

Between Oñati and the world: Institution building for science – A personal testimony



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Introduction

The International Institute for the Sociology of Law was inaugurated precisely at the time I was so lucky to find myself in the position to start what I now feel I may legitimately call a socio-legal career. A career which has largely unfolded at a place not that distant from Oñati: Lisbon. Under these circumstances, answering the kind invitation of Martin Ramstedt to give an account of my working experience at the IISL, it makes sense to (1) summarize my own way to the sociology of law, (2) describe the development of the IISL as I was privileged to witness it since its inauguration, (3) survey the tasks I had to carry on during my directorship (1998-2000), and (4) recount the main opportunities I since then had to contribute to the Institute's activities. Throughout this long period of involvement in the Oñati Institute's life, I could appreciate its development as an institution, in the strong sense of the term. I will, therefore, (5) take the opportunity to tentatively revisit here the concept of institution, and to appreciate its relevance for reflecting our practice as scientists.

Entering the sociology of law

I studied law and sociology at the University of Geneva, from 1974 to 1978. I had been inspired to do so by, among other motivations, my reading of Niklas Luhmann's *Rechtssoziologie* from 1972. In 1978, I could join, as research assistant, the *Centre de technique et d'évaluation législative*, *CETEL* (which nowadays could be translated as 'Centre for Legisprudence'), one of the research units at the University of Geneva. There, I was trained in sociology of law by Jean-François Perrin, who had introduced me to the topic in his Sociology of Law course, which he had taught as an optional course within the Law degree, and in the methodology of socio-legal research by Jean Kellerhals, who had been my methodology professor in the Sociology degree.¹

In 1981, I moved to Portugal, apart from other – definitely more essential – reasons, attracted by the process of democratic reconstruction that had been triggered by the April 1974 Revolution, and which put an end to 41 years of Salazarist authoritarian regime. My hope was that my fledgling socio-legal expertise could serve in that context. So, I started there to do research on the effectiveness of the international coordination

¹ One output of this period was the edited volume *Le divorce en Europe occidentale* (Commaille *et al.* 1983).

mechanisms in the field of social security, an issue which had become relevant due to the new trend of return migrations within the European space. I had received strong encouragement for designing the project by Guy Perrin from the International Labour Organization, who also was professor in international social security law at the University of Geneva, as well as by António da Silva Leal, a Portuguese scholar deeply committed to the development in Portugal of social policies, and of academic scholarship in this domain². In a first step, this research project led to a report (Guibentif 1984) I could submit to the Portuguese *Instituto de Apoio à Emigração e às Comunidades Portuguesas* (i.e., 'Institute for Support to Emigration and Portuguese Communities'). Encouraged by Guy Perrin, I later could develop my report into a broader PhD Dissertation Project at the University of Geneva on the topic of the practice of international social security coordination rules, which I successfully defended in 1995 (Guibentif 1997).

In 1982, I joined the University Institute of Lisbon (ISCTE), a public university which at that time was specialized in social sciences and management, initially to teach theories of ideologies, but soon challenged to launch, as part of the ISCTE sociology degree, a teaching unit in sociology of law. The development of that teaching unit was my main mission at ISCTE throughout the next years.³ In carrying out that mission, I could take advantage of the following challenges, demands and opportunities:

- The research on international social security regulation and on the Portuguese social security system I just had started;
- the teaching and research invitations of the *Centro de Estudos Judiciários* (i.e., 'Centre for Judicial Studies') in Lisbon, the institution in charge with the training of Portuguese judges and public prosecutors;⁴
- an internship at the law firm Lalive, Budin et Associés in Geneva, which, as a matter of fact, apart from training me as a lawyer, proved to be an exceptionally exciting exercise of participant observation of the Genevan judicial system;
- the connections with the international socio-legal networks I had started to establish during my time at the CETEL;

² As a document of this commitment, see Leal (1998).

³ For some details on the development of sociology of law in Portugal, and in particular at ISCTE, see Guibentif (2014a).

⁴ An outcome of these demands and challenges was the book *Comunicação social e representações do crime* (Guibentif *et al.* 2002).

- and last but not least, a few years after I had started my teaching in ISCTE's sociology degree, my involvement in the activities of the Oñati Institute.⁵

Witnessing the creation of the IISL and participating in its early activities

When I was finalizing my internship in Geneva in autumn 1988, a joint meeting of the sociological associations of German-speaking countries took place in Zurich. This was for me a splendid opportunity to strengthen my connection to the German-speaking sociologists of law.⁶ The sessions on sociology of law at that meeting were chaired by Volkmar Gessner, whom I had first met at CETEL during a visit he had paid the centre. It was at the end of these sessions, when the plenary discussion was turning to possible future activities, that Volkmar announced the incredible news that soon sociology of law would have a 'castle in Spain'.⁷ This was the first time for me, as well as for most of the people in the room, that I heard about the project of the Oñati Institute. A few months later, back at my office in Lisbon, I received a letter inviting me to the inauguration of the IISL.

Without hesitation, I booked my travel from Lisbon to Oñati by train, which made me discover Zumarraga, the train station closest to Oñati, and a room in Arantzazu, which gave me occasion to visit for the first time the architecturally stunning as well as scenic pilgrimage destination ten kilometres away from Oñati up into the mountains. I attended the Inauguration Day as a junior member of the audience, and I experienced it as an exceptional political and scientific moment, framed by the splendid building of the Antigua Universidad.⁸ The occasion allowed for exceptionally intense networking. I met many people I had never met before, like Anne Boigeol, Alain Bancaud, Masaji Chiba, Oscar Correas, Elías Díaz, Terry Halliday, and many others, while reconnecting with people I knew already from my Genevan years, like Jean Carbonnier, Jacques Commaille, Volkmar Gessner, Laura Vonèche, as well as from my present work in Portugal, like

⁵ About the way these activities helped the organisation of the sociology of law classes at ISCTE, see Guibentif (2004).

⁶ As a result of this participation, Guibentif (1989).

⁷ At that time, Volkmar Gessner was heavily involved in the process of establishing the Institute. See the extremely rich documentation he collected on this process: Gessner (1998).

⁸ The most relevant speeches delivered at that occasion are collected in Arnaud (1989).

Boaventura de Sousa Santos.⁹ I was also introduced to the first scientific director of the Oñati institute, André-Jean Arnaud.¹⁰

I owe to Arnaud my intense involvement in the early activities of the Institute. I participated in some of the first “High Level Seminars” he organized (Arnaud 1991, 1993). I joined the teaching staff of the Master’s Programme launched for the first time in the academic year 1990-91. And I was invited to assist him in the preparation of the visit of Niklas Luhmann to Oñati, where the latter held a Special Lecture within the Framework of a “Post-Congress” organized at the Institute in July 1990, shortly after the International Sociological Association (ISA) Conference in Madrid.¹¹

I remained a member of the teaching staff for the Institute’s Master Programme in Sociology of Law until its fifth edition, and I took part in the examination boards of many Master theses submitted by students of this programme through the years. In March 1996, I participated in a Workshop on “The Infrastructure of Cross-Border Legal Interaction”, organized by Volkmar Gessner (Gessner and Cem Budak 1998). In July 1998, I was invited by Jacek Kurczewski, the Institute’s Scientific Director at the time, to participate in the Summer School titled *El Buen Gobierno como Problema de la Sociología del Derecho / The Good Government as Subject for the Sociology of Law*.

During my frequent visits to Oñati, I had the opportunity to meet many of the people whose contributions were making it possible for the Institute to develop. In the first place, I would like to mention key people from the Basque Country, like José Ignacio García Ramos, at the time of the inauguration deputy-minister of Justice of the Basque government and first chair of the Governing Board of the Institute, who had attentively followed the activities of the Institute for years, giving me precious advices during my term as Academic Director; Francisco Caballero Harriet, a Basque socio-legal scholar committed to the development of sociology of law in the Basque Country since the 1970s (Caballero 1986, 1987), who played a crucial role in the genesis of the process leading up to the creation of the Institute – he had the talk with Juan Ramón Guevara Saleta, at that time minister of Justice of the Basque Autonomous Community, when Ramón Guevara announced that he “had a place for an International Center for the Sociology of

⁹ For a report on the Inauguration and on the first year of the Institute, see Guibentif (1990).

¹⁰ About the role of André-Jean Arnaud in the setting up and early development of the IISL, see Guibentif (2019a). I quote his warm welcoming words at the end of that paper (p. 71).

¹¹ Luhmann 1993. See also the video-recording of that lecture, now published on the website of the Luhmann-Archiv: https://niklas-luhmann-archiv.de/bestand/av/item/AV_V_PG-01_00 (last accessed May 2022).

Law”, that is, the Old University of Oñati¹² – and Eli Galdos, at the time Mayor of Oñati, who was also to become an enthusiastic supporter of the Institute, which he saw as a driver for the attractiveness of the city.

In Oñati, I also met the following members of the international socio-legal community, who need to be mentioned as having been instrumental for the development of the IISL: Reza Banakar, Erhard Blankenburg, Wanda Capeller, Vincenzo Ferrari, Eliane Junqueira, Mavis Maclean, Vittorio Olgiati, Peter Fitzpatrick, Phil Thomas, and many others. I also want to name here in particular those who, in these first years, took on the scientific directorship of the institute: Paavo Uusitalo, Rogelio Pérez Perdomo, Roberto Bergalli, Johannes Feest – who was so helpful in the preparation of my own application and remained a trusted adviser throughout my own term of office –, as well as Jacek Kurczewski.

While being a member of the Master’s Programme’s teaching staff, I had the pleasure to get to know and work with the helpful and competent staff of the Institute: José Antonio Goyenaga (Administrative Director), Elvira Muñoz Moya (Documentation Centre), José Antonio Azpiazu Elorza (Publications), Malen Gordo Mendizabal (Meetings and Workshops), Manttoni Kortabarria (Secretary of the Administrative Director), María José Alzelai Sagastizabal (Administrative Support), Rakel Lizarralde Maiztegi (Administrative Support), Serena Barkham-Huxley (in the very first years Secretary of the Scientific Director), Sole de Aguirre Soto (Library), Susana Arrese (Master’s Programme).

Last but not least, it is a special pleasure for me to name here Antton Elorza and Begoña Colinas, the owners of the *Bar Antton*, where, like most of the visitors of the Institute at the time, I had my preferred meals served in an exceptionally friendly atmosphere.

Academic Director of the IISL (September 1998 – July 2000)

The way André-Jean Arnaud had involved me in the activities of the Institute had helped me to understand how important it was that the international socio-legal community would be able to regularly provide scholars capable of taking over the Institute’s scientific directorship. It was clear to me that the mission of the scientific director was not only to

¹² Caballero Harriet 1989, p. 14.

run the Institute scientifically. It was also to improve the relationship between the Institute and the part of the world the director was hailing from, to reinforce the activities of the Institute in the domains of the incumbent director's specialty, and to ensure the Institute's stability, by keeping continuity across the successive directorships, while respecting the individual style with which each director was enriching the Institute. Reflecting on my socio-legal profile, my research specialty in social security law, and my connection to Southern Europe, I felt encouraged to apply for the position. My application, which I submitted in 1997, was accepted, and I was appointed as Scientific Director for the term of September 1998 to July 2000.

While I had been granted an unpaid leave by João Ferreira de Almeida,¹³ at the time President of ISCTE, for the whole duration of my special mission in Oñati, I took over the duties of the Scientific Director of the Institute in the capacity of *Profesor Visitante* (i.e., 'Visiting Professor') at the University of the Basque Country (UPV/EHU), thanks to the efforts of José Luis de la Cuesta, Professor at the Basque Institute of Criminology at the UPV/EHU, who did represent his university at the Oñati Institute's Governing Board. My link to the UPV/EHU proved to be of crucial relevance, particularly for my task of representing the Institute locally, as it provided me with an institutional status very helpful in my contacts with the Basque authorities. It furthermore gave me access to the Basque academic community, thanks in particular to the kind way I was welcomed by Rosa Mentxaka, at the time Dean of the Law School at the UPV/EHU. My affiliation with the UPV/EHU also allowed me to continue to work on my research topic, i.e., the European social security coordination rules, and to debate my ideas with students and colleagues at this university. The opportunities for debate I owe especially to Juan Pablo Aguirretxe, Professor for Labour Law at UPV/EHU.

In the very first days of my term, José Antonio Goyenaga approached me to draw my attention to this challenge of having to give visibility to the Institute within the Basque Country. It came to be my main priority throughout my mandate. With the extremely valuable support of Angel Iturbe, successor of Eli Galdos at the Oñati Townhall, I could

¹³ João Ferreira de Almeida passed away on 16 June 2022, in the very period I was finalizing this paper. I take the opportunity to express here how grateful to him I am for the supportive and kind attention he always paid to my socio-legal activities within and beyond ISCTE. It was following his advice that I applied for the 'Agregação' examination (public tenure examination, which was a precondition for my becoming a full professor at ISCTE; see Guibentif 2004 and 2007). It was the most important and intellectually productive examination I had to pass in my life. That I was able to eventually feel at home at ISCTE is to a considerable extent due to João Ferreira de Almeida's outstanding sense of collegiality, from which I, amongst others, at ISCTE and elsewhere, could benefit.

visit representatives of the governments of the Basque Country and of the Gipuzkoa Province already in the first weeks of my term, in order to present the activities of the Institute and to know their expectations towards it.

My efforts in this area had to be intensified a few months later due to a political circumstance. Elections in the Basque Country caused a political shift in favour of the nationalist parties. Iñaki Sanchez, the Deputy Minister of Justice in office at the time I was preparing my coming to Oñati, had introduced me in an extremely helpful way to the Basque policy of Judicial Development and had discussed with me ways of involving the Institute in this policy. Iñaki Sanchez had been appointed by José Ramon Rekalde, socialist Minister of Justice and Education as well as President of the Oñati Institute's Governing Board. After the elections, he was replaced by Abel Muniategi from the nationalist political party EA (Eusko Alkartasuna). This change in the political leadership of the Basque Country obliged me to re-introduce the Institute to the government and to re-start the discussions about the Institute's mission. It was in fact a pleasure to conclude these discussions with Abel Muniategi. It was decided that in addition to the regular academic activities that the Institute should have the freedom to pursue, and that would strengthen its international network of specialists in socio-legal research helping to elevate its level of excellence and expertise, the Institute was to develop initiatives aiming specifically at answering the knowledge interests of the Basque Government.¹⁴

One initiative resulting from these discussions was that the Institute organised the meeting *Justicia y Autogobierno / Justice and Self-Government*, which took place in San Sebastian in February 2000.¹⁵ The meeting opened with a speech by Abel Muniategi.¹⁶ The panel sessions included a comparative law session with Hans-Ernst Böttcher (Lübeck), Jacques Commaille (Paris-Cachan), Andrée Lajoie (Québec), Pascal Mahon (Neuchâtel), and Gerald Rosenberg (Chicago) as speakers. Among the Basque participants of this meeting was one who deserves special mention here: Joxerramon Bengoetxea, who later became Scientific Director of the Institute from 2005 to 2007 and took over, throughout the recent years, several duties highly relevant for the development of the Institute.

¹⁴ About Abel Muniategi's vision of the IISL, see Muniategi Elorza 1999.

¹⁵ The proceedings of the meeting were later published by the Institute; see Tamayo Salaberria (2001). For recent initiatives oriented by the same purpose, see the introduction to the present issue.

¹⁶ See Muniategi Elorza 2001.

The discussions with Abel Muniategi were about the most fascinating experience I could have in the course of my career. They struck me as a direct dialogue between science and politics. On the one side, there was a politician, who had to defend a notion of the kind of science that could serve his country; on the other side, there was a scientist, who had to impart an understanding of the conditions required for science to produce knowledge useful for society. It was an exceptional experience because usually such discussions take place within the framework of a complex setting of different bodies, a plurality of governmental agencies, and a plurality of agencies specialized in the different aspects of public scientific policies: orientation, funding, evaluation, and so on. In such a setting, direct encounters between politicians and researchers are not so frequent, highly structured, and in most cases taking place at a considerable distance from the decision-making processes. At the time of my directorship, due to the specificities both of the Basque Country as an autonomous community in Spain, and of the IISL, these discussions could take place in an excitingly condensed format within a personal interaction.

One consequence of these exchanges with Basque Officials was the following. From the first of these meetings onwards, I noticed how demanding it was to document the Institute's activities for our partners, in particular those in the Basque Government. It is actually worth remembering that online information only started to be developed during my mandate,¹⁷ and printed formats were still the most effective means of institutional promotion. This was the main reason why I started to work, with the help of all members of the IISL staff, who did substantively and competently contribute, on a publication that documented the first ten years of the Institute's development, under the title, *Oñati IISL-IISJ 1989-2000* (Guibentif 2000).

An activity that structured my whole term of office was the setting up and the implementation of the 1999-2000 IISL Master's Programme. Here, I benefitted from my experiences around the implementation of the 1998-1999 Programme, which had been designed by my predecessor Jacek Kurczewski, but which had been my task to bring to effective realisation. By defining its general topic – Law in World Society, States, and Communities –, my concern was to combine the discussion of the international dynamics of the law I had had the occasion to observe during my field work on the practice of international social security coordination rules, with the reflection on the dynamics I could

¹⁷ I owe my first training in the design of webpages to Malen Gordoia and Manttoni Kortabarria, which was an extremely helpful skill in the next steps of my career.

observe in the immediate environment of the Institute.¹⁸ A particularly rewarding experience was the enthusiastic answer on my invitation, from the part of the colleagues whom I had approached as possible teachers of the 1999-2000 Master's, and the dialogue I could have with them during the time they spent at the Institute to deliver their classes. We talked about sociology of law, the Institute, the students, the topic of the programme, the period of time we were living in, and much more. It is a pleasure to recall their names here: Christopher Arup, Fareda Banda, Marie-Andrée Bertrand, Alan Bradshaw, Jean-Paul Brodeur, Manolo Calvo García, David Campbell, Marie-Claire Foblets, Robert Kidder, Stefan Machura, Luzius Mader, José Manuel Pureza, Grazyna Skapska, Gunther Teubner, and Barbara Yngvesson.

As Scientific Director of the Oñati Institute I had the opportunity to work with the students of the Master's Programme myself, as I was in charge of the weekly Thesis Seminar. Here again, after all the years I had come to Oñati to teach specific topics, I could appreciate the impressive potential of the gathering of students with hugely different backgrounds, both in terms of intellectual productivity and of personal development. For the students as well as for the faculty, their coming together in Oñati deserves to be qualified as an experience of world society, even if the sample of people participating in it was certainly not representative¹⁹.

In 1999, I had to organize the 10th anniversary of the Institute, benefitting from the competent support of the whole IISL staff. The anniversary took place at the occasion of the 1999 IISL Summer School, which was devoted to the topic *Communicating About Law Today*.²⁰ It was formally opened by Sabin Intxaurreaga, at the time Minister for Justice, Labour and Social Security of the Basque Government, the afore-mentioned Abel Muniategi, at the time Deputy Minister for Justice, and Angel Iturbe, at the time Mayor (*Alcalde*) of Oñati, whom I also already mentioned above. André-Jean Arnaud, first Scientific Director and now lifetime member of the Institute's Governing Board, delivered a speech in which he assessed the activities of the Institute since its creation. The scientific part of the anniversary brought together Danièle Bourcier (Paris), Ramón Casas (Barcelona), Richard V. Ericson (Toronto), Terence Halliday (Chicago), Gurutz

¹⁸ On this topic, see IISL 1999, pp. 17-18.

¹⁹ Readers who would like to know the students of these two years are invited to visit the section of the IISL official website introducing the students of the Master's Programme.

²⁰ See Guibentif 1999.

Jauregi (San Sebastián), Demétrio Loperena (San Sebastián), Alan Norrie (London), and Peter Sack (Canberra).

In July 2000, the RCSL organized, for the second time since the creation of the Institute,²¹ its annual meeting at the IISL, this time in partnership with the Spanish Asociación de Análisis sobre Derecho y Sociedad (i.e., the Spanish Association for the Analysis of Law and Society'), an academic organisation that had significantly contributed to the Institute's activities in the years prior to this meeting. So, a part of the second year of my term was spent with preparations of that event, in which I was joined by the other members of the Organizing Committee, i.e., Begoña Álvarez (Bilbao), former Scientific Director of the Institute Johannes Feest (Bremen), Consol Martí (Barcelona), and former Scientific Director of the Institute Rogelio Pérez Perdomo (Caracas). The topic of the meeting was *Law Reform and Sociology of Law – Reforma del Derecho y Sociología Jurídica*.

The 2000 RCSL Meeting offered the best possible framework for introducing the next Scientific Director, in this case really the next Scientific Directors, of the Institute both to the international socio-legal community and to the city of Oñati. I could hereby hand over my duties to Bill Felstiner and Manolo Calvo, who had decided to share a joint directorship that would cover a period of three years altogether, with the aim of combining a strong position in international networks and a thorough knowledge of the Basque and Spanish immediate context of the Institute.

To conclude this section, I would like to come back to the relationship of the Institute with the Basque Government. There was one important reason to strengthen this relationship, and which gave me the honour to meet, with representatives of the IISL and of the RCSL, the President of the Government, at that time Juan José Ibarretxe. As I tried to show earlier on in my account, the IISL Master's Programme had become one of the main activities of the Institute. However, it was the result of a personal initiative by André-Jean Arnaud. Initially, the Institute had been designed as a research centre. Consequently, the agreement for the creation of the Institute, signed on 23 December 1988, did not mention activities in the field of education. It was therefore crucial for the further development of the Institute to obtain from the Basque Government a formal recognition of its educational line of activity. With the strong support of Abel Muniategi, a project for an Addendum to the initial Agreement was drafted, and submitted to both parties, i.e.,

²¹ The first time was in 1993, when RCSL members met at the IISL, under the topic *Human Rights for the 21st Century*.

the Basque Government, on the one hand, and the International Sociological Association, on the other. Indeed, the RCSL does not have the status of a legal person, and the initial Agreement on the establishment of the Institute had to be signed by Else Øyen, President of the International Sociological Association at the time the Institute was created. In 2000, circumstances were favourable to approach the International Sociological Association on this point. Its president at the time was Alberto Martinelli, an Italian scholar to whom I was introduced by Vincenzo Ferrari. Martinelli was so kind to accept to delegate to Vincenzo Ferrari the power to sign the document. In this way, the Addendum could be signed on 17 March 2000,²² providing the IISL Master's Programme with the necessary formal basis.

On a more personal note, I want to add that I was so happy to spend the whole term of my directorship in Oñati together with my family. The pleasure of my wife and our three young children in discovering the Basque Country, our experience of being so warmly welcomed in the town of Oñati, as well as the excitement of exploring a new landscape, culture, society and language, which we shared in our family, did fully make up for the necessarily ambivalent feelings caused by the rather intense pressures I had to face on the professional side of my life.

Participating in the Institute's activities after my directorship

I have had many occasions to return to the IISL since the end of my term of office as the Institute's Scientific Director. All of my (re-)visits so far greatly helped the advancement of my research on whatever topic I was engaging in at the time, not the least thanks to the sensation of finding myself in a familiar environment, to the friendly support I was given by the staff, to the colleagues I could meet there, and to the stimulating conditions under which we met.

Among the number of meetings and workshops that I attended at the Institute after my directorship, I would like to recall in particular the following three meetings. In July 2005, at the occasion of the *First European Socio-Legal Conference*, organized by Volkmar Gessner, Scientific Director at the time, Reza Banakar invited me to join a session about

²² The text of the Addendum as well as the one of the initial Agreement are to be found in Guibentif 2000, pp. 128–151.



“Classical European Sociology of Law”. This gave me the opportunity to discuss my reading of Jürgen Habermas’ work relevant for the sociology of law, a discussion that helped me prepare a book on comparative social theories about the law, which I was able to publish some years later (Guibentif 2010). In April 2008, Christopher Thornhill invited me to join a workshop on *Normative and Sociological Approaches to Legality and Legitimacy*, which was for me a splendid opportunity to strengthen my links to English speaking colleagues interested in theoretical contributions to socio-legal studies.²³ In April 2010, I could organize the workshop *Domestic Work and Domestic Workers: Interdisciplinary and Comparative Perspectives*. This workshop made it possible for a research network of colleagues from Portugal, India, Mozambique and the United Kingdom to meet in person, which created favourable conditions for the successful conclusion of our comparative work (Guibentif 2011a, 2011b).

The most stimulating moments were those in which I was invited by my successors to contribute to the Institute’s own activities. One of these activities had lasting consequences for my work. Carlos Lista invited me to represent the IISL in an *extra muros* initiative: a workshop organized in partnership with the Universidad de Vale do Rio dos Sinos (UNISINOS), in São Leopoldo, Rio Grande do Sul, Brazil, on *Niklas Luhmann and Fundamental Rights*.²⁴ So, it is thanks to the IISL that I travelled for the first time to Brazil, and that I could establish connections that were to lead, in the following years, to several invitations to participate in meetings organized by Brazilian colleagues, among which I would like to name, with gratitude, Artur Stamford da Silva in particular.

Years later, Noe Cornago invited me to participate in a conference he, in April 2019, was organising in his capacity of Scientific Director of the Institute in partnership with the International Labour Organization (ILO), on *El futuro del trabajo que queremos: un debate global* (i.e., ‘The Future of Labour We Want: A Global Debate’). This was a splendid opportunity to reflect about the parallel development of international social standards and of socio-legal scholarship, two comparable efforts, valuable and necessary in the face of the destructive potential of modern industrialized societies.

Special occasions and precious moments of reminiscing were, obviously, the anniversaries of the Institute. I am particularly grateful to Adam Czarnota for having invited me to deliver concluding words at the occasion of the 25th Anniversary Conference on *Global-Regional-Local, Institutions, Relations, Networks: Past and Future*

²³ This workshop led to the publication of Ashenden and Thornhill (2010).

²⁴ Papers presented at that meeting were published in a collection, edited by Schwartz (2011).

of the Sociology of Law, in May 2014. I later had the pleasure to publish a paper developing my short speech in *Sortuz*, a journal created by the initiative of former students of the IISL Master's Programme (see Guibentif 2014b). In June 2019, I was honoured by the invitation of Ulrike Schultz, President of RCSL, to deliver the keynote address for the opening of the RCSL Conference, *Linking Generations for Global Justice*, held at the IISL to celebrate its 30th anniversary. The theme of my speech was "The Oñati Institute: A unique experience of rooted cosmopolitanism" (Guibentif 2019b).

In the very last years, technological evolution made the cooperation with the staff of the Institute so much easier, even without being physically in Oñati. Through digital communication, I could benefit, on several occasions, from the support of IISL Librarians Ainhoa Baños and Rakel Lizarralde, who helped me access rare documents. Cristina Ruiz, at the time in charge with the Institute's publication department, was so kind to involve me in the launching of the present journal *Oñati Socio-Legal Series*, by inviting me to peer review several papers. More recently, I had the pleasure to work with Leire Kortabarria, who took over that department, on linking the websites of RCSL with that of the Institute. What is more, Malen Gordoia and Manttoni Kortabarria kindly accepted to be members of the Local Arrangements Committee of the 2022 Lisbon Global Meeting on Law and Society, supporting the Institute's participation in that meeting. Technology also makes it possible to receive at any moment, through the network *Oñati Community* created by Susana Arrese and mentored by Joxerramon Bengoetxea, Teresa Picontó and Vincenzo Ferrari, pictures of, say, Aloña mountain and the landscape surrounding Oñati, which let our imagination travel to the Basque Country, not to mention all the messages that allow us to appreciate the extension and diversity of the community of those who share a common link to the Oñati Institute.

And quite beyond all those moments of personal involvement, it is fascinating to witness – again in direct contact with those who currently run the Institute, in particular the new Administrative Director, Maite Elorza, and not to forget the new staff members Ainhoa Markuleta and Marije Mesonero – the evolution and resilience of the IISL throughout these recent years in the aftermath of the financial crisis and vis-à-vis the consequences of the current COVID-19 pandemic. And to see how it managed to maintain itself as the place where the world socio-legal community recognizes itself.

What was missing, however, was a space to collect and to reflect these many different experiences, spread over so many years, which is why I accepted the invitation of Martin

Ramstedt to contribute to the Institutional Memory Lectures series he took the wise decision to organize. It is appropriate at this point to express my thanks for this invitation.

Short concluding reflections on the concept of institution and its relevance for approaching our scientists' practice

To conclude my essay with an assessment of the kind of socio-legal lessons that stayed with me from the time I worked for the Institute, is a difficult exercise. The diversity of people one can meet at the Institute, the range of topics put forward by the organizers of workshops, and the diversity of research interests revealed by IISL Master students make an easy summary impossible, not to speak about what treasures one discovers when spending time at the IISL Library. Some issues, however, stand out in my memory: among others, the role of law in the identity construction of communities; or the plurality of socio-legal cultures and the tensions that may exist between them.

Last but not least, I would like to emphasize one issue I was confronted with not so much in discussions with colleagues, but in the practice of the Institute's scientific directorship, which is the issue of what we do when we defend the Oñati Institute. As a starting point for these short concluding reflections, I would like to argue that one possible conceptualization of our purpose, when we defend the Oñati Institute, is that we want it to be recognized, and seen developing, as an institution. When using this formula, I have in mind the following general definition of institutions. An institution is an organization with two special characteristics: it is defined by a specific position within a certain society, a position defined with reference to that society as a whole; and it operates through the activities of individualities identified by their belonging to the institution. These two characteristics differentiate institutions from other organizations, the purpose of which may be defined without any global reference to the society in which they might be embedded, and which may operate through different possible combinations of individual performances, without giving special relevance to individualities in particular.

This way of introducing the difference between institutions and organizations might suggest that institutions form a category of special organizations that emerges within a universe of less sophisticated organizations. Historically, what happened was that institutions, with the characteristics here identified, existed long before the concept of

organization appeared, and they supplied the basis for a process which led, after several centuries, to the identification of much more flexible and formalized entities, constructed partly by the scientific discipline that took them as their objects: management.

Several organizations are nowadays being recognized as institutions in that specific sense. Some characteristics of late modernity, however, make it necessary to revisit the proposed definition, and to develop new types of institutions. And it is precisely this re-definition which is at stake, in very concrete terms, in the case of the Oñati Institute.

One of the characteristics of late – liquid – modernity is that it becomes increasingly difficult to identify differentiated communities. At the same time, something like a world society may exist, for some moments, in some places, but as an extremely fragile reality. In such a context, institutions may define themselves as situated within the world society. But this cannot mean that a solid world society provides them with a certain role. This rather means that, since some notion of world society exists, these institutions have the purpose of being part of the places where that world society is likely to acquire some, even if weak, reality, by the daily activities of those institutions. This is, as far as I can see, the ambition of the Oñati Institute.

Another characteristic of late modernity is individualization. In the context of an individualized society, there have to be institutions that do not simply provide people with specific roles, but that enable people to develop an individuality capable of engaging, with their individual capacities and projects, in collective action, thereby inventing new roles for themselves and others. This is, I believe, what the Oñati Institute does, in particular within the framework of its Master Programme, but also in all the meetings, the outcome of which is the result of an imaginative composition of imaginative individual contributions. And it does so, by continuing the project of the founders of the discipline of sociology of law, which was to invent a new role between, on the one hand, the role of social scientists, who are specialized in the professional production of knowledge about society, and, on the other hand, the role of jurists, specializing in the professional handling and defence of social norms: the role of socio-legal scholars, who should be able to professionally take advantage of the cognitive equipment supplied by social science research in the reflections about genesis and effects of social norms. This process has been unfolding precisely at a time when humanity has indeed to rethink and reconceptualise its normativity, beyond anthropocentric ways of subjecting the planet to its interests that characterize the dominant industrial societies.

The first characteristic makes the Oñati Institute an exceptional entity. The second characteristic should be common to all education and research institution around the world. It is the combination of both characteristics that confirms the exceptionality of the Institute. Indeed, just as the notion of world society itself, the notion of the individuality required to participate in a world society – a cosmopolitan citizenship – has to be constructed here and now in places like the Oñati Institute.

I cannot conclude my reflections without mentioning that the notion of institution has been severely criticized.²⁵ A collective entity that is formed by the activities of its individual members, who act as individuals, may evolve in such a way that it establishes a narrower control on its constitutive individuals. Therefore, individuals who conform to their institutional roles may lose their capacity to engage in personal interaction. Such risks are limited, though, in the case of an institution of small material dimensions, like the Oñati Institute, which is furthermore located at some distance to the centres of political power. Research and education require institutions in the way described, but at the same time they should not be dominated by institutions. The socio-legal community, which can work on the basis of the rich experience of the Oñati Institute, may contribute in favourable conditions to the development of institutions adequate to science. As a matter of fact, the Oñati Institute is, last but not least, an institution sufficiently new to be obliged to explicit its ambitions, and sufficiently modest to allow people's concrete knowledge interests and cooperative initiatives to count as much as these – even if indispensable – institutional ambitions.

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²⁵ See, among many others, Febbrajo (2009) and Schlegel (2022).

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