Inaugural conference of the Swiss Network for Law and Society

Lausanne, 15-16.09.2022

For several decades, dialogues have been developing in Europe between researchers in the social sciences and in law, notably within the *Law & Society Association* or the *European Network on Law and Society*. In Switzerland, too, there has been an increase in social and political science research on 'law in action' over the last twenty years, as well as in legal research involving the social science.

The Swiss Network for Law & Society aims to create a space for networking, discussion and cross-disciplinary collaboration between Swiss-based scholars researching law from an empirical perspective. The inaugural conference will be held on 15 and 16 September 2022 at the University of Lausanne – under the title 'Voices of Law' – will launch this new scientific network of researchers working on law in action and interested in an interdisciplinary dialogue.

We invite all interested researchers to submit a presentation proposal based on empirical research on law carried out in Switzerland, regardless of their disciplinary background: law, sociology, criminology, political science, anthropology, geography, psychology, history, social work, etc. We particularly (but not exclusively) encourage proposals that fit into the theme of the call for papers below, and in particular into one of its four research streams.

Proposals for contributions (title and abstract of max 500 words) – in English, French or German – must be sent before 30 April 2022 to the following address: info@lawandsociety.ch. A German and a French version of this call are available at https://lawandsociety.ch/events/. If you have any questions, please contact Fiona Friedli (fiona.friedli@unil.ch), Jonathan Miaz (jonathan.miaz@unil.ch) and/or Damian Rosset (damian.rosset@unine.ch).

Call for papers: "Voices of Law" conference

Law is produced and uttered by different 'voices' that are recognised and legitimised as being entitled to do so: members of parliaments and executives, civil servants, judges and lawyers. Beyond this list, the making and implementation of law also involves other actors, experts and lay people, who take part in these processes or who are their objects.

This conference aims to understand law and justice in action from the point of view of the multitude of 'voices' through which law is expressed, either as it is produced or applied, or as it contributes to shaping the representations of individuals. We then talk about their relationship to law and rights – that is, not only to (objective) law and legality, but also to the (subjective) rights that people recognise for themselves or for others (Israël 2012) – or their legal consciousness (Merry 1990; Ewick et Silbey 1998).

Exploring the 'voices' of law not only highlights the processes and the multitude of actors – legal and non-legal – who participate in 'speaking the law', but also reflects on the variety of its tones, as well as its silences. Law can also be mobilised to 'make one's voice heard', to 'give voice' and, ultimately, to

'have a say'. Additionally, we are interested in the procedures, processes and mechanisms by which law is constructed or applied. Ultimately, the theme of 'voices of law' aims to focus not only on the actors, both legal and lay, but also on the processes (social, political, legal) by which law is *made* and *said*.

The approach we propose is less interested in measuring the gap between law on the books and law in action than in the relationship between law and society (Calavita 2010; Hunt 1993; Sarat et Ewick 2015; Talesh, Mertz, and Klug 2021). Thus, by law in action, we mean not only the implementation of laws (Delley et al. 1982) but also, more generally, the mobilisation and use of law (Chevallier 1989; McCann 1994) – i.e. the multiple ways in which individuals seize law in order to produce social and political effects (Lejeune 2011) – its social scope and effects (Israël et al. 2005), the ways in which individuals relate to the law, their legal consciousness (Ewick et Silbey 1998; Merry 1990; Hertogh 2018). To be interested in law in action is to be interested in law *in society* and *in practice*, as well as in the way society and social practices produce law (Calavita 2010; Commaille 2015; Hunt 1993).

Based on this common thread, we propose to approach the theme of 'voices of law' in particular through four research streams addressing various facets of the topic. We invite all participants to reflect, during their presentation, on how the presented research is situated in the 'law and society' domain and what added value they find in anchoring it in this field. We would also like to discuss the specificity (or lack thereof) of the Swiss context for empirical legal research and thus ask the following two questions: is there a specific type of Swiss socio-legal research? Does the Swiss institutional (policy and research) context encourage particular ways of approaching socio-legal research?

Research stream 1 – Investigating in the courts: Justice in action

This research stream aims to bring together papers that deal with courts as institutions, with the practices and discourses that take place in them, based on surveys carried out within judicial institutions, or analyses of the roles of the actors who populate them (judges, prosecutors, lawyers, clerks, litigants, etc.). In particular, we wish to explore several distinct, though interconnected, issues: 1. the work of justice professionals, based on their practices, discourses and interactions; 2. judicial decision-making, its legal, social and political dimensions, the discretionary power of judges, as well as their rationalities and subjectivities; 3. the political dimension (in the broad sense) of justice. The following questions can be formulated:

- How is justice delivered?
- How do the different actors involved in judicial proceedings participate in the construction of the judicial judgment and decision?
- What do the courts do to law, politics, state action, or social order?

Research stream 2 – Professionals, laymen and relationships to law and rights

This research stream invites contributions that aim to: 1. understand the relationship to law and rights, as well as the legal socialisation of individuals; 2. examine the social, legal and cognitive conditions of recourse (or non-recourse) to law and justice; 3. examine the relationship to law and rights of legal professionals and intermediaries, in particular those who engage in legal mobilisations, who make a protesting or militant use of the law and the judicial arena

We therefore invite contributions that propose to address the following questions:

- How are individuals socialised to legality and their rights? What do they think they are entitled to (or not)? Under what conditions do people make use of the law, claim rights, or assert them?
- What relationships to law and rights are observed in Switzerland? How do they translate into practice?
- Under what conditions do legal professionals become involved, through their professional practice or by mobilising their professional skills, to defend a cause?

Research stream 3 – Law in action through administrations and grassroots organisations

This research stream proposes to combine the approach of research on *street-level bureaucrats* (Lipsky 1980) and *street-level organizations* (Brodkin 2012) with that on legal intermediaries and legal intermediation. In particular, it aims to emphasise the socio-legal dimensions of practices in the field and how they are part of a process of legal intermediation. It also aims to highlight how different legal intermediaries, in relation to each other, are part of a continuous process of normative creation that shapes the application of the law and contributes to its modification.

In line with these reflections, this research stream invites contributions that address one or more of the following questions:

- How do different actors participate, in relation to each other, in the process of legal intermediation?
- What do the actors in the field do with the rules? How do they translate the law in books into law in action?
- How do the practices of administrations and street-level organisations interact with those of other legal actors (judicial institutions, parliaments and executives, social and legal mobilisations, etc.)?

Research stream 4 – The role of expertise in the legislative process

This research stream aims to bring together contributions on the role of expertise in the legislative process in Switzerland, both at the federal and cantonal levels, and not only in the institutionalized frameworks, but also through the political uses of expertise by different actors involved in the law-making process. Contributions to this research stream may address, among others, the following questions:

- What types of expertise are mobilised? In what way(s) are they mobilised and for what effects?
- Who are the experts in the legislative process? What forms of expertise are recognised? And why?
- How is expert knowledge constructed and translated for use in legislative processes

Organising Committee :

- **Fiona Friedli**, Lecturer and Programme Coordinator, Faculty of Social and Political Science, University of Lausanne

- **Jonathan Miaz**, Senior Researcher, Centre for Comparative, European and International Law, University of Lausanne

- **Damian Rosset**, Lecturer, Faculty of Humanities, University of Neuchâtel, and Project Coordinator, Institute of Political Studies, University of Lausanne

Scientific Committee :

- **Christin Achermann**, Professor of Migration, Law and Society, Centre de droit des migrations et Laboratoire d'études des processus sociaux, Université de Neuchâtel

- **Véronique Boillet**, Professor of Constitutional Law, Centre de droit public, Université de Lausanne

- **Nadja Capus**, Professor of Criminal Law and Criminal Procedure, Centre romand de recherche en criminologie, Université de Neuchâtel

- **Michelle Cottier**, Professor of Civil Law, Centre d'étude, de technique et d'évaluation législatives, Université de Genève

- **Tobias Eule**, Professor of Sociology of Law, Institut für öffentliches Recht, Universität Bern

- **Julia Eckert**, Professor of Political Anthropology, Institut für Sozialanthropologie, Universität Bern

- **Eléonore Lépinard**, Professor of Gender Studies, Centre en études genre, Université de Lausanne

- **Marylène Lieber**, Professor of Gender Studies, Institut des études de genre, Université de Genève

- **Grégoire Mallard**, Professor of Sociology and Anthropology, Department of Anthropology and Sociology, Graduate Institute of International and Development Studies

- **Marta Roca i Escoda**, Senior Lecturer and Research Fellow (MER), Centre en études genre, Université de Lausanne

- **Evelyne Schmid**, Professor of Public International Law, Centre de droit comparé, européen et international, Université de Lausanne

- **Bernard Voutat**, Professor of Political Science, Centre de recherche sur l'action politique, Université de Lausanne

- **Sophie Weerts**, Professor of Public Law, Institut de hautes études en administration publique, Université de Lausanne

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