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NOT A CRISIS - BUT ARRESTING A SLOW DECLINE

Sharon Witherspoon is Deputy Director of the Nuffield Foundation, but the views expressed here are her own. She responds to some of the points raised in the spring issue of the newsletter and moves the debate on another step.

The Nuffield Foundation welcomes the attention that the SLSA has paid to the report, *Law in the Real World: Improving our understanding of how law works*. There was an excellent roundtable discussion at the SLSA 2007 conference, chaired by Professor Linda Mulcahy, and much correspondence and discussion after the conference, including a meeting with the SLSA chair and the full Society of Legal Scholars (SLS) Executive. It might be useful to describe here a bit about the 'follow-up' project funded by the Foundation to try to take forward some of the issues raised by the report. In addition, I would like to respond to some of the interesting questions raised by Professor Mulcahy in her stimulating piece in the spring newsletter (SLN 51: 1, 3); I am grateful to her for helping to promote further discussion.

I should start by recognising that there are of course various views on many of the issues raised by the excellent report by Professors Hazel Genn, Martin Partington and Sally Wheeler. A fuller discussion of all viewpoints is exactly what is needed now to consider whether changes in legal academic cultures or structures might be helpful. For its part, the Foundation hoped that the report would focus discussion on two issues: whether there is in fact a shortfall in the UK's capacity to carry out empirical research on legal problems and institutions (and whether this matters); and if there is, what might be done about it.

My own view is that the report makes the case that there is a real cause for concern about the lack of capacity to carry out empirical research in and about law – and that this matters. This is not to say that other areas of legal research and thinking (from normative analyses to other forms of textual analyses) are not important, just that they are not the areas of work that are in palpably short supply. Moreover, the report argues, capacity is in short supply for largely structural reasons, partly to do with the role of academic law in the undergraduate career of would-be lawyers. I won't attempt to repeat the findings here (the summary enclosed with this newsletter does a far better job) but the claim being made is that empirical research matters.

And the strong claim being made is that it matters for reasons perhaps different from those implied by Professor Mulcahy. The fact is that empirical research needs to mean far more than 'empiricist', 'applied', 'government-directed' research if we are going to get the necessary friction between empirical findings, on the one hand, and important theoretical or normative questions on the other. Far from wanting to attract 'empiricists' into the area, funders like the Foundation want to attract people who are asking interesting conceptual and normative questions but who see that engaging with empirical findings is a critical part of improving thinking about them.

From that point of view, the most important marker of the lack of capacity is not whether government funders can find sufficient research capacity, but why the research councils (both the ESRC and the AHRC) cannot spend the funds they would like to on research about law. I am sure it is right to ask if the lack

of empirical research doesn't merely result from lack of 'interest' in some sense, but my own view would be that this still reflects a recent history in social sciences of conflating the empirical with the empiricist. I don't think the main argument is about evaluation for government (important though that can be to those whose behaviour is being constrained).

Indeed, the argument is that greater reflection or an iterative reflexivity between empirical research and conceptual or normative thinking is part of what's missing, an idea put very persuasively by Professor Chris McCrudden in his article 'Legal research and the social sciences'.^{*} On a host of issues, we desperately need new conceptual clarity that takes empirical evidence about law seriously, as opposed to considering only textual or abstract claims about how law works, or whose interests it serves. (Interestingly, Professor Mulcahy's discussion of contract law may lead one to the conclusion that we need less 'socio-legal' research and more experimental economics research that takes legal frameworks and tacit participation in a bounded institution seriously, as well as a greater ability to evaluate strong and weak research designs that shed light on these important questions. And some of the conceptualisation that is missing needs perhaps to take the social structural dimension of law seriously, and not merely look at the individuals involved in cases or disputes. The Foundation is funding some interesting empirical work on the 'transparency review' of family courts that starts by asking what transparency might be 'for', a highly philosophical and normative issue.)

The follow-up activities to the inquiry are mainly about exploring this idea further: that such work is useful not merely as the maid-servant of government but precisely because it can reinvigorate thinking. We are also interested in getting social scientists from disciplines other than law to explore the issue of taking law, and legal institutions, seriously. This could mean that a productive way forward might lie in making it easier for those from different disciplinary bases to work together.

That is one of the reasons why the follow-up activities are exploring the ideas of funding centres that examine substantive legal issues and problems where bringing together those with different disciplinary backgrounds might be a fruitful way forward. This doesn't mean that generic 'socio-legal' centres aren't helpful. But to get a long-lasting, sustainable critical mass of people who have an interest in training their successors and who bring the conceptually sharp questions about issues into useful friction with empirical evidence will probably require focusing on a set of issues, problems, paradigms or areas of law, rather than on law across the board. That might help encourage other social scientists in, but more importantly might help ensure the focus is on the conceptual problem at hand.

Still, these are early days in this discussion, and the jury is out on whether this will be a fruitful (or even possible) way forward. So far, the SLSA and SLS have shown real interest in getting the debate going and engaging with it. We are now moving out to other disciplines, and to vice-chancellors and other academic leaders, the debate about the structural impediments to fertile cross-disciplinary discussions, and whether this matters in the case of thinking about law. All one can ask is that this debate be vigorous and considered, and that it starts from a standpoint that sees empirical research as potentially illuminating, and not merely as pragmatically useful.

^{*} (2006) *Law Quarterly Review*, 122: 632

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CHANGES TO SLSA EXECUTIVE COMMITTEE

Many thanks to all who came to this year's AGM at Kent. The meeting resulted in some changes to the SLSA Executive Committee. **Grace James** and **Richard Moorhead** stood down and **Jo Hunt** of Cardiff University, **Amanda Perry-Kessaris** of Birkbeck, and **Mary Seneviratne** of Nottingham Trent University were appointed. **Hannah Quirk** of Manchester University has also joined the Executive Committee as conference organiser 2008. **Julian Webb** resigned as Secretary and his place will be taken by **Morag McDermont**.

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people . . .

PROFESSOR NOEL WHITTY has moved from Strathclyde to the University of Nottingham ☒ School of Law, Nottingham NG7 2RD.

The Centre for Criminal Justice Studies and Law School at the University of Leeds are pleased to announce the appointment of **PROFESSOR JIM DIGNAN** to a chair in comparative criminology and criminal justice and **PROFESSOR MARK FINDLAY** to a chair in international criminal justice.

Earlier this year two experienced insurance solicitors set up their own practice in the North West. **DR VICTORIA HANDLEY** a leading light at Beachcrofts in Manchester joined forces with **LAURENCE BROWN** to set up Handley Brown LLP. Victoria, an external examiner with the College of Law, has a PhD in civil procedure and a personal injury diploma. She has written several articles and is a member of the SLSA. Laurence, also a chartered loss adjuster, was formerly with Halliwells and head of defendant operations at Silverbeck Rymer. The firm specialises in personal injury offering a friendly and personal hi-tech service.

DERMOT FEENAN, University of Ulster, is currently a Visiting Scholar at the Centre for Socio-Legal Studies, University of Oxford, until 13 July 2007.

DAVID NELKEN - Distinguished Professor of Sociology and of Legal Institutions and Social Change at Macerata University, Italy, and Research Professor at Cardiff - has published extensively in recent years in the areas of

legal culture, comparative criminology, the sociology of criminality and the construction of deviance, and the sociology of law (full list available on request). Recent talks include launching the CSLS Oxford seminar series on Legal Culture in 2005, acting as Rapporteur at the Denver conference on Tort Law and Culture in 2006, and keynote speaker at the first European Commission-funded conference on 'Assessing Crime, Deviance and Prevention in Europe' in Brussels in 2007. He will be a plenary speaker at the Bologna conference of the European Society for Criminology in 2007, and keynote speaker at the 2007 annual Dutch-Belgian conference of sociologists of law. In the past year he has also spoken at Harvard, MIT, Stockholm, Copenhagen, Halle and Groningen. He was judge for the 2005 Hart socio-legal article prize and chair of judges for the LSA article prize in 2006. Current research includes an Italian government-funded project (with Professor Febbrajo and V Olgiati) on Legal Culture in Eastern Europe, and Crime and the Risk Society collaborating as G J Warda visiting professor at the Willem Pompe Institute, University of Utrecht. He is keen to hear from others working on similar topics. e sen41414@iperbole.bologna.it

SLSA subscriptions reminder

SLSA subscriptions were due for renewal on **1 July 2007**. The rates have been frozen again for the seventh year running - free for students for one year (thereafter £10) and £30 for non-students. Queries should be sent to Lisa Glennon e l.glennon@qub.ac.uk. Visit www.slsa.ac.uk for full details.

SLSA one-day events

Examining textbooks

This event will take place at the IALS London, on **3 October 2007** from 10am to 4pm. Speakers (tba) will introduce the sessions, but there will also be lots of opportunity for participants to engage in discussion on topics such as:

- Do we need textbooks?
- What are textbooks for?
- Should textbooks be accessible?
- Is there still a textbook tradition?
- Should we use textbooks?
- Should we write textbooks?
- Textbooks and the RAE
- Textbooks and scholarly reputation

For more information, contact Fiona Cownie e f.cownie@law.keele.ac.uk.

SLSA grant-writing workshop

On **6 February 2008** the SLSA is running a one-day grant-writing workshop at Birkbeck, London. For more information please contact, Dave Cowan e d.s.cowan@bristol.ac.uk.

More details about both events will be announced via the SLSA email network, bulletin board and website.

SLSA-HART SOCIO-LEGAL BOOK AND ARTICLE PRIZES

As the SLSA-Hart prizes go from strength to strength, don't miss this year's deadline to put forward your nominations: Monday 26 November 2007.

Prizewinners 2007

The winners of the SLSA Book Prize were announced at the SLSA annual dinner at Kent in April. There were two winners out of a strong shortlist of six. They are:

- **Nigel Fielding**, Professor of Sociology at the University of Surrey, for *Courting Violence: Offences against the person cases in court* published by Oxford University Press; and
- **Anthony Ogus**, Professor of Law at the University of Manchester, for *Costs and Cautionary Tales: Economic insights for the law* published by Hart Publishing.

The winner of this year's Early Career Prize is:

- **Philip Hadfield**, Senior Research Fellow, Centre for Criminal Justice Studies, School of Law, University of Leeds, for *Bar Wars: Contesting the night in contemporary British cities* published by Oxford University Press.

This year's article prizewinner is:

- **Daniel Fitzpatrick**, Reader in Law at the Australian National University, for 'Evolution and chaos in property rights systems: the Third World tragedy of contested access' (2006) *Yale Law Journal* 115:996-1048.

Rules

The Executive Committee of the SLSA wishes to receive nominations for three annual prizes.

- **the Hart Socio-Legal Book Prize**
a book prize, open to all, for the most outstanding piece of socio-legal scholarship published in the 12 months preceding the closing date for nominations
- **the Socio-Legal Article Prize**
an article prize, open to all, for the most outstanding piece of socio-legal scholarship published in the 12 months preceding the closing date for nominations
- **the Hart Socio-Legal Prize for Early Career Academics**
a prize for the best book, published in the 12 months preceding the closing date for nominations, emerging from a previously awarded PhD, MPhil, LLB or MA

The aim of the prizes is to celebrate and promote the work of socio-legal academics. The winners of the prizes are traditionally announced at the dinner during the SLSA annual conference. The value of the prizes will be: for the Hart Socio-Legal Book Prize, £250; for the SLSA Article Prize, £100; and, for the Hart Socio-Legal Early Career Prize, £250. On previous occasions, the judges have sometimes exercised the power to divide the whole sum equally between the winners. The rules governing the prizes are as follows.

- 1 Nominations for each of the prizes can be accepted from any one member of the SLSA, including the author(s) of the nominated publications. Nominations are also welcome from publishers provided a statement is enclosed indicating that the author has consented to the nomination (see Rule 9, below).
- 2 The Hart Socio-Legal Book Prize and the Socio-Legal Article Prize are open to all academics. For the Hart Socio-Legal Prize for Early Career Academics (a prize for the best book emerging from a PhD, MPhil, LLB or MA and published in the 12 months preceding the closing date for nominations) authors nominated must be early career academics. By this we mean lecturers in the 'old' university sector; lecturers

and senior lecturers in the 'new' university sector; research fellows, research associates, and research assistants in both sectors; and postgraduate students. All books submitted by early career academics under this scheme will automatically also be considered for the Hart Socio-Legal Book Prize.

- 3 Nominations must be accompanied by two copies of the publication being nominated.
- 4 All book nominations MUST include a clear statement indicating which of the book prizes (the Hart Book Prize/the Prize for Early Career Academics) the work should be considered for. Any nomination which does not include this information will ONLY be considered for the Hart Book Prize.
- 5 The winners of the three competitions will be determined by an SLSA sub-committee, which will include at least one external expert co-opted to the sub-committee for this purpose.
- 6 The SLSA seeks to encourage both single-authored and collaborative work. Jointly-authored work may be submitted for any of the prizes. However, in the case of collaboration between an early career academic, as defined in Rule 2, and a co-author who is not an early career academic, a book will only be considered for the Hart Socio-Legal Book Prize. There is to be no restriction on the number of co-authors permitted.
- 7 Individual book chapters are eligible for the article prize. Edited collections are not eligible for the other prizes.
- 8 In relation to the Socio-Legal Article Prize only one submission may be made by any one individual.
- 9 Eligibility for nomination will be determined, if appropriate, by academic status at the time of publication, not at time of nomination.
- 10 Books and articles by eligible authors will be considered provided that: (i) they have been published within the 12 months preceding the closing date for nominations; and (ii) they have not been nominated in an earlier SLSA prize competition.
- 11 The nomination must include (i) a statement of the month and year in which the book/article was published; (ii) a statement showing that the author has consented to the nomination.
- 12 The prizes will be awarded to the successful candidates at the SLSA's annual conference, and details of the winners will be published in the SLSA newsletter.
- 13 Works by members of the SLSA Executive Committee are not eligible for nomination for any of the above prizes.

The closing date for this prize is the last Monday in November each year. This year's closing date is **Monday 26 November 2007**. If you have any queries about these prizes you should contact Fiona Cownie. [e f.cownie@law.keele.ac.uk](mailto:f.cownie@law.keele.ac.uk)

Journal of Law & Society Autumn 2007

Articles

The 'criminalisation' of social security law?: Towards a punitive welfare state – Philip Larkin

The social licence as a form of regulation for small and medium enterprises – Gary Lynch-Wood & David Williamson

Governance through publicity: anti-social behaviour orders, young people and the problematization of the right to anonymity – Neil Cobb

Women solicitors as a barometer for problems within the legal profession – time to put values before profits? – Lisa Webley & Liz Duff

Book reviews

Nick Wikeley, *Child support: Law and policy* – Mavis Maclean

Jill Marshall, *Humanity, Freedom and Feminism* – by Hazel Biggs

SLSA SMALL GRANTS 2007-08

Since the launch of our Small Grants Scheme in 1999, the SLSA has awarded nearly £50,000 to its members to support their research. This year, the fund stands at £8000.

The scheme is designed to encourage socio-legal research initiatives in practical ways. Individual grants can be up to a maximum of £1500. SLSA members interested in applying for a small grant are reminded that the deadline is **31 October 2007**.

The Research Grants Committee takes into consideration: the coherence and costing of the proposal and the applicant's likely contribution to socio-legal scholarship, including anticipated publications or enhancement of the prospect of future research grants from other grant-making bodies. 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.

Examples of past small grant reports and summaries are available on the SLSA website www.slsa.ac.uk plus full application details. If you have any queries about this scheme, please contact Tony Bradney. [e a.bradney@law.keele.ac.uk](mailto:a.bradney@law.keele.ac.uk)

Over the next three pages, this year's successful applicants outline their projects, and one of last year's grantholders reports in detail.

Crime and security in post-Communist Europe

Agata Fijalkowski, University of Lancaster Law School, £1500

Adam Podgórecki (1996) had long argued that research on totalitarian societies is invaluable, as remnants of totalitarian rule continue to manifest themselves in the peculiar relations between the state and civil society. A critical examination of security, which has been a recent subject of socio-legal scholarship, is especially interesting when investigating post-totalitarian societies and crime control.

The SLSA Small Grant Scheme will assist me in carrying out research in Poland and Romania on current crime control models. The timing of the project is paramount, particularly in light of European enlargement. My research proposal entails: (1) an analysis of crime statistics; (2) an examination of Polish and Romanian criminal law; and (3) an investigation of the perceptions of crime, past and current views. The final part of the project critically considers the legitimacy of institutional arrangements and the basis for civil society in a changing Europe.

An exploration of traditional and local concerns – relating to crime and security, the extent to which they continue to be shaped by Communist rule, the manner in which these assert themselves and may be at odds with global patterns of thought – provides a critical portrait of post-Communist Europe. Research results will constitute a freestanding piece of research to be published in a leading socio-legal journal. It is hoped that a future pilot project for a larger investigation of practices and attitudes in this context is realised.

The impact on indigenous societies of applying foreign 'intellectual property' concepts and standards

Alexandra George, Queen Mary, University of London, £1500

Global intellectual propertisation is an increasingly important phenomenon. Since the advent of the World Trade Organization's (WTO) Agreement on Trade Related Aspects of Intellectual Property, most nations have embarked on a process of harmonising their intellectual property laws in line with minimum standards established by associated international treaties. This trend has been exacerbated by the conclusion of bilateral agreements – usually referred to as 'free-trade agreements' – in which nations have often agreed to increase the stringency of their intellectual property laws in return for trade concessions in other sectors (such as raw materials, primary produce or manufactured goods). There has been significant academic comment on the likely and actual political and economic effects of these changes, and analyses have been made of specific instances in which the new laws have been detrimental to local communities, especially in developing countries. However, jurisprudential questions concerning the

effects on indigenous societies of applying such changes to their traditional legal concepts remains relatively unexplored.

This project takes an empirical approach to investigating the impact on indigenous societies of applying foreign 'intellectual property' concepts and standards. The aim is to gain insight into traditional indigenous attitudes and lore regulating 'intellectual property' in several indigenous societies, and to ask what – if any – effects on these communities have resulted from the reception of foreign intellectual property standards, for example changes to traditions, social structures, customary lores that govern local communities and cultural identity. The research will use structured interviews with leaders of several indigenous communities that have had varying degrees of exposure to laws implementing foreign intellectual property traditions.

The data obtained will provide a factual historical record of attitudes to intellectual propertisation in several communities. This will be of value to researchers and policy-makers interested in global intellectual propertisation issues more generally, and the research outcomes will also be of interest for comparative purposes with respect to developing nations that are subject to WTO and bilateral pressures to adopt international intellectual property law standards derived from foreign legal traditions.

The EU and the governance of football

Borja García, Loughborough University, £1405.63

This SLSA Small Grant was sought to finance the completion of the empirical research for my doctoral thesis entitled 'The European Union and the governance of football'. This research draws on concepts from John Kingdon's policy streams approach to agenda-setting and Richard Parrish's actor-centred institutionalism to explain: (1) why and how football attracted the attention of European public authorities and (2) how football has reacted to the interventions of the European institutions. To understand the emergence of new items on the agenda it is necessary to look at three elements: the visibility and social importance of the problem; the strategies of actors within the

policy sub-system; and the institutional setting in which the new legal developments take place.

The fieldwork will consist of a wave of semi-structured elite interviews with representatives of football governing bodies and other stakeholders in the governance of the game. These will complement the interviews already done earlier in this doctoral study. Furthermore, I envisage undertaking research on the archives and documentation of UEFA. The aims of this project, as part of my PhD are to unearth the belief systems and institutional resources of the actors involved in the regulation and governance of football (that is federations, players and clubs). It also investigates the structural reactions of the football family once confronted with the intrusion of the EU.

Happy slapping and the law

Alisdair A Gillespie, De Montfort University, £1000

This research will examine the legal framework governing the phenomenon commonly referred to as 'happy slapping'. This term has recently been popular with the media and sensational reports have appeared of a multitude of alleged attacks. The issue has been debated in Parliament with calls for the legal framework to be tightened. My research will ask whether 'happy slapping' is an example of a 'moral panic' or whether it is a type of behaviour that requires legal recognition and examination. Interviews will be conducted with hi-tech law enforcement specialists, prosecutors and social networking organisations to discover the scale of any problem and how to tackle it. It will mix traditional desk-based research with qualitative interviews and primary research in terms of accessing material on publicly available internet sites. The results will be disseminated through conference papers and articles. Issues for future research will also be identified. If anyone wishes to discuss this research I would be delighted to hear from them. [e agillespie@dmu.ac.uk](mailto:agillespie@dmu.ac.uk)

Child protection within UK sport

Steve Greenfield & Guy Osborn, Westminster University, £1160

This pilot study forms part of an intended broader long-term project analysing the protection of children within sports, across a number of jurisdictions, including Sweden where some exploratory work has already been conducted. The broader project aims to analyse regulatory frameworks protecting children within the context of sport, and to examine the implementation of international and national policies within individual sports, and to compare these policies across different jurisdictions. However the pilot is a very specific project which has two aims: (1) to obtain and measure the child protection policy from each chosen sporting body against the nationally approved standards; (2) to identify inherent and structural problems in the implementation of the policy.

At the heart of this research is the question as to whether voluntary bodies are capable of providing sufficient protection for children or whether a legal regime of child protection law should be extended specifically to sport.

Using laws to mend public-private gaps: the CO from a comparative perspective

Brian Gran, PhD, JD, Case Western Reserve University

Considered neither public nor private, offices of children's ombudspersons (COs) are being established across the world to mend the public-private gaps in social policies faced by young people. In the fall of 2006, I visited England to conduct research on the office of the English Children's Commissioner and actors and institutions interested in the establishment and work of this office. Here I describe the work supported by the SLSA in the context of a bigger project.

The either/or quality of the public-private dichotomy has been a longstanding premise of thought in the social policy arena (Titmuss 1974, 87; Wilensky 1975, 63-5). This research contributes to an emerging tradition that goes beyond this binary oversimplification (Rein 2003; Starr 1989). It seeks to combine two established lines of social policy research on the public-private dichotomy that usually do not intersect, welfare states and other social risks. In studies of welfare states, typically, public refers to government, and private to employers and nonprofit organisations (Esping-Andersen 1999; Hacker 2002; Klein 2003). In studies of other policies, public usually refers to general society and government; private to families and individuals (Benhabib 1993; Landes 1998; Gauthier 1999). Rarely are these ideas joined in analyses of social policies (but see Somers 1995; 1998).

Using law to mend public-private gaps

Occasionally, gaps appear between public and private social policy programmes (Minow 1991; Quadagno 2006). When these are recognised, governments may institute laws to mend them. In the past, governments often established new social programmes; more recently, they have taken alternative approaches, such as mandating private provision. Young people are particularly vulnerable to falling into such gaps. A child's welfare is usually the parents' responsibility, but what about when parents fail? In many countries the answer is unclear (Curry 2007).

Many governments have recently sought to address this problem by establishing CO's offices. Regarded as independent, COs are endowed with legal powers similar to other government authorities, yet their formal status is often ambiguous and inconsistent across countries. I, therefore, focus on COs to ask why governments have established these offices, how their independence and scope of authority is organised, and what factors shape COs' decisions to deploy their legal powers (Gran & Aliberti 2003; Gran 2007e; 2007b).

This research raises interesting questions for welfare state and social policy scholars. Why do governments establish CO's offices? And why are they arranged with various configurations

of independence and legal powers? To address the first question, I have published what I believe is the first comparative study of why offices of COs are established (Gran & Aliberti 2003).

The four UK COs

To study the process by which stakeholders struggle to establish an office, and then its institutional arrangements, my project compares the four UK COs. This is because their order of establishment (Wales, Northern Ireland, Scotland, then England) and institutional arrangements (e.g. England has the weakest formal powers) challenge some theoretical explanations of social policy development, that the wealthiest and most powerful, England, would have the first and most powerful CO.

I am focusing on the English Children's Commissioner and have gathered archival evidence from government and non-government institutions, including records of previous efforts to establish such an office. I have interviewed stakeholders in the establishment of the office and, since its establishment, re-interviewed them about its workings, including its relationship with government offices and nonprofit organisations – both at national and international level. This included meeting with government officials whose jobs may intersect with that of the Children's Commissioner. Finally, I also met the English Commissioner, Sir Al Aynsley Green, and members of his staff to gather important information on how a CO makes decisions to deploy legal powers and other resources and what challenges and barriers they face in pursuing children's interests.

Independence and legal powers

A corollary theoretical focus of this work has centred on the concept of independence, often studied in a vacuum without consideration of how it matters for using legal powers. I am focusing on the problem of understanding it as involving *configurations of independence and legal powers*. Such a conceptualisation opens new possibilities for explaining how and why governments confer different components of formal independence on COs. Is independence a matter of degree? Can a weak link undermine independence? Research on other independent institutions suggests the former (Gilardi 2005). Based on US research on the European Network of Ombudsmen for Children (ENOC), my work asks whether a *weak link* in independence is a critical opening through which others can seek to weaken an institution's independence (Gran & Patterson 2007b). We find that it is, and that a weak link in independence affects use of some legal powers more than others.

Governments and nonprofit organisations typically expect COs to promote rights in all social settings in which young people live. My project demonstrates that the *actual legal powers granted to COs enable them to have stronger legal roles in public settings than in private settings* (Gran 2007e). Possessing a **▶ p6**

p5 ◀ legal power does not mean it is necessarily used (Sarat & Kearns 1993; Carruthers 1994; Edelman et al 1999; Pedriana & Stryker 2004; Grattet & Jenness 2005). My project examines how components of independence influence COs' decisions to use their legal powers and other tools (Gran & Patterson 2007a; Gran 2007b) and I am completing the first worldwide census of COs, focusing on how independence shapes these decisions.

Do COs improve children's rights?

Most COs strive to implement children's rights, raising the question of the status of children's rights across countries. With the nearly universal ratification of the UN Convention, children's rights continue to be examined, yet a comparative measure of them has not been developed. Thus, a related contribution of this project is its development of the Children's Rights Index (CRI), a measure of young people's rights in over 180 countries for the year 2004 (Gran 2007a). With my students, I am examining whether COs influence children's rights (Gran et al 2007).

Rather than focusing directly on children's rights, I am investigating national governments' bans on adult behaviours, in particular physical punishment of children. My preliminary findings indicate that nearly all governments are willing to ban corporal punishment in public settings, but much less likely to intervene in the home (Gran 2007c). This work suggests that the globalisation of law may have stronger influences on public compared to private settings (Dobbin & Sutton 1998; Boyle 2001; Halliday & Carruthers 2007).

References

- Benhabib, S (1999) 'Models of public space', in *Habermas and the Public Sphere*, C Calhoun (ed.), MIT Press, 73–98
- Boyle, E H, Songora F & Foss, G (2001) 'International discourse and local politics', *Social Problems* 48(4): 524–44
- Curry, L (2007) *The Deshaney Case*, U of Kansas Press
- Dobbin, F & Sutton, J (1998) 'The strength of a weak state', *American Journal of Sociology* 104(2): 441–76
- Edelman, L, Uggen, C & Erlanger, H S (1999) 'The endogeneity of legal regulation', *American Journal of Sociology* 105(2): 406–54
- Gauthier, A (1999) *The State and the Family*, OUP, NY
- Gilardi, F. (2005) 'The institutional foundations of regulatory capitalism', *Annals of the AAPSS* 598: 84–101
- Gran, B (forthcoming) (2007a) 'A comparison of children's rights'; (2007b) *The Champion of Children's Rights*; (2007c) 'End corporal punishment'; (2007d) 'Impacts of socio-cultural diversity on children's rights?'; (2007e) 'Mending a public-private gap'; (2007f) 'Power over death'; (2007g) 'Public-private organization of social policies'
- Gran, B & Aliberti, D (2003) 'The office of the children's ombudsperson', *International Journal of the Sociology of Law* 31(2): 89–106
- Gran, B, Falletta, L & Flatt, M (2007 forthcoming) 'The CRI'
- Gran, B & Patterson, R S (forthcoming) (2007a) 'Impacts of weak links in independence on legal powers'; (2007b) 'Weak links in independence: the case of children's ombudspersons'
- Grattet, R & Jenness, V (2005) 'The reconstitution of law in local settings', *Law and Society Review* 39(4): 893–942
- Hacker, J (2002) *The Divided Welfare State*, CUP, NY
- Halliday, T & Carruthers, B (2007) 'The recursivity of law', *American Journal of Sociology* 112(4): 1135–1202
- Klein, J (2003) *For All These Rights*, Princeton UP
- Landes, J B (ed.) (1998) *Feminism, the Public, and the Private*, OUP, NY
- Minow, M (1991) *Making All the Difference*, Cornell UP
- Pedriana, N & Stryker, R (2004) 'The strength of a weak agency' *American Journal of Sociology* 110(3): 709–60
- Quadagno, J (2006) *One Nation, Uninsured*, OUP, NY
- Rein, M & Schmah, W (eds) 2003. *Rethinking the Welfare State*, Edward Elgar Publishing
- Sarat, A & Kearns, T R (1993) *Law in Everyday Life*, U of Michigan Press
- Somers, M R (1995) 'Narrating and naturalizing civil society and citizenship theory', *Sociological Theory* 13(3): 229–74
- Somers, M R (1993) 'Citizenship and the place of the public sphere' *American Sociological Review* 58(5): 587–620
- Starr, P (1989) 'The meaning of privatization', in *Privatization and the Welfare State*, S B. Kameron & A J. Kahn (eds), Princeton UP, 49–71
- Turner, B S (1993) 'Contemporary problems in the theory of citizenship', in *Citizenship and Social Theory*, B S Turner (ed), Sage, 1–18
- Wilensky, H (1975) *The Welfare State and Equality*, U of California Press

GLOBAL RESPONSE TO BERLIN 2007

As you know from previous newsletters, July brings us the international Socio-Legal Meeting in Berlin, on the theme of Law and Society in the 21st Century: Transformations, Resistances, Futures. The meeting is the Annual Meeting of both the LSA and the RCSL and is co-sponsored by the SLSA and other organisations. It is shaping up to be a very exciting event, with possibly as many as 2000 attendees and over 600 panels.

The invitation to convene at Humboldt University in Berlin, Germany from **25–28 July 2007** received 2776 submissions from 79 countries: 37 per cent of those were from the US and 35 per cent from the EU, including 310 from the UK. The Programme Committee raised approximately \$150,000 to attract and partially support the attendance of scholars from developing countries. This attracted 361 people (13 per cent) from categories B and C of World Bank classification, including 67 from Brazil, 31 from South Africa, 35 from India, and 31 from China.

The conference will have 544 paper presentation panels, 62 roundtables, 22 book sessions and 18 poster sessions. The plenary event will be on 'The globalization of constitutionalism', organised by Judge Brun Otto Bryde of the German Constitutional Court and featuring several constitutional court judges and scholars from Africa and Latin America. There will also be 16 Featured Sessions and two Presidential Panels on cross-cutting themes of importance to socio-legal studies, including 'Gender and violence', 'Transnational legal orders', and 'Racism in the 21st century', many of which will feature distinguished speakers from all over the world including Eastern Europe and the Global South. And of course, there will be special events for postgraduate students

The size and energy of the response to the Berlin call seems to indicate a real interest among socio-legal scholars for communication and collaboration across national borders. The next newsletter will contain a report of the event plus contributions from the following postgraduate members who have received bursaries to attend: Sung Soo Hong, Mohammad Alramahi, Aseel Al-Ramahi, Stephanie Fehr, Fortune Ihua-Maduenyi, Jonathan Papoulidis, Guan H Tang.

Finally, some practical reminders: submission of a paper proposal does not constitute registration which requires payment of the conference fee. Registration information and the preliminary programme are available on the LSA website www.lawandsociety.org. Please contact Bronwen Morgan if you have any questions or need further information. e.b.morgan@bristol.ac.uk

Bronwen Morgan

Legal culture and judicialisation in Latin America

Together with colleagues, I will be participating in a session at Berlin entitled 'Legal culture and judicialization in Latin America'. This initiative is part of a wider project supported by the LSA Collaborative Research Network on Latin America and the Ford Foundation. The papers in this panel are part of an ongoing international research collaborative that seeks to explore the interplay between legal culture and the judicialisation of politics in Latin America. Participants in this collaborative use various disciplinary perspectives to investigate various aspects of the relation between legal culture and the use of courts in political struggles, a feature that seems to be increasing in different parts of Latin America. Despite using different disciplinary and methodological approaches, and having different focuses, all the papers are committed to the understanding of the relation between participants' ideas about the law, legal actors' conception of their roles (legal culture), and the use of law and courts in political struggles (the judicialisation of politics). **Rachel Sieder**

POSITIONS ON THE POLITICS OF PORN

A debate on government plans to criminalise the possession of extreme pornography

The first of our sponsored seminars took place at Durham University on 15 March 2007. The SLSA provided just over £1000. Report by Clare McGlynn, Erika Rackley and Nicole Westmarland.

In 2006 the Government announced plans, being taken forward in the Criminal Justice Bill 2007, to criminalise the possession of 'extreme pornography'. These proposals re-ignite not only the debate regarding the legitimate scope and role of the criminal law in proscribing private adult behaviour but also the so-called 'porn wars' of the 1980s. The aim of the seminar was to bring together speakers and participants from a variety of ideological positions and perspectives to discuss not only the Government's proposals but also the politics of porn more generally.

Over 70 delegates attended the afternoon seminar, including members of related campaign groups (Feminists Against Censorship, Backlash, Wearside Women in Need, Rape Crisis Federation, Cyber-Rights and Cyber-Liberties), enforcement agencies (New Scotland Yard and the Internet Watch Foundation), *The Times* newspaper and academics and students.

The key speakers – Professors Jill Radford and Gavin Phillipson (Teeside and Durham Universities) and Deborah Hyde (Backlash) – were asked to speak on four questions. What has informed your position on porn? What is your position on the politics of porn? What is your view of the Government's proposals? And what would be your utopian position on porn? As anticipated, their responses varied. While Jill Radford challenged the ability to identify and distinguish between 'extreme pornography' and the 'eroticisation of hate' in all pornography, Deborah Hyde described the proposals as 'Victorian legislation' ignoring the realities of sexual violence. Gavin Phillipson addressed the human rights implications of the proposals arguing that potential restrictions on sexual freedom and preferences were limited by the Government's focus on the form of the material (in particular, the exclusion of the written word and drawings from the legislation) and narrow definition of 'extreme pornography' as material that includes 'actual scenes or depictions which appear to be real acts' of: 1. intercourse or oral sex with an animal; 2. sexual interference with a human corpse; 3. serious violence, that is, 'acts that appear to be life threatening or are likely to result in serious, disabling injury' (Home Office (2006) *Consultation on the Possession of Extreme Pornography*, paras 15–16).

After a brief question-and-answer session, invited respondents spoke from the floor in response to the key speakers' comments and views before the discussion was opened up. Again, the views expressed were varied and strongly held. Yaman Akdeniz (Cyber-Rights and Cyber-Liberties) focused on the difficulties with the 'paternalistic' imposition of morality through legislation and the disproportionality of the proposed sentences while Sarah Robertson (Internet Watch Foundation) considered the practical difficulties of enforcement and definition. Clare Phillipson (Wearside Women in Need) and Avedon Carol (Feminists Against Censorship) both addressed the harm underpinning pornography debates. Phillipson spoke of her anger and upset at detached academic discussions which, she suggested, silence the stories of the real harm to real women of pornography, while Carol emphasised the harmlessness of pornography in contrast to the harm of increased state interference in the private sphere.

By the end of the afternoon there was little consensus and the following concerns were key to the debate.

- Depictions of rape: it is unclear where rape sits in relation to the definition of 'serious violence'; one opinion was that sites which constitute incitement to rape should be covered.

- 'Alternative' sexualities: there were concerns that the provisions would have a disproportionate impact on those who engaged with 'alternative' forms of sexual expression; reinforcing morality-based rather than harm-based standards/criteria in relation to responses to pornography.
- Policing priorities and resources: concerns were expressed about incentives (i.e. performance indicators) or resources for the police to investigate these crimes; there was also concern about police training and expertise to act in a measured way.
- Sentencing: there was some concern that the proposed sentence (up to three years) was disproportionate and out of line with other comparable sentencing recommendations.
- Dangers of categories of 'extreme' and other porn: in explicitly addressing 'extreme' pornography, there was some concern that there may be an increased failure to consider the wider impact of all forms of pornography.
- Vague and untested boundaries: there were some worries that as the limits of the proposed measures were tested some people might 'accidentally' commit criminal acts.

The conference organisers have produced a Briefing Note for the Home Office reflecting the discussion of the seminar. Papers from the seminar are currently being prepared for publication by the seminar organisers.

Organisers Clare McGlynn e clare.mcglynn@durham.ac.uk Erika Rackley e erika.rackley@durham.ac.uk and Nicole Westmarland e nicole.westmarland@durham.ac.uk are at all at Durham University. For a full list of delegates, speakers' biogs and information on the press coverage of the seminar, see www.dur.ac.uk/law/research/politicsofporn.

CHILDREN'S PARTICIPATION IN RESEARCH PROCESSES

Putting theory into practice: 10-12 September 2007

The second of our seminar competition winners is Christina Lyons (with her co-organiser Mike Jones) of the Centre for the Study of the Child, the Family and the Law (CSCFL) who received £3590. The seminar will take place from 10–12 September 2007.

The seminar is an interdisciplinary three-day workshop involving academics, policy-makers, NGO representatives and young people from across the UK and Europe. It will explore the conflict between the 'new sociology of childhood', with its emphasis on children as 'social actors' and the increasing emphasis on 'child protection' and risk assessment.

The workshop aims to explore the tension between participation and protection in the UK, which has been referred to as 'the protective invasion of the child's autonomy'. The organisers are particularly interested in exploring how and, indeed, whether this tension is addressed in the design and implementation of research involving children and young people and to make comparisons with child-focused work being done internationally, across a range of disciplines and sectors.

Organisers also hope to gain a practical, socio-legal perspective on how theory and practice should combine in such work. In the process, the discussion will challenge some of the established protocols that are routinely applied to research involving children and young people within the UK, and explore new, more innovative techniques of engaging young people in research, and consider the true impact of such approaches on law, policy-making, and the participation experience of children and young people.

Attendance is free of charge but is strictly limited to 48 attendees including speakers. For full details visit www.slsa.ac.uk or contact Lucie Barnes, CSCFL Secretary, lucie.barnes@liverpool.ac.uk, [0151 794 3086](tel:01517943086).

BEARING WITNESS TO INSTITUTIONALISED NEGLECT

In this brief article Phil Scraton discusses the case of Roseanne Irvine who died in custody at the time he was conducting primary research at the Mourne House Women's Unit. Along with his co-researcher, Linda Moore, he gave extensive evidence at the subsequent inquest.

She ate with her fingers. They'd taunt and laugh at her by blowing smoke through the door . . . She tried to hang herself and three of us saw her getting out of the ambulance. They walked her across the tarmac in February with a suicide blanket on. They all had riot gear on. She was crying. They were bringing her back from hospital and she was put back in the punishment block. We just kept our heads down. Just did our time.¹

A woman prisoner describes the treatment endured by an emotionally disturbed older woman in the Mourne House Women's Unit at Maghaberry jail in 2004. Assessed as a volatile suicide risk she was locked in the punishment block for 23 hours a day; epileptic, diabetic and requiring a colostomy bag. When we interviewed her she could not understand why creams for her painful skin condition had been withdrawn. A heavy smoker, she was limited to 10 cigarettes each day. To encourage compliance with the regime she had been deprived of tea for three days.

Also down the block a 17-year-old young woman was held in strip conditions to 'manage' her self harm. She was lacerated from feet to hips, from hands to shoulders. Skin between cuts was scoured raw. Deprived of underwear, even during menstruation, her anti-suicide gown was held in place by sticky tape. She was kept in a bare cell – no mattress, no pillow, nothing except an 'anti-suicide' blanket and a small cardboard potty for defecation. She slept on a concrete plinth. Locked in isolation 23 hours each day, her situation was desperate.

Self harm was her 'only way of coping . . . I shouldn't be down here. There's nothing to do. It's worse in the night. I hear voices and see things. But no-one helps me . . . I've had no counselling since I've been in here.' She was accused of inciting others' self harm. Her 'care plan' recommended 'optimal contact' but she was isolated from other prisoners and had minimal interaction with staff. According to an officer, women 'down the block' were checked 'two or three times an hour' through the day and 'roughly once an hour at night' by 'looking into the cell' through a spy-hole. Walking from the cells, the emotional mix of sadness, anger and incredulity was overwhelming. This represented the 'duty of care' provided to women and girls imprisoned within an advanced democratic state that proclaims values of 'moral responsibility' and 'respect'.

That evening, I received an email from a prison visitor. It read:

We have been deeply saddened to hear this evening that there has been a death in custody. Roseanne Irvine was a deeply disturbed woman, in Mourne mainly because there was no other place for her . . . She should have been in hospital . . . often threatened suicide out of desperation . . . C1 conditions at their most basic are grim . . . Prison is not the place for so many women.

On the day she died we had planned to interview Roseanne but she had been moved from the block to the committals landing. By the time we left the block it was lock-up and we were unable to visit Roseanne. Could we have helped her?² A question that will remain with us for all time.

Born October 1969 in Belfast, Roseanne was the youngest in a family of seven children. She enjoyed school, left at 16, enrolled on a youth training scheme and worked in a local factory. In 1991 she became pregnant. Soon after the birth of her daughter she suffered depression and developed alcohol dependency. In seven years she was treated on 38 occasions for anxiety, depression, alcohol intoxication, overdosing, self harm and attempted suicide. Numerous admissions to hospital, mental health and psychiatric units followed. A consultant psychiatrist diagnosed 'chronic psychosocial maladjustment', interpreted as 'borderline personality disorder'.

Roseanne was considered a loving, caring mother but 'repetitive episodes' of self harm and alcoholism caused her daughter to be placed on the Child Protection Register, cared for within her extended family. In February 2002, Roseanne's brother died in a hostel fire. She attempted suicide and was admitted to hospital. On discharge she drank heavily and set fire to her home. She had no record of offending behaviour but her self harm was interpreted as arson. Remanded to prison, an IMR21 (prisoner at risk of suicide) was opened. She was located on the committals landing and assessed by a nurse officer. A second IMR21 was opened six days later confirming she was a 'potential suicide risk'. She was not examined by a doctor on either occasion.

In April 2002 a Prison Officers' Association (POA) representative informed the Governor that during night lock-up Roseanne had strangled herself. She was examined by a doctor who recommended her transfer to the male prison hospital for 'special care' (the purpose-built healthcare centre in the women's unit had been mothballed). This did not happen. Clothed in an anti-suicide gown, without underwear, she was placed on 'suicide watch' in a punishment block strip cell.

There followed a protracted exchange between the POA and the Prison Governor regarding the treatment of prisoners at risk. The POA issued a 'failure to agree' notice, stating:

Hospital management are continuing to ignore the regulations governing the treatment of prisoners who are attempting self-harm. This is placing an intolerable burden on discipline staff by placing these prisoners in residential units instead of the healthcare centre. Prisoners deemed to be at risk of self-harm by medical staff should be placed in the prison hospital.

In October 2002 Roseanne was sentenced to two years' probation and admitted to a therapeutic community for women with complex mental health needs. Despite settling, she breached her probation order and returned to prison in August 2003, immediately placed on an IMR21. Within a month she was discharged, time-served. Without a therapeutic facility available she lived in a hostel where her dependency problems worsened. Transferred to another hostel she feared the residents, all of whom were men. One night she was expelled from the hostel and left on the streets and in January 2004 she was attacked by another hostel resident. Frightened, she asked to be taken to prison for safety.

Following a further suicide attempt, Roseanne was admitted to hospital. Withdrawn, depressed and without medication, she was discharged from hospital to the care of the community health team. Again, she was allocated to a hostel where she was 'very frightened'. Vulnerable and unprotected, her condition deteriorated rapidly. A chaplain found her 'depressed, suicidal and unable to stand, her eyes rolling'. Within a week she was in police custody and 'appeared in court in her pyjamas'. She had set fire to her room at the hostel, was charged with arson and returned to prison on remand.

On reception Roseanne was 'health screened' by a nursing officer. Despite recording an attempted hanging the previous week and extensive self harm three days earlier, the officer

entered: 'No risk indicated at present.' No mention was made of information provided by the police or other agencies regarding their concerns. Yet the PACE form accompanying Roseanne was explicit. Under the heading 'May have suicidal tendencies' the police had handwritten three ticks and two asterisks. 'Physical illness or mental disturbance' was ticked. In the section 'Supporting Notes', SELF HARM was entered in capitals, underlined, with two asterisks. In red ink, underlined with accompanying asterisks was the comment: 'Informed C.P.N. that she would cut herself if the opportunity arose.' Incredibly the prison 'health screening' ignored the warning.

On 1 March Roseanne told a prison officer she intended to hang herself. An IMR21 was opened and Roseanne was put in an anti-suicide gown, her underwear was removed, she was supplied with an anti-suicide blanket, potty and a container of water and transferred to the punishment block. During the following morning two Governors and a senior officer discussed the case but she remained down the block. A nursing officer stated that Roseanne had threatened to set fire to herself. In line with IMR21 requirements she was scheduled to attend the doctor's 'sick parade'. It was cancelled, the duty doctor remaining unaware of her condition. The IMR21 healthcare section remained blank. Later an officer noted Roseanne had torn hair from her scalp.

At risk and without medical examination Roseanne was returned to an ordinary cell. It had many ligature points and she had access to multiple ligatures. The next sick parade was also cancelled. Officers reported her 'calm' and 'in good form'. She met with the prison probation officer who informed Roseanne that her social worker had scheduled a meeting to arrange a visit from her daughter. She stated Roseanne was given a handwritten note to that effect. The note was never found. After the meeting Roseanne was visibly distressed, stating that she might be prevented from seeing her daughter.

During a short evening unlock Roseanne told officers she had taken '5 Blues' which they assumed to be diazepam. In fact they were Efexor. Her medication included Efexor, omprazole, diazepam, chloral betaine, chlorpromazine, Inderal LA and Largactil. The Mourne House Governor, located in the male prison, was informed of the alleged overdose. He ordered an immediate cell search. It did not happen and the unit was locked for the night. The night guard stated she was unaware that Roseanne was on an IMR21 and had taken a drugs overdose. At approximately 9.15pm Roseanne, sitting writing a note, asked for her cell light to be switched off. The note contained her last words to her daughter. Just over an hour later she was found hanging from the ornate bars of the window. The noose was a draw-cord from her pyjama bottoms.

On 13 February 2007 following a week-long inquest a Belfast jury returned a damning narrative verdict. It concluded: 'The prison system failed Roseanne.' She had taken her own life while the 'balance of her mind was disturbed'. Reflecting on extensive and contradictory prison officers' and managers' evidence that revealed a fatal mix of complacency, incompetence and negligence, the jury noted the significance of 'the events leading up to her death', her mental ill-health and her treatment immediately prior to her death. 'Defects' in the system were: 'Severe lack of communication and inadequate recording'; 'The management of the IMR21 (failure to act)'; 'Lack of healthcare and resources for women prisoners'. Each contributed to Roseanne's death as follows: 'All staff were not aware of Roseanne's circumstances and could not act accordingly'; 'Priority should have been made to see a doctor'; 'Hospital wing was inadequate for female prisoners'.

The jury listed four neglected 'reasonable precautions': 'Could have been taken to an outside hospital/out of [hours]

call doctor'; 'Full briefing during handovers'; 'Decisions to be moved from C1 to C2 should not have been made by a non-medically trained qualified staff member'; 'To be paired up with friend in cell – more checks'. 'Other factors' were: 'Prison is not a suitable environment for someone with a personality/mental health disorder.' The coroner, who had previously concluded that women prisoners were treated as 'second class', stated he would write to the Director of the Prison Service and the Secretary of State for Northern Ireland.

The jury, visibly moved, left the court to spontaneous applause from Roseanne's family. Our evidence to the inquest had exposed systemic failings in a prison previously severely criticised by the Prisons Inspectorate. At the time of the research, far from an improved regime, Mourne House had deteriorated further and vulnerable women bore the consequences.³ The Human Rights Commission reiterated its call for a public inquiry into the circumstances surrounding deaths in custody encompassing the broader issues of institutional failings, managerial incompetence and regime breakdown. In March 2007 the Northern Ireland Affairs Committee announced an inquiry into health care in Northern Ireland's prisons.

Phil Scraton is Professor of Criminology, Institute of Criminology and Criminal Justice, School of Law, Queen's University, Belfast and was commissioned by the Northern Ireland Human Rights Commission (NIHRC) to research women in prison in Northern Ireland with Dr Linda Moore, NIHRC Investigations Worker, focusing particularly on Articles 2 and 3 of the ECHR. This article does not represent the view of the NIHRC.

Notes

1. This statement, and other empirical material throughout the article, is taken from P Scraton and L Moore (2005) *The Hurt Inside: The imprisonment of women and girls in Northern Ireland*, NIHRC, Belfast. Their follow-up research will be published in July 2007: P Scraton and L Moore, *The Prison Within: The imprisonment of women in Hydebank Wood 2004–2006*, NIHRC, Belfast. Both reports are available free from the NIHRC. See also P Scraton and L Moore (2005) 'Degradation, harm and survival in a women's prison', *Social Policy and Society*, 5(1): 67–78.
2. Annie Kelly took her own life in Mourne House in September 2002. Both researchers gave evidence at her inquest. The jury's extensive narrative verdict severely criticised the Northern Ireland Prison Service. See P Scraton (2006) "'They'd all love me dead . . .': The investigation, inquest and implications of the death of Annie Kelly', *Social Justice*, special issue, 33(4): 118–35.
3. A full analysis of this research is included in P Scraton (2007) *Power, Conflict and Criminalisation*, Routledge, London and L Moore and P Scraton (forthcoming) in P Scraton and J McCulloch (eds), *The Violence of Incarceration*, Routledge, London.

Mental Health Act Code of Practice

A Code of Practice for people making decisions on behalf of individuals who lack mental capacity was recently published by the Government. Constitutional Affairs Minister Cathy Ashton said the code was an important milestone in the implementation of the Mental Capacity Act. The code, which sets out best practice for professionals, family carers and other groups, will be an essential guide to help people make decisions that are in the best interests of some of the most vulnerable people in society. Part of the Mental Capacity Act 2005, the new code covers an extensive range of different decisions that might need to be taken. Professionals and other paid carers are expected to have regard to its provisions when working with someone who lacks capacity. Its publication follows extensive consultation to make sure it represents the best interests of vulnerable people. The Act provides a statutory framework for people who lack the mental capacity to make their own decisions. It sets out who can take decisions, in which situations, and how they should go about this. It also enables people to make provision for possible future lack of capacity to make some decisions. **W** www.dca.gov.uk

Criminology at Cardiff

Mike Levi, Professor of Criminology at Cardiff University, has been awarded a three-year ESRC Professorial Fellowship commencing autumn 2007 to further two core research objectives: to generate a better conceptualisation of and evidence base for research on the nature and extent of economic crime and its significance within 'organised crime', from local to global; and to review and to try to account for dynamics (and stasis) in the control of economic crime, including the array of public-private partnerships that have become an increasingly important feature of 'policing beyond the police' and 'governance beyond the State'.

The research will combine the conceptualisation of socio-economic harm, qualitative interviewing and more quantitative fraud network analysis, and will be accompanied by a PhD studentship, for which applications are invited. Interested persons should contact Professor Levi at [e levi@cardiff.ac.uk](mailto:levi@cardiff.ac.uk) [† +44\(0\)29 20874376](tel:+4402920874376).

A three-year criminology and criminal justice lectureship (with prospects of extension) will be advertised by Cardiff University, commencing in the Autumn (or January 2008 at the latest). Interested persons should contact Gordon Hughes, Professor of Criminology at [e hughesgh@cardiff.ac.uk](mailto:hughesgh@cardiff.ac.uk) [† +44\(0\)29 20879055](tel:+4402920879055).

International research doctorate

The Renato Treves International Research Doctorate in Law and Society, based in Milan and offered by a consortium of European Universities and Research Centres (University of Milano, University of Como-Insubria, University of Bologna, University of Urbino, Centro Nazionale di Prevenzione e Difesa Sociale, University of Lund, Carlos III University of Madrid, University of Antwerp), will shortly issue a call for a new intake of PhD candidates. The deadline for applications is likely to be 15 September 2007. If you are interested in receiving the call, please write to [e phd@fildir.unimi.it](mailto:phd@fildir.unimi.it).

Nuffield Foundation Small Grants Scheme

The Nuffield Foundation Small Grants Scheme funds self-contained social science research projects and pilot studies. The normal limit for awards is £7500; in exceptional circumstances awards may be up to £12,000. Grants may be used for research assistance, data collection, travel and subsistence, and other research expenses. Teaching replacement costs are met only exceptionally, and salaries of permanent university teaching staff are not covered.

There are three priority areas for funding:

- projects that develop social science research capacity and/or 'new' research careers;
- self-contained or pilot projects on issues of social importance;
- outstanding small projects in the social sciences.

Research that has implications for policy and practice is welcomed as are outstanding, but not routine, basic research projects. Applicants must have a permanent post in a university or independent research institute in the UK. Research students or others working for a higher degree are not eligible.

Application materials and information about the scheme can be downloaded from www.nuffieldfoundation.org. Alternatively, you may request copies from The Nuffield Foundation 28 Bedford Square, London WC1B 3JS [† 020 7580 7434](tel:+4402075807434) (24 hour answerphone). Please ask for the Small Grants Scheme application materials.

The Social Science Small Grants Scheme is a rolling programme and there is no closing date for applications. Decisions are usually made within 12 weeks.

Foundation for Law, Justice and Society

The Labour Peer Lord Raymond Plant, Professor of Jurisprudence and Political Philosophy at King's College London, has recently joined the board of the Foundation for Law, Justice and Society (FLJS). Lord Plant sits in the House of Lords as a member of the Joint Committee on Human Rights. He has written on political, social and legal philosophy, and his work on conceptual issues relating to welfare will significantly enhance the Foundation's programme on 'The Social Contract Revisited', which was inaugurated by Lord Plant with a keynote address in Oxford in April. This third programme accompanies the Foundation's existing research into the rule of law in China and the role of the courts in shaping public policy.

It is envisaged that Lord Plant will, in addition to his academic contributions, help to extend the reach of the Foundation's work to the London Bar, thereby furthering the Foundation's mission to bridge the gap between academia and policy-makers through study of socio-legal issues of contemporary significance. FLJS is affiliated with Oxford University's Centre for Socio-Legal Studies and has recently formed a partnership with the Aspen Institute's Justice and Society Program. This latest collaboration will be formalised on 18-19 July with a workshop in Aspen, Colorado, entitled 'Courts and the Making of Social Policy' which will examine the role of the US Supreme Court in resolving contentious social issues.

Future events by FLJS include a conference entitled 'The Role of Law and Dispute Resolution in Achieving Economic Growth and Social Justice in China' in September, and 'Concepts and Habits of the Modern Welfare State' in October. Full details of all FLJS activities at www.fljs.org. *Phil Dines*

International graduate conference

The first International Graduate Legal Research Conference took place in London at King's Strand Campus from 12-13 April 2007. The conference, supported by the School of Law and Graduate School, was organised by PhD candidates in law. Its aims were to exchange ideas between legal researchers from around the world, and to facilitate the presentation of work in progress. King's presenters were joined by nearby colleagues from Queen Mary's University, the Institute of Advanced Legal Studies, and Oxford University. In addition, students travelled from EU countries, the US, Canada, Australia and Israel. Sponsors were Herbert Smith, Simmons & Simmons and Hart Publishing.

Ten subject sessions in two streams took place over the two days. The sessions were chaired by King's academics, in addition to guests such as Professor Gillian Triggs (BIICL), Dr Eric Metcalfe (JUSTICE), and Kyriakos Fountoukakos (Herbert Smith). In the plenary session, Dr Jonathan Garton spoke on developing a career as a young academic. Lunch on Friday was accompanied by a poster session which proved a highlight of the conference. www.iglr.com. *Cian Murphy*

Geographical Indications project

An ESRC-funded project on Geographical Indications (GI) led by Dwijen Rangnekar has recently commenced at the Centre for the Study of Globalisation and Regionalisation. This is an 18-month project with an extensive fieldwork component based in India. Using a case study of an alcoholic distillation from the cashew apple, Feni, brewed exclusively in Goa, the project seeks to explore the collective action dilemmas faced in the process of making a GI-club. This attention to club formation relates to the primary motivation of querying contemporary policy attention on GIs in many countries in the Global South - their potential at localising economic control. Those interested can contact [e d.rangnekar@warwick.ac.uk](mailto:d.rangnekar@warwick.ac.uk). Details about the project are available at www2.warwick.ac.uk/fac/soc/csgr/research/projects/2007/protecting_feni.

Care profiling study

Judith Masson and Julia Pearce of Bristol University are conducting a major study for the DCA and DfES. Care proceedings are the subject of considerable concern because they cost so much and last so long. A joint DCA/DfES review in 2005–06 was severely limited because of a lack of information about current practice. The Care Profiling Study will fill that gap by providing a detailed analysis of the content and process in relation to nearly 400 sets of care proceedings drawn from 23 courts. The LSC is also planning changes which will introduce standard fees and consulting on further changes to the Funding Code which, if implemented, will remove public funding for residential assessments, and introduce a limited merits test. One element of the study involves collecting data to enable holistic legal aid costs of these proceedings to be calculated – to date the LSC has not been able to link all the certificates on a case, and thus to identify expenditure per case. Another element is exploring the potential for identifying outcomes for children through links with the looked-after children database. The report to the funders is due at the end of November 2007.

Innocence Project UK

Law schools share joint Attorney General's Pro Bono Award

Dr Michael Naughton, School of Law and Department of Sociology, Bristol University, and Julie Price, Cardiff Law School, received a joint institutional award from Attorney General Lord Goldsmith, at the House of Lords on 20 April 2007. The Attorney General's Pro Bono Awards are organised by LawWorks (formerly the Solicitors Pro Bono Group) to celebrate the best legal pro bono activities undertaken by students and law schools, and the positive impact that this work has had.

The 'Highly Commended' Award to Bristol and Cardiff was in the category 'Best Contribution by a Law School'. It recognises their ongoing partnership to develop the sustainability of Innocence Project pro bono activity by students in the UK, through the vehicle of the Innocence Network UK (INUK), at the heart of which is the relationship with the practising criminal legal profession also assisting on a pro bono basis.

Innocence Projects are 'live-client' student-led specialist clinical legal educational ventures which centre upon the study of the possible wrongful conviction of the innocent. They attempt to find legal grounds for alleged innocent victims of wrongful conviction to achieve a successful referral back to the Court of Appeal (Criminal Division) or, if they are a second or out-of-time appeal, via an application to the Criminal Cases Review Commission. There are presently seven active university Innocence Projects affiliated to INUK, including the University of Bristol Innocence Project, with about 10 others under development.

Bristol and Cardiff are pleased to have formal recognition and credit within the pro bono legal community for their contribution to encouraging collaborative pro bono ventures in other UK law schools.

Training programme

To support existing innocence projects affiliated to INUK and assist further growth, the 2nd INUK National Training Programme for Innocence Projects will be held at the School of Law, University of Bristol, 2–4 November 2007. It is open to existing innocence projects and all others interested in the initiative. For more information about how to set up an innocence project, please contact Julie Price: [e priceja1@cf.ac.uk](mailto:priceja1@cf.ac.uk). To register for the training programme contact Michael Naughton [e m.naughton@bristol.ac.uk](mailto:m.naughton@bristol.ac.uk). **Michael Naughton**

Centre for Research into Diversity in the Professions

A considerable body of research indicates that the legal profession worldwide continues to practise social closure, in spite of claims to be embracing a discourse of diversity. The persistence of exclusionary cultural practices and informal barriers, in the face of formal legal equality, is replicated in other traditionally male-dominated professions like architecture and accountancy. The Centre for Research into Diversity in the Professions (CRDP), which has been developed at Leeds Metropolitan University with Professor Hilary Sommerlad as Director, is designed to be a focus for research into the culture and mechanisms of professional closure, and a forum for international debate and discussion about approaches to encouraging professional diversity. The centre's focus therefore embraces a wide range of issues, such as gender, ethnicity, class and professional identity formation, and a range of professions.

Hilary Sommerlad's previous work in the field has been concerned largely with gender closure in the solicitors' profession in England and Wales, but the CRDP's immediate source of inspiration has been a longitudinal research project over three years with Legal Practice Course students and employers (see Sommerlad 2007).^{*} The project has identified the way in which intersections of class, race and gender operate to restrict access to training contracts and professional entry and reproduce existing professional hierarchies. This mirrors the findings of a series of research reports by the Law Society, and sister organisations in Scotland and Eire. The CRDP will seek, therefore, to move the debate about professional entry beyond the discussion of equal access towards the ground identified by recent work on judicial diversity, as the opening of spaces for different subjectivities and performativities, a theme developed by Erika Rackley and Sally Kenney at the recent international seminar in Buenos Aires on women in juridical professions.

The work of the centre involves: the development of major research projects, hosting seminars on aspects of professional diversity; a programme of visiting speakers from the UK and abroad; and the sponsorship of doctoral and postdoctoral research. Current PhD studies concern: ethnicity and accountancy; age; gender and engineering; and employability. With Professor Kim Economides, Hilary Sommerlad has also set up a new thematic sub-group of the Working Group for Comparative Studies of Legal Professions (Research Committee for Sociology of Law). The Legal Professional Values and Identities Sub-group will focus on the internal dynamics of the professional reproduction and socialisation of lawyers and paralegals at a time of professional fragmentation. The group has two sessions at the Socio-Legal Meeting in Berlin in July.

Hilary is keen to establish links with, and encourage contributions from, individuals and institutions with similar concerns. If you are interested in developing a link with the centre, or in speaking at one of its seminars, or would just like to know more about its work, please contact [e h.sommerlad@leedsmet.ac.uk](mailto:h.sommerlad@leedsmet.ac.uk). **Hilary Sommerlad**

^{*} Sommerlad, H (2007) 'Researching and theorizing the processes of professional identity formation', *Journal of Law & Society*, 34(2): 190–217

New case law updates

The Inner Temple Library has recently launched a selective current awareness weblog intended to provide up-to-date information regarding new case law, changes in legislation, and legal news, which will be of interest to UK academics, lawyers and law students. The content is selected and updated daily by information professionals on the staff of the Inner Temple Library. [w innertemplelibrary.wordpress.com](http://www.innertemplelibrary.wordpress.com)

Environmental Justice in Scotland

The concept of environmental justice, originally an American concept, has forced itself onto the political scene in Scotland. This became apparent from a study, from 2006 to 2007, into the concept in Scotland undertaken by Anne-Michelle Slater and Ole W Pedersen, School of Law, University of Aberdeen funded by the Planning Exchange Foundation Trust. Environmental justice has at its core the empowering of minorities who take upon them a disproportionate burden of environmental harms.

The initial aim of the research was to establish to what degree environmental justice played any role on Scottish environmental policy. In spite of lack of demographic and ethnic similarities between Scotland and the United States, the research revealed a strong political focus on environmental justice among the Scottish Executive, Members of the Scottish Parliament and Scottish NGOs. The study revealed that the issue of environmental justice first entered the political landscape in Scotland when Friends of the Earth Scotland (FoES) launched a campaign for environmental justice in 1999. The focus generated by the FoES campaign led, in return, to a number of political initiatives.

The research identified a number of instances including environmental justice as policy objectives. These included, among others: the National Waste Plan; the Scottish Environmental Protection Agency; and planning law reform in Scotland. These areas of policy all became subject to concerns for environmental justice in one way or the other. Additionally, the Scottish Executive established an Environmental Justice Fund in the summer of 2006, following debates in the Scottish Parliament. The fund has recently been opened for applications and has a budget of £2 million, offering grants to communities wanting to improve their local environment.

Moreover, it became apparent that the Scottish Parliament has committed itself to environmental justice. The research identified 30 references to 'environmental justice' in debates or written questions in the Scottish Parliament over the main research period. These included discussions on the establishment of the environmental justice fund, speeches on environmental and land-use planning, as well as issues such as the testing of depleted uranium weapons and smoke-free places.

The second aim of the research project was to establish whether the political commitments to environmental justice were enshrined in law or if they were merely political rhetoric. The study revealed that some examples of environmental justice could be identified in Scottish law, mainly to do with public participation and access to information, but that these examples were as a result of obligations the Scottish Executive has under international and European law.

Finally, the study had as its aim to review existing literature and research on environmental justice in Scotland. Here the study, *inter alia*, reviewed two recent research projects into the demographic issues of environmental justice in Scotland. In short, the projects indicated some links between deprivation and proximity to environmental harms.

The study concluded that environmental justice has indeed made it onto the scene in Scotland, at both political and grassroots levels. More interestingly, it indicated that social justice issues are a defining feature of environmental justice in Scotland. The research identified policies and concerns that included social injustices as environmental justice issues. These ranged from litter and dog-fouling to aspects of urban deprivation resulting from a legacy of industrial declines and mass housing schemes. The research revealed that it was easy to list these problems and repackage them as environmental injustice without making solving them any easier.

For more information, contact Anne-Michelle Slater or Ole W Pedersen. e a.m.slater@abdn.ac.uk e o.pedersen@abdn.ac.uk

Ole Pedersen

Books . . .

Managing Procedure: Evaluation of new rules for actions for damages, for, or arising from, personal injuries in the Court of Session (2007) Elaine Samuel, Scottish Executive, £5 This is an evaluation of a new procedure (Chapter 43) for personal injuries actions introduced into the Court of Session in 2003. The main aims of the new rules are to reduce delay and last-minute settlement in routine personal injury actions. The research examined three dimensions of the reforms: procedural simplification, procedural innovation and courts' management of procedure. See **w** www.scotland.gov.uk/publications.

Cases, Materials and Text on National, Supranational and International Non-Discrimination Law (2007) Dagmar Schiek, Lisa Waddington and Mark Bell (eds), Hart £28/£42pb 512pp This casebook provides a comprehensive and skillfully designed resource, presenting cases and other materials. As non-discrimination law is a comparatively new subject, the chapters search for and develop the concepts of discrimination law on the basis of a wide variety of young and often still emerging case law and legislation. The result is a comprehensive textbook with materials from a wide variety of EU Member States.

The Role of National Human Rights Institutions at the International and Regional Levels: The experience of Africa (2007) Rachel Murray, Hart £35/£50hb 160pp National Human Rights Institutions (NHRIs) have increased in number since the General Assembly adopted principles governing their effectiveness in 1993. The UN and others have encouraged states to set up such institutions as an indication of their commitment to human rights, and now over 20 such institutions exist in Africa and many more will follow. This book examines these institutions in the African region, the way in which they use the international and regional fora, the effectiveness of their contributions and how they are able to participate.

Documents of the African Commission on Human and Peoples' Rights, vol 2: 1999-2005 (2007) Rachel Murray and Malcolm Evans (eds), Hart £45 522pp This is the second volume of documents of the African Commission on Human and Peoples' Rights. This new volume includes the key documents published between 1998 and 2005. Once again the aim of the work is to provide not only the basic documents, but also the less well-known material related to the jurisprudence emanating from the consideration of communications. This volume therefore includes, amongst other material, the most recent activity reports adopted by the Commission, resolutions, and final communiqués from the sessions. Together with volume 1 this is the most comprehensive available set of documents on the African Commission, and will be an essential reference for academics, students, and practitioners.

The Regulation of Cyberspace: Control in the online environment (2006) Andrew Murray £95/£140hb £29.99/£44pb 296pp Examining the development and design of regulatory structures in the online environment, this book considers current practices and suggests a regulatory model that acknowledges its complexity and how it can be used by regulators to provide a more comprehensive regulatory structure for cyberspace.

The Legality of Boxing: A punch drunk love? (2007) Jack Anderson £70/£102hb 240pp This book assesses the legal response to prize-fighting and undertakes a current analysis of the status of boxing in both criminal legal theory and practice. Anderson exposes boxing's 'exemption' from contemporary legal and social norms. Reviewing all aspects of boxing, he concludes that the supposition that boxing has a (consensual) immunity from the ordinary law of violence, based primarily on its social utility as a recognised sport, is not as robust as is usually assumed.

Judges, Transition, and Human Rights: Published in memory of Professor Stephen Livingstone (2007) John Morison, Kieran McEvoy and Gordon Anthony (eds), Oxford University Press £30pb 600pp This book brings together many of the most prominent contemporary national and international human rights and transitional justice scholars in one collection. It focuses on the intersection between judges, transitional processes and human rights discourses bringing together doctrinal, socio-legal and criminological perspectives on a range of topics. The book draws upon comparative experiences in South Africa, Canada, the USA, Britain, Ireland, the Balkans, the Weimar Republic, Northern Ireland, the Republic of Ireland, and elsewhere. It also situates that analysis within supranational and indeed subnational frameworks.

An Introduction to Law and Regulation: Text and materials (2007) Bronwen Morgan and Karen Yeung, Cambridge University Press, Law in Context Series, £29.99 372pp In recent years, regulation has emerged as one of the most distinct and important fields of study in the social sciences, both for policy-makers and for scholars who require a theoretical framework that can be applied to any social sector. This timely textbook provides a conceptual map of the field and an accessible and critical introduction to the subject. In a clearly structured and academically rigorous manner, it sets out a diverse and stimulating selection of materials and gives them context with a comprehensive and critical commentary.

The New Bureaucracy: Quality assurance and its critics (2007) Max Travers, The Policy Press £25pb 202pp This study examines the impact of auditing and inspection on professional work in a number of occupations, including publicly funded legal services. It contains vivid accounts of how quality assurance procedures and systems work in practice, conveying a sense of what is practically involved in the work of counting, measuring and improving quality, and the everyday frustrations of professionals dealing with ever-increasing amounts of paperwork and red tape. It also reviews the critical responses of sociologists towards this emerging new occupation and form of regulation, and discusses the current state of the professions and their relationship with the state.

Protecting powers - Emergency intervention for children's protection (2007) J Masson with D McGovern, K Pick and M Winn Oakley, J Wiley £24.99 *Protecting Powers* combines the findings from two large socio-legal studies of emergency child protection. The research explored police action to protect children using their powers under the Children Act 1989, s 46 and the decisions of local authorities and courts in relation to applications for emergency protection orders. As well as examining links between police and social services – now children's social care – it looks at the professional relationships between social workers and lawyers handling this work. It provides a powerful illustration of the limitations of the courts and legal process in controlling powers and securing accountability.

Absent Environments: Theorising environmental law and the city (2007) Routledge-Cavendish £70hb 272pp Offering a novel, transdisciplinary approach to environmental law, its principles, mechanics and context, as tested in its application to the urban environment, this book traces the conceptual and material absence of communication between the human and the natural and controversially includes such an absence within a system of law and a system of geography which effectively remain closed to environmental considerations. The author redefines the traditional foundations of environmental law and urban geography and suggests a radical way of dealing with scientific ignorance, cultural differences and environmental degradation within the perceived need for legal delivery of certainty.

Sexuality and the Law (2007) Vanessa Munro and Carl Stychin (eds) £95/€140hb £28.99/€43pb 336pp 'Rediscovering' the peculiarity of feminist perspectives, rather than examining the broader range of gender-oriented analyses, in the area of legal regulation and sexuality, this edited collection avoids the 'reductionist' and 'essentialist' shortcomings of 'feminism unmodified'. With a substantial introductory chapter, written by the editors, summarising the state of the law on core aspects of sexuality and providing a critical appraisal of the key themes and concerns, this book analyses and transcends the traditional dichotomised thinking about the regulation of gender issues.

Feminist Perspectives on Family Law (2006) Alison Diduck and Katherine O'Donovan (eds) £95/€140hb £29.99/€44pb 288pp This book assesses the impact that feminism has had upon family law. It is deliberately broad in scope, as it takes the view that family law cannot be defined in a traditional way. In addition to issues of long-standing concern for feminists, it explores issues of current legal and political preoccupation such as civil partnerships, home-sharing, reproductive technologies and new initiatives in regulating family practices through criminal law, including domestic violence and youth justice.

Comparative Law: A handbook (2007) Esin Örcü and David Nelken (eds), Hart £35/€52 380pp This innovative, refreshing, and reader-friendly book is aimed at enabling students to familiarise themselves with the challenges and controversies found in comparative law. It fills that gap in teaching at undergraduate level, and for postgraduates will be a starting point for further reading and discussion.

European Ways of Law: Towards a European sociology of law (2007) Volkmar Gessner and David Nelken (eds) £45/€25 296pp Can there be such a thing as a European sociology of law? The uncertainties which arise when attempting to answer that straightforward question are the subject of this book, which also overlaps into comparative law, legal history, and legal philosophy. The richness of approaches reflected in the essays makes this volume a courageous attempt to show the present state of socio-legal studies in Europe and map directions for its future development.

. . . journals

Journal of Consumer Policy, special issue, 'The Politics of Necessity' (2006) Bronwen Morgan and Frank Trentmann (eds), Springer Netherlands, Vol 29, 142pp This special issue sheds a consumption-oriented perspective upon political struggles over the provision of basic goods and essential services. Divided into three sections, it moves from history and philosophy, to the role of consumers, and finally to governance contexts both of national states and more globally. Water and electricity form a focal point threading through the collection.

International Commentary on Evidence, special issue, 'Fairness and Evidence in War Crimes Trials', Berkeley Electronic Press, Craig Callen, John Jackson and Sean Doran (eds), Geoffrey Robertson QC, Guest Editor To mark the start of the first trials at the International Criminal Court, this special issue is devoted to the question of whether a person facing charges for war crimes or crimes against humanity can receive a fair trial on the evidence. To submit responses to any of the articles in the issue, or submit essays that offer ideas visit www.bepress.com/ice. 'The judiciary and indigenous rights in Guatemala' (2007) Rachel Sieder, *International Journal of Constitutional Law* 5(2): 211-41 This is part of a symposium on 'Courts and the marginalized: comparative perspectives', compiled by Rachel Sieder and Siri Gloppen.

New journals from Hart: *Legisprudence* will be published three times a year with each volume containing a special issue. *Law and Humanities* is a peer-reviewed journal that will provide a forum for scholarly discourse between the major humanities disciplines and the subject of law. www.hartjournals.co.uk

● **RIGHTS, ETHICS, LAW & LITERATURE: INTERNATIONAL COLLOQUIUM**

6-8 July 2007: *School of Law, Swansea University*

Plenary speakers: Professor Richard Weisberg and Professor Desmond Manderson. This colloquium aims to bring together scholars expert in the intersections between law, literature, ethics and rights, to further debate on matters of current social, political and ideological importance. The colloquium is being organised by Professor Melanie Williams and Dr Bebhinn Donnelly. Supported by the School of Law Swansea University and the Law and Humanities Institute.

www.lawandlitswansea.co.uk † +44 (0) 1792 513511

● **CENTRE LGS: GENDER UNBOUND**

Keele University: 9-11 July 2007

An international, interdisciplinary conference in the area of law, gender and sexuality, broadly defined. Plenary speakers: Hazel Carby, Sander Gilman, Rosemary Hennesey, Carol Smart, Sylvia Tamale.

www.kent.ac.uk/clgs/events/genderunbound.htm

● **EUROPEAN SOCIOLOGICAL ASSOCIATION CONFERENCE: CONFLICT, CITIZENSHIP AND CIVIC SOCIETY**

Glasgow: 3-7 September 2007

Co-ordinator: Ellen Kuhlmann e e.kuhlmann@zes.umi-brennb.de

www.esa8thconference.com

● **EXPLORING RELATIONS OF POWER: 35TH ANNUAL CONFERENCE OF THE EUROPEAN GROUP FOR THE STUDY OF DEVIANCE AND SOCIAL CONTROL**

Willem Pompe Institute of Criminal Law and Criminology, University of Utrecht: 30 August-2 September 2007

Note: Late abstracts and bookings will be accepted.

Revealing and challenging the relations of power are central processes in the development of critical analyses of 'crime', 'deviance', 'conflict' and criminal justice. In terms of structure this has involved critiques of advanced capitalism, globalisation, neo-colonialism and patriarchy emphasising political, economic and ideological contexts. In terms of institutions, and connected directly to the structural, is the administration of power through state interventions. Power is also significant in interpersonal relations, in families and within communities, in the local state and local economy. As critical analysis of harm and social justice has established, wherever power is imposed there is personal and collective resistance. For the most powerless however, like children and animals, resistance is not an option. The conference will explore these issues in the context of regulation and criminalisation, inviting papers on any aspect of the theme. Full details from: Philo van Lenning

e p.vanlenning@law.uu.nl

● **LAW, RELIGION, CULTURE: AN INTERDISCIPLINARY SYMPOSIUM - Call**

Lancaster University: 14 September 2007

This call for papers encourages the submission of diverse abstracts engaging with issues surrounding law, religion and culture and aims to facilitate the following: a forum for setting an agenda within the broad field of law, religion and culture; an agenda for future scholarship; exploring the construction of the concept of religion and the religious subject; the implications of such constructions and concepts for the law; furthering emergent interdisciplinary dialogue; to stimulate publications. Please send abstracts of 250 words maximum from a wide range of disciplines and a diversity of perspectives to e s.beresford@lancaster.ac.uk or e i.bryan@lancaster.ac.uk by 16 July 2007.

● **24TH CRITICAL LEGAL CONFERENCE - Call**

Law School, Birkbeck College: 14-16 September 2007

This conference will tackle the theme of 'Walls' with the aim of renewing and challenging our understanding of the structures, process, barriers and limits that bar possibilities. Papers and participation from students and academics that work in the fields of social theory and the humanities, socio-legal and critical legal studies, activists and people from the arts are all welcome. Please submit papers to stream leaders or email the committee at e clc2007@bbk.ac.uk. Call closes on 13 July 2007. Further details may be found at www.criticallegalconference.com.

● **MIGRATION IN THE ENLARGING EUROPEAN UNION: INTERROGATING TRANSITIONAL ARRANGEMENTS: WORKSHOP**

Liverpool Law School, University of Liverpool: 17 September 2007

This workshop will examine and reflect upon the various transitional arrangements on free movement put in place by the older Member States subsequent to both the 2004 and 2007 rounds of enlargement. In particular, the papers will explore the (actual or potential) implications of transitional mobility restrictions. Contact: Samantha Currie e samantha.currie@liv.ac.uk † +44 (0)151 794 3859

● **REGIONS AND REGIONALISM IN AND BEYOND EUROPE**

Institute for Advanced Studies, Lancaster University: 17-19 September 2007

The conference is the culmination of a programme of five international and interdisciplinary colloquia held at Lancaster University during the academic year 2006-07.

www.lancs.ac.uk/ias/annualprogramme/regionalism

● **BRITISH SOCIETY OF CRIMINOLOGY CONFERENCE 2007: CRIME AND JUSTICE IN AN AGE OF GLOBAL INSECURITY**

Mannheim Centre for Criminology, LSE: 18-20 September 2007

The conference will bring together a wide range of speakers to discuss and debate some of the most pressing issues of our age. There will be two major plenary sessions. In the first, Professor Jonathan Simon of the University of California Berkeley will be talking about issues arising from his new book, 'Governing Through Crime: how the war on crime transformed American democracy and created a culture of fear'. In the second, three important speakers will discuss the future of criminal justice and penal policy: Shami Chakrabarti (Director of Liberty), Rod Morgan (Ex-Chairman of the Youth Justice Board) and Anne Owers (HM Chief Inspector of Prisons). Details at www.lse.ac.uk/bcc2007. All other inquiries to e criminology.conference.2007@lse.ac.uk.

● **6TH CARR STUDENT CONFERENCE**

London School of Economics: 20-21 September 2007

The conference is intended as a forum for intense and constructive discussion and debate between research students whose projects focus on a topic within CARR's agenda. As part of the conference, students in the later phases of their PhD research are invited to present papers. www.lse.ac.uk/collections/carr/events

● **SECOND CONFERENCE OF HUMSEC PROJECT**

Sarajevo: 4-6 October 2007

The second conference of the HUMSEC project focuses on the multiple interactions among transnational illegal organisations, state institutions, and the civil society in the Balkan region, and how these influence post-conflict capacity building. www.humsec.eu

● **2ND ANNUAL CONFERENCE ON EMPIRICAL LEGAL STUDIES**

New York University Law School: 9-10 November 2007

The conference will feature original empirical and experimental legal scholarship by leading scholars from a diverse range of fields.

www.law.nyu.edu/cels

● **LAW AND SOCIETY ASSOCIATION OF AUSTRALIA AND NEW ZEALAND CONFERENCE 2007: MARKINGS, SITES OF ANALYSIS, DISCIPLINE, INTERROGATION**

Melbourne Law School: 29-30 November 2007

Papers and panels within the full range of concerns of LSAANZ are welcome. The conference theme examines questions of disciplinary, geographic, figurative and jurisdictional markings. Proposals for papers and panels are due by 21 September 2007. Further information at www.law.unimelb.edu.au/cmcl.

● **RCSL ANNUAL MEETING**

Milan and Como, Italy: 9-12 July 2008

The 2008 annual meeting of the Research Committee on Sociology of Law will be hosted jointly by the University of Milano, the University of Milano-Bicocca, the University of Como-Insubria and Milan's Centro Nazionale di Prevenzione e Difesa Sociale. The theme of the conference will be 'Law and Justice in the Risk Society'. Enquires, proposals for new themes or ad hoc panels should be addressed to e vincenzo.ferrari@unimi.it or e luigi.cominelli@unimi.it.

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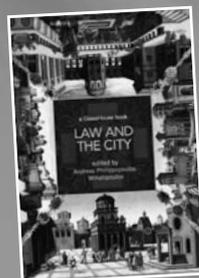
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Human Rights and Empire Costas Douzinas

Erudite and timely, this book is a key contribution to the renewal of radical theory and politics. Douzinas, a leading scholar and author in the field of human rights and legal theory, considers the most pressing international questions surrounding the legacy and contemporary role of human rights.

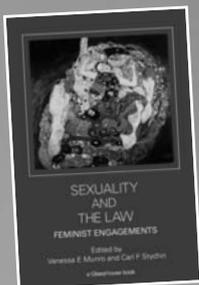
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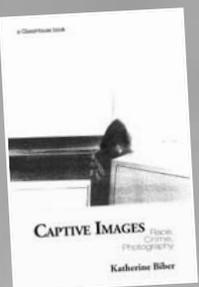
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Sexuality and the Law Edited by Vanessa Munro and Carl Stychin

'Rediscovering' the peculiarity of feminist perspectives, rather than the range gender-oriented analyses, in legal regulation and sexuality, this edited collection avoids the reductionist and essentialist shortcomings of 'feminism unmodified'.

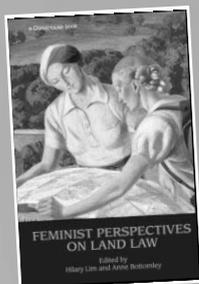
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Captive Images Katherine Biber

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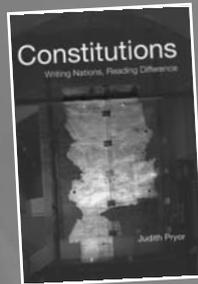
February 2007
Pb: 978-0-415-42039-6: ~~£19.99~~ £16.99*



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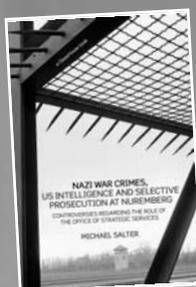
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