

Socio-Legal

NEWSLETTER No 66 SLSA

THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

SPRING 2012

SLSA 2012: LEICESTER DE MONTFORT LAW SCHOOL

This year's annual conference is being hosted by Leicester De Montfort Law School from **3–5 April 2012**. The venue is the university's new Hugh Aston Building situated in the heart of Leicester city centre.

The past two years have seen the introduction and consolidation of the 'streams and themes' format and this will again be the basis for allocation of papers this year. The seven themes are:

- art, culture and heritage;
- consumers, law and society: 'education, empowerment and enforcement';
- exceptional states: international economic law in times of crisis and change;
- gender, difference and constitutional change;
- indigenous and minority rights;
- legal consciousness: a stocktake;
- neoliberalism and states of injury.

There will also be 25 streams ranging in subject matter (and alphabetically) from administrative justice to systems theories.

Standard registration is open until **16 March 2012** representing a saving of £50 on the late price. Non-members can also save a further £80 by joining the SLSA before booking.

For further information, please visit the conference website (go to www.slsa.ac.uk and follow the links) or email slsa2012@dmu.ac.uk.

SLSA OVERSEAS MEMBERS

Although a UK-based organisation, the SLSA has many international members at academic institutions the world over. Non-UK members receive the same benefits as UK members. These include:

- three issues per year of the *Socio-Legal Newsletter*;
- discounted fees for the SLSA annual conference and one-day conferences;
- weekly email news bulletin;
- eligibility for SLSA research grants;
- eligibility to nominate for book and article prizes;
- eligibility for student bursaries;
- free student membership for one year;
- free postgraduate annual conference.

If you want to keep abreast of news and developments in the socio-legal world, SLSA membership is key. For full details, visit www.slsa.ac.uk/why-join-the-slsa.

SLSA PRIZES 2012

We are delighted to announce the winners of this year's Hart-SLSA prizes. This year in a very strong field the book prize and the early career prize are both shared.

The winners will receive their prizes at the annual conference and take part in the popular author-meets-reader sessions that have been introduced in recent years.

Hart Socio-Legal Book Prize

- Nicholas Blomley (2011) *Rights of Passage: Sidewalks and the regulation of public flow*, Routledge/Glasshouse
- Didi Herman (2011) *An Unfortunate Coincidence: Jews, Jewishness, and English law*, Oxford University Press

Hart Prize for Early Career Academics

- Prabha Kotiswaran (2011) *Dangerous Sex, Invisible Labour: Sex work and the law in India*, Princeton University Press
- Lisa Vanhala (2011) *Making Rights a Reality? Disability rights activists and legal mobilization*, Cambridge University Press

Socio-Legal Article Prize

- Kieran McEvoy, 'What did the lawyers do during the "war"? Neutrality, conflict and the culture of quietism' (2011) 74 *Modern Law Review* 350–84

SLSA GRANTS

This year the Research Grants Committee awarded four grants totalling £6146. Details of the awards are published below. Inside this issue, retiring chair of the Research Grants Committee, Dermot Feenan, offers guidance for future applicants and Elizabeth Craig writes about her completed project on European minority rights law (pages 4–5).

We are delighted to announce that the SLSA will be funding the following four projects in 2012:

- John Jackson, University of Nottingham, and Yassin M'Boge, University of Leicester, £1950 – A socio-legal approach to evidence in the International Criminal Tribunals;
- Kirsten Campbell and Claire Garbett, Goldsmith's College, £996 – The gender of justice: the prosecution of sexual violence in war;
- Emily Grabham, University of Kent, £1300 – The politics of prognosis: HIV, anti-retrovirals, and the definition of disability in UK equality law, 1996–2005;
- Geth Rees, University of Southampton, £1900 – The social construction of forensic sleep expertise.

Also in this issue . . .

- SLSA news – page 3
- SLSA Research Grants Scheme – pages 4–5
- Socio-legal news – pages 6–7

- Philip Selznick's humanist science – pages 8–10
- Socio-legal research – pages 10–11
- Publications – page 12
- Events – pages 13–14

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Executive Committee meetings

The dates of future meetings are as follows:

- AGM, 4 April 2012, DMU, Leicester
- Executive Committee meeting, 5 April 2012, DMU, Leicester

SLSA members are invited to propose items for inclusion on the agenda of future meetings: email SLSA secretary, Amanda Perry-Kessaris, e a.perry-kessaris@soas.ac.uk. Minutes and papers from past meetings are available at w www.slsa.ac.uk/content/view/105/269/.

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www.slsa.ac.uk

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

Disclaimer

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

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Newsletter sponsorship

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

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

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



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SLSA ONE-DAY EVENTS

There are four one-day conferences currently in the calendar: our trio of events on 'Doing, funding, teaching – socio-legal scholarship'; and 'Exploring the legal in socio-legal studies'.

Doing, funding, teaching – socio-legal scholarship

This trio of events will take place in London in 2012. All will be run by senior socio-legal academics and researchers and will benefit from contributions from other experts including research council members, experienced reviewers and successful grant applicants. A discount is available for attendance at all three.

The first one-day conference on **13 March 2012** is entitled 'Doing socio-legal research: empirical challenges and solutions' and will take place at the Nuffield Foundation. The organisers are Linda Mulcahy and Amanda Perry-Kessaris. There are still places available for this event.

The second is 'Funding socio-legal research' on **14 May 2012** also at the Nuffield Foundation, organised by Rosemary Hunter and Anne Barlow. Further details will be published in the weekly e-bulletin in due course. The final one, 'Teaching socio-legally: socio-legal studies in the law curriculum' will be on **31 October 2012**, organised by Penny English and Chris Ashford. Further details, including a registration form, are on the SLSA website at: www.slsa.ac.uk/content/view/291/330.

Exploring the legal in socio-legal studies: call for papers

Following on from the SLSA's one-day conference on 'Exploring the "socio-" in socio-legal studies', this event on **21 September 2012** at the London School of Economics (LSE) will focus on 'the legal' in socio-legal studies.

The rationale for 'Exploring the socio-' was based on locating the social within socio-legal studies. We can, of course, take different views on that location and identity. However, in doing so, we should not lose sight of the terrain of 'the legal' on which there have been significant developments in recent years. Those developments owe a debt to the work of certain STS (science and technology studies) scholars, such as Annelise Riles and Bruno Latour. In her work, Riles draws attention to the significance of metaphor in doctrinal law as an underdeveloped site for the study of socio-legality, which has tended to be an outsider to legal technicality. This outsider-insider approach to legal technicality is potentially productive and recent work suggests that this (ambitious) project is one in which socio-legal scholars should engage. Furthermore, the question of legality engages with thinking about the identity or non-identity of the 'legal' in legal consciousness studies, as well as issues around the scale, space or place of law. Confirmed speakers are: Annalise Riles, Cornell; Chris Tomlins, California Irvine/American Bar Association; Linda Mulcahy, LSE; Andreas Philippopoulos-Mihalopoulos, Westminster

Papers are invited which address the conference theme and which may address the following questions:

- What do we mean by law and legality in socio-legal studies?
- To what extent are the distinctions between 'law in the books' and 'law in action', 'insiders' and 'outsiders', maintainable as binary oppositions?
- To what extent can a focus on legal technicality enrich socio-legal studies?
- What types of methods are appropriate for such study?
- To what extent can socio-legal understandings about legal technicality seep into pedagogical practice?

The call closes on **30 April 2012**. Full details of the call and registration information are available on the website at www.slsa.ac.uk/content/view/295/330. If you have any queries please contact Dave Cowan [e d.s.cowan@bristol.ac.uk](mailto:d.s.cowan@bristol.ac.uk).

SLSA EXEC NEWS

Many of the members of the SLSA Executive Committee will be attending the annual conference in Leicester. As usual, we will have a stand in the foyer and members are welcome to come and meet committee members, find out more about what they do or just have a chat – especially if you're a new member or it's your first time at the conference. We look forward to meeting you.

Annual general meeting

The SLSA's annual general meeting (AGM) will take place on **4 April 2012** at Leicester De Montfort Law School. All SLSA members are invited to attend and can also suggest items for the agenda. Please send agenda items to Amanda Perry-Kessaris by **26 March 2012**.

Thanks to committee members

Phil Rumney stepped down from the Executive Committee in January and Dermot Feenan, Jo Shaw and Sue Millns will be leaving at the AGM. Their colleagues on the committee would like to thank them for their hard work over the past few years. Antonia Layard, Cardiff University, joined in January 2012 to replace Jo Hunt as *Journal of Law and Society* representative.

Vacancies

The SLSA Constitution provides that members are elected for a three-year term, and may, if they wish, re-nominate for a further three-year term, but must step down after serving two terms. This year, two elected members are seeking second terms, and two are stepping down. There are therefore two vacancies for new members on the SLSA Executive Committee. Nominations for these vacancies will be accepted at the AGM to be held on **4 April 2012** during the SLSA annual conference at Leicester De Montfort University. Nominees must be paid-up members, and nominations must be made by two members and have the written consent of the nominee. If there are more nominations than vacancies, a vote will be held at the AGM.

The work of committee members is rewarding and varied. There are several officers, plus opportunities to serve on sub-committees or undertake one-off projects. If you have any queries about the work of the Executive Committee, please contact any member (see page 2 for details).

SLSA Online Directory

Following the recent upgrading of the SLSA website, members are reminded that they can update their directory entries online as and when the need arises. The directory:

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

To begin updating your profile, visit www.slsa.ac.uk and go to the Members Login menu, on the left.

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

The newsletter needs your contributions

News and feature articles are always needed for the newsletter, plus information about books, journals and events. The next deadline is **21 May 2012**. Contact the editor Marie Selwood [e marieselwood@btinternet.com](mailto:marieselwood@btinternet.com) or [t 01227 770189](tel:01227770189).

UNDERSTANDING THE RESEARCH GRANTS SCHEME

Dermot Feenan, chair of the Research Grants Committee, 2010–2012, reports on the scheme, including how the committee works, and offers advice on enhancing the prospects of success for an application.

The Research Grants Scheme funds socio-legal research projects in annual competitive application from members. Projects up to £2000 are eligible. In the last two years the number of eligible applications averaged 22 annually.

Socio-legal research

The scheme funds socio-legal, not simply legal, research, but there is no collective or immutable definition of 'socio-legal'. Empirical research is eligible. Most of the successful applications are well-justified with reference to theoretical issues. Other research is also covered, but the nature of the scheme limits funding to certain eligible costs – for example, accessing documentary materials.

Our procedure

The deadline for applications is 31 October each year. We usually advertise the scheme by way of e-bulletin to members and in the *Socio-Legal Newsletter*. In the last few years we have clarified our criteria, tightened the process of decision-making, and improved the format for applications. But there is always room for improvement, upon which we would be pleased to hear any view.

Details of the scheme, including a bespoke Application Package, are available on our website. A sub-committee of the Executive Committee assesses the applications. Applicants are notified by the end of January each year.

The sub-committee assesses each application according to published criteria, which are repeated as headings in the Application Package. We rate each of these broad criteria on a scale of 1 to 5, as follows: 1=weak, 2=fair, 3=sound, 4=strong, 5=outstanding.

Each member of the sub-committee (there are generally four to five) scores each application independently of the other members. Scores are then collated to calculate average scores for each applicant, which allows a preliminary ranking of candidates. If there is a compelling reason for seeking references, such as a tie-break, we may request them. The committee then discusses the top-ranked applications, with reference to our budget and taking into consideration any further views amongst us on the respective strengths of the applications before agreeing a final ranking.

The committee then recommends to the Executive Committee at its January meeting those final ranked applications which it believes most meritorious for funding. Only top-quality applications will be funded. This may mean that not all the money allocated in one year is spent. In 2011–2012 the success rate among eligible applications was 18 per cent.

Aims and objectives

Applicants are asked to identify aim(s) and objective(s) of the research. The best applications tend to be brief, clear and precise in these respects. They will usually have one aim and a few objectives. There is a limit to how far a small grant can take you. Will aims and objectives be realistic? Avoid confusing language, e.g. in the same section saying: 'main purposes *x* & *y*' and 'principal aim *z*'. Delimit, if necessary, temporal, spatial and other parameters. Aims and objectives should be congruent with the title of the project and the methodology. High-scoring

applications tend also to neatly embed the aims and objectives into a précis of relevant issues in the literature.

Original, innovative and important

Applicants are asked to describe the extent to which the research is original, innovative and important (including reference to the existing literature). It is not enough to state that it is 'socio-legal'. Justify your research question(s). Why this research? What's its novelty and distinctiveness? This invariably requires thorough knowledge of salient literature. The best applications show a selective and nuanced knowledge of the key work (and usually cite name, title and year).

Methods

We ask applicants to describe their methodology, which should be coherent with the aim(s) and objective(s), practicable and, if applicable, include ethical considerations. If the application relates to a research visit, we also ask for a schedule of arrangements, interviews and personnel.

An explicit justification for the choice of method may help. If, for example, a face-to-face interview is chosen, why is this indicated rather than, say, a telephone interview or a questionnaire? High-scoring applications where interviews are proposed tend to specify the issues to be explored in interview.

Ethics

Stating something like: 'institutional ethics approval will be sought' is less helpful than showing whether you have considered specific ethical issues. This consideration need not be complex in the application, but could at least identify key issues. Study of the SLSA Statement of Principles of Ethical Research Practice may help. Obtaining ethics approval can be time-consuming and complex, so a conscious factoring of this into the proposed timescale will help.

Budget

We ask that applicants set out their budget. This should be precise. If the research will involve, for example, various modes of travel, accommodation, transcription of interviews, and subsistence, set out costs fully and accurately. Reasonable assessment of specific future costs is acceptable. See the example below for a fictional research trip from London to Glasgow for three days of interviews at three government agencies:

- transcription of interviews: 10 interviews x 1.5 hours at 75p/minute = £675 (cost based on estimate from Acme Transcribers Ltd);
- 1 standard return train fare London–Glasgow = £70;
- 2 nights' accommodation in Glasgow: £90/night x 2 = £180;
- public transport to and from rail stations @ £8/fare x 4 = £32;
- 3 days' subsistence: £30 x 3 = £90;
- public transport in Glasgow to and from interviews @ £5/fare x 6 = £30.

Total: £1077

The committee has no preferred budgetary scale. We have recently funded projects costed from several hundred pounds to the maximum allowable. In 2011–2012, the average sum sought in successful applications was approximately £1500.

The SLSA is concerned in the current economic situation to ensure value for money. The budget should reflect this. For instance, could five 20-minute largely fact-finding interviews with officials in Hawaii be better conducted by email, phone or video-conferencing? Or, for example, is a stay of two nights overseas to conduct three interviews and to do fieldwork possible rather than three nights?

It's best if the application stands alone for a discrete project, and is not contingent on funding from another application. However, we are also keen to support projects if they will

augment complementary research, including enhancement of the prospects of securing funding for additional research. If so, make clear that relationship and specify the likely sources of funding.

Impact

We also ask for an explanation of potential impact from the research. This need not be policy impact. We ask applicants to include details of any dissemination plans and/or the enhancement of the prospect of obtaining future research grants from other grant-making bodies.

Vague or imprecise plans, e.g. 'the research *may* lead to a series of papers and *might ultimately inform* a book', are less helpful than specific plans: an article, monograph, edited collection, chapter, working paper, conference presentation etc. Better still if you provide full details, e.g. 'completion of an article for submission by [year] to *Law and Society Review*; completion of a chapter in a book [title] under contract with [publisher, due for publication (year)] and presentation of a paper at the SLSA annual conference [year]'. These are perhaps now standard modes of dissemination, so alternative and innovative pathways to impact – such as grassroots impact and new media – are also welcome. But, be realistic. 'At least three articles' may be too ambitious.

General

It should go without saying that correct presentation is important. Errors in grammar or spelling may undermine confidence in, and the coherence of, the application. If necessary, have it spellchecked and/or proof-read by a friend or colleague.

Study past successes

We have funded some excellent applications – well-designed, theoretically informed, methodologically solid and innovative – which are often also modestly costed. These are worth checking. Each year the *Socio-Legal Newsletter* lists awards and publishes reports. A notable recent example is Professor Richard Collier's survey of fathers, lawyers and the work-life balance (SLN 65:5). We do also provide feedback to unsuccessful applicants who are not precluded from re-applying in future.

Note: the criteria for the scheme are subject to amendment from year to year with a view to improving the clarity and transparency of our procedure. Always use the current criteria. Details of the 2012–2013 scheme will be announced in due course.

The internalisation of European Minority rights law: emerging tensions and challenges

Elizabeth Craig, University of Sussex, £980

The overall aim of the project was to identify lessons that could be learnt from some of the controversies that arose over the proposed inclusion of culture, identity and language provisions in a future Bill of Rights for Northern Ireland. The project focused on the reasons for some of the problems encountered with regard to the proposed internalisation of the requirements of European minority rights into domestic law. Particular emphasis was placed on the controversy over the proposed inclusion of 'the right freely to choose to be treated or not to be treated' as belonging to a minority group with no disadvantage resulting from that choice, a right enshrined in Article 3 of the Council of Europe's Framework Convention for the Protection of National Minorities. The intention was to acquire a deeper understanding of some of the tensions that have emerged between the liberal and communitarian agendas and between the 'politics of recognition' and the 'politics of redistribution' discourses.

The funded element of the project involved one research trip to Germany and two research trips to Northern Ireland. The trip to Germany involved library-based research in a jurisdiction that places considerable importance on the individual right to self-identification. Particular focus was placed on the interpretation of Article 2(1) of the German Basic Law on the right to the free development of one's personality, and on Article 3, the provision dealing with equality. The research revealed the particularity of the constitutional context within which the right was developed as well as ongoing tensions with the equality framework and with the requirements of the Framework Convention, particularly in relation to the issue of data collection.

The research visits to Northern Ireland involved interviews with political and civic representatives of parties and organisations that had from the outset adopted a clear position on culture, identity and language issues within the context of the work of the Northern Ireland Bill of Rights Forum. Interviewees were selected on that basis. The interviews were used to supplement documentary research drawing upon party

and sector position papers as well as other official documentation. Reasons identified for the failure included different interpretations of the Framework Convention and the tendency towards a 'pick and mix' approach, as well as the influence of different political philosophies and of identity-based politics. The research also revealed that the underlying tensions, which prevented a consensus being reached, remain unresolved. The extent to which language rights claims in Northern Ireland are needs- or identity-based was raised in a number of interviews, as was the appropriateness of including socio-economic rights in a Bill of Rights and the relationship between the equality and human rights frameworks. There was also considerable discussion of the continued appropriateness of the 'two communities' paradigm enshrined in the Belfast Agreement of 1998 with particular concern raised by some interviewees about the problems encountered in the development of the Cohesion, Sharing and Integration Strategy and of the 'good relations' paradigm.

It became clear during the course of the research that tensions between different agendas and discourses are reflected within European minority rights law more generally. An initial summary of these tensions was presented at the W G A Hart legal workshop on 'Comparative aspects on constitutions' in July 2010 and at the inaugural conference of the Minority Research Network held at Erasmus University, Rotterdam, in October 2010. However, the research conducted in both Germany and Northern Ireland led the researcher to the preliminary conclusion that such tensions should be addressed first and foremost at the local level. The research findings are currently being written up in an article focusing on the problems and tensions encountered in the internalisation of European minority rights law into domestic law. Wider dissemination depends on further developments in the political process.

This project was the researcher's first experience of conducting interviews for research purposes, of university ethics procedures and of the use of NVivo. There were a number of practical problems encountered (e.g. in relation to the availability of interviewees) as well as significant changes in the political context. The lessons learnt informed the researcher's input into the teaching of the dissertation option at Sussex in 2010–2011 and have led to more effective supervision of postgraduate students engaged in empirical legal research.

Council of Europe members speak out on international compliance with the ECHR

The former secretary general of the Council of Europe (CoE) Terry Davis divulged some of the secrets of member state compliance with the European Convention on Human Rights (ECHR) at a Foundation for Law, Justice and Society (FLJS) conference held at Wolfson College, Oxford on 11 January 2012. The conference assessed the emergence and institutionalisation of international norms, using the CoE as a focus for discussion, and came in the lead-up to David Cameron's speech in Strasbourg at which he used the UK's presidency of the CoE to push for reform of the European Court of Human Rights (ECHR).

Academics from the UK, USA and France opened proceedings by exploring the concept of 'norm entrepreneurship' and how it can be a useful frame of analysis for studying the workings of the CoE and other transnational policy actors.

Professor Denis Galligan from FLJS chaired the subsequent panel at which conference co-convenor Professor Anne Deighton laid out the historical context of the Cold War against which the CoE founding convention – the ECHR – was developed. The adoption of over 200 conventions by the CoE was then charted by Manuel Lezertua, director of legal advice at the CoE, who went on to describe the recent critical review of the conventions commissioned by the secretary general, to improve their visibility and impact and the number of parties to these conventions.

After lunch, Professor Rainer Hofmann gave an insight into his role at the CoE in the implementation of the Framework Convention for the Protection of National Minorities, which emerged in 1993 in reaction to the war in the then Yugoslavia. He described the aims of managing majority/minority relations in member states in order to avoid similar regional instability in future. In closing, he noted the challenges posed by the increasing reluctance of member states to submit to scrutiny and monitoring by the CoE, citing the objections to interventions on prisoner voting rights in the UK as one prominent recent example.

The concluding session featured a panel in which experts explored the ambivalent relationship of both competition and cooperation between the CoE and the EU in the field of criminal justice; the conditions necessary to raise regulatory standards in the development of the Common European Asylum System; and a comparative perspective on the UN Responsibilities to Protect (R2P) and to Rebuild.

The conference was brought to a fitting close by Terry Davis's address, in which he shed light on the respective roles of the ECtHR, the Parliamentary Assembly and the Commissioner for Human Rights in standard-setting and compliance. Particular successes during his time at the helm of the CoE included the establishment of the Committee on the Prevention of Torture and measures to combat people-trafficking – a pan-European problem affecting countries of origin, transit and destination that the CoE was able to tackle particularly effectively by facilitating cooperation across its extended network of member states.

A full report and podcasts of the speakers are available from www.fljs.org/CouncilofEuropepodcasts. **Phil Dines**

socio-legal people . . .

PROFESSOR NICOLA LACEY, Centre for Criminology, University of Oxford, has been awarded the Hans Sigrist Prize 2011 by the University of Bern for outstanding research in the field of 'The rule of law in late modernity'. Nicola's publications cited in the presentation speech were *A Life of H L A Hart: The nightmare and the noble dream* (2004) Oxford University Press and *The Prisoners' Dilemma: Political economy and punishment in contemporary democracies* (2008) Cambridge University Press.

Oxford Regulation Discussion Group

In January 2012, the Centre for Socio-Legal Studies launched the Regulation Discussion Group (RDG), organised by Bettina Lange, Asma Vranaki, Andres Gonzalez-Watty and Frances Foster-Thorpe. The group provides a forum for all interested in analysing regulatory practice from a theoretical, empirical and public policy perspective. It seeks to facilitate cross-disciplinary debate about regulation among lawyers, sociologists, political scientists and economists. The group also organises 'work-in-progress' sessions which will also support graduate students' work in the field of regulation by providing them with a forum to network and discuss cutting-edge regulation research.

For its launch, the RDG is presenting a seminar series on the 'regulatory imagination'. Speakers include: Michael Moran, University of Manchester; Veerle Heyvaert, London School of Economics; Sylvia Walby, University of Lancaster; Toni Williams, University of Kent; and Bronislaw Szerszynski, University of Lancaster. Please contact Bettina Lange for further details [e bettina.lange@csls.ox.ac.uk](mailto:bettina.lange@csls.ox.ac.uk) and see the website at www.oxonregulationdiscussiongroup.co.uk. **Bettina Lange**

Advice agencies research project, Bristol

Research begins in March 2012 on 'New sites of legal consciousness: a case study of UK advice agencies', a four-year programme funded by a European Research Council Starter Investigator Grant awarded to Dr Morag McDermont of the University of Bristol Law School. The grant of €1.02m will fund three interlinked projects. The first, 'Citizens Advice Bureaux and employment disputes' (with Professor Nicole Busby, University of Strathclyde) will investigate the strategies and relations deployed by Citizens Advice Bureaux clients to find resolutions to employment problems. This will include an investigation of experiences of the Employment Tribunal system and ACAS (Advisory, Conciliation and Arbitration Service). The second project, 'Citizens Advice Bureaux workers and volunteers, ideas of legality and citizenship' with Professor John Clarke, Open University, will examine how ideas of legality and citizenship shape the principal advice organisation in England and Wales, Citizens Advice, in terms of daily practices of advice-giving, its training of volunteer advisers and its approach to social policy and campaigning. The third, a PhD studentship, will investigate 'Campaigning organisations and advice provision'. **Morag McDermont**

The role of lawyers in transitions

Dr Louise Mallinder of the Transitional Justice Institute has been awarded £600,000 from the Economic and Social Research Council for a research project on 'Lawyers, conflict and transition' with colleagues from Queen's University Belfast, Professor Kieran McEvoy and Dr Marny Requa. The project begins in March 2012.

This project will explore the role of lawyers in transitions from violence or authoritarianism. Despite the centrality of the rule of law to the contemporary theory and practice of transitional justice, there is little emphasis in the relevant literature on the role of lawyers outside the courts or, indeed, as the 'real people' at work in the system. Although the importance of different forms of agency exercised by lawyers in peaceful societies is well established, analysis of their diverse roles in transitions is significantly underdeveloped in the literature. Lawyers are often key actors in strategic litigation or popular mobilisation before transitions, in political negotiations prior to and during a transition, in enacting legal reforms and testing their meaning in the courts, and in shaping the work of past-focused initiatives that address issues such as truth, accountability and reconciliation. **Lisa Gormley**

Gender, Conflict and Human Rights LLM

Building on the success of its Human Rights Law and Transitional Justice LLM and the annual summer school in Gender and Transitional Justice, the Transitional Justice Institute (TJI) at the University of Ulster will launch its new Gender, Conflict and Human Rights LLM in September 2012. This unique new course will provide a foundational knowledge in human rights law and an advanced understanding of gender issues in conflict. The course will be delivered by leading researchers in the field, including Professors Fionnuala Ní Aoláin and Monica McWilliams, Drs Catherine O'Rourke and Khanyisela Moyo, and Eilish Rooney. The course will be delivered at the Jordanstown campus, on a full-time (one-year) or part-time (two-year) basis, providing excellent flexibility in duration of study. The programme will enable students to develop skills highly relevant to advocacy, policy and research, and will be particularly beneficial to those working (or seeking to work) in the NGO sector. The taught element of the LLM is complemented by several internship opportunities with leading organisations in the field of gender, human rights and conflict, in addition to a lively events programme.

Visit www.transitionaljustice.ulster.ac.uk or email ellm@ulster.ac.uk.
Catherine O'Rourke

Sociology of law on cybernorms.net

Cybernorms.net at Lund University is making available a series of video interviews with European scholars working in the field of sociology of law. The interviews are conducted by Håkan Hydén, Samuel Pufendorf professor of sociology of law at Lund. The whole series will be available on iTunesU, using the search term 'Cybernorms', or they can be watched on the Cybernorms blog www.cybernorms.net. They are intended as a contribution to the web-based, distance-learning Lund University masters programme, Sociology of European Law, at the university's Faculty of Social Sciences. So far the series includes interviews with David Nelken, Reza Banakar and Roger Cotterrell.

Roger Cotterrell

Law Development and the Arts Network

The Law, Development and the Arts Network (LDAN) is a forum for those who seek to challenge the boundaries of expertise and expert language, using the arts as an accessible vernacular to explore and communicate ideas, processes and projects in law and development. Members are drawn from academic, policy, non-governmental and artistic institutions. The academic coordinators are Patrick Hanafin (Birkbeck) and Deval Desai and Amanda Perry-Kessaris (both School of Oriental and African Studies).

For more information, please go to the website. www.bbk.ac.uk/law/our-research/centre-for-law-and-the-humanities/ldan.
Amanda Perry-Kessaris

Research methods training bursaries

The Economic and Social Research Council wishes to improve the standards of research methods and stimulate the uptake of high-quality training courses in research methods across the UK social science community. Each year there are 50 bursaries for up to £1000 each to enable staff in the UK social science community engaged in research, teaching research methods or supervising research to update their research skills. These bursaries are administered via the National Centre for Research Methods. The next time-period for applications opens on 1 April 2012. See www.ncrm.ac.uk and follow the training link.

Funding opportunities: AHRC

In the first of a regular series, we look at the programmes run by major funders operating either on a rolling basis throughout the year or currently open. In this issue, we focus on the Arts and Humanities Research Council (AHRC).

In the last complete financial year the AHRC's budget for funding research was £112m and law is identified as one of its subject areas for funding.

Research Grants Scheme

The Research Grants Scheme has two routes: early career and standard. Both routes are intended to support well-defined research projects enabling individual researchers to collaborate with and bring benefits to other individuals and organisations through the development of high-quality research. Both routes have a minimum amount of £20,000 and maximums of £250,000 (early career) and £1m (standard). Applicants can submit proposals at any time and the assessment process takes approximately 30 weeks.

Knowledge Transfer Scheme

The AHRC's Knowledge Transfer Scheme runs on a rolling basis with frequent deadlines throughout the year. These grants are for three-way partnerships between a knowledge base (e.g. higher education institutions), a non-academic partner (e.g. companies, charities, public sector organisations) and a recent graduate employed to work on a specific project.

Research Networking

The networking scheme supports forums for the discussion and exchange of ideas on a specified thematic area, issue or problem to facilitate interactions between researchers and stakeholders through, for example, workshops, seminars, networking activities or other events. The aim of these activities is to stimulate new debate across boundaries, for example, disciplinary, conceptual, theoretical, methodological, and/or international. Proposals should explore new areas, be multi-institutional and can include creative or innovative approaches or entrepreneurship. Proposals for up to £30,000 may be submitted and the scheme operates on a rolling basis.

Cultural Encounters Programme

The Cultural Encounters Programme has recently been announced and is a joint initiative with HERA (Humanities in the European Research Area). This €18m transnational scheme aims to enable large collaborative research projects to increase understanding of 'cultural encounters'. Applications must involve consortia of three or more partners based in three or more different eligible countries (Austria, Belgium, Croatia, Denmark, Estonia, Finland, Germany, Iceland, Ireland, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovenia, Sweden and the UK). The closing date for this scheme is **4 May 2012** and there are two information sessions for interested academics in Edinburgh (13 March 2012) and London (15 March 2012). These briefings will provide a significant opportunity to ask questions about the cultural encounters theme, eligibility and how to apply. Registration is necessary for these events.

Getting information

A full list of all AHRC schemes is available in the funding opportunities section of the AHRC website where there is also a list of current deadlines for schemes with closing dates. The AHRC also produces a very helpful e-newsletter that is published every couple of months and provides a useful news summary with links. www.ahrc.ac.uk

PHILIP SELZNICK'S HUMANIST SCIENCE

Philip Selznick, professor emeritus of law and sociology at University of California (UC) Berkeley, died on 12 June 2010. He was born in 1919. More than 70 of the years in between were spent in fruitful engagement with large questions of social, political and moral significance, and a large part too in academic leadership, at once intellectual and institutional. Martin Krygier¹ looks at Selznick's legacy.

The first stage of Selznick's intellectual development began before the Second World War, with an intense period in that strangely fertile womb of academic (and literary) productivity, the New York Trotskyist movement. From that engagement came several writings read by a small number of clever would-be, soon would-have-been, and then never-want-to-be revolutionaries, including Daniel Bell, Lewis Coser, Martin Diamond, Herbert Garfinkel, Nathan Glazer, Gertrude Himmelfarb, Irving Kristol, Seymour Martin Lipset and Peter Rossi. Out of it, too, came Selznick's life-long concern with the fate of ideals in the world. In one way and another, this concern animated all his subsequent scholarly work.

In his early political essays and in his classic contribution to the sociological theory of organisations and institutions (*TVA and the Grass Roots*, 1947), he explored how organisational realities tended to undermine even the finest ideals, unless deliberate attempts were taken to counter and master them. He then examined what successful attempts of this sort might require (*The Organizational Weapon*, 1954; *Leadership in Administration*, 1957) which involved not merely empirical research and sociological explanation, but also led him to reflect upon large questions of normative social and political theory, to an extent uncommon in works of this kind at that time. He also wrote, with Leonard Broom, a major text of general sociology (*Sociology*, seven editions). These works had great influence and probably remain those for which he is best known, which has less to do with the quality of later work than with the less-populated areas that he entered and the unfashionable character of his developing intellectual commitments.

In his second period, beginning in the mid-1950s, Selznick became one of the first, and one of very few, mainstream American sociologists to engage with the study of law. He became a founding and prominent member of the law and society movement and published several important essays (particularly 'Sociology and natural law', 1961) and books (*Law, Society and Industrial Justice*, 1969; *Law and Society in Transition: Towards responsive law*, 1978). These works were notable and unusual for their explicit and pervasive interweaving of descriptive, analytic, normative and policy-oriented concerns. In particular Selznick sought to identify the character and some of the basic ideals of legal ordering, sometimes manifest always at least latent; their range of variation; and the conditions that might allow them to be secured, and beyond that, to flourish. At the same time he was active institutionally, founding the Law and Society Center (1961), and later the unique Jurisprudence and Social Policy programme in Boalt Hall Law School, at UC Berkeley.

His third period, from the 1980s, coincided with his formal retirement, and was more reflective than investigative, and more wide-ranging in scale and scope than much of his earlier work. Its centrepiece is his magisterial *The Moral Commonwealth: Social theory and the promise of community* (1992), a work of social philosophy (or philosophical sociology) of extraordinary range, ambition, erudition and richness. The overarching concern of this complex work of intellectual architecture is with the challenges

to and sources of 'moral well-being' – of persons, institutions, and communities – in modern times; on the way there is hardly a theme or a thinker not touched upon. This was followed by two short books: *The Communitarian Persuasion* (2002), which extended the (liberal)communitarian directions charted in *The Moral Commonwealth*, and his last work, *A Humanist Science* (2008), which was an attempt to distil the methodological 'ecumenism' that had long underlain his writings.

These are all distinguished contributions to the understanding of particular problems and the development of a distinctive and expansive conception of the role, resources, and responsibilities of social science. But Selznick's work as a whole adds up to more than those specific elements, for together they exemplify a character and cast of mind of singular range, strength and depth. Among its distinctive elements are the following.

Selznick's underlying subject, no matter what particular phenomena he investigated, was one with which we are all at some time or other concerned, but by which 'value-free' social scientists are too often merely embarrassed. The question of questions for him, as he recollected in *The Moral Commonwealth*, was 'the fate of ideals in the course of social practice . . . the conditions and processes that frustrate ideals or, instead, give them life and hope'. This concern was central to all his projects.

The central feature of his projects and writings is his deliberate interweaving of normative and analytical concerns. Whatever he wrote displayed a distinctive combination of empirical observation, explanation, philosophical awareness and normative engagement. He ultimately came to call this 'humanist science'. Even before he had the phrase, he had the idea. The key to it was his long adhered-to conviction that appreciation of the role and play of values and ideals in the world is central to social understanding. What they are, what they do, what threatens them, what protects and sustains them, what enables them to flourish. That means acknowledging them as proper objects of study, rather than mere epiphenomena of whatever is thought really to matter. It also requires identification of the values at stake in particular social processes, practices and institutions; clarification of the nature of these values; understanding what endangers them; and exploration of the conditions in which they might thrive.

He was interested both in what would secure basic conditions for the existence and survival of values and ideals, and in what might count as, and be necessary for, their flourishing. His early writings exposed recurrent obstacles to the attainment of ideals, particularly recurring institutional ones, and what might be needed to overcome them. His later work explored conditions in which values, once secure, might flourish and be encouraged. His commitment to honour both realism and idealism was thoroughgoing. He was that rare but distinguished type: a Hobbesian idealist, at once alert, temperamentally and intellectually, to threat and to promise.

Selznick brought to this engagement with the fate of values a remarkable range, variety and richness of intellectual resources, from the social sciences, the humanities and, on occasion, world religions. The labels didn't matter much to him. He valued the disciplines and the training, resources and focus they offered, but was sceptical about the point of insisting on disciplinary apartheid, or purity, for its own sake. In *A Humanist Science* he recalled that the sharp disciplinary distinctions that mean so much in the modern academy had no hold on its greatest ancestors, discussion of whom enriches that book, and more profoundly *The Moral Commonwealth*. Selznick favoured going where the problem led, rather than where the discipline dictated.

Enriched by his erudition but not reducible to it, all his work was spurred by what he identified as his 'generalizing impulse'. *TVA* was never just about the Tennessee Valley Authority, *The Organizational Weapon* not just about communists, *Leadership in Administration* not just about how to get ahead in business, *Law*,

Society and Industrial Justice not – spectacularly not – just about industry and employment. There is always something more and larger going on that lends depth, richness and complexity to each of his works, and to the whole. In his case, it is a mistake to take the title of a particular work as a summation of its significance or implications. There is always more than one might expect inside.

Selznick's writings manifest a way of thinking that is also a way of feeling and of being: there are, of course, arguments and evidence but there is also sensibility. It pervades his work and lends it an identifiable tone and character. This appears in a kind of pervasive judiciousness and thoughtfulness; a determination to accommodate complexity and not pretend that realities and choices are simpler or starker than they need be; in particular, an ability to recognise the existence of tensions and dynamics in social processes without apocalyptic over-dramatisation of them.

He had a kind of allergic response to rhetorical shrillness. It was not his style. One common ideological manifestation of such shrillness is undifferentiating labelling of all social relations as manifestations of, say, 'power', 'domination' or some other all-encompassing epithet. Another is the assumption that societies are riven with irreconcilable 'contradictions' that threaten 'crisis'. The first tendency encourages blindness to complexity, variation, mixture, contexts. If all is domination, then the important questions get shoved aside: what kind of domination, with what sorts of consequences and what sorts of differences are we talking about? These distinctions matter as much to evaluation as they do to description and explanation.

The second tendency often leads to zero-sum characterisations of the many continuities, overlaps and interdependencies with which the social world is full, in dichotomous terms that suggest unavoidable and stark opposition, incompatibility, often crisis. Selznick shared with John Dewey, from whom he took the phrase (and much else) a suspicion of 'pernicious dualisms' that he believed tended to falsify such complex and interdependent realities as often as they seemed to make for a spurious analytical clarity.

His own work, by contrast, exhibited that 'high tolerance for ambiguity' that he knew was difficult to sustain but that he commended. Tensions, he often recalled, are normal aspects of social processes and of life. We often can and need to learn to live with them, while recognising that they may not be resolved or resolvable any time soon, or any time at all. We should not rush to brand them as inescapable contradictions, whether between self and other, public and private, civility and piety, universal and particular, liberalism and community. A person of Selznickian sensibility will be sensitive to empirical variation and crucial distinctions; alert to the significance of adjectives as much as nouns; be aware that very little that matters in social life is 'nothing but . . .', or apt to be successfully resolved by a choice between all and nothing; avoid the pseudo-drama of so many ideological constructions and confrontations; be suspicious of a quick fix. She will avoid intellectual habits that blur one's vision, even if they might quicken one's pulse.

This scrupulous and nuanced sensibility is evident in Selznick's judgments of value and in his appraisal of facts. Virtues, we learn, are typically mixed with corrupting vices; vices often have (at least partially) redeeming virtues. It is rare that we can fly over life's predicaments 'as the crow flies', but that doesn't mean we're stranded; we should endeavour to navigate as best we can. If some aspects of modernity give us reason for 'hopeful sadness', for example, both the adjective and the noun matter. There are sources of hope as well as of sadness; sometimes the same; sometimes one generates the other. Neither should be thought *a priori* to cancel the grounds of the other.

Of course this rich stream of reflection and what one might call wisdom, did not all happen at once. It is a long story. That being so, given the range of Selznick's interests and projects, it is striking how much coherence there is among the themes that

connect them. However, while that coherence is always important to recall, it should not be misconstrued. For if his preoccupations, immediate aims, subjects and, indeed, sensibility, have impressive continuities, they are also impressively various and subject to development. The coherence of his thought is complex, not that of someone with just one thing to say. After all, the thoughts of someone who keeps repeating himself might be called coherent. They are – it is! – certainly consistent, but that would not necessarily be praiseworthy – unless it was a very big thing being repeated. Nor is simple consistency always a virtue. Trivial consistencies are commonplace and consistent folly is also not rare. Selznick's coherence was not of those sorts. It combined a sustained range and focus with equally sustained – to use a concept that he had long used and theorised – integrity.

Integrity might well spur a change of mind or heart. It might indeed be a mark of integrity to be open to change, even of some of one's deepest convictions. This, presumably, is what Keynes had in mind in his famous response to an accusation of inconsistency: 'When the facts change, I change my mind. What do you do, sir?'

In this, Selznick was with Keynes. He kept returning to a number of related and large themes, to do with the fate of ideals in the world, particularly in the modern world, and particularly to do with the workings of large institutions, among them bureaucracies and law. But he also kept thinking and rethinking his views, refining them, elaborating them, exploring them in different contexts. The scope of his interests, the focus of his passions, his particular judgments and his public mood and posture, changed considerably over the years. For what was constant in his work was not a particular set of conclusions, but the integrity with which he approached a significant range of problems.

Integrity is a significant term of art in Selznick's thought, applied to institutions, persons and communities. It is also an aspect of his intellectual character. At one point in *The Moral Commonwealth*, he quotes a passage from Bernard Williams about personal integrity. Integrity on this understanding presumes that:

the person in question has, as seriously as possible, tried to think about the standards or the fundamental projects which are sustaining him and her. If he has done that and if, in the light of the thought he has displayed there, he comes out and does say, this is what I do most fundamentally believe in, and this is what I am going to do, then that person is displaying integrity, even though you do not agree with whatever it is that is sustaining him.

That gets it just about right.

Selznick's sustained intellectual productivity, combined with the ease with which he moved between fields, may have exacted a price in terms of reception of his ideas. Many people who had been influenced by his early works in organisation theory had no idea that he went on to spend over half his life thinking about law, and not all sociologists of law had any idea of other aspects of his work. Moreover, he came to conform less and less to the hyper-specialised paradigms of the modern academy. That is part of his charm to some of us, but it is not readily emulated or transferred.

But perhaps I speak too soon. Paradoxically, Selznick's death seems to have re-awakened interest in his work. In 2010 *Law and Social Inquiry* published an extended and admiring review essay by Paul van Seters of his last work, *A Humanist Science* (Stanford UP, 2008). The Law and Society Association (LSA) devoted a panel to 'remembering Philip Selznick', which was the occasion of a remarkable and moving reminiscence by his widow, Doris Fine. The International Association for the Philosophy of Law and Social Philosophy had a special workshop on pragmatism and interactionism, to both of which his contribution was considerable. A paper on his work was invited for the panel. A special issue of UC Berkeley's *Boalt Law*

School online scholarly journal, *Issues in Legal Scholarship*, edited by Jonathan Simon and devoted to Selznick's work, is to appear in 2012. The 2013 issue of the annual book series *Research on the Sociology of Organizations* will deal with his contribution to organisation theory. And the Centre for the Study of Law and Society at UC Berkeley is building a website (to appear at www.law.berkeley.org/selznick.htm), which will contain the transcripts of interviews with Selznick by Roger Cotterrell, the videotapes of eight interviews I conducted with him, papers from the LSA panel and a range of other material.

And one remarkable new venture deserves to be quoted in the description of its founder, since it will be of interest to many involved in socio-legal studies generally as well as those with a particular interest in Selznick.

Quid Pro Books is an independent academic press started by a law professor at Tulane University in New Orleans who believes that ebooks and print-on-demand paperbacks give a second life to classic out of print books in law, sociology and history (as well as all-new books). Within a year Quid Pro has published forty titles and has become the ebook publisher of *Harvard Law Review* and *Stanford Law Review*. Its new titles include Lawrence Friedman's *The Human Rights Culture* and Jerold Auerbach's *Brothers at War*. Republished classics feature such scholars as Jerome Skolnick, Sanford Kadish, Stuart Scheingold, Kitty Calavita, Neil Smelser, Jerome Carlin and G E White. In addition, Quid Pro is bringing back several titles by Philip Selznick, to benefit his scholarship fund at Berkeley, including *TVA and the Grass Roots* (new foreword by Jonathan Simon) and, forthcoming, *The Organizational Weapon* (new foreword by Martin Krygier).

www.quidprobooks.com

Notes

- 1 Martin Krygier is Gordon Samuels professor of law and social theory, University of New South Wales, and adjunct professor in the Regulatory Institutions Network, Australian National University. His book, *Philip Selznick: Ideals in the world*, will be published by Stanford University Press in April 2012. A shorter version of this article appeared in the *Law and Courts Newsletter* of the American Political Science Association 20:2.

Social & Legal Studies 21(1)

The crown in a multicultural age: the changing epistemology of (post)colonial sovereignty – M Valverde

Contextualised equality and the politics of legal mobilisation: affirmative action in Northern Ireland – C Harvey

Taking exception: the cases of financial and urban governance – R Lippert & J Williams

Are judicial approaches to adult social care at a dead end? – H Carr & C Hunter

Auctoritatis interpositio. How systems theory deconstructs decisionism – A Fischer-Lescano & R Christensen

Review essay: Europe's last colony: 1918 Palestine's Arab majority, Jewish immigration, and the justice of founding Israel outside Europe – R Wintemute

Social & Legal Studies 21(2) (special issue) Repairing Historical Wrongs

Introduction – G Johnstone & J Quirk

Looking (further) backwards: transitional justice and socio-economic wrongs – L Waldorf

'Who'll pay reparations on my soul?': Compensation, social control and social suffering – C Moon

Attaining 'closure' for historical wrongs by non-state actors: the case of Japan and the 'comfort women' – S Suzuki

Is political apology a sorry affair? – J Thompson

Repairing historical wrongs and the end of empire – D Butt

Repairing historical wrongs: public history and transatlantic slavery – J Oldfield

CONSTITUTIONALISM UNBOUND – DEVELOPING TRIANGULATION FOR INTERNATIONAL RELATIONS

A collaborative research cluster from Germany has recently been launched to attend to the emerging field of 'global constitutionalism'. Maren Hofius summarises the project's aims and objectives.

The topic of global constitutionalism is being studied and explored by an interdisciplinary project group whose cooperation is based on theoretical triangulation, an innovative method that reflectively combines heuristic concepts of global governance, world society and international law. It thereby seeks to unravel a paradox of international relations observed in the twenty-first century: while the global space is increasingly populated by 'constitutionalised' international organisations and an ever-broader range of actors with different levels of authority and legitimacy, the implementation of common rules, contracts and resolutions is, at the same time, highly contested.

The project thus takes as its title 'constitutionalism unbound' (in the sense of unchecked or unregulated constitutionalism) – a situation that offers both political uncertainty and opportunities. To explore these opportunities, the project combines a number of subprojects to address certain problems.

First, it seeks to study concrete situations where contestation can be observed, i.e. where constitutional norms are a main reference point for argument; second, it aims to reconstruct and discuss constitutionalising processes of international organisations in their context and with reference to normative standards. In sum, the project observes a shift from globalised to constitutionalised international relations. This shift raises the question of corresponding quantitative and qualitative transformation processes in global space, which are to be reconstructed empirically, e.g. by examining constitutionalisation with reference to environmental conditions, success criteria and sustainability, but also discussed normatively with references to fundamental norms, organisational principles and standardised procedures.

The project is principally coordinated by Professor Antje Wiener PhD AcSS (chair in political science and global governance, University of Hamburg) and conducted together with researchers clustered around Hamburg and Berlin. They recently received start-up funding from the Hamburg Research and Science Foundation for 18 months in order to develop a longer-term project.

To date, a kick-off workshop took place in Hamburg in November 2011 where researchers sought to find a common understanding of the two core concepts 'constitutionalisation' and 'constitutionalism'. The former has been identified as denoting a process by which institutional arrangements in the non-constitutional global realm have taken on a constitutional quality. Constitutionalism, by contrast, represents a theoretical approach, i.e. a framework which allows studying the phenomenon of increasingly constitutionalised international relations. Based on these definitions, another workshop in February 2012 was concerned with developing a shared conceptual basis for the subprojects of the cluster.

For more detailed information and a full list of the participating institutions, please visit the project website www.wiso.uni-hamburg.de/institute/ipw/individualeiten/wiener-antje/forschung/global-constitutionalism.

INTENDED AND MERELY FORESEEN CONSEQUENCES: THE PSYCHOLOGY OF THE 'CAUSE OR ALLOW' OFFENCE

Michelle Cowley outlines the findings of her recent ESRC project¹ on intent and foreseeability

The purpose of this grant was to investigate the role that the psychology of intent and foreseeability plays in people's everyday psychological constructs of guilt and responsibility in child injury and infanticide cases, under the premises of section 5 of the Domestic Violence, Crime and Victims Act 2004. This large-scale study was prompted by the case of Rebecca Lewis. She shocked the public by her inaction and, thus, guilt of familial homicide under section 5 by allowing her baby son Aaron Gilbert to be killed by her violent partner. Familial homicide, the 'cause or allow' offence, is a relatively new offence in the UK in which both caregivers can be prosecuted if one caused a child's death while the other allowed it by not intervening. Rebecca Lewis's inaction in this case was deemed to have allowed baby Aaron's death and thus, by law, she caused his death equally in conjunction with her partner. This project identified that this law could be difficult for jurors to consider because psychologically 'cause' and 'allow' have different meanings even though the outcome is the same for both by law and the actions or the intention behind those actions are so divergent. For Lewis there was no evidence of intent to harm, but she claimed to have a misplaced hope that her partner's behaviour would improve.

Three questionnaire survey studies were designed to measure the public's attribution of guilt and responsibility and intuitive sentencing, using a quantitative–qualitative mixed method, to identify where individuals might diverge from legal prescriptions for scenarios in which a woman in Rebecca Lewis's situation might be more or less psychologically culpable. The three studies demonstrated that the psychological reality of how people reason about intent behind actions or inactions, or ascribe an ability to foresee consequences from the woman's perspective in the scenario, does not correspond neatly to the legal logic defined by the cause or allow offence under section 5.

Overall the findings showed that a better understanding of how people anticipate outcomes that could have reasonably been foreseen could provide a critical intersection for examining responsibility, punishment and appropriate balanced intervention or adjudication in child protection, in the context of the cause or allow offence.

Study 1: Intentional Actions and Inactions found that the presence or absence of intent in a legal scenario in a 'cause or allow' case predicted the extent of the public's intuitive sentencing of the defendant when the defendant was the mother's partner. Regardless of whether the mother acted or did not act, if her partner had intended to cause harm then he was sentenced more harshly. Moreover, intentional allowers of harm by inaction or non-intervention are punished more when discovered than allowers who have no intent to harm.

Study 2: Intentions and Concordant and Discordant Outcomes found that, regardless of whether the outcome matched the defendant's intent, that is, when the intent to cause a negative or harmful outcome in fact led to a negative outcome as opposed to a positive one, judgments of guilt and sentencing punishments were harsher. However, guilt and sentencing were found not necessarily to be psychologically the same. Defendants contributing to accidental injuries, whether positive

or negative outcomes occur, are judged the least guilty in comparison to intentional and unintentional positive and negative outcomes in the absence of accidental contribution; but they are sentenced relatively more harshly than when there is no intent or accidental contribution for positive outcomes. The defendant receiving the harshest judgments for guilt and sentencing was the defendant who intended harm when in fact a positive outcome resulted. In other words, intent trumps outcome for guilt and sentencing, especially when thwarted.

Study 3: Witness Foresight and Reasonable Prevention focused on the allower and her gender, relative to a male causer, and how harshly people judged her in accordance with how much abuse she had witnessed, or how much foreknowledge she had relative to being aware of his propensity for abuse. In terms of finding her not guilty of causing, but guilty of allowing, participants opted for guilty of allowing or doubt 79 per cent of the time, and innocent 21 per cent of the time. This finding was reasonably consistent across all conditions regardless of whether she had been an eye-witness to the abuse or not, whether she knew her partner had a prior conviction or not, or whether there was any evidence against her at all. These results and an interdisciplinary discussion about foresight and the law are now available in the *e-Policy Focus Report: Foresight and reasonable prevention in child protection contexts: the public's perspective* (by M Cowley, C Beckett, B Esam, A Pote, L Wall and P West, ESRC, available in spring 2012).

Note

Further outputs of ESRC Grant RES-000-22-3114 include: M Cowley, 'The psychology of witness foresight in preventative intervention: how the public perceive vulnerable adult and child cases' (journal article in preparation); M Cowley et al, ESRC Foresight Workshop www.law.ox.ac.uk/conferences/csfs foresight/index.php; M Cowley (2011) 'Foresight, children, and the law', Health Service Executive Nurse Training, Department of Risk Management, Our Lady of Lourdes Hospital, Drogheda; M Cowley (2010). 'Lenses of evidence: how juries reason about evidence', KBW King's Bench Chambers legal practice guest speaker, Ashmolean Museum/Worcester College, Oxford.

Journal of Law and Society (special issue 2012) **Material worlds: intersections of law, science, technology and society**

- Introduction – A Faulkner, B Lange & C Lawless
- The pragmatic sanction of materials: notes for an ethnography of legal substances – J Lezaun
- The regulation of nicotine in the UK: how nicotine gum came to be a medicine, but not a drug – C Rooke, E Cloatre & R Dingwall
- The donor-conceived child's 'right to personal identity': the public debate on donor anonymity in the UK – I Turkmendag
- A socio-legal analysis of an actor-world: the case of carbon trading and the clean development mechanism – E Cloatre & N Wright
- Nanotechnology and the products of inherited regulation – E Stokes
- The emergence of biobanks in the legal landscape: towards a new model of governance – E Rial-Sebbag & A Cambon-Thomsen
- The legal landscape for advanced therapies: material and institutional implementation of European Union rules in France and the UK – A Mahalatchimy, E Rial-Sebbag, V Tournay & A Faulkner
- Bodies of science and law: forensic DNA profiling, biological bodies and biopower – V Toom
- The materiality of what? – A Pottage

SOCIO-LEGAL PUBLICATIONS

Books

Family Law, Gender and the State (2012) Alison Diduck and Felicity Kaganas, Hart £30 870pp

The third edition of this work on family law, comprising text, cases and materials, provides not only an explication of legal principle but also explores, primarily from a feminist perspective, some of the assumptions about, and constructions of, gender, sexual orientation, class and culture that underlie the law. It examines the ideology of the family and, in particular, the role of the law in contributing to and reproducing that ideology. Structured around the themes of welfare, equality and family privacy, the book aims to offer the benefits of a textbook while also giving students a wide-ranging set of materials for classroom discussion. As well as providing a firm grounding in family law, the text sets the law in its social and historical context and encourages a critical approach to the subject.

Not the Marrying Kind: A feminist critique of same-sex marriage (2012) Nicola Barker, Palgrave Macmillan £65 248pp

Not the Marrying Kind is a new and comprehensive exploration of the contemporary same-sex marriage debates in several jurisdictions including Australia, Canada, South Africa, the United Kingdom and the United States. It departs from much of the existing scholarship on same-sex marriage, which argues either for or against marriage for same-sex couples. Instead, this book begins with a critical analysis of the institution of marriage itself (as well as separate forms of relationship recognition, such as civil partnership, *pacte civile de solidarité*, domestic partnership) and asks whether and how feminist critiques of marriage might be applied specifically to same-sex marriage. In doing this, the author combines the theories of second-wave feminism with insights from contemporary queer theory.

Home Equity and Ageing Owners: Between risk and regulation (2012) Lorna Fox O'Mahony, Hart £65 421pp

The growing use of housing equity to support a range of activities and needs raises complex issues, particularly for older owners. In an environment in which older owners are pushed towards housing equity transactions to meet income and welfare costs, they are required to make choices from a complex and sometimes bewildering range of options. The transactions which facilitate the use of home equity as a resource to spend in later life – from trading-down and ordinary secured and unsecured debt to targeted products including reverse/lifetime mortgages, home reversion plans and sale-and-rentback agreements – raise important legal and regulatory issues. This book provides a contextual analysis of the financial transactions that older people enter into using their housing equity.

Journal of Law and Society (forthcoming in 2012)

Whither the law and the law books? From prescription to possibility – R Brownsword

'I just wanted him to hear me': sexual violence and the possibilities of restorative justice – C McGlynn, N Westmarland & N Godden

Share and share alike? Hedge funds, human rights, and owning enterprise in Britain – by J Gray, D Bholat & A Dunn

Jurisdiction and scale: rent arrears, social housing, and human rights – D Cowan, C Hunter & H Pawson

There's nothing new in dying now: will welfare attorney decision-making at end-of-life make a real difference? – J Samanta

Beyond 'constitutionalism beyond the state' – G Anderson

Dissenting Judgments in the Law (2012) Neal Geach and Christopher Monaghan (eds), Wildy, Simmonds and Hill £69 490pp

A team of expert contributors reassess 19 landmark cases from different areas of the law, each of which had the potential for the law to have developed in a markedly different direction. The cases have been selected on account of their continued relevance to the law today or the controversial nature of the majority's decision. A key feature of each case was a dissenting opinion from a judge who thought that the law should develop in a different direction. The aim of the contributors is to re-evaluate important cases, such as *Plessy v Ferguson* (1896) and *R v Brown* [1994], by assessing the merits of the judgments given, before deciding whether the law would, in fact, have been better served by following the dissenting opinion rather than that of the majority of judges in the case.

Marital Agreements and Private Autonomy in Comparative Perspective (2012) Jens M Scherpe (ed), Hart £75 532pp

This book deals with a subject that has recently been the focus of debate and law reform in many jurisdictions: how much scope should spouses have to conclude agreements concerning their financial affairs and under what circumstances should such agreements be binding and enforceable? These marital agreements include pre-nuptial, post-nuptial and separation agreements. The book is the result of a British Academy-funded research project which investigated and compared the relevant law of 14 jurisdictions (including England and Wales and Scotland) and has a chapter on the 'English practitioner's view' and comparative analysis of the different matrimonial property regimes and the rules on marital agreements. It provides a comprehensive source of reference on ancillary relief/matrimonial property and maintenance and the rules on pre-nuptial, post-nuptial and separation agreements.

Integrating Socio-Legal Studies into the Law Curriculum (2012) Caroline Hunter (ed), Palgrave Macmillan £25 224pp

This is an important new collection examining how socio-legal studies and empirical legal research can be integrated into the undergraduate law curriculum, looking at both core qualifying subjects and standalone socio-legal modules, and considering theoretical and methodological approaches combined with practical examples.

Journals

International Journal of the Legal Profession: special issue in honour of William Twining 18(1-2) 2011 on the theme of 'Legal education – past, present and future', Avrom Sherr and David Sugarman (eds). Contributors include: H W Arthurs, Anthony Bradney, Ray Cocks, Fiona Cownie, Paul Maharg, Avrom Sherr, Hilary Sommerlad, David Sugarman and William Twining. www.tandfonline.com/loi/cijl20

New journals

Transnational Environmental Law: call for papers – this new journal is dedicated to the study of environmental law and governance beyond the state. It approaches legal and regulatory developments with an interest in the contribution of non-state actors and an awareness of the multi-level governance context in which contemporary environmental law unfolds. Editors: Thijs Etty, VU University Amsterdam, and Veerle Heyvaert, London School of Economics. Please see website for details. www.journals.cambridge.org/action/displayJournal?jid=TEL.

Journal of Law and Courts: now open for submissions – please visit the website for full details and submission guidelines. www.jstor.org/page/journal/jlawcourts/forAuthor.html

Global Constitutionalism: call for papers – Cambridge University Press has recently launched this journal. Editors: Mattias Kumm, Anthony Lang, Miguel Maduro, Antje Wiener and James Tully. See www.journals.cambridge.org/GlobCon.

- **KENT CRITICAL LAW SOCIETY ANNUAL CONFERENCE**

10–11 March 2012: *University of Kent, Canterbury*

This conference is aimed at all those who have an interest in critical perspectives on current legal issues. This year's conference is entitled 'Equality – are we there yet?' and will include a broad range of panels. The aim is to explore critically whether or not current and proposed legislation and legal systems achieve equality. For more information visit: www.kentcls.org/.

- **ETHICS IN QUALITATIVE RESEARCH**

15 March 2012: *London*

Please see website for details of this event and other training opportunities at the National Centre for Research Methods.

www.ncrm.ac.uk/training/show.php?article=3179

- **SOAS ECONOMIC SOCIOLOGY OF LAW READING GROUP**

November 2011–April 2012 (next event 21 March 2012): *School of Oriental and African Studies, London*

Please see website for full details of dates remaining.

www.soas.ac.uk/law/events/readinggroups/esol/

- **THE ENFORCEMENT OF COMPETITION LAW**

23 March 2012: *Chartered Accountants House, Dublin*

Organised by the Irish European Law Forum. Please see website for programme and booking details.

www.ucd.ie/law/events/title,102957,en.html

- **THE FUTURE OF RELATIONAL CONTRACT: A SYMPOSIUM IN HONOUR OF IAN MACNEIL**

29–30th March 2012: *School of Law, University of Leeds*

The confirmed speakers are as follows: Roger Brownsword, KCL; Hugh Beale, Warwick; David Campbell, Leeds; Hugh Collins, LSE; Roger Halson, Leeds; Ethan Leib, Fordham; Jonathan Morgan, Oxford; Linda Mulcahy, LSE; Peter Vincent-Jones, Leeds; John Wightman, Kent Law School. Further details can be found at the conference website www.law.leeds.ac.uk/research/events/the-future-of-relational-contract.php.

- **W T STEAD: CENTENARY CONFERENCE FOR A NEWSPAPER REVOLUTIONARY**

16–17 April 2012: *British Library, Euston Road, London*

Speakers include: Laurel Brake, Roy Greenslade, Tristram Hunt, John Durham Peters, Geoffrey Robertson.

www.bl.uk/whatson/events/event124192.html

- **INTERNATIONAL GRADUATE LEGAL RESEARCH CONFERENCE: CALL**

19–20 April 2012: *King's College London*

This conference provides early career researchers with an opportunity to engage in academic debate. www.iglrc.com

- **CONTEMPORARY HOUSING ISSUES IN A CHANGING EUROPE**

20–21 April 2012: *Centre for Housing Law, Rights and Policy, School of Law, National University of Ireland, Galway*

The conference will offer the opportunity to explore significant contemporary issues in housing law, rights and policy from a European and international perspective and includes the following themes: housing and homelessness; international perspectives on developments in housing law, rights and policy; impact of the UN Convention on the Rights of Persons with Disabilities on housing and independent living; impact of the EU Charter of Rights and the Treaty of Lisbon on housing, land and planning; recent developments in EU/US mortgage law and policy; developments in the rented housing sector in Europe; consumer protection and defining the relationship between law, rights and policy in housing, land and planning in the meta-regulatory era and public interest law and housing rights. www.conference.ie

- **2ND INTERNATIONAL CONFERENCE ON LAW, LANGUAGE AND DISCOURSE**

20–22 April, 2012: *Zhejiang Police College, Hangzhou, China*

Organised by Zhejiang Police College and Multicultural Association of Law and Language. The theme is 'multiculturalism, multimodality and multidimensionality'. For more details, please email lldmall@hotmail.com.hk.

- **HATE CRIME SYMPOSIUM**

26 April 2012: *Cardiff University School of Social Sciences*

Keynote speaker: Professor Barbara Perry. This event is free but registration is essential. Please contact Corinne Funnell for more information [e funnellcg@cardiff.ac.uk](mailto:funnellcg@cardiff.ac.uk).

- **CENTRE FOR CRIMINAL JUSTICE AND HUMAN RIGHTS POSTGRADUATE CONFERENCE**

26 April 2012: *Centre for Criminal Justice and Human Rights, University College Cork*

Theme: 'Transformation and reform: structures and mechanisms for rights-based protections'. This conference is aimed at postgraduate researchers working in the areas of criminal law, criminal justice and human rights. Please see www.ucc.ie/en/ccjhr/news/.

- **AFTER BIN LADEN: COUNTER-TERRORISM COOPERATION AND INTERNATIONAL LAW**

2 May 2012: *Newcastle Law School*

Conference organised by the Newcastle Forum for Human Rights and Social Justice. Plenary speakers: Ian Leigh, Durham; Shaun Gregory, Bradford; Tom Hickman, Blackstone Chambers; Tory Lavers, Leicester. For more information, please visit the conference webpage.

www.ncl.ac.uk/nuls/research/conferences/hrrg/

- **ONE-DAY CONFERENCE – CRISIS IN LABOUR LAW: CALL**

11 May 2012: *Kingston Law School*

Labour law faces increasing challenges in the light of the global economic crisis. This event aims to explore current problems in labour law at this crucial juncture. Are we witnessing the 'death of labour law' as Harry Arthurs foresaw over a decade ago? This conference organised by the Group for Employment Law and Policy invites contributions from any area of labour law that may be relevant to this theme. Please send an abstract of 200 words to the joint organisers, Gwyneth Pitt [e g.pitt@kingston.ac.uk](mailto:g.pitt@kingston.ac.uk) and Michael Wynn [e m.wynn@kingston.ac.uk](mailto:m.wynn@kingston.ac.uk) by 30 March 2012.

- **LAW, GOVERNANCE AND DEVELOPMENT: THE TRANSFORMATION OF PROPERTY RIGHTS IN LAND AND PROPERTY LAW IN CHINA**

11 May 2012: *Centre for East Asian Law, School of Oriental and African Studies, London*

Organisers: Carol Tan and Xu Ting. Please visit website for details.

www.soas.ac.uk/ceal/events/

- **WOMEN AT WAR AND IN WAR**

11–12 May 2012: *Aberystwyth University*

Sexual and gender-based violence against women (SGBV) is one of the greatest threats to human rights in contemporary armed conflicts. SGBV continues to be used in modern wars as a deliberate strategy and illegitimate method of warfare, which poses serious threats to women's lives. Although international humanitarian law prohibits the use of SGBV, the international community is confronted with the reality of continuing 'gender warfare' and the challenge of ensuring adherence to the rules of war by actors in armed conflicts. Where do we go from here? Is the law adequate? How do we nurture respect for the existing law? How can the situation of women in the aftermath of conflict be addressed? How much can the law actually achieve? Please see website for details and registration form.

www.aber.ac.uk/en/law-criminology/research/conferences/womeninwarandatwar/

- **REDIRECTING FLEET STREET: REGULATION OF THE MEDIA AND THE ROLE OF LAW**

18 May 2012: *Wolfson College, Oxford*

Since Edmund Burke coined the expression 'the Fourth Estate', the media has been seen to play a crucial role in uncovering the truth and holding the powerful to account. Today, the influence of multinational media empires and the phone-hacking scandal have seen the press become the focus of questions about accountability and responsibility. Print journalism faces a crisis but also an opportunity for self-reflection and reform. This event brings together media experts, lawyers and policymakers to examine ongoing attempts to devise a new framework for media regulation in the light of the phone-hacking scandal and the competitive pressures of the evolving new media landscape. www.fljs.org/events [e phil.dines@fljs.org](mailto:phil.dines@fljs.org)

- **2012 INTERNATIONAL CONFERENCE ON LAW AND SOCIETY**

5–8 June 2012: Honolulu, Hawaii

This is the joint annual meeting of the Law and Society Association and the Research Committee on Sociology of Law (International Sociological Association) and is co-sponsored by the Canadian Law and Society Association, the Japanese Association of Sociology of Law and the SLSA. This year's theme is: 'Socio-legal conversations across a sea of islands'. See the LSA's website for details.

www.lawandsociety.org

- **13TH INTERNATIONAL ROUNDTABLE FOR THE SEMIOTICS OF LAW**

6–9 June 2012: La Jolla, California, USA

Theme: 'Fresh waters from an old spring: the semiotics of restorative justice, recognizing harms and healing communities anew with old ways'. Conveners: Jack B Hamlin and Chandrika Kelso. Archivist: Steven Fleisher. Contact: Anne Wagner at [e valwagnerfr@yahoo.com](mailto:valwagnerfr@yahoo.com).

- **HUMAN RIGHTS AND THE ENVIRONMENT: IN SEARCH OF A NEW RELATIONSHIP**

14–15 June 2011: International Institute for the Sociology of Law, Oñati

This Global Network for the Study of Human Rights and the Environment (GNHRE) seminar (chaired by Anna Grear, GNHRE director) will bring together philosophers, lawyers, policymakers, NGO staff and activists in a search for a new conceptualisation of the relationship between human and environmental rights, blending theory, law and praxis in fresh and productive ways. Contact: Anna Grear [e anna.grear@uwe.ac.uk](mailto:anna.grear@uwe.ac.uk).

- **TAKING LIBERTIES: SEX, PLEASURE, COERCION (1748–1928)**

15–17 June 2012: Newcastle University

Keynote Speakers: Helen Berry, Newcastle University; Joseph Bristow, University of California; Cora Kaplan, Queen Mary, University, London; Richard C Sha, American University. Key conference questions: How were the complex relations between sexual licence, pleasure and coercion understood, represented and negotiated during the long nineteenth century? How did censorship and obscenity laws shape the literary/cinematic/theatrical landscape? How were sexually controversial texts produced, circulated, preserved and consumed? Enquiries to Ella Dzelzainis at [e ella.dzelzainis@ncl.ac.uk](mailto:ella.dzelzainis@ncl.ac.uk).

- **COMPARATIVE LAW: ENGAGING TRANSLATION**

21–22 June 2012: Kent Law School, Canterbury

Opening keynote: 'Translation and the new global order' by Professor Michael Cronin, Dublin City. Please see website for full programme.

www.kent.ac.uk/law/cecl/News.html

- **W G HART LEGAL WORKSHOP 2012: GLOBALISATION, CRIMINAL LAW AND CRIMINAL JUSTICE**

26–28 June 2012: Institute of Advanced Legal Studies, London

Plenary speakers include: Peter Andreas; Margaret Beare; Roger Cotterrell; Bill Gilmore; Chris Harding; Alison Liebling; Dario Melossi; David Nelken; Michael O'Kane; Mark Pieth; Robert Reiner; Richard Sparks; John Spencer; Takis Tridimas; John Vervaele. Please visit website for details. www.events.sas.ac.uk/support-research/events/view/10925?

- **PRIVATE SECTOR INVOLVEMENT IN CRIMINAL JUSTICE**

27 June 2012: School of Law, University of Leeds

Hosted by the Centre for Criminal Justice Studies, University of Leeds. Since the late 1980s, the private sector's role in the delivery of criminal justice services has expanded in terms of its reach and significance and government plans mean that it is set to expand still further. This timely conference will have a clear policy focus and draw together policymakers and representatives of private, statutory and voluntary sector organisations. www.law.leeds.ac.uk/research/events/private-sector-involvement-in-criminal-justice.php

- **NORTH–SOUTH IRISH CRIMINOLOGY CONFERENCE: CALL**

28–29 June 2012: University College Dublin

Theme: 'Economy, crime and punishment'. Attendance is free but please register in advance via email [e criminology@ucd.ie](mailto:criminology@ucd.ie). 300-word abstracts should be emailed to the same address by 30 March 2012.

- **RC33 EIGHTH INTERNATIONAL CONFERENCE ON SOCIAL SCIENCE METHODOLOGY**

9–13 July 2012: Sydney, Australia

The session on 'New ethnographies of crime and justice' will present new ethnographic research about crime and criminal justice. It is hoped that a side event will be arranged where a larger number of participants will present ethnographic papers and reflections on professional practice. For more information see, [www.conference.acspri.org.au/index.php/rc33/2012/index](http://conference.acspri.org.au/index.php/rc33/2012/index).

- **INTERNATIONAL JOURNAL OF CLINICAL LEGAL EDUCATION CONFERENCE 2012**

10–13 July 2012: Durham, United Kingdom

Theme: 'Entering the mainstream: clinic for all'. This event will ask and attempt to answer the following questions. Clinic for all – in whose interest? Clients, the profession or students? Who leads? Students, the profession or academics? Should clinic integrate into traditional legal teaching? What is the evidence that clinic works? What are the limitations of clinical teaching? Can clinic teach the law or just skills? The relationship between lawyering skills instruction elsewhere in the curriculum and the clinical experience; what should be the role of classroom instruction in the clinical experience? For further information, please visit www.ijcle.com.

- **SECOND INTERNATIONAL SOCIOLOGY ASSOCIATION FORUM OF SOCIOLOGY, SOCIAL JUSTICE AND DEMOCRATIZATION**

1–4 August 2012: Buenos Aires, Argentina

Objectives: to provide a meeting place for the various research committees, working groups, and thematic groups; to develop a socially significant theme involving public actors and to which different areas of sociology can contribute; to hold the interim Research Council business meeting. See www.isa-sociology.org/buenos-aires-2012/.

- **CURRENT DEVELOPMENTS IN ETHNOGRAPHIC RESEARCH IN THE SOCIAL AND MANAGEMENT SCIENCES**

29–31 August 2012: University of Liverpool

Seventh annual joint symposium organised by the University of Liverpool Management School and Keele University Institute for Public Policy and Management. This year's theme is 'Ethnographic horizons in times of turbulence'. Full details: www.liv.ac.uk/managementschool/ethnography_conference/2012_symposium.htm.

- **RE-IMAGINING IMPRISONMENT IN EUROPE: COMMON CHALLENGES, DIVERSE POLICIES AND PRACTICE: CALL**

5–7 September 2012: Trinity College, Dublin

An international conference with presentations from leading academics, policymakers and practitioners. Please see website for details: www.jcfj.ie/news.html. Call closes: 13 April 2012.

- **RIGHTS AND WRONGS? DEVELOPMENTS IN ACCESS TO JUSTICE**

12–14 September 2012: Magdalen College, Oxford

The Legal Services Research Centre conference brings together leading academics, policy officials, practitioners and legal service administrators from around the world to present research on legal services and access to justice policy. Further details can be obtained from www.justice.gov.uk/about/lsrc/index.htm.

- **RICS COBRA 2012: LEGAL RESEARCH SYMPOSIUM**

11–13 September 2012: Las Vegas, Nevada, USA

The Royal Institution of Chartered Surveyors' (RICS) Legal Research Symposium 2012 will, once again, be coordinated by the CIB Working Commission on Law and Dispute Resolution in partnership with the annual international COBRA research conference. Further information is available from Paul Chynoweth [e p.chynoweth@salford.ac.uk](mailto:p.chynoweth@salford.ac.uk) or visit www.cobra2012.com.

- **SHAPING POLICY, CHANGING LAW: CALL FOR PAPERS**

12 October 2012: Law Society, Chancery Lane, London

Papers are invited from academics on the relationship between academic research and policy development and law reform. Contact Tara Chittenden [e tara.chittenden@lawsociety.org.uk](mailto:tara.chittenden@lawsociety.org.uk). Call closes: 9 March 2012..



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James W. Williams

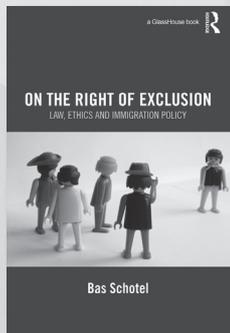
In the context of the waves of financial scandal to hit Canada, the US, the UK, and Europe over the past several years, this book addresses the dilemmas underlying securities enforcement as a distinct regulatory enterprise.

January 2012: 256pp
HB: 978-0-415-69146-8: £75.00 £60.00

On the Right of Exclusion
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Bas Schotel

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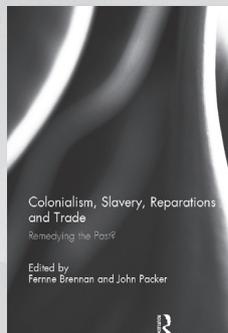
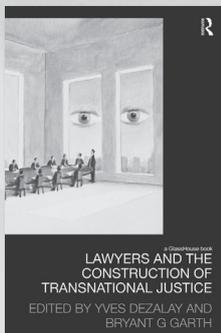
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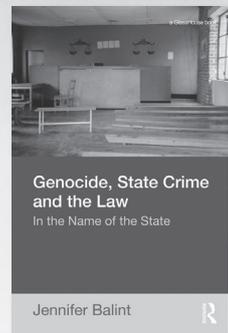
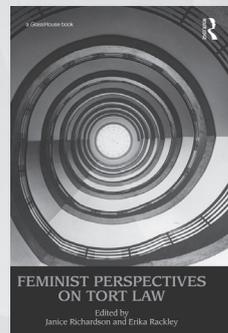
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In the Name of the State
Jennifer Balint

Genocide, State Crime and the Law: In the Name of the State argues that genocide and other forms of state crime must be located in relation to cultural, political and legal processes if they are to be properly understood and addressed.

October 2011: 256pp
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Online Child Sexual Abuse
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Elena Martellozzo

This book addresses the complex, multi-faceted and, at times, counter-intuitive relationships between online grooming behaviours, risk assessment, police practices, and the actual danger of subsequent abuse in the physical world. Based on extensive ethnographic research conducted with the police and a specialist paedophile unit, here Elena Martellozzo presents an informed analysis of online child sexual abuse; of the patterns and characteristics of online grooming, and of the challenges and techniques that characterize its policing.

March 2012: 192pp
HB: 978-0-415-61821-2: £75.00 £60.00

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Nomikoi Critical Legal Thinkers

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Michael G. Salter

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Jacques de Ville

This book presents a comprehensive account and understanding of Derrida's approach to law and justice. Through a detailed reading of Derrida's texts, Jacques de Ville contends that it is only by way of Derrida's deconstruction of the metaphysics of presence, and specifically in relation to the texts of Husserl, Levinas, Freud and Heidegger - that the reasoning behind his elusive works on law and justice can be grasped.

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