2nd conference of the Swiss Network for Law and Society

University of Bern, 10-12.02.2025

Call for Abstracts: deadline 30.9.2024

We invite paper/abstract submissions to the panels of the second conference of the Swiss Network for Law and Society (SNLS) "Law and/in the Anthropocene", that will take place in Bern from 10th to 12th February 2025. Below you find the panel descriptions. Please send your abstracts of up to 250 words directly to the panel convenors at the email address provided below each panel by September 30th 2024.

The conference will host 16 panels across 4 themes:

1. Dilemmas of juridification and democratic politics in the Anthropocene
2. Rules-based governance in the Anthropocene
3. Critical Perspectives on (New) Rights-Bearing Subjects in the Anthropocene
4. The Normative and the Empirical in Socio-legal Research

Conference host and organizing team: Institute of Social Anthropology, University of Bern

Laura Affolter, Lucie Benoit, Jevgeniy Bluwstein, Matthieu Bolay, Julia Eckert, Paule Pastré, Kiri Santer

If you have any questions, please contact conference2025@lawandsociety.ch.

Theme 1: Dilemmas of juridification and democratic politics in the Anthropocene

Panel 1: Rethinking Responsibility: Criminal Law's Response to the Anthropocene

Convenors: Bijan Fateh-Moghadam (Basel), Alice Savarino (Basel), Christoph Burchard (Frankfurt a.M.), Finn-Lauritz Schmidt (Frankfurt a.M), Philipp-Alexander Hirsch (Freiburg i.Br.), Nicolai von Maltitz (München)

Abstract: The panel aims to promote an interdisciplinary dialogue to contextualize and investigate the possible role of Criminal Law in the Anthropocene. The awareness that humans have become a dominant factor influencing biological, geological and atmospheric processes on Planet Earth – with catastrophic consequences – might prove to be a shake-up of the self-image of mankind comparable to the Copernican Revolution in terms of the history of ideas and therefore also challenge traditional criminal law theory.

Assuming that the legal issues arising in this scenario require a rethinking of basic categories and the implementation of new cross-sectoral methodologies, the panel seeks, firstly, to acknowledge revised *socio-empirical perspectives* to understand the specificities of anthropogenic environmental impacts and harms. Special emphasis should be placed on reconceptualizing *time and temporality* as they result in the Anthropocene framework and to grasp the implications for criminal law discourse.

In this light, the second focus of the discussion will be centered on analyzing the *limits* and *potential* of criminal law in addressing these phenomena.

Traditional criminal law principles and categories, focused on individual deviant conducts related to identifiable events, seem difficult to reconcile with the notion of anthropogenic environmental harm, hardly detectable in time and space. Additionally, the dominant liberal-anthropocentric paradigm of criminal responsibility does not appear adequate for preventing and controlling countless everyday human behaviors contributing to climate change and other destructive consequences on natural resources and biodiversity.

To this end, the discussion will have to consider unresolved issues such as criminalizing conducts to prevent potential risks to future generations, defining criminal liability over time, approaching the transnational scale of climate degradation, and managing the immediate and long-term harmful consequences of interconnected and cumulative individual actions. The debate should include concrete examples and case studies where criminal law has been or could be applied to anthropogenic environmental harm.

The fundamental question of legitimacy for extending criminal intervention in the Anthropocene also arises, since criminal law traditionally intervenes as a last resort to protect a set of values and interests referring to people and their freedoms as persons, citizens, social and economic actors. Within the Anthropocene, however, *new objects* beyond human-scale interests emerge, requiring legal recognition and protection. Therefore, it is likewise essential to question the possibility of extending the scope of criminal law, while considering arising interests such as those relating to future generations, nonhuman beings, or globally relevant goods, like wildlife, atmosphere or the climate itself.

Acknowledging the limits and recognizing the potential of using criminal means in the complex scenario of the Anthropocene, a space for reflection will be finally devoted to the innovative perspectives for rethinking *criminalization* in the future and for the future.

The panel is open to a diverse group of participants, including experts from various fields, such as criminal law theory, criminology, geography, anthropology, philosophy, political theory and legal sociology.

Abstracts in English or German can be sent to bijan.fateh@unibas.ch

Theme 1: Dilemmas of juridification and democratic politics in the Anthropocene

Panel 2: Judicialization of Climate Politics in the Anthropocene

Convenors: Jevgeniy Bluwstein (University of Bern), Lucie Benoit (University of Bern)

Abstract: All over the world, courts have become prominent arenas for negotiating the responsibility for global heating, climate mitigation, and climate justice. Climate Litigation is a growing empirical phenomenon and field of academic research (Setzer and Higham 2021). In keeping with the growing phenomenon of climate lawsuits, Climate Litigation scholarship has evolved over the last years, from legal studies of specific cases, to a systematic study of different types of lawsuits, to the interdisciplinary study of regulatory outcomes and governance implications (Peel and Osofsky 2020). While scholarship on Climate Litigation is increasingly interdisciplinary, by and large, it remains narrowly normative in the sense that climate lawsuits are uncritically celebrated as inherently good developments within the wider field of climate politics.

What remains overlooked and requires more critical research is the role of climate lawsuits, actors and institutions in the ongoing judicialization of climate politics. With this panel we invite an interdisciplinary conversation across the fields of critical legal studies, legal anthropology and geography, political ecology and political theory, to jointly examine some of the following questions:

- How do climate activists, lawyers, prosecutors and judges use the courts to (de)politicize climate change?
- How is the law mobilized and transgressed in climate trials?
- How do different forms of climate protest (e.g. civil disobedience and direct action) allow us to rethink the notion of Climate Litigation?
- How is science mobilized in climate trials and what are the opportunities and limits of scientism in climate litigation?
- How do climate lawsuits and trials affect climate activists' subjectivities, strategies and tactics?
- To what extent can climate litigation challenge or reinforce capitalist logics of the right to private property and the right to pollute?

Abstracts in English can be sent to jevgeniy.bluwstein@unibe.ch

Theme 1: Dilemmas of juridification and democratic politics in the Anthropocene

Panel 3: A Restorative City in Switzerland: Bridging Democratic Dialogue and Social Cohesion in the Anthropocene

Convenors: Aurélie Stoll (High School of Social Work, Fribourg), Mina Rauschenbach (independent consultant and Institute of Criminology, KU Leuven), Claudia Campistol (projet Objectif Désistance), Claudia Christen-Schneider (Swiss RJ Forum, European Forum for Restorative Justice)

Full panel

Panel 4 : L'accès à l'information environnementale: un pilier pour l'action citoyenne ?

Convenors : Véronique Boillet (University of Lausanne), Clémence Demay, Mélanie Levy Mader (University of Neuchâtel), Céline Mavrot (University of Lausanne)

Abstract: La gestion des activités industrielles polluantes pose de nombreux défis démocratiques : superposition des niveaux de gouvernance, prépondérance des intérêts économiques, *path dependency* (Pierson 2000), technicité des dossiers qui entravent la participation citoyenne. Dans ce contexte, les scandales environnementaux récents sont légion : pollutions par les PFAS (*The forever pollution project* 2023), plastiques (*Swiss Plastic Action* 2024), agrochimiques (Chlorothalonil) etc. A l'échelle locale, les récentes recherches et découvertes sur les pollutions par les dioxines ou les métabolites du chlorothalonil soulèvent de nombreuses questions quant à la capacité du droit actuel à protéger les individus de telles atteintes à l'environnement et à la santé, et quant à la possibilité des acteur.ices.s de se mobiliser contre ces pollutions au sujet desquelles l'information est parfois difficilement accessible.

A cet égard, la convention d'Aarhus adoptée en 1998 (Convention sur l'accès à l'information, la participation du public au processus décisionnel et l'accès à la justice en matière d'environnement) a consacré comme pilier de l'effectivité du droit de l'environnement l'accès à l'information en la matière, tant il s'agit d'un préalable nécessaire à toute action. Dès lors, le cadre normatif national sur l'accès à la transparence devient un outil à disposition des acteurs de protection de l'environnement pour faire valoir leurs droits.
Dans ce panel, nous souhaiterions examiner comment ce droit à l'information se manifeste en pratique et est investi par les acteurs étatiques et de la société civile en Suisse pour déceler, publiciser ou sanctionner des atteintes à l'environnement. En effet, afin de fonder une responsabilité étatique pour la gestion de certaines substances ou condamner certains acteurs privés en vertu de la législation environnementale, encore faut-il pouvoir accéder à des données fiables, identifier comment celles-ci sont collectées et prises en compte et connaitre la pesée des intérêts effectuées par les autorités lorsqu'elles autorisent/apprécient la compatibilité environnementale de certains projets. Dans une perspective interdisciplinaire, nous proposons donc d'aborder ces différents aspects et de traiter des questions suivantes :
Quelle est la portée de la responsabilité de l'Etat quant à la détermination des conditions d'utilisation de telles substances ? Quelles données sont prises en compte par l'Etat dans la gouvernance des substances toxiques et quels facteurs pèsent sur l'(in)action étatique ? Quels sont les acteurs de la société civile (journalistes, citoyen.ne.s, scientifiques, organisations non gouvernementales) qui mobilisent le droit à l'information et avec quel succès ? Quelles sont les obstacles à l'activation de ces droits ainsi que, plus généralement, à la participation citoyenne dans les choix démocratiques liés aux substances polluantes ? Ce panel abordera notamment ces questions en interrogeant les asymétries de savoirs et de ressources, les dynamiques de l'action collective, ainsi que les mécanismes d'action politico-administratifs pour comprendre l'investissement du droit par les différents acteurs en présence.

Les contributions en anglais, français ou allemand et de toute discipline sont les bienvenues.

Abstracts from all disciplines in French, German or English can be sent to veronique.boillet@unil.ch.

Panel 5: Carbon pricing across borders

Convenor: Dr. Kiri Santer (University of Bern)

Abstract: Carbon pricing systems as key climate mitigation policies and initiatives are on the rise worldwide. The spread of carbon pricing however raises important questions as to how the diffusion of carbon pricing rules is taking place and what its implications might be. From regional emission trading schemes to voluntary offsetting, the rules that make up carbon pricing are fragmented across legal orders. Additionally, carbon pricing requires a whole ecosystem of valuation and governance practices in order to function across scales and to meet compliance requirements. This panel aims to take stock of both the institutional density of carbon pricing and the ways in which carbon pricing systems are growing in strength and policy relevance, as well as which actors are needed for them to exist. It wishes to start an interdisciplinary conversation that examines some of the following questions: why do certain fora become central loci of discussion on carbon pricing rather than others? What techniques and technologies of governance, such as accounting and verification practices, are constitutive of carbon pricing systems? What role does knowledge and expertise play in the construction and legitimization of carbon markets? And how are different conceptualizations of carbon 'units' —from embedded emissions to carbon credits—changing the ways in which international climate change law is understood, negotiated and implemented? The panel welcomes papers that engage in socio-legal approaches to describe how carbon pricing fits within and contributes to the paradigm of green growth as well as reflect upon the ways in which carbon pricing systems are changing how economic activities are regulated across scales.

Abstracts in English can be sent to kiri.santer@unibe.ch

Panel 6: Private finance and sustainability transitions: What role for law and legal innovations?

Convenor**:** Arınç Onat Kılıç (University of Antwerp)

Abstract: This panel invites abstracts that engage with the role of law in enabling the operationalization and expansion of sustainable finance. While green finance is defined as a stream 'to increase level of financial flows (from banking, micro-credit, insurance and investment) from the public, private and not-for-profit sectors to sustainable development priorities' (UNEP, 2024), blue finance specifically aims to fund investments that support the transition to a sustainable blue economy. While the state parties have made official commitments, total climate finance falls short of what's needed to achieve the goals of the Paris Agreement and the Convention on Biological Diversity. Consequently, private sector investment is seen as crucial to bridging this funding gap. It is at this point that law plays a key role for the mobilization of private investments. For instance, the gray literature suggests that legal innovations pave the way for greening the financial sector. However, critics raise equity concerns about financializing conservation. These concerns include innovative legal structures potentially exacerbating debt burdens, prioritizing private profits over ecological goals, and facilitating greenwashing. The socio-legal implications of private investments for sustainability transitions can be expanded further.
This panel seeks papers that will address different ways in which law and private legal mechanisms enable and maintain the operation of green and blue finance. What legal innovations have proved to attract private investors? What contractual or regulatory mechanisms enable aligning private interests with sustainability goals? Can law ensure that private finance delivers on sustainability goals in light of the speculative nature of the financial markets? How do such legal arrangements distribute costs and benefits among different groups (communities, countries, classes, etc.)? Papers that will elaborate on these questions in the context of private financial instruments, including theoretical interventions or case studies that investigate the socio-legal implications thereof are welcome.

Abstracts in English can be sent to arinconat.kilic@uantwerpen.be

Panel 7: From statuses and precedents to contracts and agreements: environmental conflicts in alternative dispute resolution mechanisms

Convenors: Matthieu Bolay (University of Bern and University of Applied Sciences Western Switzerland), Paule Pastré (University of Bern)

Abstract: Alternative dispute resolution is considered to encompass various means of settling disputes without resorting to court litigation, such as mediation, negotiation, or arbitration. Drawing outside the framework of statutory and case law, such approaches have become of prominent use in social and environmental conflicts implicating corporate actors, most notably in the natural resources, energy and construction sectors. As critiques have argued, these mechanisms may be used by powerful actors to circumvent rights and obligations inscribed in state laws through privately conducted agreements and forms of adjudication. All while insisting on equity, tailored efficiency, and expertise-based justice, these processes remain structured by power relationships largely obscured by the fiction of free contracting between equal parties. Similarly, private dispute resolution, unlike judicial decision-making, tends to "singularize" events and parties (Eckert 2021), and thereby maintain normative grounds implicit and outside legal development at the expense of normative coherence and predictability.
At a time when international investors-states arbitration knowledgeably hinders climate regulation (e.g. Tienhaara et a. 2022) and mediation is increasingly used to neutralize environmental claims (e.g. Zhouri 2014), this panel pays attention to the actors (lawyers, arbitrators, mediators, counsels, communities, investors) and processes (mediation, negotiation, arbitration) at play in the increasingly privatized legal landscape through which environmental conflicts can be addressed. How and by whom are different norms and legal orders assembled and hierarchized in such venues? To what extent does legal and technical expertise serve or replace legal processes? How does the contractualist view underlying alternative dispute resolutions influence the way in which conflicts are resolved? How are these mechanisms strategically used, contested, or subverted by different groups? Not limited to these questions, this panel welcomes papers critically examining the role of non- judicial processes, actors and instruments to address environment-related disputes, both in light of their potential and of the justice issues they raise.

Abstracts in English or French can be sent to matthieu.bolay@unibe.ch and paule.pastree@unibe.ch.

Panel 8: The Law and Politics of Environmental and Climate Lobbying

Convenor: Odile Ammann (University of Lausanne)

Abstract: In recent years, considerable attention has been devoted to the topic of environmental and especially climate litigation, which has become a booming field of legal scholarship. In comparison, legal scholarship on environmental and climate lobbying affecting the legislative and executive branches has remained scarce, which is also a reflection of the more general neglect of lobbying in legal scholarship, and of the tendency of legal scholars to focus on the judiciary (Korkea-aho 2023; Ammann and Boussat 2023). As important legal breakthroughs are happening within the courts, increasing attention needs to be devoted to related developments in the political arena. Indeed, the legislative and executive branches have a key role to play when it comes to implementing international, supranational, and domestic judgments in environmental and climate matters and, of course, when it comes to drafting and adopting environmental and climate laws and policies in the first place. These two branches are hence likely to be targeted by various interest groups that have a stake in these laws and policies. Lobbying can also be expected to be directed at international and supranational lawmaking processes in environmental and climate matters, which affect an even larger number of individuals and interest groups.

This panel aims to shed light on the national (including Swiss), international, and supranational lobbying landscapes in the field of environmental/climate lawmaking. From a legal perspective, and building on relevant work in political science (Milbrath 1963), lobbying can be defined as the attempt by natural or legal persons who lack legal authority in the lawmaking process, except for citizens acting on their own behalf, to influence the lawmaking activity of those holding such authority. Besides traditional inside lobbying, i.e., lobbying that targets lawmakers directly and that involves direct communications between lobbyists and lawmakers, this panel is also interested in outside lobbying, i.e., lobbying that seeks to influence public opinion (e.g., via the media or through public protests). The panel starts from the assumption that lobbying is an ambivalent, but not necessarily democratically illegitimate practice: indeed, the contributions of lobbyists may weaken, but also strengthen, democratic lawmaking processes. Lobbying forms an integral, inevitable, and even indispensable part of lawmaking, and is by no means the monopoly of corporations: lobbying is also practiced by NGOs, trade unions, professional associations, and many others. This panel's primary focus lies on private actors' attempts to contribute to national, international, and/or supranational lawmaking processes in environmental/climate matters, but contributions on lobbying by public actors (e.g., inter-branch lobbying, or lobbying between different levels of governance) are also welcome. The main goal of this panel is to examine the legal opportunity structure that conditions lobbying as well as other legal issues raised by environmental and climate lobbying, while also taking relevant scholarship in related disciplines into account.

Panelists will be asked to submit a substantial draft paper before the conference to ensure meaningful discussion. Selected contributions to this panel may be considered for publication in a peer-reviewed law journal, as part of a special issue on environmental and climate lobbying.

Abstracts in French, German or English can be sent to odile.ammann@unil.ch.

Panel 9: What climate futures are envisioned by legal and regulatory efforts?

Convenors: Agathe Camille Mora (University of Sussex and Lausanne), Johannes Schubert (University of Basel)

The United Nations General Assembly's adoption, in 2022, of the 'right to a clean, healthy and sustainable environment' as a new, universal human right, in principle paves the way for new forms of 'doing' climate futures through law. The exponential rise of climate litigation in the last few years likewise point to the increasing transposition of climate action to legal arenas. Such developments are indicative of broader trends in the relation between (international) law and the environment, which assembles a broad array of actors beyond nation-states.

Yet legal and regulatory frameworks, including technical and procedural standards, often stand at odds with the lived realities of the climate crisis across the globe. Efforts at climate legislation and regulation often provoke furious backlash, from deregulation and limitations on the role of courts to political and media criticism. Similarly, translating legal principles and decisions back into climate action is far from straightforward.

What is the role of a critical, engaged law and society scholarship, beyond simply diagnosing this disconnect? If law is a means of producing anticipatory knowledge, what kinds of climate futures are envisioned by efforts to corral law and regulations to their realisation? And how could anthropological analysis of these processes contribute to liberatory politics and climate justice? To address these broader questions, we invite paper submissions dealing with the various ways in which climate futures are envisioned, assembled, and enacted through legislation, regulation, and litigation.

Abstracts in French, German or English can be sent to agathe.mora@unil.ch.

Panel 10: The rights of nature as a posthuman care turn in law: feminist perspectives

Convenor: Coralie Raffenne (University of Paris-Dauphine)

Abstract: At the turn of the new millennium, the animistic belief in the figure of Mother Earth was enshrined in the law of several countries of the Global South. This has been interpreted as an evolution of modern environmental law under the influence of indigenous cosmologies. On the other hand, M-A Hermitte observed in 2011 with regards to the evolution of French law « *dans leurs raisonnements, les juges font exactement comme si certaines entités naturelles étaient déjà des sujets de droit* ». In France, civil society has been pleading for the recognition of the Loire or the Tavignagnu Rivers as legal persons. Many international texts and judicial decisions also seem to have indirectly enshrined the rights of nature as both autonomous from and connected to human rights. The Constitution of Ecuador in 2008 and the Bolivian constitution and laws (2009-2012) explicitly refer to the *Pachamama* as a structuring element of the countries' *Grundnorm,* linking the respect of indigenous worldview to that of nature. Nature was thus explicitly given the status of a legal person endowed with its own rights. This hybrid legal construct challenges the hierarchies of western legal modernity which places the human person above all non-human things. Could the recognition of non-human beings as legal persons be the sign of an evolution towards a posthuman conception of law? What are the differences in the approaches across jurisdictions? Could these evolutions be considered as constitutive of a common trend towards posthuman law or on the contrary do they merely reflect local realities? Does this posthuman turn concern other legal fields? From an empirical perspective, have the rights of nature improved the protection of the environment or of human rights? The panel welcomes contributions on the origins of the rights of nature, as well as their empirical impact on the legal systems, human rights and environmental protection.

The personification of nature as a maternal figure has been criticized as yet another patriarchal manifestation of power over natural resources. Should feminists see the emergence of the maternal figure of nature as a source of empowerment or, on the contrary as a trap? What could be a posthuman feminist perspective on the rights of non-humans?
In New Zealand, a 2017 statute declared the Whanganui River to be a legal person. This new legal entity was named *Te Awa Tupua*, "an indivisible and living whole from the mountains to the sea, incorporating the Whanganui River and all of its physical and metaphysical elements." The statute implements the Mauri vision of the entangled interconnections between human and non-human lives. It sets up institutions and principles of governance which reflect a posthuman approach to caring for the commons. Are there convergences between feminist care theories and the legal recognition of non-human legal subjects? If so, what are the potential effects or limits of such evolutions of the law? Is feminist legal theory the carrier of a posthuman care tun in the law? What would be the significance of such a turn for law and its effectiveness? To what extent are the women's rights connected to the rights of nature in both rhetorical and empirical terms?
The panel welcomes contributions on the above issues with a specific focus on feminist approaches grounded in, or critical of posthuman and/or care theories applied to environmental issues.

Abstracts in French or English can be sent to coralie.raffenne@dauphine.psl.eu

Panel 11: Territories of Life: Collectivity and Land as (New) Rights-Bearing Subject in the Anthropocene. The Contemporary Challenge of Another Way of Owning.

Convenors: Mauro Iob (University of Trento), Marta Villa (University of Trento)

Abstract: There are numerous communities on the Planet that defend their Territories of Life (ICCA Consortium 2023): they are under attacks on property rights or traditional sustainable management practices are called into question to ensure the protection of the environment and the landscape for future generations. In Europe, Territories of Life coincide with Collective Domains (CD) or Rural Commons, i.e. men and women of flesh and blood, who take care of their *res frugifera* (Grossi 2019; Nervi 2016). The legal situation of CDs varies from country to country: in some states they are forgotten, in others neglected or usurped, in others they are also protected by Law. Since 2017, Italy has adopted a "strong" law (L. 168/2017) because it implements the Constitution, law that since its promulgation has also been studied by other communities to emulate it. In this Law it is made explicit that the Republic recognizes the Collective Domains as primary legal systems. The Law enshrines their indispensable characteristics: these assets of collective private property are inalienable, indivisible, unusucomprehensible and have a perpetual destination of agro-forestry-pastoral use. This instrument of law is a legitimate means that citizens have at their disposal to respond to the socio-ecological challenges that the Anthropocene is posing. Despite this legal protection, even in Italy the ownership communities are limited in the autonomous management of their assets: they're prevented from making their own choices to tackle biodiversity loss, parts of their land are being taken away from them for unsustainable purposes, they're not recognized as subjects of private law and are therefore heterodetermined by economic and political lobbies. But the CDs offer concrete examples of people fighting the climate crisis on a daily basis (Iob, Villa 2024): some produce their own energy from renewable sources by totally reinvesting the proceeds in their own territory through sustainable choices, others manage mountain huts and pastures by maintaining high biodiversity and protecting the fragile ecosystems of which all living beings, especially non-humans, are part, others take care of the forests in a conscious way by implementing careful management policies capable of responding to new critical issues. In other cases, the CDs are legally fighting for their survival: they challenge multinationals that do not want to recognize their property rights, that do not want to compensate them for the environmental damage left on their territories, that do not restore environments and landscapes consumed by business practices. They propose themselves as a new juridical subject and bearer of universal rights, but legal practice does not always succeed in understanding their specificity and seems to oppose their existence and autonomy. The panel aims to foster an interdisciplinary exchange and welcomes empirical and theoretical research that answers the following questions: what is the relationship between the communities that defend their Territories of Life? What legal practices are put in place? What limitations are they experiencing? Do they implement conscious solidarity (Honnet 2015) in governing their environment? How do they govern their territories while increasing biodiversity? Is legal protection effective? Do laws include this alternative way of owning?

Abstracts in French or English can be sent to mauroiob@mauroiob.it and marta.villa@unitn.it.

Panel 12 : Naviguer les défis de la recherche socio-juridique sur des terrains difficiles : Questionnements méthodologiques, analytiques et épistémologiques

Convenors : Mariam Benalioua (Sciences Po Bordeaux), Tachfine Baida (Sciences Po Bordeaux), Chloé Ould Aklouche (Sciences Po Bordeaux)

Abstract : Ce panel examine comment les chercheurs abordent empiriquement les phénomènes juridiques et judiciaires dans des contextes sensibles et difficiles d'accès. Ces défis peuvent être liés à des contextes - autoritaires, d'occupation, de conflit armé ou de guerre , à des situations d'enquête impliquant des minorités juridiquement réprimées - minorités sexuelles et de genre, ethnolinguistiques, religieuses - ou encore au fonctionnement opaque des systèmes judiciaires – confidentialité des dossiers, archivage dysfonctionnel ou l'absence de numérisation. Pour contourner ces obstacles, les chercheurs combinent souvent différentes méthodes d'enquête telles que l'analyse des documents et des archives judiciaires, l'ethnographie et les entretiens (N'Diaye, 2022). Ce panel invite les contributions qui s'inscrivent dans l'un des axes suivants ou de manière transversale.

À visée méthodologique, un premier axe de ce panel examine les conditions d'accès aux documents judiciaires et aux différents acteurs impliqués dans un procès, dans un contexte souvent marqué par la suspicion et la méfiance. L'objectif est d'élucider les choix méthodologiques en explicitant les compromis et les dilemmes éthiques entre les normes régissant la production scientifique, la conduite des chercheurs sur le terrain et la relation d'enquête (Morelle et Le Marcis, 2022).

Un deuxième axe, à portée éthique et épistémologique, questionne les relations entre l'enquête ethnographique et l'enquête judiciaire. Les travaux de Deborah Puccio-Den montrent que l'enquête judiciaire, en analysant celle du juge Falconi sur la mafia sicilienne basée sur des entretiens avec des repentis, s'inscrit dans le modèle épistémologique des sciences sociales (2001). Il s'agit ainsi d'interroger les procédures de vérification propres à ces deux types d'enquête dans leur construction d'une « vérité ». Comment concilier analyse des documents judiciaires avec les entretiens menés auprès de justiciables ou de professionnels du droit lorsque ces sources fournissent des récits divergents ? En effet, les chercheurs se trouvent parfois confrontés à la résolution des contradictions découlant du croisement de différents données d'enquête. Ces opérations sont d'autant plus délicates qu'elles concernent une population vulnérable ayant déjà eu affaire à la justice.

Abstracts in French or English can be sent to normativeempiricalpanel@gmail.com.

Panel 13: Institutional Archives and Counter-Archives of the Transnational: Perspectives from the anthropology of law and socio-legal studies

Convenor: Prof. Grégoire Mallard (Geneva Graduate Institute)

Full panel

Panel 14: An interdisciplinary approach to social and legal pluralities

Convenors: Michelle Cottier (University of Geneva), Karl Hanson (University of Geneva), Nataliya Tchermalykh (University of Geneva)

Full panel

Panel 15: Conducting law and society research in Switzerland: epistemologies, methods, approaches, and contributions

Convenors: Tamara Constantin (Universiy of Lausanne), Fiona Friedli (University of Lausanne), Jonathan Miaz (University of Lausanne)

Abstract: The recent development of an interdisciplinary research field on law & society in Switzerland raises questions on the different epistemologies, methods and approaches to studying this object. This panel invites contributions from a variety of disciplines, both theoretical and empirical to engage with a reflection on how to empirically study law and the relationship between law and society.

First and foremost, therefore, this panel aims at gathering contributions on *how* empirically studying law and the relationship between law and society in Switzerland. It thus invites reflection on the links between epistemology, methodology, theoretical approaches and analytical concepts, and in particular between the ways in which law and its relations to society are conceptualized, and the tools we mobilize to study and analyze this object. In this respect, we also invite papers that present a particular approach or concept, from a theoretical perspective or based on empirical research. For empirical research in law, we also invite legal scholars to propose contributions questioning the conditions, possibilities and interest of mobilizing social science tools in legal scholarship.

This panel then invites to reflect and discuss on how the Swiss case fits into an international field of research, by examining the specific features of the Swiss case and the contributions of empirical research on law in Switzerland. What can research on the relationship between law and society in Switzerland specifically shed light on? Finally, papers on the history of empirical legal research in Switzerland are also welcome.

Cross-cutting issues :
In short, this panel addresses the following cross-cutting questions:

- How can we empirically study law, and its relationship to society in Switzerland? With what epistemologies, methodologies, approaches and concepts, and for what contributions?
- How can we conceive of law and the relationship between law and society?
- How do we position ourselves in relation to this object and legal material?
- How can we analyze the diversity of "legal" materials, such as court records, legal interactions and hearings (etc.)?
- How can we study law in action, and how can we empirically study and grasp concepts such as legal consciousness, and legal socialization?
- How can social sciences be mobilized from a legal perspective? And what does interdisciplinarity bring to legal research?
- Conversely, why and how can law be addressed and studied in the social sciences?
- How can we take an interdisciplinary approach to law?
- What are the specific features of research in law and society in Switzerland? And what can the Swiss case contribute to this field of research?

Abstracts in English, French or German can be sent to jonathan.miaz@unil.ch.

Panel 16: Gaps, Overlaps and Paradoxes between Laws and Realities of Child-Parents Relations

Convenors: Ilaria Pretelli (Swiss Institute of Comparative Law), Laura Bernardi (University of Lausanne)

Abstract: In contemporary practice, child-parents relations are framed by two different legal institutions: filiation – which is a matter of civil status – and parental responsibility – which may – or may not – be invested in the same person enjoying the civil status of "parent". The disjunction between filiation and parental responsibility is governed by administrative laws aimed at protecting the best interests of the child and the right of the child to develop in a harmonious environment. Comparative law offers different examples of such disjunction, which is mainly related to the necessity of remedying incompetent parenting. Social science studies, in particular in family sociology and family demography offer a much wider range of examples of parental figures which spontaneously remedy to absent or incompetent parenting without being any legal institution that would frame their de facto parental responsibility. This socio-legal reality prevents children from enjoying in full their "right to a family" whenever the adults acting as family members cannot claim any possible legal recognition of their role as a safe reference from the child's perspective.

This interdisciplinary panel gathers contributions which attempt to bring together sociological and empirical contributions and innovative legal research. It general aim is promoting a discussion on how family sociology should approach legal research on family relationships and, conversely, on how legal research should analyse social studies. Its particular focus is on the social dimension of filiation and on the new forms of juridification of child-adult relationships.

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