

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

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THE RCSL TURNS 40

They say life begins at forty. In the case of the RCSL, life began 40 years ago. The RCSL was established in 1962 at the initiative of William M. Evan (University of Pennsylvania) and Adam Podgorecki (University of Warsaw), with the support of Renato Treves (University of Milan) during the Congress of the International Sociological Association, held in Washington D.C. Treves himself was elected as the first president, with Podgorecki as vice-president and Evan as secretary. Its first discussions at the Washington congress dealt with "Scope and Methods of the Sociology of Law".

The RCSL was initially conceived as a forum, largely informal, for specialists from all over the world to compare and exchange ideas. A Board was constituted in 1968. Formal by-laws were adopted in 1973. Regular elections have been organized every fourth year since 1974. The RCSL has also held regular annual meetings since 1964 (except in 1967). Every four years it meets during the congress of the ISA. It has held also several joint meetings with the Law and Society Association. Since the late sixties, it has established various permanent working groups as a means to promote its research activity more vigorously. Its membership has grown from about two dozen scholars in 1962 to more than 450 in 2002. On December 23, 1988, the RCSL signed an agreement with the government of the Basque Country, giving birth to the Oñati International Institute for the Sociology of Law (see RCSL, *30 Years for the Sociology of Law*, Oñati, IISL, 1991).

These are just some of the most visible accomplishments of the RCSL during its 40-year existence. Should we feel proud about them? Certainly. Should we feel satisfied? Certainly not. There is still a lot to be done. For one, the RCSL can still become more truly international in character. Therefore, it should continue its attempts to attract members from countries where it has no presence or where such presence is not strong. For another, it can make an additional effort to attract young people. They will be the ones to take over, not many years from now, from the generations who started and consolidated the Committee in the sixties and seventies. In the end, the RCSL is and will be what its members make of it. Ideas and projects for the future are not lacking so far (see Letter from the President in the RCSL Fall 2001 Newsletter). So, life does begin at forty after all.

ISA CONGRESS IN BRISBANE 2002 RCSL SESSIONS

Sessions 1 (July 8)
Social and Legal Systems
Chair: Vittorio Olgiati, Italy

Session 2 (July 8)
Judges and Courts
Chair: Hector Fix-Fierro, Mexico

Session 3 (July 8)
The Construction of Victimhood in the Field of
Human Rights
Co-Chairs: Maria Luisa Bartolomei, Sweden,
Stephen Parmentier, Belgium

Session 4 (July 9)
Market Forms, Legal Forms and Other Homologies
Chair: John Brigham, USA

Session 5 (9 July)
Law, Media, Melodrama
Chair: Mary Farquhar, Australia

Session 6 (July 9)
Regulation
Chair: Martin Krygier, Australia

Session 7 (July 10)
Feminist Futures in Law and Society
Chair: Rosemary Hunter, Australia

Session 8 (July 10)
Gender at Work /The Work of Gender
Chair: Rosemary Hunter, Australia

Session 9 (July 10)
Policy-making and its Effects
Chair: Alex Ziegert, Australia

Session 10 (July 11)
The Sociology of Rights
Chair: Grazyna Skapska, Poland

Session 11 (July 11)
Comparing Criminal Justice
Chair: Johannes Feest, Germany

Session 12 (July 11)
RC12 Board Meeting

Sessions 13 and 14 (July 12)
Legal Institutions in Crisis
Chair: Vincenzo Ferrari, Italy

Session 15 (July 12)
RCSL Business Meeting

Detailed information on the contents of individual sessions as well as on authors and titles of papers for which abstracts have been submitted can be found in the annex to this Newsletter.

For more information on the Brisbane conference, please visit the following Web sites:

RCSL: www.ucm.es/info/isa/rc12.htm
Brisbane: www.sociology2002.com/

OBITUARIES

During 2001, two of our most distinguished members died. The RCSL deeply regrets their demise.

Jan F. Glastra van Loon (1920-2001)

He was one of the founders of the RCSL 40 years ago, and president of our organization between

1974 and 1980. When he died last October, at the age of 81, he had been in retirement for a long time and most of us outside the Netherlands had lost contact with him. But in his own country, he remained intellectually as well as politically active until the end. In the words of a Dutch colleague: "The eventful game which Glastra has played here, is probably not so interesting for our colleagues from abroad. He was, after all, not only a moralist and a connoisseur, but also an impassioned intellectual player".

Instead of an obituary, we reprint here the English abstract of paper given by Glastra van Loon at the RCSL annual meeting in 1988 (and published as "Due pensieri su diritto e società", *Sociologia del Diritto*, 1989, XVI, 1, 63-69):

"Two Thoughts on Law and Society: The author, reflecting upon the role of law in society, rejects both the "instrumentalist" theory of law and the systems theory of society. The instrumentalist theory sees law, exclusively in a functional perspective, as an orienting factor for social actors. This leads to conceiving of law essentially as a tool of domination and to forgetting that law is by far the strongest means through which trust among men is created and preserved. The systems theory of society, which sees social relationships as a mere network of pre-conceived social roles, is refuted on the ground that it ignores the interaction which exists between society and social scientists. Sociological theorising should certainly aim at reducing complexity, but a theory which does not take into account such interaction, as a result of which social scientists contribute to affecting society, is certainly deceptive. If combined, the instrumentalist theory of law and the systems theory of society lead to a neglect of man's capacity to be self-reflective. This turns into a reductive vision of the role played by law in human relationships".

Rosa del Olmo (†2001, Caracas, Venezuela)

Born in Barcelona during Franco's regime, Rosa spent most of her youth in political exile, in several European and Latin American countries. Some of us remember her fondly from the 1970s, when she was a regular contributor to the European Group for the Study of Deviance and Social Control.

As a sociologist (U. of Wisconsin) and criminologist (U. of Cambridge), she published extensively, especially on the social phenomenon of drugs and

alternative ways of dealing with it. For many years she taught at the Universidad Central in Caracas (Venezuela) and also held posts in the Justice and Family ministries of her country of adoption (for a more detailed obituary, cf. the IISL Newsletter 13, on the Oñati Web Page www.iisj.es).

Pierre Bourdieu (1930-2002)

He was one of the most prominent French sociologists of the 20th century. He can be considered as an heir of the Marxist tradition, insofar his scientific (and, at the same time, political) project implied the unveiling and critique of power relationships in contemporary society. A characteristic concept in his sociological theory is that of "capital", which is understood as a condensation of social energy that is the specific object of power struggles in the various social fields.

Although Bourdieu did not write extensively about the sociology of law, he was clearly interested in the role of rules and the law in society. In his essay on the "force of the law" (*La force du droit*, 1986), he identifies the legal field as a social field where power relationships are given a legitimate (legal) form.

Bourdieu's approach has been fruitfully used, for example, by Bryant Garth and Yves Dezalay in their analysis in what they call the "international strategies of lawyers". A search on Pierre Bourdieu in the Internet yields no less than 100 sites that provide a broad spectrum of information about the distinguished French sociologist.

NEW FEE STRUCTURE

We remind our members and readers that during the RCSL Board meeting in Budapest in July, 2001, and accepting a proposal of the president, the Board made changes in the fees members of the RCSL have to pay. The RCSL has decided to follow the three-tier approach of ISA. Consequently, as of January 2002, RCSL members from A-countries will pay 80 USD (or 80 Euro) for a four-year membership; members from B and C countries will pay 40 USD (or 40 Euro). Members from C countries will be granted a waiver on demand. Students may also ask for a waiver.

OUR FIRST MEMBER FROM SLOVAKIA

We have for the first time received a membership application from Slovakia. Silvia Hermanová works

at the Department of Sociology, Faculty of Arts, Comenius University in Bratislava, Slovakia. Here is a brief account of her situation in her own words:

"Let me introduce myself: I am 27 years old and have received both a master in law and in sociology from the Comenius University of Bratislava, the oldest University of Slovakia. Here, the sociology of law had discontinuous development and it has never been taught by a sociologist. Generally, sociology of law is undeveloped in Slovakia. It is mainly (but not only) a result of the general development (or, rather, suppression) of sociology in Slovakia between 1948 - 1989. Modern sociology of law at CU was formed by the personality of Prof. Jozef Prusák, a law professor at the Faculty of Law. Since 1998, no course of law sociology for students of any specialisation at any Faculty of CU is taught.

Since 2000, I am a Ph.D. student at the Department of Sociology, Faculty of Arts, CU. My particular specialisations are 1. social differentiation, social structure, its changes and reflections in sociology (to which is my thesis „*The Issue of Social Differentiation in Slovak Sociology*“ related). 2. sociology of law. More specifically, I do research on legal aid and its relation to civil society at the present. I have very limited access to current as well as classical writings from other countries, excepting Czech literary production. I use internet resources and databases of on-line articles as a main source of information on sociology of law and current state of the discipline abroad.

My duties at the faculty include the development of a curriculum and run a course on sociology of law. In this context, I would welcome any help that I could get. The Slovak Sociological Association (SSA) at the Slovak Academy of Sciences aims to be a base for vigorous and broad development of sociology in Slovakia. As a member of the Board of SSA, my task in sociology of law is related to initiating undertakings and co-operation, communication with abroad experts and bodies etc.

I would be very happy if I could communicate with academic or research bodies or centres, where sociology of law has a longer tradition. In the long run, I am aiming for a study visit in such an institution".

Welcome to the RCSL and the socio-legal community, Silvia!

NEWS FROM OÑATI

On March 1, 2002, Manolo Calvo started his one and a half year period as resident Scientific Director of the Oñati IISL. Bill Felstiner, who was appointed together with Manolo for a three year period, finished his term, but he will stay very much involved with the activities of the Institute. The next Scientific Director(s) is(are) to be appointed by the Institute's Governing Board during its October 2002 meeting.

The Oñati Institute is about to make a very valuable contribution to the dissemination and knowledge of socio-legal literature by giving on-line access to the Library's and Documentation Centre's databases. After a testing period, the databases will be available to any interested person through the Institute's Web page (www.iisj.es).

After carefully considering the unprecedented number of 19 proposals submitted to it, the Institute's Governing Board decided to award this year's Chiba scholarship for conducting research on non-Western legal systems to Viviana Canet from Buenos Aires, Argentina. It was a difficult choice, because most of the other projects were equally deserving of support. Viviana was awarded the Chiba scholarship to complete her doctoral thesis on "Los pueblos indígenas latinoamericanos" ("The Indigenous Peoples of Latin America").

Since our last Newsletter, several volumes of Oñati's English and Spanish international socio-legal series have appeared:

Appelbaum, Richard P., William L.F. Felstiner and Volkmar Gessner (eds.), *Rules and Networks. The Legal Culture of Global Business Transactions*, Oxford-Portland, Hart Publishing, 2001, xiii-427 p.
Nelken, David and Johannes Feest (eds.), *Adapting Legal Cultures*. Oxford-Portland, Hart Publishing, 2001, x-282 p.

Wickham, Gary and George Pavlich (eds.), *Rethinking Law, Society and Governance: Foucault's Bequest*. Oxford-Portland, Hart Publishing, 2001, vi-176 p.

García Inda, Andrés and José Martínez de Pisón (coords.), *Ciudadanía, Voluntariado y Participación*. Madrid, Dykinson, 2001, 231 p.

Two important meetings to be held in the next months at the Oñati Institute are the Workshop on Federalism, on Friday 21 and Saturday 22 June

2002 and the traditional Summer Course, which will deal this year with "Justice and Politics", from Monday 1 to Friday 5, July 2002.

SENTENCING OBSERVER

The Sentencing Observer is an information bulletin and networking resource for people interested in the study of sentencing and society world-wide. The Sentencing Observer will be published 2-3 times a year (first issue appears June 2002) on paper and on the Web at www.law.strath.ac.uk/csr/observer.

Interested persons are invited to report on recent and on-going research or key publications, legislative and policy developments, useful web-sites, relevant conferences and courses, etc.

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Annex

RCSL SESSIONS
XV ISA WORLD CONGRESS
Brisbane, July 2002

Session 1: Social and Legal Systems (WG on Social and Legal Systems)

Chair: Vittorio Olgiati, Italy

Quingwen Xu, Denver University
Grassroot Organization and Community Development in Chinese Law Reforms

Claire Peterson
A Confluence of Legal Systems: British Law from 865 to 1166

Silvia Frati, Italy
South Tyrol's "Closed Farm" (Geschlossener Hof) in a Socio-Legal Perspective

Session 2: Judges and Courts

(Joint Session of WG on Social and Legal Systems and WG on Judges and Courts)

Chair: Hector Fix-Fierro, Mexico

Vittorio Olgiati, University of Urbino
Jurisdictional Conflicts in Court. The Case of Lawyers and Judges

Peter Robson, Strathclyde University
The Role of the Judge in Film

Sharyn Roach Anleu and Kathy Mack, Flinders University
Magistrates in Australia: Distinctiveness and Professionalization

Signa Daum Shanks, University of Toronto
Discovering Inter-Aboriginal Law in Canada's Constitution

Luigi Cominelli, Italy
The Crisis of Courts and the Debate on Alternative Dispute Resolution: The Italian Case

Session 3: The Construction of Victimhood in the Field of Human Rights

(WG on Human Rights)

Chairs: Maria Luisa Bartolomei, Sweden; Stephen Parmentier, Belgium

Christopher Gale, Leeds Metropolitan University
Victimhood in Human Rights: A UK Perspective

William MacNeil, Griffith University
Beyond Masculine Melodrama? 'Traffic's' Jams and the Gridlock of Bourgeois-Liberal Autonomy

Session 6: Regulation

Chair: Martin Krygier, Australia

Hitoshi Ushijima, Fukuoka University
Exploring Asymmetrical Private Voluntary Actions with a Common Value: A Comparative Study of Traditional Japanese and Emerging US Soil Contamination Cleanup Programs

Ronen Shamir, Tel-Aviv University
Globalization and the Emergence of Social Law: A Study in the Moral Regulation of Business

Fiona Borthwick, University of Wollongong
Governing the Companions of Companion Animals

Colin Scott, Australian National University
Private Regulation of the Public Sector

Session 7: Feminist Futures in Law and Society

Chair: Rosemary Hunter, Australia

This session examines the impact of feminist legal scholars and scholarship both inside and outside the academy, and contemplates future directions for legal feminism, in the context of globalisation, the demise of welfare states, backlash politics, and the "postmodern turn" in academic discourse.

Rosemary Hunter, Griffith University
The Future of Feminist Law Reform

Sally Sheldon, Keele University
Challenges for Feminism: One Step Forward, Two Steps Back?

Maria Drakopoulou, University of Kent at Canterbury
Feminist Critique and Legal Knowledge: towards a genealogy of modernity's feminist project in law

Adrian Howe, Central Lancashire University
Pursing the Postmodern Turn - Next Target: (Always Already) Provocation in English Law

Session 8: Gender at Work/the Work of Gender

Chair: Rosemary Hunter, Australia

Hilary Sommerlad, Leeds Metropolitan University
Peter Sanderson, Huddersfield University
Gender Differentiation at Work: Cultural Capital and the Conceptual Articulation of Structure and Agency

Beth Gaze, Monash University
Human Rights, Universalism, Women and Mothers

Geraldine Neal, Griffith University
Women in the Legal Profession in Queensland

Patricia Easteal, University of Canberra and Australian National University
Women in the Australian Legal System: A Keleidoscope Model

Session 9: Policy-making and its Effects

Chair: Alex Ziegert, Australia

Anna Williams Shavers, University of Nebraska
Counter-Terrorism and the Effect on US Immigration Policy

Atef Said, American University Cairo
The Faith of the Egyptian Legislator Within a Changing Society: Sociological Analysis of the Criminalization Process for Five Crimes in Different Eras in Modern Egyptian Society

Andrew Kenyon, The University of Melbourne
Simple Strategies and Weasel Words: Defamation, Lawyers and Litigation Reform

Koen Van Aeken, University of Antwerp
Instrumentalist Thinking and Evaluation Research

Bruce Smyth, Australian Institute of Family Studies
Belinda Fehlberg, The University of Melbourne

Researching Parent-Child Contact After Parental Separation: Some Methodological Considerations

Session 10: The Sociology of Rights

Chair: Grazyna Skapska, Poland

Simone Wong, University of Kent at Canterbury
Property Rights for Home-Sharers: A Human Rights Approach?

Monica Errico, Italy
Clinical Trials, Human Rights and Cultural Relativism

Raúl E Rojo, Universidade Federal do Rio Grande do Sul (Brazil) / Université de Montréal (Canada)
Justice et Citoyenneté: La Juridisation des Conflits Sociaux au Brésil et au Québec

Session 11: Comparing Criminal Justice

Chair: Johannes Feest, Germany

Andrei Oleinik, Moscow State University
Prison Social Climates in a Comparative Perspective

Tracey Booth, University of Western Sydney
Homicide, Homicide Survivors and Sentencing: The Impact of Emotion on the Legal Process

Catherine Mueller, Milano
Critical Issues in the Risk-Assessment of Mentally Disordered Offenders

David S. Clark, Willamette University
Italian Criminal Justice and the Rise of an Active Magistracy

Naomi Gale, Asken Academiv College
The Jury System in Israel

