The Presence and Futures of Socio-Legal Studies
Professor Rosie Harding, Birmingham Law School and Chair, Socio-Legal Studies Association

Socio-Legal Studies is a relatively new discipline of legal research. Since the socio-legal movement began to gain momentum in the 1980s and 1990s, it has grown into a diverse, multi- and trans-disciplinary strand of legal studies and social science. In this talk, I reflect on the development of socio-legal studies, focusing primarily on the UK context, to explore the difference made by the presence of socio-legal research as a vital and expanding facet of contemporary legal and social studies. I then look towards potential futures for socio-legal studies. This is a future riddled with uncertainties for socio-legal studies in the UK as we navigate a new funding environment: one where ‘Brexit’ may move European research funding out of our reach; where regulatory divergence may make cross EU collaborative work more difficult; and where the UK research funding environment appears to be ignoring the valuable contributions of social sciences and humanities research. Whilst being attentive to these potential challenges, I argue that the vitality and presence of socio-legal studies means that socio-legal scholars are well placed to embrace the new difficulties, putting forward some suggestions for how we can work together to forge a bright future for socio-legal methods, traditions and theories.

Socio-legal Studies in France: Beyond the Law Faculty
Dr Renaud Colson, Université de Nantes

In France ‘socio-legal’ research is not a category of scholarship as clearly identified as in the United Kingdom. Not only does it lack many of the formal institutional markers (journals, centres, distinct funding regimes and professional associations) but there is no sign of even the admittedly loose and contested sense of collective belonging that attaches to socio-legal scholars in the UK. This reflects the continuing dominance in France of traditional paradigms of legal scholarships rooted in structured doctrinal analysis. The presentation will unveil the historical and institutional mechanisms by which French disciplinary closure is maintained around traditional orthodoxies. It will then trace the presence of significant fragments of socio-legal practice in the scholarship of law and allied disciplines.

When Law Dissolves into Fate: Wagers, Disappearing Contracts, and Emotional Dispositions in Women’s Experiences of Precarious Work
Professor Emily Grabham, University of Kent

This paper explores the difficulties of allowing accounts of law to emerge in complex qualitative empirical studies. It draws on data from my recent empirical study of women’s
experiences balancing precarious work and unpaid care. From 2015 to 2017 I conducted over 35 in depth interviews with women across the mainland UK in a range of ‘non-standard’ jobs, including zero hours contracts, temporary contracts, hourly paid teaching, and permanent very short hours contracts. These women’s working lives ranged from cleaning, catering, care, and administration jobs, to hospitality, teaching, careers advice and a range of other professional or semi-professional occupations. The unpaid care these women performed ranged from care for severely impaired family members requiring round the clock attendance, to intermittent care for children, teenagers, and friends, with many shades in between; it often featured multiple competing care demands, and care that would range across generations; and the care was welcomed, endured, and/or suffered.

The reason for conducting these interviews was a funded study exploring the limits of family-friendly employment rights, which in the UK are overwhelmingly available only to people in ‘standard’ occupations. My research questions led me to undertake ‘depth’ interviews to explore how women experienced their own working and caring lives, with the intention then of reflecting on the legal regime to assess the extent to which current rights are able to respond to the realities of balancing precarious work with care. Using depth interviews meant that I did not ask or prompt at the outset about women’s legal status or their own understanding of rights, waiting instead to see how these emerged within the fabric of women’s own narratives.

In this paper I reflect on the methodological and analytical challenges this approach poses for my socio-legal research, as well as the rich and unexpected insights it has yielded. The picture that emerges of what we might term women’s ‘legal consciousness’ of family friendly rights is internally contradictory, highly dependent on these women’s own employment status, and intensely affective. Legal mechanisms associated with employment rights - contracts, individual rights - arise in women’s accounts as highly charged emotional dispositions, histories, strategies and deeply felt experiences of what Neferti Tadiar (2012, 795) would term ‘fate-playing’ or ‘collective wager’. Law simply does not exist separately or even doctrinally (in the usual sense) in these women’s material and affective lives. As such, the question I would like to explore through this paper, in this workshop, is how to encounter the ‘socio’ of socio-legal studies when it is infused, indistinctly yet immeasurably, with not-strictly doctrinal, fateful, and affective economies of law.

An overview of French sociological socio-legal studies: from law in the books to law in action
Dr Rachel Vanneuville, CNRS-Triangle UMR 5206 Lyon

Though Emile Durkheim’s work, dating back from the late 19th century, laid the foundations for the French socio-legal studies, it was not before the 1990s that this field of enquiry acquired its institutional status amongst sociologists. Our communication will first outline the story of the obstacles that had to be overcome in order for the sociological sociology of law to establish itself; then we will turn to the most salient features of contemporary scholarship. Two major trends are discernible: the first one is the ever growing interest in the ‘life of law’ (analysis of lawyers’ work, legal mobilizations, legal consciousness…); the second one is the attention paid to the relationship between law and politics, in the typically French context of
the centrality of the state and its current transformation under both neoliberal and internationalized policies, and the “judicialization” of politics (studies about the relationships between justice, lawyers and politics, transformations of public policies...).

**Representing Social Change through Legal Rhetoric: Contingency, Plausibility and Estrangement**
Professor John Harrington (Cardiff University)

Critical legal theory is beset by a dilemma. Against formalism it asserts that legal reasoning is indeterminate. Against positivism, it tries to account for the deep connections between law, politics and society. These aims are not well served by either a one-sided materialist determinism or an explanatory nihilism which says that anything goes in legal argumentation. How can these constraints and ambitions be reconciled? In this paper I propose a way through the old dilemma combining a rhetorical view of law with elements of systems theory. I argue that law’s indeterminacy is managed and effectively concealed, though never removed, through doctrinal constructions and representations of its social, human and natural environment. These succeed in so far as they appeal to prevalent common sense among lawyers and more generally. They are unsettled and challenged in turn by claims that they are no longer plausible given changed circumstances. Critics of a given legal regime seek to ‘estrange’ audiences from what was formerly taken for granted, and to replace it with a new common sense. Feminist critiques of medical law in Britain from the 1970s provide a telling instance of this process, seeking as they did, to undermine the consensus in favour of medical discretion as a means of deciding legal controversies, for example, over abortion and euthanasia. Their interventions both drew on and contributed to the generalized crisis of the Kenyesian welfare system, and in particular the male breadwinner model which sustained it.

**How legal is a legal argument?**
Professor Pierre Brunet, Paris 1 Panthéon-Sorbonne

We all know the joke: when talking together, two sociologists will argue about the most relevant sociological theory or sociological methodology or the closest sociologists to their heart. While talking together, two jurists will discuss neither legal theory nor legal methodology, not even the closest jurists to their heart: they will discuss their own definition of the “law”. However, the idea that legal decisions should rely on a legal argument is a very common and widespread view among jurists. How do the jurists identify such legal argument? What do jurists consider as being a legal argument? How could they reach any agreement if they do not agree on what the law is? What can the socio-legal jurist make with such questions? Here are some of the questions that could be raised. And we might try to find an answer.

**Governing Through Media: Uganda's Sexual and Gender Minorities and the Mass Media**
Michael Ashworth, University of Bristol Law School

My thesis explores themes of power and resistance in relation to Ugandan lesbian, gay, bisexual, transgender and intersex (LGBTI) communities. It uses a Foucauldian
governmentality framework as a theoretical lens through which to explore the means by which Ugandan LGBTIs are governed and the mechanisms by which they resist. The data consists of a twenty year span of Ugandan print news media, encompassing editorials, columns, news items, interviews and photographs, sourced from two English language daily broadsheets (New Vision and Daily Monitor) and one English language daily tabloid (Red Pepper). It explores the authorities, knowledges and discourses used to reproduce the ‘the homosexual’ as a grave and growing problem in the pages of the broadsheet newspaper. It then examines the role played by the tabloid in inciting disgust, reconceptualised as a technology of power and employed to great effect in the government of sexual and gender minorities in Uganda. Finally, it considers the way in which Ugandan LGBTI activists have deployed the media spectacle as a means of resistance.

The frontiers of Law and the geographical and symbolic process of marginalization that Law can promote
Viviane Bastos e Silva, School of Law, Université Paris Nanterre

My thesis aims to analyze the geographical and symbolic process of marginalization that Law can promote. Through the confrontation between the legal norms and the existing system in favelas of Rio de Janeiro it’s possible to perceive: that Law isn’t interested in the needs of these people; that Law operates in an institutional process of the exclusion of the residents of the favelas. In view of the object to be studied, favelas of Rio de Janeiro which population covered exceeds 1.4 million people, the field research will be made by oral interviews and field observation – qualitative methods. It’s intended to conduct about 40 interviews in the three field months, many of them collectives - with social movements leaders, police officers, law professionals that work in the favelas. The direct and participant observation takes place in the project Itinerant Justice. It’s a program realized by Rio de Janeiro Courts and “Defensoria” (a public institution that offers free legal advice), they created a jurisdictional delivery service where all the public apparatus moves. Appointments and hearings are done on a bus, usually once a week. The participant observation work is planned for three months in the eight favelas participating in the project.

The co-production of police interviews in the UK
Fabio Ferraz de Almeida, Department of Social Sciences, Loughborough University

My research is focused on finding and describing the procedural practices used by participants within police interviews in the UK, in which suspects are being questioned by police officers about what happened in a particular event, and in which they discuss and negotiate a version of that event. The data set is comprised of 30 audio-recorded police interviews in the UK and my analysis is based on ethnomethodology and conversation analysis. My research focuses principally on three aspects of police-suspect interactions: a) how suspect’s narratives are co-produced, i.e. negotiated, evaluated and transformed in order to gain legal relevance – especially in terms of legal concepts such as intentionality, culpability, aggravating or mitigating circumstances, etc.; b) how that co-production involves different sorts of knowledge, especially commonsense knowledge, and how these are deployed; c) the questioning techniques used by the police officers to produce that legal informed material. By
answering to these questions I’m able to identify how police interviews with suspects are co-produced by all participants, including police officers, suspects and lawyers. Also, by reflecting upon my experience on conducting the project above, I will discuss the potential contributions and the difficulties of applying conversation analysis and ethnomethodology in the social-legal field.

**An Unlikely Partnership: Using LIPs, ANT and Pierre Bourdieu to address the crisis of access to justice in English and Welsh family courts**

Jess Mant, School of Law, University of Leeds

For this workshop, I would like to contribute an overview of my ongoing PhD research, because it demonstrates the ways in which I am using innovative methodological and conceptual tools rooted in the French academic context, in order to address problems of social inequality in the English and Welsh family justice system.

Legal aid for family law matters was largely withdrawn in 2012, and as a result, many are now forced to self-represent in order to access the family court. Through interviews, I am currently investigating the experiences that litigants in person (‘LIPs’) have of the family court process, and in doing so, I am using a unique and arguably controversial methodological/conceptual approach. Firstly, I employ Actor-Network Theory (ANT), as a means of unravelling the complex network of the family court, to understand how LIPs are positioned within its processes. Secondly, I respond to the shortcomings of ANT in terms of addressing broader structural inequalities, by reinforcing this approach with Bourdiesuan ideas regarding social class and the distribution of resources in society. Taken together, this approach advocates using ‘theory as method’, as a means of exposing experiences LIPs are having in the post-legal aid era, and making empirical contributions to understanding the impact this is having on access to justice more broadly.

**Researching Discrimination in Northern Ireland and Belgium: A Socio-Legal Approach**

Clare Rice, School of Law, Queen’s University Belfast

This presentation will give an overview of an interdisciplinary PhD thesis which is currently under completion at Queen’s University Belfast (QUB) in the areas of Law and Politics, and the qualitative approach that has been taken to conducting it. The work explores the impact of consociationalism on experiences of inequality and discrimination in two deeply divided settings, Northern Ireland and Belgium, and examines how law both shapes and is shaped by these experiences within the context of private sector employment. In particular, it draws upon experiences of individuals at the intersection of gender and community identity in each place – in Northern Ireland, this focuses on the unionist and nationalist communities and in Belgium, the Dutch and Francophone linguistic communities, these being the key protagonists of the divisions in each place. As both case study regions are currently within the European Union, this investigation will also consider the extent to which the implementation of EU equality and diversity law has been influenced by the presence of social division and its management through consociation in these places. The presentation will focus on the
methods used in this work and will consider some of the key challenges that have arisen with these.

**The Greek judge’s case law in the years of crisis: an epistemological crossroad**

Eirini Tsoumani, School of Law, Sciences Po Paris

Should sociology of law constitute a distinct discipline or be considered as a branch of either law or sociology? This question depicts the debate between Anglo-Saxon and French epistemological conceptions about (inter)disciplinary studies and the foundational borders between sociology and law. Having studied in a French legal institution—Paris I, La Sorbonne—with hard legal discipline borders on one hand, and currently being a Ph.D. candidate in the interdisciplinary and critical school of law of Sciences Po on the other hand, I am confronted with a fascinating but quite challenging at the same time crossroad.

This contribution endeavours to discuss the epistemological concerns covering the ambiguous case law of the constitutional judge during the economic crisis in Greece. It focuses in particular on the conflicts of a sociological and/or linguistic interdisciplinary critical analysis of the stance of the Greek judge dealing with the constitutionality of the memoranda of understanding. These being only some methodological obstacles of a legal thesis which will be assessed before the National Council of Universities; a jury of French scholars who in their majority claim that legal science can only be, following the positivist tradition, a science that questions the role of sociology in the study of the law.

**Sociology of Law Inside the Law School: a teaching and research experience through legal pluralism theory**

Diana Villegas, Laboratoire de Sociologie Juridique, Université Paris 2

Sociology of law inside a classic and traditional French law school has basically two challenges. On the one hand, it has to deal with a disciplinary and legitimation field process. On the other hand, it has to face a public who is rarely familiarized with sociolegal theories.

Legal pluralism is a rich epistemological and methodological approach that allows the introduction of the socio-legal analyses into the Law Faculty. Legal pluralism has the benefit of being a paradigm that can explain the interaction between legal orders beyond the static and legalistic theory of legal sources. Besides, this paradigm is linked to others main sociolegal theories such as legal culture, legal consciousness, critical studies, while at the same time building upon classic legal concepts that legal scholars are more familiar with. More than a merely instrumental approach, legal pluralism can be a way to engage the classics without being classic.

Through my research experience, mostly based on a *Mafia Legal Order* PhD study, the presentation will try to show the benefits of Legal pluralism both in the context of teaching and research. The presentation illustrates how a particular case study and doing fieldwork on legal pluralism reveals the theoretical and methodological contributions of this theory to sociology of law.
Who owns the border? Outsourcing and possession of immigration controls and legal responsibility
Lizzy Willmington, School of Law, Cardiff University

This project critically engages with the increasingly securitised and externalised approach to European border control. With a focus on extra-territorialisation to third states, through the EU-Turkey Statement and The Malta Declaration, and third parties within the UK through the hostile environment, the project investigates how Europe is obscuring its responsibilities towards people migrating irregularly.

To investigate relational power and access to public debate and knowledge-making, I am employing discourse analysis of EU and UK documents, speeches and reports. I am also conducting field work on the Greek islands, and within the UK, to investigate counter-narratives of those who cross borders and are subjects of border control laws and policies.

I draw on the work of Benjamin, Balibar, Fanon and Gramsci, to explore constructions of collective remembering and forgetting. This frames an understanding of dominant discourses and what is deemed permissible in legal, as well as public, imagining. Combining insights from critical legal property, critical race theory and security studies I investigate how the colonial project of trading human lives and land expansion is extended in contemporary border control. I am sure my developing work would benefit from encountering current work in French socio-legal scholarship, given my theoretical influences and my substantive focus on border practices common to France and the UK.

The project is supervised by Professors Ambreena Manji and John Harrington at Cardiff Law and Global Justice Centre.