

# Socio-Legal NEWSLETTER No 59 SLSA

THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION AUTUMN/WINTER 2009

## SLSA NEWS AND EVENTS

Annual conference 30 March-1 April 2010

Bristol Law School, University of the West of England

Preparations for next year's conference are now well advanced. The call for papers is now open: closing date **31 January 2010**. The conference has a 'streams and themes' format this year. Full details are available on the conference website at <http://law.uwe.ac.uk/slsa/default.aspx> (and see p 18 of this issue for stream and theme organisers).

This year the plenary speaker is Clive Stafford Smith of the charity Reprieve [www.reprieve.org.uk](http://www.reprieve.org.uk).

Postgraduate conference  
21-22 January 2010

University of Bristol, School of Law

Every year the SLSA organises a conference for postgraduates which provides invaluable advice and support for researchers at the beginning of their careers. This year's sessions will include:

- getting published
- developing academic careers
- giving conference papers
- supervising supervisors.

All sessions will be hosted by leading socio-legal academics.

Attendance is free (with a refundable deposit) and there will also be a free drinks reception and dinner on the 21 January sponsored by the SLSA. Members and non-members alike are welcome to attend. If you're not a member, don't forget that the first year's membership of the SLSA is free for students.

Full details and a booking form are available at [www.slsa.ac.uk](http://www.slsa.ac.uk) and follow the links.

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## SLSA annual seminar competition

The SLSA invites submissions for its annual seminar competition. The seminar competition fund is £5000 which can be awarded to a single proposal or divided between a number of applicants. The money can be used to support the delivery of either an individual seminar or short conference, or a series of events. There are no restrictions concerning the subject matter provided that applicants can show relevance to the socio-legal community. Lead applicants must be members of the SLSA. Applications will not be considered where the amount of support required from the SLSA is less than £300, or where the event is targeted at staff or students of a single institution.

Now in its fourth year, the fund has so far supported three successful events. No award was made in 2008 because none of the applicants' proposals complied fully with the criteria.

If you are considering an application, please make sure that your proposal does not breach the guidance which is downloadable from the SLSA website [www.slsa.ac.uk](http://www.slsa.ac.uk).

If you have any queries about this competition, please contact the organiser, Nicole Busby [n.e.busby@stir.ac.uk](mailto:n.e.busby@stir.ac.uk). The closing date is **31 January 2010**.

Socialising economic relationships - new perspectives and methods for analysing transnational risk regulation

Centre for Socio-Legal Studies, Oxford  
15-16 April 2010

This workshop, supported by the SLSA via the 2009 seminar competition, picks up on three key strands of Karl Polanyi's work. In the early 1940s, he set out in his book *The Great Transformation* a powerful critique of market liberalism and its belief in the self-regulation of economic activity both in a national and global context. This critique is highly relevant to thinking about new regulatory approaches, especially in the context of the current financial crisis. The workshop will address three sets of questions: first, whether and how economic relationships can and should be embedded in social relations; second, how markets can be regulated by private actors, a theme less explored in Polanyi's work; third, whether global economic and social interdependencies promote or hinder the embedding of economic issues in social relationships.

The workshop also seeks to stimulate debate about methodologies for analysing transnational risk regulation. Key concepts central to the analysis of risk regulation in a national context, such as the state, state law and societies bounded by a nation state, are potentially less significant for understanding transnational risk regulation. How do lawyers, political scientists, criminologists, sociologists and economists respond methodologically to the decline of the nation state as a major theoretical and empirical reference point for understanding risk regulation?

Themes for panels include: gendering regulation; corporate governance; the relevance of identity, culture and community; international finance: relocating the 'social'; civil society actors and transnational risk regulation; the challenge of accountability; and emotions and regulation.

The seminar co-ordinators are Bettina Lange, Oxford University, and Dania Thomas, Keele University. For further information please contact [bettina.lange@csls.ox.ac.uk](mailto:bettina.lange@csls.ox.ac.uk).

*Bettina Lange*

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## Socio-Legal Article Prize 2010: short list announced

We are delighted to announce details of the three articles on the short list for this year's Article Prize:

- M Jacob, 'The shared history: unknotting fictive kinship and legal process' (2009) 43 *Law and Society Review* 95-126
- S Lamble, 'Unknowable bodies, unthinkable sexualities: lesbian and transgender legal invisibility in the Toronto women's bathhouse raid' (2009) 18 *Social and Legal Studies* 111-30
- L Mulcahy, 'The unbearable lightness of being? Shifts towards the virtual trial' (2008) 35 *Journal of Law and Society* 464-89

Following changes to the organisation of this year's prizes, the winner will be announced shortly before the annual conference and will participate in an author-meets-reader session in Bristol.

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Next copy deadline: 25 January 2010  
Next publication date: 1 March 2010

**Newsletter back issues**

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

**www.slsa.ac.uk**

The SLSA website contains comprehensive information about the SLSA and its activities. The SLSA news page is updated almost daily with socio-legal news and events. Please send your news items to 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.

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**Newsletter sponsorship**

The *Socio-Legal Newsletter* is sponsored by a consortium of law schools interested in promoting socio-legal studies in the UK. If you think that your institution would like to become involved in this initiative, please contact SLSA chair Sally Wheeler e s.wheeler@qub.ac.uk.



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## SOCIO-LEGAL STUDIES AND THE HUMANITIES

Papers from the one-day SLSA conference on Socio-Legal Studies and the Humanities, November 2008, have been accepted for publication in a special issue of the *International Journal of Law in Context* (2009) 5(3). The issue, guest edited by Dermot Feenan, conference organiser, and Melanie L Williams, keynote speaker at the conference, comprises the following conference papers (plus a commissioned paper from Les Moran and a 'Foreword'):

Dermot Feenan – 'Foreword: socio-legal studies and the humanities'

Melanie L Williams – 'Socio-legal studies and the humanities – law, interdisciplinarity and integrity'

Gary Watt – 'The character of social connection in law and literature: lessons from *Bleak House*'

Eugene McNamee – 'Eye witness – memorialising humanity in Steve McQueen's *Hunger*'

Leslie J Moran – 'Judging pictures: a case study of portraits of the Chief Justices, Supreme Court of New South Wales'

Megan Wachspress – 'Rethinking sovereignty with reference to history and anthropology' **Dermot Feenan**

## SLSA ONLINE DIRECTORY

The SLSA Online Directory was launched earlier this year to replace our annually published traditional directory that became too expensive to produce with the withdrawal of sponsorship. The new directory has the following features:

- individual entry for all SLSA members;
- searchable by name;
- searchable by expertise;
- searchable by institution;
- browsable by non-members;
- accessible from the SLSA website.

The main advantage for members is that they can update their own entries as and when the need arises rather than waiting for a new printed edition each year. Members can publicise their research and publications, make new contacts and keep up to date with colleagues' work.

To begin updating your profile, visit [www.slsa.ac.uk](http://www.slsa.ac.uk) and go to the Members Login menu, visible on the lefthand side of the home page.

If you have any problems updating your profile, contact Marie Selwood [e marieselwood@btinternet.com](mailto:marieselwood@btinternet.com) or Nick Jackson [e n.s.r.jackson@kent.ac.uk](mailto:n.s.r.jackson@kent.ac.uk).

## THE SOCIAL POLICY ASSOCIATION

*The SLSA and the Social Policy Association have recently re-confirmed reciprocal arrangements. So, what is the Social Policy Association and what does it do? Chair Caroline Glendinning provides a short introduction.*

### What is the Social Policy Association?

The Social Policy Association (SPA) supports and represents teachers and researchers in social policy across the UK. It has around 600 members; most work in higher education but some are government researchers or work for voluntary organisations and charities. The profile of academic social policy has changed considerably over the past decade, particularly at undergraduate level, as former departments of social policy have merged with other social science subjects. However, social policy thrives at postgraduate level and demand for social policy research from government and other research commissioners continues to be strong.

### What does the SPA do?

The SPA publishes two journals – the *Journal of Social Policy* and *Social Policy and Society* – and an annual Review. We encourage members with specific interests (eg in user involvement in research and policy) to convene special interest groups. A small grants scheme provides financial support for members wishing to organise seminars or workshops. And we have an active programme of conferences for postgraduate members.

The most important activity in the SPA calendar is the annual conference, usually attended by 200–300 members. As well as plenary and themed paper sessions, the conference provides opportunities for discussions of common interest. For example, during the 2009 conference there was a session on the last Research Assessment Exercise and the forthcoming REF, and a meeting with representatives from the ESRC.

The conference is also the occasion for presentation of the SPA's annual awards. These are given for lifetime achievement, best newcomer, best postgraduate paper, best new publication, and outstanding contribution from a

non-academic. The awards are presented by the SPA president – currently Nick Timmins, social policy correspondent of the *Financial Times*.

The 2010 annual conference will be held at the University of Lincoln from 5–7 July. Reciprocal arrangements mean that SLSA members can register for the conference at the same rate as SPA members.

### Representing the subject externally

A major role for the SPA is to represent members' interests to a range of external bodies. We have regular meetings with the ESRC and represent members in ESRC consultations. We will be responding to the current HEFCE consultation on the REF and are particularly interested in contributing to discussion and debate on the assessment of research impact. We are active in the Academy of Social Sciences, seeing this as an opportunity to add the SPA's voice to wider social science activities. And we have just begun to try and promote the expertise of SPA members within Whitehall and the policy-making community.

A significant minority of our members come from overseas – particularly Scandinavia, Western Europe, the Far East and Australia/New Zealand. We aim to be outward-looking; developing international links and relations between the SPA and social policy associations and networks across the world is an expanding area of activity.

### The SPA and the SLSA

There are significant links between the interests of socio-legal and social policy researchers – for example, in welfare rights and welfare law, immigration, complaints and redress systems – and scope for collaboration across these subject boundaries. Socio-legal practitioners may want to look at masters degrees in social policy. And both organisations will undoubtedly watch with increasing interest the development of the new REF and the implications for the assessment of our research.

For further details about the activities of the SPA, visit our website [www.social-policy.com](http://www.social-policy.com).

**Caroline Glendinning, chair, Social Policy Association**  
**e [cg20@york.ac.uk](mailto:cg20@york.ac.uk)**

## Meeting the needs of teenage boys made homeless as a result of domestic violence

Helen Baker, University of Liverpool Law School, £1450

### Background

It is estimated that at least 75,000 16–24-year-olds experienced homelessness in the UK in 2006–07 (Quilgars et al 2008: 8). The main trigger for young people becoming homeless is relationship breakdown, which often involves domestic violence and abuse (Diaz 2005). Housing is, therefore, a key resource for young people who become homeless as a result of domestic violence. As specialist domestic violence housing service providers, refuges provide crucial assistance to young people and their mothers fleeing domestic violence. Many refuges, however, frequently impose age-limitation policies, usually at the age of 16 or approaching this, upon the teenage sons of women who enter the refuge (Fitzpatrick et al 2003: 73). Significantly, these policies are justified, amongst other reasons, by reference to the teenage boys' likeness to a fully grown man and a concern that they *may* have learned and adapted the abuser's tactics of power and control (GLDVP 2008).

Often, the housing options for teenage boys are limited by the refusal of most refuges to admit them (as young men), resulting in their separation from their mothers and younger siblings (Fitzpatrick et al 2003: 72; Mullender et al 2002: 17). Some teenage boys also 'choose' to remain with the perpetrator (Baker 2005: 294–5). The research project aimed to fill a gap in knowledge relating to the impact of laws and policies upon teenage boys, to identify their needs and examine available housing provision for this under-researched group.

### What the grant allowed me to do

The research grant which the SLSA provided enabled me to conduct a pilot empirical project which built upon the findings of my previous funded research projects (Stalford, Baker and Beveridge 2003; Baker 2005). I applied for £1450 in order to cover travel costs, budget accommodation and transcription of interview data that would arise during the project. The primary, empirical research which the SLSA funded took place during late 2008–2009 and consisted of semi-structured qualitative interviews both with relevant service providers, such as refuge managers, and with teenage boys themselves.

### Findings

The research found that there are wide variations in refuge admission policies for teenage boys, with some refuges refusing access to those over 16, some to boys as young as 12, and others deciding admission on a case-by-case basis. This significantly affected the housing options for teenage boys.

A central reason why refuges may operate such age-limitation policies upon teenage boys is a belief in highly problematic so-called 'cycle of violence' or 'intergenerational transmission of violence' theories. This is the view that boys will copy the violent, externalising behaviour of their fathers while girls 'will become "victims" and learn internalised responses (such as anxiety and depression)' (Hester et al 2007: 72). Such theories are arguably based upon problematic associations which correlate masculinity and being a man with a potential and propensity to commit violence against women and children. Moreover, teenage boys themselves often feel unfairly 'labelled' as potentially violent men by the refusal of refuges to admit them because of these theories.

There is also a clear need both to equip refuges with adequate resources for them to respond to the needs of this distinct group where they are able, and to develop innovative housing solutions for teenage boys as a response to the practical difficulties which inevitably result from excluding

them from refuges. It is also crucial that practical constraints for refuges which mean that they are unable to house teenage boys, such as space, do not get confused with problematic 'cycle of violence' theories.

### Outputs/dissemination

A paper was given at the SLSA annual conference in April at De Montfort University. This paper – and the helpful feedback provided by the audience in a keyword stream – was the basis for an article entitled "'Potentially violent men?': Teenage boys, access to refuges and constructions of men, masculinity and violence' (Baker forthcoming 2009) which forms the background to the research. The article will be published in a special edition of the *Journal of Social Welfare and Family Law* on 'Father's rights, fatherhood and masculinity/ies' due to be published at the end of 2009. The research will also be presented at several conferences on domestic violence/children over the next few months. A further article is also anticipated based on the results of the empirical research conducted.

### Future directions of the research

The project findings will provide the foundation for a wider-ranging proposal for research funding to bodies such as the ESRC in the future.

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### *socio-legal people . . .*

Let your colleagues know your good news! Members are warmly invited to send details of their new posts, awards, prizes etc to [e marieselwood@btinternet.com](mailto:marieselwood@btinternet.com).

The American Society of Criminology has chosen **DAVID NELKEN**, professor in Cardiff Law school, for this year's Sellin-Gluck award, the major award for non-American scholars given each year by the society. The award ceremony took place in Philadelphia in November 2009 at the society's annual conference.

**LINDA MULCAHY** has been appointed to a chair at the LSE from January 2010.

**VALENTINA VADI** joined the School of Law of Maastricht University in October 2009 from the European University Institute, Florence, where she was a researcher and PhD candidate. Prior to coming to Maastricht, she took up a position as adjunct lecturer in international economic law at the Faculty of Law, University of Rome III. She teaches European law, international law and international trade law.

**PROFESSOR NICK WIKLEY**, emeritus professor at the University of Southampton and judge of the Upper Tribunal, is president of the Society of Legal Scholars for 2009/2010.

## Social and legal constructions of nonhuman animals

Karen Morgan, Cardiff University, £765

This ongoing project aims to problematise the dominant forms of relationship between human and nonhuman animals within the UK, and also to examine the regulatory and discursive practices concerning the construction of some nonhuman animals as objects whereas others are granted subjectivity.

We have a paradoxical relationship with other animals which depends largely on whether we see them as 'food' or as potential companions (pets). This contradiction can be illustrated if we consider rabbits. Depending on the context, rabbits may be 'pets', 'food', 'vermin', 'entertainment' (for example, being pulled from a magician's hat), or used for animal testing. The legal position varies depending on the category into which the rabbit is placed – and of course the rabbit itself has no control over the categorisation. There is no essential quality of 'rabbithood' which makes one category more or less likely than another.

So far, the research has involved looking at the academic literature, Department for Environment, Food and Rural Affairs (DEFRA) regulations and the Animal Welfare Act 2006, as well as critically examining the discourses in literature from welfare organisations such as the RSPCA and Compassion in World Farming, together with literature and observational data from agricultural shows, and (along with a colleague, Dr Matthew Cole), newsprint media discourses. I will also be conducting interviews with key personnel and volunteers involved in these and other welfare organisations, campaigning organisations such as the National Farmers' Union, with officials from organisations such as the Kennel Club and the National Cat Club, and those involved with policy making at DEFRA.

Despite the fact that companion animals are, in many ways, prevented from being able to exhibit fully their natural behaviours and (in the vast majority of cases) are subject to confinement, there is still a qualitative difference between our relationship with these and our relationship with farmed animals. In economic terms, the farming of animals is intended to be as efficient (and cheap) as possible – at the cost of the welfare of the animals themselves. The agricultural fairs and livestock brochures advertising particular breeds of cows or sheep emphasise the 'killing-out percentages' – that is the weight of the carcass expressed in terms of the percentage of the weight of the live animal, making no secret of the fact that the animal is to be considered primarily in terms of the profit margin to be gained.

The media analysis to date highlights the discursive (and legislative) position of other animals as property with no legal rights of their own and, consequently, dependent upon the rules devised by humans as to the extent of protection they receive under the law. The legislative status is not always entirely reflected in wider societal dispositions towards other animals; 'pets', for example, may be considered as part of the family rather than as 'property' per se. A news story about rearing a pig for slaughter, headlined 'We're killing our pig but there's nothing cruel about it'<sup>1</sup> would almost certainly cause outrage in the UK media if it expressed the intention to kill a young dog for food, despite the fact that this would not necessarily be illegal.

Some of the preliminary findings of the discursive analysis element of the research have been presented at conferences including, most recently, the British Sociological Association. A book chapter, based on this work and due to reach publication in 2010, is also in progress.<sup>2</sup>

### Notes

1 *The Times* (2009) 30 January, p 9.

2 'The discursive representation of nonhuman animals in a culture of denial' (2010) in B Carter and N Charles (eds), with M Cole, BSA.

## ETHICS STATEMENTS: DO THEY MATTER (II)?

*Part I of this article (SLN 58: 1, 3) briefly reviewed the recent revision of the SLSA ethics statement. The drafting of ethics statements by professional organisations supporting research and the teaching of social science is, however, controversial. Does the revision of the SLSA ethics statement signal collaboration with the project of 'regulating' social science?<sup>1</sup> Has the SLSA succumbed to the temptation to enhance its own legitimacy as a professional organisation by having its own ethics statement? Here, Bettina Lange suggests that ethics statements do matter and can contribute to high standards of conduct in social science research.*

Reflexivity is a hallmark of critical and rigorous research practice and ethics statements facilitate reflection upon possible ethical implications and dilemmas of social science research. Ethics statements can play an important role in maintaining professional autonomy and in developing our own perspectives on research ethics. They should not be understood as a tool for the 'regulation' of social science researchers because regulatory systems require the setting of standards, mechanisms for collecting information about actual behaviour and capacity to enforce standards (Hood et al 2001: 23). The SLSA ethics statement, however, does not seek to set standards. It flags up key ethical issues in socio-legal research. Its main purpose is to raise awareness among socio-legal researchers, including those new to socio-legal research, about possible ethical concerns. The statement encourages researchers to take responsibility themselves for thinking through and addressing potential ethical issues in their research, not to hivel this responsibility off to a university ethics committee. Hence, the revised SLSA statement is named 'A Statement of Principles of Ethical Research Practice'. This is different from the term SLSA 'ethics code' used previously. Moreover, research ethics are not social norms. They are individual value judgments taken by researchers also with reference to the practices of a wider social science research community. Hence, the SLSA ethics statement does not seek to provide 'standards', the first building block of a regulatory regime.

But Hood et al's second and third criteria of regulation are potentially fulfilled. UK universities have put in place ethics review committees that provide capacity to monitor actual behaviour in relation to researchers' ethical research practice and institutional mechanisms for enforcing university governance of social science – including socio-legal – research. Standards enforced by university ethics committees are local norms, with varying reference to professional associations' statements, such as the SLSA ethics statement. Externally, internally or unfunded research that involves human participants<sup>2</sup> may be refused permission to proceed by university ethics committees. Moreover, journal editors may enforce university ethics committee decisions by only accepting articles for publication that are based on research which has cleared university ethics approval (Dingwall 2007: 789).

But is this external regulation of socio-legal research or self-regulation? In the UK, university ethics review committees usually involve academics and so do institutional review boards (IRBs) in the US: 'we are imposing this on ourselves' (Feeley 2007a: 773). But even if ethics statements become implicated *only* in self-regulation by peers, it is clear that their 'regulatory' effects may be problematic for various reasons. First, it is questionable whether existing arrangements are sufficiently accountable and transparent, and thus legitimate (Feeley 2007a: 770; Stark 2007: 777). University ethics review committees, including IRBs in the US, exercise wide and unchecked

discretionary powers, sometimes in an arbitrary manner (Katz 2007: 808). For instance, Katz (2007: 806–7) suggests that, in the US, academics usually do not have a right of appeal against negative decisions of ethics committees. But the ESRC Research Ethics Framework (REF) (2005: 32) suggests that UK university ethics committees should provide opportunities for appealing their decisions. Moreover, ethics committee decision-making is not very transparent. Committee decisions are usually not published. Publication, however, may promote consistency in decision making and enable peer review of these decisions. Without such procedural reforms, it seems that the initial basis for academics collaborating with ethics review no longer holds: that far from perfect institutional designs would be remedied by academics injecting a good dose of common sense and reason into decision making (Feeley 2007a: 764).

But the criticism that university ethics review procedures do not conform sufficiently to an ‘administrative legality’ model should be questioned on two grounds. First, if researchers champion the value of accountability, this should surely apply also to our own research practices? ‘Investigators should not be judge and jury in their own cause.’ (Dingwall 2007: 787) Second, modelling university ethics review committees more closely on legal decision making will also make their work more akin to bureaucratic rule-following and render the apparatus of ‘regulation’ more cumbersome. But those who advocate an ‘administrative legality’ model often complain about the excessive bureaucratic hurdles put in place by review procedures (Feeley 2007a: 765). Moreover, the administrative legality model – keen to curtail discretionary decision making – may be poorly equipped to deal with cultural variation in perceptions of what constitutes ethical and professional research conduct. Written consent procedures can facilitate ethical access arrangements in low-trust societies. But they acquire a very different meaning in high-trust societies where they may actually hinder access to research sites and be considered as offensive by potential research participants (Dingwall 2007: 790). On a more pragmatic level in the UK a significant segment of socio-legal researchers are law graduates who work in law schools and seek to encourage law students to move into socio-legal research. Unreasonable bureaucratic hurdles imposed by institutional ethics review – including an administrative legality model to control regulation of researchers – may deter new socio-legal academics from undertaking empirical research.

But even if we can address the accountability and legitimacy deficits of university ethics review procedures, like most regulatory systems, university ethics review has also unintended negative side effects that further question its operation. University ethics review procedures construct their own vision of what social science, including socio-legal research, is and thus what standards it should conform to. For example, currently university ethics review procedures seek *prior* approval for research. This assumes that at the stage of application there is a specific and discrete project for which approval can be gained. But qualitative research especially can begin in practice in more informal ways, for instance, through conversations with people in the field (Feeley 2007a: 768). Moreover, it may only transpire well into the data collection phase what the ethical issues are, for example, when a researcher has been involved in the field for some time and starts to know the particular circumstances and potential vulnerabilities of research participants. An answer to this criticism could be to reform the prior approval requirement and instead to allow retroactive ethics review of qualitative research projects, for example, before publication (Katz 2007: 807). The ESRC REF expects that ethics approval is normally obtained before the ESRC will release funds, but the possibility that ethics review may be required ‘at a later stage in the project’ is left open (ESRC 2005: 2). The ESRC, however, must be informed of

late ethics approval and may withhold funds if it is not satisfied that appropriate approval has been obtained. More importantly, not only does university ethics review construct its own ideas of what social science research entails, it may also distort how research is being conducted. It may introduce a systematic bias in the choice of methodologies. It has been suggested that it is more difficult to obtain approval for observational studies than for interviewing. Hence, socio-legal research may rely to a disproportionate extent on social actors’ accounts of what they do rather than first-hand observation of what they actually do (Dingwall 2007: 794).

To summarise, ethics statements developed by professional associations can become implicated in the regulation and self-regulation of social science, including socio-legal, research. Serious criticisms have been raised about the actual operation of these regulatory regimes. But the debate itself – for and against governing social science research – should be subject to critical comment.

First, it is ironic that this debate among social scientists draws significantly on anecdotal horror stories (Stark 2007: 783; Katz 2007: 804; see the examples in Feeley 2007a and 2007b). There seems limited quantitative data available, such as the percentage of socio-legal research projects which are refused permission by university ethics review committees or the percentage of those that are required to adjust their research design.<sup>3</sup> In addition, there is speculation about the ‘dark figure’ of socio-legal researchers who modify in a potentially disadvantageous manner their projects in acts of self-censorship in order to secure ethics approval from their university ethics committees (Feeley 2007b: 814). The debate about ethics review would be greatly enhanced by quantitative data, such as a survey of UK socio-legal researchers’ experience of negotiating ethics approval.

Second, debates about the ‘regulation’ of social science research in the name of ethics hinge on broader issues, about who can construct what knowledge about whom, that should be rendered more explicit (see also Becker 1967). For some, debates about the regulation of social science research reflect a power struggle between, on the one hand, university administrators and academics serving on university ethics committees and, on the other, researchers seeking approval for research projects. Sometimes this struggle is framed by human-rights language as involving a conflict between rights to privacy of potential research participants and a right to free speech, including freedom of academic inquiry. The wider point here is that university ethics review committees are not just involved in the resolution of ethical issues in specific research projects but contribute to shaping the nature of liberal, democratic societies. University ethics committees can turn into gatekeepers that limit how freely we can construct knowledge about legal processes in our own or other societies. Where academic knowledge contributes to the development of public policy this can be particularly problematic. It has been suggested that university ethics review procedures may restrict ‘critical’ and ‘progressive’ inquiry (Katz 2007: 805, 808; Feeley 2007b: 811). But how and why is this the case?<sup>4</sup> Some adjustments can be made in order to address this at least to some extent, such as limited consent and anonymity requirements for interviews with powerful representatives of political and economic elites. But the idea of ‘free inquiry’ itself needs to be questioned. ‘Free’ may mean free from state or university administrators’ intervention. But there are nevertheless tacit social patterns that structure researchers’ decisions about what and whom we research.<sup>5</sup> We know, for instance, much more about crimes committed by lower socio-economic groups than we do about white-collar crime. A field of knowledge called ‘human sexuality’ was developed at a particular point in time also through academic research and was turned into a regulatory discourse (Foucault 1976). More

research deals with technological solutions to climate change than an analysis of why people do or don't make low-carbon lifestyle choices. Moreover, it is seldom mentioned that US ethics review in the 1960s sought to deal with negative consequences of social science research, such as the development of psychological tests – used in selection decisions in education and employment – which produced more favourable results for white, middle-class US citizens than other racial and socio-economic groups (Stark 2007a: 779). Hence, a critique of the powers that university ethics review committees wield in 'regulating' socio-legal research needs to be placed in the context of a wider debate about who and what factors shape how researchers select fields of study and the political, economic and social consequences that flow from this.

To conclude, ethics statements are an important aspect of critical reflection among socio-legal researchers about the ethical dilemmas and implications of their research practices. They do not have to be a tool of external regulation of research. On the contrary, they can be an opportunity for maintaining professional autonomy. The ESRC REF (2005: 3, 7) explicitly states that researchers can take into account 'their professional disciplinary standards' (emphasis added) when preparing submissions to university ethics committees. This seems to imply that university ethics committees should have regard to these professional standards when making decisions about whether to grant or refuse ethics approval. Further debate is needed about what those standards or principles of ethical practice should entail. There are important opportunities for socio-legal researchers to get involved in the discussion. The ESRC recently conducted a consultation about possible changes to its 2005 REF<sup>6</sup> and the UK Academy of Social Sciences hosted a conference on ethics in social science in May 2009 and continues to provide an internet discussion forum on ethics review.<sup>7</sup> Last but not least the SLSA Ethics Sub-Committee is keen to hear the views of members of the socio-legal community.

**Dr Bettina Lange, member of the SLSA Ethics Sub-Committee (2006-2009)**

### one-day conferences

The SLSA is keen to sponsor one-day conferences of interest to the socio-legal community. They should be self-funding, although the SLSA is prepared to underwrite them to a limited extent and provide endorsement. If you have an idea for a one-day conference, please contact the SLSA chair or a member of the SLSA Executive Committee (see p 2 for contact details) for an informal discussion. Past conferences have included: equality, human rights and good relations; socio-legal studies and the humanities; grant-writing workshop; justice, power and law; examining textbooks; new ethical challenges in socio-legal research; and innocence projects colloquium.

### Social and Legal Studies 18(4)

Promoting equality?: Gendered messages in state materials for new immigrants – Shauna Wilton

Parrhesia and credibility: the sovereign of refugee status determination – Jennifer Beard and Gregor Noll

The politics of global information sharing: whose cultural agendas are being advanced? – Kathy Bowrey and Jane Anderson

Signs of the surveillant assemblage: privacy regulation, urban CCTV, and governmentality – Randy Lippert

Welcome to 'malaya rodina' (little homeland): gender and penal order in a Russian penal colony – Laura Piacentini, Judith Pallot and Dominique Moran

Access to opportunities in multicultural societies and the relevance of public expression – Silvina Alvarez

### Notes

- 1 For similar concerns being raised about an ethics statement produced by the UK Social Policy Association, see Attwood 2008: 9.
- 2 See, eg, the Oxford University Central University Research Ethics Committee (CUREC) procedures at [www.admin.ox.ac.uk/curec/resrchapp/faqethapp.shtml#\\_Toc101587959](http://www.admin.ox.ac.uk/curec/resrchapp/faqethapp.shtml#_Toc101587959).
- 3 See, eg, the following qualitative statement: 'IRBs employing an instrumentalist cost-benefit analysis regularly withhold approval or require significant research modifications in order to preempt speculative harms.' (Feeley: 2007a: 765) But Bledsoe et al (2007: 598) base their conclusions on 'hundreds of cases' they encountered when serving on IRBs at Northwestern University in the US.
- 4 For instance, in the UK in the field of education studies, a researcher has suggested that her controversial inquiry into consensual teacher-pupil relationships which questions the idea of teachers always being predators who victimise pupils in need of protection would nowadays be unlikely to receive approval from her university ethics committee (Newman 2008: 8).
- 5 Principle 6.7 of the SLSA ethics statement provides: 'When designing research, including identifying research participants, and disseminating research findings socio-legal researchers should give due consideration to principles of diversity and inclusivity. These principles may include consideration of the ethical implications of excluding participants from research on the basis of their class, gender, ethnicity, age, sexual orientation, physical ability, race or religious belief.'
- 6 At [www.esrcsocietytoday.ac.uk/](http://www.esrcsocietytoday.ac.uk/).
- 7 See [www.acss.org.uk/docs/Ethical%20Review%20-%20an%20initiative%20by%20the%20Academy.pdf](http://www.acss.org.uk/docs/Ethical%20Review%20-%20an%20initiative%20by%20the%20Academy.pdf).

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## ACADEMICS AS BORDER GUARDS?

*The government's new points-based immigration system has the potential fundamentally to compromise student-staff relationships and to fuel paranoia and mutual distrust on campus. Scott Poynting, Ann Singleton, Steve Tombs and David Whyte argue that there is no option for university staff but to resist their co-option into the immigration system, and ask if the universities are being over-zealous in their implementation of immigration controls.*

Two years ago, in the atmosphere of fear and paranoia after the failed London and Glasgow car-bomb attacks, *The Daily Telegraph* published a story based on a Tory press release: there was a 'student visa loophole', rendering 'Mr Brown's overall strategies against terrorism . . . "fatally flawed"'. The anti-terrorism 'crackdown' was 'in danger of being undermined by a failure to monitor immigrants' (Carlin et al 2007). Talk of the student visa loopholes soon became commonplace in newspaper articles, conflating immigration and anti-terrorism policies. 'Bogus colleges' were identified as threats but the focus of attention became the search for 'bogus students' in legitimate institutions.

In the bidding war to be tough on terrorism, the crudest of xenophobic policies are quickly laundered and adopted across the political spectrum. By April 2009, the myth of the bogus student threat had found its way to the statute book as the government introduced its new 'Tier 4' of the points-based immigration system, under which universities must be licensed to teach non-EU students. Institutions are required to report to the UK Border Agency (UKBA) students who are not deemed to be in good standing.

Non-EU students have significant proven commitment to their studies, usually at great cost to their families. They must have their fees for the first year deposited up front in a bank account in their name, plus £600 per month in living allowance for themselves and £400 per month living allowance for each dependant. Institutions failing to police the requirements of their licences and other immigration regulations can have their licences downgraded or withdrawn. Moreover, all such overseas students are being forced to acquire biometric identity cards, of the sort that has been roundly rejected for the rest of the population. Educational institutions must keep on file the information on these cards.

While the UKBA is busy raiding universities and other workplaces looking for cleaners without visas<sup>1</sup> it seems that they cannot handle the backlog of applications for visas from students, some of whom have paid thousands of pounds in advance payments of fees, not to mention the hefty non-refundable visa application fees and deposits in UK accounts required under the new immigration regulations (Walsh 2009). The government has inflated the category of 'bogus students' beyond its competency to deal with it. Meanwhile, as we write, a successful applicant for PhD candidacy waits in Islamabad for her passport to be returned from the British High Commission, having submitted it in June and having been told it will yet take 45 days or possibly two months. A recent report claims that there are thousands of such cases (ibid).

Nor is it only student visas. An academic colleague from a non-EU country, having completed his doctoral studies in Britain, was appointed to a lectureship in the UK. In order to have any chance of a visa being issued in time to begin work, he needed to pay £800 for a 'premium service' visa application. ('In time' was difficult, since they had lost his passport and he'd had to apply for another.) They did not have 'premium service' application appointments available at the UKBA in

London, so he was advised to go to the Liverpool or Scotland office for the service, still paying the £800 'premium'. A £1400 fee to a private immigration agent miraculously saw the application processed in time.

The new requirements are also hitting people already here – for example, students continuing their studies beyond their first year are now finding that the rules of the overseas student game have changed since arrival.

Administrative staff at one institution have told us, for example, that students here whose families have been affected by the recent earthquake in Pakistan are suddenly finding their financial situation dramatically altered – many have no family income to help support them now. In the past, the students could have negotiated a payment plan for their fees, but no longer – they are required to have funds in the bank.

The implications of imposing a border policing role on universities, and the xenophobia and 'surveillance creep' that this will encourage, has not been lost on the University and College Union (UCU), whose members are increasingly being required by their employers to give effect to the new regulations, and are already being directed and trained to do so. The union rightly reasons that it is not the job of workers in universities, for example, to become de facto agents of the UKBA (see Labour Research 2009).

Further, it is inimical to the functions and core values of higher education, and those who teach there, to be spying and reporting on their students. These measures fundamentally betray the trust and destroy the openness upon which academic processes and the ethics of the university depend. They are immoral. Nor should university staff be performing mini-Stasi roles for the immigration authorities in filing and submitting personal information about their colleagues from abroad: the data collection functions of immigration authorities are not the rightful province of universities, nor are observing and reporting their attendance patterns and compliance with immigration requirements. We have a duty to cling to whatever remains of the ethic of the university.

Earlier this year, a rapidly swelling number of academics across UK universities and a wide range of disciplines began to share their own experiences of local managements' attempts to implement these requirements. Through email exchanges, the pages of *The Guardian* and the *Times Higher*, and union branch activity, a groundswell of opposition helped to produce a resolution at the UCU's congress, overwhelmingly carried on 29 May, to the effect that:

The UCU immediately launch a campaign of non-compliance with all such policing and surveillance duties (including recording details from foreign national students, supplying personal details to other institutions in our capacity as external examiners, assessors and lecturers, and refusal to request such details on behalf of our own institutions from external examiners, assessors and lecturers. The UCU will give unqualified support to any member disciplined or victimised as a result of this campaign.

These are strong words and bespeak a firm stand. Yet, in these days of Thatcherised industrial relations, union leaderships are timorous of anything with the whiff of illegality. Already four days before the congress, UCU general secretary Sally Hunt was pre-emptively recoiling from this position: 'Members need to be clear that these duties are part of a legal obligation on universities, and that the union's protection of members cannot extend to endorsing a breach of the law relating to the points-based system, or defending members who do so.' (Lipsett 2009) It will therefore require a good deal of pressure from the rank and file, from whence this current resolution came, to hold the leadership to the congress's non-compliance decision. This democratic pressure must be applied.

Yet, at the same time, the UCU must recognise that as well as co-ordinating a campaign of opposition, there currently exists



considerable room for discretion and this can be used effectively as a strategy of opposition.

For example, the requirement to report students not deemed to be in good standing to the UKBA has been over-interpreted and in some institutions staff are expected to engage in continual monitoring of attendance. In other institutions, attendance monitoring has not featured in university interpretations of their legal responsibilities. The UKBA has assured the authors of this report that it was not the intention to interfere with the normal running of institutions, nor that the confidentiality of student counselling services should be compromised, but that message has apparently not reached the university administrations.

The considerable discretion that universities have in implementing the new rules therefore gives us some space to resist. As one commentator has noted, 'the PBS [points-based system] is more blunt instrument than finely calibrated tool' (Wray 2009). The degree of discretion afforded to university administrations also exposes the timid position of the UCU leadership before the members voted for a campaign of disobedience at the national conference.

It is up to us, acting collectively with colleagues, in our departments and trade union branches, to make sure that universities adopt the 'light touch' approach, ensuring that monitoring of student progress continues to take place purely for academic and pastoral care purposes.

This is not the only pressure point, of course. At a meeting of socio-legal scholars in August,<sup>2</sup> colleagues rightly emphasised the need to co-ordinate opposition with other groups of workers and their unions, since, for example, administrative staff at various levels are likely to be placed at the forefront of implementing the new measures.

Moreover, there are some points within the higher education sector where we as individuals can easily and effectively refuse to collude in government and institutions' attempts to use academics to police and monitor immigration controls. Take, for example, external examining, that (largely unpaid) system of collegiate goodwill upon which all of our undergraduate and postgraduate assessment rests; increasingly those of us undertaking such work are being asked to provide evidence of citizenship (and by implication residency) status – so a refusal to engage in any such process would quickly pose problems for those making such demands of us.

But, as evidence of discrimination against potential and actual students and colleagues accumulates, there is an urgency about these issues. While universities are notoriously badly managed, we cannot rely on ineffective if highly paid senior university staff to fail to get their organisational acts together. Indeed, never slow to sniff a pound note (or, to be more precise in this case, 295–395 pound notes per person), the consultancy industry has already geared itself up to train university staff 'to understand the new immigration landscape and its impact on vetting and employing non-UK nationals'.<sup>3</sup>

Higher education institutions have interpreted their duties under the new system very differently, confusing the monitoring of academic progress with the requirement to report 'bogus students'. Amongst a generally confused response are an increasing number of instances of over-zealous interpretations of these new rules, resulting in practices which are inhumane and discriminatory, while the atmosphere for non-EU students and colleagues is becoming increasingly hostile and surrounded with doubt and suspicion.

As academics, and not least as socio-legal scholars, many of whom research and campaign against racism, authoritarianism and surveillance, these should be more than merely academic matters for all of us.

## Notes

- 1 See *Justice for SOAS Cleaners – Stop Deportations!*, <http://freesoascleaners.blogspot.com/>.
- 2 At the 37th annual conference of the European Group for the Study of Deviance and Social Control, 26–29 August 2009, Centre for Criminology and Criminal Justice, UCLAN.
- 3 Public Policy Exchange, *Recruiting Non-UK Nationals: Understanding and working with the points-based immigration system*, <http://publicpolicyexchange.co.uk/events/9K10-PPE.php>.

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## Research funding petition

There is a petition about government criteria for the allocation of research funding on the Number 10 website at <http://petitions.number10.gov.uk/REFandimpact/>. It is open for signatures until October 2010.

## *Journal of Law and Society (Winter 2009)*

### Articles

Interdisciplinarity and the authority paradigm: should law be taken seriously by scientists and social scientists? – Geoffrey Samuel

Intellection and indiscipline – Peter Goodrich

Spectres of transnationalism: changing terrains of sociology of law – Roger Cotterrell

How law changes the environmental mind: an experimental study of the effect of legal norms on moral perceptions and civic enforcement – Oren Perez and Yuval Feldman

Individual adoption by non-heterosexuals and the order of family life in the European Court of Human Rights – Linda Hart

Max Weber on the labour contract: between realism and formal legal thought – Michel Coutu

### Book reviews

*General Jurisprudence* by William Twining – Rod Macdonald

*Fool's Gold* by Gillian Tett – John Flood

*Plunder: When the rule of law is illegal* by Ugo Mattei and Laura Nader – Nimer Sultany

*Conducting Law and Society Research* by Simon Halliday and Patrick Schmidt – Max Travers

*Corruption and Money Laundering* by D Chaikin and J Sharman – Michael Levi

*How To Be French: Nationality in the making since 1789* by Patrick Weil – Jeremy Jennings

## Socio-legal research at the British Library

*The British Library provides a rich resource for legal research of varied purpose and method. Recent surveys conducted within the library and externally show that legal researchers are well represented amongst users of social sciences collections and services at the library. The social science collections and research department at the library is committed to identifying, illuminating and developing collections of value to researchers, and to understanding better the needs of those researchers. Socio-legal studies is a high priority within this activity. This summary by Jonathan Sims and Ian Cooke of Social Sciences Collections and Research provides an overview on collections, a survey of current socio-legal research, collaboration and future activities.*

### Collections

The legal research resource is woven through multiple collections that reflect the British Library's multi-institutional heritage and a predominantly non-disciplinary approach to acquisition and collection management. The library offers an encyclopaedic disciplinary range of resources in one place. Statutory entitlement has long fed the comprehensive acquisition of UK print

publishing and sole distribution. Collecting of overseas research literature continues to build on historically substantial social science, humanities and law collections. In the digital sphere, projects such as the selective web-archiving programme address preservation and long-term access to vulnerable online content.

### Access to print and electronic collections

In most cases, the print collections are held in storage (in London and at Boston Spa in Yorkshire) and may not be browsed by the general public. However, the Social Sciences Reading Room provides browsable access to a selective four-year top slice of UK published social science text books. These include social research methods and legal theory (efforts are made to select sociological jurisprudence), doctrinal works and other literatures at the socio-legal nexus.

Reference materials and services are also provided which, among other functions, mine and signpost the library's very extensive collections of official publications at both municipal and international levels, including policy, parliamentary, and statistical sources, and primary and preparatory legal sources. Full text, abstracting, indexing and citation databases provide search, discovery and access to substantive knowledge, methodology and, in some fields, primary sources for law, sociology, criminology,

anthropology, psychology, cognitive sciences and medicine, political science, management, public administration and policy, social welfare, economics, philosophy, religion and linguistics.

### Manuscripts and archives

It is hard to quantify the legal resource embedded in the library's historically and contextually expansive manuscript and archival collections. Diverse voices inform both internal and external perspectives on the law.

Major collections include selected papers of Home Secretaries and of Lord Chancellors from Bacon to Gardiner. The latter includes records of the National Campaign for the Abolition of the Death Penalty. The Coleridge family papers include the private and professional papers of three generations of judges.

The India Office Records, one of the largest collections within the library, contain many sources pertaining to the administration of justice, public order, and social reform initiatives under British rule. They include the papers of Henry Maine and Cornelia Sorabji (the Indian lawyer, social reformer and 'Lady Assistant to the Court of Wards').

Correspondence of the Lord Chamberlain's office, including annotated transcripts of plays, provide opportunities to observe discretion and negotiation in theatre censorship up to 1968.

### Sound archive

Recordings from the Legal Lives oral history project include extensive

## Complainant credibility and juror education in (mock) rape trials

*Louise Ellison and Vanessa E Munro report the findings of a recent ESRC-funded project on jurors' reactions to the behaviour of rape victims*

Amongst the most commonly cited problems in rape cases is the tendency of defence lawyers to portray the normal behaviour of women as 'unusual' or inconsistent with a genuine complaint. Delay in reporting is often presented as suspicious, as is a complainant's lack of physical resistance/injury. It has also been suggested that complainants who appear calm at trial may fail to convince jurors of their victimisation. In reality, many rape victims never report offences, and many more will delay reporting, often for significant periods. Many offer no physical resistance and

suffer no serious physical injury; and many react by exhibiting extreme calm, often as a conscious coping strategy.

In rape trials in England and Wales, it is largely a matter for the jury to determine the absence of complainant consent and to assess the reasonableness of any belief in consent harboured by the defendant. In other jurisdictions where the jury plays a similarly central function, eg the US, prosecutors have introduced evidence to 'educate' jurors on the impact of rape and the complex, disparate reactions of victims. In 2006, the Office for Criminal Justice Reform proposed something similar in England and Wales. The fate of these proposals is still being debated, but the initiative is based on two assumptions: (i) that certain behaviours on the part of the complainant (including courtroom demeanour, delayed reporting and failure to resist) adversely impact upon jurors' perceptions of credibility; and (ii) that

expert testimony offers a useful vehicle for addressing these shortcomings in jurors' understandings. This ESRC-funded project (RES-000-22-2374) sought to evaluate these claims. It also sought to evaluate the suggestion, made in response to the proposals, that providing guidance via an extended judicial instruction (of the sort subsequently approved by the Court of Appeal in *R v Doody* [2008] EWCA Crim 2394) at the end of the trial would offer an equally – if not more – effective alternative.

Nine mini-trial scenarios were scripted and reconstructed in front of mock jurors. Variables were introduced depending upon: (i) the level of complainant resistance; (ii) the delay between the incident and its report to police; and (iii) the complainant's level of observable distress. Across these variables, the extent to which jurors were provided with educational guidance also differed. Each

interviews with subjects such as Sir Sydney Kentridge and Baroness Hale. Cambridge Union debates include recordings of members of the Associations of Women Barristers and Black Lawyers proposing the motion 'Law is not so much an ass as an Oxford educated ...'.

Elsewhere within the broad scope of the National Sound Archive, external perspectives on the law can be found incidentally, for example, in interviews with diverse groups such as shopkeepers and sex workers.

### Evaluating the collections and current research trends

Over the past 18 months, 'collection mapping' has been employed to assess the completeness of library collections against a wide range of key journal, monograph, working paper series and other resources.

The results have been largely encouraging but have also identified areas for further development. Literature reviews and contacts with empirical researchers have helped build a picture of information sources and needs in socio-legal studies.

This has helped inform colleagues across the library and in the collection-mapping activities. In particular, reviews and discussions with researchers have helped underline the very broad disciplinary base and wide range of relevant publications that inform socio-legal research.

### Collaboration

The wide subject and geographical range of relevant research requires a collaborative approach to research support. The library has recognised this in its Content Strategy consultations, through its close co-operation with the Institute of Advanced Legal Studies, and its enthusiastic membership of the FLARE collaboration (Foreign Law Research [w http://ials.sas.ac.uk/flare/flare.htm](http://ials.sas.ac.uk/flare/flare.htm)).

### Next steps and developments

#### Improved resource discovery

Collection guides, informed by an evaluation of research trends, will provide overviews and detailed information on parts of the library collections. This will accompany library-wide initiatives to improve searching across collections and electronic resources. The potential for digitisation of parts of the collection will be examined, often with academic and commercial partners. In many cases, the likely success of such projects will depend on demand and support from the academic research and practitioner communities.

#### Improved communication tools

The growth of online technologies – and their increasing use within some research communities – provides new opportunities for sharing and collaboration on research outputs. Over the next 12–18 months, the library will be

piloting subject-specific research portals, to share digital content (where copyright owners have agreed), introduce alerting services based on library content, and provide reviews, commentaries, and other discipline-specific services.

#### Continued communication

The library will continue to build on work completed so far in understanding the range of current socio-legal research. Semi-structured focus groups and interviews with individual researchers have been effective and this will be continued.

Online discussion fora are also being considered in order better to understand socio-legal research information needs and progress will be announced via the SLSA website news page.

Please get in touch if you would be interested in contributing to discussions. Whether you are excited by the aspirations outlined here, or offer criticism of the assumptions on which the initial course has been charted, your voice is critical.

The Help for Researchers link provides access to early stage legal studies collection guidance, to social sciences resource signposting, opportunities to explore content guidance by subject, resource type, time period and region, or learn more about the social science team, its events and projects. [w www.bl.uk/reshelp/index.html](http://www.bl.uk/reshelp/index.html)

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and Ian Cooke

reconstruction was observed by 24–26 participants who were separated into three different juries to reach a unanimous, or failing that majority, verdict. These deliberations were recorded and analysed.

### Key Findings

- Concerns regarding current public understandings as to what constitutes a 'normal' reaction to sexual victimisation are merited. In the absence of educational guidance, many jurors were influenced by expectations regarding the instinct to fight back, the compulsion to report immediately and the inability to control one's emotions. Many also harboured unrealistic expectations regarding the association of sexual assault and physical/genital injury.
- Jurors who received education were less likely to consider the fact of a three-day delay before

reporting, or a calm demeanour, as problematic. However, jurors often failed to connect the guidance on the feasibility of a 'freezing response' with non-stranger rape scenarios, and no impact could be discerned as a result of education in terms of expectations of complainant resistance/injury. Jurors responded in broadly similar ways regardless of whether the guidance was presented by an expert near the start of the mock trial or by a judge at the end.

- Jurors relied on expectations of 'normal' sex in assessing the presence or absence of consent, and reasonable belief in consent. This extended to factors such as the location and timing of intercourse, the parties' relative attractiveness and post-coital behaviour. Jurors often emphasised women's responsibility to avoid behaviour that might signal sexual interest to

men, and uncritically endorsed the notion that male sexuality is difficult to control.

- Jurors adopted a mix of verdict and evidence-driven approaches to deliberation. There was no clear relationship between the timing and frequency of voting and the thoroughness with which the evidence was assessed, although the presence of an effective foreperson was significant. There was evidence of verdict shift (from initial preferences for guilty, not guilty or undecided) in all but one of the 27 juries. In the vast majority of cases, the direction of this shift was away from conviction. Jurors often failed to understand and apply legal tests – for example, interpreting the requirement to be 'satisfied so they are sure' of the defendant's guilt as demanding 100 per cent certainty or something close thereto.

## European Journal of Law and Technology

The *European Journal of Law and Technology* (EJLT) is a new European-focused open access and refereed journal which has been developed from the *Journal of Information, Law and Technology* (JILT). JILT has had a long and successful history under the editorship of Abdul Paliwala at Warwick University, but with the editorship and hosting moving to Philip Leith at Queen's University Belfast, the decision was made to restrict the focus of the journal to European issues. Thus, the new title reflects what we hope will be a more European approach of submissions.

European issues in law and technology are much more prevalent now than they were when Abdul set it up as an international journal. The title also reflects a widening of the journal's areas of interest as we specifically seek papers with a socio-legal, criminological and human rights flavour – topics which were certainly relevant to JILT but sometimes not seen to be so by some authors who felt that the journal was for IT lawyers alone.

We remain open access: in a time when more and more journals are making access to content expensive and difficult for those who cannot afford subscription fees, we remain wedded to the idea that research impact is greater when articles are easily accessible; that university research which is publicly funded should be open to the public; that such work should also be available in developing countries; and that open access follows the spirit of copyright law in giving the authors – rather than the publishers – rights over their own work.

The journal website is at [www.ejlt.org](http://www.ejlt.org). We urge you to visit and consider submitting a paper – dealing with any socio-legal aspect of technology – via that site.

*John Morison, School of Law,  
Queen's University Belfast  
(member of editorial team)*

## New SLRC in Dublin

Staff at the School of Law and Government at Dublin City University have recently established the Socio-Legal Research Centre (SLRC). This centre aims to contribute to the body of socio-legal knowledge at national and international levels and to promote a general awareness of the importance of research on the societal impact of the law.

Members of the SLRC have a range of research interests including, amongst others: medical and healthcare law; family law; employment law and policy;

## The 123 Agreement project

As part of a three-year, £30,000 British Academy UK–South Asia Partnership grant awarded to Drs Robert P Barnidge Jr (principal investigator), Sandeep Gopalan, James Green and Anne Thies at the School of Law at the University of Reading, a one-day workshop was held in Reading on 14 September 2009. This workshop explored a number of pressing issues related to the 2007 Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy (123 Agreement).

The 123 Agreement is meant to facilitate the exchange of civil nuclear technology between India and the US and is exceptional in that it goes against the grain of several decades of US non-proliferation practice. Several critics have argued that it unravels the Nuclear Non-Proliferation Treaty and sends the wrong message to allegedly nuclear-aspirant states. Opinion in India is also sharply polarised, with some observers contending that the 123 Agreement surrenders India's sovereignty and conflicts with its policy of neutrality in international relations by inextricably aligning it with the US.

The Reading workshop was the first in a series of three workshops that will be taking place in the UK and India over three years in partnership with the Tamil Nadu Dr Ambedkar Law University, Chennai. The second workshop will be held in Chennai in March 2010 and will particularly focus on trade and environmental issues related to the 123 Agreement.

Other aspects of the 123 Agreement project include a dedicated website, the publication of a selection of the workshop proceedings in hard copy form, and a collaborative teaching element. The project's website is: [www.reading.ac.uk/123agreement](http://www.reading.ac.uk/123agreement).

*Robert Barnidge*

equality and discrimination law; disability law; conflict resolution and mediation; criminal justice and criminal procedure; the law of armed conflict; international human rights law; and judicial reform.

The centre welcomes enquiries on potential collaborative research projects, institutional exchanges, and postgraduate research at masters or doctoral levels. For further information, please contact Dr Brenda Daly [brenda.daly@dcu.ie](mailto:brenda.daly@dcu.ie).

*Brenda Daly*

## Easier access to Jorum

JISCMail is now able to offer access to Jorum from the JISCMail tools area of all list homepages from October 2009. Jorum is a free online repository service for teaching and support staff in UK further and higher education institutions. Jorum encourages sharing, reuse and repurposing of learning and teaching materials created by the community for the community. Jorum is a service in development, run jointly by EDINA and Mimas National Data centres and funded by JISC. For further information see: [www.jorum.ac.uk](http://www.jorum.ac.uk). If you have any enquires, please contact [helpline@jiscmail.ac.uk](mailto:helpline@jiscmail.ac.uk).

### *Journal of Law and Society Special Issue 2010*

**'Regulating sex work: from crime control to neo-liberalism?' – edited by Jane Scouler and Teela Sanders**

Introduction: the changing social and legal context of sexual commerce: why regulation matters – Teela Sanders and Jane Scouler

What's law got to do with it? how and why law matters in the regulation of sex work – Jane Scouler

The mainstreaming of the sex industry: economic inclusion and social ambivalence – Barb Brents and Teela Sanders

Cultural criminology and sex work: resisting regulation through radical democracy and participatory action research (PAR) – Maggie O'Neill

The crusade against sex work in the United States – Ronald Weitzer

Penumbra visions: neo-liberalism, sexual commerce and the case of Indian bar dancing – Prabha Kotiswaran

When (some) prostitution is legal: the impact of law reform on sex work in Australia – Barbara Sullivan

The regulations, tribulations and trials of male clients of sexual services – Belinda Brooks Gordon

Male erotic labour: practices of non-regulation in England and Wales – Mary Elizabeth Whowell

Extreme concern: regulating 'dangerous pictures' in the UK – Feona Attwood and Clarissa Smith

Consuming sex: socio-legal shifts in the space and place of sex-shops – Baptiste Coulmont and Phil Hubbard

## READ ALL ABOUT IT

*In this section of the Socio-Legal Newsletter, we aim to bring a wide variety of new publications to the attention of the socio-legal community.*

Due to the vast amount of material submitted, priority is given in these pages to publications by current SLSA members or containing contributions from members. For obvious reasons, books take up the majority of space, but information on new journals and online material is also included when possible. If you would like your latest publication considered for inclusion in a future issue, please contact [e marieselwood@btinternet.com](mailto:marieselwood@btinternet.com).

### Books

***Conducting Law and Society Research: Reflections on the methods and practices*** (2009) Simon Halliday and Patrick Schmidt, CUP £19.99pb/£55hb 288pp

Through interviews with many of the most noteworthy authors in law and society, this textbook takes students and scholars behind the scenes of empirical scholarship, showing the messy reality of research methods. The challenges and the uncertainties, so often missing from research methods textbooks, are revealed in candid detail. These accessible and revealing conversations about the lived reality of classic projects will be a source of encouragement and inspiration to those embarking on empirical research, ranging across the full array of disciplines that contribute to law and society. For all of the ambiguities and challenges to the social 'scientific' study of law, the reflections found in this book – collectively capturing a portrait of the field through the window of research efforts – individually remind readers that 'good research' displays not an absence of problems, but the care taken in negotiating them.

***Crime Prevention Policies in Comparative Perspective*** (2009) Adam Crawford (ed), Willan Publishing, £25 266pp

For the past two decades or more the growth of public policies and strategies aimed at crime prevention and community safety has constituted one of the major innovations in crime control, with significant implications for the manner in which crime and safety are governed. But how has the preventive turn in crime control policies been implemented in various different countries and what have its implications been? What lessons have been learnt over the ensuing years and what are the major trends influencing the direction of development? What does the future hold for crime prevention and community safety? These are some of the questions explored in this book through a comparative analysis of developments in crime prevention policies across a number of European countries. Contributors explore and assess the different models adopted and the shifting emphasis accorded to differing strategies over time. The book also seeks to compare and contrast different approaches as well as the nature and extent of policy transfer between jurisdictions and the internationalisation of key ideas, strategies and theories of crime prevention and community safety. The book brings together a collection of leading international experts to explore the lessons learnt through implementation and the future directions of crime prevention policies.

***Fraud: Law, procedure and investigation*** (2009) Sally Ramage and Jen Williams, OUP £24.99 264pp

This book provides the first accessible and practical guide to the complex area of fraud law and investigation. Written for police detectives, it takes the reader through key sections of the Fraud Act 2006, as well as other important statutes including the Theft Acts of 1968 and 1978, the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007. The law in each area is clearly explained and brought to life through the extensive use of case studies, examples, relevant case law and practical tips.

***The Age of Consent: Young people, sexuality and citizenship*** (2009) Matthew Waites, Palgrave Macmillan £19.99 298pp

This book addresses the contentious issue of how children's sexual behaviour should be regulated. Responding to contemporary concerns about young people's sexual behaviour, sexual abuse and paedophilia, this book will engage readers in law and socio-legal studies, sociology, history, politics, social policy, youth and childhood studies, and gender and sexuality studies, as well as professionals and practitioners working with young people. This text can be ordered as an e-book for libraries.

***Equity Stirring: The story of justice beyond law*** (2009) Gary Watt, Hart Publishing, £45 258pp

This book is an exploration of the meaning of equity as artists and thinkers have portrayed it within the law and without. Watt finds in law and literature an equity that is necessary to good life and good law but which does not require us to subscribe to a moral or 'natural law' ideal. It is an equity that takes a principled and practical stand against rigid formalism and unthinking routine in law and life, and so provides timely resistance to current forces of extremism and entitlement culture. The project is an educational one in the true etymological sense of leading the reader out into new territory. It will provide the legal scholar with deep insight into the rhetorical, literary and historical foundations of the idea of equity in law, and it will provide the law student with a cultural history of, and an imaginative introduction to, the technical law of equity and trusts. Scholars and students of disciplines such as literature, classics, history, theology, theatre and rhetoric will discover new insights into the art of equity in the law. Along the way, Watt offers a new theory on the naming of Dickens' chancery case *Jarndyce v Jarndyce* and suggests a new connection between Shakespeare and the origin of equity in modern law.

***Understanding Law and Society*** (2009) Max Travers, Routledge-Cavendish £28.99 336pp (£24.64 with SLSA discount)

This textbook on the sociology of law starts by distinguishing a sociological approach to law from 'black-letter', jurisprudential and empirical policy-oriented traditions. Beginning with 'classical', 'consensus' and 'critical' sociological approaches, the book covers the full range of contemporary perspectives, including the new institutionalism, feminism, the interpretive tradition, postmodernism, legal pluralism and globalisation. It then concludes with a consideration of current theoretical issues, as well as a reflection upon the importance of a sociological approach to law.

***Supermax: Controlling risk through solitary confinement*** (2009) Sharon Shalev, Willan Publishing £26 256pp

How does it feel to spend 23 hours a day alone in a small windowless cell with almost no human contact, to communicate with family and friends through a thick glass barrier, and to endure this kind of existence for years on end? Supermax vividly describes the daily reality of life for the tens of thousands of prisoners labelled the 'worst of the worst' in the American prison system. These prisoners are subjected to strict solitary confinement and extreme measures of control, inspection and surveillance. This book documents how the inflexible, harsh and extreme design of supermaxes, meant to control violence, actually breeds it, whilst causing immense suffering for those within their walls. Drawing on unique access to supermax prisons and on in-depth interviews – with prison officials, prison architects, current and former prisoners, mental health professionals, penal, legal, and human rights experts – Sharon Shalev offers a nuanced and comprehensive review of the theory, practice and consequences of these prisons. Supermax asks why solitary confinement, which had been discredited in the past, is now proposed as the solution for dealing with 'difficult', 'dangerous' or 'disruptive' prisoners, and assesses the true costs of supermax confinement.

**Niklas Luhmann: Law, justice, society** (2009) Andreas Philippopoulos-Mihalopoulos, Routledge £68 248pp

This book presents the work of sociologist Niklas Luhmann in a radical new light. Luhmann's theory is introduced both in terms of society at large and the legal system specifically and, for the first time, Luhmann's texts are systematically read together with theoretical insights from post-structuralism, deconstruction, phenomenology, radical ethics, feminism and post-ecologism. In his far-reaching book, the author distances Luhmann's theory from its misrepresentations as conservative, rigorously positivist and disconnected from empirical reality, and firmly locates it in a sphere of post-ideological jurisprudence. The book operates both as a detailed explanation of the theory's concepts and as the locus of a critique which brings forth Luhmann's radical credentials. The focal points are Luhmann's concept of society and the law's paradoxical connection to justice. However, these concepts are also transgressed in order to show how the law deals with the illusion of its identity, and more broadly how the theory itself deals with its limitations. This is illustrated by examples drawn from human rights, constitutional theory and ecological thinking.

**Telling Tales about Men: Conceptions of conscientious objectors to military service during the First World War** (2009) Lois Bibbings, MUP £55hb 240pp, 15 b&w illustrations

*Telling Tales* explores some of the ways in which conscientious objectors to compulsory military service were viewed and treated in England during the First World War. In a series of themed chapters, very different conceptions of these men are considered; here objectors appear as cowards, heroes, traitors, patriots, despicable criminals, law-abiding citizens, degenerates and upstanding, intensely moral folk. The work draws upon a range of materials and disciplines to produce this socio-cultural-legal study. Sources include diaries, government papers, legal records, newspapers, magazines and novels, whilst the book is informed by writings from literary and gender studies, criminology, sociology and history along with law. In terms of methods, *Telling Tales* offers an innovative approach to writing via postmodern and narrative theory. Rather than presenting a single chronological story about their wartime experiences, it tells a number of tales about how objectors were seen and dealt with.

**Human rights casebook, instruments and bibliography**

Fionnuala Ni Aoláin, Transitional Justice Institute co-director, and David Weissbrodt, Regents professor at the University of Minnesota Law School, have published the casebook *International Human Rights: Law, policy and process* (4th edn) (2009). To accompany this, they have also published *Selected International Human Rights Instruments and Bibliography on International Human Rights* (4th edn) (2009). Both are available from Lexis/Nexis (USA).

**Children's Rights and the Developing Law** 3rd edn (2009) Jane Fortin, CUP £50 878pp

Following the implementation of the Human Rights Act 1998, awareness has increased that we live in a rights-based culture and that children constitute an important group of rights holders. Now in its third edition, *Children's Rights* explores the way developing law and policies in England and Wales are simultaneously promoting and undermining the rights of children. It reflects on how far these developments take account of children's interests, using current research on children's needs as a template against which to assess the effectiveness of developments in law and policy, and considering a broad range of topics, including medical law, education and youth justice. A critical approach is maintained throughout, particularly when assessing the extent to which the concept of children's rights is being acknowledged by the courts and policy makers and the degree to which the UK fulfils its obligations under, for example, the UN Convention on the Rights of the Child.

**Free Speech in the New Media** (2009) Thomas Gibbons (ed), Ashgate £160 582pp

This volume deals with questions of political and constitutional principle and theory that affect the law and regulation of content in new media that are based on digital technology. In the light of convergence between different forms of communication, it examines whether the justifications for government intervention in traditional analogue broadcasting and programme delivery continue to be persuasive. The essays examine in general whether new approaches to freedom of expression are required in the digital era and whether there is a continued role for public service broadcasting or its equivalent. They also explore content standards in more detail, discussing arguments for and against regulation in the areas of beliefs, indecency and advertising and whether there is a case for the EU's measures to secure 'television without frontiers'.

**What is Right for Children? The competing paradigms of religion and human rights** (2009) Martha Albertson Fineman and Karen Worthington (eds), Ashgate £70 462pp

Combining feminist legal theory with international human rights concepts, this book examines the presence, participation and treatment of children in a variety of contexts. Specifically, through comparing legal developments in the US with legal developments in countries where views that children are separate from their families and potentially in need of state protection are more widely accepted. The authors address the role of religion in shaping attitudes about parental rights in the US, with particular emphasis upon the fundamentalist belief in natural lines of familial authority. Such beliefs have provoked powerful resistance in the US to human rights approaches that view the child as an independent rights holder and the state as obligated to provide services and protections that are distinctly child-centred. Calling for a rebalancing of relationships within the US family to become more consistent with emerging human rights norms, this collection contains both theoretical debates about and practical approaches to granting positive rights to children.

**Gender and Migration in 21st-Century Europe** (2009) Helen Stalford, Samantha Currie and Samantha Velluti (eds), Ashgate £55 264pp

Providing interdisciplinary and empirically grounded insights into the issues surrounding gender and migration into and within Europe, this work presents a comprehensive and critical overview of the historical, legal, policy and cultural framework underpinning different types of European migration. Analysing the impact of migration on women's careers, the impact of migration on family life, and gender perspectives on forced migration, the authors also examine the consequences of EU enlargement for women's migration opportunities and practices, as well as the impact of new regulatory mechanisms at EU level in addressing issues of forced migration and cross-national family breakdown. Recent interdisciplinary research also offers a new insight into the issue of skilled migration and the gendering of previously male-dominated sectors of the labour market.

**Labour Law** 5th edn (2009) Simon Deakin and Gillian S Morris, Hart Publishing £35 914pp

Labour law is a highly dynamic and complex field which can be properly understood only in its broader international and historical context. This work, increasingly cited as authoritative in the higher appellate courts, provides a comprehensive analysis of the current field, explaining the role of different legal sources, as well as social and economic policy. It thus enables readers to obtain a deeper insight into likely future, as well as past, changes in the law. The new edition highlights important new developments in the areas of contract of employment, discipline and dismissal, discrimination law, EU law, employee representation, human rights, work-life balance policies, trade union law and industrial action law.

**Landmarks in Australian Intellectual Property Law** (2009) Andrew T Kenyon (ed), CUP £50 298pp

This book provides a picture of how Australian intellectual property law has developed as a distinctly Australian body of law during the century since the country was established. The book takes a selection of key intellectual property law cases and tells their stories, situating each case in its historical, cultural, social or economic context, as well as providing factual details about, for example, the arguments made in each case and the evidence adduced. In part, the book offers a deeper legal analysis of the selected cases, many of which have been central to the framing of Australian intellectual property law. It also provides a fuller sense of each case as revealing and influencing wider understandings and practices.

**Spatializing Law: An anthropological geography of law in society** (2009) Franz von Benda-Beckmann, Keebet von Benda-Beckmann and Anne Griffiths (eds), Ashgate £65 240pp

This book focuses on law and its location, exploring how spaces are constructed on the terrestrial and marine surface of the earth with legal means in a rich variety of socio-political, legal and ecological settings. The contributors explore the interrelations between social spaces and physical space, highlighting the ways in which legal rules may localise people's rights and obligations in social space that may be mapped onto physical space. This volume also demonstrates how different notions of space and place become resources that can be mobilised in social, political and economic interaction, paying specific attention to the contradictory ways in which space may be configured and involved in social interaction under conditions of plural legal orders. *Spatializing Law* makes a significant contribution to the anthropological geography of law and will be useful to scholars across a broad array of disciplines.

**Perspectives on Labour Law** 2nd edn (2009) A C L Davies, CUP £60 300pp

Policy discussions play an important role in labour law and labour lawyers draw on a wide range of disciplines and approaches in order to construct their arguments. This overview of the basic principles of labour law and the related policy arguments introduces two of the main perspectives used in the analysis of labour law today – human rights and economics. It offers a brief history of the influence of human rights and economics on labour law since the 1950s, explains neoclassical and new institutional economics and summarises the historical development of international human rights law. The insights of rights theorists and economists are then applied to a selection of topics in labour law, including anti-discrimination law, dismissal, working time, pay, consultation and collective bargaining, trade union membership and industrial action, in order to demonstrate the interplay between the two perspectives.

**The New Corporate Accountability: Corporate social responsibility and the law** (2009) Doreen McBarnet, Aurora Voiculescu and Tom Campbell, CUP £40 602pp

The adoption by companies of corporate social responsibility (CSR) policies is routinely characterised as voluntary. But if CSR is self-governance by business, it is self-governance that has received a firm push from external social and market forces, and away from forces of social accountability. Law is also playing a more significant role than the image of CSR suggests, and this legal accountability – the focus of the book – is set to increase. Legal intervention should not, however, be seen as making social accountability redundant. Wider ethical standards and social and market forces are also necessary to make legal regulation effective. Law is being brought into play in innovative and indirect ways. The initiative lies as much with private organisations as with the state. At the same time, governments are using social and market forces to foster CSR. In the context of CSR, a new, multi-faceted, corporate accountability is emerging.

**Law and Administration** 3rd edn (2009) Carol Harlow and Richard Rawlings, CUP £80 879pp

This definitive textbook explores the field of law which allows government and its agencies practically to apply its laws. The subject, affected by policy and political factors, can challenge even the more advanced student. In response, this title looks at both the law and the factors informing it, laying down the foundations of the subject. This contextualised approach also allows the student to develop the broadest possible perspective. Case law and legislation are set out and discussed and the authors have built in a range of case studies to give a practical emphasis to the approach. It is, however, the distinctive theoretical framework for administrative law that the authors develop that distinguishes this title from others and allows for real understanding of the subject.

**Legal Institutions and Collective Memories** (2009) Susanne Karstedt (ed), Hart Publishing £55hb/£25pb 428pp

In recent decades, the debate among scholars, lawyers, politicians and others about how societies deal with their past has been constant and intensive. This book situates the processes of transitional justice at the intersection between legal procedures and the production of collective and shared meanings of the past. Building upon the work of Maurice Halbwachs, this collection of essays emphasises the extended role and active involvement of contemporary law and legal institutions in public discourse about the past, and explores their impact on the shape that collective memories take in the course of time. The authors uncover a complex pattern of searching for truth, negotiating the past and cultivating the art of forgetting. Their contributions explore the ambiguous and intricate links between the production of justice, truth and memory. The essays cover a broad range of legal institutions, countries and topics. These include transitional trials as monumental spectacles as well as constitutional courts, and the restitution of property rights in Central and Eastern Europe and Australia. The authors explore the biographies of victims and how their voices were repressed, as in the case of Korean comfort women. They explore the role of law and legal institutions in linking individual and collective memories in the transitional period through processes of lustration, and they analyse divided memories about the past and their impact on future reconciliation in South Africa.

**Family Law Advocacy: How barristers help the victims of family failure** (2009) Mavis Maclean and John Eekelaar, Hart Publishing £25pb 132pp

The role of the law in settling family disputes has been a matter of particular debate over the past 25 years. In keeping with the general public perception, the media has been largely critical about the role of lawyers in family law matters, sustaining a general lack of confidence in the legal profession, and a more specific feeling that in family matters lawyers aggravate conflict or even represent a female conspiracy. The climate in which family lawyers practise in England and Wales is therefore a harsh one. The authors of this path-breaking study felt it was time to find out more about the contribution of barristers in family law cases. They therefore embarked on a careful study of the family law Bar, its characteristics, what its members do, and how their activities contribute to the management or resolution of family disputes. Much of the study is comprised of an in-depth examination of the day-to-day activity of members of the family law Bar through observation of individual barristers as they performed their role in the context of a court hearing. In attempting to answer questions such as whether our family justice system is excessively adversarial, or whether family barristers earn too much from human unhappiness, or indeed whether those working in the front line of child protection earn enough, the authors reach some surprising conclusions.

**Crime and Deviance in Cyberspace** (2009) David S Wall (ed), Ashgate £165 624pp

This volume presents the reader with an interesting and provocative selection of contemporary thinking about cybercrimes and their regulation. The contributions cover the years 2002–07, during which period internet service delivery speeds increased a thousandfold. When combined with advances in networked technology, these faster speeds not only made new digital environments more easily accessible, but they also helped give birth to a completely new generation of purely internet-related cybercrimes ranging from spamming, phishing and other automated frauds to automated crimes against the integrity of the systems and their content. To understand these developments, the volume introduces new cybercrime viewpoints and issues, but also a critical edge supported by some of the new research that is beginning to challenge and surpass the hitherto journalistically driven news stories that were once the sole source of information about cybercrimes.

**The Regulation of Organised Civil Society** (2009) Jonathan Garton, Hart Publishing £47 288pp

Although much has been written on organised civil society – the loose collective of organisations that operate outside the public sector, the private market and the family unit – over the past 30 years, there has been little jurisprudential analysis. This is in spite of the fact that a number of jurisdictions, including England, New Zealand, Northern Ireland and Scotland, have recently implemented major reforms to the regulatory frameworks in which civil society organisations operate, with a particular emphasis on the charitable sectors. Redressing the balance, this monograph considers from first principles when it is appropriate to regulate organised civil society and how that regulation might best be accomplished. It integrates the traditionally separate disciplines of civil society theory and regulation theory to provide answers to key questions and advance a rudimentary theory of regulation specific to organised civil society.

**Human Rights in International Investment Law and Arbitration** (2009) P-M Dupuy, Francesco Francioni and Ernst-Ulrich Petersmann (eds), OUP £45 656pp

This book offers a systematic analysis of the interaction between international investment law, investment arbitration and human rights, including the role of national and international courts, investor–state arbitral tribunals and alternative jurisdictions, the risks of legal and jurisdictional fragmentation, the human rights dimensions of investment law and arbitration, and the relationships of substantive and procedural principles of justice to international investment law. Includes, ‘Reconciling the public health with investor rights: the case of tobacco’ by Valentina Vadi.

## Journal news

There are two new criminal law journals: *Criminal Law* (quarterly) and *Criminal Law News* (monthly) – both licensed to Westlaw Global, Thomson Reuters, and edited by Sally Ramage.

The *Hague Journal on the Rule of Law* is a new journal providing a timely forum for the rapidly expanding field of the rule of law, encapsulating cutting-edge study from all related disciplines [www http://journals.cambridge.org/rol](http://journals.cambridge.org/rol).

The first issue of the *Journal of Media Law* is now available, edited by Eric Barendt, Thomas Gibbons and Rachael Craufurd Smith. It turns the spotlight on all the aspects of law which impinge on and shape media practices. Also launched recently is *Law, Innovation and Technology* edited by Roger Brownsword and Han Somsen. The meeting of law and technology is becoming an increasingly significant (and controversial) topic. *Law, Innovation and Technology* engages fully with the subject, setting an innovative and distinctive agenda for lawyers, ethicists and policy makers. Free online access to both journals until 1 January 2010 is available at [www www.hartjournals.co.uk/](http://www.hartjournals.co.uk/).

## ● PERSPECTIVES ON PROSTITUTION

9 December 2009: *Feminist Legal Research Unit, Liverpool Law School*

This seminar will explore interdisciplinary perspectives on prostitution. Speakers are: Phil Hubbard, University of Loughborough; Rachela Colosi, University of Teeside; Anna Carline, Liverpool John Moores University. Attendance is free: please email to confirm attendance. For details, contact Helen Baker [e hebaker@liv.ac.uk](mailto:hebaker@liv.ac.uk).

## ● 4TH INTERNATIONAL CONFERENCE ON SOCIAL SCIENCE RESEARCH

9–11 December 2009: *Gaylord Resort, Nashville, Tennessee*

This interdisciplinary conference draws together faculty members, research scientists and professionals from the social sciences to provide them with the opportunity to interact with colleagues from the same field or other related fields. Registration is available at [www www.socialscienceconf.net/index.htm](http://www.socialscienceconf.net/index.htm).

## ● PROMOTING AND PROTECTING HUMAN RIGHTS IN THE UK

10 December 2009: *Law School, University of Westminster*

Speakers: Andrew Dismore MP, chair of Joint Committee on Human Rights; Francesca Klug, LSE and former member of Equality and Human Rights Commission; Roger Smith, director of JUSTICE. Attendance is free, places limited. RSVP to Emma McClean [e e.mcclean@westminster.ac.uk](mailto:e.mcclean@westminster.ac.uk).

## ● HART JUDICIAL REVIEW CONFERENCE

11 December 2009: *London*

Speakers include: Hon Mr Justice Barling; Tom de la Mare; Marie Demetriou; Michael Fordham QC; Richard Gordon QC; Hon Mr Justice Hickinbottom; Lord Lester of Herne Hill QC; Clive Lewis QC; James Maurici; Helen Mountfield; Tim Otty QC; Nigel Fleming QC. For further details, see [www www.hartpub.co.uk/jrconference09/](http://www.hartpub.co.uk/jrconference09/).

## ● AFTER GUANTANAMO BAY: PERSPECTIVES ON THE WAR ON TERROR

22 January 2010: *Law School, University of Westminster*

The first anniversary of the order to close Guantanamo Bay offers a unique opportunity to re-evaluate international, regional and national responses to terrorism to assess the question of how to address international terrorism. In particular the conference aims to examine the legacy of Guantanamo Bay from legal and political perspectives and to discuss the future direction(s) of the war on terror. Plenary speakers: Carla Ferstman, director of Redress and Clare Algar, executive director of Reprieve. Organiser: [e e.mcclean@wmin.ac.uk](mailto:e.mcclean@wmin.ac.uk).

## ● LEARNING IN LAW ANNUAL CONFERENCE: PERSPECTIVES ON PROGRESS

29–30 January 2010: *University of Warwick*

Keynote speaker: Aaron Porter, vice-president (higher education), the National Union of Students. The conference will play host to the final of the Law Teacher of the Year competition. [www www.ukcle.ac.uk/lilac](http://www.ukcle.ac.uk/lilac)

## ● RETHINKING LAW COLLOQUIUM 2001: CALL FOR PAPERS

10 February 2010: *Trinity College Dublin*

Chair: Mrs Justice Catherine McGuinness, president of the Law Reform Commission. This event brings together law students, undergraduate and postgraduate. Researchers from all institutions are invited to attend. The colloquium will consist of several panels followed by discussion. It is an excellent opportunity to explore current and future developments in the law, to obtain feedback and to experience presenting and participating at a law conference. There will be prizes for the best undergraduate papers. Call closes: 5 December 2009. [www www.tcd.ie/law/studentcolloquium](http://www.tcd.ie/law/studentcolloquium)

## ● JUSTICE, MEDIA AND PUBLIC: CHANGING PUBLIC PERCEPTIONS IN THE NEW MEDIA LANDSCAPE

25–26 March 2010: *Research Institute for Law, Politics and Justice, Keele University*

Speakers include: Judge Keith Cutler, chair of the Judges' Council Committee on Communications; Olga Kavran, spokesperson to the prosecutor, International Criminal Tribunal for the Former Yugoslavia; Joshua Rozenberg, freelance journalist; and Daniel Stepniak, associate professor, University of Western Australia. For any queries, please contact Lieve Gies [e l.gies@keele.ac.uk](mailto:l.gies@keele.ac.uk) and Rob C Mawby [e rim3@leicester.ac.uk](mailto:rim3@leicester.ac.uk).



- **BRITISH ASSOCIATION FOR CANADIAN STUDIES ANNUAL CONFERENCE**

6-8 April 2010: *Murray Edwards College, Cambridge*

This conference will consider a broad range of perspectives on the nature of democracy, meaning, power and possibilities, interpretation, literary and cultural representation, historical meaning, political theory, political philosophy, historical and critical reflections on problems of a globalising age, matters of governance, interpretive approaches and forms of recognition or freedom. It will also consider the manner in which these ideas have been studied and understood by researchers and students over time, so illuminating our shared but contested intellectual and cultural traditions.

www <http://sites.google.com/site/bacsconference2010/>

- **THE FUTURE OF FAMILY PROPERTY IN EUROPE: 4TH CONFERENCE OF THE COMMISSION FOR EUROPEAN FAMILY LAW: CALL FOR PAPERS**

8-10 April 2010: *University of Cambridge*

This event will focus in particular on matrimonial property; pre-nuptial and other agreements relating to family property and finances; and the unification of private international family law. These topics are among the most hotly debated in England and Wales, across Europe and beyond in family law. The conference will provide a valuable forum for discussion amongst academics and practitioners from all jurisdictions, placing local debates in a transnational, European context. Send queries regarding the call to Ian Curry-Sumner, University of Utrecht e [i.curry-sumner@uu.nl](mailto:i.curry-sumner@uu.nl). Other queries to Jo Miles and Jens Scherpe e [cefl2010@law.cam.ac.uk](mailto:cefl2010@law.cam.ac.uk). Call closes: **15 December 2009**. www [www.cef2010.org](http://www.cefl2010.org)

- **MPSA POLITICAL SCIENCE CONFERENCE**

22-25 April 2010: *Chicago*

Conference presentations are organised by topic in more than 60 sections based on different subfields or areas of study. Many of these are interdisciplinary and draw scholars from different fields, providing a variety of perspectives.

www [www.mpsanet.org/Conference/tabid/75/Default.aspx](http://www.mpsanet.org/Conference/tabid/75/Default.aspx)

- **CIB WORLD CONGRESS 2010: CONSTRUCTION LAW AND DISPUTE RESOLUTION STREAM**

10-13 May 2010: *Salford Quays, UK*

Papers will be published in a special issue of the *International Journal of Law in the Built Environment*. For booking and details, visit

www [www.cib2010.com/](http://www.cib2010.com/).

- **EUROPEAN CONSORTIUM ON POLITICAL RESEARCH STANDING GROUP ON REGULATORY GOVERNANCE: CALL FOR PANELS AND PAPERS**

17-19 June 2010: *University College Dublin*

Theme: 'Regulation in an age of crisis'. Leading interdisciplinary conference on regulation held in Europe attracting papers from all over the globe and from disciplines including political science, law, accounting, business, sociology, economics, international relations, anthropology, public administration and other cognate disciplines. Majone Prize for best paper given by an early career researcher. Call at: www [http://regulation.upf.edu/index.php?id=conferences\\_projects](http://regulation.upf.edu/index.php?id=conferences_projects). Call closes: **15 January 2010**. Local organising committee chair e [colin.scott@ucd.ie](mailto:colin.scott@ucd.ie).

- **LSRC INTERNATIONAL RESEARCH CONFERENCE**

30 June-2 July 2010: *Downing College, Cambridge*

The Legal Services Research Centre 2010 International Research Conference will be held at Downing College, University of Cambridge. A call for abstracts will be made shortly. Those requiring further information should contact e [catrina.denvir@legalservices.gov.uk](mailto:catrina.denvir@legalservices.gov.uk) or t 0207 783 7514.

- **SPORT&EU ANNUAL CONFERENCE - THE CHALLENGES OF SPORT GOVERNANCE: CALL FOR PAPERS**

1-2 July 2010: *University of Ghent, Belgium*

Paper and panel proposals are invited addressing issues pertaining to sport governance and the role of public authorities (including but not limited to the EU) and non-governmental sport organisations at different levels in the governance of sport. Call closes **25 January 2010**. www [www.pswx.ugent.be/seuc2010](http://www.pswx.ugent.be/seuc2010)

- **SOCIAL POLICY ASSOCIATION CONFERENCE: CALL FOR PAPERS**

7-9 July 2010: *University of Lincoln*

Proposals are invited for papers on any aspect of social policy, in particular proposals reflecting high quality research or which explore questions of social policy in practice or the teaching of social policy. In 2010, in addition to standard papers, calls are invited for proposals for symposia, with three or four abstracts linked to a particular theme. Symposia will potentially allow participants to engage more deeply with their special interests. Call closes: **12 February 2010**. Full details at www [www.lincoln.ac.uk/home/conferences/spa2010/](http://www.lincoln.ac.uk/home/conferences/spa2010/).

- **W G HART WORKSHOP: COMPARATIVE PERSPECTIVES ON CONSTITUTIONS: THEORY AND PRACTICE: CALL**

29 June-1 July 2010: *Institute of Advanced Legal Studies, London*

The W G Hart Legal Workshop 2010 will explore theoretical and empirical aspects of national constitutions (including instruments such as Basic Laws and 'constitutional statutes'), regional constitutional instruments, and international instruments of a 'constitutional' nature. Particular emphasis will be placed on questions concerning the purposes of constitutions, the extent to which such conceptualisations are given expression in the drafting of constitutional texts, and the means by which methods, techniques and institutional innovations are traded across jurisdictions. Proposals for papers or panels that fall within the framework of these themes are welcomed. The committee especially welcomes contributions from early career researchers and papers of a cross-disciplinary nature. All papers will be posted on the workshop website. Subsequently, the organising committee intends to seek publication of a selection of these papers in more permanent form. Contact Belinda Crothers e [belinda.crothers@sas.ac.uk](mailto:belinda.crothers@sas.ac.uk). Call closes: **14 January 2010**.

- **WORKSHOP: CURRENT SOCIO-LEGAL PERSPECTIVES ON DISPUTE RESOLUTION**

8-9 July 2010: *International Institute for the Sociology of Law, Oñati*

This is a two-day workshop, one day for quantitative research and the other for qualitative research. The workshop is chaired by Masayuki Murayama, Meiji University, Japan e [aa00092@kisc.meiji.ac.jp](mailto:aa00092@kisc.meiji.ac.jp) and Luigi Cominelli, University of Milan, Italy e [luigi.cominelli@unimi.it](mailto:luigi.cominelli@unimi.it). Scholars in the dispute resolution field are invited to participate and present their research. www [www.iisj.es](http://www.iisj.es)

- **INTERNATIONAL ROUNDTABLE FOR SEMIOTICS OF LAW: CALL FOR PAPERS**

3-6 September 2010: *Poznan, Poland*

Conference theme: legal rules, moral norms and democratic principles. Call closes: **1 May 2010**. Full details available at: www [www.springer.com/law/journal/11196](http://www.springer.com/law/journal/11196).

- **SLS ANNUAL CONFERENCE: THE HUMAN RIGHTS ACT 10 YEARS ON**

13-16 September 2010: *University of Southampton*

The main theme of next year's Society of Legal Scholars conference will be 'The Human Rights Act 10 years on' (at least from implementation in England and Wales). Further information on the 2010 conference will appear in due course on the Society of Legal Scholars website: www [www.legalscholars.ac.uk](http://www.legalscholars.ac.uk).

- **MEDIA, COMMUNICATIONS AND PUBLIC SPEECH: CALL FOR PAPERS**

25-26 November 2010: *University of Melbourne Law School*

2010 conference of the CMCL-Centre for Media and Communications Law: abstracts due **1 August 2010**. Plenary speakers include: Eva Hemmungs Wirtén, professor in library and information science, Uppsala University, Sweden; Peter K Yu, Kern family chair in intellectual property law, Drake University Law School, US. Papers are invited from researchers in law, media studies and related fields for this international conference. Work is particularly welcome that focuses on interactions of public speech and media and communications law and policy. Please submit an abstract of up to 300 words including keywords and a biography of 100 words to e [law-cmcl@unimelb.edu.au](mailto:law-cmcl@unimelb.edu.au). Selected papers will be considered for publication in the *Media and Arts Law Review*, after separate refereeing. www [www.law.unimelb.edu.au/cmcl/](http://www.law.unimelb.edu.au/cmcl/)

# SLSA CONFERENCE 2010 UNIVERSITY OF THE WEST OF ENGLAND

## Call for papers

We welcome abstract submissions for all the streams and themes listed below. You are also invited to contact the stream/theme organisers if you want to discuss your idea for a paper prior to submitting an abstract. Submission of abstracts must be made by Word document to the following email address: [e slsa2010@uwe.ac.uk](mailto:slsa2010@uwe.ac.uk).

Once your abstract has been submitted, it will be sent to the relevant stream or theme organiser for their consideration.

Please limit your abstracts to a maximum of 300 words, which should include your title, name and institutional affiliation. In the subject section of your email you should state clearly to which stream or theme you are submitting the abstract. Please note that the deadline for the submission of abstracts is **31 January 2010**.

Full details of the call for papers and registration can be found at: [w http://law.uwe.ac.uk/slsa/default.aspx](http://law.uwe.ac.uk/slsa/default.aspx).

## Subject streams and convenors

### Administrative justice

Mary Seneviratne [e mary.seneviratne@ntu.ac.uk](mailto:mary.seneviratne@ntu.ac.uk)

### Banking and finance law

Clare Chambers [e clare.chambers@uwe.ac.uk](mailto:clare.chambers@uwe.ac.uk)

### Conflict and security law

Brenda Daly [e brenda.daly@dcu.ie](mailto:brenda.daly@dcu.ie) and

Noelle Higgins [e noelle.higgins@dcu.ie](mailto:noelle.higgins@dcu.ie)

### Criminal justice

Daniele Alge [e d.alge@surrey.ac.uk](mailto:d.alge@surrey.ac.uk)

### Family law and policy

Anne Barlow [e a.e.barlow@exeter.ac.uk](mailto:a.e.barlow@exeter.ac.uk) and

Liz Trinder [e e.j.trinder@exeter.ac.uk](mailto:e.j.trinder@exeter.ac.uk)

### Gender, sexuality and the law

Chris Ashford [e chris.ashford@sunderland.ac.uk](mailto:chris.ashford@sunderland.ac.uk)

### Indigenous rights

Sarah Sargent [e sjsargent@aol.com](mailto:sjsargent@aol.com)

### Information technology law and cyberspace

Mark O'Brien [e mark.o'brien@uwe.ac.uk](mailto:mark.o'brien@uwe.ac.uk)

### Intellectual property

Jasem Tarawneh [e jasem.tarawneh@manchester.ac.uk](mailto:jasem.tarawneh@manchester.ac.uk)

### Lawyers and legal professions

Andy Boon and John Flood [e boona@wmin.ac.uk](mailto:boona@wmin.ac.uk)

### Legal education

Tony Bradney [e a.bradney@law.keele.ac.uk](mailto:a.bradney@law.keele.ac.uk) and

Fiona Cownie [e f.cownie@law.keele.ac.uk](mailto:f.cownie@law.keele.ac.uk)

### Medical law

Glenys Williams [e gnw@aber.ac.uk](mailto:gnw@aber.ac.uk)

### Mental health and mental incapacity

Nell Munro [e nell.munro@nottingham.ac.uk](mailto:nell.munro@nottingham.ac.uk) and

Peter Bartlett [e peter.bartlett@nottingham.ac.uk](mailto:peter.bartlett@nottingham.ac.uk)

### Sentencing and punishment

Gavin Dingwall [e gdingwall@dmu.ac.uk](mailto:gdingwall@dmu.ac.uk)

### Sexual offences and offending

Phil Rumney [e phil.rumney@uwe.ac.uk](mailto:phil.rumney@uwe.ac.uk)

### Sports law

Ben Livings [e ben.livings@sunderland.ac.uk](mailto:ben.livings@sunderland.ac.uk)

## Themes

### International economic law: justice and development

**Convenor:** Amanda Perry-Kessaris [e a.perry-kessaris@bbk.ac.uk](mailto:a.perry-kessaris@bbk.ac.uk)

The impact of international economic law and institutions upon justice and development is an issue that justifiably commands attention from all quarters – local politicians and international celebrities, savvy pharmaceutical companies and bewildered farmers, moral philosophers and foreign investors. The aim of this theme is to engage in a critical examination of the law, institutions and practice constituting global and local economies.

### Caring relationships, legal relationships

**Convenors:** Caroline Hunter [e cmh516@york.ac.uk](mailto:cmh516@york.ac.uk) and

Morag McDermont [e morag.mcdermont@bristol.ac.uk](mailto:morag.mcdermont@bristol.ac.uk)

This theme aims to explore caring relationships throughout the life cycle from childhood to old age. Papers exploring any aspect of this are welcome. In particular, papers addressing the following questions are sought:

- how does the law facilitate and regulate relationships between carers and the cared for?
- how does it encourage us to care for ourselves?
- when can and should the state step in to take care of individuals?

### Financialisation and after

**Convenor:** Sally Wheeler [e s.wheeler@qub.ac.uk](mailto:s.wheeler@qub.ac.uk)

This theme aims to explore what might result from the collapse of financialisation (if in fact that is what has happened). Papers exploring what the shape of financial and corporate governance might be as the global economy settles into post-crisis mode at a global, EU or national level are very welcome. Papers that address the consequences for individuals in terms of pensions, risk calculation and financial literacy are also sought. Contributions from postgraduate scholars and from scholars researching outside the paradigm of law are particularly welcome.

### Questioning localism

**Convenor:** Joanne Hunt [e huntj@cf.ac.uk](mailto:huntj@cf.ac.uk)

A (re)turn to localism, with its emphasis on the devolution of power to the local level, on decision making by those most closely affected by decisions, and on local accountability, is increasingly presented as an effective response to the negative implications of centralisation and globalisation. This theme seeks to explore a range of dimensions to this localism agenda, including ideas and practices of democracy, of citizenship, and of regulation. All manner of substantive policy areas can be implicated by a turn to localism and papers are invited from any field.

### Challenging ownership: meanings, space and identity

**Convenor:** Penny English [e penny.english@anglia.ac.uk](mailto:penny.english@anglia.ac.uk)

The title of this theme embraces conflicts over ownership as well as challenges to the meaning of the concept of 'ownership'. Papers are welcomed which address any context in which the law seeks to define, regulate, limit or conceptualise the ownership of tangible or intangible property. In particular this might encompass:

- the emergence of new forms of land ownership or regulation such as community land trusts;
- the extent of rights to intangible, indigenous and cultural property;
- the boundaries between public and private ownership in the context of environmental or heritage protection;
- rights over unowned or abandoned property;
- the relationship of property to individual and collective identity (social, local or national).

Contributions which cross traditional subject boundaries are particularly welcome.

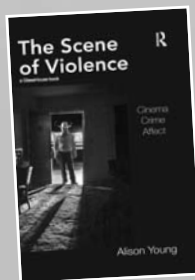


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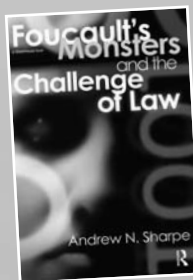
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### **The Scene of Violence** *Cinema, Crime, Affect* Alison Young

A crucial question in the analysis of legal practices concerns the processes through which law engenders identification. While it is conventional to interpret the practices of law through the institutional sources of the legal tradition, *The Scene of Violence* considers how law and legal practices figure in the cultural field and, specifically, in film.

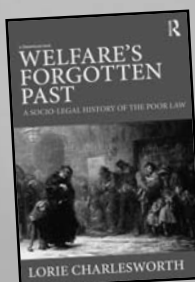
November 2009: 192pp  
Hb: 978-0-415-49071-9: ~~£75.00~~ £63.75



### **Foucault's Monsters and the Challenge of Law** Andrew Neville Sharpe

This book considers the legal category monster from theoretical and historical perspectives and deploys this category in order to understand contemporary anxieties surrounding transsexuals, conjoined twins and transgenic humans.

December 2009: 192pp  
Hb: 978-0-415-43031-9: ~~£70.00~~ £59.50



### **Welfare's Forgotten Past** *A Socio-Legal History of the Poor Law* Lorie Charlesworth

That 'poor law was law' is a fact that has slipped from the consciousness of historians of welfare in England and Wales, and in North America. *Welfare's Forgotten Past* remedies this situation by tracing the history of the legal right of the settled poor to relief when destitute.

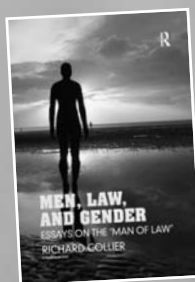
December 2009: 224pp  
Hb: 978-0-415-47738-3: ~~£70.00~~ £59.50



### **Rules, Rubrics and Riches** *The Interrelations between Legal Reform and International Development* Shailaja Fennell

*Rules, Rubrics and Riches* offers a frame for 'law and development' thinking by specifically posing the question 'how do social sciences perceive the role of the law in international development'?

October 2009: 232pp  
Hb: 978-1-904385-29-5: ~~£85.00~~ £72.25  
Pb: 978-0-415-42035-8: ~~£27.99~~ £23.79



### **Men, Law and Gender** *Rethinking the 'Man' of Law* Richard Collier

This book presents the first published comprehensive overview and critical assessment of the relationship between law and masculinities. It provides a general introduction to the subject whilst engaging with the difficult question of what it means to speak of the masculinity of law in the first place.

December 2009: 288pp  
Hb: 978-1-904385-49-3: ~~£70.00~~ £59.50



### **A History of Drugs** *Drugs and Freedom in the Liberal Age* Toby Seddon

*A History of Drugs* details the history of the relationship between drugs and freedom over the last two hundred years; thus disturbing and unravelling the 'naturalness' of the 'drug question', as it traces the multiple and heterogeneous lines of development out of which it has been assembled.

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Hb: 978-0-415-48027-7: ~~£70.00~~ £59.50

## GlassHouse books coming soon from Routledge

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### **Radicalization**

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Melissa Dearey  
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Magnus Hörnqvist  
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