

INTERNATIONAL RESEARCH COLLABORATIVES (IRCS) PROJECT DESCRIPTIONS

IRC 01: *The Reflective Practitioner Project: Social Justice Lawyers in Comparative Perspective*

Organizers: [Scott Cummings](#), [Frank Munger](#), [Louise Trubek](#)

Description: The Reflective Practitioner Project extends a successful collaboration which grew from IRC funding preceding the Berlin Law and Society Association Meeting. That project, on Globalizing Public Interest Law, attracted scholars writing about (and with the collaboration of) social cause practitioners in Europe, Africa, Latin America, North America and Asia. Our renewed collaboration now emphasizes an important theme emerging from our earlier work, as well as from other global cause lawyer research: the role of indigenous institutions and cultures in legal advocacy for social justice causes. We will use a comparative, rather than country-specific, approach to examine not only the starting points for historical evolution of public interest law in different societies, but also the continuing differences among them. Building on narratives of “reflective practitioners” in each society, we plan to explore interpretations of law or rights, institutional forms, historical trajectories, and the influence of local histories on globalization of public interest law. Just as the influence of perspectives from the developing world profoundly changed the direction of the global women’s movement from the mid-1970s onward, we suspect that the symbolic values of law and human rights in developing and semi-developed societies may profoundly alter the influence of U.S. public interest and human rights discourse which underlies some of the most visible contemporary global “rule of law” interventions.

IRC 02: *Ethnographic Analysis of Transparency of Legal Practices*

Organizer: [Amy Levine](#)

Description: Transparency is a central assumption and aspiration of liberal legalism, informed decision-making, civil engagement, and critical analysis. Many of the proposed participants presented ‘Beyond Transparency’ at an American Anthropological Association meeting in 2008 and ‘After Transparency’ at the 2010 LSA annual meeting to collaboratively incite legal, socio-legal, and anthropological imaginations alike. What happens when one of the key means and ends of legal response and critique—transparency—no longer dismantles or even pauses its object? Can transparency remain merely instrumental to legal practices or does it turn them inside out? Our purpose is to ethnographically approach the pragmatic and aesthetic possibilities of what might come after transparency and its attendant liberal democratic assumptions while many bureaucrats, lawyers, activists, and scholars get on with the work of pursuing it. We approach transparency laterally as an artifact that denotes vision as well as time, space, persons, and relations. When approached as a fiction with powerful effects in various registers, transparency is open to categorical redefinition where objects and subjects swap positions, aesthetic gestures come to be ethical ones, and the material is always already a semiotic domain. Transparency takes the form of a building meant to reflect the legal proceedings of a new nation, of persons that reflect organizational forms, of time and its generation of a liberal democratic progression, of a procedure that creates information while disclosing it, of the ambivalent affect that attends its quantitative aspirations, and of legal knowledge and non-knowledge in the adjudication of organ transplantation.

IRC 03: *Public Opinion and the Courts*

Organizer: [Kristina Galstyan](#)

Description: Public participation and public opinion are key factors in democracy and the rule of law. This IRC is a project of the CRN on Public Opinion and the Courts, which is aimed at studying public opinion of justice systems in different countries, legal traditions, and different regimes and in historical context, with the goal of trying to measure how society and justice systems influence each other. Both developed and developing societies have problems related to the public opinion and justice systems, and this comparative study will analyze their similarities and differences. The research has a highly practical value as its findings can be applied to bring justice systems and the public closer together. The project has representatives from several disciplines, such as law, political science, history and sociology; and representatives with diverse backgrounds, including those, who have more than one area of specialization or who combine research work with practice at private or international organizations or government service. The research will give different perspectives of the topic: the academia perspective, the NGO perspective, international or donor organization perspective, the business perspective, etc. Methods of measuring the public opinion will be discussed as well. Within this framework, the issue of the uniform questionnaire template will be addressed.

IRC 04: *Law and Globalization: Chinese Experience in Comparative Perspective*

Organizers: [Weidong Ji](#), [Sida Liu](#)

Description: Much of the existing scholarship on the important research topic of law and globalization focuses on Western legal and international organizations. Limited work has been done in other parts of the world, particularly East Asia, where national legal systems have experienced notable changes in response to the forces of globalization in the past few decades. This IRC uses the case of China, with a comparison to other East Asian jurisdictions traditionally influenced by Chinese legal culture, to investigate the interaction between law and globalization and to challenge conventional wisdoms on the effects of globalization on national legal systems and local legal culture. The globalization of law is not necessarily a process of diffusion from Western legal systems to the rest of the world, but sometimes a domestic process initiated by nation-states seeking to reform their legal systems for the purposes of economic development or political change/stability. Accordingly, the state often assumes a dominant role in this process – on the one hand, it accommodates global norms and coordinates with international organizations and other nation-states to gain legitimacy in the global system; on the other hand, it mobilizes the domestic legal actors, civil society and local knowledge to pursue pragmatic economic and political goals. This dual process of globalization (or “glocalization”) is particularly salient in China and other Chinese societies in East and Southeast Asia.

IRC 05: *Gender and Judicial Education*

Organizers: [Brettel Dawson](#), [Ulrike Schultz](#)

Description: Gender (and related social context themes) has emerged as a strong current in judicial education. Overall, judicial education has greatly expanded in common law countries in the past 25 years and has become a core component in judicial reform programs in developing countries with gender attentiveness as an element required by donor agencies. In civil law jurisdictions, judicial schools have long played a role in the formation of the career judiciary with a focus on entry to the judicial profession and in-service education. Gender questions, however, tend to be neglected in the curricula. The judicial education activities of a number of

organizations have generated a significant body of material and experience which is timely for scholarly review and dissemination: What is the state of affairs? How is judicial education implemented in developed and developing countries all around the world? Who are the educators? Who is educated? What are the theories of gender and equality which are animating these programs? How is judicial education on gender regarded by judges? How effective are these programs? How does taking ‘social context’ into account as a core aspect of effective and responsive judging change the model of judging? What, if any, correlation exists with the appointment of a more diverse judiciary including women judges and judges from non-majority cultures? What is the relationship between a specific focus on gender equality and mandates for judicial impartiality and judicial independence? In what way, finally, can the experiences be compared to those with gender education for lawyers and law firms?

IRC 06: *Citizenship and Migration*

Organizers: [Leila Kawar](#), [Doris Marie Provine](#)

Description: The project will explore key socio-legal aspects of the dynamic relationship between immigrant sending and receiving nations, such as legal consciousness, legal norms, and the inter-layering of legal institutions within migration contexts. Research teams will explore the theme of access to rights for non-citizens from various disciplinary and transnational perspectives. The extent to which migrants have access to rights depends on whether these groups are perceived as prospective citizens or as temporary sojourners, and nations also vary in the attention given to integration. We know almost nothing about how this issue is conceived and acted upon in migrant-receiving states in the Global South. In a country such as Mexico, exploring the extent to which migrant communities of different origin have been incorporated provides a window into the dynamics of citizenship and national identity in a traditionally migrant-sending state. In other parts of the world, particularly in the migrant-receiving states of the Asia-Pacific and Middle East regions, extensions of rights to non-citizens remains a highly controversial matter, and those who advocate on behalf of migrant workers pose fundamental challenges to existing models of national membership. The specific topics that we will explore center on access to law; the impact of legal distinctions between citizens and non-citizens, legal migrants and unauthorized migrants; and the challenges of integrating those forced to move against their will, such as deportees and refugees. The geographic contexts vary widely and include North America, Australia, Singapore, Mexico, El Salvador, and the Middle East.

IRC 07: *Globalization, Transnational and Domestic Labor Governance*

Organizer: [Marley Weiss](#)

Description: This IRC will examine the causes, effects, and possible responses to globalization in relation to the law and social realities of work and labor markets. Currently, various aspects of the inter-relationship between globalization and labor rights, interests, and action, tend to be examined in isolation. The IRC aims as much as possible to integrate these disparate elements into a coherent set of approaches. Globalization and transnational mobility of capital are widely viewed as having undermined the traditional national regulatory schemes, processes and institutions in the labor and employment field. Yet transnational labor and human rights networks as well as institutions such as the International Labour Organization are beginning to post countervailing responses on the international plane. Transnational mobility of labor is producing increasingly complex effects as well. This IRC will address the interaction among

levels as well as within each of them. It will address the vertical interaction between the international (and in the case of the European Union, the supranational) and the national, as well as the local and workplace levels. It also will consider the horizontal and comparative communication of causes and effects of enhanced or undermined regulation of minimum labor standards and work-related human rights. It will include national and regional comparisons (e.g., EU versus NAFTA versus MERCOSUR versus ASEAN as well as comparisons among countries and among industries). In addition, it will examine the various meanings encompassed within the theme of transnational labor law.

IRC 08: *Legal Education*

Organizers: [Liora Israel](#), [Elizabeth Mertz](#), [Fabiano Engelmann](#), [Rachel Vanneuville](#)

Description: This IRC aims at opening a field of discussion among socio-legal scholars from diverse countries about the training of lawyers. We believe that legal education at a global level is confronted with new challenges, and deserves to be analyzed seriously on an international basis. Our network focuses on three main questions: (1) What are the methodological questions at stake? We hope to clarify the ways in which one can study legal education from a social science perspective, rather than the perspective of legal professionals, with the goal of achieving more scientifically-based knowledge. We will consider a variety of methodologies (archival, observation, interviewing, quantitative analysis), examining their successes, limitations and use in the study of legal education at the crossroad of many domains and fields. (2) How can we compare legal education in various countries? We will take into account the legal culture, diversity related to higher education systems, and the importance of professional training as opposed to more abstract learning that is highly variable across different countries. (3) What are the global trends? Our first discussions suggest that common trends are impacting the field of legal education: the globalization of legal instruments, the growing influence of corporate lawyers, increased competition between law schools or universities, for example. We will also compare recent trends in legal education with other types of professional education, since the boundaries between law and other professions are in flux in the global, corporate client market, and this already is playing out in emerging models for "legal" education.

IRC 09: *Lay Participation in Legal Decision Making*

Organizers: [Nicolai Kovalev](#), [Judith Fordham](#), [Valerie Hans](#), [Sanja Kutnjak Ivkovich](#), [Takeshi Nishimura](#)

Description: This IRC analyzes the transnational social, political, economic and legal factors that facilitate, impede, or shape diverse participation systems to explore: (1) the process of adoption of lay participation; (2) the declining use of lay participation; and (3) the movements to reform lay participation systems. The Pacific location of this meeting is especially congenial to our IRC, because several Asian countries including Japan and Korea have recently introduced new systems of lay participation (saiban-in seido or mixed court in Japan, and an advisory jury in Korea). Initial discussions among IRC members have focused on the development of plans to introduce citizen participation in legal decision making in Japan, Korea, and Argentina as well as research ideas generated by changes in citizen involvement as legal decision makers. Other plans include a regional lay participation approach, with the focus on Asia, former Soviet Union countries, Europe, and Latin America; and focus on strategies for developing cross-national empirical methodologies for studying lay participation systems. Several IRC members are eager to develop sets of theoretical questions, generating actual questionnaires that could be translated

into various languages, and outlining methodologies for research that could be used by scholars and policy makers in countries adopting new forms of citizen participation as decision makers. Following the beginning research stages and regional analyses, our focus will feature comparison and contrast across regions.

IRC 10: Understanding the Rise of the Regulatory State in the Global South

Organizers: [Bronwen Morgan](#), [Navroz Dubash](#)

Description: This IRC explores the core question: are there distinctive features of the contemporary “regulatory state” in the Global South, and if so, why and what are the implications? Particular attention will be paid to vital infrastructure sectors affecting consumers, such as electricity, gas and water. The following sub-questions animate the project: (1) Is there a distinctive genesis of regulatory agencies in developing countries? (2) To what extent and how is the regulatory state of the South shaped by the interface between the domestic and the international? (3) Once embedded, how is the practice of regulation shaped by national political economies? (4) How do regulatory practices, including administrative procedures, affect political opportunities? The project’s approach rests upon two key assumptions. First, that in order to understand the rise of the regulatory state in the Global South, it is critical to integrate politics into not just an appreciation of micro-level case study dynamics, but also into broader theoretical approaches at the macro-level. Secondly, that this deep integration of politics into an understanding of the regulatory state departs from the more technocratic approaches of “mainstream” literature on the regulatory state in ways that reclassify core features of developing country regulatory states, shifting them from “problems” to be corrected to endogenous differences which may well, when properly contextualised, turn out to be advantages that are in fact essential for integrated development.

IRC 11: Environmental Rights and Human Development: What Happens when Courts Become Involved in Managing Environmental Conflicts?

Organizers [Bruce M. Wilson](#), [Daniel Brinks](#), [Siri Gloppen](#)

Description: The main objective of the IRC is to investigate the judicialisation of environmental conflicts and its effects in comparative perspective, with a focus on low and middle income countries in the global south. We seek a better understanding of how human rights-based environmental litigation affects environmental and economic policy making and economic and human development. In the last 20 years, a global increase in rights-based environmental litigation reveals considerable variation across and certain regions. To assess the emergence and impact of this litigation in selected democratic, developing countries in Latin America, Africa, and Asia, we will look at the following broad questions: 1. In which contexts do environmental conflicts result in rights based litigation? 2. Under which circumstances do such cases succeed in court? 3. What are the effects of environmental litigation on environmental policies (directly through successful litigation, or indirectly as a consequence of litigation-related mobilization)? 4. What are the effects of environmental litigation on national economic development? 5. What are the effects of environmental litigation on human development? To explore these questions we will compose multi-method, multi-disciplinary panels that combine quantitative and qualitative analyses and deep empirical knowledge of the country cases analyzed. Our international, multi-disciplinary research team, comprising political scientists, economists, psychologists, and legal specialists are experienced in the relevant data collection within and across our selected

countries. Our multi-regional approach allows us to compare our findings within regions, but also to draw generalizations across regions.

IRC 12: *Assessing Economic and Social Rights Compliance: Experiences, Challenges, and Methodologies*

Organizers: [Aoife Nolan](#), [Octavio Ferraz](#)

Description: This IRC centres on a key issue arising in relation to ESR: namely, the assessment of the extent to which states have given effect to their international and/or domestic ESR obligations. Reflecting the different disciplinary backgrounds and research foci of IRC members, the IRC will address two central research areas: (a) Different methodologies for measuring state compliance with ESR in terms of law, policy and practice (e.g., the development of indicators, benchmarks and the employment of rights-based budget analysis techniques); (b) Approaches to the evaluation of the impact of ESR jurisprudence. The IRC's research will entail both theoretical and empirical elements. This latter element will include analyses of specific case studies in which the methodologies and approaches mentioned above have been employed. One very important role of the IRC will be to bring together scholars from the Americas and Europe in order to enable them to discuss and critically assess the very different domestic and regional approaches to the research areas addressed by the Collaborative. This scholarly conversation will contribute to, and significantly augment, the thus far relatively limited academic research being done on the issue of assessing state compliance with economic and social rights obligations, both in participants' regions of origin and at the international level.

IRC 13: *Regional Human Rights: The Americas in Comparative and Contextual Perspective*

Organizers: [Alexandra Huneus](#), [Judith Schonsteiner](#)

Description: The Inter-American System for Human Rights (IAS), a creature of the Organization of American States, is one of the world's main human rights systems. It purports to protect individuals in all of the hemisphere's states (including the United States). In Latin American states, over which it has binding jurisdiction, it is a well-known actor with a legacy of shaming dictators and felling amnesties. Despite its political trajectory, however, studies of the system have traditionally focused either on analysis of its jurisprudence, or of the procedural structure of its main institutions. Our IRC aims to create a network for emerging and established scholars who are beginning to conduct empirically-grounded work on the IAS, examining the politics underlying the system, and its effects on society. Substantively, scholars in the IRC will have one of two emphases. The first is comparative: the IRC includes scholars who examine the IAS in juxtaposition to its European and African counterparts. The second is contextual: the IRC would also be home to those undertaking in-depth studies of the impact the Inter-American System has in one or more member states, as well as those interested in how the different OAS member states, in turn, shape the system. The Collaborative has the potential to make important contributions to the study of public international law and politics. It will enhance our understanding in the Inter-American System.

IRC 14: *Transnational Legal Orders*

Organizers: [Gregory Shaffer](#), [Terence Halliday](#)

Description: This project will evaluate and compare the impact of differences in the structure and coherence of "transnational legal orders" on change within states in three domains: human rights law, trade/regulatory law, and private business law. We will select issues in each of these

three legal domains to assess the impact of differences in the structure and operation of transnational legal orders on states and their constituencies. While a few scholars have theorized international law in terms of transnational (or cross-border) legal processes, they have not done so systematically, nor by using the tools of social science, to understand how and why transnational legal orders have variable effects, and what normative implications this has for national and international policymakers. The project, in short, investigates how the features of transnational legal orders influence the degree of national conformity to global legal norms and the extent of sovereign adaptation to supra-national normative pressures. We define a *transnational legal order* (TLO) as a collection of more or less codified norms and associated institutions within a given functional domain. TLOs may include global, multilateral, regional and bilateral norms and institutions. They vary along the dimensions of being public or private; technical or non-technical; unitary or diverse; concordant or discordant. They include amalgams of hard law and soft law varying in their precision, obligatory nature, and institutionalization of dispute settlement.

IRC 15: *Intersex Between Sex and Gender? Or Beyond?*

Organizers: [Konstanze Plett](#), [Kathrin Zehnder](#)

Description: The project of deconstructing sex and gender is still under way. The variety of lived experiences and sexual identities has broadened since the 1960s: from one, the heterosexual individual, to homosexuals, transsexuals, transgenders. Who has entered the arena only recently are the intersexuals. Compared with other marginalized groups intersex people not only suffer from discrimination but from non-existence because their bodily condition is cut-off through surgery and veiled by early labeling as either male or female. Law demands a sexual categorization but does not define it, thus giving medicine and biology an unchallenged power to decide about the ways of existences for human beings. We want to investigate the diverse frameworks set by medicine, law, politics and ethics that work to the disadvantage of intersex people; and to discuss if and how the various discourses can be brought together to break the taboo under which intersex people must live. What roles do law, politics and social science play in denying or giving intersex people a place to live, a proper existence? Why do medicine and the biological bias of only two sexes play a more important role in establishing identities than 'real' existing feelings of being neither female nor male (or both)? Finally, which powers are at work in these complex structures of society and science that define intersex as a pathological phenomena, and not as a (societal and legal) status of being?

IRC 16: *Regulating Academic Mobility and Migration: What are the Effects of Lawmaking in Global Science and Technology?*

Organizer: [Alfons Bora](#)

Description: This IRC will focus on a phenomenon of global scope: the internationally increasing mobility and migration of scientists and academic researchers. Since the origins of science in Ancient Greece scholars have travelled; and since the end of the 1960s, the issue of travelling scientists became tangled up with agitation over global inequality. The "brain drain" has been at the centre of lawmakers' concerns. Against this background, a broad range of policies and new modes of contextual regulation have gained relevance for academic mobility and migration. What role does the law actually play in these flows of people and knowledge? What are the effects of lawmaking within an increasingly globalized science and technology? What are the regulatory instruments, institutions, and actors and how do they interact with

scientific research and teaching, mobility and migration? In order to attain analytical grip on the variety in systems of governance relevant for mobility decisions, we use the term "regulation regime". It denotes the complex of organizations, rules, practices, objects and animating ideas that are associated with the regulation of a particular socio-cultural issue, in this case scientific research and teaching in private and public research centres. While regulation by definition involves attempts at directing the behaviour of social actors, a regulation regime, in our parlance, must not be lopsidedly regarded as constraining research activity. It is what institutionally enables and constrains scientific research. To date, there is no research that takes a comprehensive or in-depth view at these elements, their interaction, and their effects on academic mobility and migration.

IRC 17: Gender Equality, Governance and Citizenship

Organizer: [Penelope Andrews](#)

Description: We are a group of scholars in law and other disciplines from four continents who will focus on pluralistic systems of governance and the interaction of marginalized communities (religious, cultural) with dominant legal systems. Our individual research has involved an interest in "reclaiming universalism" and seeking to move beyond the polarization of feminism and multiculturalism, including examining cultural and/or religious claims that challenge the normative development of gender and sexual equality. Securing gender equality in citizenship laws and governance practice was a central focus of feminist activism at an international level for the greater of the 20th century, and continues to be a concern today. While directly discriminatory laws have disappeared in most parts of the world, the categories of gender, sexuality, and race/ethnicity continue to be pivotal to citizenship and governance. We will examine (1) the implications of hard-fought changes won by women in relation to the emerging jurisprudence of "living customary law"; (2) the formal and informal "legal" regulation in the private sphere—the regulation of marriage, child custody, and inheritance; (3) state laws and policies that protect and promote women's economic empowerment, and that aim to eradicate discrimination against women; (4) developing frameworks, such as a human rights framework that revitalizes a political and economic analysis of gender violence; (5) the articulation between claims to property rights and customary entitlements, in particular the successful claims of women, particularly single women, in gaining access to residential sites in "communal areas"; and, (6) the interface between living customary law and state law (including official customary law).

IRC 18: Socio-Political-Economic Developments and the Legal Systems in East Asia

Organizers: [Kay-Wah Chan](#), [Young Hoa Jung](#)

Description: This project aims to investigate the interactions between social, political and/or economic developments and the legal systems in East Asia. In the last two to three decades there has been rapid economic growth and substantial social change in China; Korea has experienced a rapid economic growth and democratization; and changes, albeit more subtle, are also occurring in Japan. Hong Kong and Macau have new political regimes respectively upon the end of colonial rule and the return of sovereignty to China. Singapore, as a financial center in Asia, is caught in the current of globalization. These social, political, or economic developments can cause impacts on any one or more of the elements in the legal system: rule of law, courts and judiciary, legal and quasi-legal professions, and laws/law reform. Similarly, developments in any

of these elements in the legal system can also cause impactson the social, political and/or economic development of the country/place concerned.

IRC 19: *Women in Global Practices: Large Law Firms and Perspectives on Gender*

Organizers: [Carole Silver](#), [Steven Boucher](#), [Gabriele Plickert](#), [Ulrike Schultz](#)

Description: In the last several decades, large law firms have emerged as important engines of global growth. At the same time that the practices of large law firms have become international, women have entered the profession in substantial numbers. Globalization offers opportunities for lawyers to create new paths to power. This project proposes to examine how gender matters in these paths to power, and whether career strategies that involve globalization are as useful an alternative for women as for men. Research will focus on the issues of gender and global lawyering from two sides: the US- and UK-based law firms with global offices and the local or national firms which draw from the same talent pool. Their study will examine how women’s experiences differ from those of men, looking for explanations embedded in the political and cultural environments in which the firms work, both geographically and occupationally.

IRC 20: *Financial and Climate Crises: Global Regulatory Responses*

Organizers: [Fiona Haines](#), [Christine Parker](#), [Clifford Shearing](#)

Description: The climate and financial crises have generated significant regulatory reforms all over the world, and at a global level. The aim of the IRC will be to critically examine the intersections between climate and financial regulatory reforms, between global and local regulatory responses, and between the approach to regulatory governance of crisis by the Global South and the First World powers. The focus of the collaboration will span concerns from the fundamental compatibility of the aims of the two regimes (i.e. sustainable economic growth and ecological sustainability, in particular GHG emissions reduction), the capacity to develop regulatory responses that are effective in achieving both aims and the compatibility or otherwise of regulatory strategies aimed at enhancing economic stability and ecological sustainability that may compete for social and political as well as economic resources. A particular concern for the IRC will be the impact of regulatory strategies aimed at mitigating both crises on concerns around inequality and human rights in the Global South.

IRC 21: *Comparative and International Perspectives on Regulation of Household Credit, Debt and Insolvency*

Organizers: [Iain Ramsay](#), [Johanna Niemi](#), [Robert Lawless](#)

Description: The financial crisis and credit crunch of the late 2000s posed fundamental questions about the global financial services system, the role of consumer credit within that system, and the appropriateness and effectiveness of existing forms of regulation of household credit and debt. Conventional assumptions about regulation were challenged and a variety of reform proposals were floated or implemented. The crisis also focused attention on the problem of over-indebtedness, which had increased substantially in many developed and emerging economies since the 1980s. Crises provide opportunities for new approaches and for rethinking of conventional assumptions. Crises may have large effects on the way in which a society conceives of the role of credit, or simply result in “more of the same.” The IRC will provide an opportunity to assess these issues, the early effects of reforms of credit regulation throughout the world, and to reflect on competing approaches to regulation, from comparative and

interdisciplinary perspectives. A particular focus will include the extent to which alternative models of regulation are developing in emerging economies (e.g. BRIC) and developing countries.

IRC 22: *Comparative Judicial Dispute Resolution*

Organizers: [Archie Zariski](#), [Tania Sourdin](#)

Description: By "Judicial Dispute Resolution" we mean the work undertaken by Judges to encourage, direct, or engage in settlement processes for civil litigation, including judicial conciliation and mediation. The work will include quantitative, qualitative, critical and theoretical analysis from a comparative perspective. In other words, we will try to survey judicial activities regarding judicial dispute resolution in a number of countries, reflect on that information, and suggest trends, aspirations, and future developments. Contributors are from Asia, North America, Europe, South Africa and the Pacific, representing a range of disciplines including law, social and behavioural sciences and information technology.

IRC 23: *Re-Evaluation of Legal Assistance from Asian Perspective*

Organizers: [Yuka Kaneko](#), [Frank Upham](#), [Ji Weidong](#), [Shinichi Ago](#)

Description: Although numbers of research studies on the legal assistance or rule-of-law-related projects of international donors have appeared in the field of law and development, the majority focus on the question of how to achieve a "legal transplant" of Western models, without first questioning the validity of such models. An objective evaluation of the outcomes of legal transplants is required so as to test the validity of Western models beyond political propagandas. We should look at the "effectiveness" as well as the "impact" tests in the levels of program and ultimate goals, instead of being satisfied with the "efficiency" test in each level of project goals. Accordingly, one of the main purposes of this joint research is a careful evaluation of legal models of Western donors, viewed from their ultimate normative goal of "economic growth," that includes the effectiveness test on these donors. At the same time, the proposed research will attempt to re-evaluate the outcomes of Japanese involvement in the legal and judicial reform in neighboring Asia. Focus will be on the judicial reforms and the ADR promotion in China, Indonesia, Vietnam, Laos and Cambodia, all of which have been the major counterparts of Japanese involvement.

IRC 24: *Religious Diversity, Sovereignty, and Legal Pluralism*

Organizers: [James Richardson](#), [Bryan S. Turner](#), [Adam Possamai](#)

Description: Legal pluralism has often been associated with post-colonial legal developments especially where Western legal systems survived alongside tribal and customary laws. Focusing on Shari'a, religious courts and post-secularism, this IRC will examine the legal policies and experiences of various societies with different traditions of citizenship, secularism, and law, several of which are quite unstable in large part because of ethnic and religious divisions. We will consider legal development comparatively in the Asian-Pacific region to examine legal pluralism and sovereignty in Malaysia, Indonesia, Philippines, Bangladesh, and other nations in the region. The aim here is to analyze the legal framework of ethno-religious diversity especially where there is one dominant majority and at least one minority. Can legal pluralism offer a solution to social conflicts or does it undermine political coherence and further erode the sovereignty of the state? Drawing on our regional contacts, we will test the limits of multiculturalism by exploring whether the recognition of cultural differences also requires

recognition of legal differences. By looking at these societies with legacies of ethno-religious conflict, we will explore the character of post-secular societies, specifically in terms described by Jurgen Habermas as the public justification of beliefs and institutions by both religious and secular citizens.

IRC 25: Indicators and Global Governance

Organizers: [Sally Merry](#), [Benedict Kingsbury](#), [Kevin Davis](#)

Description: The focus of this IRC is to explore the various ways that the increasing use of indicators – numerical representations of countries and rankings of countries – is reshaping global governance. The project draws together a diverse set of scholars from both the developed and developing world who are working on international as well as national indicators of phenomena such as corruption, the rule of law, freedom, internally displaced people, corporate social responsibility, health, and governance. Examining how these indicators are created, how the data is collected and analyzed, and how they impact both decision-making and the general knowledge possessed by a range of global publics, is of critical importance in understanding the processes of global regulation. Tracing their production and use provides insight into the spread of transnational law and the interactions between transnational and national forms of law and expertise. Through a comparison of the ways that knowledge is produced at the national, regional, and international level, this project traces out the link between the production of knowledge and global legal regulation. It builds on the work of the project organizers in international law, global administrative law, the practice of human rights, and law and development.

IRC 26: Collective Litigation

Organizers: [Deborah Hensler](#), [Christopher Hodges](#), [Ianika Tzandova](#)

Description: Over the past decade there has been a remarkable transformation in the ability of citizens around the world to bring civil legal actions for compensation in representative or aggregated group form. Once limited to the US, class action procedures have now been adopted in at least 20 jurisdictions and are under debate in a number of other countries. Consolidated group proceedings are available in several other countries. The nations that permit class actions are diverse, including civil law as well as common law regimes and authoritarian as well as liberal democratic societies. Moreover, at least one country on every continent now permits class actions. Since 2007, socio-legal scholars from about a dozen countries have come together to pursue a joint research agenda aimed at understanding why this transformation has taken place, describing differences in formal procedural design and informal practice ("the law in action") and the consequences of permitting representative and aggregated collective actions for social and economic policy and access to justice. This IRC is aimed at conducting comparative qualitative case studies of class actions and group proceedings in participants' jurisdictions. The organizers have developed a common protocol for selecting cases and collecting data which the participants have agreed to adopt in a fashion tailored to their own jurisdictions and cases.

IRC 27: Racism, Colonialism and Law: Excavations, Operations and Iterations

Organizers: [Iyiola Solanke](#), [Denise Ferreira da Silva](#)

Description: The purpose of the IRC is to establish and pursue an international and interdisciplinary scholarly dialogue on the disjunctures and continuities of the practices and discourses of racism, colonialism and law. When conceptualizing the collaborative research

project, we had in mind the relationship between law and social scientific knowledge, a nexus wherein critical scholarship can open opportunities, identify and redress exclusions. More specifically, we hope to illuminate certain issues crucial for critical theory on racism, colonialism and law, identifying in particular deficiencies in the apprehension of the social context and trajectories of subordinate groups, and the critical social analysis and legal intervention necessary to capture that which falls through the cracks. We have structured the IRC around three broad interlocking questions, which will provide the basis for discussion and comparative analysis in future law and society meetings: (1) How and in what way is the notion of racism specific to the United States' particular socio-historical trajectory? (2) What are the obstacles and opportunities for critical scholarship on racism, colonialism, and law? (3) How does one advance a critique of racism, colonialism and law that analyses its continued operation in legal structures, both locally (for example, in regard to the lives of indigenous peoples, such as US Indian Law) but also at the global level (as in the Human Rights framework and the Rome Statute)?

IRC 28: *African Law, Society, and the Future of International Criminal Justice*

Organizers: [Jonathan Klaaren](#), [Sanele Sibanda](#)

Description: The dual purpose of this IRC is on the one hand, to introduce a nascent community of researchers whose work centers on the topic of Africa and the future of international criminal justice to the global sociolegal research community; and on the other hand, to further introduce sociolegal theory and themes to the work these researchers have conducted thus far. Given the importance of Africa to the topic of international criminal justice and the importance of international criminal justice to the putative international community, this project has significance beyond Africa. The project participants are a diverse group; although many are resident in South Africa, they represent a number of different nationalities. Their research includes international corporate influence, criminal justice, access to justice, law reform, human rights, social movements, governance and self-determination. In addition, organizer Klaaren is pursuing a project to launch a law and society association aimed at Southern Africa. Many of the project participants were also presenters at a conference organized by the Wits Programme in Law, Justice and Development in Africa (project organizer Sanibel was one of the principal conveners).

IRC 29: *Legal Mobilization during Humanitarian Crises*

Organizer: [Elizabeth Holzer](#)

Description: People invoke legal norms to define what is just or unjust, to make sense of their experiences. The diverse ways through which people engage with the law has spurred vigorous and extensive debates on “legal mobilization” in socio-legal studies. But it has long been said, *in times of war, law falls silent*. This international, multidisciplinary, research collaborative draws together research in Argentina, Chad, Egypt, Ghana, India, Jordan, Kenya, Nepal, Liberia, Uganda, Sri Lanka, Sudan, Tanzania, United States and the West Bank and Gaza to develop a broad-ranging comparative perspective to challenge that axiom with an exploration of legal mobilization during humanitarian crises. The project research is organized around three broad themes: (1) *Legal Mobilization from Below*, examines rights-based activism in refugee camps and the legal aid initiatives for refugees and internally displaced persons promoted by activists from host countries; (2) *Legal Mobilization from Above*, explores international legal frameworks for humanitarian crises from the global political philosophy that drives humanitarian intervention

to the substantive debates on food rights, status determination, and protective mandate; and (3) *Mobilization outside the Law*, examines extralegal forms of engagement among refugees and internally displaced persons including criminal activities in humanitarian contexts.

IRC 30: *Social Rights*

Organizers: [Heinz Klug](#), [Cesar Rodriguez-Garavito](#)

Description: Our collaborative builds on a panel on social mobilization that was presented at the Law and Society Association meeting in Chicago in 2010. The collaborative seeks to create a formal research project on economic and social rights that will use the diverse research agendas and experiences of the participants to develop a comparative project that will seek to understand how these rights have been developed, mobilized and institutionalized both internationally and in different societies. The scholarly focus of this collaborative is to explore the relationships between social mobilization, the recognition of economic and social rights (ESR), and the role of courts, government policies, social movements, political parties, as well as non-government organizations both within countries and internationally. The collaborative will try to understand the historical roots of these claims and rights while focusing most specifically on the reemergence of these rights in the post-cold war context of the globalization of economies, law and mobilization. The project includes participants from different regions of both the global North and the global South, among them Africa, Latin America, Europe, Southeast Asia and the U.S.; it includes members who have both academic and advocacy experience; and members who are active in other transnational networks on ESR (e.g., ESCR-Net).