from data in the process of conducting research, especially if combined with specific analyse methods (such as Atlas.ti) in socio-juridicial and socio-criminological investigation.

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Viano Emilio C. (ed.) (1990), *The Victimology handbook. Research findings, treatment, and public policy*, Garland Publishing, New York & London. "

Claire Weber (South Africa)

Title: "Resistance to the Extension of Human Rights Protection to Migrants in South Africa."

Abstract: "Although humanitarian goals of different international and transnational actors, might be fairly straightforward in principle, the emergence of different means through which these goals are met has created a transnational, normative pluralism of which the full effects and meanings are still unclear. However, there is one outcome that has become clear - human rights have become decentred and their status remains as 'unsettled' as ever. The xenophobic violence and attacks which broke out at an unprecedented level in 2008 in South Africa, alerted to the fact that extensive hostility against, abuse of and violence towards migrants and other non-nationals has become much more visible on a global, national and local scale. In a society which holds human rights as universal, indivisible and inalienable, and a country that is somewhat admired for its constitutional dispensation and underlying priniciples of equality, human freedom and human dignity, such xenophobic violence has emphasised the necessity to increase the effort to understand and to develop a human rights framework of migration that has the ability to deal with the social implications. Efforts to defend human rights of migrants and to combat xenophobia remain fragmented, limited in impact and starved of resources. It is clear that there is a need for the extension of the human rights afforded to migrants. However, a look at the "double-edged" use of human rights shows how present-day rights can control and work as a "dynamic of power distribution and redistribution". Such power shapes the emergence of the human rights afforded to migrants as a category of socio-legal practice - looking at how South African migration laws seem to resist the extension of human rights protection, and also looks at the trend of associating migration and migrants with criminality. Trafficking has emerged as a global theme contextualising migration in a framework of combating organised crime and criminality, subordinating human rights protections to control and anti-crime measures. This paper will look at the reasons why dealing with a rights and values based approach to migration is difficult in a country that can be described as a highly xenophobic society, which out of the fear of foreigners, does not naturally value the human rights of non-nationals. At the same time, the paper will look at the new forms of social resistance that have been developing for a human rights and value-centred approach to the rights of migrants. The xenophobic phenomenon that resulted will be analysed against the backdrop of current migration law in South Africa, and looking at how South Africa's human trafficking law is a good example of the diaspora that exists between a 'human-rights and values-based paradigm' and that of a 'law-enforcement and control paradigm' of migration policy."

Claudia Cirelli (France)

Title: "Right to earth versus right to Environment: the wastewater use in irrigated agriculture and the protection of the environment in the outskirts of Mexican cities."

Abstract: "This paper analyses the controversial approaches of the use of the wastewater in irrigated agriculture and of the social and spatial system related to it. This use of wastewater, a mode of treatment closely related to the modernization of cities of the end of

the XIXth and the beginning of the XXth century, is now regarded as hazardous. Nevertheless this practice keeps spreading around fast growing cities and is often promoted as an efficient tool of development policies. As far as the Mexican case is concerned it analyses the links between those practices and urban and environmental policies. It also studies the influence of those policies on the ways in which the actors of territories shaped by wastewater use try to maintain their activities in suburban areas."

Claudia Maria Barbosa (Brazil)

Title: "Judicial Politics and Administration of Justice". *"Política Judiciária e Administração da Justiça."*

Abstract: "The Working Group on Judicial Politics and Administration of Justice aims studies the judicial system and its current judicial reforms in several countries. Justification: The changing society has important consequences in the Judiciary. It emphasizes a crisis that could be considered punctual in the Liberal State, became expanded in the Welfare State, and in post-modernity threatens the very identity of the Judiciary. The crisis of the Judiciary shall be considered in the context of the modern paradigm crisis, including sociological, anthropological and historical perspectives which are being studied by the sociology of law. The proposals for judicial reform that is implemented in several countries, especially Latin Americans one, favor two distinct areas of analysis: the judicial politics, as instance of a political theory of jurisdiction, which involves issues of power relations and political-institutional within the State and the State with the Society; and the administration of justice, which focuses on issues of organization and management of the Judiciary organs for greater efficiency and effectiveness. From the perspective of the judicial politics, a judicial reform must take into account the legal practice teaching in schools of law, the form of recruitment of legal operators, the internal and external independence of judges and other operators in the law, the technical training of lawyers and the construction of socio-political legitimacy of the judiciary, the definition of apparent and latent functions of the judiciary in society today. From the point of view of the administration of justice, the main obstacles to optimal functioning of the Judiciary are material limitations (high cost to the courts and general scarcity of resources for the efficient provision of service), deficiencies in the management of service (training of officials, bureaucracy, opacity, lack of appropriate technology), cost and delay in providing court (legislative inflation, inadequate judicial review, outdated ordinary law, uncertainty in the decisions, among others). The proposal is to study these different aspects in a group that has the Judicial System as privileged object of analysis."

"O grupo de trabalho "Política Judiciária e Administração da Justiça" tem por objeto específico de estudo o Sistema Judiciário e as reformas judiciárias em curso em vários países. Justificativa: A sociedade em transformação traz importantes reflexos no Poder Judiciário e acentua uma crise que se poderia dizer pontual no Estado Liberal, ampliou-se no Estado Social, e na pós-modernidade ameaça a própria identidade do Poder Judiciário. A crise do Judiciário deve ser analisada no contexto da crise do paradigma moderno, comportando perspectivas sociológicas, antropológicas e históricas que a sociologia jurídica vem procurando analisar. As propostas de reformas judiciárias que se vem implementando em diversos países, especialmente latino-americanos, privilegiam dois âmbitos distintos de análise: a política judiciária, como instância de uma teoria política da jurisdição, que envolve as questões de poder e as relações político-institucionais no interior do Estado, e do Estado com a Sociedade; e a administração da justiça, que enfoca as questões de organização e gestão dos órgãos judiciários, em busca de sua maior eficiência e efetividade. Desde a ótica da política judiciária, uma reforma do Judiciário deve levar em conta o ensino jurídico praticado nas escolas de direito, a forma de recrutamento dos operadores jurídicos, a independência interna e externa dos magistrados e demais operadores do direito; a capacitação técnica dos advogados; a construção da legitimidade sócio-política do Judiciário, a definição das funções aparentes e latentes do Poder Judiciário na sociedade atual. Desde o ponto de vista da administração da justiça, os principais obstáculos ao funcionamento ótimo do Judiciário são: restrições materiais (alto custo para o jurisdicionado e escassez generalizada de recursos para a prestação eficiente do serviço), deficiências na gestão do

serviço prestado (capacitação dos funcionários, burocracia, opacidade, falta de tecnologias adequadas), custo e morosidade na prestação jurisdicional (inflação legislativa, modelo recursal inadequado, legislação infraconstitucional ultrapassada, insegurança nas decisões, entre outros). A proposta é estudar esses diferentes aspectos em um grupo que tem o Sistema Judiciário como objeto privilegiado de análise."

Claudia Maria Barbosa (Brazil)
Title: "The public hearing in Brazilian Judicial Power and its democratization."
Abstract: "The Brazilian Constitution, promulgated in 1988, was considered as the Citizen Constitution. However, Brazilian society has witnessed a deficit of political participation in the realization of the rights established therein. The public hearing is one of the constitutionally provided for effective participation in such acts of legislation. This possibility has been expanded to other institutions and spheres of public power through legal rules. The Law 9868/1999 which rules the judicial review to be performed by the STF, provided the instrument when the Supreme Court deems advisable to hearing of expertise in specific matters to implement its decisions. The first public hearing of the history of the STF was on April 20, 2007, when they were heard 34 experts from different areas who sought to answer the question "when life begins," to assess the constitutionality of research with embryonic stem cells. This public hearing was an efficient mechanism for the participation of civil society, because religious groups, scientists, academics, nongovernmental organizations could defend their points of view for or against its constitutionality. The discussion influences the trial, which ended with the decision by the constitutionality of research with embryonic stem cells. The experience moved the discussion of the legal framework and has approached the society of the performance of the Supreme Court of Brazil. On one side is a responsibility imposed on the judicial power that had been only tangentially addressed; on the other side it evidences the strength of civil society in controlling and defining the role of one of the powers of the state. This situation opens up space to implement a citizenship still dormant. Other initiatives of public hearing are occurring under the Public Ministry and the federal government, which may show a new practice of society in the participatory role of public power."

Córa Hisae Hagino (Portugal)
Title: "Aventureiro Beach (Angra dos Reis- Brazil): a social and environmental conflict."
Abstract: "The study's object of this paper is the analysis of the social and environmental conflict, which is located on Aventureiro Beach, in the south of Ilha Grande, Angra dos Reis, Rio de Janeiro State. It has been a fishermen village on this beach for more than one century. However, in 1981 this area was transformed in an environmental conservation unity where is not permitted human presence, the Praia do Sul Biological Reserve. This environmental conservation unity was created without consulting the local population that has lived there. For that reason, they have suffered a lot of limitations in their way of life, because they could not fish, plant, hunt or construct houses. In 1990´s years when the penitentiary was removed from Ilha Grande, the Aventureiro´s people began to develop camping tourism. Actually, there is a tourist limit in this area and there is a process to convert the "biological reserve" in another environmental conservation unity, where people can live. The local population, ONGs, researchers and State participate in this process. In this research, some participant observation was realized, by following the meetings and the daily process of changing, as well as the lifestyle of this local population. This research has two objectives. The fisrt one is to understand how the natives use the category "traditional population" to recognize their land rights. And the second is to analyze the discourses, tensions and conflicts in this process to criate another environmental conservation unity in the same space: Aventureiro Beach."

Córa Hisae Hagino (Portugal)
Title: "Voluntarism and chaos in acess to justice: the trainees in Defensoria Pública."
Abstract: "The main point of this work is understanding the development of voluntarism and chaos in a governmental office responsible for free judicial assistance directed to low income people. Our social study's object is the trainee of this institution, which can be official or volunteer. However, one can realize that the informal condition of these law students is not one of the main concerns, as they help to develop an effective access to Justice. On the other hand, the certificate offered by the institution doesn't seem to be the most important aim of theses students, as they are really concerned on learning and acquiring experience. The methodology consisted in visits to the Public Defense offices, interviews with public defenders and employees and filling profiles in. The impact of this process in the law students and how the chaos develops the access to Justice resulted in this research."

Criziany Machado Felix (Portugal)
Título: "Entre la orden y el progreso podrá el juez ser un emancipador?"
Abstract: "El estudio a ser presentado se basa en la inquietante pregunta de Boaventura de Sousa Santos sobre poder el derecho ser una vía para la emancipación, discurre sobre la matriz teórica del autor a cerca de la tensión entre regulación y emancipación, para entonces, preguntar si el magistrado debe promover la emancipación en un Estado democrático de derecho como el brasileño. El ensayo analiza los problemas a la luz del emblema "orden y progreso" y de la actual Constitución Federal. La redemocratización y el nuevo marco constitucional llevaran a una mayor credibilidad del uso de la vía judicial como alternativa para alcanzar derechos. Así discutiremos si el modelo oriundo de la Carta Constitucional de 1988 supera el positivismo jurídico y es capaz de superar, en parte, la crisis de la modernidad: la absorción de la emancipación por la regulación."

Danielle Annoni (Brazil)
Title: "El quebranto de las patentes y las ONG's: entre la legalidad formal y el desarrollo."
Abstract: "El actual artículo pretende reflejar acerca de la tensión existente entre el derecho de patentes y la posibilidad del quebranto bajo la alegación del interés social, en vista del papel de las ONG's y del Estado de Derecho en una perspectiva de un mundo globalizado. El estudio pretende analizar la demanda internacional que implica Brasil y los E.E.U.U., sobre el quebranto de las patentes, por Brasil, de las medicinas usadas en el tratamiento de personas infectadas con el virus VIH, así como su disposición para el consumo en los mercados nacionales e internacionales, sobretodo en África, y el significado histórico, político, social y jurídico de este proceso. Esta pelea tiene como objetivo presentar a la forma como las ONGs en Brasil ayudaron en gobierno a defender moralmente su posición delante de la comunidad internacional. La discusión propuesta pretende contribuir con los estudios referentes a la aplicación los principios de la igualdad y de la justicia y sus nuevos conceptos en la sociedad internacional globalizada."

Danielle Annoni (Brazil)
Title: "Tempo y Justicia: El tiempo como imperativo de eficacia jurídica."
Abstract: "El principal objetivo de este estudio es circunscribir el derecho de acceso a la justicia en un plazo razonable. Se hace una reflexión respecto a la eficacia de este derecho, objetivando definir su concepto y criterios de apuración y aplicación ante un caso concreto. El tema se justifica por su relieve mundial, ubicándose entre la problemática del acceso a la justicia en los Estados contemporáneos. Pretende atacar y minimizar los problemas resultantes de la demora en la prestación de la justicia y, por consiguiente, desea reducir las

violaciones de los derechos humanos, sobretodo por la impunidad y por la injusticia oriundas de esta demora. Además, se analisa la posición del Brasil y el reciente reconocimiento por la Constitución Federal de 1988 del derecho de acceso a la justicia en plazo razonable. Las conclusiones del trabajo demuestran la eficacia de este derecho, bastando, solamente, con implementar reformas precisas y políticas públicas adecuadas a la garantía y efectivación de los derechos humanos, en especial a la población carente. El presente estudio obtuvo financiamiento de la CAPES para las investigaciones realizadas en el Exterior."

David Delvaux (Belgium)
Title: "Management et Justice:la mesure de la charge de travail des magistrats."
Abstract: "Les tribunaux belges sont depuis une décennie le théâtre de profondes mutations. Le point de départ de cette vague réformatrice est généralement situé au lendemain de l'affaire Dutroux (1998), qui a révélé au grand public les dysfonctionnements de l'appareil pénal et inscrit la rénovation de la Justice à l'agenda politique. L'effort réformateur s'est depuis lors essentiellement porté sur la question de la performance des tribunaux et sur la transposition en leur sein de la philosophie et des méthodes du management. Pour mener à bien ce processus, un arsenal de moyens de différentes natures a été développé : structurels (mise en place de nouveaux organes comme le Conseil Supérieur de la Justice ou la Commission de Modernisation de l'Ordre judiciaire), fonctionnels (outil de mesure de la charge de travail, cercles de qualité, intégration des bases de données judiciaires.) et humains (responsabilisation des chefs de corps, formation des juges et greffiers au management.). Un ambitieux programme de décentralisation de la gestion des juridictions (Plan Thémis) a également été annoncé par le gouvernement en 2003. L'objectif de cette contribution sera de rendre compte des modalités de cette vague réformatrice au travers l'analyse de la mise en place d'un outil de mesure de la charge de travail des magistrats destiné au siège. L'ambition première de cet exposé sera d'analyser, dans une perspective de sociologie des organisations (Friedberg : 1993), l'impact de ce nouveau dispositif sur les « ordres locaux » établis au sein de chaque corps. Par ailleurs, en nous inscrivant dans la lignée des travaux de sociologie de la gestion (Maugeri, Boussard : 2001), nous envisagerons l'outil de mesure de la charge de travail comme un véritable dispositif de gestion, favorisant l'émergence de représentations collectives susceptibles de fournir un nouveau référant commun, un nouvel éthos professionnel."

David Kopel (USA)
Title: "Firearms Law and Policy: Global Perspectives."
Abstract: "This panel examines some recent issues in firearms law and regulation. Papers will deal with the United Nations, Democratic Republic of the Congo, Zimbabwe, Italy, and the United States."

David McCallum (Australia)
Title: "Punishing Welfare: prosecuting vulnerable children in Australia."
Abstract: "Child protection in Australia is reportedly in a state of crisis. The media regularly provides commentary on escalating rates of child abuse, deaths of clients in child protection services, and the use of the army and police in Northern Territory Indigenous communities, all of which point to a child welfare system in crisis. In Victoria, legislative changes to child protection have introduced new procedures for managing the state's child protection services. Among its objectives, the legislation seeks to promote stable long-term care for children through timely and more efficient family interventions. This paper places these events in the historical context of recurring shifts in how the problem of child abuse is calculated and acted upon. It draws particular attention to the evolution of new forms of power deployed in relation to children, families and communities, which delimit the scope of law, promote individual parental responsibility for the underlying arrangements affecting

child maltreatment, and secure the delivery of numbers of children into the criminal justice system."

David McCallum (Australia) and Gary Wickham (Australia)
Title: "Social Theroy and the Law."
Abstract: "This Workshop invites participants interested in the exploring the role of 'the social' in relation to problems in socio-legal investigations. Starting points of investigation might include the makeup of the law/society relation, and the fabrication of the social in social work investigations of family. Contributors and participants are welcome, and further enquiries may be made to David.McCallum@vu.edu.au"

David Restrepo Amariles (Colombia)
Title: "Transitional Justice and the global legal order: Colombian questions in a global perspective."
Abstract: "The making of justice after violent conflicts and in time of transition faces in today's global world a twofold challenge. On the one hand, the increasing and competing number of (national) judicial forums willing to deal with victim's claims opens a new range of possibilities that may convey the reproduction of social inequalities among plaintiffs, and the breaking of a somehow desired and needed narrative coherence of truth. On the other hand, non-centralized transitional justice may hinder successful reparations to victims. The lack of a coherent legal framework and a homogenous institutional setting jeopardizes the progress of claims in terms of facts, proofs, etc. within the different courts, while making more difficult the execution of economic and symbolic reparation to victims. These challenges will be addressed in the light of the current Colombian process of transitional justice, and particularly, in the light of the several claims that Colombian victims have recently filed in American Courts. The paper ends up by claiming that, in times of globalized legal and economic orders, transitional justice has to be contextualized in terms of global law and global justice."

David Whyte (UK)
Title: "State Crime in a State of Exception."
Abstract: "There can be no doubt that a 'state of exception' is visible in the political core of the most powerful states. It is also clear that the state of exception is currently being consolidated via the deployment of highly repressive and violent state counter-terror strategies. It is therefore crucial to understand the extent to which the state of exception can indeed be understood as representing the core of state power. This paper argues that debates on the state of exception have so far ignored significant dimensions of state power: on one hand, the covert (and unambiguously illegitimate) violent and criminal activities of state agencies and on the other, the normative positioning of the state. This paper will argue that those dimensions must be included in analyses of the state of exception as a means of developing a more complete understanding of state power."

Débora da Cunha Piacesi (Portugal)
Título: "Constructing the 'Enemy'."
Abstract: "This paper intends to discuss the ambiguous role of the State as a promoter of violence, specially, regarding the construction of the "enemy figure" as advocated by Günther Jakobs. In this way, this works wishes to reflect on questions such as: Is it legitimate to see criminals as enemies? How would a State define the criminal that can be perceived as a person from the one that will be taken as non-person? Who is really being labeled as the enemy? The argument points to two important conclusions: one that the idea

to create a more repressive criminal system just for the "enemy" so that the citizens would be protected from severe State intervention is having the opposite effect; and two that this perverse effect puts the State on the role of the enemy. This analysis will be specially based in the case of Brazil."

Débora da Cunha Piacesi (Portugal)
Título: "The permeability of the Brazilian Criminal Justice system to the culture of fear."
Abstract: "This paper examines the culture of fear as a mechanism that, in a society of passive classes, institutionalizes authoritarian continuity in a context of low-intensity democracy as opposed to the democratic principles of criminal law guaranteed in the Brazilian Constitution (Constitution of the Republic 1988). This analysis takes the anniversaries of 20 years of the Constitution of the Republic and 60 years of the Universal Declaration of Human Rights, both in 2008, to point to the positive progress in the various existing rights related to criminal issue in Brazil, and, at the same time, draw attention to certain mechanisms that can be hindering the implementation of such rights in Brazil, increasing the distance between the discourse and the reality of the criminal justice system. The formal speech is presented through the analysis of positive human rights in the Brazilian Constitution. The remoteness of such discourse before the reality is presented through a dialogue between the concepts of low intensity democracy of Boaventura de Souza Santos, passive classes of society of Jesus-Maria Silva Sánchez, culture of fear and related influence of the media, and risk in the context of reflexive modernization of Ulrich Beck. Finally, the strengthening of citizenship is proposed as a form of resistance to the culture of fear, the low-intensity democracy and the inaction of the classes. It points out the concept of citizenship as the link capable of reducing the distance between the speech and the reality of the penal system."

Débora da Cunha Piacesi (Portugal)
Título: "Ascension of what State? Arguing dichotomous theories in a complex world."
Abstract: "The analyses of what is contemporaneous demands the use of a whole new vocabulary that sees society through the lenses of what is reflexive, as in Ulrich Beck; liquid, as in Zygmunt Bauman; post-modern, at last. Having those notions in mind, it is possible to reflect on the recent social diagnosis that read society in a quite linear and dichotomous way. On this paper, we choose to analyze two of these ideas. The first, defended by Zygmunt Bauman and Loic Wacquant, that modern State is on a transformation process of coming from a Social State to becoming a Penal State; and the second, as proposed by Pierre Guibentif, that what we see, in fact, is a change from a Rule of law and Penal State to this new model that is neither so based on law nor in punishment. The aim of this paper is to critically analyze those two theories; to question the adequacy of adopting wide range dichotomous theories to explain the modern state; and to propose that, given contemporaneous complexity of a reflexive and liquid world, all these theories are, at the same time, operating and governing risks, fears and dangers."

Deepika Murali (India) and Tanushree Bhatnagar (India)
Title: "Gender, Migration and Globalization: Studying the Trends within this Trinity."
Abstract: "Migration in this era of globalization is very hard to regulate. Poverty, illiteracy, genocide and various other reasons push people to migrate from one region to another. The effects of migration are different on men and on women. Work opportunities available are different for both genders and so are the wages in certain cases.

Another important facet is that migrant women get employed in unregulated sectors like domestic work, sex industry, etc. This puts them out of the purview of the public eye. It is difficult of determine how many women work in such sectors and what their living conditions are. This leads to a lot of under-age employment, child prostitution, child labour, etc.
This paper seeks to study and analyze the dynamics gender plays in the field of migration in this age of rampant globalization. The paper states the importance of gender-sensitive migration laws to be followed and recommends for the scope of such a law to be widened to cover the unregulated sector."

Diana Fernandes (Portugal)
Title: "Transition, organized crime and immigration: the criminogenic characteristics of the economic transition in post-soviet countries and the idiosyncrasies of criminal organizations."
Abstract: "This paper intends to offer a contribution to the debate on the connections between immigration and criminality. The exercise is made by means of a conceptual overview and consequent reflections on the criminogenic characteristics of the economic transition in the former Soviet Union countries and its connection to the growth/means of development of (transnational) criminal organizations within that space, as well as its impact in the characteristics of such organizations. The analysis that is proposed by this work has, in my opinion, its relevant role in the context of the European Union, not only due to the new members-states and to the vast number of immigrants coming from post-Soviet countries and the so-called satellite-countries, but moreover due to the assessed activity of the referred criminal organizations within the Schengen space, affecting both immigrants and non-immigrants."

Diana Milena Villegas (Colombia / Francia)
Title: "Migrants, citizens of non-droit or citizens without rights?"
Abstract: "The immigrants have a polyvalent relation with the law, regardless of their condition or status (undocumented immigrants, economic immigrants, refugee seekers, temporary status, etc). This involves a very complex relationship with the law because that can get them involved in situations of non-droit or in a different situation such as absence of rights, as instrumental use of law. Also, this multiple relationship places the immigrant, depending of his status and others criteria -i.e., age, sexe, religion, acculturation degree and others- , in situations of legal pluralism which can show us several tensions between the claiming of the citizenship and the redefinition of this one. In this way, the hypothesis of non-droit and legal pluralism are going to be useful to rebuild the concept of citizenship placed inside the immigrant populations and to guarantee the construction of a more democratic model. The objective is to examine some of the legal pluralism and non- droit cases to explore the conflicts in the host society and the possibilities of a new concept of citizenship as well as the right guarantees. For this purpose, I propose to study the French immigration context and some examples that can show us specific situations of law, culture and migration collision in this complex and contemporary society."

Abstract: "Inmigrantes, ¿ciudadanos de non-droit o ciudadanos sin derechos? Los inmigrantes, sin importar cual sea su situación frente al país de acogida, siempre tendrán una relación polivalente frente al derecho. Esta condición implica una relación compleja con el derecho en sí, en tanto pueden encontrarse en situaciones de non-droit como en situaciones de ausencia de derecho y de usos instrumentales del mismo. Además, esta múltiple situación relacional hace que el inmigrante, esta vez dependiendo de su estatuto -entre otros criterios -, pueda encontrase en situaciones tanto de pluralismo normativo como de pluralismo jurídico, dejando entrever así las tensiones que se presentan frente a la reclamación de una ciudadanía y la redefinición de la misma. De esta manera, y partiendo de las hipótesis de non-droit, pluralismo jurídico y pluralismo normativo, se intentará profundizar en la construcción de la noción de ciudadanía desde el punto de vista de los

inmigrantes y la garantía un modelo democrático acorde con el reconocimiento de la alteridad. El objetivo será el de examinar algunos de los casos de pluralismo jurídico y non-droit, para así explorar los conflictos suscitados en la sociedad de acogida y las posibilidades de un nuevo concepto de ciudadanía, al igual que la situación de la garantía de derechos. Para este fin, se propone el estudio del contexto migratorio en Francia y algunos de los ejemplos de esta sociedad compleja que puedan ilustrar situaciones específicas de colisión entre derecho, cultura y migración."

Dicle Kogaciouglu (Turkey)
Title: "Law and Social Change in Turkey."
Abstract: "The last twenty years of Turkey saw important changes in the Turkish socio-legal scene. With the process of democratization that the EU accession process implied, the 'secular' nature of the Republic has become questionable for many in an environment where both the non-Sunni minority as well as the Sunni Muslim majority started to voice dissent against official policies on state-church relationship. Some changes have to do with the judicial and political impact of European Court of Human Rights. Closer examination of the rulings of the Turkish Constitutional Court and court of Cassation reveals a pattern of resistance through inappropriate references. In the same era establishment of regulatory boards meant the formulation of old legal problems in new terms. Simultaneously issues of access to justice have gained a new prevalence. This panel is built on case studies of these dynamics seeking to engage critically with some of the coordinates of the socio-legal changes of recent years."

Eduardo Faria Silva (Brasil)
Title: "El derecho cooperativo y las políticas económicas dependientes en América Latina."
Abstract: "El trabajo tiene por objetivo el análisis de las legislaciones cooperativas como un elemento clave para la implementación y consolidación de las políticas económicas en Brasil, con variaciones, a partir de una posible matriz única, en la América Latina. El análisis que se desarrollará se concentra, en un primer momento, en el tiempo cuando fue publicado, en Brasil, la Ley de Cooperativas n º 5764/71, pues su contenido posibilitó la efectuación del modelo de desarrollo agro-exportador y empresarial, que comenzó en el decenio de 1960 y se consolidó en el decenio de 1970. La realidad política y la economía de América Latina presentaba, en este período, identidad en relación con la transformación de la matriz tecnológica aplicaba en la agricultura. La reestructuración de la política y de la economía en el mundo, desencadenada el final de la década de 1970 y que se presenta en América Latina (especialmente Brasil, Argentina, Chile y Mexico) a finales de 1980, deflagro, en un segundo momento, una serie de cambios legislativos que, también, fueran articuladas en el campo del cooperatismo, para reafirmar el modelo agro-exportador y empresarial, ahora estructurado para la producción exclusiva de los "commodities". Esta situación plantea dos grandes conjuntos de problemas teóricos. En primer lugar, entender los elementos históricos existentes en la América Latina en los años 1960 y 1970 y que se tradujo, en el caso brasileño, en la publicación de la Ley N º 5764/71 y, después, permitieron la permanencia integral de sus efectos, mismo después de la promulgación, en 1988, de la Constitución de la República Federativa de Brasil, manteniendo instituciones creadas para operar relaciones entre las cooperativas y el Estado dictatorial y regulando relaciones dentro de las sociedades cooperativas, y entre ellas, con la asistencia de las interpretaciones jurídicas que contradicen las normas (principios y reglas) constitucional. En segundo lugar, entender la nueva matriz política y económica que se llevaran a cabo en la América Latina, en el final de los años de 1980, para comprender cuál es su relación con las leyes y los proyectos de leyes que tienen por objeto definir las nuevas políticas nacionales del cooperativismo, investigando, aún, si hay alguna conexión entre los textos objeto de debate en varios países del continente."

Eduardo Luis Aguirre (Argentina)
Título: "RAC en cárceles: Del martirio cotidiano a las estrategias dialógicas de resolución."
Abstract: "La convivencia forzada de miles de personas en contextos de encierro, la diversidad y el multiculturalismo de la población reclusa, la superpoblación y el hacinamiento, las lógicas administrativas, unitarias y militarizadas de la agencia penitenciaria, son actos que inciden objetivamente en la violencia cotidiana de las prisiones. Los conflictos de intereses, la disputa permanente por la asignación de roles y jerarquías, la lucha por la visibilización, son elementos que contribuyen a que los conflictos se salden imponiendo visiones unilaterales y violentas. Por el contrario, la posibilidad de devolver esos conflictos a los interesados, la dotación previa de insumos y capacidades para resolver la conflictividad mediante el recurso a estrategias dialógicas, donde la justicia restaurativa, la comprensión y la restauración sean los paradigmas fundamentales a partir e los cuales se diriman las diferencias, supone un desafío tan original como complejo. Que intentará no sin dificultades, romper con la dialéctica acción/reacción, de ordinario hegemónica, y sustituirla por una nueva cultura que reivindique al conflicto como una potencialidad y no como un problema."

Eduardo Luis Aguirre (Argentina)
Título: "Derecho y cambio social: discursos, prácticas y espacio público."
Abstract: "El cambio de relación de fuerzas políticas en América Latina, con gobiernos populares que se diferencian marcadamente de las gestiones tributarias del Consenso de Washington y el neoliberalismo de la década pasada, obliga a repensar el derecho, sus narrativas y sus prácticas, las nuevas formas de impartir justicia y la resignificación de una democracia que se manifiesta, con idéntica pretensión de legitimidad, en calles y rutas, en escarches y marchas, en blogs y sitios virtuales donde coexisten tendencias a una profundización de las formas democráticas con proclamas destituyentes y una cultura de la enemistad que exigen una reinterpretación continua de las categorías jurídicas."

Elena Greco (Italy)
Título: "Búsqueda del Enemigo: posibles tendencias en el País Vasco."
Abstract: "Interpretación de la teoría del Derecho penal del Enemigo de G. Jakobs: el utilizo del arma de la legalidad contra una específica categoría social en nombre de la defensa de los valores comunes. Justificación de la perdida de garantias fundamentales en el tratamiento procesual."

Eliana Patrícia Branco (Portugal) and João Pedroso (Portugal)
Title: "Law is not enough! The Portuguese system of access to family and child law."
Abstract: "Confronted with new scenarios, moulded under the signs of flexibility, fluidity and plurality, family and child law is called upon to answer to new questions, still indeterminate and undefined, that manifest themselves inside a two-fold dynamics - privatization and deinstitutionalization of family relations, on one hand, and (re)publicness, on the other. These transformative velocities - one rapid and one more moderate, respectively family and family regulation - are accompanied of a third one, moving at a slower pace - the system of access to family and child law and justice, without which effectiveness of rights cannot be guaranteed and citizenship cannot be fully exercised. It is, therefore, important to understand what kind of mechanisms citizens can make use of in order to defend their rights. What we find in this important social area is a plurality of mechanisms, public and private, that perform their services in and out of the judicial system. This network of services (complementary and interdisciplinary) offers a wide-ranging set of mechanisms that aim at

safeguarding and promoting universal principles and fundamental rights, especially those of the more vulnerable families, the main beneficiaries of the legal aid public system. It has, as well, the purpose of defending and promoting the rights of every family and child, which is done by the Public Prosecution, by the Commissions for the Protection of children, by the family mediation system or by the mechanisms offered either by the market or the community. The 'map' we have elaborated and the insufficiencies we have encountered can act as a research agenda to be developed in the near future, in order to recognize the potentialities and the frailties of a law that is effective, accessible and promotes citizenship."

Elida de Oliveira Lauris dos Santos (Portugal)
Title: "Reform of the justice and social transformation: an overview of access to justice and law in Sao Paulo."
Abstract: "Over the last century in different countries, programs of public access aspired to universal provision of legal services with the aim of, first, to ensure equal legal assistance to poor and, moreover, contribute to the guarantee of equality under the law and social change, encouraging the use of justice to defend the interests of class, diffuse and collective. However, it has consolidated the perception among the authors that the current phase of the programs and strategies of the State of access to justice is the reduction of public financing, limiting the guarantee of legal services by the State only to those in greatest need. The debate on the optimal cost of justice reflected in the dynamics of the access programs has deflected on proposals for the creation of alternative legal assistance and support (emphasis on private assistance at the expense of support for construction of a career devoted to public assistance, financing of legal assistance to insurance companies, investment in empowerment of citizens, etc.). From the study of access to justice initiatives in the city of Sao Paulo, this paper will be guided by two main questions: When the strategies for universal access to justice are replaced by alternative models of legal aid and the reduction of recipients of public access programs, can we still aim the guarantee of equality in law and through it? What is the role being played by organized civil society in law mobilization in view of the social transformation?"

Ferdinando Spina (Italy)
Title: "Italian environmental conflicts. A socio-legal perspective."
Abstract: "In Italy there are hundreds of environmental conflicts that are blamed for blocking the economic and social development in the country. Given distinctive landscape, urbanization, population density, the urban areas and environment concepts are quite different in Italy from other countries. In this paper, I examine the legal disputes concerning major Italian environmental conflicts of the last years. Firstly, I focus my attention on actors, facilities and escalation of conflicts; secondly, I analyze the implementation of environmental law, the enforcement style, the level of citizen participation, the political interference; finally, I highlight the broad set of political, juridical and cultural belief about the environment, the city, the urban and economic development."

Flora Di Donato (Italy)
Title: "The judicial narratives between cooperation and conflict."
Abstract: "Recent Anglo-American approaches to socio-legal theory have revived awareness in the fact that the law directly affects the lives of the individuals to which it is directed, their very own ‘stories’. A shift is occurring from the abstract nature of the law towards the facts, the day-to-day happenings, aiming at a better understanding of just how these become legal stories.
Empirical research is geared towards professional practices and contexts of law production, taking its starting point from the conviction that the construction of judicial meanings comes

about not only from the decision of the judge but also within the activities which precede or are, in any case, outside the official context, such as the lawyer's practice.
Following post-modern trends in the study of law, the research aims to take into consideration the development of theoretical orientations merging sociological, psychological and anthropological approaches with the observation of judicial practices.
In line with the theory of the "narrative construction of reality", the work focuses on "fact finding" as the result of a joint interaction between social actors (client, lawyer and judge) within the framework of the 'judicial proceeding'.
Thanks to a qualitative approach, the study intends to trace the birth and the evolution of judicial narratives, as well as the different facets of the interaction between client, lawyer (and judge) according to the roles they play in the construction of the legal story.
Concerning the social and cultural dimensions of the relationships between the judicial actors the research could contribute to demonstrate that not only is the law intimately involved in the constitution of social relations but also the law itself is constituted trough social relations.
The investigation will focus on labour law and family law cases through the analysis of their relevant official documents and of the transcripts of interviews with clients and lawyers."

Florencia García Paz (Argentina)
Título: "Género, Trabajo y Derecho."
Abstract: "Los temas que puede abarcar la sesión incluyen desde la división sexual del trabajo, entre trabajo de mercado y trabajo doméstico o cuidados, la estratificación del trabajo remunerado con base en el gánero, la feminización del mercado laboral, la flexibilización del mismo, etc. Desde un enfoque de género, teniendo en cuenta los roles y desigualdades con base en el género, o desigualdades intra-género. Podrán tratarse los temas desde el feminismo o desde los modelos masculinidad, etc."

Florencia García Paz (Argentina)
Título: "El trabajo a tiempo parcial y la vida familiar desde una perspectiva feminista."
Abstract: "En la presente ponencia se analiza la regulación del trabajo a tiempo parcial desde un enfoque feminista, teniendo en cuenta que es una modalidad contractual predominantemente femenina. Se plantea que el modelo de trabajador del derecho laboral, como trabajador con contrato indefinido y jornada a tiempo completo, es masculino y no considera a la vida familiar y los trabajos domésticos y de cuidado, históricamente asociados al rol que las mujeres tienen en la sociedad. El análisis del trabajo a tiempo parcial será descrito desde tres puntos de vista que están interrelacionados: como una modalidad precaria de empleo, como una forma de conciliación entre la vida laboral y familiar y desde su naturaleza de género. También se analizarán las distintas medidas de conciliación como los permisos de maternidad y paternidad, la excedencia para cuidar niños, etc. Y se observa que los servicios de cuidado brindados por el estado están en situación de precariedad. Asimismo, estos servicios están diseñados fundamentalmente para que solo concilien las mujeres y no buscan promover la participación masculina en el trabajo doméstico y de cuidado. Se plantea que la poca intervención de los hombres y la precariedad de las medidas de conciliación se vinculan con la feminización del trabajo a tiempo parcial ya que por su jornada reducida permite dicha conciliación."

Francesca Scamardella (Italy)
Title: "The reflexive approach as a theoretical model in time of socio-legal crisis."
Abstract: "Starting from the crucial contemporary dilemma that is the crisis of 'formal rationality'(Weber et alii: 1978), which consists in the inadequacy of law (and, in particular, of the positive law) with respect to the complexity of the society, in terms of social structures and systems interacting each other, I will try to analyze Teubner's model of the reflexive law

(Teubner: 1993) as a possible approach to the socio-legal crisis. The increase of social actors (art, economy, transnational actors) looking for normative validity (Teubner: 2005) is showing the incapacity of the substantive law, in terms of impossibility in regulating every social demand. What we need is a mediation between formal law and rationality - i.e. procedural mechanisms - that is able to legitimate political power and to generate equilibrium among all political and social forces. This is the theoretical Teubnerian approach, developed in his main thesis: the reflexive way whose main quality is to operate "by shaping the organization of collective bargaining, defining procedural norms, and limiting or expanding the competencies of the collective actors" (Teubner: 1983). The "reflexive" character of the modern law emerges in terms of a new flexibility of law: it gives only the external frame - static in its last borders but flexible inside - and, so doing, law gives only "models for deciding about the decisions, regulating the regulations, establish structure premises for the future decisions in terms of organizations, procedures and, competences". (Ferrari: 1993). Could reflexive law become the theoretical model to approach the contemporary socio-legal crisis?"

Françoise Vanhamme (Canada)
Title: "Sentencing. Telling in Law, telling the Law."
Abstract: "La communication proposée présente certains développements d'une recherche doctorale sur la détermination de la peine (Vanhamme, 2006). La perspective est sociocognitive et appréhende le juge comme un acteur social qui puise le sens de la peine et sa détermination dans le caractère macrostucturant de son contexte d'activité. Des observations ont été menées durant 8 mois dans deux tribunaux correctionnels de Belgique.
La littérature sur le sentencing a montré les disparités dans les peines. Ce faisant, elle souligne l'importance du pouvoir discrétionnaire, comme si c'était un effet de l'incapacité à se limiter aux règles légales. Quelles sont les relations entre la règle de droit et le pouvoir discrétionnaire dans le processus de détermination de la peine ? C'est ce que nous allons discuter en partant de la gravité d'un acte, qui est toujours présentée comme le facteur légal de poids dans la mesure de la peine. Notre recherche montre que c'est une interprétation, une procédure « de sens commun » éloignée de la seule dimension légale objective et sur laquelle viennent se greffer la forme juridique et la qualification de l'acte. Elle est donc rétrospectivement légalisée. Le rôle du juge, en ce sens, est de « dire en droit ». Mais ce faisant, il actualise le droit lui-même et par conséquent l'ordonnancement social par le droit s'en voit reconduit. Le juge a alors aussi « dit le droit ». Le pouvoir discrétionnaire du juge apparaît ainsi de façon importante mais il est toutefois modélisé par la force cognitive et affiliative du droit."

Frédéric Schoenaers and and Cerfontaine Gaëtan (Belgium)
Title: "Therapeutic projects in Belgium mental health sector: a post-bureaucratic way."
Abstract: "Since the end of the 1980s, a new vision of mental health has been developed under the influence of the Belgian "Psychiatry" permanent work group of the National Council of Hospital Facilities. This new vision adopts a holistic perspective which takes into account the diversity of factors at stake and aims to give a central place to the patient and his or her needs. The principles on which this innovative vision lies fall within an international trend (among other developed in the WHO declaration of Helsinki) which aims to put the patient at the centre of the system but also in field actor practices. This vision is made concrete in a restructuring of mental health care sector in terms of care circuits and networks, which necessitates an "interinstitutional" and interdisciplinary cooperation. With this approach the old bureaucratic model of organising a sector would be replaced by a post-bureaucratic one marked by notions such as networking or negotiation. The "Therapeutic projects", organised by a Royal Decree in 2006 after a long term decision making process, constitute the experimental phase of this new mental health care concept. It is a wide ranging pilot project which aims to achieve, by the end of the three-year experimental phase, the definition of

guidelines and the implementation of norms as regards mental health care circuits and networks. The purpose of this contribution is to (1) give a presentation of the mechanisms which have lead to the creation and implementation of the therapeutic project. Using a case study method, we will also (2) analyse the functioning of a therapeutic project, showing at the one hand the tensions between the philosophy of the project (network functioning and flexibility) and the technocratic temptation developed by the administration which funds them, and, at the other hand, we will also examine how the "traditional" psychiatric rationality is able to maintain its central position in a context where other fields and actors should emerge. Finally, (3) as the data that we present have been collected during a FP6 integrated research project which aims to analyse the links between (new forms of) knowledge and policy making, we will develop a methodological discussion about the way sociology (of law) can trace the place and role of knowledge in policy making."

Gary Wickham (Australia)
Title: "What is the role of 'society' in the law-society relation?"
Abstract: "This paper begins with a refusal: 'society', or 'the social', cannot be taken for granted as an object of academic study, not least by those interested in the intersection between law and society. One cannot assume, for example, that the law is necessarily social, thereby allowing it to be a seen-but-not-heard presence in socio-legal investigations. No, the nature of society, as a separate domain, needs to be carefully examined, to determine in just what way it might be thought of as an independent component of the law-society relation. I have been investigating the nature of society for at least five years and have published a number of articles on this question, particularly on the relation of society to law. In this paper I will summarise three key findings from my investigations. First, the basic social-as-interaction understanding of society - the interaction of two or more humans and the traces in time and space of their interactions - is of limited value for socio-legal inquiries, though it is not without its appeal. It struggles to establish a stand-alone domain of society, such that it is not possible to distinguish society from morality, law, politics, culture, etc. Second, in the face of this difficulty the majority of those who inquire into socio-legal matters are too content to simply let morality take over society, usually under the influence of Kant or Durkheim (or perhaps one of their followers, such as, Rawls, Dworkin, MacIntrye, or Cotterrell). And third, not enough attention is being paid to the well-established politico-legal account of society. By this account, developed, in different ways, by Hobbes, Pufendorf, Thomasius, Weber, and a few others, society is not morality, but is a separate and distinct sphere in which different moral projects can co-exist only because a combination of politics and law - the combination that eventually produced modern sovereignty as a way of ending the massive bloodshed in Europe born of competing moral and religious visions of the good life - created it (society) as a sphere of relative safety and freedom. As such, society, in this important 'civil peace' sense, is fragile and does not exist in all countries. It follows from this that because society relies on law and politics (and on the uneasy equilibrium between them) society cannot include the law and the law cannot include society."

Gavin Kendall (Australia)
Title: "From Cosmopolitan Law to Cosmopolitics: a Case Study in Medical Tourism."
Abstract: "This paper discusses a variety of attempts to move between legal settings and forms of cosmopolitan personhood. The law is commonly seen as a crucial resource in any cosmopolitan project; but it is clear that a new type of law - cosmopolitan law - must be invented to govern the mobile elite who easily move between countries, and potentially escape legal and financial regulation. Having established the codependence of cosmopolitanism and cosmopolitan law, the paper moves to a case study in medical tourism. Two example of medical tourism - in which patients travel around the globe for xenotransplants or for treatments involving human embryonic stem cells - are discussed, with a focus on the demand for (but the impossibility of) the global regulation of dangerous medical treatments. The paper concludes that these forms of 'cosmopolitan' medicine draw

our attention to the ways in which cosmopolitanism is extremely likely to morph into extreme forms of selfish individualism."

Geoffrey Leane (New Zealand)
Title: "A New, Transnational Public for a New World Order? Possibilities for transnational political discourse in the electronic age."
Abstract: "This paper considers the potential of the Internet for providing an alternative political space through which a newly empowered transnational public may assert itself. The internet offers enormous potential for empirical data gathering and dissemination, but also for narrative exchange. There is potential for an accessible public space for open, reflective and constructive conversations about pressing issues of the day. It may be that this new communicative medium can empower a new critical public and thereby further the task of deliberative democracy in narrowing the divide between the drives and motivations of citizens (both national and cosmopolitan) and the political decisions made in their names.
There are, however, significant difficulties arising from the nature of the medium and its ability to meet certain conditions in discourse theory. The paper will consider these problems and suggest solutions using examples of issue-based information systems."

Germano Schwartz (Brasil)
Título: "The Law System in Brazil and it's De-differentiation."
Abstract: "It is this paper's intent to analyse the way a communication could be identified by the legal system as pertaining to its functional differentiation. In this sense, the notion of an operational closure does not eliminate a cognitive openness. Thus, the obervation of the question will follow two basic paths: (1) the set up of a red-light district will be observed taking into account Brazil's social reality; (2) the answer given to this question by the theory of autopoietic system wll be analysed from the pont of view of Brazilian law. This limitation is justified by the fact that the autopoiesis of legal systems in peripheral countries is virtually nonexistent. It is the reason for a symbolic constitutionalisation whose effect is a de-juridicizing constitutional reality, highly damaging to the evolution of Brazilian law and society."

Grazyna Skapska (Poland)
Title: "Democratic Rule of Law, Economic Transformation and Corruption."
Abstract: "According to the famous argument of Max Weber, there is a strong an direct connection between the rule f law and economic success: the establishment of the rule of law facilitates the functioning of an efficient economy/Indeed, as Max Weber argued, establishment of rationallegal order and formation of law-based political authority presented important factors which explain rapid economic growth. However, recent developments in Eastern an Central Europe (and elsewhere) especially privatization of state-owned property challenge a simplistic understanding of the Weberian argument. The sheer amount of property to be privatized, and the strong interests involved make the rule of law toothless, especially if the state is weak. Moreover, the very principle of the rule of law becomes questionalble if the law represents a product of dominating interests, in the context of political capitalism. Thus, instead of the law controlled privatization of national property, one observes growing corruption, nepotism and clientelism as important mechanisms of law-making. Additionally, the weakness of government, above all the weakness of law-applying and law-enforcing agencies. And the traditional, formalistic unerstanding of the rule of law principle contribute to pathologies of economic transfromation and consequently, to constitutional instability in Eastern and Central Europe."

Gursharan Singh Virk (India)
Title: "The Intermingled Labryinth: International law, Migration and Human Rights."
Abstract: "This paper reviews the actual and legal situation of international migrants in relation to their enjoyment of human rights. It starts from the position that respect for human rights, the rule of law and core labour standards are essential to political stability and to social and economic development. Globalisation has encouraged the free movement of goods, services and capital, but barriers to the cross-border movement, particularly of unskilled workers, remain and globalisation of markets has not been accompanied by globalisation of the work force. This has produced a discordance between the number of individuals who migrate and the legal opportunities for them to do so. In many situations there is a gap between the rights which migrants, both regular and irregular, enjoy under international law, and the difficulties they experience in the countries where they live, work, and across which they travel. This gap between the principles agreed by governments, and the reality of individual lives, underscores the vulnerability of migrants in terms of dignity and human rights. The paper examines the different ways in which international migration and human rights intersect, both in countries of origin, transit and destination, and in relation to particular socioeconomic groups. It then reviews the protection given to migrants' rights under international law - human rights law, labour standards, criminal law and through diplomatic protection - and their duties to host societies. It considers the role of human rights as a policy tool in current migration discussions, suggests some elements of a rights based approach to migration, and identifies 'good practices' at the national, regional and international levels. The paper identifies as an over-riding priority the need to create a situation in which migration can take place in conditions of dignity, and become an informed choice, rather than a strategy of survival - even desperation - in an economically asymmetric world, as it is today for many migrants."

Guy Osborn (UK) and Peter Robson (UK)
WG Law and Popular Culture
Title: "Developments in Law and Popular Culture."
Abstract: "Drawing upon the 2008 Worshop of the Working Group of Law and Popular Culture, this session will cover areas of contemporary research within this broad field."

Heike Jung (Germany)
Title: "Rituals Forever?"
Abstract: "The revival of rituals is omnipresent in public and scientific discourse. The „cultural turn“ has sensitized us for the cultural embeddednesss of social life. Apparently, rituals provide orientation and stability even in the world of rationality. In particular, „justice and ritual“ seems to be a never-ending story. Still, we don’t step into the same river twice (Heraclitus). This requires not only a modernisation of judicial rituals, but also a prudent approach as to the dosage. It can only be an additive in a system which otherwise operates on the basis of transparency, good reasoning, truth finding, and procedural justice."

Helenara Braga Avancini (Brazil)
Title: "The Complexity of protecting intellectual property within collaborative networks."
Abstract: "The emergence of information and communication technologies and its widespread use within the various human activities radically changed the way we sense and perceive the world. This is particularly relevant in the business sector in which the widespread use of computers and the internet changed forever the way people do business and access information. As a consequence new business models were created which are inherently dynamic and volatile. Collaborative networks are one of the most important

manifestations of this trend in business, which are characterised by highly dynamic systems in which individuals or companies can join or leave depending on the available business opportunities. However systems that change frequently, in which some of its components can appear or disappear are natural grounds for complexity. This is particularly true for the body of law that needs to be defined to govern relationships among individuals or groups. At the same time that information and contents travel across the internet and are transformed into other creations, the growing number of collaborative networks have more and more difficulty in protecting the creations of their collective or individual members. One challenge resides in the fact that these members could be members of full right at creation time but eventually become outsiders to the collaborative structure. As the intellectual property right confers to creators the exclusive right of exploiting their creations, the complexity of the problem to be addressed within this paper is on understanding if it is possible or recommendable to institute law mechanisms to hinder excess of ownership rights."

Herbert Kritzer (USA)
Title: "Resolution of Business and/or International Disputes."
Abstract: "We will discuss on ways in which business disputes in domestic and international settings are resolved and how lawyers are involved in them."

Hideki Tarumoto (Japan)
Title: "Care Migrants, Immigration Policy and Human Rights in Japan."
Abstract: "Under globalisation, all countries in the world struggle to regulate migration flows and to deal with human rights issues. With facing the dilemma of migrant regulation and human rights, Japan has been relatively successful in closing its border in post-war era. Although Japan received some immigrants with underestimating human rights of them, it has not welcomed unskilled immigrants but few skilled immigrants. There are some reasons for Japanese success in closing its border. The main reason is the powerful ministry in charge, the Ministry of Justice, which retains the dogma of immigration policy that Japan must not introduce unskilled immigrants. I argue that the Ministry of Justice embodies "singular bureaucratic sovereignty". However, the dilemma of immigration policy strongly attacks Japan recently. Japan finally began to introduce care workers who are categorised into "unskilled workers" by the Ministry, from Indonesia and the Philippines. This introduction will lead to profound change not only in the public sphere but also in the private sphere such as family relations. In addition, human rights of female care workers would come up as an issue. Why did Japan launch the introducing programme of care workers? Did Japan throw away its dogma of ban against unskilled workers? How should Japan consider human rights of unskilled workers? Through the case of care immigrants to Japan, this paper discusses as to how the state can deal with the dilemma of immigration policy and human rights."

Hsiaotan Wang (Taiwan)
Title: "Preliminary Investigation of Taiwan's Trial Culture."
Abstract: "Taiwanese law has adopted (or transplanted from) plural legal systems (Japanese, Continental, Chinese and Anglo-American) in the past 100 years. Today the statutes and regulations are all in "modern" style and people are gradually willing to use law to resolve their everyday conflicts. The question is the way people's legal minds change along with the "modern" law in the context of wider East Asia legal experiences. This paper attempts to inquire the features of legal culture in Taiwanese court, with special references to the transformation of battered women's "self perception" in a macrodiscourse level. The analysis is based on empirical records of conversations between judges, applicants and respondents in 30 Protection Order trials. With this microdiscourse analysis, this paper attempts to uncover the fetures of Taiwanese legal discourse and its cultural form of self-

transformation for battered women whose legal consciousness are mostly within the family morality and group-oriented self-identity."

Iker Barbero (Bilbao)
Title: "When conflict redraws citizenship: notes about the struggles of undocumented immigrants."
Abstract: "Modern citizenship has been traditionally presented as a legal and political instrument for inclusion. However, facts have shown that the expansion of citizenship has been a product of exclusion and a result of conflict. The aim of this paper is to analyze the concept of citizenship that the *sinpapeles* movement in Barcelona reclaims through shut ups (*encierros*), demonstrations and hunger strikes. The demand of free movement of people across borders and universal rights point toward a redefinition of aliens' law. This case study will some light to the expansion of citizenship through struggle."

Iker Barbero (Bilbao) and Chiara Calderoni (Italia)
Título: "Conflicts of citizenship and Migration in the 21st Century": Oñati networking."
Abstract: "Contemporary migrations have surfaced many social, legal and political complexities around the category of nation-state, and especially around one of its principal pillars, citizenship. Formal legal status of citizen or national is being shifted by double, or even, multiple citizenships. Transnational social, political and legal bounds are created, challenging the modern idea of identity or belonging. The concession of citizenship rights to certain aliens is creating new categories "in between", that on the one hand is incorporating newcomers to the host society, but at the same time, is resulting in some kind of "civic stratification" where undocumented immigrants are trapped in a permanent limbo of non existence. Riots, strikes and other mechanisms of struggle are some of the means that these last ones remain to ensure that their voice is heard. The objective of this panel is to explore which are some of these conflicts that arise, how are nation-states and migrant collectives reacting or interacting, and whether the modern concept of citizenship is being redefined."

Irene Strazzeri (Italy)
Title: "The clash of rights: sexual violence and ethnic prejudice."
Abstract: "The global spread of the recent financial crisis reveals the crisis of the social model at the base of Western societies. This can be seen from the increased social inequality and poverty, linked to increasing rates of unemployment levels within the so-called advanced capitalistic society. These societies, particularly the European ones, are interested at the same time in the migration and acquire the status of multicultural society. The mixture of the two phenomena, the economic and social crisis on the one hand, the increasing of migration flows on the other, led to deep divisions in that societies, whose consequences are felt by the most vulnerable groups: migrants and women. The associations complain of the increased exploitation of migrants labor, which creates resentment in the population, the unions complain the most violent fallout of the crisis of the labor market on women than men. In the Italian context occur that the two forms of discrimination have been dramatically intertwined: the public was captured by a sequence of shocking rapes of women by neo-communitarian citizens. The panic induced by the media has prevented a proper reflection on what was happening, crediting a model of criminalization of foreigners and increasing perception of insecurity in women. The scenario problematic from a legal standpoint, to which the project addresses, is a dangerous polarization between the protection of freedom of women and the respect for the social dignity of migrants. In relation to this scenario highly critical, which is erroneously included women as a minority in conflict with other minorities, this paper aims to identify in a comparative way the best tools to prevent the ethnicization of gender violence."

Isabel Cristina Mena Montealegre (Colombia)
Título: "Las sentencias de la Corte Interamericana de Derechos Humanos y su Efectividad en el Ambito Jurídico Colombiano."
Abstract: "La Corte Interamericana de Derechos Humanos a lo largo del tiempo ha realizado diferentes pronunciamientos respecto a Colombia; la mayoría de ellos por casos de masacres que tiene como víctimas un número considerable de personas, incluso poblaciones enteras, en estos pronunciamientos ha desarrollado varias condenas al Estado por violación a Derechos Humanos, ordenando a la vez numerosas medidas de reparación. Las víctimas de violaciones de Derechos Humanos después de obtener sentencia favorable de un tribunal internacional queda a la espera del cumplimiento de la misma, tratándose no solamente de reparaciones pecuniarias sino también medidas simbólicas; en muchas casos la ejecución de estas sentencias demoran años excediendo significativamente los plazos otorgados. Incluso hay reparaciones que nunca se cumplen. Este escrito hace un acercamiento a la problemática que presenta la ejecución de una sentencia de la Corte Interamericana y así se pretende consolidar un análisis en relación a la efectividad de estas sentencias en el ámbito jurídico nacional. Los problemas que presenta la ejecución de una sentencia de la Corte Interamericana para el contexto jurídico colombiano, radican básicamente en la falta de instrumentos y procedimientos internacionales que hagan coercitivo el pronunciamiento de un tribunal internacional, sumando a esto, la falta de voluntad política de los Estados en escenarios internacionales, como la Organización de Estados Americanos (OEA), donde se evita a máximo discutir profundamente estos temas; para subsanar esto, a nivel interno se deben de buscar los mecanismos y acciones adecuadas para ejecutar las sentencias de un tribunal internacional. Sin embargo, en lo que respecta al derecho interno nos encontramos con dificultades prácticas, como el desconocimiento del sistema y de las características de los pronunciamientos de la Corte IDH, incluso de los mismos órganos estatales."

Jan Winczorek (Poland)
Title: "Making law together? On some conditions of judicial cooperation."
Abstract: "The paper addresses the problem of contemporary lack of coordination of courts on global and regional levels. Revolving around a metaphor of on-stage interaction of musicians, it criticizes juridical discourses of judicial dialogue and multicentrism to offer some insights on possible platforms of communication between courts. For this purpose, systems theoretical conceptual framework is used."

Jayan Nayar (UK)
Title: "From Peoples Tribunals to Peoples Law."
Abstract: "This paper examines the experience of transnational peoples' tribunals in the context of resistance to the wars in Iraq and Afghanistan from a counter-hegemonic perspective on human rights and justice. It assesses the strategic choices regarding form, language and communication of these initiatives. The paper claims that these reflect a latent understanding of law as justice which in practice is betrayed by the irony of law's hegemonic conditioning. The paper examines the scope for resolving such tensions through re-imaginations of people's law."

Jayme Benvenuto (Brasil)
Title: "Politics and Human Rights in the Production of International Judgments."
Abstract: "The work is based on the idea that it is not possible to unlink Law and Politics. Law is conditioned by politics in all levels of production and appliance. When someone intends to isolate it in relation to politics would like to give it a purity that Law is unable to

possess. The work recognizes the recent production of judgments by regional international courts of human rights as a process of expansion of the access of individuals to justice, conditioned to the assumptions and method of operation of the politics at national and international levels. Taking these ideas as background, the study aims to analyze certain legal and political aspects that are hidden in the formal language of international judgments. The criticism towards the sentences takes into account three bases of analysis: a) normative-operational elements b) content of the sentences issued by international courts, c) compliance with international sentences. The article examines, in comparative and critical perspective, the answers of the international systems in four trials of the European and Inter-American Courts of Human Rights: Lustig-Prean and Beckett versus United Kingdom; Almeida Garrett, Mascarenhas Falcão and Others versus Portugal; Mayagna Awas Tingny versus Guatemala, and The Last Temptation of Christ (against Chile). This approach integrates a nationwide project selected by the National Program of Academic Cooperation – CAPES (PROCAD 01 / 2007) Judicialization of politics: towards a delineation of the process of domestication of the "politics" by the constitutional jurisdition in Brazil. Key words: 1. Policy and Law, 2. Human Rights 3. International sentences."

Jo Goodie (Australia)
Title: "The legal conceptualisation of climate change."
Abstract: "The philosopher Ian Hacking observes, "A style of thinking, it seems, cannot be straightforwardly wrong, once it has achieved a status by which it fixes the sense of what it investigates" (1990: 7). Over the last 30 tears the law and legal institutions have assimilated a certain style of thinking about the environment. To some extent established environmental law provides a principled framework, methodology and processes for the legal governance of climate change, the most recent and arguably the most pressing manifestation of the environmental problem. However, the legal response (of both courts and legislators) to climate change has been equivocal. The equivocation of the law might be in part explained by deference to the significant economic impact of any measure mandating action to mitigate and abate greenhouse gas emissions, as well as the scientific difficulty of calculating the extent and effect of climate change. It is a phenomenon that will have consequences not only for environments and economies, but also for the security, well being and rights of communities and people who have little capacity to exercise any form of control over climate change or its effects. Just as the recognition of the environment as a subject of law required a radical rethinking of established legal relationships and assumed legal rights, so to will climate change. The legal conceptualisation of climate change involves more than simply shifting the principles of environmental law sideways, it demands its own 'style of thinking'. Towards developing an understanding of the legal conceptualisation of climate change, this paper will consider how the law has engaged with and assimilated various discourses about climate change."

João Paulo Dias (Portugal)
Title: "Itineraries of Public Prosecutors: professional (re)valorisatisation."
Abstract: "Public Prosecutors in Portugal play an important role in the performance of justice. Besides their position within the judicial system, related with the competencies and its capacity to perform them with suitability and efficiency, Public Prosecutors seek to legitimate its activity through the construction of an autonomous professional project. In this sense, and having as a starting point the study of their role in the Labour and Family and Minors' Courts (the social areas of their intervention), it is possible to understand some of the professional strategies and itineraries developed, on the one hand, to ensure the socio-professional statute and, on the other hand, to preserve, or even increase, their legal competencies. In spite of this process have been developed, for a long time, through an internal affirmation (within the judicial system), we can perceive, nowadays, the search for another way for an external legitimation (with society and its citizens). The main argument starts to question the actual collective professional itineraries, in a context of judicial

reforms, higher social complexity, bigger professional competition and the implementation of new mechanisms of dispute resolution, trying to characterise the "structuring" place in the system, through a new approach to the (re)valorisation project of Public Prosecutors in Portugal."

Joël Ficet (Belgique)
Titre: "Managérialisation et territoires judiciaires : les cas français et belge."
Abstract: "Les systèmes judiciaires français et belges sont aujourd'hui soumis à un même impératif de rationalisation managériale. Au nom de l'efficacité, les deux pays ont choisi de reconfigurer la carte des juridictions et de déconcentrer la gestion des moyens humains, matériels et financiers. Toutefois, la proximité apparente du discours et des programmes masque des contextes et enjeux très différents. La stratégie hiérarchique et technocratique de territorialisation de la gestion judiciaire adoptée en France révèle une volonté de contrôle accru de l'exécutif sur le pouvoir judiciaire au détriment de l'indépendance de lui-ci. Elle s'inscrit dans une entreprise de long terme d'alignement du fonctionnement de l'institution judiciaire sur celui des autres segments de l'Etat. Les solutions étudiées en Belgique préservent par contre les particularismes de la justice et l'autonomie de la magistrature. Ces divergences sont significatives de deux modes antinomiques de gouvernance de la Justice, ancrés des traditions politiques, des paysages institutionnels et des représentations du rôle de l'Etat opposés."

Jörg Stippel (Francia)
Título: "Los Delegados-acerca de mecanismos de autogobierno en las cárceles bolivianas."
Abstract: "Desde la aprobación de la Ley de Ejecución Penal y Supervisión, la legislación boliviana reconoce mecanismos de autogobierno de los presos al interior de los recintos penitenciarios. El artículo analiza estos mecanismos y pregunta qué posibilidades y problemas presenta esta forma de democracia carcelaria. Se indaga qué mecanismos democráticos se pueden implementar en la institución total y como esta puede ser transformada."

José Atiles (Puerto Rico)
Title: "Colonialism, Stated of Exception and Resistances; The criminalization of the ar."
Abstract: "This paper aims at exposing how the law and the legal discourse has an effective tool in the process of legitimating the violent practices asociated to the colonialism and the political-hegemonic practices of the USA in "indistinction spaces" such as Puerto Rico. In this context, we are interested in showing three fundamental aspects that characterize the hegemonic and counter-hegemonic practices in this colonial space; Firstly, we will present the practices and legal discourses that legitimated the construction of the state of exception in Puerto Rico. Secondly, we will expose how the state of exception's juridical construction and this analytical categories enabled the criminalization of the counter-hegemonic actor, or those who opposed to the colonial status of the island, and particulary those actors who exerted the armed contingency. In this second part, we will expose how the USA, through the state of exception, categorized and identified theses actor as terrorists, rebels, among others criminalization forms. Thirdly, we shall expose how the case of Puerto Rico served as legal and political precedent for the legitimation of the USA's hegemonic practices throughout the world, in particular in the detention camps in Guantanamo Bay, Cuba. Finally, we will present how this legal practices and analytical categories, such as the state of exception, have superpositioned the law above the Politics and how this has influenced the resistance practices and in the discourses of the counter-hegemonic movement, such as the puertorrican national revolutionary movement."

José Augusto Fontoura Costa (Brazil) y Marcos Wachowicz (Brazil)
Title: "Nuevas Fronteras del derecho de propiedad: informática y biotecnología."
Abstract: "La sociedad dialoga con las transformaciones económicas y presentase como espacio de tensiones distributivas, generadas y generadoras de conflictos. Por consiguiente, la formulación jurídica de la propiedad intelectual de las innovaciones informáticas y biotecnológicas es uno de los elementos esenciales para la comprensión y diseño de las relaciones productivas y las transformaciones sociales en los nuevos espacios y límites de un mundo donde las complejidades y conflictos se multiplican. La sociología de la economía tiene como sus principios la aceptación de la acción económica como una forma de acción social; la acción económica es socialmente situada o incrustada; y las instituciones económicas son construidas socialmente [1]. Así, las concepciones jurídicas, teóricas y positivas, de los derechos de propiedad intelectual se establecen en un campo de tensiones en el que la opinión socio-política por una determinada distribución no sigue un concepto "natural" de propiedad y tampoco una presuposición de mayor eficiencia, pero es el resultado concreto de fuerzas en conflicto [2]. El objetivo del workshop es discutir las relaciones entre sociología, economía y derecho en dos de los temas que desafían las estructuras heredadas de los siglos XIX y XX: la expansión del ámbito de la actividad humana mediada por la construcción de nuevos espacios virtuales de creación e intercambio que transcienden el modelo de la fábrica y, a la vez, la disminución de los ámbitos de expansión económica la cual resulta de la consciencia de los limites de la naturaleza. [1] SWEDBERG, Richard; GRANOVETTER, Mark (2001) Introduction. In SWEDBERG and GRANOVETTER (Ed.), The Sociology of Economic Life, 2nd Edition. Boulder: Westview. [2] PICCIOTTO, Sol and CAMPBELL, David. (2003) Whose molecule is it anyway?: private and social perspectives on intellectual property. In HUDSON, Alistair (Ed.). New perspectives on property law, obligations and restitution. London: Routledge-Cavendish."

José Luis Bolzán de Morais (Brasil)
Título: "ESTADO SOCIAL: crisis, miedo e barbarie!."
Abstract: "En este trabajo se intenta discutir la incidencia de un (des)arreglo en las estructuras, forma y fórmulas de la modernidad, implicando un proceso de desconstrucción de muchos de los fundamentos de la “cultura” moderna. El dilema contemporáneo visto de este prisma parece residir exactamente en la perdida de referencias de la modernidad, referencias que se ven restringidas por la irrupción de mal – estares que parecen no moldarse a los modelos clásicos de interdicción."

José Ramón Fragoso Cervón (México)
Título: "La Sacramentalidad del Derecho en la Transformación Social en America Latina."
Abstract: "El derecho en México ha compartido con la religión, la fascinación por lo sagrado y la necesidad de estar en contacto con lo divino, ya sea en su inspiración creadora o como forma de legitimación social. Los métodos de administración que la ciencia jurídica elaboro para vivir en sociedad, han mantenido una estrecha relación con lo sagrado. Las normas sacramentalizadas se han producido para el provecho de la sociedad precolombina, los colonizadores, la república, para mantener o alcanzar el poder "democráticamente" y satisfacer los intereses de determinada clase privilegiada o de determinados individuos. Existen cosas supremas (sacramentalizadas) que han normado las relaciones en la comunidad, como son las sagradas escrituras en la religión o las constituciones democráticas en el mundo moderno, que los ciudadanos tienen que cumplir. En estas cosas supremas encontramos actividades que no pueden ser ejecutadas por todos, solo por determinadas personas (personas sacramentalizadas), por ejemplo: elaborar o ejecutar las leyes, presidir los ritos en la religión o en un proceso jurídico (sacerdotes o jueces); hay leyes o normas

que obligan a determinados comportamientos sociales (comportamientos sacramentalizados). Lo religioso ha sido históricamente un vínculo importante en la transformación social en América Latina; proporcionó los símbolos de unidad, continuidad, e identidad de la colectividad, pero principalmente de aceptación de la norma. El hombre religioso en el Estado moderno es el buen ciudadano y a la inversa, por lo que la práctica pública del derecho constituye un deber ser, y cualquier trasgresión a la norma automáticamente se convierte en pecado o delito. En la historia encontramos un derecho con tradición sacramental. En comunión con los dioses, la sociedad precolonial creó un derecho consuetudinario buscando la armonía entre religión, pueblo y naturaleza para normar su sociedad, los sacerdotes tenían gran influencia y gobernaron convertidos en Tlatoani o persona sagrada. En la época colonial el nuevo mundo se unió con leyes bendecidas por el Santo Papa al mandato de Reyes católicos, desde las Bulas alejandrinas pasando por las leyes de Castilla, leyes de las Indias Orientales, las constituciones de Bayona y de Cádiz. Después en la independencia las constituciones de los diferentes pueblos latinoamericanos se fueron secularizando sin dejar de ser religiosas. Los pueblos de America Latina fueron muy creyentes y respetuosos de sus líderes, siempre se le presentaron como algo divino. Desde la etapa precolombina, encontramos que pueblos nativos eran guiados por personas sagradas, cuyas facultades abarcaban lo jurídico político y también lo militar, lo económico, lo religioso, y lo social. Con la llegada de los españoles y la conquista estas facultades, pasan a una nueva forma de hombres sagrados, el anterior sacerdote-señor las va a delegar religiosamente en manos de las personas de los reyes católicos como resultado de la conquista y los tres siglos de dominación. Con la lucha de independencia y el Estado Nación surge la actual imagen del señor presidente de la República. El derecho sacramentalizado convirtió la herejía en un crimen de Estado y la insurrección en un pecado. El seguimiento de las discusiones para la creación del Estado Nacional constituido (que no pocas veces terminaron en guerras internas), nos da el panorama de un intento fallido por separar la norma sacramentalizada del comportamiento social y de la administración de la justicia. Históricamente el derecho en la transformación de América Latina ha sido un proceso que sólo ha mertamorfoseado religiosamente las diferentes constituciones democráticas y sus reglamentos."

Josh Kaplan (USA)
Título: "Making Human Rights "Issues": NGO Claimsmaking and Agenda Setting."
Abstract: "Based on field research among human rights organizations, media and archival research, and interpretation of legal materials, this paper traces factors contributing to the emergence or inhibition of the perception of antisemitic acts as an issue worthy of human rights concern both inside and out of human rights circles. The paper takes a broadly sociological view of what human rights organizations, lawyers, philanthropists and other key actors in the human rights movement do or do not do (e.g. choice of advocacy campaigns, funding priorities), how they function, what decisions they make or do not make, and fundamentally, how issues linked to antisemitism do or do not come to be seen as 'human rights issues' and how human rights issues come to be perceived as 'antisemitism'."

Joxerramon Bengoetxea (Basque Country)
Title: "Faces and Rituals of Justice, Spheres of Jurisdiction and Aspects of Decision-Making in a Complex Age."
Abstract: "The analysis of judicial reasoning from the perspective of consequences is approached from a two-fold interest: how consequences actually feature in judicial reasoning and what happens when judicial reasoning is based on consequences. These studies are appplied to the case-law of the Court of Justice of the ECJ."

Juliana Zapata Galvis (Colombia) y Alejandra María Domínguez

Título: "Diversidad biológica y cultural Vs. propiedad intelectual."
Abstract: "La ponencia abordará la problemática que se presenta con la autorización del uso y comercialización de semillas transgénicas en Colombia, semillas que son protegidas por patentes y derechos de obtentor, derechos que para el caso concreto se deben poner en una balanza (principio de proporcionalidad), con los derechos a la diversidad biológica y cultural. La biodiversidad es una riqueza de un valor social y económico incalculable, razón que debe impulsar al Estado colombiano a su protección, de conformidad con lo establecido en el artículo 8 de la Constitución Política colombiana. La biodiversidad comprende las múltiples variedades en que se expresa la vida sobre la tierra, como resultado de miles de años de evolución con gran influencia de las actividades del ser humano, lo que la constituye como patrimonio biológico y cultural de las naciones. Por su parte las semillas transgénicas son variedades obtenidas de la naturaleza, a través de procesos biotecnológicos donde se manipulan genéticamente plantas, virus y bacterias, combinándolos en una misma estructura, para la obtención de semillas que por procesos naturales no se conciben. Al vincular recursos naturales a procesos científicos, se argumenta que es posible el patentamiento de la vida misma, con lo que se transgrede la propiedad colectiva que se tiene sobre la naturaleza, al ser esta patrimonio de la humanidad. Se propone, entonces, analizar las normas vigentes que regulan el tema, confrontándolas con las propuestas que presentan las comunidades indígenas y campesinas, con el fin de extraer posibles alternativas que respondan a las verdaderas necesidades del campo colombiano."

Julieta Mira (Argentina)
Título: "La emergencia de una 'memoria jurídica'. El caso argentino."
Abstract: "La realización de juicios penales por graves violaciones a los derechos humanos en el pasado puede contribuir a edificar una "memoria jurídica" de los hechos. En paralelo la justicia busca establecer una "verdad oficial" sobre la "violencia política" y establecer un cierre al conflicto. Al mismo tiempo, el discurso jurídico genera desplazamientos y ocultamientos que tienden a despolitizar los sucesos. En este marco, se abren una serie de interrogantes: cuál es el rol que el Estado se arroga en la construcción de la memoria a través de mecanismos como comisiones de la verdad, juicios penales y celebraciones oficiales. Cómo se evidencian las posturas pendulares del Estado entre justicia e impunidad y las tensiones que enfrenta con las demandas sociales del movimiento de derechos humanos. Cuáles son las luchas entre Estado y sociedad por el sentido de la justicia y la historia de la "violencia política". Se abordan estas preguntas a través del caso del "terrorismo de Estado" en la Argentina. Se revisa el accionar en torno a la política de verdad y justicia tanto "desde arriba" como "desde abajo": en los años ochenta; durante el período de impunidad desde las leyes de amnistía e indultos; los juicios extraterritoriales (bajo "jurisdicción universal" y "personalidad pasiva"); y la reapertura de los juicios penales en forma plena desde la decisión de la Corte Suprema de Justicia de la Nación de la Argentina de declarar inconstitucionales las leyes de amnistía."

Kaja Gadowska (Poland)
Title: "Law in Action. Political Patronage in Public Administration in Poland."
Abstract: "An effective, transparent and accountable public administration is one of the key aspects of rule of law. However, public administration in post-communist states is particularly vulnerable to political patronage and cronyism, due to unequal statutes of political and administrative spheres and underdevelopment of professional civil service. Although the aim of public administration reform in Poland was to shape the civil service corps in such a way as to allow an independent, objective, apolitical and competent group of officers selected in open competition to carry out their tasks with respect to the management and functioning of government administration bodies regardless of any political changes, political parties try to limit the autonomy of civil service by extending their control of personnel policy into the public administration. The aim of my paper is to assess to what extent the actual relation between politics and administration reflects the principles

contained in the subsequent Acts on Civil Service. I will briefly discuss the cultural sources of malfunction of politico-administrative relations and concentrate on the policy towards high-rank posts in civil service, especially directors generals in ministries, other central institutions and regional offices as these positions are critical to gain direct control over civil service by politicians. Some systemic weaknesses that allow for pathologies to persist will be pinpointed. Special attention will be dedicated to identifying the practices of subsequent governments aimed at employing in senior positions in public administration political appointees. Such analysis will allow to evaluate the practical effects of the respective acts on civil service as well as to determine the institutional model that serves best the autonomy of Polish public administration. Apart from the analysis of legal framework of civil service functioning, the paper will be based on the empirical data gathered from a series of in-depth interviews with public officials."

Katayoun Baghai (Canada)
Title: "Supreme Court and Fundamental Rights: A Socil Systems Perspective."
Abstract: "This paper examines the fruitfulness of employing Niklas Luhmann's social systems theory and his account of the multi-functionality of fundamental rights in empirical investigation of rights-based judicial review in the United States. Discussing the role of Supreme Court opinions in the autopoiesis of law and structuring of social communication, it raises sociologically relevant questions thus far absent in such investigations."

Kati Rantala (Finland)
Title: "The case of feminism, eviction order and severe consequences."
Abstract: "Branches of feminism exemplify a social movement that tends to transform social issues and power conflicts into the language of rights in order to advocate legal reforms. One of the aims is to enhance the use of legal means to address violence against women. As a result, different types of restraining orders, for example, have been applied throughout the western world. What easily happens, however, is that a simplistic solution is offered to a complex problem, and for the sake of argumentation the parties involved become homogenised, leading to unrealistic premises, means and goals for the legislators, and finally, when the law is implemented, to severe consequences. This has all come true in the case example of launching 'eviction orders' in Finland. According to the law, due to the victim's right to stay at home, the violent person is required to move out from the common household and is banned from returning for a predetermined length of time. In the law drafting process, references to international human rights conventions, other countries' similar legislation and onesided research are used as a means of justification. The neglect of paying attention to contextual circumstances and obvious risks, and a highly undemocratic law drafting process guided by political pressure have resulted in a poor law and severe consequences, including hidden violence, social exclusion and suicides. The intervention was designed to help suppressed victims of violence but it does a misservice for many of them and produces new victims of the perpetrators. This paper is based on an evaluation research on eviction orders in Finland. The data consist of law drafting documents, all court orders from 2005 and 2006, police records of the parties involved as well as interviews with some of the parties and state authorities involved."
Keywords: Immigration Policy; Human rights; Care workers; Japan

Larry Barnett (USA)
Title: "The Public-Private Dichotomy in Morality and Law."
Abstract: "The paper advances the thesis that the doctrines and concepts of law are attributable to the properties of society and to the forces molding these properties. The thesis, after being illustrated with the federal Investment Advisers Act, is assessed quantitatively using data from the General Social Survey. The Survey interviews a national

sample of adults in U.S. households, and in 1991, it ascertained whether interviewees classified morality as a private matter or as a public matter. Interviewee positions on this issue were the dependent variable in a study that assumed (i) an activity is not explicitly addressed by law, or is explicitly protected by law from regulation, when society designates the activity as private, and (ii) law that is designed to regulate an activity embodies the substance of prevailing morality.

Because social values on morality comprised the dependent variable, their antecedents are likely to be factors that prevent or permit the existence of law regulating numerous socially significant activities. Logistic regression was used to estimate the relationship to the dependent variable of two sets of factors that potentially influence whether morality is designated private or public. One set was factors that structure (e.g., stratify) a society and that have important societal correlates and consequences; the other set was comprised of modes of thought and conduct that are cultural dimensions of a society, e.g., level of fatalism and of religiousness. Of the factors in the two sets, only gender had an unconditional effect on social values defining morality as private or public; number of years of schooling had an effect just among women, and frequency of praying had an effect just among men. The paper suggests that the findings may help to explain U.S. Supreme Court decisions that construed the federal Constitution to restrict government regulation of sexual activity and its incidents."

Larry Barnett (USA), Cirus Rinaldi (Italy) and Pietro Saitta (Italy)
Title of the Session: "Empirical Research and Methods in the Sociology of Law."
Abstract: "Presenters in the session will report on recent empirical studies they conducted on topics relevant to the sociology of law. Presenters will describe the methods they used to obtain and analyze their data, discuss the methodological issues they confronted, and review the findings of their research."

Larry D. Barnett[*] (USA)
Title: "The Financial Sector Upheaval of 2008: Sociological Antecedents and Their Implications for Investment Company Regulation."
Abstract: "In 2008, the United States experienced a severe contraction in the availability of credit, a marked reduction in the price of common stocks, and an appreciable increase in interest rates on debt instruments issued by business entities and by state and local governments. The premise of the instant article is that, although this upheaval was economic in form and sudden in occurrence, it stemmed from change that was sociological in character and that started in prior decades. Specifically, the 2008 upheaval in finance is traced to a shift in social values among Americans — namely, an increased prevalence of hedonism and materialism in conjunction with an increased emphasis on short-term considerations — and to the suboptimum intellectual skills of the population that resulted from this shift. Quantitative evidence in support of the thesis is presented, and implications of the thesis for provisions of the Investment Company Act are discussed."
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Lasha Bregvadze (Germany)
Title: "Constituting Constitutions beyond the State: Multiple Constitutionalism of the World-Society."
Abtract: "Globalisation of modern society has provoked and initiated many productive perturbations against conventional thinking, including orthodox jurisprudence. One of the

cornerstones of classical jurisprudence - the definition of constitution as the basic law of state, can be questioned under increasing processes of globalisation and privatisation. Due to the fact of functional differentiation of the world-society and formation of the global legal sub-system, processes of internal fragmentation of the global law cannot be avoided: functionally differentiated legal sub-system of the world-society is being internally differentiated through the logic of segmental, territorial, spatial or sub-functional rationalities. The essay represents an attempt to develop the argument of internal fragmentation of the global legal system being characterised by individual constitutional processes of different legal levels: the differentiation of local, national, international, supranational and transnational legal fields implies the emergence of divergent processes of constitutionalisation, based on the operational characteristics of the given legal levels. Following the emerging debates within the current socio-legal studies, competing perspectives of constitutional transformations can be observed. The most influential current arguments about constitutional processes beyond the nation state - societal constitutionalism (Sciulli), global private constitutions (Teubner), international constitutionalism (Habermas), constitutional pluralism (Walker) will be reviewed in the essay in order to try and propose an alternative argument about the multiple constitutionalism based on the parallel constitutionalisation of different legal levels within the global legal sub-system: the establishment and coexistence of local, national, international, supranational and transnational legal levels are stimulated by specific constitutional processes, which, being different from each-other, in sum reproduce the empirical fact of multiple constitutionalism in the world-society. Paradoxically, the world-society constitutes the unity of its global legal sub-system through the different, fragmented constitutional processes, developing constitutional forms beyond control mechanisms of nation state and global polity."

Laura Lora (Argentina)

Title: "Society and institutions. The way of thinking the childhood."

Abstract: "The present work has the purpose to present advances of the Project UBACyT called:
"Society and institutions. The way of thinking the childhood ".
The Project tries to extend the disciplinary perspectives and the analysis of topics developed in the doctoral thesis "The quality of life in the institute of adoption. Perspective social-juridical " (Lora, Laura, 2006).
Quality of life is a wide concept. The international instruments considerate the expression “sufficient standard of living”, like for example the preamble of the UNCRC (International Convention of Rights of the Child) and the art. 27 of the same instrument. To solve dilemmas related to these concepts / rights, some topics are of interest: structures of family relations, the way in which these promote or prevent aspects of the human activity; life expectations of the childhood population; the freedom that the children have to lead their lives; their social relations, etc.
On the other hand, the UNCRC refers to the "right to play" and to leisure of the child in the article 31 and stipulated in paragraph 1: “States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.” Having approached the above mentioned topics one tries to observe the application of the normative terms of reference across the institutional implementation of projects and programs created to make the mentioned rights effective.
Some of the aims of the research will be to determine the appropriateness of different institutional programs under articles 27 and 31 of the ICRC (International Convention on the Rights of the Child). To investigate the way in which children internalize the social values arising from institutional “programs” that channel their actions into multiple processes.
To inquire about the importance that space and time for children to play have in the construction of their identity. To identify which are the arguments, the reasoning that professional use to know which form of life is better for the individual or familiar group. To Know the perception of the different social participants involved in the subject under study (judges, advisors, deputies, psychologists and children). Taking into account the aims of the

project, the methodology to be implemented will be a qualitative one. In some areas, it will be exploratory and in others descriptive.
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[1] Lora, Laura Noemí, Director of the Proyect; Members: Sabrina Solnicki, Marina Vegh, Mario Gerlero."

Leny Elisabeth de Groot-van Leeuwen (The Netherlands)
Title: "One or more judges in the courtroom?"
Abstract: "After decades of merely efficiency oriented reform of the judiciary, the improvement of judicial quality has received much attention recently in the Netherlands The shift to more collegial courts of three judges instead of one single judge is one of the quality measures that are planned. However, no empirical or theoretical underpinning of this measure exists. Against this background I will review the current practices and the literature on individual versus collegial decision making in the court."

Libardo Ariza (Colombia) y Manuel Iturralde (Colombia)
Título: "Prisión / Prisons."
Abstract: "Pocas instituciones suscitan tanto interés social, político y académico como la prisión. Provenientes de diversas perspectivas teóricas, los investigadores encuentran en ella un lugar de análisis privilegiado. Desde los estudios fenomenológicos sobre las relaciones sociales en las instituciones totales, pasando por las perspectivas históricas sobre las relaciones entre el castigo y la formación disciplinaria del proletariado, hasta los debates actuales en torno al significado del encarcelamiento masivo y la desproporción penitenciaria, la prisión ha sido un objeto de análisis ineludible e inagotable. Pero también ha sido objeto de crítica por parte de movimientos sociales y teóricos que se oponen a la segregación y al manejo punitivo de la conflictividad social, la pobreza y la disidencia. En cualquiera de los casos, resulta claro que la institución penitenciaria, así como el complejo que la rodea, parece no haber perdido importancia en lo absoluto, ni desde el punto de vista académico y mucho menos social. Este panel busca propiciar un espacio para la puesta en común de trabajos provenientes de foros académicos y movimientos sociales que confluyen y a la vez intentan sortear los muros de la prisión."
"Currently, few institutions, other than the prison, elicit such an intense social, political, and academic interest. The prison is a privileged object of analysis, from several theoretical perspectives, for researchers of the most varied disciplines. From phenomenological studies on the social relationships that take place within prisons, to historical perspectives regarding the rapport between punishment and the disciplinary training of the proletariat, and the current debates on the function and meanings of massive imprisonment and penitentiary disproportion, prisons are an unavoidable and inexhaustible subject of analysis of contemporary societies. Prisons have also been subject to forceful criticism coming both from social and theoretical movements, which oppose the segregation and punitive management of social conflict, poverty and dissidence, which the prison entails. In any case, it seems clear that the penitentiary institution, as well as the techniques and discourses that surround it, are a pressing issue, both from an academic and a social point of view. This panel seeks to join in a constructive and critical debate works and studies from academic circles and social movements which seek to explain the workings of prisons and to overcome their walls."

Libardo José Ariza (Colombia)
Título: "Reformando el infierno: Prisión e intervención judicial en Latinoamérica."

Abstract: "Frente a las terribles condiciones de las prisiones latinoamericanas, distintos actores políticos y sociales han encontrado en los estrados judiciales un campo de lucha y transformación. Además de las protestas adelantadas por las personas presas y sus familias bajo la forma de huelgas de hambre, motines y encierros colectivos, la judicialización de la vida carcelaria es uno de los principales campos donde se generan iniciativas de transformación y crítica. En esta ponencia se analizan algunos de los principales casos de intervención judicial en la vida penitenciaria en el contexto latinoamericano, tanto a nivel nacional como internacional, para mostrar las tensiones al interior del discurso jurídico sobre el significado histórico y social de la prisión. Estas tensiones determinan tanto el tipo de respuesta judicial frente a la legitimidad del castigo, como el impacto de las decisiones sobre el sistema penitenciario en general. La respuesta común es la reforma de la infraestructura del sistema, lo que a la larga fortalece la institución penitenciaria y permite su inclusión en el mercado global de la gestión punitiva."

Lidia Rodak (Belgium)
Title: "Law & Objectivity and false / double Legal Consciousness."
Abstract:
1. "In the paper I will deal with the following question: how lawyers understand the term objectivity and how they are using it. I will do that trough analysis of the Polish courts' rulings.
2. I argue that lawyers making claims about objectivity like for example: objective judgments, objective evaluations, objective opinions, objective decisions, objective legal facts, general clauses in objective sense etc. built **double understanding of objectivity.**
3. Such reasoning is in contradiction with our common intuition what objectivity means. The relationship between theoretical point of view and the practice presents a pictures which could be grasped by the postmodern category of **false or double consciousness**, i.e. as the condition of getting knowledge in the social reality.
4. I argue that legal mind is based on the **ideology of objectivity and that double understanding of objectivity** is one of the conditions making cognitive process possible, what is more, it becomes one of the ways of expressing lawyers' own judgments. As modern jurisprudence has shown the scientific ambitious of law are not possible to be realize, but as practice of law shown it is still present there. Such a situation in its effects creates the phenomena of legal schizophrenia."

Lucira Freire (Portugal)
Title: "Brazilian inmates: realities and myths."
Abstract: "Portuguese society has been struggling with growing social problems related to crimes committed by foreigners in Portugal. The criminal panorama has been changing in Portugal due both to new types of crimes and to the increasing participation of foreigners in delinquent practices.
In the summer of 2008, the media revealed mounting evidence of the participation of foreigners in violent crimes in Portugal. Robberies, assaults, and carjacking were some of the crimes that the media associated mainly with Brazilian citizens making society believe that the Portuguese are facing a new criminal reality with regard to the importation of violence from other countries.
The number of foreign inmates in Portugal increased while the number of national inmates decreased.
In this presentation, we show data of criminality attributed to Brazilians living in Portugal in the last 6 years in an attempt to try and discover if there were any changes in the Portuguese criminal reality. We will attempt to question if there was a rise in violent crimes in which Brazilian citizens were condemned, comparing this data with condemnations of inmates from other nationalities and with data of condemnations of Brazilians in Brazil. We will try to check if there was or not a transposition of the criminal panorama from Brazil to Portugal."

Luis Alfonso Fajardo (Colombia)
Title: "El Impacto del IISJ de Oñati en América Latina y Colombia."
Abstract: "El presente ensayo intenta verificar el impacto del Instituto Internacional de Sociología Jurídica en el desarrollo y la consolidación de la sociología Jurídica en nuestro país a partir de tres momentos donde se discutieron aspectos teóricos y conceptuales
Las tendencias de las investigaciones Socio-jurídicas en América Latina reflejan algunos ejes vertebrales temáticos desde sus comienzos como son: Teoría Socio-jurídica, Uso Alternativo del Derecho, los servicios Legal Alternativos, Derechos Humanos, Formas de derecho propio, Pluralismo Jurídico, la globalización, Mecanismos Alternativos de resolución de conflictos, problemas de genero y la enseñanza jurídica. Las perspectivas con las que se han abordado estos temas se han modificado a través del tiempo, sin embargo, se encuentra una constante a través del tiempo: una trasformación social entorno a un derecho emancipatorio incluyente.
Tomaremos para el presente ensayo, tres momentos:
1. W*orkshop en el IISJ* ¿existe alguna especificidad en la sociología jurídica en América Latina? 1990
2. W*orkshop en el IISJ. La* Sociología Jurídica en América Latina. 2002
3. Congreso latinoamericano se Sociología Jurídica. derecho y liberación". IISJ 2007
Finalmente trataremos de caracterizar algunos estudios de sociología Jurídica realizados en Colombia desde los siguientes ejes de investigación:
1. La Sociología Jurídica desde las trincheras
2. La defensa del pluralismo jurídico
3. Los desarrollos de la Justicia en equidad
Luis Alfonso Fajardo Sánchez. Avance de investigación realizada por el Grupo de Investigaciones de Derecho y Sociedad de la Universidad Santo Tomas. Investigadora Auxiliar Mg. Luisa Fernanda García Lozano. Julio de 2009."

Luis Alfonso Fajardo (Universidad Santo Tomás) y Germán Silva García (Instituto de Altos Estudios Latinoamericanos – ILAE)
Título: "Estado del Arte de la Sociología Jurídica en Latinoamérica y el impacto del IISJ en América latina."
Abstract: "El presente año cumple el IISJ 20 años de creado, aprovechando esta celebración creemos que se hace necesario evaluar el impacto del IISJ en el desarrollo de la Sociología Jurídica en Latinoamérica. Recordemos que la incorporación de esta disciplina es reciente en los países de Nuestra América, sin embargo, los resultados son verdaderamente sorprendentes, ya son pocas las universidades que no tienen incorporadas en sus facultades de derecho o incluso de sociología, los contenidos curriculares que dan fundamento a esta disciplina. Igualmente, el impulso y desarrollo de investigaciones y propuestas metodológicas que han dinamizado de manera importante el saber científico de la sociología jurídica en los centros educativos, ONG`s, grupos de trabajo y de investigación, así como organizaciones sociales.
Incontables son las reuniones, workshops, conferencias, paneles, reuniones científicas, conversatorios, congresos, publicaciones, etc., que el IISJ he realizado estos veinte (20) años relacionados con América latina. El IISJ se ha convertido desde su fundación en un foro de debate sobre aspectos relevantes de la Sociología Jurídica en Latinoamérica, donde han participado los más ilustres representantes de esta disciplina en el continente. Proponemos aprovechar esta celebración para que, desde los diferentes países de Nuestra América, se realice este balance que permita proyectar el trabajo en el futuro, pero sobre todo, para hacer un merecido reconocimiento a la labor del IISJ, especialmente desde nuestros respectivos países.
Esta mesa de trabajo será coordinada por la Universidad Santo Tomas – USTA - y el Instituto Latinoamericano de Altos Estudios – ILAE, ambas entidades con sede en Colombia."

Mª Luisa Bartolomei (Sweden)

Title: "Empowerment and Rights-The role of gender and women's rights in Argentina (1970-2009)."

Abstract: "Argentina was ruled by a succession of authoritarian "de facto" administrations, during the second half of the 20th century. This reached its zenith in 1976, when a brutal dictatorship carried out a policy of state terrorism that lasted for 7 years- until late 1983 (Barranco 2006; Bartolomei 2007). The subsequent restoration of democracy from 1983 onwards signalled a move by the feminist movement in Argentina towards a rights-based discourse. This discourse was to place particular emphasis on the important issues of women's empowerment and the meaning of citizenship (Craske & Molineux 2002).

The paper focuses on women in Argentina and their sexual rights, that is to say, sexual reproduction – the right to abortion, the right to your own body and the right to self-determination. It also focuses on political rights issues, in particular, political participation and the rights of citizens, including some social rights. Theoretically the paper looks at Intersectionality as a theoretical perspective; at IrisYoung's theory on justice, politics of citizenship and differences in political mobilization; and at Nancy Fraser's approaches on recognition, redistribution and identity. Santos's concept of interlegality and the conflict between the three levels of law, i.e. trans-national, national and local, are also used to highlight the significant impact in Argentina on women's rights."

Mª Susana Bonetto (Argentina)

Título: "El constitucionalismo liberal y sus limitaciones para las transformaciones en América Latina."

Abstract: "En el presente trabajo planteamos la tensión existente en la democracia liberal, entre las limitaciones impuestas por el Estado de Derecho a la soberanía popular, y la posibilidad de la autodeterminación democrática. Esta tensión se refleja en los actuales procesos de transformaciones que se están realizando en algunos países sudamericanos como Venezuela y Bolivia. En estos casos los marcos constitucionales liberales que se remontan al momento fundacional de los Estados, resultan limitantes de los procesos de cambio. Por ello se discute críticamente sus limitaciones para la construcción de la democracia en Latinoamérica en el marco del universalismo liberal (Habermas) contraponiendo el enfoque contextualista de (Mouffe)."

Madalena Duarte (Portugal)

Title: "Women on waves: mobilizing human rights to legalize abortion."

Abstract: "This paper draws on partial results of the research project "Reconstructing Human Rights through Transnational Legal Mobilization? Portugal and the European Court of Human Rights,"carried out by the Center for Social Studies at the University of Coimbra. Based on the case of Women on Waves v. Portugal, the paper examines the role of transnational legal mobilization in the struggle to legalize abortion in the Portuguese context. It discusses the discourses and strategies of the litigants and judges involved in the disputes and the impact of the ECHR's decision in the reconstruction of human rights. Until 2007, abortion in Portugal was under restrictive laws. In 2004, Women on Waves (WOW), a Dutch NGO concerned with women's human rights, was invited to come to Portugal by four Portuguese NGOs. WOW better known campaigns involve sea voyages to countries where abortions are illegal, but they also engage in legal actions, give sexual education and medical knowledge workshops, and help women with the course of their abortions via the internet. The Portuguese Campaign, called "Making (Portuguese) Waves," had a major impact in national and international settings, not only because of the predicted actions, but also due to the Portuguese government's decision to prevent the WOW boat – Borndiep - to enter Portuguese national waters using two war ships. Considering that this decision was a violation of the international and European human rights norms, WOW and the Portuguese

NGOs resorted to national courts, which ruled in favour of the Portuguese government. The case was then taken to the European Court of Human Rights (ECHR), which decided against the Portuguese government."

Malgorzata Fuszara (Poland)
Title: "Parental custody and martial breakdown in Poland: gender perspective."
Abstract: "Statistical data are often cited to prove that after divorce, men are primary carers of children less often than women, and they less often have full custody of children. Statistics indeed confirm this. In 2007, in 61% of divorce cases courts ruled on child custody (in the remaining 39%, the couples had no minor children). The following custody decisions were made: custody assigned to women: 57%, to men: 4%, joint parental custody: 37% (2% - other decisions).
The interviews show that often the parties actually wished the custody to be awarded to the woman. Analyses of both the court files and the interviews demonstrate that most typically the parties (both men and women) move for the child to remain with the mother after the divorce. This occurs in two forms: either the mother is the only parent with full custody, or both parents have full custody, but the child lives with the mother. A legal arrangement where the primary care of the child switches between the parents is not an option in Poland. Even if both parents have full custodial rights, one parent, with whom the child lives, exercises everyday primary care of the child. Therefore, in over 90% of cases the child lives with the mother.
Parental custody is rarely disputed in court. Conflicts – not very numerous, but often grave – arise later with respect to the rules governing the contact between the child and the parent with whom the child does not live, i.e. most often the father. Such conflicts are hardly ever revealed at the time of the divorce. Research into cases where the fathers were awarded custody shows that they rarely are conflict cases, and that the fathers rarely get the custody as a result of having fought for it. These situations occur mostly when the mother leaves the country for economic reasons and her prolonged absence leads to divorce; mother's illness; mother's inability to cope with an adolescent child, usually a son; mother's moving out of the house and starting a new family; child's clear preference for staying with the father, supported by the parents. The interviews include sometimes information on disputes concerning the father's contacts with the child, but statistically this does not happen often."

Manuel A. Gómez (USA)
Title: "Collective Redress in Latin America: The regulation of Class Actions and other aggregative mechanisms."
Abstract: "This research explores the differences and similarities in procedural rules and legal practices regarding the use of remedies against collective harms in Latin America. I give special attention to those countries that have recently developed a legal framework for the protection of individual and collective rights through different forms of aggregative processes, with particular focus on the potential for and the obstacles that affect the various forms of collective litigation in the region."

Manuel A. Gómez (USA)
Title: "The Influence of Social Change on the Intellectual Production of Legal Scholars."
Abstract: "One of the main activities of legal scholars is the articulation and dissemination of their knowledge through publications in specialized journals, books and other media mainly geared to other members of their intellectual community. Legal scholars also write for other audiences such as government officials, policy makers (Rubin, 1988), judges, and even for the general public (Chemerinsky, 2009). The nature of the academic output produced by legal scholars also varies greatly, from abstract, theoretical or doctrinal writings, to empirical

studies, policy-oriented research, historical accounts, biographies, novels, political writing, and newspaper op-eds. Previous research has tried to explore the reasons why legal scholars engage in a particular type of writing (Edwards, 1992; Posner, 1993), or choose to address a specific audience instead of another (Chemerinsky, 2009). There has been also an attempt to identify *trends* in different types of legal scholarship across various periods of time (Gordon, 1993). However, the geographical scope of these studies has been limited to the United States (Id.). The goal of this research is to expand this query to another society in order to assess which types of publications have been more commonly produced by legal scholars within a particular time period, and try to identify whether certain occurrences, such as political events, institutional, social or economic changes, might have played a role in influencing what scholars write about. This presentation will offer the preliminary results of an ongoing empirical investigation about the intellectual production of Venezuelan legal scholars during the last 20 years (1988-2008). The dramatic social, political and economic changes that have taken place in Venezuela during the selected period makes that country an adequate setting to explore our query, and to learn more about the impact of external social forces on the work of legal scholars."

Manuel A. Iturralde (Colombia)
Título: "Prisiones en Colombia: la cultura del miedo y el Estado punitivo."
Abstract: "Durante las últimas dos décadas Colombia ha experimentado un aumento drástico y sostenido de las tasas de encarcelamiento. Este incremento ha empeorado la de por sí precaria situación de las personas a las que el Estado colombiano ha privado de la libertad. El problema carcelario en Colombia no es ocasional ni se limita al interior de los muros de las prisiones. Este recorre a la misma sociedad colombiana pues no es más que un reflejo de sus problemas y luchas estructurales. Las cárceles resaltan de manera dramática la marginalización de vastos sectores de una sociedad excluyente y desigual que son estigmatizados y temidos como peligrosos delincuentes. Éstas también ponen de relieve la tendencia de buena parte de las sociedades contemporáneas de afrontar los problemas estructurales y la inestabilidad social principalmente a través de mecanismos represivos plasmados en la política criminal. La sensación de miedo e inseguridad que reina en este tipo de sociedades es canalizada por los gobiernos por medio del aumento e intensificación de los aparatos y técnicas de control y seguridad. La combinación de estos elementos ha dado lugar a una *cultura del control* que afecta la vida de todos los ciudadanos y que inspira las políticas de los gobiernos de los países más variados, tanto los centrales como los semiperiféricos y los periféricos. El problema carcelario en Colombia es, entonces, un ejemplo más de la expansión global de dicha cultura en las sociedades globalizadas contemporáneas.
Por estas razones el estudio de las prisiones en Colombia no puede abordarse desde un enfoque reduccionista –que trate de explicarla en sus propios términos- sino que debe realizarse desde una perspectiva más amplia que lleve al estudio del sistema penal entendido, de manera básica, como la forma en que el Estado y la sociedad conciben el crimen y sus respectivas formas de castigo. Esta ponencia sostiene que el análisis del funcionamiento de las cárceles y del sistema penal colombianos constituye una herramienta clave para entender a la sociedad colombiana, junto con sus sobresaltos, durante las últimas dos décadas, así como a las relaciones sociales y de poder que han permitido a los diversos gobiernos marginalizar, aun más, a un extenso sector de la población con el argumento de que se está protegiendo a la sociedad."

Marcia Ribeiro (Brasil) y Giovani Alves (Brasil)
Title: "Nuevas tecnologías, propiedad intelectual y las empresas públicas en Brasil."
Abstract: "Las nuevas tecnologías puestas a disposición de las empresas promueven una alteración importante en el rol de los empresarios, quienes son los actores responsables por organizar los medios de producción. Hace poco tiempo, las empresas se preocupaban mucho con la acumulación de bienes de capital, lo que se relacionaba con la estructuración de las

sedes materiales y la acumulación de activos inmovilizados. Hoy en día, el elevado potencial de una empresa está en el conocimiento que esa detiene, sobre todo en la producción de ese conocimiento, lo que presupone inversiones. En Brasil, empresas muy importantes se constituyen como resultado de la confluencia de capitales públicos y privados, resultando en las llamadas "sociedades de economía mixta". La presencia de inversiones públicas hace necesario que las sociedades de economía mixta establezcan sus fines sociales con arreglo a políticas públicas, lo que justifica su creación y deben ser tomados en cuenta por ocasión de la toma de decisiones y deliberaciones de carácter empresarial. La oferta de acciones a los inversores privados, por su turno, crea expectativas de distribución de los resultados, las cuales deben de ser evaluadas, bajo la pena de abandono, en la práctica, de los capitales privados. El estudio de caso de la Companhia Paranaense de Energia (COPEL), una importante empresa con sede en el estado de Paraná, es posible evaluar los niveles de inversión en tecnología y, asimismo, el rumbo que vienen tomando las decisiones societarias en faz del carácter de bienestar social enganchado a las actividades de la empresa, lo que es un resultado de la opción estatal en la utilización de recursos públicos. La importancia en términos de bienestar social que tiene el mismo objeto de la sociedad - suplir energía - además de las políticas públicas relacionadas a ese servicio público y el creciente destaque de la elección por las inversiones en tecnología juegan un rol especial en las sociedades de economía mixta en un país en desarrollo y con amplia demanda social a ser suplida."

Marcos Wachowicz (Brazil)
Title: "Digital Challenges for Copyright Protection in Brazil."
Abstract: "The undergoing technological revolution has already had deep impacts on the most different aspects of daily life, including human reproduction, working requirements and social interactions. At its core are the information technologies, with effects not only on the way we communicate, but on the structure of the economic production as well. This is a revolutionary period in the sense that it changes the material basis of economic, social and cultural structures, causing a historical discontinuity in such processes that can be readily observed. At the same time the technological changes spreads through society, intellectual property regimes have been expanded to grant longer terms of protection to right holders, to include new subject matter and to restrict unconditioned uses. Copyright has been a particularly sensitive field to the effects of digitalization of the works, since it may diminish the control over the uses made of protected works by individuals. As a result, copyright holders pushed their governments to set up internationally binding agreements to counteract the potentially devastating effects of the spread of digital technologies, which allow for new ways of producing, transforming and distributing copyrighted works without consent to do so or payment for it. TRIPS, WIPO Copyright Treaty and the Information Society Directive are examples of such endeavor. Many countries have amended their copyright legislation to adapt to the demands of the rightholders and to adapt to the new international instruments put in place. However, for the most part, it has been proved unsuccessful to bar unauthorized uses of protected works. New strategies are needed and the broad criminalization of users is not an option. In Brazil, the 1998 Copyright Act, still in force, expanded rightholders legal control of their works, restricted free-use possibilities, allowed for DRMs, implemented high reparation fees and, in a different act, heightened the criminal enforcement penalties. But, as expected, it has not been able to achieve the goal of stopping mass digitalization, distribution and exchange of the works. On the other hand, the Brazilian Copyright Act has made excessive restrictions that collide with other fundamental rights - such as education and culture - as well as brought up matters involving consumer rights and competition policies. For such reasons, the Government, through the Ministry of Culture, has promoted in 2008 a series of Seminars to tackle the problem in search of solutions that appraise to the reasonable needs of all players, which will lead to an Amendment proposal. Considering the digital challenge, this paper proposes to discuss and evaluate the possibilities of adjustment of copyright protection to the demands of the information society in Brazil."

Mari Hirayama (Japan)
Title: "Crime Policy for Sex Offenders inJapan- Exclusion or Reintegration, Which Direction Will We Take?"
Abstract: "Mari HIRAYAMA (Hakuoh University) In Nara Case in 2004, a seven years old girl was kidnapped and killed by the offender who lived in same prefecture. After the offender was arrested, it turned out that he had committed sex crimes against children twice before, which made Japanese society furious. It eventually urged the Ministry of Justice in Japan to operate various new crime policy for sex offenders. Many people believed that recidivism of sex offenders is much higher than that of other crimes. The hatred and the stereo type for sex offenders often leads to sex crime policy which put emphasis not on their rehabilitation or re-integration but on tough-on crime or excluding them from communities. After the Nara Case, the Ministry of Justice decided to release information on where sex offenders would live after their being released from prisons to the police from June 2005. Under this system, police can track those sex offenders for 5-10 years depend on their conviction histories. In my presentation, I am going to analyze this supervision and tracking system operated by the police for sex offenders, in terms of how this system can effect to re-integration of them into community. It is true that supervising released offenders in community is important in order to prevent their re-offending especially when their possibility to re-offend is not low, but we also need to try to re-integrate them into society. Therefore, I am going to discuss how we can build community support for released sex offenders along with supervision. Also, I am going to discuss why most Japanese people support this system even though information on sex offender can only be released to the police, not to people in community such as under Meganfs Law in the U.S. In order to analyze that, I am going to compare how people put their trust on the law enforcement agencies among Japan and the U.S. Furthermore, by comparing sex crime provisions in Japanese Criminal Code and those in some western countries, I am going to discuss whether Japanese society is more lenient for sex crimes, or more difficult for sex offenders to be re-integrated."

María Alejandra Salazar Rojas (Colombia)
Título: "La ciudadanía de los Apátridas en la UE: Una perspectiva utópica actual."
Abstract: "En el mundo la condición de apátrida se categoriza como una constante de transgresión a los derechos humanos, aún así, el número de apátridas en la actualidad supera los 15 millones de personas. Esta situación permite diferenciar las categorías de nacionalidad y apatridia pues de ellas depende la protección, derechos y garantías transnacionales de acceso al hombre. Sin embargo, las protecciones humanitarias están en gran manera referidas a quienes tienen la calidad de ciudadanos de un Estado. Ello se manifiesta en los criterios legales de beneficios y limitaciones que prepondera la ciudadanía, es así como en este período de la globalización, o del neoliberalismo, o la era del conocimiento, ésta calidad, proyecta la condición de persona erróneamente. Lo que ha sido reflejado en la falta de acceso a amparos que atraviesan quienes tienen la calidad de apátridas, pues no pueden ejercer derechos adquiridos en relación a los principios pro-homine; situación fáctica que se ve reflejada al no poder oficializar sus matrimonios, tampoco el nacimiento de sus hijos, tener acceso a la sanidad gratuita, a estudiar en colegios públicos y mucho menos a adherirse a un trabajo legal, pues estos, obedecen de documentos de identidad los cuales no pueden obtener, e incluso en muchos casos ha adquirir el derecho de asilo, entre otros derechos limitados. De lo cual quien tiene legalmente una nacionalidad puede hacer referencia a requerimientos, amparos y beneficios otorgados mediante leyes o normas del Estado- nación e incluso de los que estén ratificados en los rangos internacionales, y que a contrario sen-su; los apátridas se sumergen en la era de los sin potestad a ejercer sus derechos."

Maria João Guia (Portugal)
Título: "Immigration, Crime and Justice."

Abstract: "With the goal of globalisation, industrialised countries have become richer, while the Third World ones have experienced more inequalities. In consequence, a big displacement of communities have been happening, looking for better conditions of life. Some countries of destiny are still not prepared to receive such a big number of immigrants and to deal with new sort of crimes that appear as a result of this new reality. Criminality related with immigration has been lately studied deeply. Crimes like smuggling, human trafficking, aiding & abetting illegal immigration, illegal work, sex industry and human exploitation, extortion, faking documents are, apparently, increasing among ethnic minorities and they are related to avulted profits, threatening national security of the countries of destiny. Many of these crimes are attributed to immigrants. Nevertheless, immigrants are also the major victims of these crimes. Immigrants have been also charged of the late wave of violent crimes in some south European countries. This is a problem which concerns every European country, especially within the Schengen space, where circulation became free. In our workshop we show different features of criminality attributed to immigrants and to foreigners in different countries. We analyse some type of crimes committed by main nationality of origin of the foreign population (in the Portuguese prisons) compared with other countries. We will expose cases of violent and organised international crimes between Brazil and Europe and other countries. We will also try to show if it's possible that the criminal panorama of some countries can be/was displaced to other immigrant receiving countries. Furthermore, we try to analyse the problems of immigrants inmates /illegal immigrants accessing to justice."

Maria Letizia Zanier (Italy)
Title: "Functional Alternatives to Compulsory Prosecution in Italy."
Abstract: "In this paper I will discuss functional alternatives to the legality principle in the Italian criminal justice system. The aim is to analyse prosecutorial and judicial practice rather than the 'black letter' legal rules. In so doing I will present empirical data. This analysis intends to cast light upon specialisation within prosecution offices and courts, the use of the so-called "riti alternativi" (short proceedings) and the impact limitation of actions (i.e. prescrizione). All these aspects are relevant to a better understanding of the relationship between law and practice in enforcing law. In the shadow of the legality principle, Italian legal actors have extensive discretionary powers. The existence of "good" and "bad" practices emerges from the interviews conducted. The crucial question concerns the risks linked to such forms of subjective discretion and the potential ways to regulate them."

Marijke ter Voert (Netherlands)
Title: "Comparing Disputing Behaviour between countries; (un)common findings."
Abstract: "This paper compares empirical results of studies into justiciable problems from different countries. The paper shows some common findings in the incidence of disputes and disputing behaviour. Divorce cases are compared in more detail."

Marina Kurkchiyan (United Kingdom)
Título: "WG Comparative Legal Culture. Legal Culture Approach: Critical Reflection."
Abstract: "At this session we will examine current debates about legal cultures and the merits of the concept for studing law in different socio-cultral settings. Methodological issues will also be raised for examination and assessment on the potential of using qualitative and quantitative methods to gather research data on legal cultures and rule of law in society."

Marina Pessoa Henriques (Portugal)

Título: "Labour human rights: ILO and the case of Portugal."
Abstract: "The transnational dimension of labour disputes partake an increasingly complementary role within and beyond the national systems, especially in the current context of labour relations' globalisation in which the States face growing challenges. According to the perspective of the sociology of law, this paper develops a theoretical and analytical analysis on the tension between the paradigms of labour human rights and labour governance. The relevance of the International Labour Office (ILO) as an international forum for the promotion and protection of labour rights - including procedures for complaints, framed in the traditional legal system in which the ILO - has its grounds in its function of monitor before the effectiveness of international labour standards. The paper thus aims to analyse exogenous influences on Portuguese labour relations, taking as main indicators the role of the ILO's special control system in the field of international labour human rights' adjudication. In this work, the effectiveness of national standards is studied by using the ILO system of complaints as an indicator of ineffective labour human rights in Portugal. The international adjudication is also faced as a solution to access to labour justice, so that the control system is perceived as a transnational remedy to labour disputes arising within the national space."

Marta Vignola (Italy)
Title: "A National Way to International Justice? International courts vs. National Proceedings."
Abstract: "I am about to reconstruct these cases, being completely aware that I will ask for symbolic punishment, symbolic justice for the second time .assuming that justice is symbolic .but I think that it is not symbolic .because, even if it is only limited, is translated into the assertion of criminal liability, and not followed by the serving of the sentence, I believe that, before humanity, it is worth saying: "This person is guilty "..." From the closing speech of Public Prosecutor Dr. Caporale, 28 February 2007 In our Segunda Patria - Argentina -the dictatorial militaristic regime, established on 24 March 1976 by means of a coup d'état according to the standard practice, committed the genocide of an entire generation. 30,000 young people passed away. Many were Italians among them. Tanos. In 1983, in the bunker courtroom of Rebibbia, in the Court of Assizes in Rome, the first proceedings against some military of the Argentinean junta started. A national court without universal jurisdiction had to judge eight cases of people coming from other countries, accused with crimes against Italian citizens who suffered gross violations of their human rights in Argentina. Several witnesses were called to give evidence on circumstances and individuals they knew at that time, and induced to recall horrendous facts occurred under the dictatorial regime. The proceedings ended on 6 December 2000. The judges of the Court of Assizes sentenced, in the name of the Italian people, those who were liable for the death of their co-nationals. The second proceedings, started in 2003, ended on 14 March 2007, with life sentence for five Argentinean military liable for the death of three Italian citizens. The result of these proceedings has great significance, not only because it confirms - for the first time at the legal stage - the practice of kidnapping, torture, and illegal suppression of thousands of people under the regime of military juntas, but also because it reaffirms the competence of a national jurisdiction for crimes prejudicial to fundamental rights of citizens abroad, legitimizing the possibility to prosecute crimes against humanity at the international stage."

Masayuki Murayama (Japan)
Title: "Disputing Behaviour Survey and Its Problems."
Abstract: "We compare findings of survey in different countries and discuss on methodological problems to improve the research."

Masayuki Murayama (Japan)

Title: "Alternative Dispute Resolution in Context."
Abstract: "Interests in Alternative Dispute Resolution are still widely shared and spreading. We will discuss on the viability of ADR in different socio-cultural and polkiticall contexts."

Matxalen Legarreta Iza (Leioa)
Título: "El tiempo donado en el ámbito doméstico: Tiempo moralizado, tiempo politizado..."
Abstract: "El tiempo donado en el ámbito doméstico: Tiempo moralizado, tiempo politizado y tiempo encarnado La ponencia tiene como objetivo realizar un análisis del ámbito doméstico a partir de una perspectiva de la sociología del tiempo. Para ello se toma como punto de partida una investigación cualitativa realizada por la autora en la Comunidad Autónoma de Euskadi con la ayuda económica del Instituto Vasco de la Mujer-Emakunde. La propuesta apuesta por conceptualizar el tiempo de trabajo doméstico y de cuidados como un tiempo donado: un tiempo que no se vende ni se regala y que opera de una forma distinta (no opuesta) a la cuantificación y a la mercantilización. El don funciona en base a una lógica que supone unas pautas que permanecen tácitas y que conllevan una relación de reciprocidad; descansa sobre la obligatoriedad de dar, recibir y devolver. Una aproximación a lo doméstico desde la noción de tiempo donado permite extender su análisis más allá de los aspectos materiales (que pueden ser estudiados a través de los datos de las Encuestas de Usos del Tiempo), para profundizar en la dimensión moral (moralización del tiempo) y relacional (reciprocidad), así como en las relaciones de poder que subyacen a ellas (politización del tiempo). En el ámbito doméstico además, es el ciclo vital el que determina cuándo es tiempo de dar, recibir y devolver tiempo de trabajo doméstico y de cuidados y, por lo tanto, entra en juego otra acepción, el tiempo encarnado, un tiempo que ya no es constitutivo de la relación, sino de los sujetos que forman parte de ella."

Mavis Maclean (United Kingdom)
Title: "Parenting and marital breakdown: an international comparison of judicial decisions and social interventions from a gender perpective."
Abstract: "Marital breakdown and the reorganisation that it requires are powerful indicators of changes in the norms that apply to men and women in their parental roles. At the judicial level how are decisions made concerning the future role of the parents? is equality an ideal or a reality? is mother dominant? are fathers expectations realistic? what other interventions are brought in? we seek an international comparative discussion of the these issues, using empirical data."

Megherbi Salim, Christophe Dubois, Frédéric Schoenaers et David Delvaux (Belgique)
Titre: "Action publique en détention : régulation des activités pédagogiques dans les prisons belges."
Abstract: "Depuis quelques années, de nouvelles attentes pèsent sur le monde pénitentiaire, comme l'indique l'emploi de plus en plus fréquent du concept de « peine utile ». Ainsi, en Belgique, la loi de principes adoptée en 2005 organise la détention à l'aide de grandes orientations et réaffirme l'objectif de réinsertion assigné à la peine, et complété par ceux de réparation et de réhabilitation. Ce texte met également l'accent sur les droits des détenus et, notamment, sur leur droit à l'éducation et à la formation professionnelle, désignés comme les moyens privilégiés pour atteindre ces nouveaux objectifs de la peine. L'objectif de cette communication vise tout d'abord à décrire l'organisation concrète des activités de formation et d'enseignement à destination des détenus dans les établissements francophones et néerlandophones. Ensuite, après avoir identifié ces différentes activités et les divers acteurs concernés par leur organisation, il s'agira de rendre compte de l'éclatement des modes de coordination locale. Enfin, deux modèles de régulation externe

seront proposés afin de rendre compte des mécanismes d'action publique par lesquels acteurs politiques, administratifs et associatifs interagissent au quotidien pour enseigner et former en prison. Ces deux modèles permettent d'éclairer les jeux d'action organisée offrant aux détenus la capacité de bénéficier effectivement des droits que leur reconnaît la loi. Cette communication s'appuiera sur une méthode (qualitative) et une grille d'analyse empruntées à la sociologie de l'action organisée (Crozier et Friedberg, 1977) et visera à étayer empiriquement le concept de « droits-capacités » (Sen, 2004) dans le champ pénitentiaire."

Michael González-Cruz (Puerto Rico)
Title: "Puerto Rico y los EEUU: Espiral de Violencia y Represion."
Abstract: "Guibernau (1999) proposed that nationalist movements develop both cultural resistance and armed struggle according to their historical context, the activism of the diaspora, and the support they receive from the public. Puerto Rican revolutionary nationalist organizations have developed both forms of struggle. The Macheteros, in particular, continue their militancy and participate in the mass struggle. According to Fine (1999), violent political activism directly promotes the incorporation of sympathizers into the militant movement. Fine argues that the press tends to legitimate violent actions by allowing a dialogue about means and ends. From the beginning, the actions of the Macheteros have had an inherent political meaning that has been able to capture the attention of the masses through the mass media. According to Addison (2002), revolutionary nationalism does not need to terrorize the population or militarily defeat the colonial regime but rather has to demonstrate that the regime is vulnerable by weakening its political forces while the nationalist movement creates parallel structures of organization and power. The armed propaganda of the clandestine nationalist organizations in Puerto Rico has begun to weaken the annexation effort and strengthen the militancy of the entire nationalist movement by demonstrating that the regime does not have absolute control of the population."

Mihaela Vancea (Pompeu Fabra University)
Title: "Immigrants' Transnational Political Engagement: The Case of Immigrant Associations in Barcelona."
Abstract: "This study addresses two fundamental questions in the transnational migration research field: whether or not all immigrants engage in political transnationalism? And which are the main determinants of their transnational political activism? To answer the first research question, I specifically compare different degrees of transnational political engagement of various national/ethnic origin immigrant associations in Barcelona. To answer the second research question, I focus on *meso*- and *macro*- levels determinants. The study demonstrates that transnational political engagement is not generalised among all immigrant associations in Barcelona, presents a relatively low level of regularity, and is generally nationally based. It also demonstrates the importance of studying the effect of the exit context and, in particular, of the political opportunity structure in home country on the political transnationalism of immigrant associations. *Meso*- level determinants like social networks and sources of funds also seem to explain the variance in immigrant associations' transnational political engagement."

Mikael Madsen (Denmark)
Title: "'Legal Diplomacy': Law, Politics and European Human Rights."
Abstract: "The history of the negotiation and institutionalization of the European Convention on Human Rights offers a striking account of the innovation of a new legal subject and practice - European human rights - that went along with, but also beyond, the political and legal genesis of Europe following World War II. When analysed in-depth, the rise of the European human rights institutions shows also how law and lawyers played key roles in the early politics of European integration, as well as how the subtle combination of law and

politics - as both national and international strategies - continued to play a decisive part in the making of European human rights. It is on the basis of such a detailed empirical analysis, that the paper suggests the overall argument of European integration as a multi-level and pluralistic process in which the rise of European human rights forms and important, yet often overlooked, component."

Mikael Rask Madsen (Denmark)
Title: "In Defence of Social - in Sociology of Law."
Abstract: "By the success of the work of Bruno Latour and others pursuing Actor-Network-Theory (ANT), the question of what is the social in sociology has once again become disputed. While the critique formulated by Latour is not directly aimed at the sociology of law, the implications for sociology of law are considerable. This presentation seeks, by the help of Bourdieusian sociology, to establish a way of examining the social in law. It draws on the idea of law being subject not only of its own logics but perhaps particularly social logics and, thus, a key area of sociological investigation."

Minna Viuhko (Finland)
Title: "Studying human trafficking in Finland: methodological and conceptual challenges."
Abstract: "A joint Finnish-Swedish-Estonian study completed in 2008 analysed the connections between organised crime and human trafficking for the purpose of sexual exploitation. The aim of the study was to map the trafficking process and to study criminal actors and organisations involved in human trafficking. This paper deals with the Finnish part of the study and discusses prostitution-related human trafficking and organised procuring in Finland in the 2000s. Finland was studied as a destination country to which foreign women mainly coming from eastern and southern adjacent region are brought to sell sexual services. The study focuses i.a. on the different means of control that the traffickers and procurers impose on the procured women. Strict rules and long days, fines and debt bondage, force, threats and lack of right to choose when to give up prostitution are common ways of controlling the women. The study is qualitative in its approach. The data consists of 1) interviews, 2) pre-trial investigation and court documents and 3) media material. The presentation focuses particularly on methodological issues. It is quite challenging to collect and analyse data on issue that is such a new phenomenon as human trafficking (or at least offence of human trafficking) in Finland. The lack of concrete cases and legal praxis makes it difficult to study the phenomenon. Also the context (organised crime) and related terms are ambiguous. In Finland, the distinction between human trafficking and procuring is neither very clear, and this causes also methodological problems, e.g. when selecting the cases for the analysis."

Mónica Zapico Barbeito (A Coruña)
Título: "El papel de la CPI en la lucha contra la impunidad en el 'nuevo orden global'."
Abstract: "Ya desde su creación la Corte Penal Internacional (CPI) presentaba sustanciales limitaciones que dificultaban a priori que pudiese ser un instrumento eficaz en la lucha contra la impunidad. Importantes delitos internacionales no fueron introducidos en su Estatuto de creación; se permitieron cláusulas que limitaban las competencias temporales y personales; su autonomía quedó puesta en duda por el papel que juega en su funcionamiento el Consejo de Seguridad de la ONU, etc. Por si fuera poco, EEUU no sólo no ha ratificado su Estatuto sino que desde su creación sabotea directa e indirectamente su actividad. No obstante, lo más significativo es el papel que la CPI ocupa dentro del nuevo contexto global basado en un "sistema dualista" de justicia internacional. Existe así una justicia para los vencedores, las grandes potencias que permanecen impunes por sus delitos de agresión enmascarados en

guerras humanitarias, por sus delitos contra la humanidad calificados como daños colaterales o males necesarios en la lucha contra el terrorismo. Ante estos crímenes la CPI permanece impotente, con una inercia cómplice e incapaz de garantizar ya no la justicia sino tan siquiera disuadir mínimamente a las grandes potencias del uso de su fuerza descomunal. Por otro lado está la justicia de los vencedores, las superpotencias encabezadas por los EEUU que se ponen por encima del derecho internacional e imparten una nueva justicia que sólo sirve a sus intereses particulares y que busca la venganza retributiva, ejemplar, no la justicia. Y para impartir esa nueva justicia la CPI asume un papel limitado o inexistente. Los encargados serán los Tribunales ad hoc o Tribunales nacionales creados para el caso concreto y manipulados por los vencedores, Tribunales que vulneran los principios penales más básicos (prohibición de irretroactividad, principio de legalidad...) y absolutamente parciales y dependientes de quien los creó para así poder cumplir eficazmente y sin limitaciones los fines de quién los creó."

Natalia Alvarez Molinero (UK)
Title: "The politics of human rights and the development of democracy."
Abstract: "Non-democratic regimes have been perceived as a threat to international peace and security, not because they were involved in violations of human rights in their own territories, but because their regimes were conceived as more prompt to violence and terrorism. Bush Administration made this link very clear, but is Obama following the same line? The question I will like to explore in this paper is in which sense international human rights can make a contribution to develop democracy (as Obama seems to proposed) or rather the contrary, we should disregard any sort of imperialistic proposal that is forcing and imposing democracy all over the world."

Pablo Glanc (Barcelona)
Título: "Justicia Transicional en la República Argentina. Los juicios en 2009."
Abstract: "El presente trabajo se propone analizar los procesos penales que en la actualidad se sustancian en la República Argentina contra las fuerzas militares que hubieron participado en la Dictadura perpetrada entre los años 1976 y 1983, desde una perspectiva sociológico-jurídica. En primer lugar, se examinarán las distintas fuentes de derecho que deben observar tales procesos, teniendo especialmente en cuenta los principios emanados del Derecho Internacional Público; aquí se intentará determinar si, en base a las circunstancias coyunturales de la época, puede entenderse que los mismos se encontraban ya en vigencia, concluyendo que tal rama del derecho otorga sin más las herramientas necesarias para sostener y desarrollar los juicios mencionados. Por otro lado, se examinará también el paradójico y paradigmático rol que juegan los diversos Organismos de Derechos Humanos, estableciendo una relación con los conceptos criminológicos de selectividad (y contraselectividad) del poder punitivo, a la vez que se desarrollará el significado actual del denominado derecho penal del enemigo. En este punto se arribará a la conclusión de que la petición de punición de tales organizaciones es sumamente concordante con sus históricos emblemas que les dieron origen."

Pablo Leandro Ciocchini (Madrid) y José Atiles Osoria (Puerto Rico)
Título: "Prisión, política y resistencia."
Abstract: "Este trabajo presenta la prisión como espacio de lucha entre la imposición de biopolíticas hegemónicas y prácticas contra-hegemónicas de resistencia. Nos proponemos presentar tres aspectos fundamentales que muestran esta construcción paradigmática de la prisión. En primer lugar, plantearemos cómo la prisión nacida como "la fabrica perfecta" e inmersa en una lógica de producción capitalista y "ortopedia social" consolidó una construcción espacio-temporal novedosa. En términos espaciales la prisión se convirtió en un lugar de exclusión/inclusión, mientras que en términos temporales impuso tiempo ultra-

regulado. La prisión que se inició con la doble función de producir bienes y obreros, quedo con el tiempo convertida en un mero depósito de sujetos, sin pasado y sin futuro. Entrada la posmodernidad, pese a la modificación de las lógicas espacio-temporales exteriores (aceleración de la vida social y la virtualización del espacio), la prisión mantuvo su lógica espacio-temporal pre-industrial. Este no-cambio implicó un viraje en su funcionalidad hacia una lógica de marginalización total. En segundo lugar, presentaremos a la prisión en su función política más específica: la de neutralización por vía de la desaparición de la vida social de los movimientos políticos contra-hegemónicos, particularmente aquellos que al ejercer la contingencia armada amenazan al poder hegemónico. Mediante las narrativas de expresos pertenecientes a los movimientos independentistas vascos y puertorriqueños se busca identificar el tipo de bio-política que se les aplica y cómo estos sujetos pierden todo tipo de garantía social, jurídica y política y se transforman en vida nuda. Finalmente discutiremos las prácticas de resistencia, desarrolladas por estos prisioneros políticos y de guerra en el interior de las prisiones."

Patrice Melé (France)
Title: "Conflictos ambientales y localización del orden jurídico."
Abstract: "El derecho juega un papel importante en los conflictos ambientales: constituye no solamente un recurso pero también un marco cognitivo. Aún fuera de toda denuncia, de todo acto contencioso, el derecho contribuye a construir expectativas, a determinar posiciones y conforma un recurso argumentativo. Los grupos movilizados presentan a menudo sus acciones como un pedido de efectividad de las normas jurídicas y aspiran a una adaptación local del orden jurídico. A veces, pelean para el reconocimiento de nuevos derechos o para une juridificación mas fina de los impactos de las actividades cuestionadas. Se multiplican instancias locales que negocian la aplicación de las reglas e integran la vigilancia de los vecinos organizados. Acuerdos y contratos parecen instaurar la posibilidad de una producción jurídica local. Los vecinos hacen la experiencia que el derecho no se aplica solo, para que exista localmente, ciertos actores deben tomar a su cargo su movilización en la situación local. Para adquirir un papel en una situación, el orden jurídico debe ser actualizado localmente en el seno de procesos locales de regulación. Esta ponencia desarrolla el aporte de este enfoque que constituye una de las hipótesis de un proyecto internacional (Canada, France, Mexique): CONFURB: Conflits de proximité et dynamiques urbaines, financé par l'Agence Nationale de la Recherche française."

Paula Pérez Morgado (Chile)
Título: "Reforma a la Justicia Juvenil en Chile: Un análisis del proceso."
Abstract: "En su historia reciente Chile ha vivido una serie de reformas a su sistema de justicia. Entre estas reformas destacan por su importancia la reforma al proceso penal (implementada gradualmente entre 2000 y 2005) y recientemente la reforma a la justicia penal para adolescentes. Esta reforma fue discutida y planeada por largo tiempo (desde la firma de la Convención de las Naciones Unidas sobre los Derechos del Niño hasta su implementación a mediados del 2007) y los énfasis cambiaron desde la necesidad de proteger a los adolescentes frente al poder ilimitado del Estado sobre ellos a la necesidad de defender a la sociedad del peligro que supuestamente constituyen los menores de edad acusados de cometer faltas o delitos contra la ley penal. Este paper discute cómo se forjaron las decisiones -en distintos niveles- que llevaron a pensar en la necesidad de modificar la justicia juvenil y cómo esas decisiones se reflejan en las políticas públicas finalmente llevadas a cabo. La metodología incluye análisis de prensa, documentos de trabajo y públicos y principalmente el análisis de contenidos de la discusiones parlamentarias de la nueva ley de responsabilidad penal adolescente."

Paulina Sepúlveda Bazaes (Chile / Madrid)

Título: "Los beneficios intrapenitenciarios en Chile: Su estado a 19 años de democracia."

Abstract: "En el presente articulo se hace una revisión del estado actual de los beneficios intrapenitenciarios en Chile, estudiando su evolución a 19 años del retorno a la democracia y a ocho años de la puesta en marcha del nuevo sistema penal. Se analizarán los cambios en la entrega de estos beneficios, en relación a la Reforma Procesal Penal y a las modificaciones a ésta que han ocurrido en los últimos años, analizándose en profundidad los cambios en la frecuencia y el carácter de su entrega, en tanto son considerados por la ley chilena como parte fundamental del proceso de reinserción a la sociedad de quienes cumplen una condena privativa de libertad."

Paulina Sepúlveda Bazaes (Chile / Madrid)

Título: "Reforma Procesal Penal en Chile: Hacia una sociedad más democrática."

Abstract: "En el presente articulo se trata la Reforma Procesal Penal en Chile y la creación de la Defensoría Penal Pública como puntos de inflexión en la cultura legal chilena, en tanto hay un paso de una cultura legal inquisitiva (perseguidora) a una acusatoria (deliberativa). En este sentido a través de entrevistas semiestructuradas se estudian las actitudes de miembros y usuarios del sistema penal con respecto a la Reforma Procesal Penal y se indaga en los valores democraticos que esta reforma intenta instaurar en las instituciones y en la sociedad chilena en general."

Pedro Arellán Zurita (Venezuela)

Título: "Importancia de la Sociología Jurídica en el Estudiante de Derecho UCV-Venezuela."

Abstract: "El presente es un estudio que indaga acerca de la apreciación que tienen los estudiantes de derecho de la UCV y cual es el rol que le otorgan en la formación del profesional del derecho. Sus debilidades y fortalezas y los retos de esta disciplina la luz de las nuevas tendencias jurídicas en aplicación del nuevo modelo socialista del siglo XXI en Venezuela."

Pietro Saitta (Italy)

Title: "A New Order for the Streets: Prostitutes, the Poor and Irregular Migrants in an Italy Obsessed with Security."

Abstract: "This article presents the results of ethnographic research on Romanian heterosexual prostitution carried out in the city of Messina (Sicily). Using different sources of information, the author describes local and national levels and claims that current policies implemented by the Italian authorities do not (really) combat prostitution but rather are policies 'of order' aimed at controlling illegal migrations. The paper highlights the failure of measures intended to support exploited people and suggests that Italy is witnessing the instrumental and paradoxical employment of human rights to conduct a struggle against women, marginal people and the poor.

The author also discusses the methodological problems related to the analysis of sex market and poses the problem of reliability of the collected data. The problem is valid in general as most of the existing studies on this topic, especially if quantitative, have no solid ground. Lack of accuracy is particularly evident with investigations which try to estimate, e.g., the size of the illegal markets or the trajectories of the trafficked people; but also qualitative studies conducted by means of in-depth interviews or participant observation face similar problems. Elements such as: (a) the gender of the investigator, (b) the time the researcher is allowed to spend together with the studied people, (c) the setting of the study, (d) the interferences coming from the environment and (e) the way the actors present their Self hinder the process of knowledge in a way that exceeds other fields of investigation.

Moreover, workplaces and institutions, which are at the two ends of the career of a sex-worker, for different reasons are not good places where to conduct research on commercial sex; notwithstanding that, most of the existing studies keep employing these settings for their analyses. The result is that most of the data deployed for defining policies on this topic are insufficient, and the undertaken measures result more from the ideology of the legislator rather than from a satisfactory knowledge of the considered phenomena.
The paper is also intended to be a contribution to the cause of “self-ethnography” and “reflexivity” and it will show limits and biases of the logic employed by the author himself."

Ralf Rogowski (UK)
Title: "Reflexive Coordination of European Governance."
Abstract: "The paper introduces the concept of reflexive coordination in European law and policy making. It develops its systemtheoretical underpinnings and demonstrates its use as a conceptual tool in the FP7 Collaborative Project "Meeting the challenges of economic uncertainty and sustainability through employment, industrial relations, social and environmental policies in European countries" (GUSTO) that started in March 2009. A central topic is an assessment of the limits of European coordination policies as regulatory instruments in the current economic and employment crisis situation. The paper demonstrates the need for second-order "coordination of coordination" in reforming EU policy making."

Rashmi Jain (India)
Título: "WG Law and Migration. Law, Human Rights and Migrants."
Abstract: "International Sociological Association Annual Conference of the Research Committee of Sociology of Law Working Group On Law and Migration Law, Human Rights and Migrants ONATI, July 2009 Dr Arvind Agrawal (arvind2004@rediffmail.com),Head, Department of Sociology, University of Rajasthan, Jaipur, and Convener, Ad Hoc group of Sociology of Law, Indian Sociological Society, India. Abstract Within the existing framework of International Law, is there any scope for the host state to create conditions for a more meaningful and dignified way of enforcing the human rights of migrants from the countries and the communities outside? The Rights and Law discourse delineates such a facilitation process with which the citizens must get around them for regulating the process of living cohesively. To this enforceability, the means of legal regime is an anchoring point. As for the case of migrants (both internal and international migrants), displaced persons, refugees and asylum seekers, there is a need for going beyond the rights accorded by citizens among themselves to the issue of Constitutionality, State as system of rights called as Human Rights. In this regard, the legal norms as human rights provide the capacity for the Migrants to have the rights as a political will and as a medium of regulating the state and society to respect the human dignity of these social groups in the host society. Law, thus provides intersubjective recognition for the migrants as a class of people along with the natives in a given society and community. The functionality, validity of law to regulate the human rights of the migrants in the host society/migrated place and state of affairs of migrants in a host state will be captured with a set of papers among the sessions proposed."

Rashmi Jain (India)
Título: "Women Migrants and Human Rights: A Socio-legal Analysis."
Abstract: "Traditional societies did not witness large scale migration as compared to modern societies. Earlier studies have shown migration being heavily dominated by males in India. But in last two decades, these trends are showing a dramatic change. According to 1991 Census data, women migrants have outnumbered male migrants. The size of female migrants in urban areas was found to exceed 31.39 million by around two million from male migrants approximating 29.5 million. Similarly, the Census results of 2001 show an upward

swing. In another survey of six cities Bangalore, Lucknow, Vishakhapatnam, Faridabad, Trichur and Puri by the National Institute on Urban Affairs (NUIA) in 1988, the work participation rates for women in low income households, majority of them were migrant households. It was as high as 46.51 percent in Bangalore and Vishakhapatnam.
Migration of females in middle class is caused by spread of education and economic independence and in lower classes due to economic misery and unemployment. There are various laws and legal issues that concern migrants, especially women in the perspective of Human Rights.
This paper seeks to examine the case of female migration and Human Rights in a socio-legal perspective."

Raúl Ruiz Callado (Alicante)
Título: "Las políticas migratorias en la Unión Europea. Análisis sociológico / Red Oñati."
Abstract: "En esta investigación se ha pretendido analizar el estado actual de las políticas de inmigración en el seno de la Unión Europea (UE), con especial referencia a las aportaciones normativas españolas, ya que en los últimos años estamos asistiendo al despertar de un destacado interés mediático, ciudadano y académico a propósito del diseño de una política migratoria que sea capaz de afrontar el reto que supone que España actúe como la frontera sur de la UE, teniendo que controlar y regular los flujos migratorios extracomunitarios. En la actualidad los desplazamientos son más transnacionales de lo que eran años atrás. Asimismo, son más globales, sobrepasando los límites geográficos y económicos de muchas zonas. Estos movimientos migratorios responden a la idea de civilización tal como la definiera Castles (1998): es decir, ciudadano sería aquel que accede a la condición de tal a través del trabajo. Ante esta situación, dos son los modelos de política de integración que facilitan el establecimiento permanente de los inmigrantes: la regularización y la naturalización. Ambas deberían llevar al acceso de la condición de ciudadanía de la población inmigrante con el pleno disfrute de sus derechos políticos, sociales y culturales. El problema es que en la UE no existe, tal como ha quedado evidenciado en esta investigación, una política uniforme de integración por la persistencia del Estado-nación como unidad política en la toma de decisiones y a la identificación de los ciudadanos europeos como ciudadanos de su Estado-nación."

Renata Almeida da Costa (Brasil)
Title: "Ruptura comunicacional, punitivismo e transformação social no Brasil."
Abstract: "O Direito no Brasil, a partir da Constituição Federal de 1988, assume um papel de desenvolvimento e de melhoria das condições de vida dos cidadãos via proteção e promoção das garantias fundamentais nela previstas. É fato, contudo, que em alguns espaços, o sentido constitucional foi sendo subvertido, prevalecendo uma comunicação distinta daquela originariamente pretendida. As instituições destinadas à execução penal são um grande exemplo dessa ruptura comunicacional. Tanto a população intramuros como a extramuros concordam na existência de um senso de direito não-oficial contrário à carta constitucional. O propósito do artigo está na reafirmação do sentido comunicacional das garantias fundamentais aos custodiados como forma de transformação social da realidade criminal brasileira."
Keywords: Direito penal; garantias constitucionais; prisões; transformação social.

Reza Banakar (UK)
Title: "Power, Culture and Method in Comparative Law."
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International Journal of Law in Context, 2009

A REVIEW ESSAY OF COMPARATIVE LAW: A HANDBOOK, Esin Orucu & David Nelken, eds., Hart Publishing, 2007

Abstract: "This review essay draws on a recently edited handbook by Esin Orucu and David Nelken to reflect on the methodological concerns and challenges of comparative law and socio-legal research. It argues that the contextualisation of laws should be regarded as the indispensable methodological characteristic of all comparative studies of law that aspire to transcend the understanding of law as a body of rules and doctrine. It further argues that although the cultural perspective facilitates contextualisation of the law, a cultural understanding is neither a precondition for undertaking comparative legal research nor necessarily the correct approach under all circumstances; for certain aspects of law and legal behaviour need not be conceptualised in cultural terms. The essay concludes by proposing that the combination of top-down and bottom-up approaches could provide a meta-methodological framework within which specific comparative techniques can be employed. Such a framework will enable comparatists and socio-legal researchers to account for how law interacts with, and simultaneously manifests itself at, the macro, micro and the intermediary meso levels of society over time."

Keywords: Contextualisation, comparative law, socio-legal research, power, legal culture, pluralism, legal traditions, methodology, harmonisation, unification, interdiscipliniarity.

Reza Banakar (UK)

Title: "The Elephant in the Courtroom: Rights, Race and Religion in the Age of Terror."

Abstract: "The aim of this paper is to explore the interaction between the counter-terrorism policy and legislation, on the one hand, and the public political discourse on the roots of terrorism, on the other. It will employ three interrelated perspectives in order to examine the law in its various discursive contexts. The paper starts by briefly describing and examining the development of the UK anti-terrorism legislation. Then it will go beyond the legal context of anti-terror laws by focusing on the clashes and disagreement between the government and the judiciary on human rights issues emerging out of the introduction of draconian anti-terrorism laws. It will also view counter-terrorism legislation in the broader context of the UK's criminal policy. This second perspective places the law in its political context. Finally, this paper will examine the socio-cultural context in law, i.e. how law constructs and communicates the socio-cultural values related to terrorism through its internal operations and external interactions with other socio-political forces."

Ricardo León Pastor (Perú)

Título: "Análisis argumentativo del juicio a Fujimori y consecuencias políticas en Perú."

Abstract: "El juicio al ex presidente peruano Alberto FUJIMORI por delitos de lesa humanidad ha conmocionado el entorno político latinoamericano, al ser la primera vez que un ex mandatario ha sido sometido a la acción de la justicia ordinaria en estado de detención. Las estrategias de argumentación y el uso de diversos tipos de argumentos, además de un análisis de las consecuencias políticas que formadores de opinión han propalado en medios de comunicación, serán el objeto de estudio de la ponencia."

Robert Rosen (USA)

Title: "Outsourced Legal Work and Regional General Counsels."

Abstract: "The division of legal labor is being elaborated as clients and lawyers seek cost minimization by transnational contracting out. This provision of professional services minimizes the worker's span of control. Concepts of "legal process" depict an organic division of labor in which power is hierarchically embedded. By contrast, corporations implement their own legal power by a mechanical division of labor, in which different legal

departments are formed for each country (or region) in which the company operates. Although the home office has formal hierarchical power, national legal processes contest this division of labor. In legal outsourcing, the subaltern lawyer is without power. In multi-national corporations, the subaltern lawyer escapes the span of control of the home country. This paper examines these two divisions of legal labor and how they construct and are constructed by legal disputes."

Rogelio Pérez Perdomo (Venezuela)
Title of the Panel: "Legal Scholars."
Abstract: "Legal scholars ("juristas académicos" in Spanish) are an important part of the legal profession. They are the people of knowledge: their mission is the production, diffusion or critique of legal knowledge. In spite of their importance in the legal and political systems there are not many studies of them and few analyses were done with a social sciences perspective.
This panel invites studies on legal scholars broadly understood. This includes the doctrinally oriented legal scholars as well as interdisciplinary scholars with focus on the law (law and economics, law and society and philosophy of law scholars). The eventual purpose would be to produce a collective volume in which we will analyze the education, type of production, public and impact of their scholarship.
Sociologists of science can serve as models for our inquiries. They have studied questions such as who become a scientist; what are the educational backgrounds, values and attitudes of scientists; what are the organizations where they develop their work; what do they produce and to whom is it addressed. In general terms, the sociologists of science address the question of the place of scientists in society.
The role and importance of legal scholars had changed over time. For this reason this panel welcomes people interested in historical periods as well as present day scholars and scholarship. Those interested in institutions of scholarship such as research institutes, academies, law schools and journals, are also welcome.
Papers can be written in the Institute working languages (English, Spanish, French). The panel organizer is Rogelio Pérez-Perdomo. Inquiries about the panel are very welcome (rperez@unimet.edu.ve, o rperez3@stanford.edu). "

Rogelio Pérez Perdomo (Venezuela)
Título: "Investigadores e investigación jurídica en Venezuela contemporánea."
Abstract: "El paper es un adelanto de la investigación en curso sobre juristas académicos, es decir sobre los productores del conocimiento jurídico y las instituciones que enmarcan esta producción. Venezuela contemporánea está dividida en dos subperíodos principales que denominamos la democracia de partidos o "cuarta república" (1958-1998) y propiamente el presente, que puede llamarse tiempos de revolución o de chavismo (1999-2009). Los períodos son construidos atendiendo a la periodización política usual de la historia contemporánea de Venezuela. Para cada uno de estos períodos se analiza quiénes son las personas con el prestigio de creadores del conocimiento jurídico y socio-jurídico.
Conforme a la metodología utilizada para períodos más temprano de la historia de Venezuela, se seleccionan quiénes son los juristas académicos de mayor prestigio para construir un grupo de tamaño manejable, se trabaja con la técnica de biografía colectiva, se analizan los cuadros institucionales en los cuales han desarrollado su labor y el lugar que han tenido en la vida social y política."

Rogelio Pérez Perdomo (Venezuela)
Título: "Los Juristas Académicos en la Independencia de Venezuela."
Abstract: "Consideramos "Juristas académicos" a los profesores de derecho o los autores de obras jurídicas. Venezuela se declaró independiente en 1811, pero el período analizado

incluye la maduración o crisis de la sociedad colonial y los tiempos inciertos del inicio republicano (1750-1842). Se localizaron 15 biografías (incluyendo 10 profesores) y se analizó la formación académica, la producción intelectual y el papel político, utilizando la técnica de biografía colectiva. El grupo incluye cinco sacerdotes, todos profesores, que tuvieron un papel importante en la Iglesia Católica, estrechamente vinculada al estado en la primera parte del período. Los demás tuvieron una actuación política de primera magnitud. Sólo tres son conocidos por la abundancia e importancia de sus escritos: Juan Germán Roscio, Francisco Javier Yanes y Andrés Bello. Otros tres escribieron menos pero sus publicaciones fueron importantes. El trabajo analiza el tipo de producción intelectual y la calidad de la participación política de esta reducida elite intelectual. Ellos fueron muy importantes imaginando y definiendo el estado venezolano y la calidad de ciudadano. A pesar de trabajar con líderes político-militares muy fuertes (Miranda, Bolívar, Páez) mostraron completa independencia frente a ellos y fueron muy respetados por ellos. "

Title: "Legal Scholars in the Venezuelan Independence."

Abstract: "Legal scholars" are the law professors and the authors of law books or articles. The analyzed period is 1750-1842. Fifteen biographies were located and using the technique of collective biography we analyzed intellectual formation, intellectual production and political roles. In the group there were five priests-professors with very important roles in the Catholic Church, closely associated with the state in the first part of the period. 11 jurists (including one of the five priests) were important in the political arena or in the constitution of the state. Three laic jurists are recognized for the abundant and important writings: Juan Germán Roscio, Francisco Javier Yanes and Andrés Bello. Other four (including one priest) wrote less but their writings were politically influential. The paper analyzes the type of intellectual production and the quality of political participation of this top of the intellectual elite. They were very important imagining the Venezuelan state and defining the quality of citizens. They were highly independently minded, given the strong political and military leaders they had to deal with (Miranda, Bolívar and Páez)."

Keywords: 1. Legal scholars. 2. Venezuelan independence. 3. Collective biography.

Sandra Araujo (Portugal)

Title: "Solving disputes outside judicial courts in Maputo city center."

Abstract: "The liberal conception that State has and should have the monopoly of production and administration of law and justice has been questioned by both Anthropology and Sociology of Law, but also by the difficulties the judicial courts have been facing when it comes to guaranteeing citizens' access to justice. All over the world the weaknesses of the liberal model of justice are increasingly evident as well as the need to resort to other forms of justice. From the last decades of the 20th century, the obstacles to justice are obliging societies to a plurality of reforms which include the concepts of alternative or informal justice. Although they are designated as 'alternative' and seen many times as new models of justice they resume to formulas that have always existed. What is now new is that they are stimulated by the State in the search of a better justice system.

In Maputo we find a huge diversity of extra-judicial instances solving disputes. Some of them are old local institutions and have their origins mainly in the community; others were created or recreated by State initiative; others are new and suffered different kinds of international impulses (from global NGOs, from globalized churches or from the private capitalist sector). All of them try to look for legitimacy in their proximity to community, but combine it in different ways with other legitimacy factors like global or State support. In this paper, based on a field work conducted from November 2008 to March 2009, I analyse the diversity of dispute resolution forums in Maputo urban centre showing the complexity of what I designate by community justices and the role they play in promoting citizen's access to justice."

Sandrasegaram Paralingam (UK)

Title: "Enforcing Entitlements of non- State peoples in International Law -- Aiming Justice."

Abstract: "The contemporary international law recognises the state as primary and non – state actors as secondary subjects. These two categories of entities retain legal personalities and are entitled to enjoy rights and duties in the international legal order. This development and evolution of international law has its inherent conflict which is reflected in many contemporary intra-state conflicts which are often identified as challenge to regional and international peace and security.

This proposed paper is intended to focus and concentrate on the legal complexities of evolution of rights and duties of state and non-state actors particularly non –state people and how the trend is transformed as either challenges to sovereignty or international legal order or both. The out comes of internal conflicts namely Bangladesh, East Timor, Kosovo, Quebec and Scotland which may teach lessons to be learned for achieving Justice will be given consideration. While tracing the legal jurisprudence of the settlements of the above conflicts , discussion will be made to argue the need for recognising the principal of universality of international law to deliver justice to the claimants of rights under international and UN regimes and any failure to recognise the principle may jeopardise and deny justice while continue to allow causes of internal conflicts in many parts of the world particularly most vulnerable regions.

In the light of the above outlined legal background, it is proposed to deal with the international legal dimensions of the sovereignty claim of the Tamil nation of SriLanka and its international legal status which is experiencing impediments in enforcing recognition due to contamination of geo – political interest , neo – colonial strategies, market for arms sale , self interest of prominent members of international community and action under the pretext of counter – terrorism.

In short this paper aims to conduct a legal inquiry on the obstacles of enforcements of rights which are causes of internal conflicts."

Sasha Baglay (Canada)

Title: "Transformation of Migration Law: A Case of Economic Migration."

Abstract: "This paper explores the theoretical debates on the nature of migration regulation in the context of globalization. While many areas of regulation started to develop through non-hierarchical networks and out of multiple, often non-state, sources of normativity, migration law is traditionally considered to remain highly state-centered, hierarchical and centralized. In fact, some authors consider that migration law is the "last bastion" of state sovereignty that allows exercising control over population and territory (Dauvergne, 2004). This paper challenges the presumption that migration law continues to be a matter of centralized state control and suggest that "disaggregation" of state sovereignty is happening in the area of economic migration. Using examples of recently established Canada's Provincial Nominee Programs (PNPs) and similar programs in other jurisdictions, the paper demonstrates the emergence of provinces, territories and municipalities as actors in migration regulation and policy-making. PNPs, which give a province the power to select a certain number of economic migrants and nominate them for immigration into that province, signify a change in Canada's century-old immigration practice under which the selection and admission of immigrants (except for Quebec) has been exercised almost exclusively through the federal immigration program. The development of PNPs has led to the creation of a two-level immigration system where economic immigrants may immigrate through either federal or provincial programs. The paper discusses the implications of PNPs and similar programs for opportunities for migration, rights of non-citizens as well as de-centralization of migration regulation and 'disaggregation' of state sovereignty in migration law. While offering potential extended opportunities for economic migrants, the development of PNPs also raises concerns about growing marketization of immigration and gender and racial impact on the immigration pool. In addition to Canadian examples, the paper considers similar developments in Australia as well as immigration-related legislation passed by some towns in the US."

Seda Kalem (Turkey)
Title: "Understanding the Making of a Juridical Field: The Practice and Institution of Mediation in Turkey."
Abstract: "The draft bill on mediation in civil disputes is currently the subject matter of controversies among various actors within the juridical field in Turkey. Some of these are professional in nature. The controversy around whether and to what extent can mediation provide an alternative to law and judicial processes deploy legal and juridical terminology. Other disputes and polarizations have a more political and social character. Some actors see mediation as a maneuver to overthrow the Republic's judicial system; while others note that it is incompatible with the social fabric etc. In this paper, I discuss the preliminary findings of my ongoing research focusing on how actors of mediation position themselves within these debates and how they justify these positions in relation to their notions of law, how they talk to and about the actors on "opposite" corners and how- if at all- mediation emerges as a particular field of law. Using a Bourdieusian perspective I see practices, institutionalization and relative autonomy of law an effect of social relations. By examining how these actors think and talk about law and how they position themselves within both this world and outside, I aim to develop an understanding of the social struggles and hierarchies that go into the making of the practice and the institution of mediation in Turkey."

Stefania Pellegrini (Italy)
Title: "Civil Justice: bettween organization and co-operation."
Abstract: "The crisis of civil justice is a social problem that creates dangerous conseguences in the relation between the sistem of justice, as social service, and the citizens. After a deep analysis in Italy, it seems that one of the principle obstacle of the efficiency and of the efficacy of civil justice is the lack of a real organization of the work of the cortes and a lack of collaboration between the two protagonist of the process: the judges and the lawyer."

Stefanie Khoury (France)
Title: "Locating the Barriers to Corporate Accountability for Human Rights Violations."
Abstract: "There is a growing body of evidence that attests to both the direct and indirect role of private corporations in the production of human rights abuses. In recent years, scholars, lawyers and NGO activists have been working to develop the law towards corporate human rights responsibilities. However, there has been no systematic empirical inquiry that assesses the juridical barriers that might hold back the development of international/regional law in its application to corporations. What is proposed, therefore, is a detailed empirical inquiry that will assess the practicalities of developing human rights responsibilities for corporations."

Stefanie Khoury (France) and Pablo Ciocchini (Madrid)
Title: "Perceptions of the State of Exception From Within the Basque Country."
Abstract: "The conflict in the Basque Country between the separatist sectors and the Spanish government has a long history. A formal state of exception was declared in the Basque Country several times under Franco's dictatorship, although never since the “Transition” to democracy in 1978; the Transition also witnessed the derogation of the special anti-terrorist laws. Over the past thirty years, the Spanish government has claimed to fight against terrorism using the rule of law and the respect of human rights. Recently, however, the Spanish government was challenged at the European Court of Human Rights for its use of the Ley de Partidos to ban political parties in the Basque Country. This has led to the critique that fundamental rights are being obscured under the rhetoric of homeland security. The Basque radical Left claim to be excluded from political life and claim to be

under a permanent 'State of Exception'. The discourse of a 'State of Exception' is popularly and overtly used in Leftist propaganda, although it is undefined. How does the Basque radical Left define the term 'State of Exception'? Is the radical Left challenging the concept of democracy in Spain? What role does the European Court of Human Rights play in constructing “democracy”, and by the same token in the legitimation of regional governments? This paper seeks to investigate these questions, exploring the possibilities of reaching a coherent definition of what is understood as the 'State of Exception' from the viewpoint of Basque radical Left groups. It will also scrutinize the role of the rule of law in the demands upon the Spanish government for the respect of fundamental rights.
This paper relies seeks to understand the Basque radical Left perspective though a series of semi-structured interviews with members of this sector together with the analysis of their propaganda and communiqués. These perspectives will be considered alongside the current Spanish legal framework in the fight against terrorism. Finally, Court jurisprudence will allow for an understanding of the possible outcomes of the complaints filed by the Basque radical Left."

Susan Silbey (USA) and Marc Hertogh (The Netherlands)
Title: "Comparative Studies of Legal Consciousness."
Abstract: "This session will be the kick-off meeting for a new project aimed at the comparative study of legal consciousness. In this project, which ideally will include researchers from many different countries, we are hoping to use a common set of data collection instruments, modes of analysis, and sampling frames. We want to build on previous studies using conversational interviews but also test some of the findings of surveys.
At the session, we plan to present a preliminary paper which will outline our first ideas for the project. Moreover, we would like to (a) see if we can set up an informal research network of interested scholars; as well as discuss (b) sampling strategies; (c) the topics/events to inquire about in a common protocol; and (d) funding opportunities."

Susanne Karstedt (Germany)
Title: "Democratic Values and state violence: A cross-national study."
Abstract: "Democratic societies are built on the protection of the physical integrity of their citizens from government use of force. Human rights regimes guarantee the physical integrity, but the nation state as its guarantor is also the behemoth against which it has to be defended. Violence by the state that threatens the physical integrity of citizens is rarely directed indiscriminately against all citizens. Laws must be embedded in values that are shared by the citizenry. The comparative study analyses for more than forty countries, mature as well as transitional democracies the difference that democratic values make. The results show that state violence is significantly higher where values support difference and exclusion."

Swati Upadhyay and Trayosha Darapuneni (India)
Title: "Lok Adalats in India, a derivative form of conciliation."
Abstract: "Conciliation as a method of Alternative Dispute Resolution has become popular in India. The Traditional Indian method of Dispute Resolution has been for the village elders to congregate at the centre of the village and resolve the disputes of the villages. Features of both have been combined to come up with the unique concept known as Lok Adalats in India.
Lok Adalat (literally translated to mean People’s Courts) are organized sporadically by the government at a location. Judges are often respectable members of the community who are well versed with matters. They hear the matters, and try to bring about a settlement between the parties. This settlement is a decree binding under law.

These Lok Adalats have been especially successful for the poorer sections of the population, and in matters of maintenance and insurance.
This Paper shall look at the procedure, working and the success of the Lok Adalats in India."

Swati Upadhyay and Trayosha Darapuneni (India)
Title: "Migrant Woman's Reproductive Rights and International Law."
Abstract: "Women who migrate across national boundaries are typically non-nationals and are unaccounted for by national rights frameworks and national health care systems. The legal protection of migrant woman's reproductive health has never mattered more. The central concern underlying this article is the reproductive health of migrant women. This article addresses migrant woman's reproductive rights under international law, the barriers they face in exercising those rights, and the international legal standards national governments must uphold to ensure migrant woman's enjoyment of these inalienable rights. These legal standards include ensuring access to information about pregnancy and sexually transmitted disease, access to reproductive health services, and protection from sexual violence, abuse, and trafficking Reproductive rights may also be understood to include education about contraception and sexually transmitted infections, and freedom from coerced sterilization and contraception, protection from gender-based practices such as female genital cutting (FGC) and male genital mutilation. In December 1996, the UN Population Fund (UNFPA) and the International Organization for Migration (IOM) signed an agreement to pursue joint efforts to combat sexual violence, particularly against migrant women and girls, as well as enhanced reproductive health programmes for migrants. The agreement also calls for close cooperation in advocacy, research, and technical cooperation between the two agencies. The situation still calls for the strengthening of international jurisprudence regarding migrants' rights and increasing the pressure on national governments to attend to the reproductive health of persons within their borders. Therefore this article examines the principal international legal instruments available to migrant woman's advocates and the reproductive rights those instruments guard. International human rights law is a principal line of defense for migrant woman's reproductive rights."

Teresa Maneca Lima (Portugal)
Title: "Portugal and the European Court of Human Rights: 30 years of Interaction."

Abstract: "This paper draws on partial results of the research project titled "Reconstructing human rights through transnational legal mobilization? Portugal and the European Court of Human Rights," which has been conducted at the Centre for Social Studies at the University of Coimbra. Funded by the Portuguese Science and Technology Foundation (FCT), this project was initiated in October 2007 and will end in April 2010. The major objective is to investigate the type of legal mobilization and the socio-legal significance of the cases against Portugal in the ECHR and the motivations of the complainants. Since there is little knowledge on the Portuguese experience with the ECHR, the project aims to add some value to socio-legal studies on the legal mobilization of human rights in the Portuguese context. This paper discusses the interaction between Portugal and the ECHR. Portugal became a member of the Europe Council in 1976 and in 1978 ratified the European Convention on Human Rights. In the last 30 years Portugal has not presented a pattern of heavy litigation. To demonstrate the level and type of this legal mobilization of the ECHR, I focus on the last 10 years (from 1997 to 2007) and present a robot portrait of all decisions, including information on: type of the complaint; type of legal cases; type of users of the ECHR; type of social conflicts behind the legal disputes, both at the national and at the European Courts. This data shows that moroseness of the courts has been the main cause of transnational legal mobilization in the Portuguese context, and that the large majority of complainants are individuals, as opposed to associations and corporations."

Thais Luzia Colaço (Brazil)
Title: "Os Direitos Das Populações Tradicionais Na Ordem Constitucional Brasileira E Sua Relação Com O Acesso Aos Recursos Genéticos."
Abstract: "This text addresses the traditional populations in the Brazilian constitutional order and its relation to access to genetic resources. Introduced the concept of traditional communities, their importance to the protection of biodiversity. Also studied are the Convention on Biological Diversity and its pervasive with the international agreement on trade related intellectual rights of the WTO, better known by the acronym TRIPS.
Keywords: Traditional Populations, Brazil, Biodiversity."

Resumo: "Este texto aborda as populações tradicionais na ordem constitucional brasileira e sua relação com o acesso aos recursos genéticos. Apresenta o conceito de comunidades tradicionais, sua importância para a proteção da biodiversidade. Também são estudados a Convenção sobre Diversidade Biológica e sua transversalidade com o Acordo internacional sobre direitos intelectuais relativos ao comércio da OMC, mais conhecido pela sigla TRIPS.
Palavras-chave: Populações Tradicionais, Brasil, Biodiversidade."
Texto elaborado como resultado do projeto e pesquisa Meio Ambiente e Desenvolvimento: a proteção da biodiversidade e dos direitos culturais do indígena para a sustentabilidade, financiado pelo CNPq e pela Fapergs. Grupo de pesquisa no CNPq – Direito, Meio Ambiente e Desenvolvimento.
Doutora em Direito. Professora dos programas de Mestrado Stricto Sensu em Desenvolvimento da Unijuí e Direito Ambiental da UCS. Pesquisador do grupo de pesquisa do CNPq – Direito, Meio Ambiente e Desenvolvimento.
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Thamy Pogrebinschi (Brazil)
Title: "Law, Politics, and Pragmatism in Brazil."
Abstract: "The paper focuses on the relation of pragmatism and law-making, relying on an empirical approach to some decisions of the Brazilian Supreme Court on relevant political issues, and the consequences engendered by those in the country's institutional setting."

Ulrike Schultz (Germany)
Title: "WG Legal Profession. Women/Gender in the Legal Profession."
Abstract: "This subgroup of the legal profession group has been meeting regularly since it was set up in 1991 and has produced several publications. It deals with gender questions in the legal profession as well as in the judiciary and other fields of work for (women) lawyers."

Uta Stippel (Germany)
Title: "La orientación socioeducativa del régimen penitenciario juvenil en Chile: El caso de la "Comunidad Tiempo Joven."
Abstract: "Con la entrada en vigencia de la **L**ey N° 20.084 sobre **R**esponsabilidad **p**en**a**l juvenil (LRPA) el 8 de Junio de 2007, por primera vez en la historia chilena se implementó un sistema especial de responsabilidad penal juvenil para adolescentes entre 14 y 18 años.
La diferencia fundamental con el antiguo sistema punitivo y tutelar - que era fuente de vulneraciones de normas jurídicas permanentes e inconstitucionales- es la norma de la LRPA que dispone el alojamiento segregado de jóvenes y adultos en régimen de privación de libertad.
Además, por primera vez, se les garantiza por ley a los jóvenes en régimen de privación de libertad, el acceso a actividades de formación escolar formal, a actividades prelaborales y

actividades de recreación. A través de este lineamiento de desarrollo socioeducativo contemplado durante su permanencia en el recinto penitenciario, se debe promover el objeto explícito, que es la reinserción del joven en la sociedad.
Esta ponencia se centrará en la pregunta por el impacto práctico que tuvo la LRPA tres meses después de su puesta en vigencia, específicamente en cuanto a la orientación pedagógica del régimen cerrado para jóvenes infractores en Chile.
Para abordarla, se presentarán los resultados del trabajo realizado a partir del año 2007 en Santiago de Chile, que contó con la realización de una pasantía durante el mes de octubre en el Centro de Internación Provisoria (CIP) y de Régimen Cerrado (CRC) "Tiempo Joven" en la comuna de San Bernardo. Junto con desarrollar esta pasantía-observación en el CRC, se realizaron 20 entrevistas dirigidas con jóvenes encarcelados. El objetivo era recibir respuestas sobre el impacto práctico de la entrada en vigencia de la LRPA, a partir de la mirada de sus afectados directos: los propios jóvenes encarcelados.
Las normativas jurídicas que regulan el régimen de estadía en centros cerrados, la propia observación participante en "Tiempo Joven" y las percepciones de los jóvenes entrevistados sirven como fundamento para responder la pregunta acerca de la existencia o no de una real implementación, en la práctica cotidiana, de la normativa socioeducativa que contempla el régimen penitenciario juvenil.
Se tratará entonces de contraponer la legalidad con la realidad."

Valeria Verdolini (Italy)
Title: "The words of law and War: collateral effects of International Criminal Justice."
Abstract: "Starting from the changes of International Criminal Law that have characterized the second half of the XXth Century and the beginning of this one, the intervention will analyze the effects of this changes on the relations between law and war, and the effects of this hybridization on Criminal Law tout court. The theoretical framework is given by the works of Carl Schmitt and Foucault's lessons "Society must be defended", and we will focus on the relations between politics and law, what Schmitt's call the "political" and the "juridical". The judgments on the cruelty of war, and the use of war as an instrument of justice, are the two most evident effects of this phenomenon, but not the only ones. New forms of control of political violence, Gunther Jakobs' theory of the Criminal Law of the enemy are two backfired effects of this "collapse" of the lexicons that we are going to analyze in this paper."

Vittorio Olgiati (Italy)
Title: "Out of order? Constitutional instability of social and legal systems."
Abstract: "In the last decades under the labels "global economy" and "active citizenship" a variety of legal arrangements have been enforced to reset traditional patterns of welfare-state models and traditional forms of democratic participation. In the meanwhile the move from the established logic of "government" to quite undefined practices of "governance" widely changed political, cultural and institutional approaches to basic structural-functional pillars of contemporary social dynamic. Given the above, today we are experiencing - along with a serious financial crisis - a rising unbalance within and among those social and legal systems whose specific mandate is the assessment and promotion of primary issues, such as education, cohesion, identity, defence and control. As empirical evidence shows, such a state of affairs openly question the stability of the constitutional architecture of the same systems as well as that of the whole Word-system order. A socio-legal analysis on the matter is therefore needed to help to envisage new paths and different solutions."

Vladimir Llano (Colombia)
Título: "Relaciones entre la sociología y la antropología jurídica en Latinoamérica."

Abstract: "Las especialidades de la ciencia jurídica como la sociología y la antropología jurídica en el contexto académico latinoamericano han venido avanzando paulatinamente de forma reciente tanto en las facultades y programas de derecho como en los mismos espacios disciplinarios de la sociología y la antropología. Esta diferencia entre los contextos académicos centrales, semiperiféricos y periféricos sobre el saber jurídico especializado e interdisciplinario ha llevado a que se adelanten interesantes reflexiones teóricas y prácticas que aportan desde la mirada latinoamericana a los debates globales; por parte de la sociología jurídica los estudios sobre la profesión jurídica en distintos países son innovadores, la crítica desde las mismas facultades de derecho sobre la poca relación del Derecho con lo social son expuestas constantemente, el derecho como instrumento de las élites para la dominación y la hegemonía en Latinoamérica son debates recurrentes, entre otras temáticas que comienzan a interesar abogados y sociólogos; por su parte, la antropología jurídica dedica sus esfuerzos reflexivos e investigativos a la diversidad cultural en estrecha relación con la variedad y multiplicidad jurídica que se produce por las distintas tradiciones, costumbres e interacciones interculturales que se plasman de forma cotidiana en los distintos países latinoamericanos, análisis que incorporan desde los colectivos indígenas que se ubican en las entrañas selváticas, los campesinos y comunidades negras en los espacios rurales como los pobladores de los sectores urbanos marginados, sin desconocer otras investigaciones como el papel de las transnacionales en las relaciones socioculturales locales, la propiedad intelectual, la biodiversidad, las alianzas y movimientos transculturales, como otros estudios que se encuentran al orden del día en la ciencia jurídica. Pero los límites de una y otra especialidad son difusos al encontrarse en problemáticas comunes como el pluralismo jurídico."

Vladimir Vitovsky (Brazil)
Title: "Is that possible to imagine a third way for federal courts in Brazil?"
Abstract: "Beyond the crisis the judicial system in Brazil, how can we take a real reform, specially in the brazilian Federal Justice? In the context of sociology of law, and through the lenses of the studies of administration of justice, as in Boaventura de Sousa Santos, the aim of this paper is to critically analyse the theories of justice administration and its application in the brazilian case, specially in Federal courts. Boaventura distinguishes three broad thematic groups: access to justice, administration of justice as a political institution and organization, directed the production of specialized services; and the social litigousity and mechanisms of its resolution in society. Despite federal courts in brazil are a very political institution, because of the constant judicial review, we would like to concentrate in its litigious mechanisms of resolution. We can draw two ways of judicial actuation: a normativist, in which the judges just apply the law, and nothing more; and alternative, in which the judges have a social consciencious. But there is a trird way: the "justice de proximitÃ©". But not in the same europeen sense because in Brazil it has already the â?ojuizados federaisâ?, but in a court really near to the citizens, a participative justice. Which are the ways to have a real participative federal justice in Brazil?"

Vladimir Vitovsky (Portugal)
Title: "May the federal judge be considered as responsible for social changes in Brazil?"
Abstract: "May the federal judge be considered as responsible for political, economical and social changes in Brazil? What is the role of brazilian Federal Justice in the process of redemocratization? The purpose of this communication is analyze, from the origins, its ruptures and continuities of the history of brazilian federal justice, its function of guaranteeing citizens rights and mediate their conflict in the face of the federation. The federal justice in Brazil is a special court of conflict resolution in which the state (called federation) is envolved. So, we can discuss whether the federal justice plays a role of judicial activism or a routine; whether the federal judges are neutral ou political actors."

Willis Santiago Guerra Filho (Brasil)

Title: "The Place of Constitutional Courts between Law and Politics. A Systems Theoretical Proposal."

Abstract: "In the world society in which we live in, with its hyper complexity and multicentrality, as it is described by Luhmann´s autopoietical social theory, there is a need to investigate the differentiation of systems in such a society. One of those systems is the legal one, which is at the same time separated and articulated with the others, so that mutual irritations are absorbed through the so called “structural coupling” between the center and periphery of one another, in order to maintain their stability and simultaneously growth in their environment, autonomously. Legal system and political system are so connected through a particular media of operative closedness, there is the legal constitution of the State. Constitutional Supreme Courts, as far as they emerge from the very core of legal systems, where we find the judicial unity, belong to the center of this systems, but we may very well postulate that they are passing through a sort of migration to its periphery with a strong tendency to occupy the center of political systems, and so becoming co-responsible with the operation of the binary code of both systems, there is to say, the legal or not-legal code in the case of legal system and the disposal of power or not-power in the case of political system. This is so due to the centrality of the definitions about constitutionality of legal norms both to legal and political systems. The paper raises the question of the risks that such a development might bring about to the maintenance of the autopoíesis in the social system, especially there where it already faces severe problems, namely, in geopolitical regions such as Latin America, where we will give emphasis to Brazil."

Yasmine Debarge (France)

Title: "You must understand that your ex is the parent of your child", when the Hungarian State intervenes in marital breakdown through mediation."

Abstract: "Used by parents in serious conflict with each other after a separation, child access services or contact centers are places where a guardian parent leaves the child so that the other parent can practice his or her visitation right for a certain time. The visitation is eventually supervised by a third person not related to the couple. The use of child access services can be an initiative of the parents, but more often, the parents are sent by judges. This presentation will describe the circumstances in which Child Access Services were created in Hungary, and how it introduced family mediation in the country. A specific attention will be given to the 2005 legislation. Part of the child protection institutions reform which was initiated by international lobbying groups for children rights, this law introduced the obligation for local authorities to provide this service. A new change in the law will render obligatory the use of mediation in case of conflict. The aim is to show how laws and ideas which tend to answer to a "globalization" of family law (most specifically the notion of equality between both parents), are interpreted within a national institutional and economical context, fitting the culture receiving it while modifying it towards the new norms and always "for the best of children."

Yifat Holzman-Gazit (Israel)

Title: "Critical Commissions: The Impact of Independence on the Perceived Trustworthiness of Investigatory Commissions - A Panel Study from Israel."

Abstract: "Does institutional independence increase the credibility of investigatory commissions (ICs) that are set up in the midst of national crises? The case under examination is the 2007 interim report of the IC that was appointed to inquire into the traumatic failure of the Israel Defense Forces (IDF) to stop the Hezbollah rocket attacks into Israel in 2006. Israeli law prescribes two procedures for the establishment of ICs. The more independent IC is composed of members nominated by the Chief Justice of the Supreme

Court and chaired by a retired Supreme Justice or District Court Judge. The IC is granted powers of inquiry similar to those of a court in civil proceedings and has the authority to decide on the publication of its interim and final reports. The less independent IC has to submit its reports to the appointing authority who decides on their publication. Members of the less independent IC are appointed by the Government or by the minister in charge; the chairperson can be any qualified figure; and the IC does not necessarily have the powers of inquiry of a civil court. The IC under examination was established according to the procedure of a less independent IC, although its chairperson was a retired District Judge.
We conducted two representative surveys of the Israeli population to examine the relationship between forms of institutional independence and public confidence in the findings of the interim report that the Israeli IC published on May 2007. We also examined the impact of the interim report on public opinion regarding the causes of the failure and the attribution of responsibility. Our results do not support the assumption that ICs' reports affect public opinion. Furthermore, we did not find support for the hypothesis that the degree of institutional independence that the IC is granted affects the public's confidence in its conclusions. Rather, the content of the IC report—and specifically the extent and severity of its criticism of Israel's military and political leadership—was strongly associated with public trust in the report. The more the IC report was regarded as critical, the more the public trusted it. These results show change in the traditional way of thinking about trustworthiness of ICs and indicate the need in further study of these institutions and the complexity of their roles in the contemporary era."

Yohei Katano (Japan)
Title: "Environmental Policies in an Administrative Zone In Case of Tokyo."
Abstract: "While it is well known that social characteristics, such as regional networks and interaction density, intervene in the relationship between a legal regulation and its effective enforcement, just how much of intervention such social characteristics would exercise is not well studied. Especially in the field of daily environmental regulations on waste disposals (and also energy omission and green consumption), accumulation of knowledge on the social aspects of pro-environmental behavior has been scarce, leaving numerous environmental policy makers wonder about the ways for effective regulation. This research takes up this question, and, using quantitative methods, explores the social mechanisms through which societal properties determine the extent of effectiveness in legal regulations on pro-environmental behavior on everyday disposables."