

RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION
RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

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

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**Summer
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PRESIDENTIAL ADDRESS

Dear Colleagues,

The preparation for the **RCSL sessions at the ISA Forum in Vienna on July 10 to 14** is going well. We will have 16 sessions within the framework of the ISA and five sessions within the RCSL framework. As I explained in the last Newsletter, the latter is a new framework to increase space for paper sessions. If this proves to be successful, we will continue or even expand this scheme in future. The other new scheme is **Method Market**, where **Mavis Maclean** and **Benoit Bastard** will answer your questions about research methods. Please come and ask questions you have about conducting empirical research.

In Vienna, we will have the **special session in honour of Professor André-Jean Arnaud** organized by **Pierre Guibentif** and in partnership with **Association Droit et Société, France**. Professor Arnaud was the first scientific director of the International Institute for the Sociology of Law in Oñati and received the Podgorecki Prize in 2015.

At a Common Session organized by the ISA, **Mans Svensson** and **Stefan Larsson** will talk, as RCSL speakers, on Law in a Digital Society: Code, Norms and Conceptions.

We have been strengthening our relationship with the IISL. Last year we created the RCSL-IISL collaborative grant for Oñati Master students to attend the RCSL annual meeting. This year in Vienna, we organize two **Oñati Sessions**, chaired by **Lucero Ibarra Rojas**, for students and graduates of the Oñati Master Program to present papers. The Oñati Sessions are part of the new RCSL framework mentioned above.

Although the ISA Forum is yet to come, we have started to make preparations for **our joint annual meeting with the Law and Society Association (LSA) in Mexico City in 2017**. This meeting will be the sixth joint meeting together with the LSA. The last took place in Honolulu in 2012. As the RCSL has a strong tie with scholars from Mexico, the Mexico City meeting is very important for RCSL to further expand our relationships and networks with scholars from this and other Latin American countries. I hope many RCSL members will organize sessions and present papers. As the Call for Papers could be issued early, sometime in August, early planning would be advised.

Before the ISA Forum in Vienna, I would like to ask RCSL members to consider the possibility of **creating a new Working Group (WG)**. There seem to be various important themes of research not yet covered by the existing WGs. Last year we changed our Statute, changing rules for organizing a new WG. **The new requirement is ten founding members from three countries**. The Vienna meeting will be a good occasion for interested scholars to discuss the possibility. If you would like to organize a WG, please send your proposal, including the name of a proposed WG, planned activities, and names of ten members from three countries.

Recently we noticed that some of the retired senior colleagues dropped out of RCSL. But senior colleagues are valuable for us. It is a pity that senior members get out of touch. As a way of keeping senior members in the RCSL, it could be a good idea to create a **life membership**. We began to discuss the

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idea of life membership and plan to submit a proposal to the RCSL Board. If you have an opinion about life membership for senior members, please let us share your thoughts.

See you in Vienna in July!

Masayuki Murayama

NEWSLETTER CORRESPONDENTS SOUGHT

The RCSL newsletter looks for volunteers who would like to become "correspondents" and report about events, debates, disputes in their areas. Articles should have between half of a manuscript page and four pages length. They can cover content about a certain research area of sociology of law, or about a geographical area.

Please write to the main editor: Stefan Machura, s.machura@bangor.ac.uk

BOOK EXCERPT: LAWYERS AND MEDIATORS

In each issue, the RCSL newsletter prints an excerpt from a recent book. The following text is from "Lawyers and Mediators: the Brave New World of Services for Separating Parents" by Mavis Maclean and John Eekelar. Footnotes are omitted.

TOWARDS AN INTEGRATED SERVICE?

When family mediation began to grow in England and Wales in the 1980s, it was very distinctive from legal practice in respect not only of its ideology, but also the characteristics of both its practitioners and clients. While practitioners came from a range of backgrounds, most were from caring or helping professions, including early retired volunteers not seeking a second career. Compared with legal clients, mediation services seemed to be used in the early days more by articulate, and less conflicted people, often in the more affluent areas of the country. However, from about the mid-1990s, encouraged by the government's promotion of mediation in the context of divorce, lawyers began to become interested in adding family mediation to their professional repertoire. This was seen as a threat by some of the established family mediators. In 2005 Marion Roberts (2005: 520) wrote of 'the Law Society (claiming) control over a new and potentially lucrative area of professional practice, challenging established professional boundaries and therefore core understandings relating to the nature of legal practice and of mediation as a distinctive, discrete, and autonomous form of dispute resolution'.

Since then, as has been seen, non-lawyer mediators and lawyer mediators have been increasingly occupying the same territory of practice. Since the removal of legal aid for family work in 2013 the population to be served by mediation has moved from being a relatively marginal group to potentially all court litigants, and public funding has sought to re-direct most seekers of legal help away from lawyers towards mediation. In Australia a similar change occurred with the establishment of Family Relationship Centres which had to deal with a much broader and more demanding population than the early users of mediation, and it is now estimated that up to 80 per cent of cases mediated raise questions about domestic violence. A change in the population served requires some change in the kind of service offered. In addition in England and Wales cases are no longer mainly referred by lawyers and so lack the 'where do I stand' preparation for mediation. The demand for both free and privately funded mediation remains limited. Nevertheless, mediation is almost always used together with the services of a solicitor at some stage, and often provided in a law office by either lawyer or non-lawyer mediators. The practice of family mediation appears to be becoming increasingly integrated into legal practice. It is seldom used as a stand alone service.

But, as described in Chapter 3, the lawyers too are changing. There is less total care for a client, a wider range of pricing mechanisms and differentials and more limiting of the services provided to fixed-price and specific tasks. In this new environment, it is (continued on next page).

The LSA and RCSL Joint Meeting in Mexico City, June 20 – 23, 2017



not surprising that lawyers are even keener to add mediation to their range of services, relating it more closely to their more supportive approach.

TYPES OF MEDIATION

In Chapter 4 we described the institutional structure in which mediation services are located in England and Wales, and the objectives that mediation sought to achieve as found primarily in official documentation. We drew attention to what appeared to be problems and inconsistencies in the key distinction between providing information and giving advice, how directive a mediator might be in promoting options in what is essentially private ordering, and noted what we considered to be problems over accommodating legal principles, particularly the paramountcy of the child's welfare, with the distinction between information and advice and other aspects of mediation practice. We now return to some of these issues in the light of our observations and the experience of other jurisdictions.

We start by referring to discussions that have recognized that mediation can take different forms. Parkinson (2014: 37) writes that 'structured' mediation focuses on parties' interests, rather than their preferred outcomes, seeking to reach a settlement that meets as many of those interests as possible. She comments that 'lawyer mediators, in particular, are accustomed to playing an active role in working towards settlement', and adds: 'In structured mediation the mediator can exercise considerable power ... There are also risks of mediators steering participants towards a quick settlement rather than spending time building a mutually satisfactory settlement with both or all participants'. Structured mediation, she says, 'was not specifically designed for divorce or family disputes'. In contrast, 'transformative' mediation is designed to enhance participants' appreciation of each other's feelings and perspectives. However, Parkinson observes that this is not necessarily what people seek in mediation, and could take mediators outside mediation's 'ethical boundaries'. It would certainly lie outside the definition for publicly funded mediation, as do 'narrative' and 'ecosystems' approaches which refer to techniques for reducing tension between participants and promoting a higher level of understanding of differing perspectives within their social context.

An alternative typology is offered by Boule and Nestic (2001: 27-29). They refer to 'settlement' mediation as encouraging 'incremental bargaining' and seeking compromise between the parties' opening demands. 'Facilitative' or 'Problem Solving' mediation seeks to negotiate in terms of the parties' underlying needs and interests rather than their legal entitlements. 'Therapeutic' mediation seeks to deal with underlying relationship issues. 'Evaluative' mediation seeks to reach a settlement in accordance with the rights of the parties within the anticipated range of court outcomes, which can blur the line between mediation and arbitration. They accept that these models may overlap, even within a single mediation. Others, on the other hand, insist on a purist model which is premised on absolute respect for client autonomy. On this view, the mediator has no interest in the outcome, and any 'steer' by the

mediator towards an outcome, even by giving an indication of the possible negative view of a court, infringes client autonomy and is unethical and not even mediation, but 'settlement broking' (For examples see Stevenson, 'Mediation and Settlement-Broking' 2015 and Stylianou 2015).

Which description best represents what we observed in this study? Not surprisingly, we observed a mixture. We would view the strong suggestions, amounting sometimes almost to directives, regarding process as efforts to 'reach a settlement that meets as many of (the participants') interests as possible', the process described by Parkinson as the 'structured' model. Warnings about the undesirability of court proceedings should agreement fail fall squarely within this as do the occasions when mediators gave advice about the best way to decide how to distribute the contents of the home or the proposals for shared parenting arrangements. But statements that a proposal is within the parameters acceptable to a court and indications that mediators would state whether a solution fell outside them reflect the 'settlement', or perhaps even the 'evaluative' models. However, these efforts were usually accompanied by strategies designed to reduce tension and enhance communication between the participants, as in the 'transformative', 'narrative' and perhaps even 'ecosystems' models. So it seems that the mediators combined elements from the different typologies of mediation.

However, it is an axiom of mediation that 'Mediation must be conducted as an independent professional activity and must be distinguished from any other professional role in which the mediator may practice (FMC Code, section 5.1.7)' and that 'Participants must be clearly advised (sic: this should perhaps read 'informed') at the outset of the nature and purpose of mediation and how it differs from other services such as marriage or relationship counselling, therapy or legal representation' (FMC Code section 6.4). In the context which we were observing, the competing role was that of a lawyer, and the distinction between the role of the mediator and a lawyer here is built on the distinction between offering legal information and providing legal advice. As section 5.3 of the Code states: '(Mediators) may inform participants of possible courses of action, their legal or other implications, and assist them to explore these, but must make it clear that they are not giving advice'. Our analysis of section 5.3 suggested that this distinction may not be sustainable.

Our empirical data confirms this view. The distinction has the hallmarks of a formula whose function is to maintain professional boundaries. It seems it may be impossible to maintain in practice. The data provide numerous examples of advice provided by mediators to participants both as regards process and outcome. One mediator said that, unlike lawyers, 'we (mediators) don't encourage wives to claim maintenance', but went on to say: 'we succeed with getting spousal maintenance and charge back; when the children leave home her income falls off the cliff'. She also said: 'It's harder to get women to look ahead, especially about pensions', implying that mediators do make some effort to get them to do that.

Although she added that 'decisions are down to the people', that is insufficient to distinguish this from what lawyers do, as that is true in that context too. In fact, she expressly stated: 'You can give better *advice* if you have information from both', though still insisting that she gives 'legal principles'. Much of this is of course advice about process, but process can affect outcome. Some, however, is directly about outcome.

It is not our intention to suggest that the mediators acted in any way improperly or outside their remit in doing these things. We have noted the contrary view of Stevenson (2015), who holds that such approaches should be seen as 'settlement-brokering' rather than mediation. To sharpen the distinction, she gives an hypothetical case where a client says: 'Sam is 8 now. He is old enough to decide for himself whether or not he sees his father. I'm not forcing him. It's up to him'. Stevenson suggests that informing the parties that a court would expect that the child should see his father is an example of the former. To act ethically, the mediator should encourage the participants to articulate the circumstances and their perceptions of the child's needs so they can settle on an option and see how it works out with the child. However, we believe that this sets up a false dichotomy. For, while a court would hold an assumption that it is normally in a child's best interests to remain in contact with both parents, this decision would not be taken without regard to all the circumstances, so these would need to be elicited if the information about the possible reaction of a court was to be in any way meaningful.... The distinction rests on an idealised notion of autonomy as something 'possessed' by each participant untainted by any external influence. Such autonomy does not exist in the real world, and certainly not in mediation when the participants are at least influenced by one another. Nor do you deprive someone of autonomy by offering them advice. The question is only how influence is exercised and to what end. As Raz (1986: 155) wrote: 'Autonomy is possible only within a framework of constraints. The completely autonomous person is an impossibility.'

Therefore, we believe that the criteria according to which the roles of mediators and lawyers are distinguished are unrealistic. The two main grounds upon which the mediators' activities are said to be different from those of lawyers are that mediators provide information (which suggests a neutral act), not advice, and that mediators primarily deal with resolving current conflicts, whereas lawyers are not restricted to this but can offer advice and support in planning for the future, which involves guiding choices between options discussed based on the information or advice available, though at the end of the day the client chooses and gives instructions. The examples given above demonstrate how the provision of information frequently would be, and is intended to be, seen as pointing to actions or decisions which the mediator thinks are in the interests of the participants or a child (or sometimes just one of them). There is little to distinguish this from the way a lawyer delivers advice, apart from the fact that it normally comprehends the interests of two people. ...

WHO IS THE CLIENT?

As Myers and Wasoff (2011: 97) observe, there is of course one clear distinction between the position of mediators and that of lawyers in this context, which is that the mediator is able to see both clients together. A lawyer normally could not be instructed by both parties where there is conflict of interest, or a significant risk of conflict, between them but could act as a mediator between them because conducting mediation is not considered to be a 'legal activity' primarily because lawyers are seen as providing advice, and mediators are not. That makes it possible for mediators to engage in an activity which is denied to lawyers: assisting the parties to communicate directly with one another. But if it is conceded that advice is not uncommonly provided in mediation, and that this can in some cases be considered legal advice, then mediation might sometimes be thought to fall within the definition of 'legal activity', and within the prohibition against lawyers in professional practice receiving instructions from conflicted clients. However, this principle (namely that such lawyers cannot generally be instructed by two conflicted parties in the same issue) may be permeable, if the clients have "a substantially common interest" according to the Solicitors' Regulation Authority. ...

Lisa Webley (2004) discusses the issue from a different perspective. She raises the question: who is the client in family proceedings? Referring to the statement in the Law Society Protocol on Family Law of 2001 that a solicitor is to 'have regard to the interests of children and long-term family relationships' she observes that this places on the solicitor a duty that goes beyond that owed to the client who gives the instructions. While Webley does not go as far as to state explicitly that other family members can be considered to be 'clients', her comment that this seems to 'widen the net' in respect of the question who the client is (Ibid: 249) indicates that it is not far-fetched to believe it is possible for a lawyer properly to give advice to two (or more) members of the same family..... Resolution's Guide to Good Practice for Family Lawyers in Dealing with Clients (2012: para 5.1) has similar guidance:

When the client is seeking our help to define what objectives it is sensible to pursue then we can seldom do better than to help them reach out for what is most principled and what, whilst promoting their own interests, also promotes the welfare of the family as a whole, in particular what is in the interests of any children.

If lawyers should seek solutions that not only promote the immediate client's interests, but also the welfare of the 'family as a whole', it is not a great leap to imagine the other family members as being, notionally, 'in the room', and from there to accept that the 'other' party could actually be in the room. So, while it might appear to be a major change to allow a lawyer to accept both parties together as clients, it could be argued that this is to some extent already recognised in such guidance. ...

The market in divorce services being offered to separating couples has diversified rapidly and the boundaries between the different activities have

become more opaque and permeable. People are using DIY online sources to do the preliminary work in a divorce, perhaps then moving to legal service packages at fixed prices, to mediation if in dispute, perhaps from mediation to arbitration and back again, and using expert advice on many matters from tax to parenting, or even purchasing a private Financial Dispute Resolution¹. There are many options. This could be confusing for people undergoing the stress commonly associated with relationship breakdown. Barlow et al. (2014: 6) report of the subjects they interviewed that 'many felt that the full range of options and the implications were not given to them or not well explained'. We therefore think it is important that opportunities should be available for them to be provided with information and advice about these options...

We also believe that there is a case for adding to the present options a process that brings together the two key services, those provided by lawyers and mediators, which have so much in common in their working practice, so that clients, particularly those with limited means, can find what they need in one place. While sometimes it may be necessary to involve more than one professional in attending to the various needs of couples who contemplate separation, much of the expense and stress could be reduced if a one-stop service was available. Might it not be possible to combine the two key skills, legal expertise and communication skills, in one service? ... In the Netherlands a group of lawyers have formalised the relationship between mediation and law by forming an association, the vFAS (*Vereniging van Familierecht Advocaten Scheiding-mediators*) of lawyers who are also qualified as mediators or mediator-advocates who offer mediation with legal advice to couples who wish to and can appropriately work together. vFAS therefore offers choice: mediation with legal advice for both parties together from a lawyer, and legal services for each party separately from lawyers with a commitment to seeking settlement. The service is mainly used by people with property and the charging rates are not low. But legal aid could be available for those on low incomes.

Our proposal for a unified, one-stop service in this jurisdiction, (legally assisted mediation) is similar to the Dutch system explained above. ... could we either train lawyers to add mediation to their skillset while continuing to act as lawyers, or enable mediators to add legal knowledge to their resources, or preferably both, so that separating parties can benefit from both information about the legal framework and advice and support in making the best possible use of it?

Footnote

¹ Financial Dispute Resolution (FDR) is a procedure in which a judge will hear proposals from two parties and their lawyers seeking settlement but indicating what the judgement would be if this judge were to preside over any final hearing which must be heard by another judge in England and Wales.

References

- Barlow, A., Hunter, E., Smithson, J., and Ewing, J. (2014) Mapping Paths to Justice, Briefing Paper (Exeter, University of Exeter).
- Boulle, L., and Nestic, M. (2001) Mediation Principles, Process, Procedure (London, Butterworths).
- Family Mediation Council (September 2014) Manual of Professional Standards and Self regulatory Framework, Code sections 5.1.7 and 6.4.
- Myers, F., and Wasoff, F. (2011) Meeting in the Middle: a Study of Solicitors' and Mediators' Divorce Practice (Scottish Executive, Central Research Unit).
- Parkinson, L. (2014) Family Mediation (Bristol, Jordans Publications).
- Raz, J. (1986) The Morality of Freedom (Oxford, Clarendon Press).
- Resolution (2015) Guide to Good Practice on Mediation.
- Roberts, M. (2005) 'Family Mediation: The Development of Regulatory Frameworks in the UK' 2005 Conflict Resolution Quarterly 509.
- Stevenson, M. (2015) 'Mediation and Settlement-brokering' 45 Family Law 575.
- Stylianou, K. (2015) 'Rationale for the Ethics and Integrity of a Family Mediators' 45 Family Law 829.
- Webley, L. (2004) 'Divorce Solicitors and Ethical Approaches-the Best Interests of the Client and/or the Best Interests of the Family?' 7 Legal Ethics 231.

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LSA INTERNATIONAL PRIZE FOR SUSANNE KARSTEDT

On its Annual Conference 2016 in New Orleans, the Law and Society Association has chosen Susanne Karstedt for its International Prize. The newsletter is documenting the reasons for the decision, put forward by Konstanze Plett, Bremen University, chair of the International Prize Committee.

Susanne Karstedt is truly an international scholar, as demonstrated by the places of her academic appointments, her research topics, and her service in and for professional societies and institutions. Her academic career started in Germany. She holds a university diploma (equivalent to M.A.) in sociology (minor subjects: social history, social psychology, business and criminology) from Hamburg University and a Ph.D. (Social Science / Political Science) from Bielefeld University. From there she went to the U.K., where she first held a chair in criminology at Keele University (2000-2009), and then a chair in criminology and criminal justice at Leeds University (2009-2014) where she is still affiliated as a visiting professor. She also taught extensively at the International Institute for the Sociology of Law in Oñati, Spain, and was a visiting fellow at a number of other places and countries, even continents. Since 2015, she is Professor at the Griffith University School of Criminology and Criminal Justice, Brisbane, Australia.

At the core of Susanne Karstedt's impressive body of work are the questions how power, morality/moralities, in/equality, democracy, and justice interact in various instances, past and present. It is a characteristic of her work that she combines approaches and matters to discover new and often surprising insights. Her essay "Coming to Terms with the Past in Germany after 1945 and 1989: Public Judgments on Procedures and Justice" (1996 in German, 1998 in English, *Law & Policy* 20(1): 15-56) earned her much acclaim, and was the starting point for a number of publications and further research: the edition of *Legal Institutions and Collective Memories* (2009), various articles on transitional justice, for example, "From Absence to Presence, from Silence to Voice: Victims in Transitional Justice since the Nuremberg Trials" (2010 *International Review of Victimology* 17(1): 9-30) and "Contextualizing Mass Atrocity Crimes: Moving Toward a Relational Approach" (2013 *Annual Review of Law and Social Sciences* 9: 383-404).

Another example for the continuation of research topics, once identified, is her 2002 essay "Emotions and Criminal Justice" (*Theoretical Criminology* 6(3): 299-317) which grew into the 2011 volume she edited with Ian Loader and Heather Strang, *Emotions, Crime and Justice* (Hart Publishing). Yet another strand in her research can be discovered from white-collar crimes (corruption) to organized crime to crimes of the powerful to, finally, the edited volume (with David Nelken) on *Globalisation and Crime* (2013) and the essay "State Crime. The European Experience", in: S. Body-

Gendrot et al. (eds), *The Routledge Handbook of European Criminology* (2014: 125-153).

Besides her prolific research and writing, Susanne Karstedt has served on a great number of editorial boards of national and international journals and book series, and advisory boards of research institutes and research foundations. Her service extends to a variety of national and international professional societies, including the Law and Society Association, the ISA Research Committee on the Sociology of Law and the American Society of Criminology. Her international engagement is perhaps best demonstrated by her service on the Board of Directors of the International Society of Criminology, and as Scientific Director for this organization; in this capacity she organized the World Congress of Criminology in Philadelphia in 2005.



Left to right: Konstanze Plett, Valerie Hans (President of the Law and Society Association) Susanne Karstedt
Photo: David Aleman / f-stop Photography. Reproduced with kind permission of the Law and Society Association.

Summing up, Susanne Karstedt has made significant contributions to the advancement of knowledge in the field of law and society by her remarkable research; her bridging of sociology, socio-legal studies, and criminology; her world-wide service in and to law and society academia; and, not least, bringing together in conferences, small and large, researchers from all over the world who understand their combined work as a trans- and international endeavor. Hence we believe Susanne Karstedt is a worthy and deserving recipient of the LSA International Prize.

Konstanze Plett
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RC SL MEMBERSHIP AND FEES RENEWAL

RC SL's members whose membership expired or expires can renew it by using the form under this link:
http://rcsl.iscte.pt/rcsl_join.htm

Please send the completed form to our membership office:

Manttoni Kortabarria Madina (manttoni@iisj.es).

SOCIO-LEGAL MOVEMENTS IN EAST ASIA AND JAPAN

East Asian socio-legal studies are flourishing. The RCSL annual meeting associated with the 2014 ISA World Congress as well as the 2015 East Asian Law and Society Conference were visited by many people in Japan. There seems to be a growing socio-legal interest in Asian countries including China, Taiwan and Korea. Moving with these developments, the Asian Journal of Law and Society and the Asian Law and Society Association have already started publication. The first annual meeting of the Society is to be held in Singapore in September 2016. The web-sites are

<http://alsa.sakura.ne.jp/>

<http://law.nus.edu.sg/cals/events/ALSA2016/>

The Japanese Association of Sociology of Law (JASL), which was established in 1947, is preparing for its 75th anniversary. In celebration of the memorial year, the JASL is planning special sessions in its annual meeting to be held in the latter half of May next year. On the other hand, membership of the JASL has gradually been decreasing. Its journal titled "The Sociology of Law" had been published twice a year, but will decrease to once a year from 2016. However, as if to make up for the loss, a new journal entitled "Japanese Law & Society Review" started at the end of last year. The journal is comprised of articles on "theory & methodology" by veterans, "special articles" and "collaborative research" by leading scholars and "review articles" by newcomers. Japanese socio-legal studies have a relatively long history, but they are in a period of change increasing relevant research, globalization and localization. They face challenges to make the discipline of sociology of law attractive by learning from former studies as well as by keeping up with the latest studies and interaction with other Asian and Western scholars.

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REPORT OF THE "GENDER, LAW AND SOCIETY" WORKING GROUP OF THE RCSL

Coordinators: Alexandrine Guyard-Nedelec and Barbara Giovanna Bello

Since October 2012 the "Gender, Law and Society" Working Group, co-chaired by Alexandrine Guyard-Nedelec (University Paris 1 Panthéon-Sorbonne, France) and Barbara Giovanna Bello (University Statale of Milano, Italy) has replaced the previous "Gender and Law" Working Group. While the new Working Group organises activities in line with the approach adopted before, which focuses on the gendered nature of law and the legal construction of gender, it also aims at broadening the scholarly agenda and scientific programme. Taking as a starting point the law in its contexts, the Working

Group aims at providing space for reflection on issues such as regulating gender in a global world, the intersections between gender and other grounds defining identity, as well as other new or updated approaches to gender coming into being (e.g. in the framework of transnationalism, super-diversity, etc.). More specifically, among the questions of the Working Group are those concerning how gender is involved in globalization processes, how migration processes are gendered and what gendered effects result from these processes; how gender interplays with other grounds in shaping the experience of women belonging to different kinds of minorities (ethnic and religious minorities, LGBTs, disabled women, migrant groups, etc.); how women and men shape their relations in today's fluid societies. Additionally, the working group aims at promoting a debate on the implications of the enlarged notion of gender, accepted for instance in the preamble of the EU Recast Directive 2006/54, which embraces different gender identities arising from gender reassignment.

Information

The group is a network of about 100 scholars from all around the world. Information is sent out by email.

In order to make the group more interactive and participatory, we are launching a small survey among the Working Group's members concerning future initiatives and ways of cooperating.

Updated information on the group can also be found on the RCSL website.

Biannual Meetings

We organized the first meeting as part of the International Congress "Sociologie du Droit et Action Politique", jointly organized by the ISA/RCSL 2013 and SciencePo Toulouse, which took place in Toulouse.

The second meeting is scheduled for the Third ISA Forum of Sociology "The futures we want: Global Sociology and the Struggles for a Better World" which will take place in Vienna, 10-14 July 2016.

We plan to apply for an international Workshop to be held at the International Institute for the Sociology of Law in 2018.

Panels at socio-legal meetings and conferences

At the International Congress "Sociologie du Droit et Action Politique", jointly organized by the ISA/RCSL 2013 and SciencePo Toulouse, the Working Group organised the workshop entitled "Gender renewal(s)?".

At the Third ISA Forum of Sociology "The futures we want: Global Sociology and the Struggles for a Better World" on 10-14 July 2016, the Working Group organises the workshop entitled "Resisting Oppression, Fighting Violence and Transforming the Law and Politics: Women's Action Across the World

On 28 March 2014, the Working Group participated in the one-day conference "Race, Sex and the Intersectional Approach", jointly organised by the French Research Group on Racism and Eugenics (GRER) and the Network for the study of Women, Sex and Gender in English speaking countries (SAGEF), which

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took place at University Paris Diderot-Sorbonne Paris Cité.

We organised one session, titled "Gender equality issues and rationales in the light of globalization" at the Conference for the 25th anniversary of the IISL in May 2014.

Cooperation between scholars

Some scholars cooperate on individual projects and on invitation of colleagues. Several of our members have also given presentations and papers in different countries on "Gender, law and society"; they are circulated on the list, as well as CfPs and other opportunities in the field of study. As an example, the coordinators of the working group delivered a paper (upon invitation) within the Conference run by the European Law Students' Association (ELSA International) on the topic of Austerity Measures in light of the European Social Charter.

Barbara Giovanna Bello
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CfP: SORTUZ OÑATI JOURNAL OF EMERGENT SOCIO-LEGAL STUDIES

Sortuz: Oñati Journal of Emergent Socio-Legal Studies is a journal of the Oñati International Institute for the Sociology of Law (IISL), established by the Research Committee of Sociology of Law (RCSL) of the International Sociological Association (ISA), and the government of the Basque Country through the University of the Basque Country (UPV/EHU).

This journal seeks to create a space that strengthens the emerging community around the relations between law and society through the publication of quality research. Indeed, the community of scholars that year by year meet, discuss and grow in IISL facilities may find in this journal an additional chance to share their knowledge and findings. However, Sortuz is also meant as a place of meeting to widen the reach of the Oñati community to those who do not have a previous involvement with the IISL; while remaining committed as well with the wide and inclusive perspective on socio-legal studies promoted by the IISL.

We have an open call for papers all year round; however, the following deadlines are established in order to be considered for each issue:

- Issue 1: February 20.

- Issue 2: August 20.

Articles can be submitted in the following languages: english, español, français, euskera and portugués.

Submissions and further information can be found here:

<http://opo.iisj.net/index.php/sortuz/about/submissions#onlineSubmissions>

NEWS

On 20.01.2016, the President of India has appointed *Arvind Agrawal* as the first and founder Vice-Chancellor of newly created Mahatma Gandhi Central University in Bihar. His term will be for five years. It will be fully funded by federal Government of India.

DONATIONS

RCSL likes to thank its recent donors. Deborah Brock, Nicoletta Bersier and Lucero Ibarra Rojas have donated to the Treves grant. Paola Ronfani has donated to the Treves grant and to the Adam Podgorecki prize. Michelle Cottier has donated to the Treves grant, to the general support funds and to the Adam Podgorecki prize.

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