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ETHICS STATEMENTS: DO THEY MATTER? (1)

This note (Part 1 of a two-part article) reports on the recent review of the SLSA ethics statement by the ethics sub-committee. It highlights the main changes we made and the reasons for them. Part 2 of this brief article, to be published in the autumn 2009 edition of this newsletter, locates the review in wider debates in the international social science community about ethics 'regulation'.[1]

The purpose of this note is to stimulate further discussion about the purpose and content of the SLSA ethics statement, 'a living document, that is . . . the subject of debate, review and change' ('Pre-amble' to the SLSA *Statement of Principles of Ethical Practice*).

Another reason for the SLSA's decision to review its ethics statement was in response to the 2005 publication of a new Research Ethics Framework (REF) by the Economic and Social Research Council (ESRC), the main UK government social-science funder. Socio-legal research funded by the ESRC has to adhere to its provisions. Although the framework allows for a self-certification process in which departments can consider and decide upon ethics approval for research applications[2] most UK universities have put in place extensive systems of institutional research governance in order to implement the ESRC framework. The SLSA ethics statement was reviewed by the ethics sub-committee, a standing committee made up of members of the SLSA executive.[3] The sub-committee provided a first revision of the statement which was published on the SLSA website in July 2008. Any member of the socio-legal community was invited to submit responses during the consultation period which lasted until September 2008.[4] Six comments were received and this low number points to a need to generate further publicity and to engage a wider group of researchers in shaping the SLSA ethics statement so that it reflects what a significant group of socio-legal researchers consider as good research practice. The consultation process, however, was certainly valuable also because it highlighted the limits of a 'one size fits all' approach.[5] Socio-legal research engages various disciplines and approaches to research. Not just sociology and the ethics statement of the British Sociological Association – on which the previous SLSA statement had been closely modelled – are relevant. A consultation response, for instance, from a political scientist involved in socio-legal research questioned the appropriateness of onerous consent requirements in the case of interviews with powerful political elites. An anthropologist raised queries about consent procedures in the case of socio-legal participant observation of Tibetan tribes to whom a western notion of written consent is meaningless. Also in response to these consultation contributions, the SLSA ethics sub-committee looked at the ethics codes of a number of other professional organisations in the social science field, such as the UK Political Science Association, the US Oral History Association, the American Association of University Professors and the Association of Social Anthropologists of the UK and Commonwealth.

Also in light of the consultation responses and previous discussion in the ethics sub-committee, the review focused on three main issues. First, what procedures should apply ▶p3

SLSA CONFERENCES

De Montfort University Leicester 2009

This year's annual conference was held at De Montfort University, Leicester, 7–9 April: 253 delegates from 107 institutions attended. Fifty-four of the delegates came from 34 non-UK institutions, highlighting the importance of the event to the international community of socio-legal scholars. The conference also demonstrated the breadth of research that is being undertaken: 85 sessions were organised around 23 subject streams and eight keywords.

No conference is complete without a social programme. On Tuesday night there was a buffet dinner at Las Iguanas and the main conference dinner was held at the Walker's Stadium, home of Leicester City FC, on Wednesday night. Delegates were entertained by a 20-piece band (led by DMU's head of security!).

The organising committee was delighted with the overwhelmingly positive feedback that we received from participants. As co-organisers, we would like to thank the rest of the committee: Vanessa Bettinson; Alwyn Jones; Jonathan Merritt; and André Naidoo. We were also assisted with registration and accommodation by Fiona Middleton and Nicola Warrington and by student helpers whose willingness to take on a host of tasks helped make the conference run smoothly. Above all, we acknowledge the immense contribution made by Kate Scott who administered the conference with extraordinary attention to detail and good humour. She went beyond the call of duty on many occasions.

Finally, we were grateful to the following sponsors: Administrative Justice and Tribunals Council; Ashgate Publishing; Cambridge University Press; Department of Law, DMU; Edward Elgar Publishing; Hart Publishing; Pearsons; Routledge Taylor & Francis; Sweet & Maxwell; UKCLE; Willan Publishing; and Westlaw. Student bursaries were sponsored by the *Journal of Law and Society*, *Social and Legal Studies* and Wiley-Blackwell. Roll on UWE 2010! ***Trevor Buck and Gavin Dingwall***

Future conferences

Next year we will be meeting at the University of the West of England, Bristol, from 30 March–1 April 2010. Organisers are Karen Harrison, Mark O'Brien and Phil Rumney. Email any early queries to **e** slsa2010@uwe.ac.uk.

The University of Sussex will host our 2011 conference in Brighton from 12–14 April. We look forward to our first seaside venue since Aberystwyth 2002! Conference organisers: Jo Bridgeman **e** j.c.bridgeman@sussex.ac.uk and Sue Millns **e** s.millns@sussex.ac.uk.

SLSA ONLINE DIRECTORY

The Online Directory was launched on 10 May 2009. SLSA members get a free personalised entry. Members can publicise their research and publications, make new contacts and keep up to date with colleagues' work. It will also be a showcase for the SLSA, demonstrating the breadth and diversity of the research undertaken by our membership.

To begin updating your profile, visit **w** www.slsa.ac.uk and go to the MEMBERS LOGIN menu.

SLSA Executive Committee 2009-2010

CHAIR
Sally Wheeler
School of Law, Queen's University Belfast
e s.wheeler@qub.ac.uk

VICE-CHAIR
Dave Cowan
University of Bristol
e d.s.cowan@bristol.ac.uk

SECRETARY
Morag McDermont
University of Bristol
e morag.mcdermont@bristol.ac.uk

TREASURER
Daniel Monk
Birkbeck College
e d.monk@bbk.ac.uk

MEMBERSHIP SECRETARY
Dermot Feenan
University of Ulster
e d.feenan@ulster.ac.uk

NEWSLETTER EDITOR AND WEBEDITOR
Marie Selwood
e marieselwood@btinternet.com

WEBMASTER
Nick Jackson
Kent University
e n.s.r.jackson@kent.ac.uk

UWE 2010 CONFERENCE ORGANISER
Phil Rumney
University of the West of England
e phil.rumney@uwe.ac.uk

SLSA EXECUTIVE MEMBERS

Rosemary Auchmuty
University of Reading
e r.auchmuty@reading.ac.uk

Anne Barlow
University of Exeter
e a.e.barlow@exeter.ac.uk

Nicole Busby
University of Stirling
e n.e.busby@stir.ac.uk

Gavin Dingwall
De Montfort University, Leicester
e gdingwall@dmu.ac.uk

Marian Duggan
Queen's University Belfast
e mduggan06@qub.ac.uk

Penny English
Anglia Ruskin University
e penny.english@anglia.ac.uk

Jo Hunt
University of Cardiff
e huntj@cf.ac.uk

Caroline Hunter
University of York
e cmh516@york.ac.uk

Rosemary Hunter
University of Kent
e r.c.hunter@kent.ac.uk

Bronwen Morgan
University of Bristol
e b.morgan@bristol.ac.uk

Vanessa Munro
University of Nottingham
e vanessa.munro@nottingham.ac.uk

André Naidoo
De Montfort University, Leicester
e anaidoo@dmu.ac.uk

Amanda Perry-Kessaris
Birkbeck College
e a.perry-kessaris@bbk.ac.uk

Hannah Quirk
University of Manchester
e hannah.quirk@manchester.ac.uk

Mary Seneviratne
Nottingham Trent University
e mary.seneviratne@ntu.ac.uk

Helen Stalford
University of Liverpool
e stalford@liverpool.ac.uk

Julian Webb
University of Warwick
e julian.webb01@warwick.ac.uk

SLSA subscriptions

SLSA subs are due for renweal on **1 July**. Full subscriptions have again been frozen at **£30**.

Newsletter contact details

Marie Selwood, Editor, *Socio-Legal Newsletter*
✉ 33 Baddlesmere Road, Whitstable, Kent
CT5 2LB t 01227 770189
e marieselwood@btinternet.com.

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Newsletter back issues

If you would like some back issues of the newsletter for circulation at an event or to distribute to students or colleagues, contact Marie Selwood stating how many copies you would like **e** marieselwood@btinternet.com.

www.slsa.ac.uk

The SLSA website contains comprehensive information about the SLSA and its activities. The bulletin board is updated almost daily with socio-legal news and events. To post an item on the board, contact Marie Selwood **e** marieselwood@btinternet.com.

Disclaimer

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

Erratum

The article in *SLN* 57:5 about studying socio-legal studies at Bristol was by Eleanor Staples, not Morag McDermont. Apologies to Eleanor for this error.

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SEMINAR COMPETITION

The SLSA Seminar Competition was won in 2009 by Dr Bettina Lange, Centre for Socio-Legal Studies, Oxford University (lead applicant) and Dr Dania Thomas, School of Law, Keele University. The SLSA awarded £4000 to the winners.

Their seminar is entitled 'Socializing Economic Relationships – New Perspectives and Methods for Analysing Transnational Risk Regulation'.

The event will take place in May 2010 (dates to be confirmed) at the Centre for Socio-legal Studies, Oxford.

Applicants are invited for the 2010 Seminar Competition. Full details are available on the SLSA website. Visit **w** www.slsa.ac.uk and follow the links. The closing date for the next round is **31 January 2010**. Please contact the competition organiser Nicole Busby if you have any queries. **e** n.e.busby@stir.ac.uk

CHANGES TO SLSA EXECUTIVE COMMITTEE

The following SLSA members have left the SLSA Executive Committee in recent months: Fiona Beveridge, Robert Dingwall, Alison Dunn, Anne-Maree Farrell, Bettina Lange, Kate Malleson and Maki Tanaka. Many thanks to them all for their contributions over the past few years. Three new members have recently been welcomed into the ranks: Anne Barlow (University of Exeter), Marian Duggan (QUB) and André Naidoo (De Montfort University).

Contact details for all committee members can be found on page 2 (opposite) and on the SLSA website. Dates of future meetings and past minutes are also published there. You are welcome to contact any committee member with queries or suggestions. **w** www.slsa.ac.uk

p1◀ **Ethics statements: do they matter?** (*cont*)

to obtaining consent from research participants? Second, to what extent and how should the anonymity of research participants be protected? Third, how should the SLSA ethics statement deal with the numerous and complex legal obligations that may apply to socio-legal researchers?

Consent procedures are key to ethics statements because they enable potential research participants to exercise their human right to privacy and to protect themselves from possible harms associated with the research (see also Stark 2007: 779). But they can be a blunt instrument for managing research relationships. Different procedures are appropriate for various types of socio-legal research. Covert socio-legal investigation may be the only way to analyse morally questionable behaviour of powerful political or economic actors. But other socio-legal research will be governed by high trust between researcher and research participants. Written consent and, hence, the idea of contract may even be too formal and adversarial in this latter scenario (Dingwall 2006: 56). The SLSA ethics sub-committee, therefore, qualified in principle 7.1 the requirement in the ESRC Ethics Framework for written consent of research participants to apply only 'as far as possible'. We kept this qualification deliberately broad in order for consent procedures to be relevant to a range of circumstances, such as research with illiterate participants and research in a variety of cultural settings where consent is expressed in different ways. We also explicitly recognised in principle 7.1.3 that 'where data is gathered through observation of behaviour occurring in public there may be no expectation of privacy and hence no need for consent from all of the observed people'. Moreover, we introduced a further qualification which dispenses with a need for consent to be obtained in face-to-face meetings with research participants. Covering letters may be appropriate for some types of socio-legal research, such as large-scale surveys.

In relation to the second issue of protecting the anonymity of research participants, we decided to strengthen exceptions from the general principle that research relationships should be founded upon trust. Principle 6.3 now reads: 'in some cases, where the public interest suggests otherwise and particularly where power is being abused by those being researched, obligations of trust and protection, for instance, through protecting the anonymity of research participants, may weigh less heavily'. In principle 8.1.1 we affirmed that data gained in the course of research should usually be treated as confidential and only be attributed to named individuals in publications if their consent has been obtained. We added in principle 8.1.3 methodological grounds – such as enabling the replication of studies and critical peer review – as reasons that can justify departure from the anonymity principle, if research participants consent.

In relation to the third issue of legal obligations imposed on socio-legal researchers, we decided that it was beyond the scope and purpose of the SLSA ethics statement to provide detailed information about these. Given frequent changes in the law, the ethics statement would quickly become out of date and it would be difficult to provide general legal advice on how to handle legal obligations since they are often specific to individual research projects. In order to provide some advice, two relevant references have been added to the ethics statement page of the SLSA website. Moreover, the purpose of the SLSA *ethics* statement is to address primarily ethical issues not *legal* issues arising in socio-legal research.

The revised ethics statement was approved by the SLSA Executive Committee meeting on 15 January 2009 and is published on the SLSA website.[6]

The SLSA Ethics Sub-Committee

Notes

1 The three German socio-legal associations, the Berliner Arbeitskreis für Rechtswirklichkeit, the Vereinigung für Rechtssoziologie and the Sektion Rechtssoziologie do not have their own ethics statements. The German Association for Sociology (Deutsche Gesellschaft für Soziologie), the German Research Foundation, which finances social science research, and the German Association of University Professors and Lecturers, however, do have ethics codes which members of the German socio-legal associations are expected to follow.

2 The ESRC REF suggests that university-wide research ethics committees should be established which are to be considered as 'primary' institutions that provide strategic advice on ethical research governance. Universities can establish 'secondary' research ethics committees at departmental level which make decisions about individual research projects (ESRC REF 2005: 9).

3 The complete list of members of this sub-committee involved in the revision of the statement can be found in the introductory section of the current SLSA ethics statement published on the SLSA website.

4 See also the note in *SLN* 55: 9 (Summer 2008), asking for responses to the draft revised statement.

5 See, in contrast, the more bureaucratic approach taken by the ESRC which advocates 'to standardize review procedures across departments and faculties' in order to 'resolve some of the anomalies and inconsistencies that characterize today's research ethics terrain' (ESRC REF 2005: 23).

6 **w** www.slsa.ac.uk and follow the link in the top menu.

References

ESRC, *Research Ethics Framework* (2005) Bristol, Polaris House at **w** www.esrcsocietytoday.ac.uk

Dingwall, Robert (2006) 'Confronting the anti-democrats: the unethical nature of ethical regulation in social science', *Medical Sociology on-line* 1(1): 51–58 at **w** www.medicalsociologyonline.org

Stark, Laura (2007) 'Comment on the presidential address: victims in our own minds? IRBs in myth and practice', *Law and Society Review* 41(4): 777–786

SLSA PRIZES

Each year the SLSA awards two book prizes and an article prize in partnership with Hart Publishing. This year there have been some changes to the rules and the closing date has been brought forward to 5 October 2009.

Deatils of the 2009 SLSA annual prizes are as follows:

- **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 up to **30 September 2009**
- **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 up to **30 September 2009**
- **the Hart Socio-Legal Prize for Early Career Academics**
  a prize for the best book – published in the 12 months up to **30 September 2009 –** emerging from a previously awarded PhD, MPhil, LLB or MA

Rules

The aim of the prizes is to celebrate and promote the work of socio-legal academics. The winners of the prizes are announced 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 10, below). Nominations must be accompanied by the appropriate nomination form(s).
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 up to 30 September 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 FOUR hard copies of the publication being nominated plus a version in electronic format.
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 the SLSA Executive Committee. 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.
6. Individual book chapters are eligible for the article prize. Edited collections are not eligible for the other prizes.
7. In relation to the Socio-Legal Article Prize only one submission may be made by any one individual.
8. Eligibility for nomination will be determined, if appropriate, by academic status at the time of publication, not at time of nomination. Decisions on eligibility will be made by the SLSA Executive Committee and are final.
9. Books and articles by eligible authors will be considered provided that: (i) they have been published in the 12 months up to 30 September preceding the closing date for nominations; and (ii) they have not been nominated in an earlier SLSA prize competition.
10. 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; (iii) a statement indicating that, if his/her entry is successful, the author consents to participate in an 'author meets reader session' (involving a short presentation from the author, followed by discussion) at the SLSA annual conference held in March/April of the year following submission.
11. 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 *Socio-Legal Newsletter* and on the SLSA website.
12. Works by members of the SLSA Executive Committee are not eligible for nomination for any of the above prizes.

The closing date is Monday **5 October 2009**. There is a downloadable nomination form in Word format for each prize on the SLSA website: **w** www.slsa.ac.uk and follow the links. Contact: Sally Wheeler **e** s.wheeler@qub.ac.uk.

SLSA PRIZEWINNERS 2009

SLSA-Hart Book Prizes

This year the Book Prize was won by Christine Bell for *On the Law of Peace: Peace agreements and the lex pacificatoria* (2008) Oxford University Press.

The Early Career Prize was awarded to Louise Mallinder for *Amnesty, Human Rights and Political Transition: Bridging the peace and justice divide* (2008) Hart Publishing. The judges said:

> The competition for both prizes was hotly contested with many extremely high quality entries from across a broad spectrum of socio-legal scholarship. The quality and diversity of the books read is testimony to the richness of scholarship involving socio-legal work. The judges had real difficulty making a final decision in relation to both competitions. The prizes this year went to two books that were thought to exemplify all that is best in sustained and innovative scholarship using a combination of research techniques. These books add significantly to knowledge and understanding and will be of real value to the wider academic and user communities.

The SLSA-Hart Article Prize

The article prize was won by Kieran McEvoy for 'Beyond legalism: towards a thicker understanding of transitional justice' (2007) *Journal of Law and Society* 34(4): 411–40. The judges said:

> This article was particularly impressive due to its thought-provoking reflections on both the theory and practice of transitional justice. It challenges the dominance of 'human rights' rhetoric and questions traditional assumptions about applying the rule of law in transitional justice situations. The article drew upon a very rich range of sources and the strength of the arguments was underpinned by the fluency and clarity of the writing style.

SLSA SMALL GRANTS SCHEME ENTERS ITS 10TH YEAR

It's 10 years since the SLSA introduced the small grants scheme to promote socio-legal research. In that time, more than 50 researchers have received nearly £70,000 for studies in diverse fields of law and in numerous geographical locations.

SLSA members are now invited to apply for the current round. The closing date is **31 October 2009**. Individual awards are up to a maximum of £1500. The Research Grants Committee takes the following elements into consideration when judging applications:

- 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.

Decisions will be made by **31 January 2010**. Contact Mary Seneviratne **e** mary.seneviratne@ntu.ac.uk with any queries.

Over the next six pages, awardholders from the past two years report on their research findings.

Understanding mobility and internationalisation in the discipline of law in the UK

Jessica Guth, Bradford University Law School, £1173.50

This study was a small-scale pilot looking at international mobility in the academic discipline of law in the UK. It employed a socio-legal methodology combining policy analysis with semi-structured interviews with law students and scholars (n=20). The study was carried out over 10 months in 2008–09 and considered mobility in the academic discipline of law as a whole; that is from undergraduate level upwards. The empirical work was focused on two universities in the north of England. There is now a growing body of literature considering the mobility of students and academics at all levels, the benefits it brings and the challenges it poses. However, little work has been done to consider mobility from the perspective of those who do not spend time abroad. The empirical work undertaken as part of this project therefore sought to gain an insight into why UK law students and legal academics stayed in the UK rather than making use of opportunities to study or work elsewhere.

What the research process revealed

The research process and, in particular, the recruitment of participants was in itself extremely instructive. In the initial research plan, I had intended to interview 25 participants from three universities in the north of England. Recruitment, however, proved difficult. A project flier providing some background information and outlining the aims of the project was designed and an email asking for research participants was composed. The email stressed that participants were not required to have any experience of mobility or even to have thought about the possibility.

At first, the emails initiated only one response from one of my own students who was an international student. I received no responses from the other universities. I eventually utilised personal contacts at both institutions but still received no responses from one of them. I thus decided not to waste any further time trying to recruit respondents from there and instead concentrated on the remaining two.

Most participants were recruited through personal contacts in situations where I could explain what I was doing face to face. Most potential respondents had presumed that their thoughts were not relevant to the study because they had no mobility experience. In spite of the email clearly indicating that the views of non-mobile students and academics were being sought, those without international experience were deselecting themselves.

The personal nature of my participant recruitment undoubtedly influenced the findings, but the study was nonetheless a successful pilot. It raised many issues, summarised below, and highlighted important considerations relating to methodology which will have to be addressed in any further project. In particular, the strategy for recruiting participants needs re-evaluating and any project design needs to reflect the need to be able to explain clearly to potential participants what the aim of the project is. Simply sending an email is not sufficient!

The findings and future research agenda

The research threw up more questions than answers. Factors highlighted in the literature on highly skilled and student mobility were raised by research participants. The perceived benefits of mobility included CV building, access to research expertise, possibility of comparative work, developing language skills, cultural experience and esteem factors. The barriers listed were also not surprising and included: cost of stays abroad; lack of knowledge about opportunities; lack of language skills; and lack of time to spend away from work or study at home. What was surprising, however, was the emergence of two clear themes which impacted significantly on mobility. The absence or presence of a mobility culture and existing mobility channels had a noticeable impact on how respondents talked about mobility, in particular at undergraduate level. Even those who were not considering moving and had no interest in international mobility talked in more positive terms about mobility if they were working or studying in an environment where mobility was part of the norm. They tended to see any barriers as minor and something to be easily overcome and talked about their own preference for staying at home in personal terms, often citing family reasons. Those who were not in a 'mobility rich' environment tended to see the barriers as insurmountable and, even if they had thought about mobility, were overall more negative about being able to become mobile. They talked about not being mobile in terms of 'not being able to' rather than in terms of personal preference.

Given the small sample size and the nature of the sample it is impossible to offer any conclusions at this stage. What the findings do show, however, is that there is much work left to be done to understand fully the factors and processes shaping international mobility and the implications mobility, or indeed non-mobility, has for individuals, institutions and the discipline as a whole. In particular we need better to understand:

- what we value about mobility;
- the advantages of mobility and risk involved;
- the barriers to mobility;
- what makes mobility effective;
- how to recognise when mobility may not be suitable/useful.

DNA evidence: the sword and shield or misplaced faith? Why it is time for a detailed evaluation of DNA reasoning in legal contexts

Michelle Cowley and Sonia Macleod, Centre for Socio-Legal Studies, University of Oxford, £1411

DNA evidence is held to be the 'sword and shield' of the criminal justice system (McCartney 2008).[1] The precision with which DNA evidence has been able to pinpoint the guilty and protect the innocent has helped it to achieve its status as the evidence par excellence in legal contexts. So much so that much of the recent debate about the potential uses of DNA evidence in the UK has centred on the National DNA Database (NDNAD), a database deemed to provide a speedy search-driven resource systematically to either match or rule out alternative suspects. This confidence in DNA match evidence has lead to an expectancy belief-based societal solution to implement bio-information in national DNA databanks as a major scientific strategy to combat crime. Yet the European Court of Human Rights (in *S and Marper* v *the United Kingdom*)[2] recently ruled in favour of profile removal from NDNAD in cases that had either been dropped or had led to acquittal. The ECtHR judgment in this instance emphasised that the blanket indiscriminate refusal to remove individuals' profiles that led neither to charges nor convictions breached Article 8 privacy rights. But, perhaps of more subtle importance in this judgment, and of interest to a psychologist developing socio-legal analyses of DNA reasoning, is that DNA match evidence did not lead to conviction in these two cases.

That DNA match evidence sometimes does not lead to conviction raises important questions, not necessarily questions about the accuracy of DNA evidence (although this is also an important issue), but about the psychological factors prominent in legal decision-making contexts that affect how DNA evidence is reasoned about and used in society by the criminal justice system. Beliefs about the infallibility of science may lead to DNA evidence being valued at the expense of other evidence or other contextually valid clues that render DNA less critical to a conclusion.[3] Match probability evidence cannot only be confusing for jurors in assigning an appropriate evidential weight, but other contextual and equally relevant evidence pertaining to the case may be superseded by the consideration of DNA evidence. When presented with a DNA match, do people readily question how the DNA came to be at the scene, the time of DNA transfer, the sequence of actions to be inferred from the DNA transfer pattern, possibilities of cross-contamination, and the reduction of discriminatory power when DNA from several related individuals is present or when partial profiles are present? Importantly, do jurors realise that a random match probability represents the possibility that the DNA matches alternative suspects other than the defendant in question? The disappearance of Madeleine McCann led to speculation in the media indicating that conclusive DNA matches implied guilt. This thinking was inaccurate not only because forensics apply a statistical match criterion between zero and 100 per cent to represent DNA evidence, but because reasonable deduction about DNA transfer within the family context would indicate that DNA matches would be present in the McCann case whether the couple was guilty or innocent.

The Nuffield Foundation inquiry on the forensic use of bio-information highlights this concern. Maintaining the critical balance in ensuring that scientific and technological developments are used only to benefit civil society; to contribute to society's safety, security, and rule of law, without intrusions of privacy conflicting with civil rights[4] could be linked to the certainty with which people may attribute DNA's discriminatory power in absolute terms in legal contexts.

To this end, the SLSA funded a critically reflective pilot programme of research to provide an empirical evidence-based evaluation of how contextual factors affect DNA reasoning. Two quantitative studies employing randomised control trial designs examined the effects of contextually relevant factors for DNA reasoning including legal language presentation and refuting evidence in the presence of DNA match evidence.

Pilot results: legal language trumps mathematical presentation for refuting evidence

Jurors are often presented with information similar to the following: '*You learn that the chance that the suspect would match the blood drop if he were not the source is 0.0001%.*' Many people do not realise that a DNA match is presented as the chance that the defendant does not match the source. Thus, at issue is not only how this DNA evidence is mathematically presented (Koehler and Macchi 2004),[5] but whether the legal context requires that jurors take account of factors of evidential corroboration. For example, is jurors' reasoning more or less untainted about the DNA match given the different kinds of language presentation and additional evidence available to advocates?[6]

The pilot study examined if the language used to frame the DNA random match probability prompted people to consider alternative suspects to the defendant, which could change how subsequent evidence is thought about. We tested whether the linguistic cue, 'nonetheless', which is known by reasoning psychologists to prompt people to think of alternative possibilities concordant with innocence, was more effective in reducing guilt in the presence of refuting evidence than in its absence. If language was predicted not to prompt jurors to think of alternative people other than the defendant as possible suspects it is called a 'single exemplar' cue. If language was predicted to prompt people to think of alternative people other than the defendant as possible suspects it is called a 'multiple exemplar' cue (as Figure 1 demonstrates).

Sixty-four eligible jury members took part. The study employed a 2 (linguistic cue: single exemplar, multiple exemplar) x 2 (refutation: present, absent) between-subjects design. The DNA evidence was identical in each condition. A short scenario was adapted from a burglary case (see Koehler and Macchi 2004). In the single exemplar conditions, participants received the sentence: '*You learn that the chance that the suspect would match the blood drop if he were not the source is 0.0001%.*' (ie single exemplar) In the multiple exemplar conditions, the participants received the sentence: '*You learn that the chance that the suspect would nonetheless match the blood drop if he were not the source is 0.0001%.*' (ie multiple exemplar) The difference between the single and multiple exemplar conditions is the presence of the word 'nonetheless' which should prompt people to think of alternative suspects. Participants either received an additional sentence containing a piece of refuting evidence: '*You learn that there is a record of the suspect's debit card being used at a petrol station on the other side of town, and the card was used at the same time as the attempted robbery.*' (ie refutation present); or they received no refuting evidence (ie refutation absent).

Key finding

The key finding is that jurors tended to choose 'guilty' more than 'cannot decide' or 'not guilty' in each condition, except where they were prompted to consider multiple exemplars and the refutation for which a pattern in favour of indecision rather than guilt occurs. Jurors chose 'cannot decide' (69%) more often than 'guilty' (19%) and 'not guilty' (12%, $chi2 = 9.125(2)$, $p < .01$), as Figure 1 shows, when they were prompted to consider

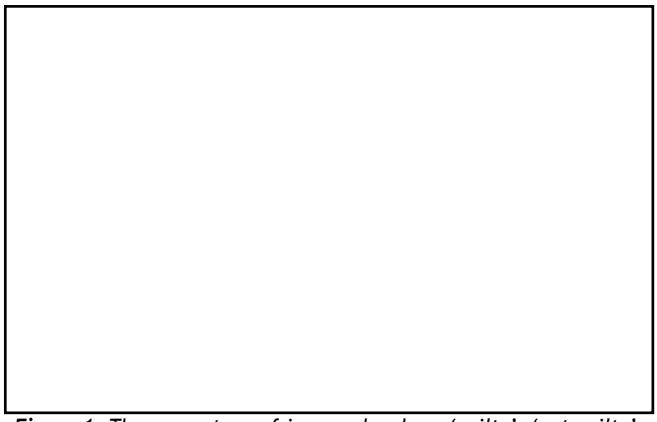

Figure 1: *The percentage of jurors who chose 'guilty', 'not guilty', or 'cannot decide' (n = 16 in each).*

multiple suspects in the presence of a DNA match and refuting evidence (emphasis in fourth category).

The implications of the result are twofold. First, that refuting evidence is considered refuting more often when the DNA linguistically prompts thinking about alternative possibilities is significant for psychological theories of reasoning (eg Koehler and Macchi 2004). Second, that different language leads to different affects when the mathematical presentation of DNA evidence is identical indicates the necessity of developing a socio-legal analytically relevant programme of contextually embedded analyses of DNA reasoning to inform the debate about DNA evidence use in society.

Genetic evidence and the law: dissemination, staff expansion and external funding bid

This pilot study aimed to generate seed funding to support a large external bid on DNA reasoning. The first author was recently awarded an ESRC grant on a related project from which Dr Sonia Macleod (a neuro-geneticist, previously at the Brabaham Institute, University of Cambridge) has now been employed for 12 months at CSLS, University of Oxford. Together Dr Sonia Macleod and I are now developing an interdisciplinary programme of research: 'DNA Reasoning, Legal Bio-ethics and Society'.[7] The pilot results reported here have provided a springboard from which we have written an external outline application to the Nuffield Foundation (10 July 2009 round) and we will submit the results for publication as a full journal article. Interested readers will be able to download the draft paper at **w** www.csls.ox.ac.uk and we would welcome your comments and feedback. The preliminary results were reported at: Wolfson College Junior Research Fellow Seminar Series (University of Oxford, January 2009); CSLS Special Workshop (Hartwell House, May 2009); and Institute of Criminology's Proof and Evidence Conference (University of Cambridge, March 2009). We are especially grateful to the SLSA for supporting this work.

Notes

1 C McCartney (2008) 'LCN DNA: proof beyond reasonable doubt?', *Nature Reviews Genetics* 9(5): 325.

2 See **w** www.bailii.org/eu/cases/ECHR/2008/1581.html.

3 *The Forensic Use of Bio-information: Ethical issues*, Nuffield Inquiry (2008).

4 Art. 8, European Convention on Human Rights.

5 J J Koehler and L Macchi (2004) 'Thinking about low-probability events: an exemplar cuing theory', *Psychological Science* 15: 540–546.

6 Scotland employs a corroboratory requirement.

7 See eg O O'Neill (2002) *Autonomy and Trust in Bioethics*, Cambridge University Press.

Future directions for the 'wider police family'

Jonathan Merritt, De Montfort University, £934

The 'Wider Police Family Research Project' was founded in 2006 to consider the impact of the changes brought in by the Police Reform Act 2002. A number of 'civilian' staff roles were given a statutory footing with this legislation. Part 4 of the Act gives certain powers to Detention Officers, Escort Officers, Investigating Officers and Police Community Support Officers (PCSOs). In addition, by virtue of Schedule 5 to the Act, 'accredited employees' of other businesses and organisations can have some hitherto police powers under a Community Safety Accreditation Scheme. The PCSO and the accredited employee are the most controversial because they are most concerned with policing public space. In doing so, in many instances, they look like police officers and are tasked with similar patrol functions, in some cases they are directly line-managed by police sergeants. What is less clear is the extent of their powers, the boundaries of their roles and to what extent the police powers framework provides adequate safeguards in this new era of street policing by officers other than police constables.

The primary, empirical research which the SLSA funded took place during the spring of 2008. In all, 39 officers were interviewed, varying in rank from PCSO to Chief Constable, although predominantly PCSOs and their police constable and sergeant beat manager colleagues. The work coincided with a review of PCSOs carried out by the National Police Improvement Agency (NPIA). The resultant article is in the final stages and about to be submitted for publication, a grounded theory approach has been utilised throughout to analyse the data looking for common themes – NVivo8 software proved a useful tool in that process. The NPIA review provided some very useful themes for comparison and discussion throughout the paper. The piece considers the positives which a dedicated community-focused uniformed role brings to community policing. This is set against the question of how realistic it is to describe it as a 'non-confrontational' role fundamentally different to that of a police constable.

A paper was given at the SLSA conference in April at De Montfort University. This incorporated the work described here and the early findings of a spell as a Visiting Scholar at Osgoode Hall Law School in Toronto, Canada, in late 2008, looking at similar issues in Canadian policing. Copies are available by emailing the author at **e** jmerritt@dmu.ac.uk.

The future of this project, moving beyond the SLSA-funded work, is certainly taking on a comparative focus, there has been recognition in a number of both common law and civil law jurisdictions that aspects of the role previously carried out by the public police can be delegated. From the earlier role of *stadswachten*, 'city warden', to the current 25,000 *Buitengewoon Opsporingsambtenaar*, the Dutch have certainly embraced 'plural policing' ideas. The Canadian picture is more mixed and a series of comparative pieces are planned on such topics as the differing approaches in Ontario and Alberta to the use of 'public auxilliaries'. The Provincial Government of Alberta is giving active support to these project ideas.

Intellectual property in the South Pacific

Alexandra George, University of New South Wales, £1500

Tell people you are going to do field work on a South Pacific island and they tend to look at you in disbelief. 'I'd rather lie on a beach soaking up rays,' they laugh, losing interest fast. As it happens, my field research in Vanuatu was utterly fascinating. During my three weeks in this tropical island paradise, I did not once envy the tourists relaxing by sparkling pools in a country perhaps best known for its wonderful resorts and snorkelling holidays. I was having too much fun working!

Why Vanuatu?

Much debate about intellectual property assumes that the law should be structured around concepts such as copyright, patents and trademarks. This is the way it as been since the Industrial Revolution and the regulatory framework of such doctrines is complex and well established throughout much of the world. It is easy to assume that this is just the way things are, but one need not be a disciple of critical legal studies to realise that this does not have to be the case. Since time immemorial, societies have had their own systems of regulating 'intellectual property'. Many have fallen by the wayside as states have adopted the intellectual property standards and framework mandated by the World Trade Organisation's (WTO) 1994 Agreement on Trade Related Aspects of Intellectual Property (TRIPS). Others have survived. Some of these are in Vanuatu.

Vanuatu is a tropical archipelago of 80 islands in the South Pacific. Its population of around 215,500 people – of whom 75 per cent are literate – speak over 100 tribal languages. Most speak the country's lingua franca Bislama (a Creole language used throughout the archipelago) and those who have been to school tend to speak some English or French. Around 65 per cent of the population relies on subsistence agriculture and the estimated gross domestic product per capita in 2007 was US$3900 (compared with US$35,100 in the UK and US$45,800 in the USA in the same period). Vanuatu is not an industrialised nation: it has annual exports of copra, beef, cocoa, timber, kava and coffee worth around US$40m, while receiving about the same amount in economic aid from other nations.

Prior to independence in 1980, Vanuatu was known as the New Hebrides and was jointly administered by a 'condominium' government of Britain and France. During this period, three different sets of laws – French, British and 'national administration' – were applied respectively to French nationals, British nationals and the indigenous ni-Vanuatu people. Britain's commercial laws operated in the New Hebrides, and the colony thus acquired the UK Trade Marks Act 1938, Copyright Act 1956 and Patent Act 1977. The practical effect of these intellectual property laws seems to have been negligible and legal records do not document a history of litigation in these areas in the New Hebrides.

Following independence, the colonial laws remained operable (theoretically, at least) if they were of general application and 'to the extent that they are not expressly revoked or incompatible with the independent status of Vanuatu and wherever possible taking due account of custom' (Art. 95(2) of the Constitution of the Republic of Vanuatu). However, the *Vanuatu Law Reports* do not record any intellectual property judgments in more than a decade following independence. Moreover, Vanuatu has not joined the WTO and is not a signatory to major international intellectual property treaties such as the Berne and Paris Conventions. Six to nine years ago, Vanuatu's Parliament passed several intellectual property laws that revoked pre-independence UK laws, however, these statutes were not gazetted so have not entered into force. The legal consequence is somewhat unclear and confusion about this arguably contributes to Western intellectual property standards remaining unenforced in Vanuatu.

Preparing the nakamal *(meeting place) for a* kastom *ceremony on Tanna Island. The bundles of yam, woven baskets, mat and pig have all been prepared for ceremonial exchange.*

The legacy is interesting: ni-Vanuatu customary law, known in Bislama as *kastom*, has survived alongside the Western legal structure inherited during the country's colonial period and it remains important. It was this *kastom* law, as it related and relates to objects that might elsewhere be regulated as intellectual property, and that arguably still operates as a de facto form of intellectual property law in Vanuatu, that I was keen to study.

Ni-Vanuatu intellectual property law

Customary laws vary from tribe to tribe and island to island throughout Vanuatu. I visited the islands of Tanna in the south (considered by many ni-Vanuatu to be the least developed part of the country), Efate (home to Vanuatu's small urban capital, Port Vila), and the more northern Malekula (famed for its artefacts and complex social structure) to study customary intellectual property-like laws. On each island, I found that local people had terms in their indigenous languages for intellectual property-like rules, which are generically referred to in Bislama as *kastom copyright*. The details of *kastom copyright* vary throughout the archipelago, though they have far more in common with one another than with TRIPS standards.

On Tanna, a large island where much of the population lives in villages of small woven houses without electricity or running water, my research into *kastom copyright* took me to interview the paramount chief, a *kastom* doctor (variously referred to as a 'witchdoctor', 'sorcerer', 'clever man', or *kleva* in Bislama) and a university educated ni-Vanuatu businessman. Although bio-prospectors have made the ni-Vanuatu wary of foreigners asking questions about local medicines and other traditional knowledge, these experts sketched for me a map of the *kastom* law regulating the use of ideas, information, knowledge and signs on Tanna. It is a story of sorcery, of passing on knowledge from father to son or nephew about how to heal wounds and illnesses, summon winds, drive away rains, and honour spirits through the use of spells, carvings, sand drawings, and other artistic displays. It is a system in which only certain people from certain families have the right to know and use certain knowledge, which they protect and preserve on behalf of their community. For example, the eldest son of one family might be the custodian of knowledge about how to summon a southerly wind, while the men of another family are the only people to whom knowledge about how to summon a northerly wind has been entrusted. Infringements of the laws are dealt with by chiefs: fines range from woven mats and baskets for minor infractions, to yams and heads of kava for more serious ones, to pigs and girls (the gift of a baby girl to another village) for the most egregious breaches of *kastom*. If someone demonstrates

repeated disrespect for *kastom* law, the chief may ask the *kleva* to use sorcery to bring the offender bad luck, illness or ultimately death. According to some villagers, sacrifice and cannibalism accompanied 'wars' between tribes and islands stemming from land disputes and infringements of *kastom copyright* only two to three generations ago (cannibalism in the New Hebrides was last reported in the 1940s, though villagers told me there had occasionally been more recent episodes – Tannans told me their grandparents said that human flesh tasted somewhat like chicken, somewhat like pork).

Equivalent systems operate on Malekula island, home to the Big and Small Nambas communities that are identified by the size of their *nambas* (ceremonial penis sheaths). It is an island where sophisticated systems of fern carvings, masks and other artworks represent the 'grades' attained by members of society as they pass through various stages of initiation. Like uniforms and trade marks in Western societies, these objects symbolise status and affiliation, but their use is controlled by a type of proprietorship akin to Western notions of custodianship. The complicated systems of regulating the use of knowledge vary between the Big and Small Nambas, but elders from both communities voiced concern that their traditions are being challenged by Western ideas and influences. Chiefs told me that, just as Western legal concepts are being applied to settle long-running land disputes on Malekua, some ni-Vanuatu who fail to respect *kastom* (eg by making and selling carvings that, according to *kastom*, belong to other tribal groups) cite Western intellectual property concepts in support of their actions. It is a classic clash of cultures and fears that it is undermining traditional ways were voiced wherever I asked ni-Vanuatu people about *kastom copyright*.

The issues are fascinating. To give just one illustration: the use of sorcery with the intent to harm is illegal in Vanuatu but the practice is difficult, if not impossible, to police. Throughout the country, *kastom* law continues to govern use of the population's intellectual wealth, and sorcery plays a role. Particularly with respect to knowledge and artefacts from Malekula's neighbouring island Ambrym, whose strong black magic is revered and feared throughout Vanuatu, the threat of sorcery is a powerful deterrent against infringing *kastom copyright*. The situation becomes more complicated when the intellectual property in question would not fall under traditional customary law or infringers of *kastom* are not part of the relevant local community. For example, local string bands provide much of the pop music in Vanuatu. Band members write lyrics, compose music, and perform the works, and some record their music and issue it for sale on cassette tape and CD. The music is popular within the ni-Vanuatu and expatriate populations and also with tourists. However, international visitors and even ni-Vanuatu from different islands and communities to the musicians are less likely to respect *kastom* that is foreign to them, and bands complain that bootleg copies make it difficult for them to profit from sales of their music. Some local musicians wish to rely on Western-style copyright laws to protect their interests, but in practice such laws do not operate in Vanuatu. Even if they did, they would be difficult to enforce in such a rural, economically undeveloped, geographically and tribally fragmented nation. I repeatedly encountered a view among local people that the benefits to ni-Vanuatu of introducing such laws would be limited and would probably be far outweighed by the cultural damage that displacing *kastom copyright* with a Western intellectual property regime might cause. Exploring these issues, one increasingly doubts whether TRIPS-style intellectual property laws would be appropriate in such an environment.

Conclusion

This short report gives only an overview of my research in Vanuatu, but it hopefully offers a snapshot of legal fieldwork that made this researcher feel like an intrepid explorer conducting fascinating and significant interdisciplinary work. I am very grateful to the SLSA for supporting this research, which I hope will contribute to and promote understanding of alternative perspectives on intellectual property and the important and diverse cultural roles that methods of regulating the use of ideas, information, knowledge and signs have on the societies in which they operate.

Reflecting on this as I boarded my flight to depart, I felt hugely privileged to have had the opportunity to spend time in the islands learning of the complex intellectual property systems of traditional ni-Vanuatu culture. I admired the tans of the tourists around me, but could not have been persuaded to have swapped my amazing research trip for a holiday relaxing in the sun sipping cocktails.

Social and Legal Studies 18(3)

Of 'normal sex' and 'real rape': exploring the use of socio-sexual scripts in (mock) jury deliberation – Louise Ellison and Vanessa Munro

Critical legal studies and the politics of legal space – Chris Butler

'Gay couple's break like Fawlty Towers': dangerous representations of lesbian and gay oppression in an era of 'progressive' law reform – Neil Cobb

Racial ideas and gendered intimacies: the regulation of interracial relationships in North America – Debra Thompson

Imperialism and nationalism in early modernity: the 'cosmopolitan' and the 'provincial' in Shakespeare's *Cymbeline* – Eric Heinze

Vanquishing the enemy or civilizing the neighbour? Controlling the risks from hazardous industries – Fiona Haines

Culture and human rights in Colombia: negotiating indigenous law

Sandra Brunegger, LSE/Cambridge University, £1500

The SLSA grant contributed generously to my initial research stay in Colombia which was crucial in allowing me to build up and strengthen relationships with local indigenous organisations in that country.

My project aims to understand interrelationships between culture, law and human rights in Colombia by investigating how indigenous identity and self-image is being politicised. Colombia's 1991 constitution grants significant autonomy to indigenous peoples' laws and proposes 'coordinating' indigenous legal practices with state law, thereby aiming to ensure the compatibility of indigenous laws with international human rights norms. Thanks to my previous stays, I am in a position to embark on long-term ethnographic fieldwork at the institute spearheading the coordination of state and indigenous laws, a law school within the Nasa community. This fieldwork will allow me to get a clearer picture of the local adoption of human rights, in particular, the legal vernacularisation of rights norms as this proceeds through, simultaneously with the politicisation of indigenous identity. The project further traces the effects of human rights translation on notions of the understanding of law, justice and community among the Nasa people, exploring the effects of contemporary forms of human rights translation on the emergence of new forms of political subjectivity in Colombia.

The award has resulted in further successful funding applications and the project will result in a book manuscript.

A longitudinal analysis of the mortgage repossession process 1995–2008

Lisa Whitehouse, Law School, University of Hull, £1485

The recent rise in the number of mortgage repossessions, with the Council of Mortgage Lenders predicting that 75,000 repossessions will be undertaken in 2009, has led to concerns that the UK may be set to experience a repeat of the 'housing crisis' of the early 1990s. In light of this and attempts by the Labour Government since 1997 to reform the mortgage industry, this research sought to answer three questions:

1. What role does the law play currently within the mortgage relationship and how does the repossession process operate in practice?
2. To what extent have changes made since the mid-1990s impacted upon the repossession process and the mortgage relationship generally?
3. To what extent will these changes prove effective in avoiding a repeat of the housing crisis witnessed during the early 1990s?

In an attempt to answer these and other related questions, an empirical study involving 20 semi-structured interviews with district judges, mortgage lenders, trade associations, regulatory bodies and consumer advice organisations was conducted during February to July 2008. The qualitative data obtained as a result of these interviews offered a unique insight into the practical operation of the legal process of repossession. Having completed a very similar survey in 1995, however, I was able also to take advantage of the opportunity to offer a longitudinal analysis of the repossession process. What this analysis suggests is that, while significant differences exist between the two time periods – particularly in terms of the causes of borrower indebtedness – the protection afforded to the borrower by the legal process of repossession remains much the same as it did in the mid-1990s. Despite significant changes to the regulatory framework, including the introduction in 2004 of the Financial Services Authority as regulator and the Court of Appeal decision in *Cheltenham and Gloucester Building Society* v *Norgan* [1996] 1 All ER 449, it is evident that borrowers remain vulnerable to unaccountable and often inconsistent treatment at the hands of lenders, that judicial discretion remains heavily influenced by the arrears management practices of lenders, and that the repossession process continues to afford disproportionate weight to the financial interests of the lender.

While it would be difficult to distinguish between the legal process of repossession as it operates today and as it operated in the mid-1990s, the same cannot be said of the political response to the imminent housing crisis. Whereas the Conservative Governments (1979–1997) sought to tackle the unprecedented rise in repossessions through the introduction of self-regulatory measures coupled with a privately funded mortgage rescue scheme, the current Government has sought to tackle the issue on a number of fronts. Measures have included the long-awaited (if temporary) change in the payment of Income Support for Mortgage Interest from 39 weeks to 13 weeks, agreements with some banks to delay possession for six months, a mortgage support scheme that will allow some borrowers to defer part of their payments for up to two years and the expansion of free legal advice in county courts. While these initiatives may offer some hope to borrowers threatened with repossession, what this research suggests is that, without reform, the legal process of repossession may well hinder these well-intentioned moves to assist borrowers in arrears.

In seeking to disseminate the findings of this research, I have, to date, presented two conference papers (SLS annual conference, LSE, September 2008 and SLSA annual conference, De Montfort University, April 2009) and a senior seminar paper (Centre for the Study of Law in Society, Sheffield University, February 2009). I was also invited by one of the respondents to the empirical survey to present my research to the annual meeting of the top 10 mortgage lenders in the UK (November 2008). In terms of published outputs, a report on the recent mortgage arrears pre-action protocol will be appearing in the November edition of the *Modern Law Review*. I am currently working on an article for submission to the *Journal of Law and Society* which seeks to explain the potential for and implications of the stagnancy apparent within the law of mortgage despite radical changes to the context within which it operates. I will also use this research as the foundation for a forthcoming monograph. I would like to extend my thanks to the SLSA for its generosity in supporting this research.

Journal of Law and Society (Summer 2009)

Articles

The ties that bind: multiculturalism and secularism reconsidered – Brenna Bhandar

Pornography, pragmatism and proscription – Clare McGlynn and Ian Ward

The dangers of hanging baskets: 'regulatory myths' and media representations of health and safety regulation – Paul Almond

Diversity in the judiciary: the case for positive action – Kate Malleson

Book reviews

The Province of Jurisprudence Democratized by David Fraser – Allan Hutchinson

Practical Reason in Law and Morality by Stefano Bertea – Neil MacCormick

Law and Faith in a Sceptical Age by Russell Sandberg – Anthony Bradney

Fragmenting Fatherhood: A socio-legal study by Mervyn Murch - Richard Collier and Sally Sheldon

The Transformation of Citizenship in the European Union by Dan Wincott – Jo Shaw

New courses

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w www.ucd.ie/criminol/LLM_PhD%20Programmes.htm

Birkbeck

The Law School at Birkbeck is introducing a new LLM in international economic law, justice and development from autumn 2009. It will be the only postgraduate programme in the UK to address the law, institutions and practice which constitute global and local economies from an avowedly critical perspective, part-time and full-time, in face-to-face evening sessions. For further information please contact Amanda Perry-Kessaris **e** a.perry-kessaris@bbk.ac.uk or consult the website which will soon host a range of resources to introduce prospective students to the programme.
w www.bbk.ac.uk/law/prospective/taughtmastersdegrees/ieljd

Contingency fees

Richard Moorhead, of Cardiff Law School, has published two reports on contingency fees. One, *Improving Access to Justice: Contingency fees: a study of their operation in the United States*, authored with a senior costs judge, looks at what is happening in the United States and was written at the request of the Civil Justice Council. The second is an empirical study of damage-based contingency fees in employment tribunals co-written with Rebecca Cumming (*Damage-Based Contingency Fees in Employment Cases: A survey of practitioners*) both are available via the Social Science Research Network **w** www.ssrn.com or the Cardiff Law School website **w** www.law.cf.ac.uk. A third report on user perceptions of funding arrangements in employment tribunals will be published shortly by the Department for Business, Enterprise and Regulatory Reform.

Richard Moorhead

JLS guest editorship

The *Journal of Law and Society* (*JLS*) invites expressions of interest concerning the guest editorship of the special issue (spring 2011). Newsletter readers are invited to contact the editor with their proposals. Send a list of authors – agreed and those yet to be confirmed – and working titles of each contribution. Prospective editors should also prepare one page explaining the purpose and range of the collection. The material must be socio-legal, fit the character of the *JLS* and have current relevance and appeal to our international and diverse readership. The issue must also be both thematic and coherent.

The special issue is normally 75,000 words, inclusive of footnotes and carries between eight to 10 papers. The deadline for completed copy is November 2010. The *JLS* may provide funds to support a meeting for the authors. The issue will also appear simultaneously as a book published by Wiley-Blackwell, Oxford. A decision on the 2011 publication will be taken in September 2009 thereby allowing the editor one year to produce the copy.

The special issue for 2010 is titled 'Regulating Sex/Work: From crime to neo-liberalism' and is edited by Teela Sanders (University of Leeds) and Jane Scoular (Strathclyde University). Contact: Philip Thomas, *JLS* Editor, ✉ Cardiff Law School, Cardiff CF10 3AX **e** thomaspa@cardiff.ac.uk. ***Phil Thomas***

Law and Religion Scholars Network

The Law and Religion Scholars Network (LARSN) held its second meeting at Cardiff Law School on Tuesday 5 May 2009, together with the first LARSN conference at which over 20 academic papers were presented. LARSN, an initiative of the Centre for Law and Religion at Cardiff Law School, was established in 2008 to enable those interested in the field to share experiences and ideas and to build links in relation to both research and teaching.

Successes to date include the doubling of membership within the first year, the development of the LARSN publication list (which is available online and published in *Law and Justice*), the LARSN Teaching Survey, which investigated the extent to which law and religion is currently taught in UK law schools, and a LARSN doctoral students' conference on 30 June 2009 at Oxford Brookes. Plans for the next year include the development of the LARSN website (to include a new LARSN links page and details of members' research interests) and a further meeting and conference which will be held at Cardiff in May 2010. The proposed date for this is Wednesday 5 May 2010.

To join LARSN, or for further information, please email Russell Sandberg **e** sandbergr@cardiff.ac.uk. Further details about LARSN can be found on the Centre for Law and Religion website. **w** www.law.cf.ac.uk/clr ***Russell Sandberg***

people . . .

PROFESSOR KIM ECONOMIDES (right) has been appointed as the University of Otago's inaugural director of its new Legal Issues Centre and Professor in the Faculty of Law. The focus of the centre, which is the first of its kind in New Zealand, is on how to reorient the legal system so that it works better for ordinary people. Professor Economides comes to Otago from the University of Exeter where he was Professor of Legal Ethics. He said: 'The centre's purpose is to carry out socio-legal and policy-oriented research relating to how a more accessible, affordable and efficient legal system can be created for the benefit of all citizens, and how courts can best ascertain the truth and arrive at a fair and just outcome. We shall be investigating some of the main barriers to the legal system, such as expense, delay as well as psychological and geographic factors that may prevent or inhibit access.'
e kim.economides@otago.ac.nz **t** +64 3 479 3796

DR AMANDA PERRY-KESSARIS has been promoted to Reader in Law in the School of Law at Birkbeck.

At the University of Reading, School of Law, **GRACE JAMES** has been promoted to Reader and **THERESE CALLUS** has been promoted to Senior Lecturer.

DR RALF RAGOWSKI, former member of the SLSA Executive Committee, has been promoted to a Personal Chair and will be Professor of Law at the School of Law of the University of Warwick with effect from 1 October 2009.

Centre for Welsh Legal Affairs

Dr Catrin Fflur Huws has been appointed director of the Centre for Welsh Legal Affairs (CWLA) at Aberystwyth University. Dr Huws succeeds Ann Sherlock, whose work has been so important in establishing this important and innovative body, the only one of its kind. Dr Huws is a lecturer and co-ordinator for Welsh-medium teaching at the Department of Law and Criminology. Her research focuses on the Welsh dimension to the law, including the effectiveness of legislation in promoting minority languages, the use of the Welsh language in the courts and the effects of unaffordable housing in rural Wales. Her current research considers the interrelationship of law and language in Welsh and English literature.

CWLA acts as a focus for discussion of matters concerning law and its administration within Wales and as a stimulus for research and commentary. Devolution with its many implications, including the possibility of primary legislation in the future and its requirement of linguistic equality between English and Welsh as legal languages of its productions, together with changes in the structure of the Court Service mean that the legal system in Wales faces many new challenges and opportunities. 'We see CWLA as having an important role to play in the process,' said Dr Huws, 'not only as commentating on the debates in this area, but also as contributing to them. The centre's research focuses very strongly on the law's Welsh dimension, in terms of devolution, Welsh legal history, access to justice and the bilingual dimension to law and legal education in Wales. We also think it is important to forge links between the university and the wider legal community of practitioners, academics and government.' ***Catrin Fflur Huws***

Legal and social science blogs

There is a new blog on the LERSnet site entitled 'Law for non-lawyers who wish to engage in empirical research in law'. If you have opinions or thoughts on the subject, visit **w** www.lersnet.ac.uk.

The Academy of Social Sciences has launched a forum/blog facility on its website **w** www.acss.org.uk. Topics currently include science and society, research ethics, and the allocation of research funding. Any feedback on the forum should be sent to **e** director@acss.org.uk.

Counting peace agreements: the Peace Agreement Database

Since the end of the Cold War, peace agreements have become one of the main ways of addressing protracted social conflict within existing state borders. To facilitate research on peace agreements, a pilot version of the Peace Agreement Database website **w** www.peaceagreements.ulster.ac.uk was launched by the Transitional Justice Institute (TJI) at the University of Ulster in March 2009. The database lists all available peace agreements signed since 1990 and briefly describes peace agreement provision for a range of features, such as amnesty, judicial reform and new human rights institutions. The database aims to further socio-legal research on peace agreements by facilitating comparative legal analysis of peace agreements (as a form of legal instrument). However, bringing the project to its current phase has raised larger questions about the sustainability, location and funding of large-scale databases in socio-legal research.

The database was conceived and researched by Professor Christine Bell and Catherine O'Rourke, with software and search engine developed and hosted by the INCORE web service at Ulster University. It was funded by the Nuffield Foundation and the TJI Support Programme for University Research (funding provided by Atlantic Philanthropies and the Department of Employment and Learning, Northern Ireland).

The pilot database lists over 640 peace agreements signed since 1990, addressing conflicts that affect over 85 jurisdictions. Agreements are listed by conflict, with details of date signed, parties and third parties. The database provides details of the substance of each agreement, setting out the location and a synopsis of provisions in the following categories: amnesty; past mechanism; prisoner release; victims; refugees; land; criminal justice; policing; judicial reform; new rights institutions; enforcement mechanism; international community involvement; UN involvement; and agreement provisions addressing a range of other issues such as women, civil society and socio-economic/development. Further, there are search mechanisms for each category, a word search facility, the capacity to look up specific agreements, and information about where the full text of each peace agreement can be found.

The database began in 1998 as an attempt to construct a complete collection of peace agreements (at that time not recognised as a widespread phenomenon) and enable analysis of their human rights provisions. It began as a personal research tool and an initial list was published in 2000 (C Bell, *Peace Agreements and Human Rights*, OUP). Development of an electronic database began in 2002 and a Nuffield grant in 2007 funded the tracing of missing agreements and an initial web form was made publicly available to test its broader usefulness.

While a number of web collections of peace agreement texts currently exist, these are not coterminous and none have a mechanism for comparing how similar issues are dealt with across peace agreements. Thus, the database now provides a substantial amount of fresh empirical data. Despite the potential for large-scale grant applications, the project indicates how a large amount of data can be gained over a long period of time and made public for a fairly modest sum. Yet, it is limited by the inability to pull up specific provisions and by a restricted search capacity – technical questions requiring additional resources. There is also an ongoing concern about missing agreements. No formal system for registering peace agreements exists, therefore, there is no way to establish whether the collection is complete. Indeed, it would simply not be possible to compile a comprehensive collection. While the database was conceived as a tool for comparative qualitative and legal analysis, peace agreements have recently attracted the interest of quantitative scholars seeking to 'count' them and their provisions on a range of features, such as amnesty or third-party involvement. The inability to compile a conclusive dataset raises issues around the feasibility of such work. Nevertheless, the necessity for better collaboration among peace agreement scholars is obvious and would usefully be prioritised in further funding initiatives.

The usefulness of the data has already been demonstrated. The UN system, in particular, often requires knowledge of how an issue, such as amnesty, is being treated across peace agreements and the database delivers this. Furthermore, data from the database have already formed the basis of substantial qualitative and quantitative scholarly analysis. In a 2007 article (*IPSR* 28(3): 293–324), Bell and O'Rourke examined peace agreement provision for civil society involvement and the extent to which agreements proffered new models of participatory democracy. Peace agreement provision for the involvement of women featured in joint work by the same authors on gender and transitional justice (*IJTJ* (2007) 1: 23–44). The most substantial piece of scholarly work to emerge from the database has been Bell's monograph, *On the Law of Peace* (2008, OUP), winner of the SLSA Book Prize 2009, which uses data from the database on self-determination, transitional justice and third-party involvement and, more generally, in its argument of a new '*lex pacificatoria*' or 'law of the peacemakers'.

The database constitutes an initial pilot from which feedback will be taken with a view to expanding its capacity and to develop analysis from it. Future work aims to use this prototype to develop a larger web resource which would develop the database and increase its search capacity. Suggestions, errors, feedback, or missing agreements would be gratefully received at **e** c.bell@ulster.ac.uk or **e** orourke-c3@email.ulster.ac.uk.

Christine Bell and Catherine O'Rourke

Law, terrorism and the right to know

Dr Lawrence McNamara (School of Law, University of Reading) has been awarded a joint ESRC/AHRC Fellowship in Ideas and Beliefs under the RCUK Global Uncertainties scheme. The £300,000 award funds a three-year research programme on 'Law, Terrorism and the Right to Know'.

The research is concerned with the complex, far-reaching, legal framework that governs the way information about terrorism is obtained by the media and conveyed to the public. Counter-terrorism legislation is important, but so are defamation, contempt, official secrets, freedom of information, free speech rights, the protection of journalists' sources, and the legal and ethical rules surrounding how lawyers deal with the media. The research aims to examine, within that framework, how democratic traditions of media freedom which characterise and sustain our liberal democracy through open, informed public debate – the basis of the public's right to know – can best be balanced against the contemporary demands of national and international security.

The first of three linked projects looks at the media experience of reporting on terrorism. Using interviews with journalists and lawyers, the project will study the impact of the legal framework and also consider how agencies of the government manage and release information. The second project analyses legislative and judicial approaches to balancing openness and secrecy. The third project brings key stakeholders together at a conference to elicit and analyse their perspectives on how openness and secrecy should be balanced to achieve both liberty and security.

A key aim is to foster collaborative work with academic researchers in law, media and other disciplines, as well as engagement with a wide range of participants outside academia. Please contact **e** l.mcnamara@reading.ac.uk to discuss opportunities for involvement in the programme or collaborative work.

Lawrence McNamara

New socio-legal series

Palgrave Macmillan is commissioning a new **Socio-legal Studies Series**. The purpose of the series is to develop two parallel streams, one for pedagogic material about socio-legal studies and the other for the publication of monographs in socio-legal studies. The expectation is that both streams will result in the publication of cutting-edge work which, in the best tradition of socio-legal studies, will reach out to a wide audience. Dave Cown, University of Bristol, is series editor and distinguished academics will be invited to act in an advisory capacity. Proposals are welcomed, at whatever stage of development, from early career academics as well as from more established scholars. Contact **e** d.s.cowan@bris.ac.uk.

Social Justice, from Routledge-Cavendish is a new, critical interdisciplinary series, at the interface of law, social theory, politics and cultural studies. The series welcomes proposals that advance theoretical discussion about social justice, power, institutions, grass-roots practice and values/ethics. Seeking to develop new conversations across different disciplines and fields and working with wide-ranging methodologies, Social Justice seeks contributions that are open, engaging and which speak to a wide, diverse academic audience across all areas of the law, social sciences and humanities. For further information about the series, or to discuss a possible contribution, please contact the editors Kate Bedford **e** k.bedford@kent.ac.uk and Davina Cooper **e** d.s.cooper@kent.ac.uk.

Legal Semiotics Monographs, from Deborah Charles Publications, is a new series which will be published using print-on-demand technology and will be available in both print and electronic formats. The series will include volumes on the different forms of textual analysis of the discourses of the law. These volumes may deal with the semiotics of Greimas, Peirce and Lacan, rhetoric, philosophy of language, pragmatics, sociolinguistics and deconstructionism, as well as more traditional legal philosophical approaches to the language of the law. For additional information or to submit a proposal, please contact Anne Wagner **e** valwagnerfr@yahoo.com.

The Transitional Justice Institute (TJI) has announced the **TJI Research Paper Series** published on the Social Science Research Network. The series is a source for research papers evaluating and exploring key issues related to transitional justice, including: the role of law and legal institutions in assisting (or not) the move from conflict to peace, and repression to more liberal forms of governance; institutional transformation; accountability; amnesty; gender and transition; the law and politics of memory and memoralisation; the relationship between repression and transition; and both theoretical and empirical approaches to measuring change. Submissions are invited for inclusion in the interdisciplinary series which encourages a variety of doctrinal and theoretical perspectives on a variety of subjects related to how societies transition from conflict and repression. Series editors are Fionnuala Ní Aoláin and Aisling Swaine. Contact **e** swaine-a@email.ulster.ac.uk.

In brief . . .

A summary of research undertaken for the Ministry of Justice by Hilary Sommerlad and Peter Sanderson, *Training and Regulating Providers of Publicly Funded Legal Advice*, can be accessed at **w** www.justice.gov.uk/latest-updates/training-regulating-legal-advice.htm . . . Valentina S Vadi has published 'Investing in culture: underwater cultural heritage and international investment law' (2009) *Vanderbilt Journal of Transnational Law* 42(3): 1–52 . . . Thanks to the generosity of previous lecturers in granting copyright clearance, the entire series of Hamlyn Lectures published by Sweet & Maxwell (1949–2004) is now freely available by visiting the Hamlyn website: **w** http://law.exeter.ac.uk/hamlyn/index.shtml.

Diversity and Tolerance in Socio-Legal Contexts: Explorations in the semiotics of law (2009) Anne Wagner and Vijay K Bhatia (eds), Ashgate £60 262pp

Why is there so much resistance to recent issues of tolerance and diversity? Despite efforts of the international community to encourage open-mindedness, recent attempts at international, political and economic integration have shown that religious, cultural and ethnic tolerance and diversity remain under threat. The contributions in the volume reflect the growing importance of these issues and why resistance is so widespread. Part I addresses the relationship between the language of law and its power. Part II explores the interplay of tolerance and diversity under visual, legislative and interpretative perspectives. The collection as a whole offers a combination of varied perspectives on the analysis, application and exploitation of laws.

Child Pornography and Sexual Grooming: Legal and societal responses (2009) Suzanne Ost, CUP £55 288pp

Child pornography and sexual grooming provide case study exemplars of problems that society and law have sought to tackle to avoid both actual and potential harm to children. Yet despite the considerable legal, political and societal concern that these critical phenomena attract, they have not, thus far, been subjected to detailed socio-legal and theoretical scrutiny. How do society and law construct the harms of child pornography and grooming? What impact do constructions of the child have upon legal and societal responses to these phenomena? What has been the impetus behind the expanding criminalisation of behaviour in these areas? The author addresses these and other important questions, exploring the critical tensions within legal and social discourses which must be tackled to discourage moral panic reactions towards child pornography and grooming and advocating a new, more rational approach towards combating these forms of exploitation.

Racism and Equality in the European Union (2008) Mark Bell, OUP £40 227pp

EC legislation requires member states to introduce laws prohibiting racial discrimination in many aspects of everyday life, including employment, education, healthcare and housing. EU institutions have also made periodic commitments to 'mainstream' racial equality: taking anti-racism objectives into account within all areas of EU law and policy. This book analyses the extent to which the objectives of combating racism and promoting ethnic equality have been effectively mainstreamed throughout a wide range of EU policy fields. Drawing on sociological literature, it begins by considering what combating racism means in the contemporary context of the enlarged EU and what the mainstreaming approach entails. It then examines the extent to which EU law and policy objectives have, in practice, been integrated, exploring the effects in the key areas of employment, social inclusion, immigration and criminal law.

General Jurisprudence (2009) William Twining, CUP £75hb/£35pb 544pp

This book explores how globalisation influences the understanding of law. Adopting a broad concept of law and a global perspective, it critically reviews mainstream Western traditions of academic law and legal theory. Its central thesis is that most processes of so-called 'globalisation' take place at sub-global levels and that a healthy cosmopolitan discipline of law should encompass all levels of social relations and the legal ordering of these relations.

Journal discounts for members

The following discounts are available to SLSA members from Oxford Journals: *International Journal of Law Policy and the Family*, £62; *Oxford Journal of Legal Studies*, £66; *Journal of Environmental Law*, £53.00; *Industrial Law Journal*, £71. Full details at **w** www.oxfordjournals.org/page/3517.

- **THE USE OF EMPIRICAL LEGAL RESEARCH IN THE UNDERGRADUATE CURRICULUM: ONE-DAY SEMINAR**
  York Law School: 8 July

A free one-day seminar on the use of empirical legal research in the undergraduate curriculum funded by the Nuffield Foundation and supported by the UK Centre for Legal Education. The seminar will provide an opportunity to examine existing practices, drawing on the experiences of those currently incorporating empirical methods and materials into their work. Details and registration at **w** www.york.ac.uk/law/research/nuffield/empirical-research.htm.

- **RESEARCH IMPACT CONFERENCE**
  Royal Statistical Society, London: 16 July 2009

A major conference to consider the applicability of research impact measurement to the social sciences organised by the Academy of Social Sciences. A distinguished panel of grant funders, evaluators and successful grant applicants will consider: Why does impact now need to be demonstrated to get research funding? How can impact be shown objectively? Is this approach appropriate in the social sciences? What are the limitations and consequences of this approach? How can acceptable research grant applications still be completed? A booking form is available on the academy's website **w** www.acss.org.uk.

- **POSTGRADUATE SCIENCE AND TECHNOLOGY STUDIES**
  Nottingham: 28-29 July 2009

If you are engaged in research in science, technology and society and related fields, this event will provide a key forum in which to present on-going research and build networks within the UK STS community. The conference is organised by postgraduate students and is intended for postgrads at all stages of research. Further information is available at **w** www.psts.org.uk.

- **ROYAL INSTITUTION OF CHARTERED SURVEYORS LEGAL RESEARCH SYMPOSIUM**
  University of Cape Town, South Africa: 10-11 September 2009

This symposium is part of the annual interdisciplinary RICS 'COBRA' conference. The legal research symposium is organised by CIB Working Commission W113 on Law & Dispute Resolution. This is now an established feature at the annual COBRA conference with law papers representing almost one-third of all papers presented in Dublin in September 2008. **w** www.cobra2009.com

- **4TH IVR WORLD CONGRESS: LAW AND LITERATURE WORKSHOP**
  Beijing: 15-20 September 2009

Organised by the Italian Society for Law and Literature **w** www.lawandliterature.org whose first objective is to promote reflection on law by looking at it in connection with literature, taking also into account the contribution that may come from the broader realm of law and the humanities. Coordinator: Enrico Pattaro **e** cirsfid.lawandliterature@unibo.it w www.ivr2009.com

- **DISCIPLINING DISSENT**
  University of Bristol: 18-19 September 2009

To explore the different forms of discipline and power that operate towards, within and through contemporary resistance movements, bringing together scholars from diverse disciplinary backgrounds who share an interest in the ways in which contemporary forms of political dissent, such as those represented by 'anti' or 'alter-globalisation movement(s)', are both disciplined and disciplining. **w** www.bristol.ac.uk/ias/int-events/disciplin-dissent.html

- **EUROPEAN SCIENCE FOUNDATION: LAW AND NEUROSCIENCE**
  Aquafredda de Maratea, Italy: 28-31 October 2009

Conference theme: 'Law and neuroscience – our growing understanding of the human brain and its impact on our legal system'. This conference will address empirical evidence and current research on the likely impacts of neuroscience on legal practice, with a specific focus on European legal systems. The aim is to establish a dialogue between neuroscientists, legal practitioners, researchers in socio-legal studies and social scientists, to further mutual understanding and make some realistic evaluations of the potential developments at the intersection of neuroscience and law. For more details, visit **w** www.esf.org/conferences/09302.

- **9TH ISSUES IN CRIMINAL JUSTICE SERIES**
  Birmingham Law School: 29 October 2009

Secretary of State for Justice's lecture: title to be confirmed (postponed from 21 May). Convenor: Professor Stephen Shute. To attend, contact David Robertson **t** 0121 414 6312 **e** d.robertson@bham.ac.uk.

- **GOOD, BAD OR INDIFFERENT: MEDICINE AND THE CRIMINAL PROCESS**
  Manchester: 3-4 November 2009

This AHRC-funded conference will explore the role of the criminal process in medicine. Day 1 will focus on the prosecution of doctors and in the afternoon there will be workshops on tainted blood; the role of the criminal process; the role of the coroner; assisted dying; tourism and covert acceptance; and the selling of body parts. Day 2 will focus on ethical conflicts in criminal courts. Presentations will be made in the morning on decriminalising assisted dying followed by a discussion on the courts and bioethical conduct. **w** www.law.manchester.ac.uk/research/hccriminalprocess/index.html

- **INTERNATIONAL JOURNAL OF NEIGHBOURHOOD RENEWAL CONFERENCE AND AWARDS CEREMONY**
  London: 19-20 November 2009

Delegates to the event receive a free annual subscription to the *Journal of Neighbourhood Renewal*. There will be a range of speakers from both the policy and academic world to debate and promote good practice in the field of neighbourhood renewal. There are two strands to this event, a practitioners' forum and a researchers' forum. To place an entry for the awards ceremony and also register delegates, email **e** neighbourhoodjournal@googlemail.com.

- **CONFERENCE ON EMPIRICAL LEGAL STUDIES 2009: CALL**
  USC Gould School of Law, Los Angeles: 20-21 November 2009

The conference will feature original empirical and experimental legal scholarship by leading scholars from a diverse range of fields. The deadline for submission of papers is 15 July 2009 with late papers accepted on a space available basis until 1 September 2009. See the Submissions page for details. Conference objectives: to encourage and develop empirical and experimental scholarship on legal issues by providing scholars with an opportunity to present and discuss their work with an interdisciplinary group of people interested in the empirical study of law; and to stimulate ongoing conversations among scholars in law, economics, political science, demographics, finance, psychology, sociology and other disciplines. Visit **w** http://lawweb.usc.edu/cels.

- **ARCHITECTURE AND JUSTICE**
  University of Lincoln: 25-27 November 2009

This conference examines relationships between architecture and justice, not only to explore ways in which justice is manifested architecturally, but also to investigate slippages between the authority that is necessary to justice and force or violence, or to question claims to a universality or standard of justice. Contact Renée Tobe **e** rtobe@lincoln.ac.uk. Further information available at **w** www.lincoln.ac.uk/conferences.

- **LLAA AND LSAANZ: TRANS(L)EGALITÉ**
  2-5 December 2009: Brisbane

Organised by the Law and Literature Association of Australia and Law and Society Association of Australia and New Zealand, the former addressing 'transformation', the latter 'transcendence'. Abstracts of approximately 300 words, detailing which association's theme your paper reports to, should be emailed to **e** translegality@griffith.edu.au by Friday 25 September 2009. **w** www.griffith.edu.au/conference/translegality

- **INTERNATIONAL ROUNDTABLE FOR THE SEMIOTICS OF LAW**
  City University of Hong Kong: 2-5 December 2009

The roundtable will provide an opportunity for a general discussion of issues in the semiotics of law as well as open discussions to increase our knowledge about our transparency, control and power with respect to legal semiotics. Conference convenor: Vijay K Bhatia **e** enbhatia@cityu.edu.hk. **w** http://144.214.44.26/index.php/news/66-news/84-news-call-for-papers