

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

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BUDAPEST 2001: CALL FOR PARTICIPATION

The fifth joint meeting of the Law and Society Association (LSA) and the Research Committee on the Sociology of Law (RCSL) will be held in Budapest, Hungary, Wednesday, July 4 through Saturday, July 7, 2001. Hosted by the Central European University, the meeting will be held at the Central European University and the Hungarian Academy of Sciences. The Program Committee invites scholars to submit proposals for presentation and discussion of all aspects of research linking law and society, whether or not there are specifically related to the meeting theme ("Law in Action"). In addition to proposals for sessions, individual papers, and discussions of books, the Committee is also encouraging the continuation of the activities of last year's Collaborative Research Networks (see the list of existing CRNs in the last Newsletter).

Deadline:

- For session proposals, paper proposals, and book panel proposals, January 8, 2001
- Participation proposals received after January 8, 2001 can be accepted only on a space-available basis.

Proposals should be sent:

By mail to: Law and Society Association
Attn: Program Committee
Hampshire House, Box 33615
University of Massachusetts
Amherst, MA 01003-3615
USA

By fax to: (413) 545-1640

By email: <http://www.lawandsociety.org/Conti->

nuous updates, announcements, and information about the meeting will be posted on the following web site: <http://www.lawandsociety.org/>
<http://www.ucm.es/info/isa/rc12.htm>.

BRISBANE 2002: PRELIMINARY PROGRAM FOR THE ISA WORLD CONGRESS

Two years ahead of time, the ISA has announced the program for the plenary and sub-plenary sessions at the World Congress which will be held in Brisbane, Australia, from July 8 to 13, 2001. The general theme of the Congress is "The Social World in the Twenty-First Century: Ambivalent Legacies and Rising Challenges". Five more specific themes have been selected. Each will be discussed in parallel sessions during three days in three consecutive "thematic sessions". The themes and sessions are as follows:

I. Inequality and Exclusion

(convened by Sujata Patel, Elisa Reis and Goran Therborn)

II. Knowledge, Creativity, and Communication

(convened by Marcel Fournier and Arnaud Sales)

III. Sexuality, Families and Forms of Intimacy

(Convened by Stella Quah, Bernadette Bawin-Legros and Jake Najman)

IV. The Ambivalence of Social Change

(convened by Raquel Sosa Elizaga, Nikita Pokrovsky and Piotr Sztompka)

V. Difference and Politics

(convened by Nilufer Gole, Jeffrey Alexander and Michel Wieviorka)

In addition, six "special sessions" were selected to run parallel:

- 1: "Focusing on Asia-Pacific"
(convened by Christiane Inglis and Sujiro Yazawa)
- 2: "National and Regional Sociology in the Era of Globalization"
(convened by Sujata Patel and Goran Therborn)
3. "Women's Movement at the Verge of the XXI Century: Achievements and New Challenges"
(convened by Jan Marie Fritz and Linda Christiansen-Ruffman)
- 4: "New Wave of Radical Mobilization"
(convened by Claus Offe and Bert Klandermans, with cooperation by Raquel Sosa Elizaga)
- 5: "Linking Teaching and Research: Innovative Experiences"
(convened by Jennifer Platt nad Ari Sitas, with cooperation by Roberto Briceno-Leon)
- 6: "Legal Institutions in Crisis"
(convened by Vincenzo Ferrari, with a co-convenor to be announced later)

In principle, presentations at plenaries will be by invitation only. But everybody who feels they have an important potential contribution to the topic of any session is strongly encouraged to contact the relevant conveners with the concrete proposal of a paper (a title and an abstract of one page).

OÑATI IISL

Publications

As announced in the last Newsletter, the IISL has just published a comprehensive report, in the four official languages, on the Institute's first 11 years (1989-2000). According to the volume's editor, former Academic Director Pierre Guibentif, its main objective is "to promote the existence of the IISL and offer detailed information about its history and activities to all current and potential partners, with the aim of extending and consolidating the underlying institutional network" (p. 20). The volume is embellished by a photographic report.

Other recent and forthcoming publications in the IISL's international series include:

K.D. Bussman & S. Karstedt (eds.), *Social Dynamics of Crime and Control*. Oxford, Hart, 2000, 271 pp.

P. Green & A. Rutherford (eds.), *Criminal Policy in Transition*. Oxford, Hart.

A. Kjonstad & P. Robson (eds.), *Law and Poverty*. Oxford, Hart.

M Maclean (ed.), *Making Law and Family*. Oxford, Hart.

F. Reinares (ed.), *European Democracies Against Terrorism*. Aldershot, Ashgate-Dartmouth.

E. Fernandes (ed.), *Derecho, espacio urbano y medio ambiente*. Madrid, Dykinson.

Chiba-Oñati Program on Legal Pluralism and Non-Western Law

The IISL has decided to award Chiba grants to two scholars simultaneously:

- Raquel Irigoyen Fajardo (Peru) for completing her thesis on "The Pluricultural State and Criminal Law in the Andean Countries (the Peruvian Case)"
- Michael R. Madsen (Denmark) to support his research project on legal culture and pluralism in Vanuatu, South Pacific.

The next grant will be awarded in March 2002. A call for applications will be published in the next RC SL Newsletter.

More information on the IISL's activities can be found on the Institute's Web page: <http://www.iisj.es>

TREVES SCHOLARSHIP

Two Treves scholarships will be awarded next year by the IISL. They are intended to pay for the tuition and expenses of IISL Master's students. Each scholarship amounts to 1 million pesetas (about 5 500 USD). A Treves scholarship was awarded this year to a student from Ghana.

The RC SL has to raise annually half of one scholarship against a matching grant from the budget of the IISL. Since the RC SL's funds for this purpose are limited, and considering the importance of giving more and more students the opportunity to attend the Oñati Master's program, the RC SL invites the socio-legal community to make generous contributions to this effort. Please send your pledges to Bill Felstiner (IISL, A.P. 28, 20560 Oñati, Spain; fax +34 943 783147; email: onati@iisj.es).

WORKING GROUPS

The WG on legal professions met recently in Peyresq, France. The WG elected a new chair, Benoit Bastard, in substitution of its longtime chair,

Bill Felstiner, who has recently started his period as Scientific Director of the IISL.

The new chair's email: bastard@mipplus.org

RCSL MEMBERSHIPS

Student membership

It is a RCSL policy to encourage the affiliation of new members. Thus, the RCSL Board has accepted a proposal by its President to waive membership fees for an initial period of four years to the IISL current Master's program students and to other students who may also wish to apply. In the latter case, the RCSL is asking students to provide a letter of reference by another member of the RCSL.

Honorary lifetime membership

The RCSL has been, from its very beginnings, a very sober association indeed, dedicated first and foremost to scholarly work. Honoring members for their outstanding academic as well as organizational contributions is not even mentioned among the goals of the association (cf. Art. 1 of the Statutes, reprinted in this Newsletter). Neither does the title of an honorary president exist, for the simple reason that all past presidents become life time members of the board anyway (art. 5.2 of the Statutes). But maybe we have gone too far. Some of the greatest socio-legal scholars amongst our members (e.g. Evans, Podgorecki, Luhmann) have never even wanted to become president of the RCSL. The RCSL board has now decided unanimously to create the position of a "honorary lifetime member" and to offer it to Lawrence Friedman, on the occasion of his seventieth birthday (see following contribution). This could become a fittingly sober way for the RCSL to honor its most valuable players. If scholars like Friedman accept this role, the honor will clearly be ours.

ON LAWRENCE FRIEDMAN'S SEVENTIETH BIRTHDAY

The taxi driver who brings him home from the airport does not see anything exceptional in Lawrence Friedman. He is neither tall nor short. He dresses modestly and speaks quietly and deliberately. He frequently smiles. Those who are privileged to know him appreciate his kindness and his wit. There is no egoism or pretension in him,

nothing in his way of speaking that reveals the universally respected academic. Perhaps only the authority with which he can speak about the life of ants, Bach's music, the Republic of San Marino or the origin of the Basque language reveal the infinite curiosity of this voracious reader.

At 70 years Lawrence Friedman is at the cusp of his career. He has finished a large manuscript on the history of American Law in the XXth century and is editing a collective work on recent changes in the legal culture of the Latin nations of Europe and America. His conference agenda is crowded and at Stanford he teaches under the auspices of the Political Science Department as well as in the Law School. He provides intellectual leadership in the Stanford Program for International Legal Studies, a project that he and Tom Heller conceived, which has become the most interesting postgraduate legal education experience that I know of in the world. He has begun a project on the rule of law. Clearly, he does not intend to slow down in the near future.

If we review his career we find more reasons to admire Lawrence. He earned three degrees at the University of Chicago (1948, 1951, 1953). His professorial career began at St. Louis University in 1957 and continued at Wisconsin from 1961 to 1968, when he came to Stanford. He has been a visiting professor at Princeton and Chicago, and visited centers in Jerusalem, Berlin and other cities. He has been President of the Law and Society Association and the American Society of Legal History, Vice President of the RCSL and is a member of the American Academy of Arts and Sciences since 1977. He has received honorary doctorates from universities in the United States, Sweden and Italy.

He is the author of more than a dozen books, a number of which have been translated into such languages as German, Chinese, Korean, Spanish, Italian and Russian. Among the most important are: *A History of American Law*, *The Legal System: A Social Science Perspective*, *Total Justice*, *The Republic of Choice*, *Crime and Punishment in American History*, *The Horizontal Society*. He has published more than 150 articles in journals and chapters in collective works. These works exhibit academic rigor, clear thinking, and accessible and agreeable literary style. One of his books was nominated for a Pulitzer Prize, the famous American award. The transparency of his style is

deceptive in two senses: it embodies profound, coherent thought and expresses shades of meaning and humor that sometimes are difficult to translate into other languages. He has edited a dozen books, including *Law and the Behavioral Sciences* (with S. Macaulay, 1969, 1977) and *Law and Society* (with Macaulay and Stokey, 1995). These two works are of first importance for the study of the sociology of law and provide an overview of what has been published in this field in English.

The innovative nature of Friedman's work should be emphasized. His interest in social analysis of law began early in his career, when there were not many people in the United States or in other countries working with this perspective. His first book *Contract Law in America* (1965) has as its subtitle *A Social and Economic Case Study*. There is no direct contact between him and the scholars of the American Legal Realism. The scholar he regards as his mentor is Willard Hurst, best known for his influential contributions to the history of American law. Friedman also admires Max Weber and likes to record that he typed Rheinstein's selection and translation of *Law in Economy and Society* (because as a student he earned money typing other people's works). As sociology teaches us, originality is always relative, but within those limits we can point to Friedman and his Wisconsin colleague Macaulay, as key figures in the creation of the modern sociology of law in the United States.

Historians of law recognize the major contribution that Friedman has made to their discipline. In 1990 he was President of the American Society of Legal History and since 1997 has been an Honorary Fellow. For us this is not really a different field, since his approach to history is fundamentally the same as that to sociology. In this sense, Friedman's work is a good example of the obsolescence of disciplinary boundaries. He is more than a historian or a sociologist of law. He studies legal reality from the perspective of the social sciences, viewing the present and the past with attention to concrete data and quantification, but without limiting himself to quantitative analysis.

Another exceptional aspect of Friedman's work is its international orientation. Legal scholarship in the United States tends not to look beyond national frontiers. Friedman has participated

frequently in the work of the Research Committee on Sociology of Law and follows the literature produced in other parts of the world. In pursuing his interest in the legal system of other nations he has worked with his friend and colleague John Henry Merryman and others.

Leah, his wife, shares his enthusiasm for travel and contact with other cultures. "Shares" is perhaps too weak a verb; she often instigates and promotes their travels. They are so inseparable that, for their friends, it is difficult to think of Lawrence without thinking of Leah at the same time. Let us hope that they continue as well as they are today and that Lawrence continues to be as productive. He has given much to sociology and social history of law, and there is much more that we can expect from him in years to come.

R. Pérez-Perdomo
(transl. by J.H. Merryman)

RCSL EXECUTIVE BOARD

Johannes Feest, President
David Nelken, Vice President (Elected member)
Anne Boigeol, Vice President (EM)
David Trubek, Executive Member (EM)
Masayuki Murayama, Executive Member (EM)
Héctor Fix-Fierro, Secretary (EM)

OTHER RCSL BOARD MEMBERS

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Benoit Bastard (WG)
Sandra Burman (EM)
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Adam Czarnota (WG)
Vincenzo Ferrari (Past President)
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Francis Snyder (WG)
Francis van Loon (EM)
Jean van Houtte (PP)

RCSL NEW STATUTES

As announced in the last Newsletter, we are reprinting the new version of the RCSL Statutes, as amended by the vote of its members in June 2000.

INTERNATIONAL SOCIOLOGICAL ASSOCIATION RESEARCH COMMITTEE ON SOCIOLOGY OF LAW An International Association of Legal Sociologists

STATUTES

(with changes approved by the RCSL Board in July 1999 and ratified by a two-thirds majority of the members' votes in June 2000).

Preamble

The Research Committee on Sociology of Law (RCSL) was established by the International Sociological Association in 1962 with a view to opening up a broader range of opportunities for the participation of individual members in the activities of the Association in the field of sociology of law.

Part 1. Aims and Objectives

- 1.1. The RCSL shall act, principally in the framework of the International Sociological Association, as a free association of scholars active in the sociology of law or socio-legal studies all around the world, whatever their nationality, opinion and scientific or methodological tendency.
- 1.2. In order to achieve its institutional ends, the RCSL shall undertake measures:
 - a. to secure and develop personal and associational contacts between scholars active in sociology of law or socio-legal studies throughout the world;
 - b. to encourage the international dissemination and exchange of information on significant developments in the sociology of law or socio-legal studies;
 - c. to promote the development of scientific activities in the field of sociology of law or socio-legal studies;
 - d. to facilitate and promote meetings and research, on both the international and local level, in the field of sociology of law or socio-legal studies;
 - e. to encourage the official recognition and the development of sociology of law or law and society as a teaching subject, at all levels, in universities, academies and similar institutions;
 - f. to cooperate with these institutions and associations which seek similar ends in the field of sociology of law, socio-legal studies or in neighbouring fields;
 - g. to establish links with governmental and non-governmental agencies which might be interested in facilitating the development of research in law and society;
 - h. actively to help scholars from non-represented or less favoured countries to use its own structures and facilities.

Part 2. Membership

- 2.1. Full members of the RCSL may be individuals active in research, publication or teaching in the field of sociology of law, socio-legal studies or neighbouring fields. Associations which support the development of socio-legal studies may also be full members of the RCSL. Scholars or associations not showing these qualifications may be admitted as observer members.
- 2.2. Individual members shall be admitted upon application to the RCSL Secretary, whose decision shall have immediate executive effect subject to ratification by the Board in its first subsequent meeting.
- 2.3. Associations shall be admitted by the Board, whose decision shall have immediate executive effect, subject to ratification by the first subsequent Member Business Meeting.
- 2.4. Individual members and associations shall have the same rights and duties. Associations shall have one vote, as shall individual members, and shall exercise their rights through their representative or spokesperson.
- 2.5. The members of the RCSL are expected to pay a membership fee, the amount of which shall be decided by the Board.

Part 3. Members' Business Meeting

- 3.1. The members of the RCSL shall be convened every year during the Committee's annual conference.
- 3.2. Besides the powers described under part 2.3. and 4.3., the Members' Business Meeting shall put forward proposals for future activities and shall express its opinion about the initiatives proposed by the Board.
- 3.3. All individual members and associations shall take part in the meeting, but full members in good standing shall have the right to vote. Proxies shall not be admitted.

Part 4. Working Groups

- 4.1. The RCSL shall facilitate the establishment of working groups aimed at developing projects of scientific and intercultural cooperation in the diverse sub-fields of the sociology of law and society. Such working groups, once recognised, shall act as subcommittees and shall enjoy total autonomy, both organisational and financial, in seeking their own ends. They shall elect their own chairperson, who shall represent them within the RCSL.
- 4.2. The RCSL working groups shall consist of no less than ten individual RCSL members, representing at least five different countries.
- 4.3. The formation of working groups shall be acknowledged by the RCSL Board, with a majority vote of its members, on the basis of evidence given of the activity that members of the putative group shall have performed already. The Board's decision shall have immediate executive effect and shall be submitted to the first subsequent Member Business Meeting for ratification.

- 4.4. The RCSL Working Groups shall hold their mandates for the duration of the Board's period of office. After that deadline, they shall renew their application for acknowledgment and may be acknowledged with the same procedure as described in part 4.3.
- 4.5. The Working Groups chairpersons shall not hold office after two terms.

Part 5. Board

- 5.1. The Board shall be responsible for the institutional and administrative activities of the RCSL. It shall hold office for a three year term.
- 5.2. The Board shall consist of the RCSL president, 7 to 10 elected members, the coordinators of the recognised working groups and past RCSL presidents. In its first meeting, it shall elect two vice-presidents, one secretary and the RCSL representatives within the ISA. In due course, it shall also designate the RCSL representatives within the Board of Directors of the International Institute for the Sociology of Law of Oñati and within any other pertinent body.
- 5.3. The president of the RCSL shall not be immediately reelected. The elected members of the Board shall not be elected more than twice consecutively.
- 5.4. The Board may coopt up to four observer members, with no voting rights, in order to extend RCSL activities. The scientific director of the International Institute for the Sociology of Law shall be an additional observer member of the RCSL, provided he/she is not already an elected member or ex officio member. Should they not be Board Members, the founders of the RCSL shall be invited to attend the Board's sessions.
- 5.5. The RCSL president shall represent the Committee towards its members as well as towards third parties. Should he/she resign or die, or should his/her activities be seriously hindered, his/her powers shall be exercised by the vice-president oldest in age, who shall be the acting president until the first statutory vote is taken.
- 5.6. The secretary shall execute the initiatives decided upon by the Board, admit new individual members, update the membership list and send a newsletter to the RCSL members at least every six months in order to inform them about activities undertaken and planned. The secretary shall also act as treasurer and in this capacity he/she shall collect the membership fees and submit to the Board an annual budget of the Committee every year.
- 5.7. A quorum of half the Board's voting members shall be necessary for the Board to take decisions. The Board shall take its decisions by the majority of those present and voting, unless a qualified majority is required by the Bylaws. The president shall have the casting vote. In case of need or lack of quorum, votes can be taken by postal ballot or by e-mail ballot, on president's proposal.
- 5.8. The Board may establish an Executive Committee composed of the president, the vice-presidents, the secretary and two members, whose task shall be that of dealing with the current business between Board meetings.

- 5.9. Reports on the funds of the RCSL shall be made every year and sent to all RCSL members. Decisions on the use of funds shall be made by the Board annually.

Part 6. Elections

- 6.1. All individual and collective full members in good standing shall be entitled to vote for the Board. All individual full members in good standing shall be eligible for election as president or as Board members.
- 6.2. Election shall take place in the year before the end of the Board's mandate, on the Board's initiative. A specific decision shall be taken by the Board concerning the number of members to be elected to the next Board and including all the provisions which may appear necessary for the voting procedure. A nominating committee shall be established by the Board for the voting procedure.
- 6.3. The secretary shall invite the nominating committee to identify candidates for both the president and the Board members and check whether the candidates for president accept nomination. Subsequently, he/she shall send the members a newsletter enclosing two envelopes, one blank and one indicating his/her own current address, as well as a ballot paper where the vote shall be expressed separately for the president and the Board members. The ballot papers shall then be returned through the enclosed envelopes to the secretary and must reach him/her within two months. Votes received after that deadline shall be considered invalid. The entire procedure shall be completed in due time for the new Board to meet during the first subsequent annual conference.
- 6.4. All members may express one vote for the president. If there is an election for seven or eight Board members, they may express four votes. If there is an election for nine or ten Board members, they may express five votes. If there is a tied vote, the candidate oldest in age shall prevail.

Part 7. Meetings

- 7.1. The Board shall do everything within its power to arrange a general meeting of the RCSL at least once a year. The meetings shall preferably be devoted to specific theoretical and methodological themes, although general sessions may be held in addition. The selection of the themes and the call for papers shall be the responsibility of the Board, in cooperation with the local organising committee. The Board shall encourage countries not represented to participate and to send suggestions and contributions.

Part 8. Statutes Amendment

- 8.1. Proposals for amendment to the statutes shall be collected by the secretary, then submitted first to the Board for discussion and subsequent to the members for a vote through a postal ballot, preferably in the election year and together with the voting procedure.
- 8.2. Amendments to the Statutes shall be deemed to be adopted if they are approved by a 2/3 majority of those voting.

Transitory Rule

The new version of these by-laws takes effect on January 1st, 2001.