

Annual Meeting of the Dutch-Flemish Law and Society Association VSR

14 - 15 December 2009

Law in a transnational context (Recht in een transnationale context)

Wasserburg Rindern

Wasserburgallee 120, 47533 Kleve, Germany, tel 0049-2821-7321-0

(www.wasserburg-rindern.de)

The 2009 Annual Meeting of the Dutch-Flemish Law and Society Association (VSR) will be in Kleve, Germany. 'Law in a transnational context' is selected as theme for the conference. The program includes plenary meetings and simultaneous sessions. English will be the main language, although in some workshops the language is Dutch (indicated in the program). An English alternative is available at all times.

German scholars in Sociology and Anthropology of Law are invited to participate in the conference.

Monday 14 December

10.15-11.15 Registration & Coffee

11.15-13.00 Plenary: TRANSNATIONAL LEGAL SPACE OR LEGAL PLURALISM?

Prof dr Thomas Faist

(Professor of Transnational & Development Studies Centre on Migration, Citizenship and Development (COMCAD) Department of Sociology, Bielefeld University, Germany)

Transnational social space: new ways for the study of social and socio-legal issues

Prof dr Keebet von Benda-Beckmann

(Max-Planck-Institut für ethnologische Forschung Max Planck Institute for Social Anthropology, Halle, Germany)

Grounding transnational legal space

13.15-14.15 Lunch break

14.15-15.45 Choice between two simultaneous sessions

1) TRANSNATIONAL FAMILIES AND LAW

Organisers: Betty de Hart and Wibo van Rossum (B.deHart@jur.ru.nl)

Globalization, migration, and an increase in the number of 'transnational families' go together and are intertwined. 'Transnational families' are families that have ties with two or more different legal cultures. They may be 'culturally mixed' (partners from two different cultures), may have migrated, or may orient themselves to a religious legal culture in addition to a national legal system.

To maintain transnational family ties will have advantages, but will also inevitably bring legal problems. Rules of private international law may differ from one legal system to another, while at the same time interpretations of legal rules and their precise meaning may be uncertain. And sometimes legal cultures clash.

This workshop addresses some of the issues that arise when transnational families have to deal with law from different legal cultures. The main focus is empirical and on the actors (family members, lawyers, judges) involved.

Nahda Shehada (International Institute of Social Studies ISS)

The portrayal of Islamic Family Law in Europe.

Veerle van den Eeckhout (Leiden University)

Developments in European international family law: a liberal approach to transnational situations

Wibo Van Rossum (University Utrecht)

Dutch Legal Professionals and the 'Culture Clash' in International Parental Child Abduction

Iris Sportel (Radboud University Nijmegen)

Transnational Divorce in Dutch-Moroccan Families

2) CROSSING BORDERS: GERMAN AND DUTCH SOCIO-LEGAL STUDIES ON TECHNOLOGY REGULATION

Convenors: Dr. Bärbel Dorbeck-Jung (b.r.dorbeck-jung@utwente.nl), University of Twente, Netherlands) & Prof.Dr. Alfons Bora (bora@iwt.uni-bielefeld.de), University of Bielefeld, Germany)

It is striking that the socio-legal discipline has not yet paid much attention to the governance of new technologies, which increasingly attracts other social science scholars. This panel discusses Dutch and German research on regulatory governance of new technologies. It explores theoretical and empirical aspects of technology regulation. It deals with basic questions of innovation and risk regulation, as well as with regulatory problems in particular fields of technological development (nanotechnologies, medical technologies etc).

Marc Mölders (University of Bielefeld)

Thinking sooner of later. On the role of discourse learning in technology regulation

Nicolle Zeegers (University of Groningen)

Contribution of scientific experts to the regulation on human-animal hybrids in the UK

Roel Pieterman (Erasmus University Rotterdam)

Societal debate on nanotechnologies in the precautionary culture

Bärbel Dorbeck-Jung (University of Twente)

Why is nanotechnological regulation highly interesting for legal sociology?

15.45-16.15 Coffee and tea break

16.15-17.45 Choice between two simultaneous sessions

3) REGULATION IN A TRANSNATIONAL CONTEXT

Chair: Tetty Havinga (T.Havinga@jur.ru.nl, Radboud University Nijmegen)

In our global world, many encounters and transactions cross national borders. This also applies to business transactions. On the shelves of Dutch supermarkets we find Thai shrimps, Australian wine and Kenyan mango. Multinational corporations, such as Shell and Unilever, operate in many countries and continents. Dutch industries relocate activities such as production, helpdesk or data-management to other parts of the world. But also anti-globalists, green organizations and human rights activists operate on a transnational scale. This workshop deals with questions such as: How are transnational encounters and transactions regulated? Which law is applied (domestic/international; public/private)? How are disputes dealt with? What are the consequences for the

distribution of power between industry and civil society, between rich and poor countries, between national state and international organisations?

Michiel Köhne (Wageningen University)

The making and use of private regulations in tropical commodity production chains

Jaap van der Kloet (Radboud University Nijmegen)

Transnational food safety regulation: (mis)matching global norms and local interests

Antoinette Vlieger (University of Amsterdam)

Implementation of rules by governments is not to be expected

4) RECHT VAN ONDEROP (LAW FROM BELOW)

LANGUAGE DUTCH

Coördinatie: Heleen Weijers en Marc Hertogh (Rijksuniversiteit Groningen)

Afgelopen voorjaar is het idee geboren voor een nieuw boek met als werktitel: "Het recht van onderop: inzichten en uitkomsten van de Rechtssociologie". Het doel van dit boek is het bieden van een helder en compleet overzicht van de huidige stand van de kennis op het terrein van de Rechtsociologie. In deze bundel zullen voor een breed publiek de belangrijkste ideeën en bevindingen uit de Rechtsociologie worden gepresenteerd. Tijdens deze sessie zullen de redacteurs van het boek de opzet van dit project nader toelichten en zullen een aantal auteurs de eerste versies van hun hoofdstuk presenteren.

1. **Marc Hertogh & Heleen Weyers**

2. **Marijke ter Voert**

3. **Joris Kocken**

4. **Marnix Croes**

From 17.45 Reception

19.00 Dinner

21.00 Movie (with reservation) *The Reckoning: The Battle for the International Criminal Court* (Pamela Yates, Pacis Onis, Peter Kinoy 2009, English spoken/subtitled)
www.thereckoningfilm.com

Tuesday 15 December

From 7.30 Breakfast

10.00-11.30 Choice between three simultaneous sessions

5) DE ROL VAN JURISTEN BIJ TOTSTANDKOMING EN GEBRUIK VAN TRANSNATIONAAL RECHT (THE ROLE OF LAWYERS IN DEVELOPMENT AND USE OF TRANSNATIONAL LAW)

LANGUAGE: DUTCH

Chair: Alex Jettinghoff (a.jettinghoff@jur.ru.nl, Radboud Universiteit Nijmegen)

Veel transnationale politieke organisaties, zoals de Europese Unie, de World Trade Organization, de Verenigde Naties en ook NGO's als Amnesty International, hebben een sterk juridisch karakter, omdat ze vooral gericht zijn op regulering en de handhaving

ervan. Daarom kunnen juristen (of althans juridische experts) in deze contexten een belangrijke rol spelen. Het is de bedoeling de invloed van juristen in dit type contexten te verkennen.

Berry Tholen (Radboud Universiteit Nijmegen)

Nationale wetgevingsjuristen en de implementatie van Europees recht

Alex Jettinghoff (Radboud Universiteit Nijmegen)

Octrooi-juristen en de strijd om het Gemeenschapsoctrooi

6) BRINGING HUMAN RIGHTS HOME: THE POLITICS OF HUMAN RIGHTS IMPLEMENTATION

Chair: Barbara Oomen (b.oomen@roac.nl)

“Bringing human rights home” is the title of one of the few sociolegal publications on human rights implementation in Western countries. This particular work focuses primarily on the United Kingdom, where the adoption of the Human Rights Act led to calls for an own, “home-grown”, Bill of Rights.

This particular session aims to increase understanding of the way in which international human rights are “brought home” in countries like the Netherlands and Belgium: legally, but also in “framing” social problems and in the political debate. This raises questions like: How, when and by whom are human rights mobilized and to what effect? What is the role of ngo’s – who receive a great deal of attention in the comparative literature – and national human rights institutions in this field? What is the relationship between an expansion and institutionalization of the international human rights catalogue and an emphasis on “own, home-grown” rights and values? To what extent does explicit inclusion of international human rights in national legislation, eg in the Constitution, lead to an increase in rights consciousness and to larger social effects in this field?

One of the reasons for this session is the mandate of the Dutch Constitutional Review Commission, which has been asked to report upon the relationship between international human rights and those fundamental rights included in the Dutch Constitution, the influence of the international upon the national legal order and the relationship between “core constitutional values” in the Netherlands and treaty obligations. In addition, the session takes place on the eve of the – potential – entry into force of the Lisbon Treaty and the EU Charter of Fundamental Rights.

7) EMILE DURKHEIM

Chair: Liesbeth Huppens, Robert Knegt & Agnes Schreiner (R.Knegt@uva.nl)

Important publications of Durkheim were translated and reprinted in the “Sixties”.

Although *Suicide* and *The Division of Labor* got a lot of attention, *The Elementary Forms of Religious Life* was more or less neglected, even though this study reflects a thorough knowledge of the ethnological literature on Aboriginal culture.

Durkheim gives a description of labor relations and religious forms of life in terms of fixed patterns, but at the same time he is quite aware of the transitions that are taking place in his days and in the individualistic dynamism this purports. He seems, however, not able to reconcile these two ways of looking at the formative principles of communal life.

Durkheim’s conception of law differs strongly from Weber’s activist and government oriented conception which shows more awareness of the fundamental change in the role of law in the welfare state. For Durkheim law is the direct expression of the social solidarity which generates from the religious and economic features of social life.

The study of Durkheim is of interest for the analysis of *Transnational Legal Space* because he describes the economical, societal and moral transitions that brought about the national state and because this view on social change does not give any function to law as formative principle for communal life. The focus of this session will be on an elaboration

of the characteristic features of Durkheim's theory and the relevance of these for the theme of the congress.

Robert Knegt: *Durkheim on the contractual nature of labor relations*

Durkheim's insistence on the 'non-contractual elements of contract' underlines the extent to which current (legal) individualism is a structural achievement of society. If he is right that interdependency precedes exchange, what are the preconditions of a contractual conception of labor relations? To what extent can the moral elements that he attached to the institution of contract, be part of a transnational legal space?

Liesbeth Huppes: *Durkheim on the relation between religion and science*

Durkheim rejects Comte's view that as a result of the evolution of society religion will be replaced by science. For Durkheim there is no fundamental difference between religion and science. Her critical review of Durkheim on this issue will clarify the relation between religion, science and law in the context of national unity in comparison with a context in which no need for such a unity is felt.

Agnes Schreiner will discuss *The Elementary Forms of The Religious Life* where Durkheim qualifies the life of the Australian Indigenous People as "religious" and takes that life of Aborigines as described by Spencer and Gullen as "elementary form". She will point out that Durkheim's thinking is European and modern at the same time. Thereby, she will answer the question how far one may qualify Durkheim as a French thinker, since Hofstede & Hofstede in *Cultures and Organizations* argue that Max Weber is a German one.

11.30-12.00 Coffee and tea break

12.00-13.00 **CLOSING PLENARY: TRANSNATIONALITY: A GOOD IDEA FOR SOCIOLOGY OF LAW? (TRANSNATIONALITEIT: EEN ZINVOL PERSPECTIEF VOOR DE RECHTSSOCIOLOGIE?)**

Language English in case of non-Dutch in the audience

13.00 Lunch

14.15 Guided tour Museum Kurhaus Kleve
(<http://www.museumkurhaus.de/de/index.html>)

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We would welcome participation from German scholars in Sociology and Anthropology of Law.

Practical information

Location

The conference site is Wasserburg Rindern - Wasserburgallee 120, D-47533 Kleve, Germany, (www.wasserburg-rindern.de).

18 single and 36 double rooms are available at Wasserburg. The costs amount to 85 Euro for a single room and 75 Euro per person for a double room (meals included). Rooms are given in order of booking date. When all rooms are occupied you can book a room in a hotel close to Wasserburg (this is more expensive).

Transportation from Nijmegen, the Netherlands

There is a special bus from Nijmegen central railway station to Wasserburg.

Guided tour Museum Kurhaus Kleve

After the conference you can join a guided tour in Museum Kurhaus Kleve. This modern art museum is at walking distance from the conference site. See the website of the museum for additional information. On the registration form you can indicate if you want to join a guided tour (in Dutch or English language). Expenses are expected to be 9 Euro (depends on the number of participants).

Registration VSR Annual Meeting 14-15 DECEMBER 2009

Please send this form before November 15 preferably by email

Email: aanmeldingVSRcongres@jur.ru.nl

Or by mail: by fax: 00-31-24-3611423

Institute for the Sociology of Law

VSR Annual meeting

PO Box 9049

NL 6500 KK Nijmegen

Netherlands

Registration for the VSR Annual Meeting 14-15 DECEMBER 2009

Name:

Organisation/university:

Address:

Email:

Phone:

I. Accommodation

I attend the conference on

- 14 and 15 December, including stay in a single room (85 Euro)
- 14 and 15 December, including stay in a double room (75 Euro)
 - My room mate is *[fill in name room mate]*
- 14 and 15 December, no overnight stay (39 Euro)
- Only 14 December, no overnight stay (25 Euro)
- Only 15 December, no overnight stay (25 Euro)
- Diet requirements:

- I pay the money due on the account of Wasserburg Rindern: DKM Münster: IBAN: DE58400602650001992400, BIC: GENODEM1DKM stating: Conference VSR & your name (participant conference)

II. Registration cost

Registration costs are 20 Euro.

- I pay 20 Euro on the account of STGKU-Radboud Universiteit Nijmegen: IBAN number: NL66INGB0002333428 en BIC nr: INGBNL2A. stating: Conference VSR & your name (participant conference)
[For payments inside the Netherlands: rekeningnummer 2333428]

III. Transportation

- I want to use the conference bus transport from Nijmegen railway station-Wasserburg Rindern vv.
- I travel to Wasserburg separately

IV. Tour

- I want to join the guided tour in Museum Kurhaus Kleve, Tuesday afternoon 15 December. I pay cash about 9 Euro.
Please indicate your preferred language: English, Dutch, German