

## **Change and continuity in the law**

### **Law and Society Association/CRN01 Puerto Rico, 2023 Report**

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This publication features extended abstracts that were presented at the CRN01<sup>1</sup> roundtable on “CHANGE AND CONTINUITY IN THE LAW: HOW SOCIAL INNOVATION DRIVES LEGAL INNOVATION” at the Law and Society Annual Meeting, held in Puerto Rico from June 1st to 4th, 2023, under the theme “Separate and Unequal, which was organized by a group of researchers, primarily from Brazil and the UK, who have been collaborating within the CRN01 network.

This network examines human rights in relation to legal development, constitutional law, and legal cultures from the perspectives of legal sociology and comparative law. In particular, it seeks to understand how political and historical trajectories, as well as global influences, such as the universalization of human rights and democratic constitutional values, have shaped the formation and evolution of constitutional law and legal culture in various countries. It also aims to explore how contemporary legal culture manifests in the political aspects of constitutional law and in the implementation of democratic processes and human rights

The roundtable brought together scholars to consider the relationship between law and social change. Participants were invited to reflect on the lessons of litigation-driven social change (eg *Brown v Board of Education*; *Roe v Wade*) and to look forward to the challenges of new technologies and new social orders (eg the rise of the mega and/or smart city) to which law and the courts will have to respond. In alignment with the theme of this year’s conference, participants were invited to comment on the extent to which legal innovation designed to respond to social change may operate to perpetuate structural discrimination and inequalities.

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<sup>1</sup> CRN stands for Collaborative Research Networks. CRNs “are a vehicle for scholars with common interests to connect with each other, share their work, and pursue sociolegal research in common as part of the Law and Society Association. CRNs organize sessions for the LSA Annual Meetings and develop cross-disciplinary and cross-national research projects. The subject matter of a CRN can be broad in scope or narrowly focused on a particular subject area or methodology. All research networks are governed by the CRN Coordinating Committee, which reviews new applications and renews existing CRNs.” (<https://www.lawandsociety.org/collaborative-research-networks/>). CRN01 is dedicated to Comparative Constitutional Law and Legal Culture: Asia and the Americas. For furthermore information, check: <https://lawandsociety.site-ym.com/page/CRN01>

A panel chaired by Professor Ricardo Perlingeiro (UFF) under the aegis of the collaborative partnership established by Birmingham City University, Birmingham UK, and Federal Fluminense University, Niteroi, Rio de Janeiro, Brazil considered a range of papers addressing these issues.

Dr Mitchell Longan (BCU) considered the challenges for copyright law which has not kept pace with the changing ways that people today now interact with copyrighted material. He argued that copyright law increasingly imposes constraints upon creative expression which are no longer justifiable by reference to what still represent the theoretical underpinnings of intellectual property protection and offered suggestions for some legislative updating solutions.

Dr Anne Richardson Oakes (BCU) considered the issue of the so-called ‘smart city’ which uses technology to assist in the efficient delivery and regulation of services. As cities increasingly turn to smart technology, she asks, what are the implications for their citizens in terms of a) smart technology surveillance with all that implies for interference with individual privacy and b) the ability of citizens to navigate and play an active role in the complex networks of legal frameworks and public and private partnerships which these initiatives require.

Dr Adriana Garcia Garcia (CIDE) presented a paper co-authored with Masha Lisitsyna (Open Society Justice Initiative) showcasing their research into the range of judicial responses to human rights violations with particular reference to the issue of judicial reparations.

Professor Fiero, (Tecnológico de Monterrey) considered the use of the structural injunction to achieve policy objectives with particular reference to public health food labelling and packaging regulations designed to tackle Mexico’s high obesity and associated illnesses rate> She argued that in this area at least, the decision of the Mexican Supreme Court upholding the constitutionality of the regulations has been a major contributing factor to the success of the policy.

Professors Iorio and Duarte (UFF) considered the implications of the recent decision of the Brazilian Supreme Court , generated by the COVID-19 pandemic concerning the concurrent and overlapping competences of the Brazilian federative entities They argued that although the immediate effect might appear to have strengthened federalism in Brazil, in the absence of the political will to address economic disparity between the regions there will be little impact on the lives of ordinary citizens.

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