RCSL NEWSLETTER

INTERNATIONAL SOCIOLOGICAL ASSOCIATION
RESEARCH COMMITTEE ON SOCIOLOGY OF LAW

http://rcsl.iscte.pt/

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No 2
2019

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PRESIDENTIAL ADDRESS

Dear friends and colleagues,

The most important socio-legal event for us in the past few months was our conference for the 30th anniversary of the International Institute for the Sociology of Law in Onati. It has been a great success with about 270 participants, 68 sessions and four plenaries, and according to the very positive feedback I have received, it has achieved well our aim of *linking the generations* in dialogue hoping to work *for global justice*. A thank you to all the participants for coming, presenting, and discussing. The conference website shows pictures of various panels and meeting places
http://www.iisj.net/en/workshops/congresos/linking-generations-global-justice;
http://www.iisj.net/node/3171
I have deeply enjoyed the meeting and hope that all of you who were there shared this impression.
As Onati is a small city it had been a logistical challenge to accommodate the participants, arrange the transport, find places for all the sessions in the city, offer coffee breaks and meals in the university building and make it a hospitable environment. Thanks to the untiring efforts of the wonderful IISL staff it all worked perfectly well. We cannot thank them enough. The greatest share of the burden had to be carried by Malen, Manttoni and Maite.
In the opening session the Deputy Minister of Justice, the Onati mayor and the Director of Culture of the Provincial Council of Gipuzkoa expressed their appreciation of the IISL and our joint work for the sociology of law. We hope that it will strengthen the political efforts to stabilise the financial situation of the institute. Pierre Guibentif, Jean van Houtte and Francisco Javier (Kiko) Caballero talked about the founding history which gave us the opportunity to honour Kiko for his invaluable efforts and support in setting up the institute. You find their presentations in this Newsletter, Pierre´s and Kiko´s in Spanish and English. (continued on page 2)

ARTICLES & REPORTS

future. Vincenzo Ferrari spoke in memory of André-Jean Arnaud, the first scientific director of the institute, who died in December 2015, and his contribution to the development of both the institute and sociology of law. Past, present and future also played a role in a session with former Onati students talking about their professional development and in the closing session with statements by several colleagues on what it means to be a socio-legal scholar. We will collect some of these reports for the Newsletter to document the different ways and venues of socio-legal work and its importance.
Talking about the future: an important point on our agenda is to intensify the contact and cooperation with socio-legal groups and associations in Asia and Africa and arrange – for the first time – an RCSL meeting in an African country. Our next meeting is in the context of the ISA World Forum in Porto Alegre, Brazil from 14-18 of July 2020, the next RCSL meeting is scheduled for 24-26 August, 2020 in Lund, Sweden, under the title "Law and Justice in Digital Societies: Socio-Legal Research in the Technological Age".
I hope to meet many of you there.

Best wishes,

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RCSL/IISL 2019 MEETING "LINKING GENERATIONS FOR GLOBAL JUSTICE"

REPORT

The RCSL meeting "Linking Generations for Global Justice" was held at the International Institute for the Sociology of Law (IISL) in Oñati from June 19th to the 21st. This joint congress between the RCSL and IISL celebrated the thirtieth anniversary of the founding of the Oñati Institute (IISL). On this occasion, the congress provided an opportunity to reflect on the significance of the founding of an institute dedicated exclusively to the field of sociology of law, and to reflect on the unique path of the IISL. Many of the participants of the congress were returning to Oñati as they had previously spent time at the Institute in the role of conference participant, in the Master of Arts Program as a teaching faculty member, as a M.A. student, or as a scientific director. It was also an opportunity to welcome for the first-time many scholars to Oñati. It was properly an event "linking generations" as it had the passage of time folded into many of the panels and interactions as it took on a somewhat nostalgic aspect with featured talks such as "Memories of the founding process" by Kiko Caballero and Jean Van Houtte.
The opening ceremony set the stage as participants were welcomed by three officials from the local, provincial and regional Basque governments along with Ulrike Schultz, Kim Lane Scheppele, and Noé Cornago. The congress was launched with reflections on the unique history of the Oñati Institute, and this history was grounded as Pierre Guibentif offered the idea of the Oñati Institute as an example of "rooted cosmopolitanism" which in some ways offered the grounding for many of the discussions in the following days. He offered a model of a cosmopolitan viewpoint that does not come from nowhere, but a perspective that is rooted in the Basque Country and hinting at the ways the field has been influenced by the long-standing relationship between the Basque community through the Institute and a community of socio-legal scholars. This influence forged in loose, organic and unpredictable ways has been supported by the different levels of Basque Government. This relationship was exemplified in the opening ceremony as a Minister of Justice, mayor, and director of culture were all present to welcome the participants.
In the second plenary session, many of the former directors of the Institute were gathered to reflect on the past, present and future of the IISL. The passage of time was featured in this panel as the transformations of the Institute were emphasized and provided an opportunity for nostalgic memorializing, critical reflection, and a brief opportunity to discuss the future of the Institute and the field. Vincenzo Ferrari presented on the important role of André-Jean Arnaud in founding the Institute and then the floor was offered to the remaining Scientific Directors as they reflected on the different contexts and moments in which they found themselves at the helm of the Institute.
The final plenary was more forward looking as it spoke of "possibility". It also provided an opportunity for some of the points of contestation to emerge that give life to the field. These points of contention arose around the merits of making explicit the "politics of the projects", whether or not the meeting should have been organized around a normative theme like "Justice", and the importance of gender, regional and other forms of representation. From the reactions on stage and in the audience, people were not in agreement. It was, however, a vital opportunity to openly discuss the topics and orientations occupying the field.
Reflections on the present and future were perhaps best exemplified by the topics of the different papers and sessions throughout the three days. There were panels on the mainstays of sociology of law such as the legal profession and access to justice, but within these so called "traditional," bread and butter topics of the field, the presentations have taken a new turn. As an example, the congress featured presentations that discussed "Digital Justice", "Neurolaw", "AI" and "Digital Natives" representing a transformation in the way we think and talk about these so-called "traditional" topics. There was also a change in terms of the dominance of certain themes or orientations as a large number of panels featured topics on materialism, political economy, migration, and indigeneity. "Neoliberalism", "Necropolitics", "Crisis", and "Totalitarianism" featured in the titles of presentations and conveyed a particular form of anxiety presently animating the field.

The geography of the themes reflects a transformation in the field memorializing the thirty years since the Institute was founded. Perusing journals from a few decades ago, one might find work on the unification of Europe and the transformation through harmonization of European institutions, while the present-day gaze is directed beyond Europe and North America both Eastward and to the Global South. When preoccupied with Europe, the focus has shifted from the integration of states to instead looking at the external boundaries of Europe and the socio-legal mechanisms that support separation and penalization around borders. The topics and themes reflected the current political moment, as did the discussions from the three days.

Finally, there were opportunities to recognize achievements during the congress as well. The first plenary session chaired by Masayuki Murayama awarded the Podgorecki Senior Scholar Prize to Mavis Maclean and the 2018 Young Scholars Prize to Ayako Hirata. I cannot pass up the opportunity to remark upon and marvel at the logistical feat it must have been to organize a conference of this size in Oñati. It was the largest conference the Institute has hosted to date. A town with a population just under 11,000 people was able to mobilize and host this event with enough smart locations to run 8 panels simultaneously each equipped with screens and wifi. The congress also required space for the large plenaries with the capacity to hold all the participants. As an international conference, panels were conducted in English, Spanish and French with a smattering of Basque for good measure. It was an impressive event led by the Program Co-Chairs, Institute Technical Team and involved the entire town of Oñati who offered up locales in the Town Hall, the Cinema, the Theater, and the impressive Historical Archives building provided by the Provincial Government of Gipuzkoa, to name a few. It was also an occasion to recognize and celebrate the very impressive decades of work on the part of the Oñati staff, most of whom have been working at the Institute for or close to these thirty years, and who have been the constant force driving forward while simultaneously rooting the International Institute.

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Lunch break at the IISL during the RCSL meeting.

OPENNING CEREMONY

OPENING STATEMENT BY THE RCSL PRESIDENT

Dear friends and colleagues,

It is a great pleasure and honour for me to welcome you to our joint RCSL and IISL conference, celebrating the thirtieth anniversary of the Onati institute. It is wonderful that so many of you have followed our call to come to Onati. It is the biggest meeting we have ever had in Onati showing how vibrant our community is, how the sociology of law is blossoming, and how deeply connected we feel to the institute. I see former students, also some of this year´s students who are still working on their master thesis; many of you will have attended workshops here, others have come as visiting scholars to use the formidable library, meet colleagues and do research here and some of you will be here for the first time and I hope that you will get the special spirit of this unique place and want to come back again soon like so many of us - including myself.

RCSL and IISL, both institutions are closely intertwined. You will hear about the early history of the institute by one of its founding fathers and others who helped to launch the institute. The Research Committee of Sociology of Law is the only Research Committee in the International Sociological Association which can pride itself in having an institutional basis for its work. We are grateful to the Basque government for granting us this incomparable opportunity for the advancement of sociolegal research and encounters with colleagues from all around the world and the space to “breed” our young

generation. All this would not be possible without the highly devoted, always friendly and helpful staff who work hard to fulfil our needs and supports the institute in implementing its mission.
Our RCSL part is to encourage many colleagues to come here, over the years there have been more than 5,000 workshop participants and maybe 1,000 visiting scholars, not to speak of the participants in summer schools and conferences, they all open a window to the world, spreading the fame of Onati and the Basque country, creating an international atmosphere in this small city which – by the way - is not easy to get to, developing high quality research and publications including explicitly subjects which are of particular interest for the Basque government and country, and making the IISL an internationally renowned beacon of teaching and learning. More than 300 students have taken the Onati master in sociology of law.
We have therefore chosen as the title for our conference Linking Generations – Linking Generations for Global Justice. We the older generation pass our knowledge and experience on to the younger ones who in turn inspire us with their enthusiasm and fresh ideas. And we have serious vital questions to solve together: How can we make the environment safe for generations to come? This is the big issue these days with young people demonstrating on Fridays for the Future. How are younger generations given a voice and stake in decisions about their future? How do we integrate and include first and second generations of migrants? What does a just distribution of welfare between generations look like? How are generations linked in the digital revolution that will affect justice systems globally? How are older generations protected in times of rapid social change? And there are many others to deal with.
This conference gives us a unique opportunity to discuss these issues with representatives from many countries all around the globe and to go on developing our agenda for future work.

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Ulrike Schultz, President of the RCSL, Noe Carnago, Director of the IISAL and the IISL staff on the stage (Photo by Sharyn Roach Anleu).

THE OÑATI INSTITUTE: A UNIQUE EXPERIENCE OF ROOTED COSMOPOLITANISM BY PIERRE GUBENTIF

This 2019 RCSL Conference celebrates the 30th anniversary of the Oñati IISL. This is the very special reason why the conference takes place in Oñati and is organized in partnership with the IISL. And this is the reason why this opening address had to deal with the IISL.
This address is placed under the heading of “rooted cosmopolitanism”. Cosmopolitanism means to be a citizen of the world. Citizens of the world are individuals who, in cooperation with other individuals, work for the world, knowing that it is their world, which hosts them, and which they have to care about. But the world is too big for the experience of individuals. There have to be “smaller worlds”, likely to allow genuine individual experience; “smaller worlds” – “microcosms” – which identify themselves as part of the world, making what happens inside of them events of the world, and what is done inside of them action in the world.
In modern times, there are two kinds of such “smaller worlds”, likely to root individuals in the world:

- Concrete places limited in space, but which identify themselves as belonging to the world;
- Concrete professions exercised worldwide, but of limited scope and likely to be practiced locally; three major examples: the professions specialized in representing the world: art; the professions specialized in better knowing the world: science; the professions discussing how people should relate to each other in the world: law.

What I want to recall is that both the creation and the life of the IISL are examples of rooted cosmopolitanism.
Two purposes paved the way to the creation of the IISL:

- An international community of sociologists and jurists wanted to find a place, well knowing that cooperation in order to develop internationally, science and law would strongly benefit from the continuity and familiarity of a shared place. Indeed, this international development was at that moment a particularly pressing concern of that community, revealed by the publication of *Developing Sociology of Law*, edited by Vincenzo Ferrari (Milan, Giuffré, 1990).
- A community rooted in a certain geographical area, and at that moment setting up a new institutional framework, wanted to develop as linked to the world, with the clear notion that it would benefit from effective and direct connections to communities of other parts of the world.

Four people played a special role in making these two purposes meet and produce concrete outcomes.

- Kiko Caballero, member of that international community of scientists, and who knew what it was to develop sociology of law – he had

created in San Sebastián a Laboratory of Sociology of Law – took the initiative to speak about the projects of his international colleagues to Juan Ramón Guevara, at that time *Consejero de Justicia* of the Basque Government.

- Juan Ramón Guevara knew the need of his country to establish bridges to other parts of the world, and he knew the need of this notion to be shared by the population; his answer to Kiko Caballero: "I have a place for you!" The place: a piece of art, the old university of Oñati, actually the result of an earlier movement of rooted cosmopolitanism, the creation of universities in medieval Europe. He also wanted to give new academic live to this building.
- Eli Galdos, at that time major of Oñati, embraced with enthusiasm the project of the creation of a new scientific Institute in his city; in his words to the members of RCSL who came for the first time to Oñati: "our project".
- André-Jean Arnaud, at that time an active player in the international development of the sociology of law, having recently organized an RCSL Conference – in Aix-en-Provence, 1985 –, launched a journal – *Droit & Société* – and edited a Dictionary – the *Dictionnaire encyclopédique de théorie et de sociologie du droit* (Paris, Librairie générale de droit et de jurisprudence, 1988), was ready to start a completely new step in his life, and to be the first Scientific Director of the IISL, the first to take over a new type of academic duty.

The result of the work of these four people – among others – was the inauguration of the IISL, after an impressively short period of time: five months of negotiations (August to December 1988), and five months of installation: from January to May 24th, 1989.

Since then, rooted cosmopolitanism has been made real in particular in four spheres of the Institute's life:

- Workshops are organized on topics which relevance often is strengthened by the links between global issues discussed worldwide and problems experienced here in the Basque Country.
- The Master's Programme gives students from all around the world the opportunity to meet each other, and to meet lecturers from the most diverse origins, in a setting that favours the sharing of different views of the world.
- The daily operating of the Institute makes scholars from all around the world work with the support of and in collaboration with an outstanding staff joining people who were trained here and who live here.
- The governance of the Institute always has to combine the development of a truly international scientific work about the law, with the development of a country, in condition to take advantage of the knowledge resources and international connections produced and maintained thanks to its investment. And this has to be performed within an excitingly small organizational device, with as its core element a team of two people: the president of the governing board, member of the Basque government, and the scientific director. As scientific director I was so lucky to form such a team with Abel Muniategi, *Viceconsejero de Justicia* of the Basque Government during the major part my term: an extraordinary experience of institutional co-creation, involving both a politician and scholar.

With such a past of rooted cosmopolitanism, the IISL deserves a long future – and the words delivered at this panel by Miren Gallástegi, *Viceconcejera de Justicia* encourage me to evoke such a future – for the sake, not only of an academic discipline, but of the world. Indeed, effective cosmopolitanism, which means rooted cosmopolitanism, is urgently needed, now that we are challenged by the sustainability transition and by the indispensable renewal of democracy; to remember only two of the main points on our agenda for global justice.

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(A more extensive account of the IISL's creation is to be found in my paper "Oñati – l'expérience d'un commencement", in: Wanda Capeller, Jacques Commaille, Laure Ortiz (dirs.), *Repenser le droit – Hommage à André-Jean Arnaud*, Paris, LGDJ-Lextenso, 2019; a Spanish translation of this paper is available at the IISL.)

EL INSTITUTO DE OÑATI: UNA EXPERIENCIA ÚNICA DE COSMOPOLITISMO CON RAÍCES POR PIERRE GUBENTIF

Este congreso 2019 del RCSL celebra los 30 años del IISJ de Oñati. Por esta razón muy especial lo organizamos en Oñati, en cooperación con el IISJ. Y por esta razón estas palabras de apertura son dedicadas al IISJ.

Tienen como motivo inicial la noción de "cosmopolitismo con raíces". Cosmopolitismo es el hecho de vivir como un ciudadano del mundo. Ciudadanos del mundo son individuos que, en cooperación con otros, trabajan para el mundo, sabiendo que ese mundo es su mundo, que les acoge y que merece su cuidado. Sin embargo, el mundo es demasiado grande para experiencias individuales. Por eso, debe haber "mundos limitados", que permitan experiencias individuales efectivas del mundo; "mundos limitados" – microcosmos – que se identifican a sí mismos como partes del mundo, es decir que lo que ocurre dentro de sus límites son eventos del mundo, y lo que se hace dentro de sus límites son acciones en el mundo.

En la modernidad, existen dos tipos de tales "mundos limitados", capaces de arraigar a individuos en el mundo:

- Lugares concretos, limitados en el espacio, pero que se identifican como lugares que pertenecen al mundo;
- Profesiones concretas, ejercidas en todo el mundo, pero que tienen un ámbito de especialidad limitado, y que son practicadas localmente. Tres ejemplos: las profesiones especializadas en representar el mundo, el arte; las profesiones especializadas en el mejor conocimiento del mundo: la ciencia; y las profesiones que discuten como las personas deberían relacionarse unas con las otras en este mundo: el derecho.

Lo que quería recordar ahora es que tanto la creación como la vida del IISJ son ejemplos de cosmopolitismo con raíces.

La creación del Instituto es el resultado de dos voluntades:

- Una comunidad internacional de sociólogos y de juristas quería encontrar un lugar, sabiendo que la cooperación necesaria para el desarrollo internacional de la ciencia y del derecho beneficiaría mucho con la continuidad y familiaridad de un espacio compartido. El desarrollo internacional era entonces, en efecto, una fuerte preocupación de esa comunidad, como lo muestra la publicación de *Developing Sociology of Law*, organizado por Vincenzo Ferrari (Milan, Giuffré, 1990).
- Una comunidad arraigada en un determinado espacio, y en esa época construyendo nuevas instituciones, quería desarrollarse construyendo enlaces con el mundo, teniendo la noción clara que serían provechosas relaciones efectivas y directas con comunidades en otras partes del mundo.

Cuatro personas han tenido un papel especial en la convergencia de estas dos voluntades, las cuales, de esta manera, tuvieron consecuencias concretas.

- Kiko Caballero, miembro de dicha comunidad internacional de académicos, y que sabía lo que era desarrollar la sociología del derecho – había creado y dirigía un Laboratorio de sociología del derecho en San Sebastián – tomó la iniciativa de hablar de los proyectos de sus colegas internacionales a Juan Ramón Guevara, en esa época Consejero de Justicia del Gobierno Vasco.
- Juan Ramón Guevara tenía conciencia que su país necesitaba de construir puentes con otras partes del mundo, y sabía que esa conciencia debía ser compartida por la propia población del país. Su respuesta a Kiko Caballero: "¡Yo tengo un lugar para vosotros!" Este lugar: una obra de arte, la antigua universidad de Oñati, era el resultado de un anterior movimiento de ciudadanía con raíces, la creación de universidades en la Europa medieval. Se trataba también de dar nueva vida académica a ese edificio.
- Eli Galdos, en esa época alcalde de Oñati, embarcó con entusiasmo en el proyecto de la creación de un instituto científico en su ciudad; en sus palabras a los miembros del RCSL que hacían una primera visita a Oñati: "nuestro proyecto!"
- André-Jean Arnaud, en esa época un actor muy dinámico del desarrollo internacional de la sociología del derecho, que había organizado hacía poco un congreso del RCSL – en Aix-en-Provence, 1985 –, fundado un nuevo periódico – *Droit & Société* – y organizado un diccionario – el *Dictionnaire encyclopédique de théorie et de sociologie du droit* (Paris, Librairie générale de droit et de jurisprudence, 1988), estaba dispuesto a empezar una etapa radicalmente nueva en su vida, y a asumir un nuevo tipo de responsabilidad académica.

El resultado del trabajo de estas cuatro personas – entre otras – fue que la inauguración del IISJ pudo tener lugar después de un período de preparación de una impresionante brevedad: cinco meses de negociaciones (de agosto a diciembre 1988), y cinco meses de instalación: de enero hasta el 24 de mayo de 1989.

Desde entonces, se practica ciudadanía con raíces en particular en cuatro ámbitos de la vida del Instituto:

- Se organizan *workshops* sobre temas que deben su interés a la convergencia entre preocupaciones de relevancia global, y que son debatidas en todo el mundo, y problemas que se enfrentan aquí en el País Vasco.
- El programa de Master ofrece a estudiantes de todo el mundo la posibilidad de encontrarse, y de encontrar profesores de los más variados orígenes, en un entorno que facilita el diálogo entre diferentes visiones del mundo.
- El funcionamiento diario del Instituto requiere una cooperación permanente entre investigadores de todo el mundo y un personal con cualidades excepcionales, que reúne profesionales que se formaron aquí y que viven aquí.
- El gobierno del Instituto debe a cada momento conjugar el desarrollo de una labor internacional auténticamente científica sobre el derecho y el desarrollo de un país que tenga condiciones para aprovechar los recursos de conocimiento y las conexiones internacionales creadas y mantenidas gracias a sus inversiones. Y esa articulación se debe conseguir en el marco de un dispositivo organizativo de proporciones muy reducidas, que tiene como núcleo un equipo de dos personas: el presidente del Patronato, miembro del Gobierno vasco, y el director científico. En mi calidad de director científico tuve la suerte de formar uno de estos equipos con Abel Muniategi, Viceconsejero de Justicia del Gobierno Vasco, durante gran parte de mi mandato: fue una experiencia extraordinaria de co-creación institucional, implicando a la vez a un político y un científico.

Con este pasado de ciudadanía con raíces, el IISJ merece un largo futuro – lo digo con más ánimo

después de oír las palabras de Miren Gallástegi, *Viceconsejera de Justicia* del Gobierno Vasco, en esta mesa de apertura – en el interés no solo de una disciplina académica sino del mundo. De hecho, necesitamos hoy con urgencia de un cosmopolitanismo efectivo, o sea: de un cosmopolitismo con raíces, ahora que estamos ante la transición a la sostenibilidad, y ante la indispensable reinvención de la democracia; dos puntos destacados en nuestra agenda para una justicia global.

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(Un relato más detallado de la creación del IISJ se encuentra en mi artículo "Oñati – l'expérience d'un commencement", en: Wanda Capeller, Jacques Commaille, Laure Ortiz (dirs.), *Repenser le droit – Hommage à André-Jean Arnaud*, Paris, LGDJ-Lextenso, 2019; el IISJ tiene disponible una traducción en castellano.)

INTERVENCION EN EL 30 ANIVERSARIO DEL INSTITUTO INTERNACIONAL DE SOCIOLOGIA JURIDICA POR FRANCISCO JAVIER CABALLERO HARRIET

Hitz hauek esaten ditu Adrianok, Erromako enperadore handiak, obra transzendentala, betiko irauten dutenez ari dela: "Eternitate-irrika bere baitan daraman giza sorkuntza orok/ nahitaez/ naturazko objektu handien erritmo aldakorrera egokitu/ beharra du, haizearen oihartzuna entzun beharra, animaliei begietara begiratu beharra /eta asturuen denborari atxiki beharra". Marguerite Yourcenarrek/ jarri zituen enperadorearen ahotan hitz horiek, "Adrianoren Oroitzapenak" /nobela ezagunean.

La escritora de origen belga, Marguerite Yourcenar, en su novela titulada "Las Memorias de Adriano", aludiendo a lo que caracteriza a las obras trascendentes, imperecederas, ponía en boca del gran emperador romano la frase siguiente: "Toda creación humana que aspire a la eternidad debe adaptarse al ritmo cambiante de los grandes objetos naturales, escuchar el eco de los vientos, leer los ojos de los animales y concordar con el tiempo de los astros".

Quizás, relacionar lo humano y lo eterno, resulte un poco exagerado, pero, más allá de la grandeza y la belleza de la metáfora, estaremos de acuerdo, que lo que el gran Adriano quiso poner en claro con esta sentencia, fueron los requisitos que toda creación del hombre debe cumplir para que perdure en el tiempo.

Que el Instituto Internacional de Sociología Jurídica de Oñati, ubicado entre los muros de la casi cinco veces centenaria Universidad de Oñati, es una creación humana, es evidente. i Y, es esto lo que mi querido y llorado Volkmar Gessner quiso poner de relieve en número 17 del Boletín del IISJ de Oñati, con ocasión del XV aniversario de la inauguración del Instituto! Volkmar escribía: "15 años es un periodo corto e insignificante para las instituciones académicas ya que a menudo sus historias se remontan a siglos de existencia. Pero a veces también los recién llegados tienen su historia o al menos una historia que contar y secretos que compartir con sus amigos. La historia a la que hago referencia - sigue diciendo Gessner- tiene que ver con el interés asombroso de la política vasca por la cultura a finales de los años ochenta y, desde entonces, aún con más dinamismo. El museo Guggengeim de Bilbao fue ciertamente una inversión sorprendente, pero también lo fue la creación del IISJ. Una empresa mucho más humilde pero no por ello menos valiente. Sus artífices fueron dos personalidades vascas innovadoras: Juan Ramón Guevara, Consejero de Justicia del Gobierno Vasco y Francisco Javier Caballero Harriet Catedrático de Filosofía del Derecho de la UPV/EHU. Si su objetivo era crear un ambiente y un prestigio académico internacional en una zona más conocida por los conflictos políticos y violentos en pos del autogobierno, dicho objetivo se ha alcanzado plenamente en Oñati".

Como han podido observar, Volkmar, mi amigo Volkmar, en la celebración del XV aniversario solamente hizo alusión a dos nombres. Pero... , olvidó referenciar a Elí Galdós (alcalde de la Villa, convencido y entusiasta impulsor del proyecto), a André Jean Arnaud (Primer Director científico y arquitecto), a Renato Treves (el alma), a Vincenzo Ferrari (perseverante y tenaz artífice de la conversión de la utopía en realidad), a Jean van Houtte (vidente en la nebulosa de un sueño), a Terence Halliday (el creyente que vino del otro lado del Atlántico), a Jacques Commaille (el profeso incondicional). .. Olvidó mentar a los directores científicos que habían desarrollado su labor hasta ese momento, a los presidentes de la Fundación, a todos los miembros del Consejo, al eficientísimo y entregado personal del Instituto... a todos los profesores Y profesoras, investigadores e

investigadoras que habían pasado por las aulas del Instituto... Y puesto a olvidar, olvidó citarse a sí mismo, a él mismo, ¡que es figura troncal en la historia del Instituto! Pero... iNo! iWolkmar no dejó en el tintero a nadie! Citó dos nombres porque, ¡como obra humana que es el Instituto, a alguien tenía que mencionar! Pero Gessner sabía que "Oñati", además de humana, es una obra COLECTIVA que trasciende los nombres, los apellidos y hasta algún apodo porque es de esas construcciones humanas a las que el emperador Adriano otorgaba vocación de eternidad.

Y la vocación de eternidad de una institución en la sentencia de Adriano, exige, irremisible y constantemente, "la adaptación al ritmo cambiante de los grandes hechos naturales". Y para adaptarse es preciso intentar ver más allá de lo tenemos ante nuestros ojos, más allá de lo que se está viendo.

Adivinar el futuro del Instituto no era, en su inicio, tarea fácil. Hoy, treinta años después, nos resulta

menos dificultoso especular sobre el devenir que cuando el Instituto comenzó su andadura.
Es verdad que la Sociología del Derecho no nacía con el Instituto. Había cien años de enorme tarea ya realizada: Sin necesidad de rememorar a los pioneros de la Sociología Jurídica, entre los que habría que citar una pléyade de grandes intelectuales, es preciso reconocer la ingente labor que se había realizado, desde principios de los sesenta, por quienes han venido conformando la membresía del Reserch Commite Sociology of Law. Igualmente, el trabajo llevado a cabo por los laboratorios de Sociología del Derecho de París, Vaucresson, Bremen, Bruselas modestamente San Sebastián), las muchas cátedras de la materia creadas bajo el impulso de Renato T reves en las distintas Facultades de Derecho italianas. Pero, a pesar de toda esa enorme labor realizada, si somos honestos reconoceremos (al menos así lo pensaba yo) que, muchos de los que nos dedicábamos o pretendíamos dedicarnos a la Sociología del Derecho, éramos jóvenes juristas, sociólogos... que pensábamos que, la reflexión sobre el Derecho no podía acabarse en estrecho marco del derecho positivo. Éramos jóvenes dispersos y entusiastas que especulábamos en la nebulosa de los sueños, de las intuiciones, de las vaporosas ilusiones..., respecto del Derecho unidos por interrogantes comunes para los que poco a poco íbamos
encontrando respuesta concreta: ¿Cuál es el objeto de la Sociología jurídica? ¿La sociología legislativa?, ¿Los hechos del derecho? ¿Los métodos informales de resolución de conflictos? ¿La toma de temperatura a la funcionalidad del Derecho?... Todo ello englobado no en el Derecho como letra muerta sobre el papel sino entendido como fenómeno
social.
Para canalizar la potencialidad que acabo de resumir en unas pocas líneas, algo faltaba. Y ese algo, como dice mi querido amigo Vincenzo Ferrari era ni más ni menos, que la utopía se hiciera realidad: Una Institución que debía canalizar todo lo logrado por la sociología Jurídica hasta el momento e integrar las ilusiones e intuiciones y ambiciones de las nuevas generaciones que deseasen trabajar el Derecho en su permanente interacción con la sociedad. Hoy, treinta años después, cientos, miles de trabajos, de horas de reflexión y debate, de publicaciones de altísima calidad..., constituyen la base firme de una extraordinaria experiencia, que hace que el Instituto Internacional de Sociología Jurídica se haya adaptado al ritmo cambiante de la evolución del mundo, y su obra sea conocida en los cinco
continentes.
Ayer —lo confieso- afectados por un cierto grado de ingenuidad, muchos sociólogos del derecho pensábamos que Erhrlich se impondría a Kelsen, que el desarrollo democrático de las sociedades superaría la fase de un constitucionalismo liberal marmóreo, que los Derechos Humanos impondrían su filosofía a los dictados del dios profano del mercado.
A lo largo de estos treinta años nos hemos dado cuenta de que están lejos todavía los tiempos en los que Ehrlich pueda cantar victoria sobre Kelsen, de que las sociedades, desde una esencial y radical igualdad entre el hombre y la mujer, lleguen a ser plenamente democráticas, de que dejemos de sufrir las consecuencias de un mercado implacable y, en gran medida obsceno... ¡Pero, hemos encontrado nuestra identidad! ¡Hemos constatado que la sociología del Derecho es más necesaria que nunca!
Hoy sabemos que la tarea del sociólogo del Derecho consiste en poner en evidencia la cada vez más distante lejanía entre los hechos y el derecho, en hacer visible la sistemática, abusiva, torticera e interesada manipulación del derecho y de la justicia, en mostrar la distancia, cada vez más palpable, entre la teoría y la práctica democrática en nuestras sociedades políticas, en sacar a la luz los "valores" relativos de un mercado que se ha erigido en Dios profano y que, para la pretensión de ser inmortal, ha convertido al individuo, a la persona humana, cosificándola, en un medio. La sociología Jurídica, hoy, además tiene la obligación moral de contribuir, a través de la investigación, a la corrección de esa deriva.
Y, si me permiten mi personal reflexión sobre el futuro de la Sociología del Derecho, parafraseando a mon petit/grand amí André Jean Arnaud y transformando su pregunta Oú va la Sociologie du droit? (¿Hacia dónde va la Sociología del Derecho?) en ¿Hacia dónde creo que debe ir la Sociología del Derecho? Asumiendo que incurro en un cierto grado de osadía, pero "legitimado" porque he querido seguir con fe indeleble el consejo del emperador Adriano, "tras años de escucha de los vientos y de lectura a través de los ojos de los seres humanos", señalaré que la Sociología Jurídica a través del Instituto Internacional de Sociología Jurídica de Oñati debe desprenderse de los complejos propios de su juventud y dejar de ser la "ancilla" (sirvienta) de los prepotentes derechos europeos y de América del Norte y mirar decididamente a otras latitudes, entre ellas Latinoamérica, a África, al Oriente por ejemplo. Porque si queremos no incurrir en arritmia y "concordar con el tiempo de los astros", tendremos que estudiar, profundizar en los análisis, investigar y hacer propuestas para dar respuesta al gran reto de futuro que nos plantea la actual globalización neoliberal: LA CONVIVENCIA. Y la Sociología del derecho a través del Instituto, en última instancia, no tiene otra razón de ser que la de contribuir a la convivencia. Convivir significa "vivir con", vivir con el otro yo, reconocer la alteridad. Se tratará de investigar sobre la convivencia en las culturas y entre las culturas para lo que el Instituto de Oñati está preparado para reeditar (digo reeditar) el pacto interdisciplinar real y auténtico con la antropología, la etnología, la historia de las mentalidades... Porque los tiempos que se avecinan requieren, ¡más que en algún otro tiempo! de la honestidad de la ciencia, del compromiso firme de los científicos; menos de la toxicidad de los intelectuales orgánicos y más de la lealtad de los científicos. Porque cuestiones como reconocer la alteridad y superar realmente la dominación sobre el otro exige una recreación del pensamiento jurídico-político-económico sobre las

bases de las realidades sociales en un mundo global que persigue de forma tesonera y antinatural la uniformización. En este sentido, Dominique Wolton, dice: si las cuestiones de alteridad cultural no encuentran su salida pacífica fundada en la convivencia cultural, los temas del alter ego cultural pueden ser factores de conflicto, por lo menos, de tanta magnitud como las desigualdades económicas Norte —Sur. Y me atrevo a afirmar que Latinoamérica, por ejemplo, sería hoy una especie de paraíso para Ehrlich, Marcel Mauss, Sumner, Le Goff... (un socíologo del derecho, un antropólogo, un etnólogo, un historiador de las mentalidades,...) porque es uno de los espacios en los que se reconoce el carácter homogéneo ino de los estados nación decimonónicos que, en el mejor de los casos, para el futuro, nos prometen innovaciones jurídicopolítico-económicas que suponen recorte de derechos y libertades!, sino de las sociedades —cultoras, premisa fundamental para que se den las condiciones socio-axiológico-éticas necesarias para pensar que otro mundo sea posible. Esto es para que resurjan y se recreen de manera original las cuestiones esenciales de la igualdad, la solidaridad, el trabajo, el Derecho como auténtico, equitativo, distribuidor de roles sociales, la sociedad de masas, los proyectos políticos al servicio de la libertad, los proyectos de emancipación colectivos como aspiración legítima de las culturas, las lenguas como patrimonio irrenunciable de la diversidad cultural, la ecología más allá de la perversa idea de que nuestra felicidad depende del mayor crecimiento, de la mayor productividad, de la elevación del poder adquisitivo y, por tanto del mayor consumo.

Finalizo agradeciendo, de todo corazón, a todas, TODAS LAS PERSONAS QUE COMO OBRA COLECTIVA HAN HECHO POSIBLE QUE EL INSTITUTO DE SOCIOLOGÍA JURÍDICA DE OÑATI SEA HOY EL FARO DE LA SOCIOLOGÍA JURÍDICA MUNDIAL. Treinta años después de que ese sueño se plasmase en los Estatutos fundacionales puede decirse, sin temor a la equivocación, que dejó de pertenecer al terreno de las ilusiones, de las utopías (como Vicenzo llama a este sueño) para convertirse en auténtica realidad. Siento que, el Instituto, ha alcanzado velocidad de crucero en el rumbo adecuado.

Finalizo mi intervención no sin antes agradecer, de manera especial, a Noé y a Ulrike ¡ME HABEIS TOCADO EL CORAZÓN CON VUESTRA INVITACIÓN! Finalizo, digo, recordando, para que la tengamos siempre presente, a Marguerite Yourcenar: "Toda creación humana que aspire a la eternidad' debe adaptarse al ritmo cambiante de los grandes objetos naturales, escuchar el eco de los vientos, leer los ojos de los animales y concordar con el tiempo de los astros".

Francisco Javier Caballero Harriet

SPEECH GIVEN ON THE 30 ANNIVESARY OF THE INTERNATIONAL INSTITUTE FOR THE SOCIOLOGY OF LAW BY FRANCISCO JAVIER CABALLERO HARRIET

The Belgian-born French writer Marguerite Yourcenar, describes in her novel “Memoirs of Hadrian” what characterizes transcendent, long lasting works, placing in the great Roman emperor´s mouth these words: “All human creations aspiring to eternity, need to adapt to the changing rhythm of nature, hearing the echo of the wind, looking into the eyes of wild animals and adhering to celestial times.”

Maybe, relating what is human with what is eternal may be a little bit exaggerated. But beyond the greatness and beauty of this metaphor, we all will agree that the great Hadrian wanted to point out the requirements which human creations should fulfill to last over time.

It is clear that the International Institute for the Sociology of Law, located within the walls of the more than five hundred year old building of the University of Oñati, is a human creation. And, this is what my dearly missed friend Volkmar Gessner wanted to highlight in number 17 of the Bulletin of the IISJ of Oñati, on the occasion of the XV anniversary of the inauguration of the Institute. Volkmar wrote: “15 years is a short and insignificant period for academic institutions since their histories often go back centuries. But sometimes newcomers also have their story or at least a story to tell and secrets to share with their friends. The story to which I am referring” - continues Gessner – “is that of the amazing interest placed by the Basque politics in culture, at the end of the eighties and, since then until today, even with more dynamism. The Guggenheim Museum in Bilbao was certainly a surprising investment, but so was the creation of the IISJ, a more modest but no less courageous project. Its architects were two innovative Basque personalities: Juan Ramón Guevara, Vice Minister of Justice of the Basque Government, and Francisco Javier Caballero Harriet, Professor of Philosophy of Law of the UPV / EHU. If its objective was to create an environment and international academic prestige in an area better known for political and violent conflicts in pursuit of self-government, this objective has been fully achieved in Oñati”.

As you can see, Volkmar, my friend Volkmar, in the celebration of the XV anniversary only mentioned two names. But ..., he forgot to refer to Elí Galdós (mayor of the City of Onati, a convinced and enthusiastic promoter of the project), to André Jean Arnaud (First Scientific Director and architect of the institute), to Renato Treves (the soul), to Vincenzo Ferrari (persevering and tenacious craftsman of the conversion of utopia into reality), to Jean van Houtte (visionary in the nebula of a dream), to Terence Halliday (the believer who came from the other side of the Atlantic), to Jacques Commaille (the unconditional believer). .. He also forgot to mention the scientific directors who had worked at the institute until then, the presidents of the Foundation, all the members of the IISL and RCSL board, the very efficient and dedicated staff of the Institute ... all the teachers and researchers who had passed through the classrooms of the Institute ... And not to forget, himself, himself,

who is a main figure in the history of the Institute! But ... No! Volkmar did not leave anyone out. He quoted two names only because, as the Institutes is a human construction, he had to mention someone! But Gessner knew that "Oñati", in addition to being manmade, was a COLLECTIVE project that transcended names, last names, and even nicknames, because it was one of those constructions "made by man" but, as Hadrian said, "aspiring to eternity".

That vocation of "eternity" within the quote of Hadrian, demands certainly and constantly the adaptation to "the changing rhythm of nature". To adapt it is necessary to try and see beyond what we have in front of our eyes, beyond what we are seeing. Foreseeing the future of the institute was not, at its beginning, an easy task. Today, thirty years later, it seems easier, or at least less difficult to speculate about what is going to happen, than when the Institute began its journey.

It is true that the Sociology of Law was not born with the Institute. There was a hundred years of work already done: No need to remember the pioneers of sociology of law, among which a large Pleiades of intellectuals, but it is necessary to recognize the enormous work that had been done since the early sixties by the members of the Research Committee of the Sociology of Law. Also, the work carried out by the laboratories of Sociology of Law (Droit et Societé) in Paris, in Vaucresson, Bremen, Brussels and more modestly in San Sebastián. The many chairs for the subject created on the impulse of Renato Treves in the different Faculties of Law in Italy. But, in spite of all that work , if we are honest, we will recognize (at least I thought so) that, many of us who dedicated or pretended to dedicate ourselves to the Sociology of Law - we were young jurists, sociologists, etcetera - thought that the study of the law could not be limited to the narrow framework of positive law. We were distracted and enthusiastic young people who speculated in the nebula of dreams, of intuitions, of vaporous illusions ..., united by common questions for which, by and by, we would find concrete answers:

What is the object of sociology of Law? Is it the sociology of the legislative? Is it the "facts" of law? The alternative methods of conflict resolution? Testing the functionality of law? All this encompasses understanding law as a social phenomenon and not as dead letters on paper.

To channel that potential which I have just summarized in a few lines, something was missing. And that "something", as my dear friend Vincenzo Ferrari used to say, was nothing less than turning utopia into reality: an institution that would gather what was achieved by Sociology of Law until that moment, and integrate the illusions, intuitions and ambitions of new generations wishing to work and study law in its permanent interaction with society. Today – thirty years later – hundreds, thousands of hours of reflection and debate, publications of the highest quality, form the firm basis of an extraordinary experience that has allowed the IISL to "adapt to the changing rhythm" of the evolution of the world, and allowed its work to be known all over the world in the five continents.

Some time ago, – I confess –, many sociologist of law – affected by a certain degree of ingenuity – thought that Ehrlich would triumph over Kelsen; that the democratic development of societies would overcome the phase of a liberal marmoreal constitutionalism, that Human Rights would place their philosophy over the dictates of the profane god of the market... Throughout these thirty years we have realized that the times are still far away when Ehrlich can claim victory over Kelsen, when societies, starting from an essential and radical equality between men and women, become fully democratic, when we stop suffering the consequences of a relentless and, to a large extent, obscene market ... Nonetheless, we have found our identity! We have found that sociology of law is more necessary than ever!

Today we know that the task of the sociologist of law is to highlight the growing distance between facts and laws, to make visible the systematic, abusive, tortuous, interest driven manipulation of law and justice, to highlight the more and more palpable growing distance between democratic theory and practice in our political societies, to bring to light the relative "values" of a market that has been become a "profane god" which under the pretense of being immortal has turned individuals, persons, into mediums, into things. Sociology of law has the moral obligation to contribute through its research to correct this drift.

Allow me a personal opinion about the future of sociology of law. Paraphrasing mon petit/grand ami André Jean Arnaud and transforming his question "Où va la Sociologie du Droit?" (Where does sociology of law go?) into Where do I think sociology of law should go? Assuming that I incur a certain degree of audacity, but "legitimized" because I wanted to follow the advice of Emperor Hadrian with indelible faith, "after years of listening to the winds and reading through the eyes of human beings", I will point out that sociology of law, through the IISL must get rid of the complexes of its youth, and stop being a servant ("ancilla") of the arrogant/overbearing law of Europe and North America. It should look determinedly at other latitudes, including Latin America, Africa, and the East. If we don't want to fall into arrhythmia and if we want to "accord with celestial time" we will have to study, research, go into depth with our analysis, and try to give answers to the great challenge that neoliberal globalization poses: COEXISTENCE. And sociology of law, through the Institute, ultimately, has no other reason for being than to contribute to coexistence. Living means living with another me, recognize otherness, research coexistence in cultures and between cultures, for which the Institute is ready to reedit (I say reedit) its real and authentic interdisciplinary pact with anthropology, ethnology and history of mentalities. Times to come demand, more than ever, honesty of science, less toxicity of "organic intellectuals" and more the loyalty of scientists. Recognizing alterity and overcoming domination over the "other" demands a recreation of our juridical-political-economic way of thinking on the basis of

social realities in a world that persecutes in a persistent and unnatural way uniformization. In this sense, Dominique Wolton, says: If the questions of cultural alterity do not find a peaceful solution based on cultural coexistence, cultural alter egos can turn into drivers of conflict of such magnitude as the north-south economic inequalities.

I dare to say that Latin America, for example, would today be a sort of paradise for Ehrlich, Marcel Mauss, Sumner, Le Goff… (a sociologist of law, an anthropologist, an ethnologist, an historian of the ideas) because it is one of the spaces in which the heterogeneous character of the cultures-societies is recognized: essential prerequisite (social-axiological-ethical) to imagine a different world, instead of recognizing nineteenth-century states, which in the best of cases can promise juridical, political and economic innovations that imply cutting down our rights and liberties!

A different world could allow a reappearance, an original recreation of the essential questions about equality, solidarity, work, of law as a fair, equitable distributor of social roles in mass society and of political projects that serve freedom, collective emancipation projects as a legitimate goal of cultures, about languages as inalienable patrimony of cultural diversity, and about ecology beyond the perverse idea according to which our happiness depends on growth, productivity, the increase in purchasing power, and therefore greater consumption.

Let me thank, wholeheartedly, all those who, collectively, have made possible that the IISJ is today the beacon for sociology of law in the world. Thirty years after this dream was embodied in the Founding Statutes it can be said, without any fear of being mistaken, that it has ceased to belong to the land of illusions, of utopias (as Vincenzo calls this dream), to become an authentic reality. I feel the Institute has gained cruising speed in the right direction.

I will finish my intervention, not without previously thanking Noé and Ulrike: You have touched my heart with your invitation.

Again, let me recall Marguerite Yourcenar´s words: "All human creations aspiring to eternity need to adapt to the changing rhythm of nature, hearing the echo of the wind, looking into the eyes of wild animals and adhering to celestial times."

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Jean Van Houtte, Pierre Guibentif, Francisco Javier Caballero Harriet and Ulrike Schultz in the opening ceremony.

PROF. EM. JEAN VAN HOUTTE, AT THE OCCASION OF THE 30TH ANNIVERSARY OF THE IISL

I was pleasantly surprised by the proposition of the Basque government and found it interesting but…in order to realize this project there had to be someone on the spot who could take charge. In this respect I had contacted Jacques Commaille and Volkmar Gessner. Such a rare breed proved difficult to find. Why? The 'founding director' not only had to be a respected academic in the domain of legal sociology but also needed to possess the necessary skills and a position of authority in an international network. Someone of this level typically occupies a scientific position that would be difficult to quit. In addition, moving to Oñati is not trouble-free. A Scientist lives in a social and familial setting that brings with it responsibilities that cannot be escaped. My first inquiries brought little results.

In October 1988 Francisco Caballero organized a meeting in San Sebastian on the topic of 'legal norms and social norms' that was attended by André-Jean Arnaud. During this meeting the Oñati project and the urgency to respond to the proposal of the Basque government were addressed. Early November I received a telephone call from André-Jean Arnaud. "I would like to occupy the position of director of the Oñati centre. For personal reasons I'd like a change of air and I'm confident that I will receive permission of the CNRS (the *Centre National de Recherches Scientifiques Françaises)* of which I am a member".

At last there was a breakthrough.

We informed the Basque government that we were able to accept their proposal. In order to discuss the concrete measures regarding the functioning of the *Institute* we asked the Basque authorities to arrange a meeting. A date and place were set. Jean Van Houtte, Jacques Commaille, Vincenzo Ferrari, Volkmar Gessner and Terence Halliday (1) were to represent the RCSL and would travel to the Basque Country

from 21 to 23 December, subsequently visiting Oñati and Vitoria. In Oñati the delegation of the RCSL would meet the city's mayor, Eli Galdos, to discuss some practical arrangements concerning the working of the Institute.

It was in this meeting, where André-Jean Arnaud was present as well, that some members of the delegation showed hesitation regarding the future location of the institute. Why not set up the institute in San Sebastian instead, a lively and well-connected seaside town? It would have the additional benefit of facilitating contact with the Basque university of San Sebastian. By contrast, Oñati is an isolated place that is not easy to reach. The fastest way of travel between Bilbao, where the airport is situated, and the town of Oñati is by taxi, but the ride still takes around 60 minutes. Another concern brought up related to the lack of accommodation for the professors and their students. After all, Oñati is a fairly closed and inward-looking community.

Eli Galdos vigorously defended Oñati. He assured us that, with the help of the Basque government and the municipality, warm hospitality would make for a very attractive visit. The magnificence of the mountains and the charm of the scenic village would surely have something to do with it. The mayor particularly stressed the beauty of the historical building that would host the institute.

In response to the issue of accommodation Eli Galdos showed us around a small though very attractive palace that belonged to a Basque noble family. At the time it was unoccupied, its interior covered in a thick layer of dust. He commited strongly to its renovation with the aim of providing a welcoming residence for professors and students. Moreover, he pointed out that the countryside surrounding the town will give the guests of the institute the opportunity to relax body and mind. Finally, the institute will benefit from facilities for liaison with Bilbao.

The arguments to locate the institute in Oñati seemed defensible. It now became clear that setting up the institute in Oñati was a *conditio sine qua non* for the Basque government. The choice of Oñati was a political choice. The political majority at the level of the Basque government is the same as at the municipal level, sharing the desire to open up the hinterland and advance its social and economic development. It was about thwarting the growth of extremist groups that were benefiting from a closed setting.

The RCSL delegation at Oñati also took note of the draft protocol of the Basque government. There are lawyers in the delegation that had some remarks about the proposed text. But after some contact with the government it quickly became clear that it is better to leave the text as it is, since it has been formally approved by the Basque government. It is unrealistic to obtain any modifications before the protocol is signed.

It is noteworthy that the proposed text included a preamble originally written by André-Jean Arnaud which was only minimally modified by the government before incorporation in the draft protocol. During the meeting of the RCSL delegation in Oñati, the program presented by André-Jean Arnaud was discussed and approved with some minor amendments.

The delegation of the RCSL, joined by André-Jean Arnaud and Francisco Caballero, travelled to San Sebastian where the protocol was signed by the president himself of the government of the Basque autonomous community, José Antonio Ardanza Garro, and the members of the delegation.

Some time afterwards a difficulty emerged. The legal service of the Basque government remarked that the RCLS does not have legal personality and is not entitled to validly sign a contract. The International Sociological Association, to which the RCSL belongs, will add its signature to the protocol so the legal validity is assured.

The big question now is: 'which factors made the Institute resistant to time and made it possible for the Institute to fulfill up to the present day an important role in the development of the research domain 'Law and Society'?

I was able to participate in the development of the Institute and could observe its growth for four years as a board member of the Institute. In its early years there was some scepticism regarding the chances of survival of the Institute.

If the institute did not just survive but thrived, I think, is due to the investments of the Basque government and the hard work of its first director, André-Jean Arnaud.

It is not evident that a regional minister of justice attentively listens to a law professor, *in casu* of the university of San Sebastian, on the topic of 'law and society'. However interesting and important such project may be, the study of law and society appears far away from political practice. In the eyes of Juan Ramón Guevara, the Institute could be useful for the practice of the Basque government in the sense that it provided international expertise in the field of regulation and governance. Convinced by the law professor, the government was willing to mobilize the necessary means to establish an institute and keep it running. An iconic building of the 16th Century, in which Charles V had installed a university, was made available. In addition, an administrative team was created to support the institute's research and teaching activities. Anyone with some experience of academic administration knows how reluctant policymakers normally are in this respect.

The necessary budgets were reserved and guaranteed over time, which allowed the establishment of multiannual plans and enabled the creation of an adequate library. Academic independence and international influence are statutorily guaranteed. The board of directors is equally constituted of representatives of the Basque government and the RCSL whose members are from the four corners of the world. In addition, the director will be nominated for a term of four years following an international call launched in the academic world.

The municipality, and in particular its mayor, has put great effort into the working of the Institute. The restauration of the old palace provided the Institute with a residence for the scientific director, the professors and the students. But a scientific institute also needs a human being, a scientific director with a

vision and a project who takes the necessary initiatives.
When André-Jean Arnaud informed me that he was ready and willing to become scientific director of the institute I was thrilled that someone would enable the start of the Institute as proposed by the Basque government. I was convinced that the Institute would be in good hands. Nonetheless I questioned that the institute would become a center where André-Jean Arnaud's views would become cultivated. In his role of editor-in-chief (executive board member) of the French journal 'Droit et Société' he held a very large epistemological conception of the method and domain of study of the relationship between law and society. The former name of the journal was 'Revue Internationale de Théorie du Droit et de Sociologie Juridique'. In turn this journal was the continuation of the 'Revue Internationale de la Théorie du Droit'. The sociology of law was thus incorporated in a broad conception of legal theory.
I remember that I had prepared a text in which I had developed a more restrictive vision of the sociology of law in order to distinguish if from legal theory, the latter being more speculative and less empirical. The text was accepted for publication in 'Droit et Société'. Nonetheless André-Jean Arnaud contended that this was Jean Van Houtte's vision rather than the vision of the journal's editorial board. Clearly, he had his own views, but he proved also to be pluralist and pragmatic. I believe that this very pluralism and pragmatism assured the proper start of the institute and guaranteed it to last.

Jean Van Houtte
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NOTES

(1) As far as I recall, Renato Treves was not a member of the delegation since he wasn't a board member any longer at that time.

LINKING GENERATIONS: MEETING WITH OÑATI STUDENTS TALKING ABOUT THEIR PROFESSIONAL DEVELOPMENT

During the RCSL/IISL Meeting "Linking Generations for Global Justice" (June 19-21, 2019) we celebrated the 30th anniversary of the Oñati Institute for the Sociology of Law (IISL) and this was also a great opportunity to bring together different generations of former students of the Oñati Master in the Sociology of Law.
Over the past 30 years, the Oñati Institute has been a place of meeting for researchers from all over the world, but it has also become the place where many of us have started academic careers or reinforced the skills necessary to develop careers in different fields of the legal professions. The career paths of former students are indeed quite diverse: from the practice of law, to the judiciary, NGOs and transnational organisations. Of course, quite a few of us have continued in academia and also remain quite close to the IISL and RCSL as the academic community that is inextricably linked to it; many have moved on to institutions that have also been close to the IISL project, such as the University of the Basque Country (UPV/EHU) and the University of Milan (Italy), among others around the world.
As many have attested over the years, the Oñati Master experience is one of a kind, not only because it is a unique door to a diverse and rich field of study, the sociology of law, but also for the international and intercultural experience that can be found in this small part of Basque Country (itself a worthy experience). Hundreds of students have travelled to Oñati, living together and learning together in a space in which the growth is both intellectual and personal.
All this was the background to begin our talk in which we were joined by many former students, out of which, Anne Alvesalo-Kuusi (Finland), Tanya Monforte (USA) and José Atiles Osoria (Puerto Rico) led the first parts of the conversation. As is natural in the kind of meeting that brought us to Oñati, the three of them have developed their careers in academia, although their life experience also includes other activities such as policy development and legal activism. Anne Alvesalo-Kuusi, currently working in the University of Turku, has extensive experience in different fields related to crime control and criminal policy, and her current research focusses on corporate crime. Tanya Monforte, now at McGill University in Canada, developed part of her career at the American University in Cairo, Egypt; her research has addressed human rights and security, as well as legal theory and feminism. Especially during her M.A. her work focused on the Basque Country bringing her an intense engagement with the local community. José Atiles Osoria, currently at the University of Puerto Rico-Mayagüez and a postdoctoral researcher at the University of Coimbra, has developed research on colonialism, state crime and legal mobilization.
On reflection upon the many challenges of working in academia, they also highlighted the different ways in which the IISL had a positive impact in their development. Indeed, the community that forms in Oñati and the links established between researchers are lasting ones and, for many of the former students, it is in their classmates and even in their professors where we find our greatest allies. Although perhaps the most warm and significant acknowledgement goes to the coordinator of the Master, Susana Arrese Murguzur. The staff at the IISL is always to be acknowledged for their commitment to their work and their exceptional performance. In the case of the Master program, Susana is, very much, the heart and soul of the experience. Her work is impeccable, but she goes above and beyond to build bridges with the people of Oñati and among those linked with the IISL. Thanks to her, Oñati is indeed the home of a community and we all take that community and Oñati everywhere we go.
However, this was also an opportunity to reflect on the challenges that remain for the sociology of law. Many

IISL former students that joined us in this anniversary of the Institute are currently in the course of their PhD studies, and many others are early career scholars, but we all see the increasing precarity that has affected the working conditions for academics all over the world. Indeed, labour rights have suffered in many fields and in most countries, if not all. Academia is not an exception for these pattern that affects the lives of many, but that also presents a challenge for doing academia that is socially responsible and independent from inadequate influences.

These are pressing matters for academics in this moment in time, but the challenges for the sociology of law go far beyond. What many of us found in the diverse intellectual community that gathers in Oñati is a fertile ground for critical inquiry over social problems. A first requirement for socio-legal studies is to understand that law cannot be reduced to the positivistic view that sees only black letter law. But socio-legal studies must also be connected to social problems and engage with the needs of society. It is, as the title of this meeting suggests, necessary that socio-legal researchers make a commitment with global justice. This entails dealing with the big questions, but also with the local demands for justice and engaging with communities to rethink the way scholars relate with the protagonists of the struggles and our responsibilities and commitments to society.

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MEETINGS AROUND THE WORLD

2nd BIENNIAL LAW AND SOCIETY IN AFRICA CONFERENCE IN CAIRO

The 2nd Biennial Law and Society in Africa Conference held in Cairo, at the American University in Cairo, from 1st to 3rd April, on the theme “Africa and the Middle East in an era of Global Fragility”, was rich, dynamic and informative. Following on from the 1st African LSA Conference in Cape Town in 2016, this one also brought together diverse scholars from across the continent, but it did something new by bringing together scholars from Africa and from the Middle East. This diversity was showcased by the use of both Arabic and English throughout the conference. Participants from other countries were also treated to the rich heritage, history and culture that Egypt has to offer through trips to the Egyptian Museum and Islamic Cairo.

The conference had a good mix of keynote addresses, plenary discussions and paper presentations, allowing for greater interaction among the participants. One of the most interesting keynote addresses was on Egyptian television dramas and the law, and it looked at the role of television in shaping peoples’ perception of the law. It opened up the space to consider the intersection between contemporary pop culture and law (which may sometimes be perceived as quite traditional). This address reminded us that much of the conversation in Africa now also seems to be moving toward the role of non-traditional spaces, such as social media, television and movies in shaping the law (for example the #MeToo campaign which began in Hollywood, but which has had a ripple effect all over the world, including in Africa, where cases of sexual harassment are now gaining increasing attention). Indeed, all the participants were keen to visit El Tahrir Square in Cairo where the 2011 revolution in Egypt took shape, having begun through Facebook. A vulnerability of the (African) state seems to be the limited amount of control that it has over non-traditional spaces, such as social media, television dramas and movies.

It was also a space where, as African scholars, we were challenged to think about the future of law and society scholarship in the continent, and to think about how we can sustain planned biennial meetings. The participants did not take it for granted that the conference was largely funded, covering flights, ground transport and accommodation costs for participants travelling within the continent and a lot of planning went into it. In future, we all hope to look for other sources of funding so as to allow other participants who have not had the chance to attend such a conference to be supported to attend. This is one way of keeping the meetings sustainable and opening them up to more scholars from the continent, particularly the early career scholars. We also created important networks, which must be sustained through communication channels, where we can update each other on the work we are doing. We must also make ALSA more visible in our home institutions, and this can be achieved by showcasing the work presented at the conference through regular publications and also by linking the networks we build through ALSA with the faculty and students in our home institutions. However, many law schools in Africa are yet to embrace socio-legal method in the context of teaching and instruction, and this may also be a result of the way in which the practice of law remains steeped in doctrinal method. In Kenya for example, the practice of law still focuses on the traditional method of black letter analysis of law, and because the academy in many ways has to respond to the needs of the market, emphasis in terms of teaching and instruction is mainly placed on the doctrinal method. However, in terms of research and publications, many more scholars are using the socio-legal method. The next frontier then, is to have socio-legal approaches permeate the practice of law, both within the bar and the bench. One thing to note about the Conference is that most participants from law were academics, and we therefore need to move beyond this to have representation from lawyers who are in practice and from judicial officers, so that we carry the conversation beyond academic spaces and activists from NGOs. Through the networks we have established, this is already beginning to happen.

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3rd INTERNATIONAL CONGRESS ON LAW TEACHING "LAW TEACHING IN THE XXI CENTURY: INNOVATION AND FUTURE"

More than 140 professors from 17 law schools throughout the country, as well as from Chile, Cuba, Uruguay and Brazil, attended the third International Congress on the teaching of law (after 2016), "The Law Teaching Observatory" was held in the Universidad Nacional de La Plata from May 9th to 11th 2019 at La Plata city, Buenos Aires Province. The Observatory was a debate forum organized to exchange ideas, experiences, practice and research and not the formal aspects of teaching and to reconsider the following starting questions: How do we teach our disciplines? How instead should they be taught?

Different activities were carried out during the Observatory and there were also special sessions on film and literature, curricular reforms and motivational aspects of law teaching given by different professionals, including a sports technical director who spoke on how to "motivate for effort and empower capacities". Many of these ideas and debates were published in the book "La Enseñanza del Derecho en el Siglo XXI: desafíos, innovaciones y proyecciones", free copies of which are available at SEDICI UNLP, Universidad Nacional de La Plata.

The program also included an intensive training workshop for teachers led by specialists, on the most current and necessary topics in our discipline: pedagogical, didactic and recreational strategies in the teaching of law. Alongside these debates, gender perspectives and the transversality of human rights in the teaching of law by competencies, practical teaching, etc. were addressed. More than 150 teachers attended and took advantage of this training session.

Finally, there was a conversation researchers from the legal field ─ from different Faculties of Law and from CONICET─ and from different Latin American countries, with a large attendance of young researchers and researchers in training, whose axis of reflection revolved around the incorporation of research into teaching and learning processes.

The next event is scheduled for May 2020. Please contact Observatorio de Enseñanza del Derecho for more information at the following email addresses: oed@jursoc.unlp.edu.ar; ensenanzaderecho@gmail.com.

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REPORTS FROM THE RCSL WORKING GROUPS

WORKING GROUP IN LAW AND POPULAR CULTURE

The RCSL Working Group in Law and Popular Culture is on an upward trend. An increasing number of colleagues have indicated their interest in its activities. The main efforts by the WG go into organising sessions at the RCSL conferences. Beyond this, the WG facilitates cooperation between its members, which has resulted in joint research projects and plans for these, as well as in themed edited books and special issues of academic journals.

At the RCSL Annual Meeting in Lisbon from 10-13 September 2018, the WG Law and Popular Culture organised two panels under the heading "Developments in Popular Legal Culture". At the first, Stefan Machura (Wales, UK) talked about "Theoretical Tools to Understand Law in Film and Television", Peter Robson (Scotland, UK) about "Ethnicity, Gender and Diversity and Justice on TV: the British Perspective", and Ferdinando Spina (Italy) introduced "An Italian Perspective". At the second panel, Sam Hillyard and David S. Wall (UK) spoke about "Safe and Legitimate Use? The Case for Private Firearms Ownership in Civil Society", while Stefan Machura covered changes in the consumption and effect of law-related media.

The 2019 RCSL conference "Linking Generations for Global Justice" from 19-21 June 2019 in Oñati saw the panels of the WG lining up a more diverse group of speakers and attracting a larger audience. Both panels were entitled "Law, Film and Society". In the first, Nancy Marder (USA) drew "Lessons from Foreign Remakes of 12 Angry Men", Stefan Machura described "Law and Justice in German Film and Television", Iker Nabaskues Martinez de Eulate (Spanish Basque Country) discussed "The Cinema of Bela Tarr. The Limits of Weak Virtue" and Jennifer L. Schulz (Canada) "Mediators in European Films – Moving from Facilitative to Evaluative Interventions". Peter Robson's presentation "The Reanimation of the Vigilante" opened the second session and was followed by Ferdinando Spina talking about "The Vigilante Film: an Italian Perspective". Finally, Mikel Díez-Sarasola (Spanish Basque Country) offered a critique of "Hollywood, an American Factory of Soft Law and Social Order".

Panellists of the WG Law and Popular Culture at the Oñati conference (from left to right) Stefan Machura, Ferdinando Spina, Nancy Marder, Jennifer L. Schulz, Peter Robson and Iker Nabaskues Martinez de Eulate.

Planning has started for the contribution of the WG Law and Popular Culture to the RCSL conference 2020 in Lund while a panel at the ISA Forum in the same year cannot be ruled out but appears currently less likely.

The working group welcomes new members as well as suggestions for panel topics, or ideas for workshops and publication projects. In any case, please contact the WG chair.

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PODGÒRECKI PRIZE

ANNOUNCEMENT OF THE WINNER OF THE PODGÒRECKI PRIZE AT THE RCSL 2019 MEETING

Dear Dr Maclean, dear Mavis,
Dear colleagues and friends from all generations,
Dear members of the Onati Institute and those who support it,
It is a great honour for me to present the Podgorecki Prize 2019 to Mavis Maclean. I do this on behalf of my colleagues on the committee, Professors David Nelken and Pierre Guibentief. The three of us unanimously agreed that the award should go to Mavis Maclean for her towering presence in our discipline, her outstanding research across decades, her impact and engagement with law making and policy, her tireless efforts to advance socio-legal scholarship and the community of scholars in this field, and not the least for her continuous and unwavering support for this wonderful institution where we are celebrating its 30th anniversary with this conference. There are many now in this audience, who became involved by reading her books and articles, who thrived on her support and who were drawn into this field and socio-legal research by her scholarship and personality, in short by her as a role model. This includes scholars from many countries, and I would like to specifically mention our Polish colleagues. She was and is a model in particular for us women who over more than four decades entered the field. At the time when Mavis Maclean started her career, there were few and far between who could be such a female role model or even more, who could support young women who wanted to engage in socio-legal research. And exactly therefore it is a particular pleasure to present the Podgorecki Prize to a woman for the first time, and that this woman is Mavis Maclean.
If you ask me to describe her amazing body of work – and I will not go into detail here – two expressions or images come to my mind: first, that she was a trail-blazer in many ways; and second that she gave a human face to law – she explored and showed us the multitude of human faces: of those who make and apply law, and of those who are affected and have to deal with it in their lives. Across her career, she has given us lively and living portraits of these women and men as they are involved in matters of family law.
Family law is at the heart of our social institutions, where our moral and social values are deeply and intricately embedded, and any changes of the institution and the values and morals it embodies have far-reaching consequences beyond its immediate realm. Changes of the law that are necessary to keep up and capture the social and moral changes consequently are hotly debated and divide societies, often between generations, or different social and religious groups. Discussion and legal changes arouse the strongest of emotions in the public, and widespread interest: people sense when sweeping changes are around the corner or already have arrived, and they react viscerally to difference and what they see as danger to these values, this institution and the law that supports it. You might think that family law would be a kind of “natural” area for socio-legal studies by women scholars and politicians. Far from that: until quite recently it was a reserve of men, both legal scholars and politicians.
Mavis Maclean was a trail-blazer in family law and socio-legal scholarship in this area. She followed the massive changes in the way how people started families, lived together and raised children since the 1980s and the sea changes of our perceptions of family and family. She started out with the question of money and divorce, financial support for women, addressing the many and diverse needs of women, children and men, who went through a separation and divorce. From there she moved to address the children and the emerging problems of patchwork families in the 1990s. It was still about money, but the focus was on support for children, from first and subsequent marriages. This led seamlessly on to the recognition of changes in perceptions, and values of fatherhood, and how shared parenting and responsibility could be legally addressed after a separation, accommodating needs of children, mothers and fathers. And finally, from there it was only a small step to look at those who made and applied family law, observing the family justice system and its functioning itself, living law with human faces.
Trail-blazing for Mavis MacLean always included the most recent, best and pertinent methodology for her empirical research, with no blinkers or preferences for one approach over the other. From the start, she engaged in generating empirical knowledge rather than theorizing, as it was then incredibly de rigeur in our field. As she herself put it, she was not interested in the “semantics” and conceptual divisions in our discipline, but in the “sustainability” of problem-oriented knowledge generation as the foundation of evidence-based policies.
From surveys and large numbers (as the philosopher Edmund Husserl, a mathematician, called it “the measurement of the mundane”) to in-depth qualitative interviews and document analysis, and on to observations in courts, she had evidence at her fingertips. So, the next step was to enter the world of politics and policy making in family law. I assume that Whitehall, the Ministry of Justice and other dignified places of law making and policy design in the UK were (and are) dominated by men. Further, that these had mainly engaged with others of their kind when seeking advice; however, they were not adverse to facts and evidence (at least not at the time). This was

exactly what Mavis McLean not only could provide but help to understand and actually turn into reasonable legal policies that could capture the changes in the family as an institution, and could relate law to the experiences of families as they navigated rough waters.

Trail blazing means going places. Even though Central Europe had been a fertile ground for our discipline, and with the Podgorecki Prize we honour an eminent Polish Scholar, the region, its laws and its socio-legal scholarship were terra incognita through most of the 1980s and early 1990s. However, family law was as central to understanding the relationship between this society, its policy, its changes and its laws as it was in the western democracies.

Again, it was the women who went east, besides Mavis Maclean Inga Markovits, and family law was at the core of their engagement. Mavis Maclean paved the way for collaboration, information, comparison and fact finding on how law worked in an authoritarian environment, but foremost for a mutual understanding and learning, hugely enriching our perspectives and discipline. With the Podgorecki Prize we honour this work of outreach, understanding and collaboration that Mavis Maclean accomplished over the past decades.

How families experience the law as they are confronted with it or need it, whether as supporting or controlling, defines the way how law can function. The many human faces of law become visible at the intersections between legal and organisational structures, the political landscape and, most important, directly in the work of those who run the justice system: the lawyers and judges, the mediators and legal advisers. Observing their work reveals the human and also the humane face of the law, and the daily efforts and good will of those involved. Mavis Maclean takes a close look and sees a culture of settlement and honest offers of help rather than unabashed self-interest, and a dysfunctional system, as is so often the suspicion. Starting with the experiences of families she ends her journey to discover the human face of law in its everyday functioning, that is where it really lives.

Dear Mavis, thank you. And now I would like to ask you to join into applause for our Podgorecki Prize 2019 recipient Mavis Maclean.

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Susanne Karstedt, Mavis Maclean, Masayuki Muruyama, Hakan Hyden, and Ayako Hirata.

PRIZE ACCEPTANCE

Dear friends and colleagues, thank you all for this extraordinary honour. But may I begin by saying that the body of work which you have commended is not mine alone, it is the work of the RCSL research family, and particularly of our Polish tradition.

I began my academic life in 1963 as a history student in Oxford. But the syllabus ended in the 19th Century just when things began to get interesting, so I moved on to study Social Policy at the LSE. I was there in 1968, protesting about racism in Rhodesia, the Vietnam war, and more, with £50 to live on for the year, dependent on the hospitality of the American post grads, and cheating on my trainfares. We had been well taught by Richard Titmuss, and I went on to work as a researcher with the then labour government to support policy development. Happy days. Then in 1974 I was invited by Don Harris to move back to Oxford to join the new multi disciplinary Centre for Socio Legal Studies. All went well until 1979 when Margaret Thatcher arrived and declared there to be no such thing as society, only the market. All my interests were cast aside overnight. The state must shrink… individuals must take responsibility for their actions… no more social policy. The very name of our funding body Social Science Research Council was changed to Economic and Social Research Council. Economics ruled supreme.

This was frustrating, until Don Harris gently said to me that enforcing legal rights could be a more powerful pathway to social change than the concept of meeting social need. And just at that moment, when I was fascinated by this new “law in society” idea and frustrated by a hostile intellectual environment, there came a turning point in the form of a Polish intervention arrived, linking the generations, in the arrival at CSLS of Adam Podgorecki.

There had been a longstanding connection between the Law Faculty in Oxford and the Law Faculty in Warsaw since WW2. And at this moment Adam Podgorecki found shelter at the CSLS after being deposed from his Warsaw chair by the Communist

authorities. He took over my room. I made him tea and listened…. and was spell bound. Family law as described by Petracycki was a revelation.

Meanwhile Jacek Kurczewski was busy developing the Department of the Sociology of Custom and Law in the Institute of Applied Social Studies in the University of Warsaw. The historical link between Oxford and Warsaw was reinvigorated by a visit from Jacek and his colleagues in 1986, Malgorzata Fuszara of course, but others too. We talked and talked. I welcomed advice on how to survive in a hostile environment…(eg be careful what you say in a document which is about to leave your hands)… and the chance of a new reality… an escape from our local frustration to an international world of ideas and experience beyond my imagination. Everything I had thought that I thought was turned upside down. I was delighted to be invited the following year 1987 to Nieborow, to walk and talk in the gardens with Jacek and Malgorzata, Vilhelm Aubert, Jean van Houtte, and others. Away from offices and computers, we exercised their brains.

The names of Petraczycki and Podgorecki were now familiar to me, and from the next generation, Kurczewski, I learned a great deal more. Firstly, above all, to never make an assumption without going to check who was doing what. Eg in 1987 I was in Poland to talk about family law, and our concerns about rising divorce rates and the financial consequences for women and children. But Malgorzata opened my eyes by talking of interest in increasing the divorce rate in Poland, where catholicism meant nationalism, housing was in short supply, and there was vodka… not always a happy combination, and a number of women needed to be helped to move.

After this visit, Jacek began to write his major work on the Resurrection of Rights in Poland (published OUP 1993) after transition, and I learned about the power of the interaction between large macro questions and intimate micro data. Alongside his high-level debate about the rule of law, (a term I had never heard before… we had it, so we did not think about it … like oxygen) Jacek described observation of rule making in queues for bread. This was very instructive. And the strategy works both ways. Last year when I was writing about the minutiae of advice work after the cuts to family legal aid in the UK in 2013, I quoted the Supreme Court 's Unison judgement, where a Trade Union (Unison) successfully took government to the Supreme Court to protest over the exorbitant rise in employment tribunal fees, and the judgment gives a description of the rule of law and access to justice in words which a five year old child could understand stating that courts are NOT just another government department which must save money in a time of austerity but have a larger function. This will be the topic of our Onati workshop next year.

By this time Kurczewski and I had both experienced government activity at close quarters, he as Vice Marshall of the Seym in the first democratically elected parliament in Poland, and I as a humble adviser in maybe one of the last democratically elected parliaments in the UK. We wrote together about the detail of legislative process (Making Family Law 2011) … A small book which I value highly but have not advertised as I may have said too much.

I was so surprised by the hostility within government to lawyers when I entered the Ministry of Justice (MoJ) as the academic adviser in 1990 that I began a series of observational studies of lawyers, judges, and mediators. I later realised that the hostility was structural rather than specific, in that every ministry has problems in policy implementation and the easiest people to blame are the workers. The Department of Education blames teachers, the Ministry of Health blames doctors. But it was very odd. So, following my Polish teacher instead of just making a survey I went out and sat in lawyers' offices and courts for many weeks. The public cost of divorce through legal aid had been rising, and this was being attributed by government to greedy lawyers being paid by the hour pursuing aggressive arguments. Not so. MoJ had simply not counted the increase in the number of divorces. They were facing an increase in case volume, not cost per case. And what I saw in practice was a culture of settlement…and any profit came from taking more cases not from fighting a single case to the extreme.

Jacek did not enhance my education alone, but found a work family for me, drawing me into the RCSL, and thus to Onati, where we have taught and held workshops often with family law as the peg on which to hang wider questions about law in society. From other members of the family I learned other things…. particularly from Benoit Bastard I learned to appreciate precision of thought and expression. He has explained the difference between having lawyers in or out of court involved in divorce, and the impact of more complex forms of family organisation on the ability to separate without dispute in traditional marital unions where the norms are clear.

This family has met in so many places… often Warsaw and Oxford, but also Tokyo, Singapore, Durban, Brisbane, Budapest, Amsterdam, Berlin, Bellagio and many more. For me it was not only intellectually stimulating to see my own world through the lens of others, but also directly productive. As an adviser at the MoJ I have often been able to draw directly on knowledge of other jurisdictions. The RCSL has changed the face of English law! Eg in 2010 was preparing for a fundamental review of the family justice system where misunderstanding of other systems (eg the belief that in France family justice is inquisitorial) could have led to disaster. But the British government allowed me to invite RCSL experts and we sat around the table with officials looking at vignettes of the kinds of problems commonly arising in family justice around the world. We identify what would happen to such a case in each of our own jurisdictions, and what we valued in the ideas of others. I am hoping to do this again, but austerity is compounding neoliberalism, and the two together are not conducive to clear forward thinking especially during the catastrophic happening known as Brexit.

Our series of 8 family law and policy workshops began with two books with OUP focussed on East and West European issues; "Families Politics and the

Law", Mavis Maclean and Jacek Kurczewski (1994) after the RCSL first joint meeting with LSA in Amsterdam in 1991, and "Family Law and Family Policy in the New Europe" Jacek Kurczewski and Mavis Maclean (1997) reporting empirical work in Poland, Bulgaria and England on family obligations and law funded by the Foreign Office in London at transition. This included the now famous example of what is thought to make a good son from an elderly Bulgarian Roma gentleman who said, "he is a good son, he brings everything he steals to me!". Helpful information! Then in the Onati Hart Bloomsbury series we have reported our workshops. Firstly we looked at which issues get to the top of the legislative agenda in "Making Law for Families" (2000), eg same sex marriage in Catalonia, then at the regulation of new kinds of relationship in "Family Law and Family Values" (2005), how parents parent after separation in "Parenting after Partnering" (2007), (at the start of the fathers movement). The next workshop was reported in "Managing family law for families in diverse societies" (2013), discussing how minority beliefs must be understood and accommodated, for example we quote a West Indian mum who said proudly that she beat her 3 year old child when she misbehaved, and when asked "with what?" she said WORDS of course! and most recently "Delivering family justice in the 21st Century" (2015), telling sad stories of times of austerity. Our latest book on digital family justice is in press, due to be published in 2019 November. All these RCSL Onati books raise fundamental questions of interest outside the area of family but use it as a microcosm for the study of social institutions, and their regulation.

May I finish by apologising for the sad situation in the UK now. I feel like a bystander in the story of the Emperor's New Clothes, where the Emperor in the fairy tale is so deluded that he rides around town in what his advisers have convinced him are rich new clothes, whereas in fact he is naked. Forgive us, we know not what we do. We are no longer pragmatic, tolerant and steady… we are mad.

This prize honours the great tradition of sociology of law coming from Poland, transmitted directly through Adam and Jacek to my poor pragmatic English consciousness. May this world view help us to survive the ravages of Brexit and remind us that we are still part of the wider world, and give us courage to continue the struggle. Thank you for not giving up on us. And please, as one Scottish MEP said in Strasbourg recently, leave the light on so we can find our way home.

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WINNER OF THE PODGORECKI YOUNG SCHOLAR PRIZE 2018

I am extremely honored to have received such an important award, the Podgorecki Prize. As a young scholar, it is very special for me that one of the best research institutes of Law and Society in the world recognizes my work and encourages me to go forward. I am very grateful to the award committee for taking time to read my materials and finding my work interesting.

My book, "Dealing with Ambiguity: How Street-Level Offices Make Sense of Environmental Statutes" (Tokyo: University of Tokyo Press 2017, 223pages) is based on doctoral research I submitted to the Jurisprudence and Social Policy program, University of California, Berkeley.

I'd like to thank many people, especially Professor Ota and Professor Cominelli for nomination, Professor Bob Kagan, Cal Morrill and Rachel Stern from UC Berkeley, Professor Foote from the University of Tokyo, my other fabulous colleagues and friends, and last but not least, to my family who constantly support me.

This book asks a fundamental question: how do frontline regulatory offices make sense of and enforce new ambiguous statutes? In order to understand the process of constructing the meaning of law at the street-level, this book introduces a fresh new perspective that has not been systematically utilized yet---the horizontal interaction among frontline offices. Does inter-organizational interaction between frontline offices influence their interpretations and enforcement decisions, and if so, how and under what conditions?

Interacting with target populations, street-level bureaucrats in regulatory enforcement offices are positioned to deal with legal ambiguity, adapt legal rules to individual cases, and determine whether they should be enforced (Mascini & Wijk 2009). Even though central governments issue guidelines and rules, such instructions cannot contain comprehensive criteria to cover the full range of situations that street-level officers encounter. The ambiguity of law and "substantial discretion in […] execution in the course of their work" (Lipsky 1980, p.3) leave much of the interpretation and implementation to field actors who construct the meaning of law. The consequences of their judgements are far-reaching, not only for the effectiveness of regulation, but also for businesses' willingness to comply with and trust in governments (Bardach & Kagan 1982). Therefore, it is important to examine how frontline offices interpret the law and whether their regulatory decisions are perceived as legitimate.

This research aims to contribute to the literature by providing a systematic examination regarding whether and how inter-office interactions shape the street-level meaning of law. To advance this objective, this book explores the Japanese street-level offices enforcing the Soil Contamination Countermeasures Act (SCCA), which was amended in 2010 to regulate large-scale construction on land that carries the risk of soil contamination (this book also examines the groundwater pollution regulation, but I will omit this part due to the space limitation). Japanese environmental offices are an appropriate choice for this research because (1) this newly-amended statute regulates soils at a construction site that are deemed to have a "risk of being contaminated," but only

ambiguously states what constitutes "risk"; (2) the SCCA is implemented and enforced in a decentralized legal system where provincial and municipal environmental offices are positioned to interpret its meaning in each case; and (3) high compliance cost requires frontline regulators to demonstrate legitimacy of interpretation of "risk" to the regulated. In other words, the Japanese case represents a situation where frontline offices enforce an ambiguous law under a decentralized regulatory system with high pressure for demonstrating legitimacy, which can be commonly observed in different contexts. During the fieldwork, I observed frontline offices' struggle to interpret and enforce the new regulation fairly and effectively without precedents, court decisions, or specific instructions from the central government.

This research employs both qualitative and quantitative data: (1) in-depth interviews with frontline regulators (54 interviews with 78 regulators); (2) a national survey mailed to every frontline offices (n=136 in the soil regulation, n=137 in the groundwater regulation. Response rate:86.4%), (3) two-weeks of frontline observation in a frontline office, and (4) in-depth interviews with regulated businesses (two interviews with seven business people) and the Ministry of Environment (three interviews with three officials). All empirical data were gathered, processed, and analyzed by the author. Data were gathered mainly from July 2013 to June 2015, when street-level offices were in the middle of an intense effort to translate the newly added Investigation Order Clause into concrete decision-making. This book uses qualitative data to a great extent; qualitative data informed quantitative data collection, and then qualitative data is also used to provide deep context for the quantitative results.

Previous studies of regulation and street-level bureaucracy have examined frontline activities and decision-making, and attributed these mainly to characteristics of individual officers and institutional and organizational factors of an individual office. By incorporating the insights of neo-institutional organizational sociology into the socio-legal studies of regulation and street-level bureaucracy, this book argues that horizontal interaction between frontline offices is important for understanding how street-level interpretation and enforcement decisions develop: frontline offices consult peer offices to make sure their interpretation is legally sound, which eventually evolves into "*meso-level schemas*" (the shared understandings of which interpretations is legally valid). Through institutionalization, such schemas function as generators of legal meaning and sources of legitimacy under legal ambiguity. The term meso-level signifies that such "generators" take place between the local, micro-level (by individual regulators and within individual offices) and the macro-level of national legal design and top-down mandates. Meso-level schemas rest on horizontal relationships developed among frontline offices that are informally connected with each other. Combining the shared understandings of appropriateness and the perception of consistency of the law, meso-level schemas function as a powerful justification strategy under legal ambiguity.

Based on qualitative and quantitative data, this book first argues that meso-level schemas are conducive to diffusing certain understandings of law and lead to similar enforcement decisions within office groups. Interview analysis shows the common practice of inter-office communication and demonstrates how and why frontline regulators reach out peer offices, which eventually lead to convergence on their interpretations of law. Based on low-cost communication opportunities such as peer-office meetings, some frontline offices have shaped informal groups in which they can consult each other when facing with interpretive challenges. Quantitative analysis shows that offices with such inter-office interaction opportunities are more likely to have inter-office interactions, and that such offices present the similar degree of stringency of enforcement, than those without such opportunities. This result suggests that frontline offices evolve informal groups in which offices can easily tap into each other, and that peer-office interaction promotes consistency in interpretation of risk and come to take a similar degree of enforcement stringency within such groups.

Second, also based on qualitative and quantitative data analysis, this book shows that the peer-office network is clustered, which allows different meso-level schemas developed in various groups. While regression models and ANOVA show that different peer-office meeting groups have different stringencies of enforcement, interview analysis illustrates that different office groups share differing interpretations of "risk of being contaminated." Empirical analysis indicates that inter-office interaction is conducive to diffusing a certain understanding of law within groups, but simultaneously, keeps regulatory decisions fragmented in the country as a whole.

Socio-legal studies show that state-based regulators are not always perceived as legitimate and compliance depends on recipients' perception of legitimacy of the regulatory regime and the particular decision-making (e.g., Braithwaite *et al*. 1994; Tyler 1990). Since regulation requires behavioral changes of the regulated, legitimacy perceived by them is critical for successful regulatory implementation. The challenge is how to gain legitimacy perceived by regulated business when the regulatory standard is ambiguous. This book shows that frontline offices' desire for legitimacy leads to inter-office interaction, in which meso-level schemas---the shared interpretations that become highly legitimate and stable due to institutionalization and the principle of consistency of law across jurisdiction---ensure frontline offices that they make a "correct" interpretation of law.

In its last part, this book discusses the conditions under which inter-office interaction has a significant influence in other legal contexts. While more investigation is warranted, this book proposes that the following may contributes to that possibility: (1) a decentralized legal system, (2) a high level of legal ambiguity and uncertainty of social harm, (3) scarcity of access to professional expertise in legal as well as

technical arguments, and (4) a strong need of offices to demonstrate legitimacy to enforcement targets.

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PUBLICATIONS

CRIMINAL LEGALITIES IN THE GLOBAL SOUTH

Ciocchini, Pablo and Radics, George B. (eds) *Criminal Legalities in the Global South: Cultural Dynamics, Political Tensions and Institutional Practices,* Abingdon: Routledge, 2019.

When George Radics first offered me the opportunity to assist the editors of this volume in mid-2018, he made a strong case for the use of the term 'Global South' as a descriptor for the case studies covered within this book. While that discussion raised various questions regarding the 'Global South's' vague categorical boundaries, it also thoroughly demonstrated its relevance precisely because these markers of nation-statehood are inextricably entangled – 'South' implies characteristics distinct from the 'North', but also implies interactions between the two that give meaning to such a distinction. Combined with the use of 'Legalities', instead of 'Legal Codes' or other phrases with more concretized boundaries, the title suitably encompasses the volume's concern with the complex and nuanced social phenomena (both historical, and inter-societal) that generates, and is generated by, interaction with 'the law'.

Within these complexities, the book pursues three objectives, with an emphasis on 'Southern' Criminology: (1) Providing essential empirical and theoretical material to facilitate new analytical approaches, (2) Addressing the gap between criminal law in theory and practise, and (3) Creating South-South dialogue between scholars of these underrepresented regions. Through its varied approaches, this book delivers in all of these aspects.
Essential empirical and theoretical material is supplied through the contributing authors' visible embrace of their positions within the context of the 'Global South'. The starkest demonstration of this comes through Danish Sheik's chapter – he poignantly weaves his experience as a gay man alongside his research on the Indian Courts' engagement with discourse on 'private' and 'public' interests vis-à-vis LGBT rights, creating a rich illustration of the transformative potential created through the living-out of these legalities. Other strong illustrations of the intimate involvement between research, topic, and positionality can be found within Julieta Mira's chapter on cosmologies of criminal justice reform in Argentina, and Elliott Prasse-Freeman's chapter leveraging his ethnographic work on contentious politics in contemporary Burmese courtrooms. It should be noted that while the other authors approach their writing in ways that feel more academically distanced than Sheik's, their positionality as scholars of the 'Global South', living and working within the 'Global South', emerge clearly nonetheless.
Gaps between theory and practice of criminal law are addressed through the authors' constant awareness of the law's social nature. Neto & Santiago's chapter on the phenomenon of "jogo do bicho" acts as a guide through the complicated social and legal ambiguities surrounding gambling in Brazil, and delves into the practical effects of these uncertainties. Other authors foreground the role of legal actors in putting theory into practice; significant chapters in this regard include: Ciocchini's chapter on the politics of judicial actors in the Philippines' 'War on Drugs', Lamchek's chapter on stalled criminal procedure reform in Indonesia, and Hernández's chapter on premature dismissal rates in Peruvian corruption cases. While not all contributors take on this approach of directly highlighting gaps, their richly-written, socially-focused chapters provide the reader with material to make their own observations.
The creation of 'South-South' dialogue is facilitated by these aspects – each author having having clearly laid out their positions as scholars of the 'Global South', working within the 'Global South', as well as concurring with the social nature of the law, represented via 'Legalities', and each chapter serves as a voice contributing to the discussion regarding 'Southern Criminology'. To this reader, these chapters' regular contextualization of the 'Global South's' contemporary situation within a historical past (often directly influenced by the politics of the 'Global North') helps create a conversation regarding the continued shifts in the 'South's' legalities. The continued resonance of history is central to Radics' chapter on LGBT rights in Singapore vis-à-vis

'development', Rahman's chapter on the construction of Muslim marriage in India by colonial courts, as well as Meyer & Carvalho's chapter on transitional justice for sexual crimes committed during the 1964-1985 dictatorship in Brazil. These chapters highlight the 'Global South's' continued engagement and negotiation with laws from 'other' times and governments. Furusho's chapter adds an additional layer to this discussion, leveraging the concept of Crimmigration to discuss the manners in which ethnically-discriminating 'Global Northern' legal tools are being applied by the Dominican Republic against Haitian migrants.

Having witnessed the start of this dialogue through the contribution to this volume, as well as the opportunity to assist with a workshop held for the authors, I am eager for more of such work to emerge. The complexities and long histories that construct the current environment of legalities within the 'Global South' are far greater than can be encompassed within a single volume; but they are vital for a social understanding of the law, with its concretizations and transformations. This goes beyond an appreciation of just the 'Global South's' nuances and past – it helped this reader consider the socially-constructed future of legalities. In this regard, Criminal Legalities in the Global South serves as an excellent guide to embracing the diverse and complex social phenomena that are entangled with the creation and application of 'the law'.

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NEW BOOKS IN THE OÑATI HART SERIES

Carr, Helen, Edgeworth, Brendan and Hunter, Caroline (eds.) *Law and the Precarious Home: Socio Legal Perspectives on the Home in Insecure Times*, Oxford: Hart, 2018.

Wadham, Ben and Goldsmith, Andrew (eds.) *Criminologies of the Military Militarism: National Security and Justice*, Oxford: Hart, 2018.

López López, Julia (ed.) *Collective Bargaining and Collective Action: Labour Agency and Governance in the 21st Century?* Oxford: Hart, 2019.

Meijer, Sonja, Annison, Harry and O'Loughlin, Ailbhe (eds.) *Fundamental Rights and Legal Consequences of Criminal Conviction*, Oxford: Hart, 2019.

The Oñati International Series in Law and Society which is published by Hart in Oxford has produced four new volumes in the past few months. Each of them is a product of the coordinated work done by participants in a workshop at the IISL. As usual, these workshop groups were offered the opportunity to submit their workshop papers for publication. These groups selected and carefully prepared their presentations, updated and strengthened, to form a coherent unit that would fit in this prestigious international series of books. The result is four volumes brimming with top quality socio-legal debate on extremely relevant and contemporary issues.

The end of 2018 saw two new publications: "Law and the Precarious Home", and "Criminologies of the Military". "Law and the Precarious Home" is edited by Helen Carr (University of Kent), Brendan Edgeworth (UNSW), and Caroline Hunter (University of York). This book explores the emergent and internationally widespread phenomenon of precariousness, specifically in relation to the home. It maps the complex reality of the insecure home by examining the many ways in which precariousness is manifested in legal and social change across a number of otherwise very different jurisdictions. By applying innovative work done by socio-legal scholars in other fields such as labour law and welfare law to the home, *Law and the Precarious Home* offers a broader theoretical understanding of contemporary 'precarisation' of law and society. It will facilitate reflection upon differential experience of home according to class, race and gender from a range of local, national and cross-national perspectives. Finally it will explore the pluralisation of ideas of home in subjective experience, social reality and legal form. The answers offered in this book reflect the expertise and standing of the assembled authors who are international leaders in their field, with decades of first-hand practical and intellectual engagement with the area.

Criminologies of the Military, edited by Ben Wadham and Andrew Goldsmith (Flinders University), is an innovative collection that offers one of the first analyses of criminologies of the military from an interdisciplinary perspective. While some criminologists have examined the military in relation to the area of war crimes, this collection considers a range of other important but less explored aspects such as private military actors, insurgents, paramilitary groups and the role of military forces in tackling transnational crime. Drawing upon insights from criminology, this book's editors also consider the ways the military institution harbours criminal activity within its ranks and deals with prisoners of war. The contributions, by leading experts in the field, have a broad reach and take a truly global approach to the subject.

In 2019 so far two volumes have been published: *Collective Bargaining and Collective Action*, and *Fundamental Rights and Legal Consequences of Criminal Conviction*. Collective Bargaining and Collective Action came out in early 2019. Edited by Julia López López (Universitat Pompeu Fabra), this book offers a unique contribution that examines major recent changes in conflict, negotiation and regulation within the labour relations systems and related governance institutions of advanced societies. The broad scope of analysis includes social welfare institutions, new forms of protest including judicialisation, transnational structures and collective bargaining itself. As the distinguished group of contributors shows, the accumulation of numerous

crucial changes in the interactions of unions, employers, political parties, courts, protestors, regulators and other key actors makes it imperative to reframe the study of collective bargaining and related forms of governance. The shifting dynamics include the growing relevance of multi-level interactions involving transnational entities, states and regions; the increasing tendency of workers and unions to turn to the courts as part of their overall strategy; new forms of solidarity among workers; and the emergence of new populist and nationalist actors. At the same time, sectors of the workforce which feel under-represented by existing institutions have contributed to new types of protest and 'agency'. Building on classical debates, the book offers new theoretical and practical approaches that insert the study of collective bargaining into analysis of governance, solidarity, conflict and regulation, as they are broadly construed.

Fundamental Rights and Legal Consequences of Criminal Conviction is the newest installment in the Series and has just come out in an edition by Sonja Meijer (Vrije Universiteit Amsterdam), Harry Annison (University of Southampton), and Ailbhe O'Loughlin (University of York). The legal position of convicted offenders is complex, as are the social consequences that can result from a criminal conviction. After they have served their sentences, custodial or not, convicted offenders often continue to be subject to numerous restrictions, in many cases indefinitely, due to their criminal conviction. In short, criminal convictions can have adverse legal consequences that may affect convicted offenders in several aspects of their lives. In turn, these legal consequences can have broader social consequences. Legal consequences are often not formally part of the criminal law, but are regulated by different areas of law, such as administrative law, constitutional law, labour law, civil law, and immigration law. For this reason, they are often hidden from judges as well as from defendants and their legal representatives in the courtroom. The breadth, severity and long duration and often hidden nature of these restrictions raises the question of whether offenders' fundamental rights are sufficiently protected. This book explores the nature and extent of the legal consequences of criminal convictions in Europe, Australia and the USA. It addresses the following questions: What legal consequences can a criminal conviction have? How do these consequences affect convicted offenders? And how can and should these consequences be limited by law?

Each of these books is available in a range of formats (hardback, PDF, Epub ebook) for order on the Bloomsbury-Hart website. Further information is available on the IISL's official website (http://www.iisj.net/en/publications/o%C3%B1ati-international-series-law-and-society), where the introductions, table of contents, and discount flyers can be downloaded.

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BUILDING LAW AND SOCIETY (WITH)IN AFRICA: A SNAPSHOT

African scholars, mostly in the diaspora, represent fewer than 2% of authors ever published in leading socio-legal journals including the Law & Society Review, the Journal of Law and Society, the Canadian Journal of Law and Society and the Onati Socio-Legal Series. No more than 3% of articles written between 1964 and 2017 even touch on Africa as a topic. And many "international" and "global" writing projects have little or no representation from Africa, often despite the best efforts and intentions of the conveners. I confronted this reality head-on as I began to develop a course on Law and Society in Africa at the University of Cape Town in 2013. I was intent that this would be an African Law and Society course, centered on African debates, drawn from African scholarship. It would not be a course on legal pluralism, of which there are many, but rather it would engage more expansively with the relationship between law and society on the continent.

I dived into the leading journals and 3012 articles later was confronted with both the paucity of scholarship on and from Africa and its narrowness. Not only was there very little written, but much of what was written drew on a predictable set of topics: South Africa's 1994 transition and its Truth and Reconciliation Commission, the Rwandan genocide, HIV/AIDS, violence (against women and between ethnic groups) and issues relating to "African" marriage: bridewealth, polygyny, the levirate and so on. I found none of the law-in-everyday-life or everyday-practice-of-law scholarship that grounds our understanding of the relationship between law and society in many countries of the global north. There was an absence of the steady flow, and so accretion, of scholarship and theory-building on legal institutions, professionals, and practices. And in all of these journals there were many years that went by with nothing published from or on Africa at all. Of course there is a nuanced story to be told here - for example, in LSR between 1968-1980 there is a focus on legal pluralism (including work by Falk Moore, Gluckman, Epstein, and Rosen) and law and development (including Friedman, Seidman, Snyder, and Butler). Seidman and Burman, who was South African and a very active member of the RCSL, were also publishing in JLS at around the same time. In part, the subsequent gap is explained by the growth of scholarship in these fields and their outgrowth into new, more subject or area focused journals. If I had started with journals in the fields of legal pluralism, law and development, or, for example, family law, no doubt I would have found greater representivity. I started with the journals I did because they styled themselves as publishing across the breadth of law and society/socio-legal studies, were ones I was familiar with through my own education in the field, and were the ones that colleagues had routinely told me that they perused when looking for collaborators or identifying work to include in various "global" compilations. It was an investigation born out of curiosity that does not claim to tell the whole story

(or even a significant part of it). But it does provide a useful snapshot and perhaps some pause for reflection.

I cobbled together a syllabus for the course as best I could with the help of friends around the continent, but inevitably the result foregrounded South Africa, replicating in that way a whole other set of complicated power relationships in the production of knowledge on and from Africa. The activities that I and the UCT Centre for Law & Society (UCT-CLS) have been part of since then have been explicitly aimed at supporting the development and promoting the visibility of African law and society scholarship. They have built on and drawn lessons from initiatives that preceded them, including a series of Law and Society Summer Schools convened by Jonathan Klaaren at the University of the Witwatersrand, and the support of a group of scholars, including Penny Andrews, Heinz Klug, Mark Massoud, Sindiso Mnisi Weeks, David Wilkens, Dave Trubek, Rick Abel, Kim Scheppele, Susan Sterret and others who have been extraordinarily committed to broadening socio-legal networks and to supporting scholars from the global south.

In 2014 I approached the Law and Society Association, through the LSA 2nd Half Century Project, initiated by Caroll Serron and led by Dave Trubek, to see if there might be an interest to co-host, with UCT-CLS, a conference in Cape Town. This coincided with an initiative from LSA's side to host a series of regional meetings and led, in December 2016, to the first Conference on Law and Society in Africa in Cape Town, South Africa, co-chaired by Heinz Klug and Kelley Moult. The conference brought together 110 scholars from 12 African countries for 3 days. We held fast to the mission that this should be a conference from within Africa, supporting socio-legal scholarship by African scholars working on African problems. We built in plenty of time to discuss the work presented at the conference, as well as those in the audience, making the most of those three days to foster communities of shared interests. In April 2019 we moved the conference to the American University in Cairo, Egypt, where it was co-hosted by UCT-CLS, the South African National Research Foundation SARChI Chair in Security and Justice, and AUC's Law and Society Research Unit. The conference built on the successes of 2016, as well as providing for a rich cultural interchange and an interesting view into socio-legal scholarship in North Africa and the Middle East. In 2021 we will do it again. This is not a commitment lightly made: we fund-raised and paid for flights and accommodation for all African participants based on the continent to attend both conferences and remain committed to ensuring that cost is not a barrier to access at future conferences either. All participants submitted full papers prior to both conferences which added to the superb quality of engagement and will form the basis of future intra-African collaborative writing and research projects.

Besides these large events, in 2017 and 2019 we hosted two Socio-Legal Studies Early Career workshops, convened by Mark Massoud, Kelley Moult, Susan Sterett and myself. These workshops provide one on one mentoring, feedback, and writing support for African junior faculty and advanced PhD students. Our focus has been on excellent papers in progress that can be supported towards publication, and on building relationships between participants that will endure throughout their careers. This requires more than a once-off intervention and, for this reason, we were pleased, in 2019, to be able to include young scholars who had also been participants in the British Academy-funded writing workshops organized by Ambreena Manji from the Global Justice Centre at Cardiff Law School, in Ghana and Kenya during 2018 (to be reprised in 2019). These interventions come from an understanding that to address the under-representation (in general, some exceptions notwithstanding) of African (and no doubt other global south scholars) in leading journals in our field we also have to work locally to increase and improve the supply of good scholarship from the region landing on the desks of the editors. In this regard, LSR has really led the way, thanks to the efforts of editors Jeannine Bell, Susan Sterett and Margot Young, and has published almost as many articles written by African scholars on Africa over the past few years, as it had in its entire history!

In the two weeks preceding this year's UCT Early Career Workshop my Law and Society in Africa masters course was taught in a two week block, with an incredible array of African socio-legal scholars in residence at UCT for that time. We wrapped up the two weeks with a critical workshop on Teaching Law and Society in Africa. That process set in motion a collective commitment to building an accessible repository of African teaching and source materials, both in the form of a Critical Reader on Law and Society in/from Africa and an online database. This has been greatly facilitated by Rick Abel's generous donation of his library on African law and society. The course will be taught again in March 2020 and we would welcome expressions of interest to teach and participate from those within the RCSL community. The Law and Society Research Unit at American University in Cairo, led by Amr Shalakany, will also – funds permitting – reprise its annual law and society summer school in July 2019.

Building networks is tricky and ensuring their sustainability even trickier. It is not easy for scholars in Africa to connect with each other: our closed skies make for ridiculously expensive flights and borders are difficult to cross (so much so that it is easier and cheaper to organize a conference in Africa for Europeans or North Americans than for Africans!). Data costs are high and connectivity low; in some countries, apps aimed at facilitating easy communication, such as Skype, are banned. Library holdings are often out of date and the best journals are often rendered inaccessible by expensive paywalls. Very high teaching loads and low salaries necessitating second jobs and consultancy work in some cases, cuts into time for research and writing. These kinds of constraints make it hard for African socio-legal scholars to establish an international profile and to connect with scholars in the global north seeking to bring Africa-based scholars into their

projects. The resultant professional exclusions are not easily resolved, but when I look at the outstanding young (especially) scholars spread across African universities right now and the thoughtfulness and enthusiasm with which a range of socio-legal activities and partnerships, including but not only those I have described here, are being implemented, I am very optimistic about the longevity of the scholarly relationships being built and the potential growth in breadth and depth of African socio-legal scholarship. We are seeing more representation of African scholars in important collections like the forthcoming Lawyers in the Twenty-first Century (Abel, Hammerslev, Schultz and Sommerlad eds). And we are seeing organisations like the RCSL and LSA playing a role in supporting these kinds of initiatives through serious – and considered – commitment to inclusion and collaboration with scholars from the global south, including Africa.

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NOTES

(1) Between 2011 and 2017 the Onati Socio-Legal Series published 11 articles relating to countries in Africa or the continent more broadly (of the total 395 articles). Of those 11 articles, 6 were written by academics from Africa (all South African) and one issue was edited by a South African (vol 5, no 6). From 1986-2017, the Canadian Journal of Law and Society published 9 articles (of the total 437 articles) pertaining to countries in Africa or the continent more broadly. From 1974-2017, the Journal of Law and Society published 25 articles pertaining to countries in Africa or the continent more broadly (of a total 921 articles). Of those 25 articles, 4 were written by academics from Africa (all South African). With the exception of two articles published in 1978, there were no articles on Africa in JLS between 1976 and 1991. Between 1966 and 2017, the Law and Society Review had published 40 articles (of the total 1259 articles) on countries in Africa or the continent more broadly. Of those 40 articles, 7 were written by academics from Africa (1 Congolese, 4 South African, 1 Kenyan, 1 Tanzanian). Between 1980-1987 and 1995-2000 there were no articles in LSR.

INNOVATION IN JUSTICE: FROM PRACTICE TO THEORY AND BACK AGAIN

The Distance Learning Legal and Judicial Training Unit_(e-UNIFOJ) of the Permanent Observatory for Portuguese Justice (OPJ) – established in 1996 at the Centre for Social Studies (CES) of the University of Coimbra – organized an e-learning course entitled "Innovation in justice: from practice to theory and back again" which ran from May 13 to July 8. This initiative, which I coordinate with Daniela Piana (University of Bologna), was developed within the framework of two research projects: “The paradox of judicial innovation in South European Countries”, funded by the Portuguese Foundation for Science and Technology (FCT), and " The Quality of Justice in Portugal! The Impact of working conditions on the performance of judges and public prosecutors", financed by the European Regional Development Fund, through the Operational Programme for Competitiveness and Internationalisation (COMPETE 2020) and by Portuguese funds, through the FCT. The course is also directly connected with the new international Doctoral programme in Sociology of law and justice, which will be organized by CES and the Faculty of Economics of the University of Coimbra, currently undergoing the approval process.

The idea behind this course is that innovation is one of the most important and at the same time most ambiguous concepts of our times, one of the most difficult to define and to measure. In recent years, it has become a collective aspiration, since it represents the "pole star" that guides governments, international institutions, private companies, the third sector, the scientific community and civil society. The rhetoric that accompanies innovation has ended up transforming it into a sort of religion. In recent years, the affirmation of the "innovation imperative" has given a political connotation to the concept of innovation in the public sector: innovation policies are no longer an exception and have become the rule, ending up being the main method used to manage public systems. This is particularly evident in the judicial sector, both in the global North and South.

Until recently, the concept of "judicial innovation" was used mainly in the common law systems, but also in the civil law ones, to refer exclusively to jurisprudential creativity, i.e. to the activism of judges and courts in the judicial law-making process. The birth and affirmation of this branch of studies on the administration of justice has gradually revealed a new meaning for the term judicial innovation: the introduction of new ideas or behaviour both in judicial systems as a whole and in the courts, at central and local levels. This e-learning course focuses on the most recently accepted meaning of judicial innovation, i.e. on those innovations that affect the daily activities of legal professionals, the organization of judicial offices and the governance of judicial systems.

Unlike other initiatives on this topic, this course proposes a change of perspective: it does not use abstract theories to analyse judicial innovations. Instead, it moves back and forth from practice to theory. The starting point is the innovations that have been implemented in many judicial offices all over the world.

Bearing this in mind, this course provides participants with conceptual and methodological tools, on the one hand, to interpret the paths of innovation in the judicial field and, on the other, to critically reflect on their possible effects, in terms of access to justice, capacity to meet the demands for justice coming from society, predictability of judicial decisions, transparency, quality of the judicial service, judicial independence and accountability. All this will allow participants to close, metaphorically, the circle, that is – this time – to move from theory to practice.

The course is held in English and is intended for an international audience, both from the global North and South. In this sense, the participants of this first edition are scholars and legal professionals (especially judges) from Brazil, Chile, Denmark, Netherland, Portugal and Slovakia.
The programme is organized in four interconnected modules, which, in turn, are divided into 3 sub-themes:

1) Intimations of innovation in justice:
(1.1) Institutional, organizational and governance innovations;
(1.2) Innovations in case and court management techniques;
(1.3) Innovations in the forms and instruments of external communication and social responsibility reporting.

2) Towards justice 5.0:
(2.1) When digital technologies meet justice needs;
(2.2) Artificial intelligence and algorithms;
(2.3) Virtual doors: equal access for all?

3) From practice to theory and back again:
(3.1) Forms and expressions of judicial innovation;
(3.2) Diffusion of innovations and change management;
(3.3) Virtuous and vicious effects of continuous judicial innovation.

4) Promoting the quality of justice:
(4.1) Innovation and the quality of justice;
(4.2) How to innovate the policy design;
(4.3) How to develop innovation policies.

This programme proposes an active, dynamic and practice-oriented training, according to the participants' interests – considered as the "protagonists" and not as simple "spectators" of this course. For this reason, the main objective of this initiative is to promote an exchange of national and international experiences among the participants, i.e. to encourage the emergence of a virtual "community of practice" and to stimulate a critical debate on innovation in justice that goes beyond the professional and disciplinary boundaries.

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LAWYERS AS LEGAL GUARDIANS OF THE COLONIALITY OF POWER – AN OUTLINE

The Peruvian justice system is still heavily influenced by Peru's colonial past. This influence shapes the practices of its lead actors (e.g. policemen, lawyers, prosecutors, and judges). A decolonial analytical approach is needed to analyze the coloniality of power within the justice system. This approach motivated me to develop "brown-skinned" research, answering to Boaventura de Sousa Santos' call to develop epistemologies of the South as well the call of the Gulbenkian Commission to open up social sciences (Wallerstein 2006). In what follows, I will present a general analysis of the coloniality of power found among Peruvian lawyers and law Schools and explain the influence that it has over judicial actors. I argue that we, the lawyers in the Global South, specifically in Peru, are legal guardians of the coloniality of power and law schools are centers of reproduction of the logic of modernity/coloniality.
This decolonial approach constitutes research into the continuities between the colonial and the current situation to denounce the reproduction of the coloniality of power as Anibal Quijano explained. For analyzing the coloniality of power in lawyers I will explore four dimensions: 1) eurocentrism/racisms, 2) machismo, 3) capitalism, and 4) kuman supremacy over nature.
After the conquest of America, the idea of a lawyer as a male expert in canonic and Roman law, trained in universities and member of a powerful elite linked to the European state and supported by the logic of modernity/coloniality, was unknown in the Global South. This idea arrived in America with the colonial ships, and rapidly, the lawyers created legal theories for legalizing and legitimizing colonial domination. The practice of law was highly complex and the use of law experimented with several changes during the long colonial period, but it can be said roughly that the colonial jurists were linked to the colonizing power. However, there also existed counter-hegemonic figures such as the lawyer Francisco de Falcón or the priest and jurist Bartolomé de las Casas. They used philosophical, legal, political strategies from the colonial western matrix for defending Indians.
During the republican period in Peru (since around 1821), the legal profession experienced significant changes, mainly that the jurists had to share power with other professionals (for example, economists or engineers). However, while they lost their share of power within the higher state levels, they also expanded their influence throughout the rest of the state institutions. In consequence, lawyers stopped being only a white elite, they were also brown and black. At the same time, the sex of the jurist changed. Not only men but also women became lawyers. Despite these changes, the role of lawyers remains to be colonial/modern and is manifested in the four mentioned dimensions, namely eurocentrism/racism, machismo, capitalism and human supremacy over nature I will explore.

Eurocentrism/racism

Peruvian legal history is marked by great admiration for the legal norms and practices of the Global North. In this eurocentric and racist logic, the legitimacy for producing legal knowledge remains in the societies of the Global North, while the societies of the Global South lack this power. The influence of the law created in the Global North on the South would not be a big problem if the production of those law responds to the local reality on the South. However, as Guevara argues, usually, the official response of the state is to deny the local complexity (2001, p. 11-12).

Therefore, instead of being inspired by the epistemologies of Quechua, Aymara or other indigenous peoples, the first constitutions show a strong influence from the constitutions of Cadiz and the USA (Ramos Nuñez 2018, p. 11-12 and Gargarella and Courtis 2009, p. 20). Ramos Nuñez suggests that during the first years of the republic, the Peruvian political and cultural elite assumed that the adoption of modern legislation from Europe (for instance, the napoleonic Civil Code) would facilitate the achievement of development and prosperity (2005, p. 33). Such a eurocentric framework was reflected in constitutional, civil, criminal law, and in other fields. In his book "La ley importada" (The imported law), Hurtado Pozo suggests that the Peruvian criminal codes were influenced by French liberal philosophy, the criminal code of Spain, Switzerland, Italy, Argentina, Netherlands, Uruguay and Sweden (1979, p. 13-24). And of course, lawyers were protagonists for considering the Peruvian legal plurality under the "Romano-Germanic" law system.

Conversely, brown-skinned people were silenced by the law. The lawyers that authored the penal code of 1924 created a typology for indigenous people in that way: wild people, semi-civilized, or degraded by their alcoholism and servitude. Afterwards the criminal law of 1991 removed such typology, but the racism persisted (Meini 2016, p. 54-55). Both in the penal code and in the constitution, as much as in other norms the law is not an intercultural product. Marzal analyzed the constitution of 1979 and argued that the proposal of the constituent power was the integration of indigenous people into the national society (1981, p. 109). This is a general problem for the law of brown-skinned people, but not only for the indigenous people. Legal scholars might not be interested either in understanding the urban and mestizo legal plurality (Galvez 2016, p. 93).

Machismo

Law is produced by straight male lawyers. For example, the two commissions of experts appointed to reform the civil and the criminal code three years ago were composed by 16 experts, and only one of them was a woman, while there was no representation of the LGBTQ community. Rocío Villanueva argues that the legal system has no respect for the autonomy of women. Therefore, the former Peruvian criminal code reinforced gender roles and models of virtue (1997, p. 488-491). More recently law scholars have demonstrated that the new criminal procedure code is ineffective for protecting women from domestic violence (Salazar 2012, p. 173-177), and also proved that in terms of the application of civil law for solving alimony claims the judges created narratives of rich or poor women based on gender prejudice (Hernández 2015 p. 32-38).

Capitalism

To show the relations between capitalism and law, I will draw on two recent examples. The first one: In the early nineties, Peru applied the Washington Consensus. Lawyer's theories and practices were necessary for the legitimization and implementation of the neo-liberalization program, primarily because of their focus on guaranteeing open markets, protecting properties rights and contracts. Correspondingly, legal theories were less relevant in terms of reducing social inequalities and combating social exclusion (Gonzáles 2015, p. 76). The second one is how the law "turns violent" for dealing against anti-capitalist practices in socio-environmental conflicts. Saldaña and Portocarrero argue that the violence of law is conveyed in the diminution of legal obstacles to permitting the intervention of military forces in different cases, in which the response usually relied exclusively on police forces. Such reform is facilitating the reaction of military forces in situations of protest and social unrest, particularly against extractive projects. Moreover, the violence of law is also expressed in aspects such as the celebration of security contracts signed between the police and mining companies, or the inclusion of legal presumptions aiming to ensure impunity for questioned armed officials (Saldaña and Portocarrero 2017, 320-340).

Human supremacy over nature

Law is an instrument for the idea, coming from the Christian and modern framework, that the human is the first being and has a mission to dominate and control the rest of nature throughout the Earth. According to this logic, only the human and groups of persons (for example, corporations, states, married or not married couple) are entitled to have rights. Animals, as well as plants or other beings, are not allowed to have legal personality. Even though it is a topic of debate in other countries in the region, this is a hegemonic framework in Peru. In contrast, Bolivia, and Ecuador changed their constitutions to incorporate nature as a subject of rights. In Peru, environmental law protects the environment but refrains from developing a critical way to understand nature.

Regarding legal education, I argue that law schools are centers of reproductions of the logic of modernity/coloniality. Inside and outside the classroom, students are trained in legal theory as much as in practices of the coloniality of power. During the colonial period, law schools were centers for the white elite, but during the Republic, law schools opened their doors for people from diverse social extraction and women, and more people earned the title of lawyer.

Using the case of constitutional law, Garay suggests that legal education in Peru is problematic because it is eurocentric, racist, classist, and sexist (2016, p. 85). For this research in addition to my experience as both student and lecturer in Peruvian universities, I consulted the syllabus of law programs of two law schools looking for expressions of the coloniality of power (eurocentrism/racism, machismo, capitalism and human supremacy over nature): an old public university in the Andean region and a young company-oriented university in Lima. The public university uses the eurocentric division between civil and criminal law and furthermore introduces constitutional law and theory of state courses. Roman law is included. The private university has a neoliberal tendency, the pro-private sector under the motto: Be a defender of justice with management vision. By

comparison, they give courses for understanding and promoting the capitalist system, while the classes that bring more critical theory to understand the Peruvian social context are in the minority.

At this point, I observed the potency of the decolonial framework to describe some features of the legal profession, but I feel this approach passes over several critical areas for developing a more profound research agenda around the role of lawyers and legal education, such as corruption, the role of written law in legal education or criminal networks.

In conclusion, I consider that a decolonial approach is critical to identify how the coloniality of power is present within the lawyers' performance and to denounce its practice of domination. In a world system economy, the role of Peruvian lawyers and law schools is to be part of this system as legal guardians of the coloniality of power and center of reproduction of modernity/coloniality.

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OBITUARIES

IN MEMORY OF PHILIP S.C. LEWIS

Philip Lewis, Emeritus Fellow of All Souls College, Oxford, 1965-1988, who died on the 25th of August 2019, was appreciated by socio-legal scholars from many countries of the world not only for his academic contribution but also for his wisdom and his kindness. He will be much missed.

Lawrence Friedman, Stanford University: Philip Lewis came as close as anyone can to the ideal of a legal scholar. He was wise, deeply learned, tolerant, open to new ideas, and always kind and generous to others. His work, as is well known, was particularly important for the social understanding of the legal profession. In a way, both his life and his work testified to the global sweep of the law and society movement. He was at home on both sides of the Atlantic. His friends in California will remember, among other things, his careful research on the legal profession in Silicon Valley. His work with Richard Abel pioneered the comparative study of those strange creatures, the lawyers, and explored their role in many societies and many settings. His death is a

grave loss to his wife Linda, to the family, and to all of us who knew him; and of course to the law and society movement as well. His friends will always remember him. And his work, too, will act to preserve his memory, a monument more meaningful than stone.

Richard Abel, UCLA Los Angeles: Philip Lewis was the founder of the Research Committee's Working Group for Comparative Study of Legal Professions. I had the pleasure of collaborating with him on organizing and editing the three volumes of "Lawyers in Society" (1988/89), to which he contributed our joint prefaces to all three volumes, his "Introduction" to Volume One: The Common Law World, his chapter on "Comparison and Change in the Study of Legal Professions" and our joint chapter on "Putting Law Back into the Sociology of Lawyers" to Volume Three: Comparative Theories, and a Preface to the 1995 paperback update "Lawyers in Society: An Overview." But Philip's contribution was much greater than his superb scholarship. He conceived of the project and constantly encouraged and guided the participants, bringing his broad knowledge and deep understanding of both law and the social sciences to the project. His impact on the field—and on all of us—will long be remembered.

Mavis Maclean, Oxford: Perhaps I may add a few words about Philip's contribution to legal policy thinking in the UK at a time when the Lord Chancellor's Department's public statements were strongly critical of the legal profession especially with respect to the rising legal aid budget. Philip was asked by the newly formed Research Secretariat to compare assumptions in these statements about the work of lawyers with the empirical data. His report entitled "Assumptions about Lawyers in Policy Statements: A Survey of Relevant Research" was published in the LCD Research Series No 1/10 , 2000. He dealt with assumptions considered to be factual, to which research might be relevant, not assumptions about values which need to be settled by argument. He suggested on page ix that "if it is assumed that lawyers' financial success is inconsistent with a desire to achieve justice, attention should be paid to lessons that might be drawn from successful private sector companies in which high quality is combined with financial success, and neither would be possible without the other".

Lawrence Friedman, Richard Abel and Mavis Maclean

W. WESLEY PUE (1954-2019): A PERSONAL APPRECIATION

Many members of the International Working Group for Comparative Studies of Legal Professions (IWGCSLP) will have known Wes Pue, a law professor at the University of British Columbia, who died on 3 April 2019 after a long illness. A leading light of Canadian legal history, Wes was best known for his writings on the legal profession and legal education. Though nominally a cultural historian, his work was informed by wide-ranging theoretical, multi-disciplinary and comparative perspectives embracing England, Canada, France, Nigeria and the USA. His richly detailed, ground-breaking research unravelled the ways in which lawyers and legal education shape culture, cultural authority, identity, politics and the British empire in England and its Empire from the late eighteenth to the early twentieth century. He challenged many common myths surrounding the growth of the modern profession and of law schools, and the relationship between the profession and law teachers. He invited us to re-examine and reinterpret the histories and cultures of the legal profession and legal education seeing a better understanding of the history and culture of the legal profession and legal education as vital for lawyers and scholars alike. His scholarship identifies important questions to be addressed, and suggests approaches and explanations that are more accurate, nuanced and insightful than the conventional story lines and grand narratives. He highlights the benefits of comparing professional formation in other countries, in the former British dominions and colonies, and in the periphery as well as the metropolis. His work explicates the distinctiveness of local and national experience, champions the importance of the "periphery" (such as in Birmingham over London, or Winnipeg over Toronto), and powerfully illuminates the ways in which "peripheries" constitute the "centre" and vice-versa, and also how their experience might be quite different.

Wes was a prolific and wide-ranging scholar. Virtually all his work was "law and society" in orientation, save for an early deliberately doctrinal study of *Natural Justice in Canada* (1981) – the first of its kind. He wrote on civil liberties, policing and the rule of law even before 9/11 and the "war on terrorism". Notable in this field was his edited collection, *Pepper in Our Eyes: the APEC Affair* (2000), which took as its starting point the unCanadian use of noxious chemicals (pepper-spray) by the police to attack peaceful protesters at the University of British Columbia (UBC) campus in 1997, where a Asian-Pacific Economic Cooperation (APEC) summit was being held, and the allegations of serious constitutional violations that arose. Wes brought together leading Canadian scholars in several disciplines, while contributing original scholarship himself, to address questions about constitutional principle, the role of the police in a democratic society, public accountability and the effects of globalization on rights and politics. The book received generally positive responses although Wes went out to bat for it on numerous occasions, including when a lawyer working for some Royal Canadian Mounted Police (RCMP) officers apparently considered it too dangerous for the Commissioner of the RCMP Public Complaints Commission to read.


Wesley Pue (photo by David Sugarman)

Wes devoted much of his professional life to institution-building and creating the conditions in which scholarship can flourish. He sought to broaden, deepen and de-parochialize legal scholarship and education, and to bring people together across local, national, international and disciplinary boundaries. The IWGCSLP was one of the beneficiaries. Wes and I established a "Cultural Histories of the Legal Professions" sub-group in 1986, which Rob McQueen subsequently co-organised; and with Sara Dezalay and Swethaa Ballakrishnen, Wes created a "Lawyers and Imperialism" sub-group in 2014. Wes is fondly remembered for his boundless curiosity, his energy, the encouragement he gave to others, and a lovely sense of humour. He was a stimulating, thought-provoking interlocutor and lecturer, and an inspirational mentor nurturing young scholars.

Among his many other institutional accomplishments, Wes established and edited the UBC Press "Law & Society" book series, publishing more than 90 titles during his tenure, played a leading role in the Canadian Law and Society Association (serving as President for two terms), and also held several different roles in the American Society for Legal History (ASLH). A gifted administrator, he assumed a raft of major managerial roles throughout his professional career. At UBC, he served as Director for the Graduate Programme in Law, Associate Dean for Graduate Studies and Research, acting Director of the Individual Interdisciplinary Studies Graduate Program, Vice-Provost for Academic Resources (Vancouver Campus), and Provost (Okanagan Campus). He was also a hugely popular, award-winning teacher and supervisor mentoring several generations of legal history students from around the world.

Wes's historical work was initially inspired by the "new legal history" of England that had been gaining ground since the mid-1970's, which treated law and legal institutions as social, economic and political as well as legal phenomena; by Hobsbawm's studies of *Primitive Rebels* and "social bandits", which were usually dismissed as archaic and too beyond the pale to merit attention; and by the new social history of crime on poachers, smugglers and allied "outsiders". A scholarly metamorphosis can be discerned in his writing from about the mid-1990's. He moved from a largely social history perspective to becoming a cultural historian of the social roles lawyers imagined for themselves in England and its Empire, the ways the profession's leaders and rebels struggled to refine or adapt professional structures and practices, and the recurrent disagreements over legal education and how lawyers best assured their economic well-being while advancing liberty, cultural authority, stability and continuity. In important respects, this metamorphosis paralleled that of many of his peers in that it was framed by the new thinking in the humanities and social sciences – the turns to the "social", "culture", "critical", "politics", "post-modern", "colonial, post-colonial, empire", and so on. Its originality resulted partly from his deployment of a variety of disciplines and approaches to pursue his agenda. His later work increasingly integrated social, intellectual, political and cultural history, comparative perspectives, anthropology, geography, social theory, post-modernism and colonial and post-colonial studies (amongst others) with painstaking research on what lawyers and jurists said and wrote, culled from oft-neglected sources such as after dinner speeches and the histories of local law societies.

Wes' work is enormously challenging. It questions or qualifies the principal storylines in the historical treatment of lawyers and law schools in the English-speaking world, including: the exclusively institutional, linear, "internalist" legal histories; the reduction of professional evolution (and to some extent, legal education) to market control by a self-serving profession; "great men" histories that portray enlightened liberal scholars triumphing over the narrow concerns of the profession; and histories that reduced the profession to altruistic and self-sacrificing creators, defenders and extenders of political liberalism. Wes's later work demonstrates why these storylines are problematic. In his reflections on "lawyers in a fragmented world" (1998), and on "globalisation and legal education" (2001), and especially, *Lawyers' Empire* (2016), his final book, he identifies how those narratives might be augmented, recast, and, in some cases, repudiated. *Lawyers' Empire* was the winner of the Book Prize of the Canadian Law and Society Association for 2017 and the subject of a special issue of the *International Journal of the Legal Profession* (2017, Vol. 24, No. 1, March).

Geography and inter-disciplinarity loom large in Wes' scholarly development. Born and raised in early-mid 1950's Alberta, Wes was a child of a western prairie province and spent most of his life living and working in metropolitan areas that were regarded as peripheral, as distinct from central. Perhaps, this coupled with his Irish family background, helps to account for his preoccupation with periphery v centre relations, outsiders-insiders, their distinctive identities and histories and a sympathy towards "outsiders".

He graduated in Geography (1977) and Law (1979) at the University of Oxford, an institution that had long outgrown the world of *Brideshead Revisited*, but not

the dominance of public school (that is, private school) elitism. England was markedly less deferential and, at least in some of its metropolitan areas, "kinda hip and trendy". In these pre-Thatcher days, Labour Governments had introduced important social reforms and opened up university education to a larger proportion of the population. Legal education and scholarship (including legal history) were also changing. Addressing the social and political character of law, and treating law in its social context, had been gaining fresh impetus in the face of a dominant legal doctrinal tradition – although how much of this impacted on the Oxford Law School during Wes' studies is a matter of conjecture. Wes retained a deep and lasting (though not uncritical) affection for Britain and his many friends and associates on Blighty. Towards the end of his life he remained eager to discuss Brexit and Jeremy Corbyn, although he found the fact that Theresa May (then Britain's Prime Minister) had been a fellow Geography student with him at Oxford to be hugely embarrassing.

Wes had especially enjoyed his study of geography, and it would remain an abiding interest, a site of inter-disciplinary collaboration and a source of inspiration. His pursuit of law was initially fired by his brief tenure as a lecturer at York University, Toronto (1982-3), and his contacts with the faculty of Osgoode Hall Law School, including Douglas Hay, Harry Arthurs and Harry Glasbeek. It was during his tenure in Ottawa at Carleton University (1984-1993), in the only Canadian 'Department of Law' that is not a 'law school,' that his inter-disciplinary and radical bents crystalized and took shape, and where he and Barry Wright organised the first major national conference on Canadian Legal History in 1986.

When he moved to legal history posts in Winnipeg, and subsequently, Vancouver, from about the early 1990's onwards, his research began to adopt a comparative perspective, focussing on professional innovation in the "frontier towns" of mid-nineteenth century Birmingham (England) and early twentieth century Winnipeg, and the few "stormy petrels" who inhabited and "rocked" the profession. By then, his cultural and comparative turns, and his burgeoning interest in lawyers and colonialism, were aided and abetted by his participation in international conferences, meetings and networks, the IWGCSLP being one of the first and most important such arenas. IWGCSLP played a significant role in the blossoming of Wes's scholarship, affording him valuable feedback on his work, intellectual stimulation, a good steer on where the field might be heading, the opportunity to meet with and reflect on the work of many of the fields luminaries and the friendships and networks he established with individuals from across the world. His engagement with Terry Halliday and Lucien Karpik, and his subsequent involvement in their edited volume, *Lawyers and the Rise of Western Political Liberalism: Europe and North America from the Eighteenth to Twentieth Centuries* (1997), was first initiated at the IWGCSLP, as was the collection he and I edited, *Lawyers and Vampires: Cultural Histories of Legal Professions* (2003), which analysed significant aspects of the cultural histories of the legal professions in England, Canada, Australia, France, Germany, Italy, Sweden, Switzerland, Norway and Finland.

Wes frequently tested out his latest work at Group meetings and was a regular participant in the bi-annual meetings from 1986 to 2014. Ill-health prevented his attending more recent meetings, although an apparent improvement in his health during late 2018 and early 2019 led him to hope that he would be able to participate in the 2019 meeting. Sadly, this was not to be.

He was also actively involved in panels arranged as part of the annual conferences of the [USA]LSA, the ASLH, the Australia and New Zealand Law and History Association, the Australia-New Zealand Studies Association of North America, and international workshops at IALS (London), JNU (Delhi), IISL (Onati) and the CLSA. With colleagues in Australia and Canada he initiated the first internationally developed and taught World Wide Web-based law course, "Legal History: Law, State and Society in Canada and Australia" (1997 and 1999). Comparing the experience and cultures of two British "settler" colonies highlighted the complexity and diversity of formal and informal law within the United Kingdom and British Empire (legal pluralism), and, following post-colonial scholars, the refraction and attenuation of UK norms at a local and colonial level and the processes by which law became concerned with reconstituting the subjectivities of its subjects so as to render them capable of (liberal) self-governance – these were all issues that Wes would seek to address in his subsequent work.

Australia proved especially important. Wes visited on several occasions to participate in conferences and for extended periods of study leave. Wilfrid Prest (Adelaide, History and Law) was an important mentor and interlocutor, while his friendship with Ian Duncanson and Rob McQueen (amongst others), and his links with the Institute of Postcolonial Studies (Melbourne), served to deepen his interest in lawyers and colonialism, and resulted in several co-edited collections on law, culture, colonialism and post-colonialism.

Wes was fortunate in that his working life was spent at institutions that encouraged the bridging of disciplinary divisions and provided a supportive home for his teaching and writing. His was a questioning, critical outlook, sceptical of the professions claims about itself. He was also a people person. He clashed intellectually with those on the opposite side of the fence but was on friendly terms with almost everyone.

Wes will be much missed, but at least he lives on through his writings. I am sure that members of the IGCSLP will wish to extend their deepest sympathy to Wes' wife, Joanne, and his daughters, Heather and Colleen.

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ANTÓNIO MANUEL HESPANHA – A SHORT TRIBUTE

When we organized the 2018 RCSL Conference in Lisbon, we wanted to open with a session which would gather together scholars who have played a crucial role in the development of our domain in Portugal. It was obvious for everyone involved that António Manuel Hespanha was one of them. Much to my concern, he hesitated to accept our invitation, being already committed to a Brazilian event to take place a few days before that session. Eventually he was able to come. I was deeply happy to learn this, first because a unique encounter between him and the international socio-legal community could take place, but also because I interpreted his coming – wrongly – as a sign that the health problems we knew he was struggling with were under control. They were not: he died on July 1st, 2019 of cancer. A shock for the many colleagues who were researching law in Portugal and elsewhere in close connection with him. They – we all – will continue to experience this connection when reading the writings in which he succeeded – through data, historical evidence, critical reading of other authors, and imaginative interpreting work – in making many of us share his conviction: law is far more than a product of the states, and the indispensable knowledge about it has to emancipate itself from state controlled institutionalized scholarship. This conviction inspired not only his research, but also his inputs in university policies, where he promoted pluralism and interdisciplinarity, and in politics, where he engaged actively in enlightened public debate as a means to empower those who do not belong to the state elite. And this intellectual conviction deserves to be related to his way of making you feel that to be his colleague meant to be his friend**.**

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ANNOUNCEMENTS

IV ISA FORUM OF SOCIOLOGY

The IV ISA Forum of Sociology “Challenges of the 21st Century: Democracy, Environment, Inequalities, Intersectionality”, will take place on 14 to 18 July at Porto Alegre, Brazil. If you are interested in presenting a paper, please submit an abstract on-line to the ISA’s website https://www.isa-sociology.org/en/conferences/forum/porto-alegre-2020 before September 30, 2019 24:00 GMT.
Lucero Ibarra, Lucas Konzen and Dani Rudnicki are coordinating the programme at the Forum for the RC12 Sociology of Law.

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LAW AND SOCIETY ASSOCIATION ANNUAL MEETING

The submission period for the Law and Society Association’s Call for Submissions opens on September 5, and the deadline is November 6, 2019, at 11:59 p.m. ET (USA). The Program Committee welcomes any scholar studying sociolegal activities to submit a paper proposal. We recommend scholars interested in proposing a session with a creative format to consult with the Program Committee and the LSA Executive Office (melissak@umass.edu) in advance of submitting their proposal.
The meeting will take place in Denver, Colorado (USA) at the Hyatt Regency Denver Convention Center on May 28-31, 2020. You can find more information of the event in its website: https://www.lsadenver2020.org/

DONATIONS TO RCSL

RCSL would like to thank Francisco Vértiz for his donation.

RCSL MEMBERSHIP AND FEES RENEWAL

RCSL´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).

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