



Sociology
of Law

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In times of pandemics and populism: increasing inequalities?

Presenters' Abstracts

Pierre Guibentif, Portugal/France

Socio-Legal Agency in Late Modernity – Reappreciating the Relationship Between Normativity and Sociology of Law

The paper takes as a starting point an article of Reza Banakar published 1998, in which he compared sociology of law with feminist scholarship, arguing, firstly, that the success of feminist scholarship would be due to the fact that feminist scholars ‘share a common ideological objective that does not exist to the same extent and with the same intensity in sociology of law’, and, secondly, that, just like feminists, who ‘freed themselves from the limitations of the traditional and academically established disciplines’, sociology of law ‘must in the same fashion limit its dependency on both law and sociology’. The discussion of these two arguments may offer an appropriate structure for a contribution to the debate about the relationship between sociology of law and normative debates. In a first part, a case for a possible ideological objective for the Sociology of Law will be put forward. In a second part, the relationship between Law and Sociology will be discussed, with a view to this objective, proposing one possible understanding of Banakar’s programme of “Merging Law and Sociology”

jurisdiction with the assistance of a lawyer when this proves indispensable for effective access to court, or when lack of such assistance would deprive a person of a fair hearing. The ECtHR also held that the requirement to pay fees to a civil court should not hinder access to a court for applicants who are unable to pay them. Yet Europe's first guidelines on civil legal aid were adopted by the Council of Europe only in 2021. With the author having been commissioned by the Council of Europe to develop these guidelines, this contribution discusses the content and structure of this new, landmark document and how it could help to further access to justice across Europe in future

Rui Caria, Portugal

Populism in Criminal Policy as a driver of inequality

Populism has indiscreetly made efforts to influence criminal policy. It constructs a narrative in which criminals are enemies of society deserving retribution in the form of heavy punishment, resulting in legislative proposals for longer prison sentences. This narrative is not supported by the evidence gathered from various criminological approaches which explain delinquency as a byproduct of social vulnerability. Inequality can deny opportunities for the development of capabilities which are essential for living life responsibly without committing crimes. Populism ignores how crime can stem from failures of the state in providing opportunities for development, and how not all of us have access to those opportunities. By doing this, populism acts as a driver of inequality in criminal policy, going against the principles of the democratic state of law that guide it. Among them, the obligation to provide aid to its most vulnerable citizens, including convicts

Inês Rebanda Coelho, Portugal

Blockchain: A new way of art distribution and its legal implications

The blockchain is a technology that has become a big deal between society during the last few years. Bitcoin has been the most well-known format inside this system. However, there is more to the blockchain than the cryptocurrencies. The blockchain has, as one of the main purposes, to create a fair economic future and in the future, its technology could be used for the distribution of heavy files, as films. There are several advantages that this technology could bring, not only in terms of works distribution and promotion but also of gains. This can provide, in countries with smaller cinema industries and which are ruled mainly by government subsidies, like several European cases, an economic, artistic and cultural improvement of their industries.

The purpose of this study is centered on analyzing the distribution of films and music using blockchain technology and legal procedures like smart contracts and NFTs – Non-Fungible Tokens, and expose the main differences from the traditional way of distribution, in terms of efficiency and complexity of the processes. In other words, the Author's Rights and Related Rights of European countries for music and films will be analyzed along with their legal practices and compare its efficacy with the blockchain system use. The purpose is to discover in what way this new technology can contribute to a more adequate form of distribution during a time where people are being so dependent of the digital technologies to communicate and receive information, in a time where the artists are even struggling more to sell and expose their work and when it seems important to discover viable ways for them to develop a career and to make a decent living out of it.