

INTRODUCTION

The *Journal of Law and Society* at 50/The Centre of Law and Society at 10: An introduction to the series of academic events at Cardiff University in the 2023/24 academic year

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The *Journal of Law and Society* (JLS) was founded by a group of socio-legal scholars in Cardiff in 1974. The 2023/24 academic year, therefore, provided a unique opportunity to jointly celebrate the 50th anniversary of the JLS and the 10th anniversary of the Centre of Law and Society (CLS) which has been intellectually and materially supported by the JLS since its establishment in 2014.

The close relationship and collaboration between these two pillars of socio-legal research at Cardiff University led to the unique series of academic events organised by the CLS in the 2023/24 academic year. It was designed to celebrate the JLS's fundamental contribution to the British and international community of sociologists of law and socio-legal scholars. It focused on the journal's rich history and thematic profile as well as future plans, trajectories and challenges.

The programme consisted of thematically organised public events. These were structured as keynote lectures delivered by scholars from the most diverse academic background who were asked to critically reflect on the JLS's past contribution to the relevant socio-legal research and outline its main future challenges and development possibilities. Keynote lectures were subsequently commented on by the academics who previously published in the JLS. Their role as discussants responding to the keynote lecture was to highlight both experiences and expectations of socio-legal research and inspire new generations of sociologists of law and socio-legal scholars.

In October 2023, Christian Boulanger, Naomi Creutzfeldt and Jen Hendry delivered their collaborative research under the title *Socio-Legal Construction of Law*. It was based on a quantitative analysis of the JLS to empirically chart the development and evolution of socio-legal studies. By tracing the influence(s) of the JLS upon the development of UK socio-legal research, they not only demonstrated a new mode of exploring knowledge production in the field of socio-legal studies but also illustrated how computational methods can augment hermeneutical approaches to mapping

socio-legal trends. Using three different analytical approaches – descriptive analyses of bibliographic metadata, text-linguistic analyses of a corpus of full-text articles and network analyses of citation graphs – they generated comparative information about the JLS since its inception in 1974. They then employed this data to interrogate the JLS' own narratives; using predictions, ambitions and statements of intent made by Editor Phil Thomas published either within or regarding the *JLS*, Boulanger, Creutzfeldt and Hendry presented a map of the journal's role within, impact upon and enduring contribution to UK socio-legal studies.

The programme continued with the event *Theory in Socio-Legal Studies* in November 2023. Nafay Choudhury and Isobel Roele critically reflected on the Cotterrell–Nelken debate, which was running between the two scholars on the JLS pages in 1998, on the relationship between law and sociology within the wider discipline of law and society and their respective fields of empirical legal studies, legal ethnography, critical legal studies and international law. The debate continues to hold relevance in the way socio-legal scholars understand law within and, in relation to, other social scientific fields. The core of the debate hinges on whether the discipline of law may benefit from clearer rapprochement with sociological approaches, or alternately, whether these domains are best treated as distinct.

The Cotterrell–Nelken debate echoes the very first article in the first issue of the JLS (then called *The British Journal of Law and Society*) published in 1974 in which Ian Douglas Willock summarised the differences in the sociologist and the lawyer's approach to law in the following words:

the tension between lawyers and sociologists stems from their different perceptions of law. For the sociologist it is one regulator of human behaviour among many, a very precise and overt one, possibly one indispensable to social life, but with no claim to uniqueness. The lawyer sees it as marked off from other social controls, by its coercive force and by its official character. For him law is not a mere pressure to be identified, but an instrument to be wielded. ...

This leads on to the second major difference. Lawyers are involved in the law. They are doers, rather than thinkers. They are in business, supplying those who manage the great society that is the state with legal rules, the most effective weapons of social control and applying these rules. ... They are involved at all levels, keeping the system functioning smoothly. This gives them a sense of commitment and of the importance of what they do, which to the onlooker can seem unpleasantly complacent.

The contrast with sociologists is complete. The matter of their discipline is not formulated by them; it awaits discovery. They are embarked on an uncharted voyage of exploration among the constantly shifting and infinitely varied vagaries of human group behaviour.¹

According to Willock, jurisprudence typically suffers from methodological and scientific isolationism and reduction of theoretical issues to the operations of positive law and its social efficacy.²

¹ I.D. Willock, 'Getting on with the Sociologists' (1974) 1(1) *Br J Law Soc*, 3, at 3.

² *id.*, 8.

At the same time, theories introducing sociological concepts and methodologies to the study of positive law risk obscuring the law's distinctiveness by identifying it with all societal rules, regulations and customs.

Focusing on similar hermeneutical and methodological challenges, the debate between Cotterrell and Nelken in the late 1990s focused on the nature of law within sociolegal jurisprudence, revealing the opportunities and dangers of trying to develop a better understanding of the legal domain by relying on sociology. Nafay and Isobel then critically reflected on Cotterrell and Nelken's thoughts and perspectives to further enrich how legal and social scientists understand different branches of positive law, legal knowledge and the system of positive law in general.

In December 2023, Sabine Frerichs delivered a keynote lecture at the *Law, Economy and Society* event. She emphasised the interdisciplinarity of the JLS that straddles two major disciplines, law and sociology. She highlighted how the *economy* as a subject matter and how *economics* as a discipline have been covered by the JLS over the period of 50 years. Sabine explored the JLS's role in this overall mission around a reconstruction of how different generations of socio-legal scholars deal with or have dealt with matters of law, economy and society. Ruth Dukes and Tony Prosser, both contributors to the JLS, participated as discussants at the event.

The event *Beyond Law and Gender (What is the Future of Feminist Legal Scholarship?)* was organised in February 2024. Flora Renz delivered a keynote lecture considering three sites that draw out the contemporary role of gender categories in the home in the context of a wider project on gender decertification. Using the JLS resources, Flora argued that contemporary discourse on gender categories and trans inclusion/exclusion have primarily focused on issues within the public sphere, while the realm of the private sphere has been neglected and would benefit from renewed focus on feminist engagements with the ways in which gender categories and norms are constructed and reinforced in this setting. Rosemary Hunter participated as the event's discussant and was joined by Mariam Kamunyu and Ambreena Manji.

In March 2024, the programme continued with the *Socio-Legal Studies and Criminal Justice* event when Amy Kirby and Lucy Welsh lectured from their different academic backgrounds, yet both were interested in how the criminal justice system operates. Kirby and Welsh shared a strong interest and expertise on the theme of 'participation' in criminal justice, specifically in the criminal courts. In this context, they used the term 'lay participant' to denote members of the public who attend a criminal court hearing in a non-professional or adjudicatory capacity, such as a defendant, victim or witness. In their presentations, they were interested in what lay participants understand, perceive and experience during the court process and what can facilitate or limit their participation. Cyrus Tata and Jacqueline Hodgson, both established contributors to the JLS and socio-legal research, acted as the event's discussants.

At the following event, *Socio-Legal and Critical Legal Studies* organised in April 2024, Lizzie Willmington delivered a reflective keynote lecture considering the commonalities and differences between socio-legal and critical legal studies. Rather than demarcating boundaries, she argued for working across methods to provoke and challenge ourselves as researchers as well as our approaches to socio-legal and critical legal research. She highlighted the potential in empirical and creative methods to explore more critical research questions to return to the promise of social justice and transformation within these two academic approaches. According to her argument, far from a parochial academic endeavour, the question of the commonalities and differences between socio-legal and critical legal studies raises broader questions as regards arguments and methods for social justice and social transformation some 40 and 50 years after the critical legal and socio-legal approaches began, and what roles do they still play. Tara Mulqueen and Stewart Motha subsequently delivered their comments from the perspective of critical legal scholarship.

In May 2024, Bharat Malkani delivered a keynote lecture at the *Pluralism, Decolonisation and Socio-Legal Studies* event. It was related to the themes of legal pluralism and the recent imperatives of decolonisation. He argued that, although in some respects both topics are distinct fields of studies, they share commonalities and overlaps. Both are concerned with the operation of law in its social context, and both are concerned with the relationship between law and power. Malkani set out how the literature on legal pluralism contributes to our understanding of decolonisation and outlined the ways in which the literature on decolonisation can likewise sharpen our understanding of legal pluralism. His focus was primarily, but not exclusively, on research that has been published in the JLS. This is partly because, as a member of the JLS's Editorial Board, he found it interesting that, without design or planning, the JLS has published many articles over a period of several decades which appear to address disparate issues, but which nonetheless speak to an overarching theme. Margaret Davies and Brian Tamanaha provided insightful comments on the themes.

In June 2024, Barbara Hughes-Moore introduced the themes of law, literature and art in her keynote lecture at the *Art, Literature and Socio-Legal Studies* event by using the metaphors of law's life and death. The metaphors 'the law is dead' and 'the law is alive' used by Hughes-Moore may be deeply entrenched in the humanities' perspective of law, yet they also remind us of Eugen Ehrlich's thoughts, the ubiquity of law and the place of socio-legal studies at or close to the heart of jurisprudence in the United Kingdom. Barbara spoke of the 'gothic' qualities of law. According to her, law can be two things at once. This insightful description, according to one of the commentators, Stefan Machura, is close to the double-coding of social communication introduced by Niklas Luhmann's sociological systems theory. Law is many things and has become too complex to be fathomed as an entity. Barbara, together with the commentators Stefan Machura and Les Moran, agreed that this perspective has consequences for legal scholarship and may favour the socio-legal approach championed by the JLS.

The series of academic events was followed by *The Thematic and Disciplinary Challenges in Socio-Legal Studies* PhD/early career academic conference in October 2024. It brought together doctoral students, early career academics and senior scholars specialising in socio-legal, interdisciplinary and empirical legal studies. It was organised as a series of discussions and short presentations and the two papers appearing in this volume by Devansh Shrivastava and Arvind Kumar are their outcomes.