

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

<http://rcsl.iscte.pt/>

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2006**

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LETTER FROM THE PRESIDENT

As the new President of the RCSL, I first want to thank my predecessor, Lawrence Friedman, president from 2003 to 2006, who brought to our committee his great prestige. Last September, Reza Banakar, after more than 3 years as secretary of the RCSL, decided to give up the position. I thank him for his excellent work and for his enthusiasm in serving the RCSL. And I want to welcome Luigi Cominelli, a young scholar from the University of Milano, who accepted to be the new secretary. Thank you Luigi.

The new board took up its duties in Durban, at the meeting of the International Sociological Association. Since Durban, and the Summer Newsletter, there have been some adjustments in the board, due to a strict interpretation of the statute required by ISA¹. The board is now working and thinking about future.

What can be the future of the RCSL?

In the socio-legal world, the RCSL has several trumps:

- It is an international association since its creation in 1962.

- It is backed by a very important international association: the International Sociological Association (ISA), which is a strong association with many committees in different fields of sociology and with many national associations. The last ISA meeting took place in Durban (South Africa) and gathered more than 3000 sociologists from all around the world (see Lawrence Friedman's paper). This affiliation means that there are a lot of scientific resources we can mobilize in order to enrich and develop our activities. Some committees such as, for instance, research committees on professional groups, on childhood, on work, are very interested to have exchanges with our committee. We have to organize and develop interactions with them, through our Working groups.

¹ Two more elected people were added: Valerio Pocar and Peter Robson. Three former members of the board, who did not have the possibility to be re-elected, were withdrawn: Bryant Garth, Pierre Guibentif and Alex Ziegert.

There are also many national sociological association in the ISA, some of them having sections in sociology of law. It is the responsibility of the RCSL to develop contacts with these associations in order to offer them to participate actively in the Committee and organize scientific exchanges, new forms of collaboration, information. I sent a message to all national sociological associations in order to ask them if they have a sociology of law section that we can contact. But the relations with national and international sociological associations are not exclusive. Our members are also members of many socio-legal associations, some of them being very big like the Law and Society Association, others being more modest. We have to develop relations and exchanges with all of them.

The Research Committee has a tradition of exchanges with LSA through the organization of Joint meetings (Amsterdam, 1991; Glasgow, 1996; Budapest, 2001). The next meeting will be in Berlin (July 25-28, 2007). It will be a joint meeting of LSA and RCSL co-sponsored by 4 other national associations: the Socio-Legal Studies Association of the UK (SLSA), the Japanese Association of Sociology of Law (JASL), the Vereinigung für Rechtssoziologie (VfR), and the Sociology of Law Section of the German Sociological Association. The RCSL participates in the Program Committee through its President (who is co-chair of the Program Committee), some of the board members (Reza Banakar, Lawrence Friedman, Masayuki Murayama, Vittorio Olgiati) and some members (Jacek Kurczewski, Stefan Machura). The joint meeting will be a great event, which will take place in a highly symbolical place, where many legal and socio-legal issues were and are raised. I urge RCSL members to be present in Berlin, by organizing sessions and panels.

Some relations must also be developed with other socio-legal associations. Every year, the organization of the annual meeting involves local associations. These fruitful collaborations have to be capitalized and extended, with the help of every member. One important step will be to offer these association to post news or events on our new website created by

Pierre Guibentif: RCSL has now its website (<http://rcsl.iscte.pt/>), thanks to Pierre who will be our Webmaster. The board agreed to include Pierre as an extra-observer in order to allow him to be informed.

One other specificity of RCSL is the link with the Oñati International Institute on sociology of law, which was founded in 1989 jointly by the RCSL and the Basque institutions. The IISL is an international institution, with an international master, international workshops, a wonderful international library, and it welcomes each year a number of visiting scholars from all over the world. The RCSL plays an important role in the Institute through the governing board, the participation in different committees, the appointment of the Scientific Director. The current scientific director, Joxerramon Bengoetxea, is trying to transform the Institute into a hub for all socio-legal scholars and associations in the world and organize Global Research Groups, with some loose (virtual) networking to feedback with the activities Oñati. This is a very interesting perspective, which is under debate and requires some discussion in the RCSL.

In order to improve the running of the RCSL and go ahead with all these projects, 3 sub-committees have been created:

- a sub-committee in charge of drafting a proposal of statute revision, chaired by Vincenzo Ferrari.
- a sub-committee in charge to report on the situation of the working groups and on their links with RCSL, chaired by Benoît Bastard.
- a sub-committee in charge of analyzing the feasibility of an on-line journal edited by the RCSL, chaired by Volkmar Gessner.

Thank to them for having accepted this responsibility. There is some work to do if we want RCSL to play an increasing role in the international field of socio-legal studies. This will not be possible without the active participation of the whole board, but also of all members, who are invited to give us their suggestions, and information concerning socio-legal studies in their country.

Anne Boigeol,
RCSL President

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THE NEW RCSL WEBSITE

The RCSL has now a new dedicated website:

<http://rcsl.iscte.pt/>

Pierre Guibentif (pierre.guibentif@iscte.pt) is the webmaster and designer of the site.

THE JOINT MEETING OF THE RESEARCH COMMITTEE ON SOCIOLOGY OF LAW AND OF THE LAW AND SOCIETY ASSOCIATION (LSA)

"Law and Society in the 21st Century: Transformations, Resistances, Futures"
Humboldt University
Berlin, July 25-28, 2007

The Law and Society Association and the Research Committee on Sociology of Law (RCSL) will hold their next joint annual meeting at Humboldt University in Berlin from July 25 to July 28, 2007. Berlin 2007 is the latest in a series of joint annual meetings that began in Amsterdam in 1991 and included Glasgow (1996) and Budapest (2001)

1) Co-sponsored by four other socio-legal associations

For the first time, LSA and RCSL will be joined by four other socio-legal associations. Other sponsors of Berlin 2007 are the Socio-Legal Studies Association of the UK (SLSA), the Japanese Association of Sociology of Law (JASL), the Vereinigung für Rechtssoziologie (VfR), and the Sociology of Law Section of the German Sociological Association. An International Planning Committee, made up of representatives from the six sponsoring organizations, met in 2005 and agreed on goals, dates, procedures and other basic parameters for the Berlin event.

2) Covering all socio-legal studies topics and open to all scholars

The Berlin meeting will serve the needs of the members of LSA, RCSL and the other sponsors but will be open to scholars from all over the world. Scholars are encouraged to submit individual papers and organize panels and roundtables. In addition to panels, roundtables and other sessions on all socio-legal studies topics, there will be special theme events designed to identify common issues, take account of comparative work, foster studies of transnational phenomena, and promote future international cooperation. A detailed call for papers with instructions on how to make submissions will be issued in October 2006 with a deadline of January 12, 2007.

3) Participation by Working Groups, Collaborative Research Networks, and International Research Collaboratives

In addition to welcoming all socio-legal topics and individual scholars, the conference will be open to standing research networks including RCSL Working

Groups, LSA Collaborative Research Networks and International Research Collaboratives (IRCs). IRCS, created in connection with Berlin 2007, convened this summer at the 2006 LSA meeting in Baltimore, Maryland and will present work at the Berlin conference. (For a list of IRCS, http://www.lawandsociety.org/ann_mtg/am07/IC_sum.htm).

4) Organized by a Joint Program Committee
The international Program Committee (PC 2007) is co-chaired by Anne Boigeol (RCSL) and David M. Trubek (LSA) and includes representatives of the sponsoring organizations and other scholars from eleven countries. (For a full list of PC2007 Members, http://www.lawandsociety.org/ann_mtg/am07/PC_bio.htm). The Program Committee is responsible for selecting the theme, preparing the call for papers, commissioning all special events, developing panels and roundtables, and organizing submissions.

5) Held in an exciting city
The site for the 2007 meeting is the "new Berlin", a city that has been rebuilt since the fall of the Berlin Wall and has become one of the most exciting spots in Europe for visitors. A group of scholars drawn from Humboldt University and other institutions in and around Berlin serve as the Local Organizing Committee and have promised to make everyone's visit to their city truly memorable.

CALLS FOR PAPERS

WG on Comparative Legal Culture

Chairs: David Nelken and Marina Kurkchyan
The co-chairs of the Working Group on Comparative Legal Culture invite papers on conceptual and empirical research on legal cultures in different countries. We are interested in exploring the potential of the concept for a better understanding of social phenomena such as crime, dispute resolution, corruption, processes of legal transplant and international regulation, as well as examining the specifics of the locally constructed meanings, roles and images of law. We expect that this will include discussion of the methodological problems of interdisciplinary work linking the sociology of law, legal anthropology, social psychology, comparative law, and related fields. Those who are interested and would like to present their research should get in touch with either chairperson of the WG: David Nelken (sen4144@iperbole.bologna.it) or Marina Kurkchyan (marina.kurkchyan@csls.ox.ac.uk). We would help to co-ordinate the proposed papers by suggesting panels and themes. After this process, the speakers would have to register the panel at the LSA Berlin website to finalise the arrangements.

WG on Social and Legal Systems

Chair: Vittorio Olgiati (olgiati@soc.uniurb.it)
WG thematic issue: Trespassing positional landscapes: views on socio-legal *futuribles*
As the title of general theme of the Berlin 2007 Joint Meeting indicates, for the first time socio-legal "fu-

tures" have been formally recognised as a relevant variable in the international agenda of socio-legal study and research. As a representative member of the ISA-RCSL at the Berlin 2007 Programme Committee Meeting held in Baltimore in June 2006, I was particularly happy with this theoretical and methodological option for it followed my suggestion, made in March 2006, to move ahead the discipline and look forward, towards the new Century. The theme that I suggested then was verbatim: "Trespassing Positional Landscapes: Views on Socio-Legal *Futuribles*". This is precisely what I wish to reassess, here and now, as thematic issue for the ISA-RCSL Working Group "Social System and Legal System" Berlin 2007 Meeting Session(s) call-for-papers. Let me explain the rationale of this proposal. The French word *futuribles* is drawn from a typical XX Century encyclopaedic-humanistic (sociologist, political scientist, historian) French intellectual: Beltrand de Jouvenel. The term can be easily translated in English as futures, narrowing its meaning and content just a bit. For the WG purposes, *futuribles* (or futures) are conceived a preliminary social-scientific (cognitive) dimension of any potential human planning or project: the way and/or the process of sorting out coordinates, directional paths, chances and challenges towards those future states whose forms of achievement are somehow imaginable and reasonably acceptable to us from the point of view of both the state-of-the-art (or science) currently at disposal, and the state of our human conditions, as it appears or is actually experienced in our space-time. In brief *futuribles* are not, and therefore should not be confused with, a matter of mere "social engineering", even though they might offer some hints in this respect. As we know, socio-legal dynamic is not necessarily identical with what is officially propagated and commonly perceived. Therefore, to escape the temptation to follow mere ideological view-points, it is necessary to consider the whole bandwidth of signals we can receive from the socio-normative realms under scrutiny and try to combine the available data-in-progress according to prospective and relativistic approaches. *Futuribles* imply and constitute l'art de la conjecture, as they are grounded on a mix of historical facts and experiences as well as on scientific study and research. As such, they foster sociological imagination and counteract stereotyped discourses. Researching, debating and understanding *futuribles* can be achieved by virtue of scenario techniques supported by historical records, i.e. by a deep knowledge of path dependency variables. In fact, scenarios are not projections or predictions to assess the future as such. They are just illustrations of trends open to the future which help to decipher and interpret either emerging transformations or conditions of/for resistance to change. For this reason their design requires a substantial cultural background, a degree of intuition and the ability to synthesize disparate materials. According to the above, what is needed also it is (1) a "trespassing" from current perceptions and conceptions of our scientific work, in the sense that what really matters is a focus on emerging futures and (2) deal with them as veritable "landscapes", not mere

“social fields” or “disciplinary areas”. In brief, what is needed is to mobilize the horizon of our “positional” world-views, in order to account for the un-repressible complexity stemming from the tension between the past, the present and the future of our society.

International Research Collaboration on Comparative Disputing Behavior

We are planning to have sessions on dispute resolution and civil justice in comparative perspectives at the Berlin meeting for socio-legal studies in July 2007. We would like to organize sessions concerning (1) disputing behavior and out-of-court dispute resolution, (2) litigation behavior and the role of the court in dispute resolution and (3) public views and opinions of the courts (and the “legal consciousness”). We will welcome your paper on one of these topics.

Our international research collaboration was initially organized for the Berlin meeting and original members include Erhard Blankenburg (Germany), Albert Currie (Canada), Hazel Genn (UK), Herbert Kritzer (US), Masayuki Murayama (Japan), Bert Niemeijer (the Netherlands), Shozo Ota (Japan) and Pascoe Pleasance (UK). Our IRC is intended to continue after Berlin as an international research group in RcsL and Lsa. If you are interested in joining us or presenting a paper in one of our sessions, please contact one of the following persons:

Hazel Genn: h.genn@ucl.ac.uk

Herbert Kritzer: hkritzer@wisc.edu

Masayuki Murayama: muramasa@kisc.meiji.ac.jp

Bert Niemeijer: bert.niemeijer@hetnet.nl

CALLS FOR PAPERS FROM THE NATIONAL ASSOCIATIONS

Sociology of law section of the Swiss sociological association: “The Rule of the Law and the European Constitutional Approach. Trends and Perspectives”

The Anglo-Saxon “rule of the law”, as depicted by Posner or Hayek or analyzed by Neumann, is today more than ever linked in a competitive way with the more cartesian “continental” system of law, relying on Kant and Montesquieu. The deterioration of the law of nations, the “Völkerrecht”, since the end of the cold war and the warfare of international coalitions linked with decisions of the United Nation, for example Afghanistan, Kosovo and Iraq shed light on the actual development. Judicial decisions on international relations concerning private persons and governments of third countries made in the USA or in den Haag have to be analysed carefully regarding these theoretical aspects. Comparative or analytical contributions are welcome. Please write to: Josef Estermann, PD Dr. phil., Dr. iur., Research Committee Sociology of Law, Swiss Sociological Association, Postfach 281, CH-6002 Luzern: josef.estermann@acc.unilu.ch
esterman@zedat.fu-berlin.de

GRADUATE STUDENT ACTIVITIES IN BERLIN:

An international committee involving North American, European and Asian sociolegal societies has begun planning for the Graduate Student Activities events in Berlin this summer. The events comprising the GSA will be interspersed throughout the Berlin meeting and will take advantage of the Friday afternoon pause that has been inserted into the regular meeting schedule. Also different from workshops in past years, next summer’s events will be open to all graduate student attendees in an effort to broaden international communication among the next generation of scholars.

The GSA program will consist of panel presentations, seminar sessions, and informal discussions to provide a forum for student networking with faculty who write in the field. In addition, there will be events designed to promote dialogue among graduate students and faculty participants about students’ individual research projects. High on the planning agenda are events that will bring regional intellectual projects and styles into conversation at this multinational event.

A website will be available soon to permit graduate students to coordinate housing and knowledge of Berlin nightspots (hopefully to be shared!) as well as find others with similar academic interests.

Many participating associations will provide a limited amount of funding for selected graduate students. The Research Committee in Sociology of Law will partially fund expenses for 2/3 Phd students attending the Berlin meeting from developing countries (C countries) with the expectation that these students will participate in the GSA program. We especially want to encourage graduate students to submit proposals to present their work within the regular program as well. For info contact Luigi Cominelli (RCSL secretary): luigi.cominelli@unimi.it. The list of C Countries is available at: http://www.ucm.es/info/isa/table_c.htm

CALL FOR EXPRESSIONS OF INTEREST TO FORM A NEW WORKING GROUP ON “LAW AND IMMIGRATION”

Dear Colleagues,
if you are interested to form a new Working Group on Law and Immigration please write to Professor Devanayk Sundaram (dsundaram@hotmail.com). Working Groups consist of no less than ten RCSL individual members, representing at least five different countries (art. 4.2 of the RCSL Statute).

THE 2006 RC SL ADAM PODGÓRECKI PRIZE ...AND THE WINNER IS: KIYOSHI HASEGAWA!

The 2006 Adam Podgórecki Prize was awarded, for the first time, according to the modified guidelines decided by the Board at the 2005 Paris Annual Meeting of the RC SL and agreed to by Maria Łos. The new guidelines provide that the yearly award should alternate between a Prize for lifework achievements in socio-legal research (winner 2005 Erhard Blankenburg) and a Prize for an outstanding published study of an emerging socio-legal scholar. Accordingly, a call for nominations of respective contributions to the field of socio-legal research was placed in the RC SL Newsletter and a Prize Committee established (André-Jean Arnaud, Erhard Blankenburg, Sandra Burman, Masayuki Murayama, and Klaus A Ziegert) to review the nominated contributions and select a winner of the Prize.

The call for nominations had a moderate but respectable reach and ultimately 12 nominations were received. Following up on the nominations, 5 contributions were considered not to fulfill the criteria for the award set by the RC SL. This left the members of the Prize Committee with the unenviable task to find the most outstanding contribution in a dense field of demonstrated truly outstanding socio-legal work. Further discussions in the Prize Committee led to a ranking of those publications (4) which were assessed as the best fit with the criteria of the Adam Podgórecki Prize. This procedure yielded Kiyoshi Hasegawa as the outstanding winner in an excellent field of competitors. In the view of the Prize Committee, Kiyoshi Hasegawa delivers what could become a "classic" in socio-legal research and is very much sociology of law in the spirit of Adam Podgórecki. The latter is not so surprising when one learns that Masaji Chiba, one of the international doyens of sociology of law and founder of the 1964 Research Committee of Sociology of Law, was a close friend of Adam Podgórecki and teacher of Hasegawa. More importantly, Kiyoshi Hasegawa challenges – in the best tradition of good socio-legal scholarship, that is, theorising with the support of empirical scrutiny – one of the "best kept" myths in the socio-legal community, namely that Japanese society is law-avoiding and non-litigious. We hope very much that the award of the 2006 Adam Podgórecki Prize encourages him to publish his study or a version of it in English and so to make this exemplary socio-legal study accessible to a wider audience.

About the Winning Contribution: Kiyoshi Hasegawa, *The Urban Community and the Law: The Creation of Public Space through Building Agreements and District Plans* (University of Tokyo Press, 2005, iii +360pp.).

This book examines how residents of suburbs in Japan enhance and preserve their housing environments by utilizing legal rules. The first objective of this book is to discuss whether suburban residents in Japan utilize the legal system. Takeyoshi Kawashima, a leading Japanese sociologist of law, once commented that the conflicts in rural communities in Japan could

be resolved through compromise or negotiation instead of by legal rules. However, based on research on the behavior of actual residents in suburbs, this book explains that Kawashima's scenario does not hold true for modern-day suburbs.

The second aim of this book is to understand whether the legal system in Japan functions effectively with regard to the conservation of hospitable dwelling environments. Residential districts in Japan are often considered to be chaotic and ugly; however, in some areas, residents do try to improve their dwelling environments. The author investigates these residents' efforts towards creating better districts and proposes the revision of some legal regulations.

This study particularly focuses on Building Agreements (BAs hereafter; the contracts of property owners) and District Plans (DPs hereafter; a type of land use plans). Both are often used in exclusive residential districts. This book analyzes 26 dispute cases that occurred within as well as outside the BA areas, 6 cases involving the creation (and renewal) of the BAs, and 2 cases involving the creation of the DPs. These analyses are based on a database that includes both exhaustive interviews with government officials and residents as well as answers to the questionnaires that were sent to most of the community boards of the homeowners associations (HOAs) in Yokohama.

In conclusion, this book emphasizes that suburban residents utilize legal rules to conserve their dwelling environments. Even if they do not visit courts, they often discuss issues within the framework of legal rules and persuade one another by referring to those rules. They also re-appropriate expert knowledge and put it to good use.

At the same time, residents distinguish between social norms and positive law in many cases. They acquire such attitudes and knowledge through argumentations in HOAs that are often based on the operation of existing non-legal neighborhood associations. These associations facilitate constructive discussions within their neighborhoods and also provide available resources such as manpower or funding. The author indicates that residents actually resolve their conflicts through legal rules mobilized by the non-legal associations.

Klaus A Ziegert

REPORT ON THE 2006 DURBAN MEETING

On July 23-29, 2006, the International Sociological Association celebrated its XVI World Congress at the International Convention Center in Durban, South Africa. The ISA Research Committee on Sociology of Law took part in the event with a quite substantial participation of socio-legal scholars coming from all continents. Twelve sessions were arranged by Reza Banakar and Angelica Cuellar and took place in accordance with the official programme. The RC SL

Board Business Meeting was also held, and in the course of the meeting Anne Boigeol succeeded Lawrence Friedman as RCSL President.

Sessions were organized on:

“Social Systems and Legal Systems” and “Legal Profession”, chaired by Vittorio Olgiati, University of Urbino, Italy;

“Socio-legal Theory and Methods”, chaired by Reza Banakar, University of Westminster, UK;

“Human Rights in Transition”, chaired by Vincenzo Ferrari, University of Milan, Italy;

“New Forms of Regulation”, chaired by Max Travers, University of Tasmania, Australia;

“Legal Cultures”, chaired by Marina Kurkchyan, University of Oxford, UK;

“Family Law”, chaired by Jacek Kurcowski, University of Warsaw, Poland.

NEWS FROM OÑATI

The future director of the Oñati International Institute for the Sociology of Law will be Carlos Lista. The candidature was presented by the RCSL board and accepted by the Oñati Institute Governing Board. Carlos Lista is an eminent Argentinean scholar from the National University of Cordoba. He will succeed Joxerramon Bengoetxea from September 2007.

DONATIONS

The Research Committee is grateful to David Trubek and to Harm Schepel for making donations to the General Support Fund and to the Treves Grant.

THE NEW RCSL BOARD (2006-2010)

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Pierre Guibentif: pierre.guibentif@iscte.pt (in charge of the website)

Luigi Cominelli: Luigi.Cominelli@unimi.it (RCSL Secretary)

Founding members:

William Evan and Adam Podgórecki (†)

NEXT ISSUE OF THE RCSL NEWSLETTER

The spring issue of the RCSL newsletter will be published in June. You are welcome to submit any material that is related to socio-legal research and which might be of interest for our members. The next issue will include short items (400-500 words), information about conferences, seminars and workshop, brief presentations of collaborative research projects, debates on issues related to teaching, information about courses, recent or forthcoming publications, notices on research funds, prizes and awards. The deadline to submit an item is May 15. Please write to Luigi Cominelli at luigi.cominelli@unimi.it
