



Editorial: socio-legal scholarship and the academic advantages of a field under construction

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Sociology of law is not a new field of study. Classic sociologists Émile Durkheim and Max Weber discussed the relationship between law and society in their works. An organized scientific project for the sociological study of law was presented by Eugen Ehrlich as early as 1913, in his *Fundamental Principles of the Sociology of Law*. The book's publication and Hans Kelsen's controversial reaction to it are often considered to be key moments for the discipline's history, defining sociology of law as an alternative paradigm to the traditional, dogmatic study of legal phenomena (Konzen and Bordini 2019, p. 328).

Even though socio-legal scholarship is not new, its identity is still very much under construction. Ehrlich's proposition for a sociological study of law was – after a long hiatus – picked up by mainstream academia until the 1960s, when institutional networks regarding the study of law and society began to form (*Ibid.*, p. 329). Amongst these is the Research Committee on the Sociology of Law (RCSL - International Sociological Association), which, in 1988, would partner with the Government of the Basque Country to create the Oñati International Institute for the Sociology of Law (IISL). As it matured, however, sociology of law did not remain homogeneous. Rather, it diversified, with different perspectives developing from American sociological jurisprudence, Philip Selznick's works on formal organizations (1949), Pierre Bourdieu's conceptualization of law as a social field (1987) and Niklas Luhmann's theory of autopoietic systems (1983), amongst others.

This multiplicity of theoretical and methodological approaches, along with the fragmentation of the field it entails, has led to debates on the nature of sociology of law – is it a subdiscipline of legal theory, a branch of sociology, or something else entirely? The debate between Scandinavian scholars Reza Banakar, Thomas Mathiesen and Håkan Hyden best represents this controversy (Konzen and Pamplona 2022). In a series of articles, these three sociologists of law tried to fixate the defining elements of their

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discipline, which Banakar figuratively described as a “step-child” reluctant to step away from its parents (law and sociology) and find its own identity (Banakar 1998).

The debate did not result in a consensus; however, we feel, as Mathiesen (1998) argued, that being a “step-child” may not be all that bad. Rather, the possibility of accommodating varied themes, disciplinary backgrounds and forms of research should be considered a strength, and not a weakness, of socio-legal scholarship.

Departing from this perspective, this special issue on “Race, Gender, Violence and Violation of Rights: Intersections in the 21st Century” aims to revitalize *Sortuz*, the IISL’s journal for young scholars, by bringing together diverse articles on a set of interrelated topics of interest to sociologists of law: discrimination, social inequality, access to rights and violence. Our aim was to establish a defined but ample thematic scope and gather contributions that depart from different theories, methods, contexts and objects of study, while also maintaining points of connection with one another. With this initiative, we aim to showcase the multiplicity of contemporary socio-legal studies and to invite emerging scholars from partner disciplines to interact with the sociology of law.

A very prominent theme in the issue is gender violence. In particular, many articles are concerned with interpartner violence. Cisneros’s contribution explores the potential of artistic interventions in situations of violence against women, combining a situated and gendered perspective with an illustrative case study. Torres and Paz Ruiz also address violence against women but focus on the potential of legal intervention, analyzing the experience of Argentinian women who filed complaints and were granted judicial protection measures. Similarly, Shirado, Francisco and Pereira evaluate the granting of assistance benefits to women who were victims of domestic violence in São Paulo, Brazil.

Espinoza Marchant deals with how the Chilean State has tried to facilitate reports of intermarital violence, analyzing an interview with a key informant through the lens of policy cycles and state capacity theories. Strega proposes a comprehensive discussion on femicide, debating terminology, international regulation and the current Brazilian context. Finally, Henriques and Guerreiro analyze the European Court of Human Rights’ jurisprudence on gender violence, aiming to understand how these issues relate to sociocultural gender roles.

Thematizing other dimensions of gendered violence, Kovalczuk and Mota discuss the specific challenges that mothers under house arrest must face to care for their children. Their analysis is based on sociology of care perspectives and on documental analysis. Altuzarra then addresses the criminalization of street sexual harassment in Spain, problematizing its prerequisite of objectivity, while Batista and Deus present a reflection of how oppression has shaped modern society by reviewing literature produced by black women intellectuals.

The last two articles in the issue move away from gender topics, concerning themselves with the international human rights system. Liotta and Szpiga propose a decolonial and poststructuralist analysis of human rights discourses, while Bello critically reflects on the Council of Europe’s 2019 Recommendation on Supporting Young Refugees in Transition to Adulthood, pointing to the need of a more integrated and intersectional approach.

Finally, we emphasize that between the last edition published this year and this Special Issue, we worked to obtain the Scopus index, always seeking to improve the Journal for the entire academic community.

Enjoy the reading!

REFERENCES

- Banakar, R., 1998. The identity crisis of a “stepchild”: reflections on the paradigmatic deficiencies of sociology of law. *Retfærd: Nordisk juridisk tidsskrift*, 21(81), 3-21.
- Bourdieu, P., 1987. The Force of Law: Towards a Sociology of the Juridical Field. *Hastings Law Journal*, 38(5), 814-854.
- Konzen, L.P., and Bordini, H. S., 2019. Sociology of law against legal dogmatics: revisiting the Ehrlich-Kelsen debate. *Revista Direito e Práxis*, 10, 303-334.
- Konzen, L.P., and Pamplona, R.S., 2022. Em busca de um paradigma: o debate escandinavo sobre a identidade da sociologia do direito. *Revista Direito e Práxis*, 13, 1653-1683.
- Luhmann, N., 1983. *Sociologia do Direito I*. Rio de Janeiro: Tempo Brasileiro.
- Mathiesen, T., 1998. Is it all that bad to be a stepchild? Comments on the state of sociology of law. *Retfærd: Nordisk juridisk tidsskrift*, 21(83), 67-76.
- Selznick, P., 1949. *TVA and the Grass Roots: a Study in the Sociology of Formal Organization*. Berkeley: University of California Press.