

**ISA First World Forum of Sociology - Barcelona, September 5-8,
2008**

Research Committee on Sociology of Law
CALL-FOR-PAPERS
&
WG Sessions and Joint RC's Sessions
Theme
"RE-THINKING LEGAL JUSTICE"

The general theme of the ISA First World Forum of Sociology that will be held in Barcelona from 5th to 8th September 2008 is "Sociological Research and Public Debate".

The Forum aims to promote intra-, inter- and trans- disciplinary communication and dialogue among ISA Research Committees and their members. Accordingly, RCs were requested to sort out a main theme whose topic could fit into the Forum general theme, that is, (1) deal with a relevant issue in public debate, to which (2) the concerned RC disciplinary speciality contributed in some ways.

Given the above, RCSL Board sorted out as RCSL main theme:

"RE-THINKING LEGAL JUSTICE"

There are substantial reasons to focus on this theme - to refine current socio-legal approaches, or to reframe them in a multi-disciplinary perspective. Before doing so, however, a brief comment about the notion of "legal justice" seems opportune.

The term "legal justice" is basic unknown in English legal texts. Indeed, the term sounds strange or even incorrect. Of course, law is concerned with justice; that a function of law is to do justice is axiomatic. Since the rise of the nation-state, moreover, the state has been taken as the only official and legitimate source of law. We routinely use terms such as "Ministry of Justice", "Administration of Justice", and, in the English speaking world, judges are labelled "Justices" by definition.

Nonetheless, in popular culture and elsewhere, justice is more than simply the official body of law which the state promulgates or enforces. "Justice" is a normative term, too - as such expressions as "divine justice" suggest.

Moreover, the sociology of law has demonstrated time and again that "law" and "justice" in any meaningful sense cannot simply be

equated with official state law. There are, in fact, a variety of radically different modes of law production and enforcement. State law cannot be conceived any more as the only source of law and/or the sole form of justice administration; “legal pluralism” is the norm, not the exception; and folk and community concepts of justice are sometimes at variance with law, sometimes a source of law. What these concepts are, and how they relate to state law, and to concepts of legitimacy and fairness, are important empirical questions. The effectiveness of law, to a large degree, depends on public acceptance; and this in turn depends on legitimacy and popular concepts of justice. These are issues which the sociology of law confronts on a regular basis.

Sociology of law has challenged the traditional theory and practice of State law as a “collective good,” as a generalized medium of social regulation, which is assumed to be universal and effective. There are competing notions, both within the law, and outside of it. Thus there are important reasons to rethink the whole notion of legal justice.

Interestingly, in the last decades, socio-legal scholars devoted a large amount of their scientific investigations on a variety of topics that in a way or another were and are suggesting a move in this direction. In fact, one now finds an amazing number of studies and research about variables such as e.g. the changing patterns of the due-process-of-law as a “fair justice”; of the rule-of-law as a type of “democratic justice system” ; of welfare State provisions as an expression of “social justice through law”; etc. Conversely, one can mention an equally extensive socio-legal literature dealing with the quest for “alternative justice” vis-a-vis State law; for a “post-egalitarian justice” as regards current social differentiation; for “procedural justice” to improve political governance, and so on.

Even within socio-legal literature specifically devoted to recurrent issues within the “Administration of Justice” of the State - such as number, length and costs of disputes, judges’ recruitment, lawyers’ expertise, organizational reforms, etc. – concepts are shifting, and we see an increasing fragmentation of State apparatuses (e.g. “special” vs “ordinary” justice), and exterior multiplication of non politically legitimated authorities provided with judicial powers on the same matters traditionally ascribed to State courts (such as, e.g. family, labour, fiscal, etc. types of “justice”).

What it is at stake is nothing less than the fact the epistemic foundations of official law, as a social order with general support and consent, are becoming more and more problematic even at symbolic level.

Increased interest in the way in which “legal justice” operates has been stimulated by a number of, often disquieting and even shocking, social events, individual stories, institutional crisis, etc., each and all emphasised, as a rule, by the mass media. As these experiences cannot be reasonably undervalued also, due to the great, deep-rooted and long lasting emotional and cognitive impact, as well as political and institutional direct and collateral effects, it is clear that a much more refined theoretical and methodological approach is now needed to provide society at large with a better understanding of the legal, social, and constitutional problems involved.

Individual Papers, WG Sessions and Joint RC’s Sessions proposals concerned with the theme should be sent to Vittorio Olgiati - olgiati@soc.uniurb.it - who will act as RCSL coordinator. The final dead-line for submission to the coordinator is December 15th, 2007.

To explore collaboration with other RCs, please contact Teresa Piconto - tpiconto@posta.unizar.es - who will act as local RCSL host