

# Socio-Legal NEWSLETTER No 70 SLSA

THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

SUMMER 2013

## SLSA CONFERENCE NEWS

### York Law School 2013

York Law School was extremely pleased to welcome over 350 delegates to the annual conference at the end of March. The report in the newsletter this time last year on the Leicester conference noted how chilly it was. I think those attending this year's conference can safely say we outdid Leicester in relation to the chill in the air. Nonetheless a number of hardy conference goers joined York postgraduate student Richard Hedlund for a walk around some of the historic city walls in advance of the conference.

We were very pleased to welcome our plenary speaker Baroness Hale, who engaged a packed audience with her talk entitled 'Should judges be socio-legal scholars?' While her initial response to her own question was 'no, of course not', there was, of course, a much more reflective, entertaining and nuanced answer which followed on from this 'short and easy answer'. The full address is now available on the SLSA website: [www.slsa.ac.uk/content/view/179/166](http://www.slsa.ac.uk/content/view/179/166).

One innovative feature this year was our first postgraduate poster competition. This attracted a good entry of over 15 posters. The winning poster by Rachel Cahill O'Callaghan, entitled 'Personal values: an important element in the diversity debate', is also available on the website along with a number of the other posters. Another highlight of the conference was the dinner at the National Railway Museum – a fascinating venue which proved a hit with the delegates. As we sat amongst the railway engines, Rosemary Hunter proudly presented the SLSA Prize for Contributions to the Socio-legal Community to Phil Thomas. Despite the fact that Phil had almost lost his voice, his entertaining response showed why he is such a valued member of the community.

With thanks to all the staff at York Law School who helped to make the conference a success, particularly Jed Meers who dealt with all the queries from delegates, exhibitors and indeed other York staff with aplomb.

*Caroline Hunter*

*See pages 5–6 for summaries from some of this year's theme and stream organisers.*

### Robert Gordon University 2014

The Department of Law at Robert Gordon University (RGU) Aberdeen is looking forward to welcoming the SLSA annual conference on **9–11 April 2014**. We have grown enormously over the last few years and there are now over 30 academics and over 800 students from all over the world. We therefore have a very lively and diverse community of students and staff. The coming academic year will be particularly exciting for us as our riverside campus at Garthdee, Aberdeen, will double in size with the opening of a new building and a brand new library. Also in September 2013 the law department will be formally relaunched as the Law School. We are planning a series of symposia and workshops to celebrate and to encourage links between the Law School and the wider community. It is therefore particularly appropriate that towards the end of this exciting year we will welcome the socio-legal community to RGU for the SLSA annual conference. Watch this space and our web site [www.rgu.ac.uk/areas-of-study/subjects/law](http://www.rgu.ac.uk/areas-of-study/subjects/law) for more information about the conference.

*Sarah Christie* [e s.christie@rgu.ac.uk](mailto:s.christie@rgu.ac.uk) and  
*Margaret Downie* [e m.downie@rgu.ac.uk](mailto:m.downie@rgu.ac.uk)

## ANNUAL PRIZE FOR CONTRIBUTIONS TO THE SOCIO-LEGAL COMMUNITY

The annual SLSA Prize for Contributions to the Socio-Legal Community was launched two years ago. In its first year the prize was won by Mavis Maclean and last year it was awarded to Phil Thomas. The winner receives £500 and lifetime membership of the association. SLSA members are invited to submit nominations for this year's prize. There are no specific criteria. Nominators should simply state in 100 words why the person they are nominating would be a worthy recipient of the prize. The prize is funded by a private sponsor.

Nominations should be sent by email to SLSA secretary Chris Ashford [e chris.ashford@northumbria.ac.uk](mailto:chris.ashford@northumbria.ac.uk). Closing date: **6 September 2013**.

## SLSA EXEC 2013–2014

Following the SLSA AGM in York in March, Amanda Perry-Kessaris, Julie McCandless, Vanessa Munro and Linda Mulcahy stood down from the Executive Committee.

New members who joined at the same meeting are Gita Gill, Jess Guth, Rosie Harding, Jen Hendry and Ben Livings. Full details of the current committee including office holders and contact details can be found on page 2.

## SLSA SEMINAR COMPETITION

This year's seminar competition was won by Thomas Giddens who received £2095 in support of a seminar, entitled 'Graphic Justice', that will take place on **11 September 2013** at St Mary's University College London. Further details are on page 14 and on the SLSA website. The closing date for the next seminar competition is **13 December 2013**. Please visit the website for details [www.slsa.ac.uk/content/view/103/105](http://www.slsa.ac.uk/content/view/103/105).

## FUTURE CONFERENCES

The SLSA Executive is delighted to announce the venues for the 2015–2017 annual conferences as follows:

- 2015, University of Warwick
- 2016, Lancaster University
- 2017, Newcastle University

Further information will be announced as it becomes available.

### Postgraduate conference

The next postgraduate conference will be at the University of Liverpool on **8–9 January 2014**. The conference organiser is Helen Stalford. Booking details will be announced in the autumn. The January 2015 postgraduate conference will be held at the University of Birmingham.

### Membership fees

Members are reminded that membership fees are due on **1 July 2013**. Reminder letters have been sent out. Fees are £40 (full members) and £20 (students). See [www.slsa.ac.uk](http://www.slsa.ac.uk).

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**Meetings**

The next Executive Committee meeting will be on **19 September 2013** in London.

SLSA members are invited to propose items for inclusion on the agenda of future meetings: email SLSA secretary, Chris Ashford, e chris.ashford@northumbria.ac.uk. Minutes and papers from past meetings are available at [www.slsa.ac.uk/content/view/105/269/](http://www.slsa.ac.uk/content/view/105/269/).

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**www.slsa.ac.uk**

The SLSA website contains comprehensive information about the SLSA and its activities and is also the home of the SLSA Membership Directory. The news webpages are updated almost daily with socio-legal news, events, publications, vacancies etc. To request the inclusion of a news item and for queries about the content of the website, contact Marie Selwood e marieselwood@btinternet.com.

**Social media**

You can follow the SLSA on Twitter @SLSA\_UK, Facebook w [www.facebook.com/groups/55986957593/](http://www.facebook.com/groups/55986957593/) and LinkedIn w [www.linkedin.com/groups/SocioLegal-Studies-Association-4797898?home=&gid=4797898&trk=anet Ug\\_hm](http://www.linkedin.com/groups/SocioLegal-Studies-Association-4797898?home=&gid=4797898&trk=anet Ug_hm).

**Disclaimer**

The opinions expressed in articles in the *Socio-Legal Newsletter* are those of the authors and not necessarily those of the SLSA.

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**Newsletter sponsorship**

The *Socio-Legal Newsletter* is sponsored by a consortium of law schools interested in promoting socio-legal studies in the UK.

If you think that your institution would like to become involved in this initiative, please contact SLSA chair Rosemary Hunter e r.c.hunter@kent.ac.uk.

Newsletter academic sponsors 2010–2013 are: Birkbeck; Cardiff Law School; Centre for Socio-Legal Studies, Oxford; University of Exeter; University of Kent; University of Liverpool; London School of Economics; University of Nottingham; Queen's University Belfast; University of Warwick; and University of Westminster.

The newsletter is also sponsored by the *Journal of Law and Society*.



Department of Law



The University of Nottingham

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JOURNAL OF LAW AND SOCIETY



## SLSA GRANTS 2012–2013

*Jane Scoular outlines this year's application process including the announcement of a new PhD Fieldwork Scholarship. Summaries of the forthcoming projects from the latest tranche of awardees follow, plus Lisa Dickson's final project report from the 2010/2011 round on page 5.*

The Research Grants Scheme has been running since 1999 and to date has funded 70 socio-legal research projects. The scheme aims to support work for which other funding sources would not be appropriate and to encourage socio-legal research initiatives in a practical way.

Applications for this year's round are now invited. Applications are considered only from those who are fully paid-up members (or registered as free student members) of the SLSA, wherever they live. Applications must be made using the Application Package available on the SLSA website. The Application Package is subject to change so please make sure that you download the latest version.

The deadline for applications is **31 October 2013**. Individual awards are up to a maximum of £2000. Decisions will be made no later than **31 January 2014**. The Research Grants Committee takes the following elements into consideration when judging applications:

- clarity of the aim(s) and objective(s) of the research; originality, innovativeness and importance of the research; methodology (including coherence with aim(s) and objective(s), practicability and, if applicable ethical considerations); budget; and potential impact;
- funding will not normally be provided for conference attendance or to subsidise postgraduate course fees;
- funding will not be provided via this scheme for one-day conferences or for seminar series;
- feedback will be given to unsuccessful applicants;
- no member will receive more than one grant per year;
- Executive Committee members are not eligible for the scheme.

For more information and to help you decide whether your project is appropriate for an SLSA grant, visit the SLSA website where there are examples of project summaries, reports from past grantholders, a full list of previous grantholders and project titles and Dermot Feenan's instructive article on submitting your applications, first published in *SLN* 66:4–5. [www.slsa.ac.uk/content/view/65/215/](http://www.slsa.ac.uk/content/view/65/215/).

### New fieldwork funding for PhD students

In January 2013, in response to the number of applications from postgraduate students, the SLSA Executive agreed to create a PhD fieldwork grant, with separate selection criteria, under the general umbrella of the grants scheme. The scheme's aim in both cases is to support work for which other funding sources are not available and to encourage socio-legal research initiatives in a practical way.

Applications are now invited for the fieldwork scheme for the year 2013–2014. Applications to the scheme are considered only from those who are fully paid-up members (or registered as free student members) of the SLSA, wherever they live. Funding will only be made available to students who have completed their first year of study by the time the grant is to be taken up. Applications must be made using the PhD Fieldwork Application Package available on the SLSA website where you will also find helpful tips on how to apply for this funding and examples of previous awards made under the general grant scheme. Closing date: **31 October 2013**.

If you have any queries about this scheme, please contact the chair of the Research Grants Committee Jane Scoular, [jane.scoular@strath.ac.uk](mailto:jane.scoular@strath.ac.uk).

### Women with no recourse to public funds and domestic violence: where human rights cannot reach?

**Rebecca Dudley, School of Law, Queen's University Belfast, £1000**

This doctoral research in human rights law explores the impact of one part of UK immigration law and policy – no recourse to public funds (NRPF) – on women and children who experience domestic violence. First, what is the nature of the impact of that law and policy on the women and children who experience domestic violence and also in wider terms? Second, what might alternative laws and policies be? The research focuses on three cities: Belfast, Bradford and Glasgow. The hypothesis is that the policy of NRPF increases vulnerability and further victimisation of women and children, perhaps in some cases putting lives at risk. The hypothesis is further that this policy puts in jeopardy services for other vulnerable women and children. The research will analyse the experience of women and children against national and international standards on human rights, especially the rights to life and freedom from torture and inhuman treatment.

The research relies first on a desk-based analysis of law and policy, including criminal and civil provisions related to domestic violence, immigration law and community care provisions. Human rights frameworks and jurisprudence at domestic and regional levels have provided some basis for accessing safety and support for women with insecure immigration status. Secondly, the researcher is conducting semi-structured interviews with policy workers and service providers in the three cities to discover more about what is happening to women who are not able to access safety and support through the routes available to those with secure immigration status. For example, the research explores the possible impacts that: 1) some women are staying longer in abusive relationships; 2) when/if they leave, if they are refused safe accommodation, they may face increasing vulnerabilities and possible violence in other forms; and 3) without safety and support options, they return to abusive relationships.

### Legal mobilization and the diffusion of disability rights in France

**Lisa Vanhala, University College London, £1710**

France's legal tradition has tended to be hostile to conceptualisations of equality that acknowledge differences between individuals or groups. Despite this, French disability rights activists have successfully mobilised the law to introduce new interpretations of disability equality based on recognition of difference. This new understanding of equality, as embedded in a 2005 Disability Equality Law, even includes positive action to ameliorate disadvantage and acknowledge the concept of reasonable accommodation in the workplace, schools and the built environment. The aim of this research is to explore why this new interpretation of equality emerged in a context where we might least expect it and how it has both shaped, and been shaped by, the mobilization of law by disability activists. The objectives of this project are: 1) to empirically assess how international/supranational and domestic norms have been mobilised by disability activists and organisations from 2000 to 2012; and 2) to explore the role of norm diffusion in legal mobilisation by French civil society. This case study provides a unique lens to explore the ways in which norms travel between organisations, from the international sphere to the domestic one and from paper to practice. While activists and scholars alike have lauded the adoption of the UN Convention on the Rights of Persons with Disabilities (2006) and the European Equal Treatment Framework Directive (2000), we have surprisingly little knowledge of how disability equality rights spread and become real on the ground. This case study will shed light on the way disability rights language and practice travels.

## Understanding costs and benefits in feminist engagement with international law

**Catherine O'Rourke, Transitional Justice Institute, University of Ulster, £1443**

Scholarly study of feminist engagement with international law has traversed the domestic level and local feminist mobilisation to make international law matter on the ground in states, feminist transnational advocacy to target international law and 'insider' advocacy of feminists working within the institutions of international law. However, there is little understanding of how these different groups view the potential benefits of engagement with international law and the associated costs and there is no research that systematically explores actual or potential conflict between these different levels of feminist advocacy. Such conflict is illustrated, for example, in the response to the recent reparations decision of the International Criminal Court (ICC) in the *Lubanga* case, in which local feminist groups criticised the decision for harmfully dividing victims of sexual violence from other victim groups; while feminists operating at the transnational level continue to advocate greater ICC intervention in order to ameliorate impunity for conflict-related violence against women; and while feminist 'insiders' within international legal institutions may regard the traumatizing effect of international criminal trials as too great on individual women victims.

This project, will develop and refine a tri-level typology of feminist engagement with international law that focuses on: (a) local/domestic; (b) transnational non-governmental; and (c) 'insider' advocacy within the institutions of international law; and explore the tensions between these different levels of feminist advocacy in international law. Underpinning empirical work will be conducted through a case study of Northern Ireland and efforts to secure the inclusion of Northern Ireland within the British and Irish governments' National Action Plans to implement United Nations Security Council Resolution 1325 (2000) on women, peace and security. The project will interrogate scholarly understandings of costs and benefits in feminist engagement with international law by comparing the empirical findings to the outcomes of a literature review of relevant scholarship in critical feminist doctrinal literature and in quantitative political science scholarship. Ultimately, the project aims to advance theoretical elaboration of feminist strategy in international law.

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## From traditional to transitional justice, and back again

**James A Sweeney, Durham University (Lancaster University from 1 August 2013), £1991**

The 'Kanun of Lekë Dukagjini' is best known for its rules on the creation and resolution of blood feuds in Albania and Kosovo. There is journalistic and anecdotal evidence that the Kanun has had a resurgence in Kosovo in relation to the resolution of issues arising from some crimes, as some people have become disenchanted with the UN and EU-led efforts at instilling the rule of law after the conflict of 1999 and the declaration of independence in 2008.

The aim of the project is to research the relationship between the internationally facilitated criminal justice system in Kosovo and the traditional Kanun code, viewed through the prism of 'transitional justice'. The objectives are: 1) to quantify the prevalence of recourse to the Kanun in contemporary Kosovo; 2) to survey attitudes to it amongst state structures and civil society; 3) to move beyond the more notorious blood feud elements of the Kanun to explore the complex rules on mediation that are contained within it in order to explore whether and to what extent elements of the Kanun provide a locally relevant basis for resolving certain lower-level legal disputes in Kosovo, including property crime and restitution; 4) to use the accumulated research findings in order to begin wider comparative legal research into the relationship between traditional and transitional justice.

## Transforming community justice? Exploring non-state, community-based safety and accountability strategies for addressing sexual, racial and interpersonal violence

**Sarah Lambell, Birkbeck College, University of London, £1070**

While restorative justice approaches have gained considerable interest in recent years, most scholarship has focused on practices that integrate restorative principles within existing state-based criminal justice systems. Less research has considered approaches that operate independently from the state.

Yet non-state/community-based models of 'transformative' justice are gaining currency in many contexts, particularly in over-criminalised communities where reliance on police and prisons is seen as ineffective, risky or dangerous. Within these contexts, a growing number of grassroots feminist, queer, anti-racist and anti-prison community groups are developing new models for responding to gendered, racialised and sexual violence that do not rely on prisons or police, but also do not resort to violent vigilantism. These models move away from punitive practices and instead develop community-based safety and accountability protocols, which prioritise victim safety, emphasize collective responsibility and attend to structural factors that contribute to violence.

On the one hand, these models embrace principles and practices that radically challenge conventional assumptions about 'justice' and potentially offer new opportunities for healing and social change. On the other, these models can be labour intensive, emotionally fraught and practically challenging to adopt. These initiatives also beg crucial questions about due process rights, consistency of outcomes and long-term sustainability.

Drawing on in-depth interviews with grassroots organisers and participants who have engaged in community-based transformative justice in several US cities (New York, Oakland and Seattle), this project considers both the challenges and possibilities of such initiatives and their potential relevance for other contexts.

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## EU migration and homelessness: are some citizens more equal than others?

**Ed Mowlam, Bradford University Law School, £1000**

This research is designed to investigate the lived experiences of EU migrants who have found homelessness or destitution in the city of Bradford, West Yorkshire. Part of this research will detail the various UK and EU laws underpinning the free movement of persons within the European Economic Area and the EU. Crucially, however, this research also seeks to expand upon this theoretical discussion and to ascertain how this legal framework operates in practice. This will be done by speaking to EU migrants who may have had to deal with a myriad of personal problems – such as substance dependency, lack of opportunities, complications in obtaining welfare and other support – as well as many cultural and linguistic barriers, because of which they have become homeless, destitute or otherwise 'non-economically active'. The project will explore how they access any rights or support available to them or navigate life devoid of any real and tangible rights. The SLSA award will fund translation and refreshments for respondents.

Major studies have addressed transnational homelessness and looked towards supranational solutions. The European Platform against Poverty and Social Exclusion and the European Federation of National Organisations Working with the Homeless have attempted to focus EU policy chiefs' attention on EU citizen homelessness and have called for the implementation of minimum standards for support services and crisis accommodation. Other studies have detailed the prevalence of homelessness and the range of support services accessed, yet few specifically address the free movement issues at the heart of this research. This research will thus contribute to what has otherwise been a frustratingly limited discourse.

## The NHS and s 29 of the Data Protection Act 1998

Lisa Dickson, University of Kent, £1279

There has been much media, academic and public concern about the handling of data confidentiality and privacy issues by public bodies. In particular, critical attention has often fallen upon the NHS and the police, with concerns raised about the legitimacy, legality and safeguarding of the personal data under these bodies' control. However, it is striking that there has been little investigation of the area where the practices of both bodies most obviously intersect, in NHS disclosure to the police of confidential patient-identifiable information without patient consent (a situation which remains even after the April 2013 publication of the Caldicott Review of Information Governance). Statutory authority for such release is given under ss 28, 29 and 35 of the Data Protection Act 1998. Despite this framework there is no national NHS policy governing the deliberation of release of data and information to the police, nor to other third parties (and no overview exists of the practices of police forces in making requests to NHS bodies in determining disclosure). Calls for such an overview – in the interests of transparency, clarity and consistency – have been made only sporadically, and come almost entirely from Caldicott guardians, who are the individual health professionals or administrators charged with ensuring confidentiality protocols within local NHS organisations.

The SLSA funding allowed me to map out the first national overview of this key area of NHS policy and practice in relation to data release under s 29 of the Act; i.e. where the release of confidential information is made without patient consent further to, amongst other things, the prevention and detection of crime and the apprehension and prosecution of offenders. My objective has been to draw together and publish information about local practice that is presently held in different forms only by local NHS organisations themselves. The first phase of my research was data collection through relevant freedom of information (FOI) requests to all NHS primary and acute trusts.

The second (funded) phase has been the dissemination of the data gathered in map format. Analysis of detailed results of the research make for interesting reading: I present them in outline form below.

An accurate pattern was able to be constructed on the basis of the eventual return rate of 70 per cent of the FOI requests – and, as the Caldicott guardians have suspected, the picture that emerges is one of inconsistency between NHS organisations and a lack of provision for the monitoring of decisions made about release of information to police. Forty per cent of responding trusts were unable to provide any statistical data either on how many requests for access were made, or on the outcome of deliberation in relation to these requests. Responses also show wide variance concerning which NHS officer should make the decision to disclose, with deliberation falling in some authorities to a nominated member of staff within an NHS body's information governance office, while in other trusts the relevant Caldicott guardian was required to decide relevant cases. At the extreme of a wide spectrum of practice, one trust refuses to grant police access to any patient-identifiable data without a court order. Most authorities made no distinction in records between police requests under s 29 and requests falling under other provisions including patient access. While a small handful of trusts maintain central records of police requests for patient data, often the information about whether release was granted was recorded only on the notes of the patient concerned, making it difficult or impossible to gather relevant data and so impossible to monitor this key statistic either within the individual trust or indeed across NHS bodies nationally. Where such information was available the picture was again very uneven, with some bodies granting almost all requests, and others refusing on numerous occasions.

This snapshot is sufficient to warrant concern and is further secured by a reading of the detailed information provided. Because of the public interest in the data the study has provided, there is full public access to the detail of the information the study has returned, presented on the website at [www.kent.ac.uk/law/research/projects/NHSDataMap.html](http://www.kent.ac.uk/law/research/projects/NHSDataMap.html).

## YORK 2013: THEME AND STREAM SUMMARIES

*Some of the theme and stream organisers from this year's conference provide overviews of their sessions.*

### Families and work

The families and work sessions were a great success with participants agreeing that the focus on a predetermined theme enabled the presumption of a certain level of shared knowledge and facilitated a real depth of analysis and discussion.

In 'Modern workplaces and modern families: revising the work-family concept', Michelle Weldon-Johns (University of Abertay) considered government proposals to revise parental leave and flexible working arguing that, rather than rebranding the current package of rights, the legislation should re-envisage the concept of the family to encompass atypical care models. In 'Mothers, equality and the workforce', Winnie Chan (Warwick), via the Equality Act 2010, addressed the theoretical character of legal measures aimed at achieving gender equality for working mothers. In 'Interrogating work/life balance: key dilemmas for precarious workers', Emily Grabham (Kent) considered the shortcomings of UK strategies to address women's care commitments and participation in the labour market which often exclude those in precarious forms of work. Olivia Smith (Dublin City) presented 'Litigating care rights: the relevance of gender and work status' in which her analysis of the database of case law on Ireland's 'family status' ground emphasised the need for a

more comprehensive law and policy framework to take account of a multitude of interconnected factors including state support for care. In 'Flexible working and work time cultures', Emily Rose (Strathclyde) used empirical research on organisational time norms to argue that the right to request flexible working fails to address, or confront, employers' prerogative to dictate the temporal organisation of work and related organisational values.

The papers posed big questions about the values attributed to different social functions, the nature and extent of more appropriate legal responses and their place within a more coherent law and policy framework. Despite the diversity and richness of their enquiries, the presenters articulated a common theme: the restrictive nature of legislation which, although intended to enhance the reconciliation of paid work and unpaid care, fails to take account of the precarious, low-paid work performed alongside high levels of unpaid care by those (women) most in need of employment protection. By neglecting to consider the life experiences of such workers, provisions such as the right to request flexible work fail to offer any meaningful improvements to the lives of carers and those for whom they care. This has particular resonance as government policy is increasingly targeted at improving the employment rates of individuals deemed to be economically inactive by reducing the welfare support available to those with care commitments.

Thanks are due to all presenters for their thought-provoking papers and all participants for their feedback. We hope that, through its members and associated activities, our AHRC-funded Families and Work Network (FAWN) will continue to make a valuable contribution to this area of law and policy. See [www.reading.ac.uk/fawn](http://www.reading.ac.uk/fawn). *Nicole Busby and Grace James*

## International economic law and development

This theme follows on from three others on international economic law at the SLSA conferences in 2010, 2011 and 2012 reflecting the growing interest in the socio-legal dimensions of international economic law. This year, the theme sought to explore the place of development in international economic law and welcomed proposals that use socio-legal approaches to address (and problematise) the notion of development as it pertained to international economic law, broadly conceived.

Development as a social, economic and political construct is deeply embedded within the lawmaking, policy formulation and adjudicative functions of international economic institutions, and often enrolled as a normative, prescriptive and constitutive force in the shaping of international economic law. Papers covered a breadth of conceptual, practical and methodological perspectives on the relationship between development – as a social, economic, political and legal construct – and international economic law in a range of theoretical and substantive issue areas. Presenters explored the multifaceted ways in which the concept of development is expressed, interpreted and applied to the rules and institutions that govern the global and local economy, including international trade law, global intellectual property rights regimes, international investment law, international environmental law and international financial law.

A common thread permeating the presentations and discussions was the contradictions that arise in the juxtaposition of development and international economic law. Many papers sought to address the underlying tensions between the emancipatory possibilities of the development discourse in the lexicon of international economic law with its imperial legacy and the totalising and hegemonic potential of contemporary narratives of development. Emerging from the thematic panels was ultimately a rich tapestry of the complex and multilayered intersections between international economic law and the economies, societies and communities it purports to govern and recognition of the force of development as a putative oppositional narrative to the contemporary trajectories of international economic order. In this sense, many of the papers sought not only to re-historicise and contextualise the notion of development in international economic law but also to do so in a rapidly shifting global economy that is confronted with emerging economic and environmental crises and the social, political and cultural dislocations these crises portend.

*Celine Tan, Donatella Alessandrini and Amanda Perry-Kessaris*

## The use of information in regulatory and enforcement contexts

Co-convener by Richard Hyde (Nottingham) and Ashley Savage (Northumbria), this theme was the first of its kind for the conveners, who have recently set up the Information in Regulation and Enforcement Group (IREG) to draw together those interested in these issues.

The first panel (Information and Regulation) featured a paper by Richard Hyde entitled 'What can we expect from the Food Hygiene (Wales) Act?'. Julien Etienne (LSE) concluded the session by discussing the strategic loss of control reports in hazardous industries in France. The second panel focused on information in criminality. Tim Wilson (Northumbria) chaired and gave a paper on Article 8 and the retention of forensic bio-information. Jamie Grace's (Derby) paper was on the reform of criminality data-sharing in the UK. The session ended with a fascinating paper presented by Adam Jackson (Northumbria) on offence matching between different jurisdictions, drawing on a case study of the UK and Germany and highlighting difficulties caused by cultural differences and translation.

The final panel focused on risks and rewards of information sharing. John Bates (Northumbria) presented an engaging paper which considered the role of information gathered from social media platforms in fraud investigations. Claire Bessant (Northumbria) in 'At risk of domestic violence? The right to ask

and the right to know' gave a detailed treatment of the proposals to allow individuals to enquire whether their partners have committed previous offences relating to domestic violence. The session ended with Ashley Savage's comparative analysis of the protections afforded to whistleblowers in the security and intelligence services in the UK, US and Canada.

*Ashley Savage and Richard Hyde*

## Art, culture and heritage

The predominant concern of speakers in this relatively new stream was cultural value and how it is best protected, taking account of the competing interests of diverse stakeholders. This arose in various forms and included discussion of how the law should respond to competing concerns to protect cultural heritage whilst respecting private ownership rights. Puay-Peng Ho's paper on built heritage explained the cultural significance of Hotung Garden in Hong Kong and problems in attempting to preserve it when its owner wished to demolish it to make way for a new development. Elpida Dragasi analysed Greek law on the protection of antiquities and cultural heritage in the context of the tension between source countries attempting to preserve their heritage and collectors or dealers in antiquities.

The tension around market traders was also considered. Heather Gill-Frering highlighted the fact that, whilst human remains provide tangible evidence of previous cultures, they are commercially traded in some countries. Josephine Munch Rasmussen discussed the role of museums, which seek to avoid being involved in the illicit trade in objects but which may have acquired looted objects in the past which they now manage and preserve. Stacey Jessiman de Nanteuil considered the attempted obliteration of the cultural traditions of Canadian First Nations by forced appropriation of their ceremonial treasures; now often found in museums, there are increasing demands for their repatriation. Alexander Herman outlined the export licensing systems in Canada and the UK, highlighting Lucien Freud's difficulties when trying to export one of his own paintings. Craig Forrest emphasised the importance of loans of heritage objects to museums as a way of fostering understanding of other cultures and discussed the problems of achieving a just solution where there were claims to repatriate objects on loan which were protected from seizure by legislation.

Janet Ulph looked at governance structures but with a particular focus upon local authority museums and the increasing emphasis upon the financial value of museum collections; this may lead to tension between those wishing to sell a collection, those who donated it and the public who see it as held for their benefit. Regardless of their legal structure, museums are described as holding their collections 'in trust' for the public. Sean Farran explored this phrase in the context of Foucault and Goffmann. He observed that the notion of holding 'in trust' was a powerful tool for the positioning of the 'global museum', something that has developed in recent years as a justification for retaining large encyclopaedic collections.

Carolyn Shelbourn asked whether prosecution for a criminal offence is always the right answer when someone has illegal possession of a heritage object. She argued that any prosecution must be presented to the public in such a way that it would enjoy support. How we perceive objects and how law attempts to 'know' these objects were the topics of Luke Bennett's presentation in which he used objects including the Diana Memorial fountain and a Barbara Hepworth sculpture that was sold as scrap metal as the focus for discussion.

Alessandro Chechi considered how binding obligations by non-state bodies might provide a means by which to support states and international organisations, such as UNESCO, in protecting cultural heritage. Charlotte Woodhead's paper focused on the intangible element of all cultural heritage (its value, the desire to pass these important things on to future generations and to preserve and provide access to it) and how best to recognise that in English law.

*Janet Ulph and Charlotte Woodhead*

## LAW AND . . . SOCIETY?

*Dermot Feenan examines a number of issues about the concept of 'society' used in socio-legal scholarship.*

The concept of 'society' is intimately associated with socio-legal studies, manifesting, for instance, in: the titles of journals, such as the *Journal of Law and Society* (JLS); associations, such as the Law and Society Association; funding streams; a voluminous and growing literature; centres; symposia; programmes of study; and, increasingly, academic posts. However, this note might serve as a reminder that the concept deserves some consideration.

The note seeks to do so through three broad aims. First, to sketch, with reference to a snapshot survey of journal publications, a number of ways in which the concept 'society' is used inexactly in socio-legal/law and society scholarship. Second, to show that, partly in consequence of this inexactness, various incoherent and different ideas of society are deployed in such scholarship. Third, and related to the second aim, to explain that 'society' is sometimes used, without apparent deliberation about its ideological or normative implications, to convey a preferred political or social background state of affairs. The note concludes by describing various proposals for alternatives to the concept. It does not argue, à la Searle's social ontological approach, for a singular and universal definition<sup>1</sup> and postpones decision on the utility of 'society' as an analytic concept.

### A snapshot survey

A snapshot search of the word 'society' was conducted in articles, presidential addresses, review essays and a research note, all published in 2003 (a year selected randomly from the last 10 years) in two leading journals in law and society scholarship, the *JLS* (based in the UK) and *Law and Society Review* (*L&SR*). Of the total number of publications (54), 69 per cent contained the word 'society' at least once in the text (including the abstract and narrative footnotes but excluding proper names, such as 'Law Society').

The *JLS* showed a marginally higher prevalence of the word in the number of its publications. The *L&SR* contained a substantially higher number of instances (196, against 109 in the *JLS*), but this largely reflected extensive use of the word in terms of 'law and society' scholarship. Indeed, such is the frequency of the term 'law and society' in the *L&SR*, that it seems to take on a self-referential function among its largely US-based contributors. Moreover, *L&SR* contributors, notwithstanding their frequent references to 'law and society', write less frequently about a society than do contributors to the *JLS* whose use of 'society' tends to be more varied. The one *L&SR* article that features 'society' frequently outside the dyadic 'law and society' does so in quotations from activists.

In summary, the usage of the concept is extensive and its incidence varied (with some evidence of differences in use between US-based and UK-based scholars).

### Inexactness

In this brief survey, the lack of exactness in the use of 'society' is clear. 'Society' is frequently used without reference to, for example, territory, culture or shared normative beliefs. Occasionally, this free-floating concept of society is joined with a temporal adjective, such as 'modern', but without clear designation of period. Sometimes it is joined with a political adjective, such as 'civil' or 'democratic', but without explication of those terms – with their complex and contested hinterlands. Occasionally, one finds extraordinary and vacuous usage of the term, such as in 'common law society'.

### Incoherence and difference

If the concept of 'society' is not used precisely and with sufficient rigour it can give rise to invalid and incoherent analysis. This can have important policy implications; not only

in, say, misdiagnosing the extent of any harm, but also in an inability to identify what constitutes a societal harm and in subsequently forming any appropriate response. An example would be how to identify the locus of harm from the mismanagement by financial corporations that preceded the current recession.

The risk of inexactness regarding 'society' is exacerbated where, as instanced in the publications surveyed, one author equates 'British' and 'English' society; necessarily excluding, at least, Scottish, Welsh and Northern Irish differences. A related problem arises from treating society as co-extensive with the nation state.<sup>2</sup> It is easy to see how this approach creates problems in conflict states such as in the former Yugoslavia or in Northern Ireland. But the problem remains when authors refer to 'Chinese society' or 'American society' where the significant ethnic differences alone in the countries to which the authors relate these terms, the People's Republic of China or the USA respectively, would undermine the authors' attempts to propose national reforms or at least would suggest the need for more nuanced policy.

If such ethno-national cleavages suggest caution about utilising 'society', similar attentiveness is required to other markers of difference that are rooted in power and status, perhaps especially with reference in the current recession to socio-economic difference. Such differences can be excluding, which may be a function of ideology.

### Unreflective ideology, normative biases

There is a sense in which the use of 'society' can betoken political ideology and operate to inform law and policy. The oft-quoted statement by Margaret Thatcher while Prime Minister that there was no such thing as society reflected a significant redefining of the relationship of power between the individual, market and state, with new legal rights and obligations which that entailed – consistent with longer-standing ideas about free-market liberalism.<sup>3</sup>

Ideology can operate at subtler levels, perhaps shading into simply normative bias; for instance, where the institutions, practices and experiences of the formative communities of law and society scholarship themselves, the US and UK, are treated as normal and universal. This is evident in a number of the survey publications where reference to society is made on the basis of a small regional or national sample and then extrapolated beyond its limits of representativeness.

However, as implied in one of the *L&SR* articles surveyed, unreflective ideology may consist simply in assuming that society can exist only as a function of the state: an idea challenged in Clastres' anthropological study of tribes in Latin America.<sup>4</sup> Moreover, the concern throughout is with humanity, to the extent that this excludes other species and, indeed, the rest of the ecosystem, a focus only on 'society' may reinforce a speciesist paradigm that can create wider ecological harms, including material harms to humanity. This paradigm is exacerbated in modernity by privileging the individual in interventions to prevent personal harms, for example, through anti-smoking law – which has traction in a way that avoidance of harms against our ecosystem through attempts to secure law on climate change does not.

### Conclusion

The challenge for socio-legal studies suggested in this note will be in retaining the animating concerns with the social from early law and society scholarship while engaging reflectively on any use of 'society'. There remain many legal studies that purport to social relevance. Yet they are divorced from social reality, often treating people as atomised, autonomous individuals. It is worthwhile remembering that separating law (or science, or medicine, or economy etc) in this way tends, amongst other things, to occlude discussion of law's social production and contestability.

►p8

p7◀ This note adjourns decision on whether to use 'society' as an analytic concept in socio-legal studies, though it may be noted that the concept's curtailment or demise has been urged by others. Giddens, for instance, opposes identifying 'society' with the nation state. He prefers 'social systems' and 'institutions' which may or may not be limited to national boundaries.<sup>5</sup> Urry argues that 'society' is outmoded because of globalisation, where new mobilities reconstitute social life.<sup>6</sup> Tamanaha, opining the vague and ambiguous use of 'society', asserts that it 'is no longer serviceable as an analytical device'. He suggests using instead 'social arena'.<sup>7</sup>

Deferring such judgment, this note is a reminder that 'society' is sometimes used in an inexact, incoherent or unreflectingly ideological or normative manner in socio-legal scholarship. How 'society' is understood has important implications; not least, for scholarship, legal practice and law reform.

Exploring the 'Socio' of Socio-Legal Studies, edited by Dermot Feenan is available to order now from Palgrave Macmillan [www.palgrave.com](http://www.palgrave.com).

**Notes**

- 1 John C Searle (2009) *Making the Social World*, OUP.
- 2 Martin Albrow (1996) *The Global Age: State and society beyond modernity*, Stanford University Press.
- 3 Friedrich Hayek (1948) *Individualism and Economic Order*, University of Chicago Press.
- 4 Pierre Clastres (1974/1977) *Society against the State* (trans Robert Hurley), Mole Editions/Basil Blackwell.
- 5 Anthony Giddens (1984) *The Constitution of Society: Outline of the theory of structuration*, Polity Press.
- 6 John Urry (1999) *Sociology Beyond Societies*, Routledge.
- 7 Brian Tamanaha (2001) *A General Jurisprudence of Law and Society*, OUP, pp 206, 207 respectively.

*people . . .*

**HILARY SOMMERLAD** has moved to the University of Birmingham to take up a chair in the Centre for Professional Legal Education and Research e [H.A.K.Sommerlad@bham.ac.uk](mailto:H.A.K.Sommerlad@bham.ac.uk).

**DAVID NELKEN** (professor of sociology, University of Macerata, Italy, and professor of law, Cardiff, UK) was awarded an LLD on the basis of his publications at Cambridge University on 11 May 2013 and the International award of the Law and Society Association (USA) in Boston on 1 June 2013.

**AMANDA PERRY-KESSARIS** took up the post of professor of law at the University of Kent on 15 June 2013.

**CHRIS ASHFORD** has moved to the University of Northumbria to take up the post of professor of law. e [chris.ashford@northumbria.ac.uk](mailto:chris.ashford@northumbria.ac.uk)

**DONALD MCGILLIVRAY** has moved from professor of law at the University of Kent to a readership in law at the University of Sussex.

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**THE HOME-MADE BOMBS AT THE BOSTON MARATHON**

*Sally Ramage, editor of The Criminal Lawyer,\* provides some initial thoughts on the Boston bombings.*

It was the day of the Boston marathon in Massachusetts, United States. There were hundreds looking forward to this day, including those who took part, and Boston had planned an exciting few days. Red Sox had planned their first home game at Fenway Park. In 2013, Fenway Park is 100 years old and Bostonians were encouraged to go to the marathon and cheer the runners. There were plans for Bostonians to celebrate Patriots' Day,<sup>1</sup> signifying the start of the American Revolution, and to ride on the swan boats in the Public Garden. In addition was planned the international film festival, showing the best indie films from around the world, and Boston concert and theatre venues had advertised and showcased violinist Joshua Bell and the Boston Ballet.

Massachusetts was Protestant and of English descent until the War of Independence and Boston is the state capital. Per capita, the state of Massachusetts has the third highest income in the United States. There is an international airport in Boston, an important hub for travel in the US. Massachusetts also has three deep-water harbours in Boston, Fall River and New Bedford. As for education, Massachusetts boasts Harvard University in Cambridge; Massachusetts Institute of Technology, also Cambridge; and Boston University and Northeastern University, in Boston, among 25 higher education institutions. The state only has about 7 million people and, of these, over 85 per cent are white. Boston remains the most important city of New England and, since 1950, it has attracted a large black population.

**Privately owned pictures and photos used by FBI**

The Federal Bureau of Investigation (FBI) collated CCTV from shops and mobile phone photos from private citizens, thereby possessing video stills of at least one suspect and other 'persons of interest' in the Boston marathon bombing incident on Wednesday 17 April 2013. The FBI had asked for all videos and CCTV footage from local authorities and stores nearby, and from mobiles used by members of the public to capture the Boston marathon, in case anyone had recorded any incriminating evidence of use to them.

**'Caucasian-looking' man reported prime suspect**

The images that appeared helpful to the FBI were from a store camera and mobile-phone footage from bystanders near the finish line, where the explosions took place. In one instance, newspapers reported, an individual was allegedly seen planting a bag close to where the explosions took place and then leaving the scene. To the relief of many American immigrant communities, the FBI, according to the press, had reason to believe the prime suspect was a white male, and not someone from the minority population.<sup>2</sup>

**Two cheap, self-made 'pipe' bombs**

The bombers apparently used two pressure cookers to make the home-made bombs. A Spanish company named Fagor apparently manufactures this pressure cooker (newspapers reported the FBI had unofficially told them). A company spokesperson for Fagor said American police had approached them and that the company was assisting the police in whatever way it could.

**Presidential visit**

President Obama visited Boston to commiserate with Bostonians and made a speech at an interfaith memorial service. He promised that his government would find the terrorists and hold them responsible and he described the terrorists as people



who would rather destroy than build, thinking that the devastation they caused would make them important. Obama continued his speech by saying that America's fidelity to a free and open society will grow stronger, despite this outrage.

### Mayor of Massachusetts

Governor Deval Patrick is the mayor of Massachusetts. He went on television to assure the population that progress was being made by the FBI. Such was the heightened expectation of an arrest that a media scrum converged in front of the Federal Courthouse in Boston expecting the suspect to be produced. The US police, unlike their UK counterparts, do not appear to be as careful in their dealings with the media. In fact, according to newspaper reports, many government officials spoke anonymously to newspaper reporters. The media crowd dispersed after authorities made this 'official' statement:

Contrary to widespread reporting, no arrest has been made in connection with the Boston Marathon attack. Over the past day, there have been a number of press reports based on information from unofficial sources that has been inaccurate. Since these stories often have unintended consequences, we ask the media to exercise caution and attempt to verify information before reporting.

### Terrorism raises its head again in the US

This terrorist attack occurred 12 years after the World Trade Centre in New York was attacked on 11 September 2001 and is still of unknown affiliation. No organisation has claimed responsibility and it is now apparent that this was a single criminal outrage by persons holding a grudge.<sup>3</sup> It would be natural for people to wonder what sort of psychopathological conditions predispose people to commit such heinous crimes. Such a criminal is often classed as suffering from an antisocial personality disorder; a rage disorder with pathological anger and aggressiveness is one of the prominent diagnostic criteria for this severe personality disorder which expresses itself vengefully and malevolently, most probably containing narcissism and a long-simmering pathological rage.<sup>4</sup> The evaluation of this violent suspect will need to involve a myriad of data as to actual content, context, severity, brutality, premeditation, spontaneity, intent, motivation and remorse in order to reconstruct the circumstances leading up to this heinous crime, as well as to determine the defendant's state of mind during this crucial period.

### USA PATRIOT Act 2001

Three persons died and nearly 200 were injured by debris when the makeshift bombs constructed inside two domestic pressure cookers exploded. The applicable law is the USA PATRIOT Act 2001 which allows for the executive response of detention, for up to six months at a time, of non-citizens who are certified as suspected terrorists. The USA PATRIOT Act came about as a result of the use of emergency powers exercised to enable it to be proposed, enacted and signed into law 45 days after the September 11 terrorist attacks. To date, this power has not been invoked. But even before the enforcement of the USA PATRIOT Act 2001, there was the Anti-terrorism and Effective Death Penalty Act of 1996 which modified a federal *habeas* court's role in reviewing state prisoners' applications in order to prevent federal *habeas* 'retrials' and to ensure that state court convictions are given effect to the extent possible under law.<sup>5</sup> An application for a writ of *habeas corpus* on behalf of a person in custody pursuant to the judgment of a state court shall not be granted with respect to any claim that was adjudicated on the merits in state court proceedings unless the adjudication resulted in a decision that was contrary to or involved an unreasonable application of clearly established federal law, as determined by the Supreme Court of the United States.<sup>6</sup>

### Concluding comment

It has been revealed over the weeks following the Boston bombings that law enforcement officers shot dead the first

suspect and interrogated the second suspect after his capture and admittance to hospital for the many gunshot wounds he received from officers of the FBI. With only one remaining defendant, the FBI had begun a serious inquiry into any previous violence and any possible drug abuse by the remaining defendant. There will need to be performed a neuropsychological screening of the defendant as well as an examination into any neurological deficits resulting from head trauma, or other conditions, especially in a case that could invoke an insanity defence. Legal insanity refers to a defendant's state of mind at the time of the crime. The test for legal insanity is whether a criminal defendant can prove by a preponderance of the evidence that he was incapable of understanding the nature and quality of his actions. Underlying the insanity defence is the existential query regarding personal responsibility. In certain circumstances, however, the insanity defence can be quite appropriate and humane. Further, is the defendant's competency to stand trial, which is a different matter to legal insanity and focuses almost exclusively on the person's current here-and-now functioning. Only present mental status is at issue. To be deemed competent to stand trial, the defendant must be able to demonstrate, among other things: a rudimentary grasp of the legal charges facing him; the gravity of those charges; the consequences of conviction; his possible legal defences; how the legal system operates; and he must show some capacity to trust in and cooperate closely with defence counsel.<sup>7</sup>

### Notes

- \* The author is also Sweet & Maxwell Annotator of the UK Policing and Crime Act 2009 and UK Crime and Security Act 2010.
- 1 Patriots' Day is a legal holiday (rule 45(4)(b) Federal Rules of Criminal Procedure) observed on the third Monday in April in Massachusetts.
- 2 Chidanand Rajghatta, 'FBI hunt for men isolated in video grab; no arrests yet', *Times of India*, 18 April 2013.
- 3 The obligation to bring terrorists to justice is specified by article 2(e) of the United Nations Security Council Resolution (UNSCR) 1373. UNSCR 1373 is a counter-terrorism measure passed following the 11 September terrorist attacks on the United States in 2001. The resolution was adopted under Chapter VII of the United Nations Charter, and is therefore binding on all UN member states. Article 2(e) 'ensures that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensures that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts'.
- 4 R F Baumeister (1999) *Evil: Inside human violence and cruelty*, W H Freeman.
- 5 S 2254(d)(1).
- 6 See *Williams v Taylor*, 529 US 362 (2000).
- 7 T Mason (2006) *Forensic Psychiatry: Influences of evil*, Humana Press, New Jersey.

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## THE PRE-PROCEEDINGS PROCESS FOR CARE PROCEEDINGS

*Research directed by Professor Judith Masson (Bristol University Law School) and Dr Jonathan Dickens (Children and Families Research Centre, University of East Anglia) and funded by the ESRC establishes how far the aims of the pre-proceedings process, introduced in 2008, were met in six local authorities in England and Wales.*

The pre-proceedings process aimed to help reduce the length of court proceedings in Children Act 1989, s 31 cases by diverting cases from, and so reducing pressure on, the courts; by narrowing the issues in dispute, so hearings could be shorter; and by ensuring local authority applications were better prepared.

The research report, *Partnership by Law? The pre-proceedings process for families on the edge of care proceedings*, provides an excellent example of how a combination of methods and interdisciplinary research can produce a rich account of a complex area. As well as quantitative analysis of court files, qualitative interviews with professionals and a focus group with judges, the research team observed pre-proceedings meetings, spoke to parents and followed cases to establish what happened subsequently. Parents in or at the edge of care proceedings are an under-researched and hard to reach group. Providing information about the study to solicitors acting in these cases and then contacting parents directly, first for permission to attend the meeting and, after the meeting, to offer an interview, achieved the required sample of interviews.

The pre-proceedings process was introduced before the Munro Review of Child Protection (2011) when additional procedures were seen as a means to improve social worker accountability and the quality of social work. It involves formalising of social work engagement with parents once the local authority has determined (with legal advice) that the conditions for making an application are satisfied. Parents are sent a 'letter before proceedings' setting out the local authority's concerns and inviting them to a 'pre-proceedings meeting'. The letter qualifies parents for non-means, non-merit-tested legal advice so they can have a lawyer with them at the meeting.

### Theory and practice

The researchers adopted a naturalistic approach to examining local authority decision-making, drawing on the work of

Dingwall et al (1993) and Hawkins (1992), as well as more recent work by Platt and Turney (2013). They drew on a range of socio-legal theories – responsive regulation, juridification and procedural justice – in their analysis of the process and considered social work responses both within the context of changing expectations of social workers and ethical approaches in child protection practice.

Diversion of cases from the courts through a process of discussion and the agreement of alternative arrangements can be seen as an example of responsive regulation, which enables parents and local authorities to resolve child protection concerns outside court (Braithwaite et al 2009). By comparison, in New Zealand, legislation requires a family group conference to be held before a court application can be made. The addition of lawyers (for both parents and local authority) also looks like juridification, the law's colonisation (Habermas 1987) of what otherwise might be a simple meeting between parents and social workers. Enabling parents to access independent legal advice can be seen as ensuring procedural justice; Tyler's work (2004) suggests such respect may improve co-operation and compliance.

Despite the imposition of the process on local authorities, social workers and their managers in the local authorities in the study were generally positive about it. They felt it was the right, respectful way to work with parents at this critical point. They also found it useful to do so because parents responded to messages from their lawyers that they had ignored when they came from social workers. Use of the pre-proceedings process largely reflected these two notions of rights and utility. There were few social workers who only used the process because it was required in the statutory guidance.

There was no evidence that the presence of lawyers juridified the process. Rather than focusing the process on legal issues or processes, lawyers' presence facilitated partnership working between parents and social workers. Parents said that having their lawyer present made them feel more confident; only a few parents relied on their lawyer to 'do the talking'. Rather, parents' lawyers held a watching brief, generally remaining silent but occasionally raising issues or seeking clarification. They also monitored their clients' demeanour and sought breaks in meetings to avoid confrontation. Parents appreciated the support and legal advice they had in the process but it did not appear to make them more accepting of local authority decisions where these involved a court application. In this area of life-changing decisions, the claims for procedural justice were not made out. Parents were no more likely to accept the local authority's case if the matter went to court when the pre-proceedings process had been used.

## Want free data on consumers and providers of law? Here's where to look

I had the pleasure of attending the SLSA conference in York this year and was struck by the range of different topics and interesting papers presented. A common theme in the sessions I attended was the need for more data to support further analysis and help shape future research. While there were a variety of innovative responses to this, the primary challenge remains the cost of collecting data.

At the Legal Services Board (LSB) we are alive to this problem. We continually push for more evidence-based decision-making and transparency from the entire legal services regulatory community. We recognise that this is a significant culture shift for regulators more used to keeping a simple list of members of a profession, but as they move to delivering targeted proportionate regulation more information will become available. Saying that, this cultural change will take time to deliver.

In the interim, to support this objective the LSB has adopted a policy of publishing all raw datasets associated with the research we commission externally and undertake inhouse. The

intention being to allow and enable further research. These datasets are available on the research pages of our website [w https://research.legalservicesboard.org.uk/news/data-sources/](https://research.legalservicesboard.org.uk/news/data-sources/).

These pages currently include raw data from:

- anonymised responses from 2007 solicitors firms to a 2012 survey looking at productivity, diversity, client base and experiences of change;
- a survey of 4017 individual consumers' experience of and responses to legal problems;
- a survey of 9703 small business consumers' experience of and responses to legal problems;
- a survey of the views of 2033 members of the general public on law and legal services.

The sample sizes, methods of collection and associated reports can be found in the reports section of the website [w https://research.legalservicesboard.org.uk/reports/](https://research.legalservicesboard.org.uk/reports/). We will be adding new datasets as our research activity continues. We also intend to add these data sets to the UK Data Archive.

Legal services in England and Wales are going through an unprecedented amount of change – driven by the recession,

## Key findings

In terms of effectiveness, the pre-proceedings process did result in the diversion from care proceedings of a quarter of cases in the file study. There was no evidence that concerns were less serious in diverted cases. The diversion rate ranged from 13 per cent to 33 per cent in the six local authorities; they were even higher in the observed sample, which was drawn at least a year later. Cases were diverted in two ways: either parents improved their engagement with children's services, leading to improved parenting; or alternative care was arranged. In most cases, alternative care was with relatives and agreed informally. Not all cases where proceedings were avoided necessarily produced better decisions for children; and other factors relating to difficulties in bringing proceedings were also evident in some cases that did not proceed to court.

The process was not effective in shortening the length of care proceedings. Where the pre-proceedings process had been used, these took almost as long as for cases where the local authority had applied to court directly. The difference, on average 1.5 weeks, was not statistically significant. The courts largely ignored the work that local authorities had done under the pre-proceedings process. Rather, they treated all cases as they had done previously, allowing expert assessments to establish whether the local authority's case could be made out. Judges explained that they were unaware whether or not the local authority had followed the process, remained concerned about the quality of social work and local authority decision-making and felt constrained by the expectations of the Court of Appeal. One consequence of the courts' failure to take account of local authority pre-proceedings work was reluctance by local authorities to commission additional or specialist assessments before proceedings started. The funding regime, which meant that the cost of assessments in proceedings could be shared but those undertaken in advance had to be paid for by the local authority alone, also contributed to this. Where such assessments were required, the court ordered them in proceedings; proceedings continued while this work was completed and the target length of 40 weeks was exceeded.

Use of the process appeared to make no difference to the outcome of cases that went to court. Around 59 per cent of cases resulted in care orders or care and placement orders whether or not the process was used. This is very similar to the figure found in proceedings issued in 2004 (Masson et al 2008).

In terms of delay for children, the pre-proceedings process lasted on average six months between the time when the local authority obtained advice that the conditions for bringing proceedings were met and the date of the application. This was three times as long as the average period between advice and

application for the cases the local authority took direct to court. Overall, it took longer to reach a decision where the pre-proceedings process was used, an average of 70 weeks, compared with 59 weeks for the cases taken direct to court.

This finding shows that care proceedings operate as a system where courts, local authorities and the legal aid agency interact. Interactions are not simply about working together to reach decisions in individual cases but produce broader attitudes and expectations that amount to a culture of care proceedings. Reforming care proceedings, particularly reducing their length to 26 weeks, as provided in the Children and Families Bill 2013, will require a change of culture, not only in the courts but elsewhere. Reforms which are not fully supported and implemented by all are unlikely to achieve the desired effect. This has implications for the retention of broad judicial discretion and the culture of complete judicial independence.

*Partnership by Law?* is the third study relating to care proceedings conducted in the Bristol University School of Law in the last five years. *The Care Profiling Study* (Masson et al 2008), providing a quantitative analysis of a sample of almost 400 care proceedings, commenced in 2004. That was followed by an ethnography of parents' representation in care proceedings, Pearce et al, *Just Following Instructions?* (2011), also funded by the ESRC. The data from the two ESRC studies has been deposited in the Data Archive.

These studies and short summaries of them are all available at [www.bris.ac.uk/law/research/researchpublications/](http://www.bris.ac.uk/law/research/researchpublications/).

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technology, legal aid, litigation funding changes, as well as changes to regulation as a result of the Legal Services Act 2007. Underlying issues of asymmetry of information, unmet legal need and issues around diversity in the professions are important areas not to be neglected during this period. We hope that by making these data freely available we can help promote more research into these and other important issues. We would welcome final versions of any papers using these datasets for our education work and for inclusion in our online library <https://research.legalservicesboard.org.uk/information-sources/>.

Our webpages contain a large amount of analysis and information on the legal services market. We recognise that people will not always agree with the conclusions we draw from our own and others' research. However, we hope to encourage more objective analysis of law and legal services so that the gaps between views can be narrowed, priority issues agreed upon, and legal services policy-making be more effective.

If you have any comments of questions about these datasets, please email [robert.cross@legalservicesboard.org.uk](mailto:robert.cross@legalservicesboard.org.uk).

**Robert Cross, project manager (research), Legal Services Board**

## Social and Legal Studies 22(2)

- Interpreters of the dead: forensic knowledge, human remains and the politics of the past – Claire Moon
- Room for manoeuvre? Regulatory compliance in the global shipping industry – Michael Bloor, Helen Sampson, Susan Baker, David Walters, Emma Wadsworth, Katrin Dahlgren and Philip James
- Abortion law and professional boundaries – Michael Thomson
- Pregnant men: repronormativity, critical trans theory and the re(conceive)ing of sex and pregnancy in law – Lara Karaian
- 'Look, a faggot!': the scopic economies of cruising, queer bashing and law – Allyson Lunny
- The laws of memory: the ICTY, the archive, and transitional justice – Kirsten Campbell

## FREE ACCESS TO LAW MOVEMENT: A FORCE FOR DEMOCRACY

*The island of Jersey is hosting the Free Access to Law Movement's (FALM) annual conference 'Law Via the Internet', in September (see page 14 for further details). But what is FALM, what does it do, and where is it? Sue Du Feu, programme director of the Jersey Legal Information Board, explains.*

To answer the last question first, it's everywhere and nowhere. It exists virtually, a loose association of legal information institutes (LII), law schools and other bodies who have the same aims, namely to enable the citizen to have free access to primary and secondary legal materials.

In 2002, at an earlier conference, a declaration on free access to law was made and enshrined in the movement's philosophy which is that making information freely available promotes justice and the rule of law. The declaration calls upon government bodies that create or control information to provide access to it so that it can be published by other parties.

The membership, which in the early days, consisted mainly of established law schools creating LIIs with internal funding, now attracts a more diverse range of members, who look to the original members for assistance in creating and maintaining a collection of legal materials.

Emerging democracies claiming that law reform is in the forefront of their policies need to demonstrate to their citizens that access to law is freely available, and in some cases have put resources into providing an online collection of legal materials, for example, Sierra Leone after the civil war. Other states have promised reform in the light of the Arab Spring, but done nothing to facilitate the understanding of existing legislation, such as Morocco, where it was left to a private individual to create a website and hunt down the relevant legal materials so that its people could examine current legislation and understand what was being proposed.

The need for a body such as FALM is fairly obvious to the academic legal community and every year the membership grows. Where some states have initially given funding to an LII to start a collection, sometimes, as in the case of one of the smaller African nations, the funding dries up and either the LII goes to the wall or is incorporated into a bigger LII, as can be seen in African LII or Safflii. FALM members are always on hand to offer support.

Until now FALM has been an understated presence in the legal knowledge management field, and as I said at the start, a sort of ethereal being, with no formal remit, but with a reputation for the expertise of its older members who have always given their time and guidance freely. However, with a number of new members joining in the last two or so years, many of whom are from emergent nations, it may be time for conference this year to look at the movement and plan a strategy to harness the energy of the members in order to validate the work of the LIIs and ensure long-term funding to provide free access to legal materials for all citizens in the coming years.

### Useful websites

African LII [www.africanlii.org/](http://www.africanlii.org/)  
 Declaration on Free Access to Law [www.worldlii.org/worldlii/declaration/montreal\\_en.html](http://www.worldlii.org/worldlii/declaration/montreal_en.html)  
 Law Via the Internet [www.jerseylvi2013.org/](http://www.jerseylvi2013.org/)  
 Sierra Leone LII [www.sierrali.org/](http://www.sierrali.org/)  
 South African LII [www.safflii.org/](http://www.safflii.org/)

## GOODBYE TO THE LSRC

*Alexy Buck, former head of the Legal Services Research Centre (LSRC), bids the organisation farewell.*

The LSRC operated as the independently managed research division of the Legal Services Commission (LSC) from 2000, having initially been established as the Legal Aid Board Research Unit in 1996. The LSRC was an internationally recognised and influential leader in the field of access to justice research. As a result of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the LSRC along with the LSC was abolished in April 2013.

Created to inform and advance access to justice policy and service delivery in England and Wales, the LSRC conducted strategic research on legal services and related social policy issues, in both the civil and criminal justice fields. Through its work, the LSRC influenced main aspects of the delivery of legal aid – from civil and criminal contracting to means testing, the development of outreach and integrated service models, advice in police stations, area-based resource allocation, different modes of advice delivery, and diversity monitoring. Responsible for the development of the English and Welsh Civil and Social Justice Survey (from 2001 to 2009) and the Civil and Social Justice Panel Survey (from 2010 onwards), much of the LSRC's work focused on people's experience of legal problems and advice-seeking behaviour.

The LSRC's multidisciplinary team disseminated findings in a variety of formats, including in peer-reviewed journals, reports, books, lectures and papers. In addition, the LSRC also organised a biannual international research conference, the last of which was held in Oxford in September 2012. For 15 years the LSRC conference provided a platform for researchers, policy makers and government representatives working in legal aid around the world to discuss emerging research and policy.

Until 2011 the LSRC had its own dedicated website (a copy of which has been retained in the National Archives UK Government Web Archive) before content was merged into the Ministry of Justice website. Both sites contain a detailed list of LSRC publications and downloads. The LSRC has also arranged for links to its archived website (including publications) to be made available on the International Legal Aid Group and Legal Services Board websites, as well as via a Legal Services Research Centre Wikipedia page. The LSRC has arranged for Civil and Social Justice Survey and Civil and Social Justice Panel Survey datasets to become freely available on the UK Data Archive to encourage researchers and academics to use the data. The data is not yet up, but should be available imminently.

### *Journal of Law and Society (Autumn 2013)*

Miscarriages of justice and the discourse of innocence: perspectives from appellants, campaigners, journalists and legal practitioners – by Sion Jenkins

Weber reading Stammler: what horizons for the sociology of law? – Michel Coutu

The developing habitus of the anti-social behaviour practitioner: from expansion in years of plenty to surviving the age of austerity – Kevin J Brown

Culturally unsuited to property rights?: Colonial land laws and African societies – Robert Home

Loan sharks v short-term lenders: how do the law and regulators draw the line? – Abdul Karim Aldohni

#### Review article

Margaret Thornton, 'Privatising the public university: the case of law' – Richard Collier

#### Book reviews

Burns H Weston and David Bollier, *Green Governance: Ecological survival, human rights, and the law of the commons* – Ole Pedersen

## Books

**Punishment** (2012) Thom Brooks, Routledge pb£25.99/hb£95 284pp

Punishment is a topic of increasing importance for citizens and policy makers. Why should we punish criminals? Which theory of punishment is most compelling? Is the death penalty ever justified? These questions and many others are addressed in this highly engaging guide. This book is a critical introduction to the philosophy of punishment, offering a new and refreshing approach that will benefit readers of all backgrounds and interests. The first critical guide to examine all leading contemporary theories of punishment, this book explores – among others – the communicative theory of punishment, restorative justice and the unified theory of punishment. Thom Brooks examines several case studies in detail, including capital punishment, juvenile offending and domestic abuse. *Punishment* highlights the problems and prospects of different approaches in order to argue for a more pluralistic and compelling perspective that is novel and groundbreaking.

**Towards an Economic Sociology of Law** (2013) Diamond Ashiagbor, Prabha Kotiswaran and Amanda Perry-Kessaris (eds) Wiley-Blackwell £19.99 176pp

Reflecting a developing trend towards interdisciplinary research in economics and law, this agenda-setting volume makes the case for economic sociology of law – an emerging field that draws on empirical, analytical and normative insights from sociology to investigate relationships between legal and economic phenomena. It locates this novel subject in a wider socio-legal tradition and identifies common ground between Polanyian and Weberian approaches to the law, economy and society, despite the two theorists' divergent views on the functionality of the capitalist model. The volume provides a platform for researchers' critical responses to the 'social embeddedness' of market societies.

**Corporate Manslaughter and Regulatory Reform** (2013) Paul Almond, Palgrave Macmillan £55 248pp

This book provides an innovative account of the emergence of new corporate manslaughter offences to criminalise deaths in the workplace during the last 20 years. This has occurred in many different national jurisdictions, but this book shows how these developments can be understood as a coherent phenomenon. It identifies the historical and legal origins of the instrumentalism that has limited the ability of health and safety regulation to respond effectively to work-related death cases and explains how and why criminal law came to be used as a means of addressing these limitations by reinforcing the moral values underpinning regulation. The contemporary neoliberal political context is shown to have posed fundamental challenges to systems of safety regulation and created an environment in which the criminal law is seen as an effective and desirable means of delivering important moral and symbolic messages that regulation cannot communicate effectively itself.

**European Law and New Health Technologies** (2013) Mark L Flear, Anne-Maree Farrell, Tamara K Hervey and Thérèse Murphy (eds) Oxford Studies in European Law £70 480pp

Health is a matter of fundamental importance in European societies, both as a human right in itself and as a factor in a productive workforce and therefore a healthy economy. New health technologies promise improved quality of life for patients suffering from a range of diseases and the potential for the prevention of incidence of disease in the future. At the same time, new health technologies pose significant challenges for governments, particularly in relation to ensuring the technologies are safe, effective and provide appropriate value for (public) money. This collection analyses European law and its relationships with new health technologies. It uses interdisciplinary insights, particularly from law but also drawing on regulation theory and science and technology studies, to shed new light on some of the key defining features of the relationships and especially the roles of risk, rights, ethics and markets.

**Adolescent-to-Parent Abuse: Current understandings in research, policy and practice** (2013) Amanda Holt, Policy Press pb£23.99/hb£65 200pp

This is the first academic book to focus on adolescent-to-parent abuse and brings together international research and practice literature and combines it with original research to identify and critique current understandings in research, policy and practice. It discusses what we know about parents' experiences of adolescent-to-parent abuse and critically examines how it has been explained from psychological, sociological and sociocultural perspectives. It also outlines how policy makers and practitioners can usefully respond to the problem.

## Journals

### *Journal of Law and Society*

The *Journal of Law and Society* (JLS) workshop and seminar sponsorship scheme has a fund of £10,000 per annum. The JLS seeks to promote good quality socio-legal scholarship and proposals will be judged in the light of that broad overall aim. The JLS is also seeking to use the funding to secure top quality socio-legal scholarship for publication in the journal. For further details contact Carol Black at [c.black@cardiff.ac.uk](mailto:c.black@cardiff.ac.uk). Applications will be considered twice a year: the deadlines are **1 March** and **1 September** each year.

The JLS also invites expressions of interest concerning the guest editorship of the JLS special issue (spring 2015). Readers are invited to contact the editor with their proposal. Send a list of authors, agreed and those yet to be confirmed, and working titles of each contribution. Prepare one page explaining the purpose and range of the collection. The material must be socio-legal, fit the character of the JLS, and have current relevance and appeal to its international and diverse readership. The issue must also be both thematic and coherent. The issue is 75,000 words, inclusive of footnotes and carries between eight and 10 papers. The deadline for completed copy is November 2014. The JLS may provide funds to support a meeting for the authors. The issue will also appear simultaneously as a book published by Wiley-Blackwell, Oxford. A decision on the 2015 publication will be taken in September 2013 thereby allowing the editor one year to produce the copy. The special issue for 2014 is titled 'Post-crisis Trajectories of European Corporate Governance: Dealing with the present and building the future' and is edited by Michael Galanis (University of Leeds) and Alan Dignam (Queen Mary, University of London). Contact JLS editor Philip Thomas [thomasp@cardiff.ac.uk](mailto:thomasp@cardiff.ac.uk).

### *Web Journal of Current Legal Issues*

The editor of the *Web Journal of Current Legal Issues*, Philip Leith, invites submissions for this online journal. He is keen to encourage submission of longer articles with a socio-legal bent but other submissions are also welcome. Please see the website <http://ojs.qub.ac.uk/index.php/webjcli/index> for details.

### *Medical Law International*

*Medical Law International* has published a 20th anniversary special issue: 'Best Interests in an Age of Human Rights'. Guest edited by David Gurnham, the issue comprises new peer-reviewed articles by leading scholars in the field of medical law and ethics to address challenges posed by two core values of medical law. When is it appropriate for medical practitioners to treat according to their professional view of a patient's 'best interests', and when must this give way to the 'rights' of patients or their families to dictate a different course? The issue presents four new articles by Suzanne Ost and Sara Fovargue, Jonathan Herring, David Archard and Elizabeth Wicks.

● **INTERNATIONAL POSTGRADUATE LEGAL CONFERENCE: FUTURE LAWYERS TACKLING TOMORROW'S LEGAL CHALLENGES**

4 July 2013: *University of Liverpool*

An opportunity for postgraduates to showcase research into pressing national and international legal issues and discuss ideas with a skilled audience of fellow postgraduates, researchers, established academics legal practitioners and members of civil society. See

www.liv.ac.uk/law/events/event/44249/instance\_id/56165.

● **BRITISH SOCIETY OF CRIMINOLOGY ANNUAL CONFERENCE**

2–4 July 2013: *University of Wolverhampton*

Theme: Criminology on trial. The prosecution will be led by Professor Steve Tombs and the defence by British Society of Criminology president Professor Loraine Gelsthorpe.

www.wlv.ac.uk/default.aspx?page=32094

● **BEYOND RESPONSIBILITY: TOWARDS RESPONSIBLE USE OF INTERNATIONAL LAW?**

4–5 July 2013: *McCoubrey Centre for International Law, University of Hull*

This conference is aimed at research students and early career scholars. Please see website for full details

www.h-net.org/announce/show.cgi?ID=201035.

● **11TH INTERNATIONAL JOURNAL OF CLINICAL LEGAL EDUCATION CONFERENCE/12TH AUSTRALIAN CLINICAL LEGAL EDUCATION CONFERENCE**

16–18 July 2013: *Griffith University, Brisbane, Australia*

The conference will bring together academics, lawyers, students and social activists with an exciting mix of keynote speeches, panel discussions, formal presentations and interactive workshop sessions. See www.numyspace.co.uk/~unn\_mlif1/school\_of\_law/IJCLE/index.html.

● **APPLIED LEGAL STORYTELLING CONFERENCE: CHAPTER 4 BACK TO WHERE WE STARTED**

22–24 July 2012: *City Law School, London*

Conference series fostering innovative collaboration and invigorating dialogue about the use of story across the spectrum of lawyering skills. This conference will bring together academics, judges and practitioners to explore the role of narrative in legal practice and discuss curricular strategies for the use of story and narrative. Contact Robert McPeake e r.j.mcpeake@city.ac.uk.

● **PERFORMING PREJUDICE**

22 July 2013: *Newcastle University*

The aim of this symposium is to exchange ideas and develop a nuanced understanding of performances of prejudice and how these manifest themselves in community encounters with the legal, cultural and policy environments. www.edisportal.org/noticias/convocatorias/202-cfp-symposium-on-performing-prejudice

● **ROYAL GEOGRAPHICAL SOCIETY ANNUAL CONFERENCE: LEGAL GEOGRAPHY STREAM**

28–30 August 2013: *Royal Geographical Society, London*

See website for details of conference and the legal geography stream: www.rgs.org/WhatsOn/ConferencesAndSeminars/Annual+International+Conference/Annual+international+conference.htm.

● **REVALUING CARE WORKSHOP: CARING ABOUT SOCIAL INTERCONNECTION**

1–2 September 2013: *University of Adelaide, Australia*

Following on from the Resourcing Care workshop at Keele University in September 2012, Caring about Social Interconnection will take forward conversations about care from theoretical, conceptual and empirical perspectives. See http://revaluingcare.net/events/. There is some funding support for UK participants. Follow same link.

● **INTERNATIONAL COMMISSION FOR THE HISTORY OF REPRESENTATIVE AND PARLIAMENTARY INSTITUTIONS ANNUAL CONFERENCE**

4–7 September 2013: *Dublin*

See website for further details www.ichrpi.com/meeting2013.html.

● **MAX WEBER AND CHINA: CULTURE, LAW AND CAPITALISM**

5–6 September 2013: *Centre of Chinese Studies, London*

Please visit www.soas.ac.uk/max-weber-and-china/ for further details.

● **CHILD AND FAMILY LAW QUARTERLY: 25TH ANNUAL SEMINAR**

10 September 2013: *King's College London*

Please see www.jordanpublishing.co.uk/training-and-development/family-law/-child-and-family-law-quarterly-25th-anniversary-seminar-#overview?CC=A40B.

● **GRAPHIC JUSTICE**

11 September 2013: *St Mary's University College, London*

This workshop is the winner of the 2013 SLSA Seminar Competition. Please visit the SLSA website for details

www.slsa.ac.uk/content/view/103/105 or

http://graphicjustice.blogspot.co.uk/.

● **8TH ANNUAL LEGAL RESEARCH SYMPOSIUM: RICS COBRA RESEARCH CONFERENCE**

10–12 September 2013: *New Delhi, India*

This Royal Institute of Chartered Surveyors (RICS) event is organised by the International CIB Working Commission on Law and Dispute Resolution. See website: www.cobra2013.com/.

● **5TH JOURNAL OF INTERNATIONAL LAW CONFERENCE**

13 September 2013: *La Corrala, Madrid*

Please visit website for full details.

www.uam.es/ss/Satellite/Derecho/es/1242658865308/contenidoFinal/Venue.htm

● **THE POLITICAL POWER OF TAX COMPLEXITY**

19 September 2013: *University of Birmingham*

Please see website for details www.ebhamlaw.com/taxcolloquium. If you would like to attend or participate, please contact Dominic de Cogan e d.a.decogan@bham.ac.uk.

● **FREE ACCESS TO LAW MOVEMENT ANNUAL CONFERENCE: LAW VIA THE INTERNET**

26–27 September 2013: *Radisson Blu Hotel, Jersey*

Please see website www.jerseylv2013.org for full details. And see Sue Du Feu's article on page 12 for more information on the Free Access to Law Movement.

● **WORKSHOP ON PEOPLE'S TRIBUNALS AND INTERNATIONAL LAW**

27–28 September 2013: *Australian Human Rights Centre, Sydney*

Please see website for full details.

www.ahrcentre.org/news/2013/02/05/461.

● **WHAT IS JUSTICE? RE-IMAGINING PENAL POLICY**

1–2 October 2013: *Keble College, Oxford*

Hosted by the Howard League for Penal Reform. Please see website for details www.howardleague.org/what-is-justice-events/.

● **LAW, LITERATURE AND HUMANITIES ASSOCIATION OF AUSTRALASIA: INTERPELLATIONS**

5–8 December 2013: *Australian National University, Canberra*

Please see website for details

http://law.anu.edu.au/conferences/interpellations.

● **INTERDISCIPLINARY DOMESTIC VIOLENCE CONFERENCE**

16 December 2013: *De Montfort University Leicester*

This conference is for academics, police, probation, social services, domestic violence victim services, health professionals, solicitors, magistrates, CAF/CASS and students. It seeks to raise awareness nationally about responses to domestic violence. Contact Vanessa Bettinson e vbettinson@dmu.ac.uk or Sarah Hilder e shilder@dmu.ac.uk.

● **LANGUAGE AND LAW IN SOCIAL PRACTICE: CALL FOR PAPERS**

15–17 May 2014: *Caserta, Italy*

Please visit website for full details www.erill.unina2.it/. Closing date: 31 October 2013.

# **SLSA Annual Conference 2014**

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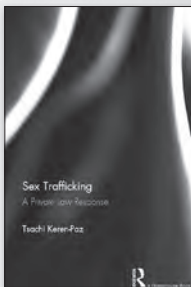
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Deleuze & Guattari: Emergent Law is an exposition and development of Deleuze and Guattari's legal theory. Although there has been considerable interest in critical legal studies, as well as legality in Deleuze and Guattari studies, this is the first book to focus exclusively on Deleuze and Guattari and law.

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