Legal texts, legal cultures and procedures: theoretical and methodological issues

Panel Proposal to be presented at the CADAAD 2016, University of Catania, 5-7 September 2016
Conveners: *Deborah De Felice, Giuseppe Giura, Carlo Pennisi, University of Catania*
Discussant: (to be confirmed)

The concept of legal culture is the main crossroad when comparing the theoretical and methodological approaches for studying the social dimension of law. In the legal field, the image of law, as a system of rules and regulations with its own specific language, pervades the speeches of lawyers and constitutes the "cornerstone" of legal education. On one hand, this image reflects the method through which the legal events have been distinguished from illegal ones, on the other hand it refers to a conceptualization of legislation as a mechanical method of decision-making.

From a sociological point of view, the institutionalization of legal culture can be considered the result of an historical process that has generated a monopoly for determining what must be considered as "the law", regarding a defined course of action, and with what consequences. From this perspective, the legal-normative approach reflects an attempt by the law to connect complex social processes to legal rules and principles. The linguistic dependence of the law should be considered primarily as a cultural and historical fact, and not only or mainly as a logical one. The procedural dimension, in our cultural contexts, is rooted into the linguistic dependence of juridical phenomena, while the legal decision-making processes, of which the law consists, are characterized as communicative processes, reflecting an open and reflexive nature: sociologically, they represent the focus of the analysis.

The Panel *Legal texts, legal cultures and procedures: theoretical and methodological issues* suggests a comparison between studies in the international field that have looked at "legal speech" in general, its tradition in socio-legal studies, and the developments foreshadowed by current research studies (e.g. jurisprudence as autonomous item of investigation and knowledge source at a different legal experience level).

The target is to obtain a picture of the current analytical approaches to the judicial system through reference to the procedural dimension, highlighting the sociology of law specificity when compared to similar disciplines, and the capability to dialogue with those.

References
Banakar, Reza, 2009. Law through sociology's looking glass: Conflict and competition in sociological studies of law. *The ISA handbook in contemporary sociology: Conflict, competition, cooperation*, A. Denis, & D. Kalekin-Fishman (eds.), London: SAGE Publications, pp. 58-74.
Cotterrell, Roger, 2006. *Law, Culture and Society. Legal ideas in the mirror of Social Theory*. Aldershot: Ashgate.
Luhmann, Niklas, [1975] 1995. *Procedimenti giuridici e legittimazione sociale*. Tr. it. Milano: Giuffrè.
Nelken, David, 2012 (edited by). *Using Legal Culture*. London: Wildy, Simmonds & Hill Publishing.
Pennisi, Carlo, 1998. *Istituzioni e cultura giuridica. I procedimenti come strutture di comunicazione*. Torino: Giappichelli.

All papers will be allocated 20 minutes plus 10 minutes for questions. The language of the conference is English.

Abstracts of **250-350 words excluding references** should be sent as MS Word attachment to defelice@unict.it, giuseppe.giura@alice.it, cpennisi@mbox.unict.it **before 10 January 2016**. Please include in the body of the email but not in the abstract itself (1) your name, (2) affiliation and (3) email address. Notifications of acceptance will be communicated by **1 March 2016**.