

Socio-Legal NEWSLETTER No 60 SLSA

THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

SPRING 2010

SLSA NEWS AND EVENTS

Annual conference 30 March-1 April 2010

Bristol Law School, University of the West of England

Bristol Law School is looking forward to welcoming up to 200 attendees to its Frenchay Campus conference centre.

Highlights of the conference include:

- pre-lunch postgraduate reception on Tuesday 30 March;
- 21 streams and five themes;
- plenary session on Tuesday 30 March with guest speaker Clive Stafford Smith of the charity Reprieve speaking on 'Secrecy and British complicity in torture and rendition';
- new for this year an author-meets-reader discussion session with this year's SLSA prizewinners;
- SLSA AGM on Wednesday 31 March open to all paid-up members of the SLSA;
- and the SLSA annual dinner at the Holiday Inn, Bristol on the final night where our 2010 prizewinners will receive their prizes.

Preparations are well underway with many delegates already having booked their places. However, there is still time to register from a choice of packages but note that the call for papers is now closed. If you haven't yet registered, or if you would like more information on the streams and themes on offer, visit <http://law.uwe.ac.uk/slsa/default.aspx>.

New SLSA Executive Committee members needed

After several years serving on the Executive Committee, Morag McDermont, Bronwen Morgan, Mary Seneviratne and Julian Webb are standing down. We thank them very much for their time and commitment. As a result, there are vacancies for new volunteers. Members give their time and expertise freely to help run the SLSA. They need to be available to attend three meetings per year, usually in London, and to be able to offer some additional time, if necessary, for one-off tasks or possibly to serve on a subcommittee.

There are also vacancies for two officeholders. The SLSA needs a new secretary and a new treasurer. If you would like more information about these roles, please contact the current secretary (Morag McDermont) or treasurer (Daniel Monk).

If you are interested or would like to find out more, please contact the SLSA chair or any member of the committee (full details on page 2).

Also in this issue . . .

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SLSA prizewinners 2010

The SLSA Executive Committee is delighted to announce the winners of this year's book and article prizes. The Early Career Prize was not awarded this year.

SLSA-Hart Book Prize

The book prize was awarded to David Fraser for *The Fragility of Law: Constitutional patriotism and the Jews of Belgium 1940-1945* (2008) published by Routledge. The book examines the ways in which, during the Second World War, the Belgian government and judicial structure became implicated in the identification, exclusion and killing of its Jewish residents, and in the theft – through Aryanization – of Jewish property.

SLSA-Hart Article Prize

The article prize goes to Marie-Andrée Jacob for 'The shared history: unknotting fictive kinship and legal process' (2009) 43 *Law and Society Review* 95-126.

Authors meet readers

The authors will both be attending the SLSA annual conference in Bristol this spring and will participate in an author-meets-reader session to talk about their work.

SLSA Online Directory: prize draw

The SLSA Online Directory will be a year old in May. Many members have logged on and updated their profiles but there are still some stragglers yet to make good use of this new membership benefit.

Now there is an added incentive to take the plunge! Fully paid-up members who have updated their SLSA profile by Monday 10 May 2010 will be entered into a free prize draw. The winner will be given a £75 gift card for Global Giving www.globalgiving.org, where they can use the card to donate to the Global Giving project of their choice. The name of the winner, their chosen charity, and (if the winner so desires) a brief explanation for the choice of charity will be published in the *Socio-Legal Newsletter*. To enter the draw, simply email marieselwood@btinternet.com with the words 'prize draw' in the subject line.

This prize draw is open to fully paid-up members of the SLSA who are not members of the SLSA Executive Committee on the closing date. The draw will take place at the SLSA Executive Committee meeting on 13 May 2010. You may, if necessary, check your membership payment status with the membership secretary: d.fenan@ulster.ac.uk.

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

The newsletter needs your contributions

Do you have an idea for an article or news item for the newsletter? News and feature articles are always needed and deadlines are advertised well in advance (the next is 24 May 2010). If you're unsure about whether your idea will be suitable, contact the editor at marieselwood@btinternet.com or [t 01227 770189](tel:01227770189) or visit the SLSA stand at Bristol 2010.

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2009-2010**

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Next copy deadline: **24 May 2010**
Next publication date: **28 June 2010**

Newsletter back issues

There are a number of back issues of the newsletter from 2008 and 2009 available free to members or non-members. If you would like some copies of the newsletter for circulation at an event or to distribute to students or colleagues, contact Marie Selwood stating how many copies you would like
e marieselwood@btinternet.com.

www.slsa.ac.uk

The SLSA website contains comprehensive information about the SLSA and its activities. The news webpage is updated almost daily with socio-legal news, events, publications, vacancies etc. To request the inclusion of an item on the news webpage, 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 Sally Wheeler
e s.wheeler@qub.ac.uk.

More details on page 5.



The University of Nottingham



KEELE UNIVERSITY



University of Kent



School of Law



School of Law



SLSA SEMINAR

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

Thursday 15 to Friday 16 April 2010

Centre for Socio-Legal Studies, Oxford University, UK

Co-ordinators: Bettina Lange, Oxford University and Dania Thomas, Keele University

This SLSA-supported international and interdisciplinary workshop picks up on three key strands of Karl Polanyi's work. In the early 1940s, he set out in his book *The Great Transformation* a powerful critique of market liberalism and its belief in the self-regulation of economic activity both in a national and global context. This critique is highly relevant to thinking about new approaches to the legal regulation of social and economic risks, also in the context of the current financial crisis.

The workshop will address four sets of questions:

- whether and how economic relationships can and should be embedded in social relations;
- how markets can be regulated by private actors – a theme less explored in Polanyi's work;
- whether global economic and social interdependencies promote or hinder the embedding of economics in social relationships;
- and what methodological challenges are posed by the decline of the nation state in transnational risk regulation.

Themes for panels include:

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

Speakers include:

- Mitchel Y Abolafia, University at Albany, US – 'Markets, culture and organisation'
- Paddy Ireland, Kent University – 'Neoliberal ideology, pension privatization and corporate governance'
- Aurora Voiculescu, Westminster University – 'Privatizing human rights and regulating businesses through codes of conduct'
- Petrina Schiavi, Regulatory Institutions Network, Australian National University – 'Trust and legal regulation'
- and Anna Hutchens, Regulatory Institutions Network, Australian National University – 'Globalizing fairtrade'

To book your place and to submit a proposal for a paper, visit www.csls.ox.ac.uk/SLSARegulationWorkshop.php. Closing date for call: **1 April 2010**.

The fee for participants who do not present a paper is £185. This covers one night in new, purpose-built accommodation at Lady Margaret Hall College, Oxford University, the three-course conference dinner with wine/soft drinks and two lunches as well as tea/coffee during morning and afternoon breaks. We regret that we cannot fund travel costs.

Postgraduate/postdoctoral researcher bursaries

Participation of postgraduate and postdoctoral researchers will be supported through three workshop bursaries. For more information, please contact conference organiser Bettina Lange [e bettina.lange@csls.ox.ac.uk](mailto:bettina.lange@csls.ox.ac.uk).

Bettina Lange

SLSA POSTGRADUATE CONFERENCE 2010

Every year the SLSA runs a free conference at which senior academics provide guidance and advice on coping with the ups and downs of postgraduate study. This year the Law School at Bristol University welcomed 48 students for the two-day event. Lydia Hayes was among them.

Delegates in their third year of PhD study said they would have liked to attend this conference earlier in their postgraduate careers. I can understand why. As a first year PhD, I found the pragmatic focus ideal. The academics offering advice clearly wanted us, as future colleagues, to appreciate the core disciplines of an academic career: personal reliability, professional integrity and commitment to shared practice.

The programmed sessions were well thought-through and began with a 'supervising your supervisor' workshop. This gave us the low-down on what to expect from the relationship with our supervisors and stressed the importance of finishing the PhD on time. The next session concentrated on the different stages of an academic career. There was no hiding the fact that research experience sits as the 'big daddy' at the head of the career table although greater job security and personal satisfaction could accrue through teaching and administration. We were advised to network, not only at this event, but into the future. Just like jogging, even though you might hate it at first, networking, they promised, would get easier with practice!

The 'presentation skills' session began with a warning that presentations are a bad idea – they swallow up time and serve as a distraction from the PhD. Confident we wouldn't heed this main message, academics shared tips about where and how to present. Later in the day, the wide-ranging discussion between the presenters in the 'how to get published' session was particularly informative, letting us know what *not* to do.

The evening's drinks and dinner provided a perfect opportunity to network, during which I became so engrossed in talking to a fellow delegate that I ignored everyone else at the table – my apologies.

Next day, the presentation about research ethics was a stimulating opportunity to reflect on ethics as a collective construct rather than simply a legalistic and formal hurdle for fledgling researchers. It was good to move our chairs around and get talking to each other during the workshop which followed. This was an interactive session which explored the different stages of a PhD. It was useful to consider both the practical and the possible in our future plans.

The final session dealt with the dreaded viva. Were we persuaded that this appointment with destiny should be embraced with glee? Only partially, but we did learn of the extent to which we could give ourselves the best possible opportunity to enjoy it. There were lots of questions from delegates in search of reassurance – proof positive that the viva process was well worth discussing.

I have no hesitation in recommending the conference as a very useful resource for postgraduates who need to know how to get from A to B in their doctoral studies and beyond. The networking might bear early fruit if, like me, you happen to come across a delegate with whom you can share research interests *ad nauseum* and go home smiling!

Lydia Hayes is at the University of Bristol Law School. Her PhD research explores social and legal value assessments about domiciliary care work.

The SLSA would like to thank all those who generously helped with this year's conference. Next year's event will be held in January 2011 at the London School of Economics. The conference will be organised by Linda Mulcahy.

EXPLORING THE 'SOCIO' OF SOCIO-LEGAL STUDIES

Forthcoming SLSA one-day conference

Date: Wednesday 3 November 2010

Venue: Institute of Advanced Legal Studies, London

Keynote speaker: Susan S Silbey, Professor of Sociology and Anthropology, MIT, USA; co-author of *The Common Place of Law: Stories from everyday life* (with Patricia Ewick); former editor of *Studies in Law, Politics and Society* and the *Law and Society Review*.

Confirmed invited speakers: Professor Nicola Lacey, LSE, and Professor John Clarke, Open University (UK).

In this brief article, Dermot Feenan explains the aims, rationale for, and background to this groundbreaking one-day event.

First call for papers

Closing date for call: 1 June 2010

Up to 10 original papers of outstanding quality will be selected for presentation. Proposals for papers of approximately 300 words should be emailed to the academic coordinator, Dermot Feenan, University of Ulster, School of Law, at: d.feenan@ulster.ac.uk, to whom any inquiries may also be directed. Presenters will be expected to submit their papers by 2011 to the academic coordinator for consideration for publication in an edited collection.

Conference registration

Details (including fees) will be confirmed by June 2010 on the conference webpage. Registration deadline: 1 October 2011. Visit www.kent.ac.uk/nlsal/content/view/253/282/. SLSA members will also receive information as it becomes available via the weekly e-bulletin.

Aims

The conference will provide an opportunity to explore the meanings and implications of the 'socio' aspect of socio-legal studies, and to lay out potential pathways for future study.

Rationale

While there has been some scholarship addressing the 'socio' of socio-legal studies, there remains considerable scope for further analysis. There has been no dedicated symposium previously devoted to this theme.

The conference offers an opportunity to consider a range of questions. Does the 'socio' connote the 'social' or 'society', and what are the implications of those connotations in an era of rapid change? Which social groups or societies have been privileged (and which subordinated), and what are the implications for the preoccupation with the human individual or group for contextual legal analysis of inter-species relations or ecology? Does the 'socio' abbreviate the word 'sociological' or stand in, more broadly, for the phrase 'social sciences', and what are the effects of adopting either approach?

How might social theory, sociology or other aspects of social sciences inform, or better inform, analysis of law, legal institutions and other objects of legal studies? What is the relationship between the 'socio' and the 'legal'? Why are these issues important conceptually, theoretically and empirically to socio-legal scholarship? Do developments in late modernity, such as consumerism, globalisation, or neo-liberalism, pose fresh challenges that the 'socio' must address?

How, if at all, do themes abounding the 'socio' in early twenty-first-century scholarship, such as terrorism or security, create opportunities for new perspectives on the 'legal'? What are the implications for the outputs and impacts of socio-legal scholarship in addressing these questions? In what ways do socio-legal researchers communicate beyond their readers to a broader audience, and should a commitment to the 'socio' entail an obligation to make social impact, and if so how?

This pioneering conference invites, in particular, theoretical, historical, comparative and transdisciplinary perspectives, informed, where appropriate, by empirical research.

RESEARCH GRANTS SCHEME 2009-10

It has been another successful year for the long-established SLSA Research Grants Scheme. Subcommittee chair Mary Seneviratne reviews this year's process, including some cautionary advice on eligibility.

This scheme is an important part of the work of the SLSA: it fosters and encourages socio-legal scholarship and provides a valuable source of funding for socio-legal scholars. Although the maximum award is not large (£1500), it attracts applications for self-contained proposals that have far-reaching impact. It also provides start-up funding for projects with the potential to develop into larger research bids. The scheme is administered by a subcommittee of the Executive Committee which this year consisted of Dermot Feenan, Rosemary Hunter, Amanda Perry-Kessaris, Mary Seneviratne and Helen Stalford.

This year, seven awards were made, short summaries of six of which appear in this edition of the *Socio-Legal*

Newsletter (pp 6-7). The seventh will appear in the summer issue.

Altogether, there were 21 eligible applications.* These were assessed by the subcommittee, taking into account such factors as the coherence of the proposal, its methodology and budget, and its potential impact and contribution to socio-legal scholarship. The standard of applications was very high. The 14 unsuccessful applicants were provided with comprehensive feedback on their submissions. Some suggestions for improvement were also given, where appropriate, to some of those actually awarded grants. **Mary Seneviratne**

* The scheme is only available to SLSA members. Nine applications were ineligible because the applicants were not fully paid-up members of the association.

One-day conferences

The SLSA is keen to sponsor one-day conferences of interest to the socio-legal community. Events should be self-funding, although the SLSA is prepared to underwrite them to a limited extent and also provides endorsement.

The Executive Committee would like to hear from you if you have an idea for a one-day conference. Please contact the SLSA chair or a member of the committee for an informal discussion. Past conference themes have included: socio-legal studies and the humanities; ethics; grant-writing workshop; and innocence projects. The next one-day conference is entitled 'Exploring the "socio" of socio-legal studies' (see above).

Details of past events can be found on the SLSA website at www.slsa.ac.uk and follow the events link.

Background

The term 'socio-legal' appears to have been in established use in the USA since the early part of the twentieth century. In the UK, a number of academic lawyers and social scientists organised in 1972 as the Socio-Legal Group to hold regular conferences. That group developed into the Socio-Legal Studies Association in 1990. The SLSA conceives of socio-legal studies as embracing disciplines and subjects concerned with law as a social institution, with the social effects of law, legal processes, institutions and services and with the influence of social, political and economic factors on the law and legal institutions.

Notwithstanding the increasing extent of socio-legal research, teaching and professional activity, there appears to be relatively little critical analysis of what constitutes the 'socio' of socio-legal studies. True, a number of scholars associated with the field have engaged in various ways with the issue.

A challenge to elaborating the 'socio', acknowledged indirectly by some early proponents, such as Harris, is that: 'There is no agreed definition of socio-legal studies.'¹ Some scholars have addressed the 'socio' directly, though in passing. A few scholars have addressed it obliquely, by offering definitions of 'socio-legal' studies generally or by exploring its various meanings. Here, the 'socio' is not analysed separately but is discernible through the definition given to the broader conjoined field of the 'socio-legal'. But even here different definitions connote different concepts of the 'socio' and, consequently, different relationships between the 'socio' and the legal. A number of studies define it in terms of the study of law in its social context. Some other studies broaden that context to include the 'political and economic', or add the 'cultural'? But even then the precise relationship between these fields is rarely elaborated.

By far the largest number of scholars address the 'socio' impliedly, by positing the sociological deficit in socio-legal studies (whereby the 'socio' is framed by its asserted lack) or by addressing or encouraging engagement with the 'social', 'sociological' or 'social sciences'. Still, a number of these studies reflect a dimorphic and instrumental relationship between law and society. Here, law is treated as separate, even inviolate, though related to or contextualised within 'society' and operating upon 'society'. Often, it is concerned with a

mechanistic view of law, for instance, in terms of how social sciences throw light on 'the workings of law and legal institutions'. Wheeler and Thomas suggest a different relationship, one which focuses on intellectual relations and interface: 'The "socio" in socio-legal studies means to us an interface with a context within which law exists, be that a sociological, historical, economic, geographical or other context.'²

If the conceptualisation of the 'socio' has traditionally been in terms of classical sociological concerns – of society, social structure and social practices – it is perhaps not surprising that traditional notions of the 'legal' follow suit. Have traditional socio-legal studies that rely on concepts such as 'society' been rendered redundant by recent sociological theories such as those of Luhmann that substitute a theory of 'social systems' for theories of society?

How have recent developments in sociology and social theory modified not simply the 'socio' but also the 'legal'? Feminism has, amongst other things, critiqued the gendered basis of traditional scholarship, with significant influence in socio-legal studies. Postmodernism has altered ways of understanding the social and its relationship with the legal, particularly through deconstruction of accepted terms. Structuration theory has changed understandings of the relationship between structure and agency, in particular through the ways that law is constituted via social practice. Bourdieu's concept of the field, habitus, and social and cultural capital increasingly inform studies of legal actors and suggest how the 'legal' must be understood with reference to embodiment and other attributes of disposition. Psychoanalytic influences – such as those of Derrida, Lacan and Žižek – have borne radical reconceptions of the concept of the self, identity and social roles.

While the 'socio' may elude precise and definitive elaboration, and perhaps necessarily so, a series of issues continue to arise from its use in socio-legal studies.

Dermot Feenan, SLSA Executive Committee member

- 1 D Harris, (1983) 'The development of socio-legal studies within the United Kingdom', *Legal Studies* 3: 315–33.
- 2 S Wheeler and P Thomas (2000), 'Socio-legal studies', in D Hayton (ed), *Law's Futures: British legal developments in the 21st Century*, Oxford, Hart Publishing, pp 267–79, at p 271.

SOCIO-LEGAL NEWSLETTER SPONSORSHIP SCHEME

The Socio-Legal Newsletter is currently sponsored by a consortium of law schools. These institutions are committed to promoting socio-legal studies in the UK. If you haven't yet considered joining this initiative, please read on to find out more about the scheme.

The *Socio-Legal Newsletter* is sponsored by a consortium of UK law schools. This scheme is now in its third year and has proved highly successful in ensuring the future of the newsletter as a traditional print publication.

The newsletter is an important part of the SLSA's *raison d'être*, reporting on SLSA activities, and publishing articles, news and other information about socio-legal studies submitted by members and non-members alike. Its circulation is wide and varied going to: all SLSA members; most UK law libraries and some abroad; non-governmental organisations; relevant UK government

departments; included in the conference packs at the SLSA annual conference; included in the conference packs at the Law and Society Association Annual Meeting; and distributed at other one-off socio-legal events.

Sponsors are asked to contribute £500 per annum. We would like to thank our current sponsors for their continuing commitment and support in these difficult times. See page 2 for details of all 13 sponsors. Their logos also appear on our newsletter webpage. If you would like any more information, please contact the SLSA chair Sally Wheeler. [e s.wheeler@qub.ac.uk](mailto:s.wheeler@qub.ac.uk)

socio-legal
people . . .

Professor MARY SENEVIRATNE (Nottingham Law School, Nottingham Trent University) has been appointed to the Administrative Justice and Tribunals Council for a period of four years, commencing 1 February 2010.

SLSA membership benefits

- three newsletters per year
 - discounted SLSA conference fees
 - weekly e-bulletin
 - personal profile in the online directory
 - eligibility for grants, competitions and prizes
 - free student membership for the first year, discounted thereafter
 - . . . and much more.
- Visit www.slsa.ac.uk.

SLSA SMALL GRANT PROJECT SUMMARIES

SLSA small grant holders are expected to report to the membership on their projects. On this page and the next, this year's new grant holders introduce themselves and summarise their forthcoming research.

The full list of grant holders is:

- Neil Cobb, University of Durham, £1350 – Crown Prosecution Service scrutiny panels (subject to ethics committee approval)
- Richard Collier, University of Newcastle, £1004.60 – Fathers, lawyers and the work-life balance: managing the downturn
- Elizabeth Craig, University of Sussex, £980 – European minority rights laws
- Lieve Gies, Keele University, £600 – Muslim pupils' perceptions of human rights and the Human Rights Act
- Jackie Gulland, University of Stirling, £1140 – Scoping study on the experience of people claiming Employment and Support Allowance
- Niamh Howlin, Queen's University Belfast, £638.80 – Individual trial reports: what do they tell us about juries?
- Lizzie Seal, University of Durham, £1383.40 – Public attitudes to the death penalty in England and Wales, 1928–1965

Fathers, lawyers and work-life balance: managing the downturn

Richard Collier, Newcastle Law School, University of Newcastle, £1004.60

Developing upon themes contained in the books *Men, Law and Gender: Essays on the man of law* (Routledge 2009) and (with Sally Sheldon) *Fragmenting Fatherhood* (Hart 2008), this project explores the interconnections between parenting cultures, gender and social change in the context of the contemporary legal profession. The issue of work-life balance continues to have, notwithstanding the present economic recession, a high political and policy profile within the profession. There is widespread agreement that the sector needs to adapt to economic and social changes and offer a balanced working culture that will enable law firms to attract and retain the most talented staff. Interlinked to concerns about the drift of women solicitors and broader policy agendas around gender equality, the recession has reshaped the terms of this debate and thrown up new questions about gender, work and organisation in a field of employment marked by a 'long hours' culture.

Arising at the interface of my past and present research in the areas of fathers, fatherhood and law, men and masculinities and an earlier study of male lawyers (2009), this project explores how the recession has redrawn the debate about work-life balance and whether generational shifts may be taking place in relation to perceptions of the role of and demands on fathers. It considers the pressures in play internally and externally and how ideas of gender difference, masculinities, professional identity formation and gender equity inform these conversations.

As a self-contained study, involving interviews with directors of personnel/human resource managers within targeted large corporate commercial firms located in three cities, the project will lead to specific short and medium-term outputs whilst enhancing the prospects of further funding for work on male lawyers and masculinities via facilitating key stakeholder involvement.

Scoping study on the experiences of people claiming ESA

Jackie Gulland, University of Stirling, £1140

In October 2008 Employment and Support Allowance (ESA) was introduced for all new claims relating to 'incapacity for work' as part of the government's welfare to work reforms. ESA brings increased conditionality into claims for 'sickness' benefits and introduces a more discretionary element in the form of sanctions if people fail to undertake 'work-related activities' without good cause. While the decision to impose the sanctions remains with the Department for Work and Pensions (DWP), 'personal advisers', contracted from the voluntary and private sector have a say in advising as to whether 'good cause' can be established.

Recent statistics on the ESA show that 36 per cent of claimants under the new rules were found 'fit for work', while a further 38 per cent 'stopped claiming benefit' (DWP press release, October 2009). Voluntary sector organisations have pointed to problems with the new system (for example, Citizens Advice Scotland, National Autistic Society, in press releases, October 2009).

Using interviews with key informants in the voluntary sector, this research aims to gather background information on the day-to-day experiences of people claiming ESA. The project supported by the SLSA small grant will consider the impact of the introduction of the ESA on the clients of voluntary sector organisations and what patterns these organisations perceive in the experiences of their clients. The results of this study will be used to support a larger project, planned with colleagues at the University of Stirling, which will look at the question of negotiating incapacity for work from a range of perspectives. While the small grant will enable important empirical data on the everyday experiences of claimants to be used to strengthen the application for the larger grant, it will also provide a useful study of the early experiences of a new system and the ways in which voluntary organisations support their clients in dealing with problems and disputes.

Muslim pupils' perceptions of human rights and the Human Rights Act

Lieve Gies, School of Law, Keele University, £600

This study aims to examine how young British Muslims (16 to 18) perceive human rights. The Human Rights Act 1998 (HRA) seeks to instigate a human rights 'culture' by raising awareness of the importance of the values and principles of human rights among ordinary citizens. While the legislation is widely unknown to non-lawyers, the media have been criticised for portraying it as benefiting undeserving victims, stereotypically, minority groups. In contrast, British Muslims, as a minority group, feel they are disproportionately affected by anti-terror laws and negative attitudes to religious dress, badly restricting their human rights. HRA case law suggests that school pupils from minority faiths have (unsuccessfully) resorted to the Act as a basis for challenging school uniform rules (see the landmark ruling in *Begum v Denbigh High School* [2006] UKHL 15). This suggests that levels of awareness and perceptions of the HRA among young Muslims and other religious minority groups may differ significantly from the views held by majority groups and the negative images of the HRA promoted in mainstream media. The field research for this project will be conducted at Broadway School in Perry Barr (Birmingham), a maintained school with a large majority of Muslim pupils. The principal method to be used involves a series of deliberative workshops in which pupils will debate statements concerning the HRA 1998. The research questions will focus on pupils' views on the meaning and importance of human rights to themselves, their peer group and their community.

Employment monitoring and the Framework Convention for the Protection of National Minorities: emerging tensions and challenges

Elizabeth Craig, University of Sussex, £980

Ten years after the entering into force of the Framework Convention for the Protection of National Minorities, there are increasing signs of emerging tensions between the individual right to choose to be treated or not to be treated as belonging to a national minority under Article 3 and the equality and non-discrimination guarantees in Article 4. A particularly vivid illustration of potential tensions can be found in the heated debates that have taken place in Northern Ireland over the inclusion of a right to self-identification in any future Bill of Rights and the potential implications for existing monitoring processes, as well as in discussions over a Single Equality Act. This project will explore the usefulness of ideas associated with liberal culturalism in helping to reconcile such tensions. The issue of data collection has been addressed on a number of occasions by the Framework Convention's Advisory Committee. The funded part of the research project will involve: (1) an examination of the history of the development of a European right to self-identification and of the Advisory Committee's current position; and (2) an empirical investigation into the positions of relevant actors in Northern Ireland on the principle of self-identification and employment monitoring. The empirical component will involve interviews with representatives of the main political parties and of civil society, focusing in particular on the extent to which they perceive that their positions are linked to particular political philosophies or community affiliation and their views on liberal culturalism.

Individual trial reports: what do they tell us about juries?

Níamh Howlin, Queen's University Belfast, £638.80

My application was for a grant to fund a research trip to London in July 2010 for the purpose of accessing materials held in the British Library and the Senate House Library. My research area is legal history; specifically, the nature and development of juries in nineteenth-century Ireland.

Legal history is a key area within the broader socio-legal studies field, as it involves examination of the social, political and economic contexts within which laws, legal norms and legal institutions were created and developed. Developments during the 'long nineteenth century' in particular have continued to inform the way in which law is advanced and interpreted. Many practices relating to juries and jury trials established during this period continue to have relevance in the twenty-first century, not alone in Ireland and the UK, but also further afield, such as in the USA and former Commonwealth countries where civil and/or criminal jury trials continue to be used.

Both of the libraries mentioned hold a number of individual reports of criminal and civil trials from nineteenth-century Ireland, many of which are unavailable in Irish libraries. These reports vary in length, and tend to provide a level of detail not usually found in collections of law reports, listing, for example, the jurors' names, religious or political affiliation, social status, as well as various jury procedures such as the calling-over and swearing-in of jurors, and the operation of jury challenges. These reports are extremely useful for shedding light on the manner in which both civil and criminal jury trials were conducted, and identifying common problems and key figures in jury reform.

Public attitudes to the death penalty in England and Wales c.1928-1965

Lizzie Seal, Durham University, £1383.40

This project will qualitatively research public attitudes towards the death penalty in mid-twentieth-century England and Wales – a topic not explored by previous research despite the contentious nature of capital punishment at this time. The period covers the reinvigoration of the abolition movement following the introduction of an (unsuccessful) Abolition Bill in 1928, until the passing of the Abolition Act in 1965.

The research will make a new contribution to knowledge by analysing the everyday meanings of capital punishment during this era. The political dimensions of the abolition of the death penalty, in terms of the parliamentary process and the campaigning activities of interest groups, have been well covered. Very little attention has been given to the general public's conceptions of execution.

In order to research public attitudes to the death penalty, the following sources will be analysed:

- letters concerning particular capital prisoners from members of the public to Home Secretaries (held in prisoners' case files) and newspaper editors 1928–1965;
- open-ended responses from the Mass Observation Capital Punishment Survey 1938–1956;
- recordings of personal oral histories that include recollections of the death penalty in use.

The research will contribute to scholarship which analyses the cultural life of punishment and aims to understand the public meanings it creates (Garland 1990; Smith 2008). As such, techniques drawn from discourse analysis will be employed to identify the significant meanings the public attached to the death penalty during the period in question.

I am grateful to the SLSA for a small grant that will support visits to the National Archives, the British Library Newspaper Library and the British Library Sound Archive in order to access the relevant sources.

References

- Garland, D (1990) *Punishment and Modern Society: A study in social theory*, Clarendon
- Smith, P (2008) *Punishment and Culture*, University of Chicago Press

Journal of Law and Society

Articles forthcoming in the 2010 volume include:

- Conditional rights, benefit reform and drug users: reducing dependency? – Neville Harris
- Regulating law firm ethics management: an empirical assessment of an innovation in regulation of the legal profession in NSW – Christine Parker, Tahlia Gordon & Steve Mark
- 'Consumer' versus 'customer': the devil in the detail – Pinar Akman
- Cartel laws undermined: corruption, social norms and collectivist business cultures – by Andreas Stephan
- Shopping in the public realm: the law of place – Antonia Layard
- The exclusion of (failed) asylum seekers from housing and home: towards an oppositional discourse – Lorna Fox O'Mahony & James Sweeney
- Mother abuse: a matter of youth justice, child welfare or domestic violence? – Caroline Hunter, Judy Nixon & Sadie Parr

EMPIRICAL RESEARCH IN THE UNDERGRADUATE CURRICULUM

Caroline Hunter, University of York, has conducted a survey of the use of empirical research in the undergraduate law curriculum funded by the Nuffield Foundation. She summarises her findings here and explains how they show a mixed picture across the UK.

The Nuffield Inquiry into Empirical Research on Law identified a lack of capacity in empirical legal research in the UK. The inquiry's report¹ concluded that there was a need to support initiatives to address the requirements of potential legal empirical researchers at all stages of their careers, including at the undergraduate level. However, there is still little data about the extent of the use of empirical research in the undergraduate law curriculum.

In order to address this lack of knowledge, the Nuffield Foundation, with support from the UKCLE, funded a further small project to gather information through an online questionnaire which sought information on modules in the undergraduate curriculum in which empirical research was taught or encountered. The questionnaire was followed up by a one-day seminar attended by 19 participants from a range of different UK law schools and other related institutions.

The questionnaire was primarily intended to identify a range of practice rather than engage in a mapping exercise. Indeed, as some responses were specifically solicited, it can in no way be thought of as representative. There were 27 responses to the questionnaire, plus a number of separate email replies which disclosed some interesting module content and extra-curricular activities. Nonetheless, there were a number of disappointments; in particular only one respondent indicated that empirical research was used in a core qualifying law degree (QLD) module (property). In addition, none of the modules which were mentioned were taught in the first year of the undergraduate degree. The largest number of responses to the questionnaire concerned family and/or child law. This was in part because some of these were solicited, but it was felt at the seminar that the results reflected a reality that it was more usual for academics in this subject to engage with empirical research than for colleagues in other areas. This also seems to be reflected in the textbooks which are available for such modules – a number of which were cited in the questionnaire responses as containing references to relevant empirical research.

At the seminar, further examples were discussed by those who are currently involved in or interested in developing law teaching which incorporates empirical methods and materials. This included sessions from three respondents to the questionnaire: Bronwen Morgan spoke about the socio-legal studies module run at Bristol University; Sylvie Bacquet about the research methods and law module and dissertation at Westminster University; and Angela Melville about the child law module at the University of Manchester. In addition, the seminar included a session on incorporating empirical legal research into assessment, run by Caroline Hunter (University of York) and Vanessa Munro (University of Nottingham) and another on ethical issues, with Julian Webb (University of Warwick). The discussion was wide-ranging and sought to flesh out some of the problems and also ways forward.

A full report is available on the LERSnet website which sets out findings from the questionnaire and reports on the discussions at the seminar.² The report indicates there are a number of barriers to introducing empirical legal research into the undergraduate curriculum. These include:

- resistance from other faculty members;
- resistance from students, particularly to unknown forms of assessment;
- lack of suitable textbooks.

Nonetheless, the survey and seminar revealed a range of interesting practice which does engage undergraduate law students with empirical legal research, both in compulsory modules, such as 'advanced legal research and law reform' run at Leeds University, and optional modules such as those outlined at the seminar by Bronwen Morgan and Sylvie Bacquet at Bristol and Westminster universities. In addition, it is also possible to stimulate this interest from projects and research experience carried out as extra-curricular activities and opportunities to develop this should not be missed.

The report concludes that:

While it is unlikely that in the undergraduate law curriculum there will be room for detailed training in empirical methods, there is certainly room for critical exposure. That exposure should start in the first year in order that students see it as the 'norm' to become critical consumers of empirical research about law throughout their degree. For those who then wish to take this further, the examples provided indicate what can be done to foster and encourage students to engage with and in empirical research.

Undoubtedly there are further examples which the research did not uncover. The LERSnet website provides a forum for further discussion and invites readers to post details of their own examples.

Notes

- 1 H Genn, M Partington and S Wheeler, *Law in the Real World: Improving our understanding of how law works*, www.ucl.ac.uk/laws/socio-legal/empirical.
- 2 Go to www.lersnet.ac.uk/?p=78 and click on the 'Undergraduate curriculum' blog.

Journal of Law and Society: special issue 2010 'Regulating sex work: from crime control to neo-liberalism?'

Jane Scoular & Teela Sanders (eds)

Introduction: The changing social and legal context of sexual commerce: why regulation matters – Jane Scoular & Teela Sanders

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

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

The movement to criminalize sex work in the United States – Ronald Weitzer

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

Labours in vice or virtue? Neo-liberalism, sexual commerce and the case of Indian bar dancing – Prahba Kotiswaran

Male sex work: exploring regulation in England and Wales – Mary Elizabeth Whowell

Bellwether citizens: the regulation of male clients of sex workers – Belinda Brooks-Gordon

Extreme concern: regulating 'dangerous pictures' in the United Kingdom – Feona Attwood & Clarissa Smith

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

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

Howard League early career academic network goes live

The Howard League for Penal Reform's early career academic network is an internet-based network to help researchers keep in touch with each other, provide a regular channel of communication and information about research, and promote closer working and an interface between academics and campaigners. The members' password-protected site aims to develop debate, include articles, letters, opinion pieces and provide a directory of members. All members will receive bi-monthly e-bulletins providing information about policy developments, resources and campaigns. It is anticipated that there will be one event per academic term aimed at academics in their first job or postgraduate students aiming for their first academic or research post. Anyone working in fields related to criminology, social policy, law, humanities or who has research interests related to these areas can join the network.

For details or to join, visit www.howardleague.org/ecan/ or contact Anita Dockley, [e anita.dockley@howardleague.org](mailto:anita.dockley@howardleague.org)
Anita Dockley, research director, Howard League

Sheffield HCS request for materials

The Hallam Criminology Society (HCS) is an organisation run by Sheffield Hallam University's Criminology students for any student with an interest in criminology. Currently in its fourth year of operation, the HCS aims to broaden students' criminological imaginations through demonstrating the different possibilities that studying criminology can bring in a variety of different ways. These have included hosting guest speakers, arranging film nights, coordinating volunteering work, organising field trips and producing quarterly newsletters. All events are linked through the theme of demonstrating how the content students learn on their criminology degrees is influenced by, and can be applied to, current affairs.

Members of the HCS are now looking to put together a criminology information library at their Collegiate Campus site. They hope to demonstrate the possibilities for students wanting to use their degree for undergraduate volunteering; for graduate jobs; to access study or work opportunities abroad; to continue their studies at postgraduate level; to find out about funding opportunities, and to learn more about academic life in general. *Socio-Legal Newsletter* editor, Marie Selwood, has kindly offered to kick-start this initiative by donating back issues. The HCS would like to invite people to donate similarly relevant material which they think would be of use to its members. This can range from newsletters or bulletins to specialist interest information. All offers are welcome and much appreciated by HCS members.

The postal address for this material is: [✉](mailto:marian.duggan@shu.ac.uk) FAO Marian Duggan, Sheffield Hallam University, 248 Whitehouse, Southbourne Building, Collegiate Crescent Campus, Sheffield, South Yorks S10 2BP. For further information or to offer suggestions, contact Marian Duggan [e m.duggan@shu.ac.uk](mailto:m.duggan@shu.ac.uk) or [t 0114 225 4424](tel:01142254424).

Marian Duggan

Changes to AHRC 2010 schedule

The AHRC is transferring grants processing to the RCUK Shared Services Centre. It is also moving to Swindon in June. This will affect the schedule as follows: the Research Networking, Research Grants and Fellowship Schemes are closed, re-opening on 31 May 2010; the May closing date for Knowledge Transfer Fellowships will not occur, the scheme will re-open later in 2010; Knowledge Catalysts are closed, re-opening on 31 August 2010. All other schemes continue as planned. For more details, visit www.ahrc.ac.uk.

Mediating peace agreements

Dr Noelle Higgins and Dr Brenda Daly, School of Law and Government, Dublin City University, have received €79,716 from the Irish Research Council for Humanities and Social Sciences Research Development Initiative Scheme 2009 to undertake a research project entitled 'Mediating peace agreements: the capacity of the EU as a multi-track mediator'.

This project seeks critically to examine and assess whether the EU has demonstrated a capacity to act as a multi-level mediator in armed conflict resolution. The EU is uniquely positioned to impact positively on armed conflict situations given its vast resources and power position. Indeed, it actively promotes principles of conflict prevention and resolution. It has mediated in a number of conflicts in the past, on its own and in conjunction with states, and it has also supported non-governmental organisations' mediation efforts. The choice of the level and type of role taken by the EU in mediation processes has depended on the demands and needs of the conflicting parties.

This project will draw on conceptual models of mediation, namely facilitative, evaluative and transformative approaches, to analyse how the EU has acted in mediation processes in a number of conflicts, in order to assess its success at harnessing the capabilities and resources of other mediation actors and to analyse if it has the capacity to act successfully as a multi-track mediator in armed conflict situations. The project analyses the approach to mediation taken by the EU in each of the case studies highlighting issues such as leverage, impartiality, resources, and interaction with other actors engaged in the mediation process. The case studies chosen are Georgia, Aceh and Cyprus. Findings from this project will strengthen our understanding of the EU as an actor in armed conflict mediation and will predict how the EU can optimise its unique position as a mediator in future conflicts. There will be a one-day workshop in May 2010.

Brenda Daly and Noelle Higgins

Families on the edge of care proceedings

Judith Masson, professor of socio-legal studies at Bristol University, and Dr Jonathan Dickens, senior lecturer in social work at the University of East Anglia, have been funded by the ESRC for a study on the new pre-court processes which apply to care proceedings. The study – 'Families on the edge of care proceedings: the operation and impact of pre-proceedings processes in children's social care' – starts in April 2010 and will last for 27 months. The study builds on Judith Masson's earlier work on child protection proceedings (J Masson et al (2007) *Protecting Powers*, Wiley, and J Masson et al (2008) *Care Profiling Study*, MoJ), another ESRC-funded Bristol study on parents' representation in care proceedings (Julia Pearce, principal investigator) and Jonathan Dickens' work on law and management in social work decision-making in child protection.

The project will examine local authority decision-making about child protection in the wake of the Baby Peter tragedy. It will focus on the use of the new process, which allows parents access to free legal advice for discussion with social workers, and its impact on the arrangements made for children considered to be in need of protection. The study, which will take place in six local authorities, will use a combination of methods including the observation of meetings between parents and social workers and interviews with parents. It will provide useful evidence in two areas which are under-researched – social worker interaction with service users and parents' perceptions of child protection processes. For further details, contact [e judith.masson@bristol.ac.uk](mailto:judith.masson@bristol.ac.uk) or [e j.dickens@uea.ac.uk](mailto:j.dickens@uea.ac.uk) or visit www.esrcsocietytoday.ac.uk/ESRCInfoCentre/Minisites/ploresearch/index.html.

Judith Masson

THE 'IMPACT' DEBATE

In the autumn of 2009, the Higher Education Funding Council for England (HEFCE) published a consultation document and invited interested parties to comment on detailed proposals for the Research Excellence Framework (REF). The consultation closed in December 2009 and HEFCE will issue guidance later this year. Many organisations responded, including two groups of senior legal academics: one coordinated by Alan Norrie, the other by Costas Douzinas. On this page, Alan Norrie first examines why academics find the notion of 'impact' so alien. Opposite, Costas Douzinas explains the concerns of critical legal scholars and we publish the text of their open letter.¹

The impact of impact: a Cartesian doubt

Why are academics so against the idea of 'impact' in judging the quality of their work? I recently organised a 'round robin' letter amongst senior legal academics to submit to HEFCE expressing our concerns. Within a few days, I had 40 signatures. When I suggested that an academic newsletter organise a debate, the response was that it would be hard to get anyone to argue in favour.

Yet, this is counter-intuitive. The possibility that research might have positive impact is surely to be welcomed. In rejecting it, academics appear to seek the comfort of the ivory tower. They should be careful: why would anyone want to fund research that has no impact, and of what precisely are academics so afraid?

Research exercises assess academic quality, but low quality research may have high impact, and vice versa. That high quality work may have low impact is particularly true in disciplines like history or philosophy which 'shed light' rather than 'bear fruit'. But the point is generalisable to all disciplines which value theoretical or 'pure' research (with low impact) alongside practical or applied work.

Therein lies the problem. The dynamic of research, for example, in an 'applied field' such as law is from practice to theory and back again. Prioritising one aspect of the research cycle will affect legal studies as a whole in the medium to long term. The scholar with 'impact' will enjoy a premium when it comes to appointment or promotion, yet his or her work may depend upon theoretical work carried out by others. Good theory establishes the intellectual conditions that make innovative, applied work with impact possible. Over a period, prioritising impact will downgrade an essential part of the research cycle. Practical work without innovative theory will become increasingly shallow and undermine the very thing that is prized.

The notion is also problematic in a world where impact is necessarily focused through the lens of political preference. Mundanely, does an academic at a northern university have the same chance of impact as one based in London? More deeply, can work that is socially or politically unpopular have the same impact as that which conforms to government priorities? In my area, law, is an architect of the Human Rights Act 1998 displaying a high quality impact, but only until the next election? If an international lawyer argued that the invasion of Iraq was legally valid, is that a high quality impact? (Pity all those who argued it was illegal – no impact at all!)

HEFCE is no doubt in a difficult situation. Pressed by government, it tells the academic community it must play the game to be rewarded in the REF. At the same time, it promises a level playing field for those who can't demonstrate impact. It is hard to see how it can have it both ways. HEFCE also concedes that robust and rigorous techniques do not exist for

measuring impact. So academics are given a mixed message about the value of impact, and then of the possibility of its being measured.

While one can have some sympathy, there is something very worrying here. HEFCE suggests that academic freedom must be protected, but that this is a 'privilege' and not a 'right'. The thought is that society, presumably through its political representatives, grants academic freedom. By extension, what has been granted can be taken away. This is a medieval notion of freedom, or one associated with authoritarian regimes. It contrasts vividly with Kant's pivotal Enlightenment notion: *Sapere aude* (have the courage to think for yourself). Of course, academics are privileged to do work with intrinsic value under reasonable conditions, but academic freedom of thought cannot be a privilege. It is rather, more simply, what academics *have to do* if they are to be true to their work. This is the responsibility of anyone who takes academic work seriously. HEFCE does not support academia if it forgets this.

Finally, let's return to the intellectual nub. Four hundred years ago, Rene Descartes wrote as the first rule of philosophical method that we should not get lost in practical detail. We should understand that the fruits of knowledge come about indirectly, and that there are dangers in forgetting this. What 'makes us stray from the correct way of seeking the truth is chiefly our ignoring the general end of universal wisdom and directing our studies towards some particular ends'. By this he didn't mean 'vile and despicable ends such as empty glory or base gain', but rather (all too) 'respectable and commendable ends, for these are often more subtly misleading'.

These included 'the pursuit of sciences conducive to the comforts of life'. Is this not what underlies HEFCE's and the government's concern, to display impact with regard to 'life's comforts'? Legitimate in its own way, Descartes warned that it frequently causes us 'to overlook many items which are required for a knowledge of other things, because at first glance they seem of little use or of little interest'. The person who takes a broader view will in contrast 'soon be surprised to find that he has made far greater progress than those who devote themselves to particular studies'. He will achieve 'not only everything that the specialists aim at but also goals far beyond any they can hope to reach . . .'

It is the complex relationship between work with and without impact that is under threat. In light of the consultation, HEFCE may decide to reduce the quantum of the impact measure (from the present 25 per cent), but this will leave the value of impact conceded. The thin end of a very dangerous wedge will have been inserted into the university system. It is the short-sightedness of the impact agenda that is so troubling. HEFCE should heed Descartes and think seriously about the impact of impact.

Professor Alan Norrie, School of Law, University of Warwick

1 The letters from both groups of legal academics are available on the SLSA website www.slsa.ac.uk – follow the links to the news page publications section.

Social and Legal Studies 19(1)

- GMOs and the crisis of objectivity: nature, science and the challenge of uncertainty – Donatella Alessandrini
- Vetting sexual offenders – Anne-Marie McAlinden
- (M)others in altered states: prenatal drug-use, risk, choice, and responsible self-governance – Julie Gregory
- Law, ideology and modernization in Turkey: Kemalist legal system reform in perspective – Aylin Özman
- Regret, remorse and the work of remembrance: official responses to the Rwandan Genocide – Nesam McMillan
- Governing permanence: trans subjects, time, and the Gender Recognition Act – Emily Grabham

The critical perspective

The Critical Legal Conference (CLC) rejected in 2009 a proposal to form an organisational structure in order to participate in the REF consultation process. The decision was based on our long-established ethos, according to which the CLC is a loose network of critical academics and a conference that meets every year and has no boards, committees or officers.

We wrote the letter below to the REF as individuals expressing views widely held by the critical legal community. The proposal that 'research excellence' should be judged for its 'impact' defined as 'benefits to the wider economy and society' coupled with the claim that these benefits do not include 'intellectual influence' or influence on teaching is a logical, cognitive and moral error that would fare badly in an undergraduate essay. It concludes a process which has turned universities into badly run businesses mimicking the 'market place'. It is also intrinsically linked with a wider political direction: the immense losses inflicted on Britain by the private sector following the intellectually bankrupt neo-liberal idolatry

were socialised while the public sector is demonised and threatened with planned cuts of up to a third in universities budgets, according to the Russell group. Recent governmental policies can be described as socialism for private interests and brutal capitalism for the public service. This is a clear example of how 'impact' can be universally catastrophic for economy and society, as well as the university.

The university has a diverse set of missions, tasks and services. However, its legitimacy relies largely on its commitment to the fostering of critical thinking and the search for truth. Critical and theoretically informed socio-legal scholars have always stood for the idea of the university as the place of unconditional pursuit of truth against the various passing orthodoxies. It is our intellectual and political duty to protest and protect the remaining integrity of university law against the current orthodoxy of neo-liberal commodification and governance. If you would like to add your voice please sign the letter at e.douzin@hotmail.com.

Costas Douzinas, Birkbeck, University of London

Dear Madam/Sir

We, the undersigned, would like to express our concern about the way in which the assessment of critical legal theory and theoretically informed interdisciplinary legal studies, a thriving form of international legal scholarship, is likely to be affected under the terms proposed by the Research Excellence Framework Consultation with its emphasis on social and economic 'impact'. If 'impact' becomes a key criterion and is narrowly defined to exclude from consideration academic audiences, objectives and practitioners there is risk that this important area of scholarship and its international impact will simply be misunderstood.

This concern is exacerbated by the experience of recent evaluations of legal scholarship, which have failed to give appropriate acknowledgment to critical legal theory and theoretically informed interdisciplinary legal studies. This has a direct bearing on the manner in which decisions on 'impact' will be made in the REF as currently proposed. It will lead to the further marginalising of such work given the large percentage of the total score (25 per cent) which it is proposed be allocated for impact.

Critical legal scholarship and theoretically informed interdisciplinary legal studies are not primarily empirical or policy-orientated. However, they address traditions of juristic and philosophical thinking and scholarship of central academic importance. Any assessment of its quality and 'impact' would have to take account in part of its objectives: the endeavour to re-think law, justice, politics and their relationships away from conventional or dominant interpretations. The impact of such critical legal theory and theoretically informed interdisciplinary legal studies cannot be measured in terms of direct economic and policy terms but in terms of indirect influence such as in our roles as teachers and public intellectuals.

For example, Hegel's Philosophy of Right, is perhaps one of the most influential contributions to legal philosophy. This text changed the way modernity understands law and rights. Yet this type of philosophy rarely finds its way in jurisprudence textbooks. Critical legal scholarship and theoretically informed interdisciplinary legal studies have changed this narrow approach. The Critical Legal Conference has been the oldest legal theory grouping in this country, taking place annually without break for the last 25 years. It is the legal theory conference, which has consistently built global networks of scholarship. Recent conferences have taken place in continental Europe, Asia and Africa.

Theoretical schools such as feminism, critical race theory, post-colonialism, semiotics, psychoanalysis, post-structuralism, phenomenology, queer theory and literary jurisprudence were introduced or promoted by critical scholarship and theoretically informed interdisciplinary legal studies only later to be widely adopted by legal scholars. While certain journals are dedicated to this type of theoretical approach, today most academic reviews publish articles that are directly or indirectly influenced by critical legal scholarship or theoretically informed interdisciplinary legal studies.

In a democracy, a major role of scholarship is to provoke original, challenging and unconventional thinking. The university is the place where truth is pursued in non-dogmatic, open and pluralist ways. Juris-prudence, in particular, as the prudence of law acts as the conscience and consciousness of law. The Socratic and Platonic (legal) philosophy, the earliest in the Western tradition, was an exercise in the examination, evaluation and challenge of doxa (common sense). No theory or practice survives without a continuous and vigorous reflection on its premises, assumptions and hegemonic practices.

We believe that the assessment of quality, the indicators of esteem and of 'impact' must be flexible enough to take account of the different ways in which legal scholarship formulates its objectives and addresses its audiences in order to avoid imposing an inflexible, monolithic and unrepresentative model of legal studies.

Furthermore, we believe that the incoming REF law panel should include members who understand and can assess critical legal theory and theoretical informed interdisciplinary legal studies. The critical and theoretically informed interdisciplinary component of legal scholarship must be safeguarded as the lifeblood of law's self-understanding and change.

Signatories

Costas Douzinas (Birkbeck), Peter Fitzpatrick (Birkbeck), Donatella Alessandrini (Kent), Oren Ben-Dor (Southampton), Bill Bowring (Birkbeck), Emiliios Christodoulidis (Edinburgh), Julia Chryssostali (Westminster), Maria Drakopoulou (Kent), Michelle Everson (Birkbeck), Lindsay Farmer (Glasgow), Adam Gearey (Birkbeck), Oscar Guardiola-Rivera (Birkbeck), Stephanie Jones (Southampton), Patrick Hanafin (Birkbeck), Tarik Kochi (Sussex), Elena Loizidou (Birkbeck), Fiona Macmillan (Birkbeck), Eugene McNamee (Ulster), Les Moran (Birkbeck), Daniel Monk (Birkbeck), Andreas Philippopoulos-Mihalopoulos (Westminster), Sara Ramshaw (QUB), Paul Raffield (Warwick), Bal Sokhi-Bulley (QUB), Anton Schutz (Birkbeck) Matt Stone (London Metropolitan), Patricia Tuit (Birkbeck), Illan Wall (Oxford Brookes)

LAW AND SOCIAL CHANGE

The last 10 years have brought irrevocable change to the social and legal maps of our world. In the second edition of her book Law and Social Change (Sage 2010), Sharyn Roach Anleu, has re-evaluated the relationship between law and the society in which we live in light of three overarching themes. She provides a snapshot of these developments in the following article.

The topic of law and social change has long interested social scientists, some more directly than others. In sociology, key social theorists, from the so-called founding fathers – Durkheim, Marx and Weber – to the more contemporary thinkers, such as Habermas and Foucault, have contemplated the intersections between law (in various forms) and broad social changes. The cultural or postmodern turn in social sciences contributed to more complex and nuanced understandings of law and social change. In much contemporary socio-legal scholarship, law is not restricted to legal institutions, understandings of social change are not limited to policy change, and a view of law as outside or separate from society is resisted.

Revising *Law and Social Change* almost a decade after it was first published caused me to reflect on the new and different ways law and social change intersect. During that decade, significant events, and consequent concerns about them, occurred in areas of politics, financial markets, labour markets, climate change, migration, wars and terrorism. Often such events and developments are framed as legal issues, or at least as presenting problems requiring some legal or legislative response, in either or both national and international arenas. For example, following the series of attacks in the United States on 11 September 2001, many governments passed legislation outlawing terrorism-related activities and enhancing security provision. Significant events also engender social activism, and social movements often couch their agendas in legal terms, demonstrating the practical ways in which law and social change interact. When social movements are oriented to social change through legal change, legal institutions and discourse can in turn affect the strategies social movement activists adopt.

The underlying theme of *Law and Social Change* is that law both shapes and is shaped by developments in market relations, the structure of social inequality, the level of industrialisation, cultural values, processes of socialisation, the organisation of legal professions, governmental structures and priorities and political ideology. The book adopts the central idea of law as regulation; this regulation can have anticipated but often unanticipated consequences.

In surveying social theory and empirical research on law over the past 10 years, at least three developments stand out: the dominance of the concept of globalisation; the increasing use of law to regulate deviance; and the expansion of empirical research and data on legal institutions and legal settings.

Globalisation

Globalisation has become a dominant concept for interpreting social change; it is a way of framing or making sense of events in the world. On a macro level, international migration, refugees, the marginalisation of many indigenous peoples, financial instability, and new forms of inequality are interpreted through the concept of globalisation, and its offshoots: globalism, globality, glocality and glocalisation. Important global changes in economic, financial, political and cultural spheres can have varying impacts on national legal systems and local law.

The efficacy and future of the nation state is of considerable importance in this context. There is evidence of global convergence in substantive law and in legal institutions, as many national states legislate on similar topics (for example,

human rights), sometimes following participation in multilateral conventions or treaties. The idea of world society implies that contemporary national societies are becoming more similar in structures and politics in domains of business, politics, education, medicine, science, the family, substantive laws and religion (Meyer et al 1997).*

Resisting a simple convergence thesis, much empirical research identifies the ways in which legislation is structured, implemented and enforced locally, often in ways not anticipated by reformers, including the promulgators of international norms and law. The development of global norms in business, trade regulation, environment and climate, or corruption are inevitably filtered by local circumstances, politics and actors. A complex understanding of law emphasises its recursivity, whereby 'national experiences influence global norm making and global norms constrain national lawmaking' (Carruthers and Halliday 2006: 1187). The process of globalisation also has ambivalent relationships with the legal profession. On the one side, lawyers are active in developing global norms and international law, but, on the other, law firms and legal practitioners have to respond to new market pressures and competition and, as a result, sometimes furthering stratification within the legal profession.

The increasing use of law to regulate behaviour

Increasing and new legal regulation is taking place at a more local and individual level. Behaviour defined as anti-social or deviant – definitions of which can be highly contested – is becoming more subject to legal regulation in everyday or ordinary settings. The emergence of anti-social behaviour orders (ASBOs) has attracted considerable debate in the UK, in part because of the range of different activities and behaviours they can encompass. Indeed, the discourse of anti-social behaviour has wider currency, for example, being adopted in some Australian policy initiatives.

Other developments in social control emphasise the identification and management of risks, security and crime prevention, often using contractual or social relations to regulate behaviour and advance personal responsibility. An increasing range of agents – neighbourhood wardens, housing officers, community support officers, private security personnel – are extending state powers to regulate the behaviour of individuals and groups in public and private settings. In the USA, the idea of third-party policing entails the use of administrative laws and regulatory codes, such as building standards and health regulations, to reduce the opportunities for criminal offending. The onus is on property-owners to comply with the regulations and thus reduce the likelihood of drug and disorder problems occurring in those properties. Reforms in criminal justice which extend conceptions of restorative justice seek to rebuild relationships between crime victims, offenders and others affected by criminal offending and thus reinforce the community or neighbourhood as an appropriate location for social control.

However, the interplay between law and social control is complex, especially in a changing context. Many of the new developments are an extension of state power. Law can also be a resource for individuals and groups who seek to change immediate local circumstances. For example, from the point of view of some local residents, ASBOs can be sources of empowerment that contribute to reductions in property damage and harassment.

The role of empirical research on law

Empirical research and information about law and social change has grown. Empirical social research into the law/legal system relies on a diverse range of methodologies, including surveys, interviews, observation, experimentation and analysis

of written documents in order to study 'the operation and effects of the law' in multiple settings (Baldwin and Davis, 2003: 880). However,

it is principally through empirical study of the *practice* of law (especially of the preliminary and apparently more mundane aspects), and in studying the way legal processes and decisions impact upon the citizen, that the disciplines of sociology and, to a lesser degree, philosophy, psychology, and economics have entered into and enriched the study of law. (Baldwin and Davis 2003: 881; emphasis in original)

Over the past decade, at least two significant changes have occurred in relation to empirical research in law and legal settings: expanded availability of officially collected data/statistics and increased opportunity for commissioned research.

Officially collected statistics in socio-legal settings have become much more available and publicly accessible, especially via the internet. Such data are regularly collected for government and other organisational (eg non-government organisations, professional associations and research institutes) purposes, including internal needs as well as meeting external reporting requirements or expectations. The most obvious kinds of data are crime statistics collected by police which are now widely available and easily retrievable. But there are other examples: statistics produced by courts, including litigation rates, victims of crime data, statistics reported by statutory agencies and data legal professions report. The Empirical Legal Studies website, for example (www.elsblog.org) provides links to a large range of databases related to courts. Data informing discussions of law and social change can also be found in commissioned research reports, data archives or on the websites of international organisations such as the United Nations, the World Bank and the European Commission for the Efficiency of Justice.

Considering social research more generally, Savage and Burrows remark 'in the early 21st century social data is now so routinely gathered and disseminated, and such myriad ways, that the role of sociologists in generating data is now unclear' (2007: 886). Nonetheless, such secondary data – that is, data already collected – has limitations arising from missing data, coding practices which can change, and organisational definitions that might not fit the researcher's needs. Nonetheless, the accessibility of this secondary data – and often its longitudinal and comparative nature – combined with the expense of primary data collection, make it a very attractive source of information, particularly for analyses of change over time and across different jurisdictions.

Opportunities for commissioned research have expanded. In recent years the demand for socio-legal research has increased, especially in applied or evaluation research which has potential value to policymakers. Increasing government inclination to assess or monitor legal innovations and to evaluate consequences and/or success (however defined) has increased the scope and capacity of socio-legal research (Baldwin and Davis 2003: 888). For example, the UK Ministry of Justice (which superseded the Department of Constitutional Affairs) commissions research, including evaluation research, on a wide range of socio-legal topics and provides various statistics on the civil and criminal justice systems (see www.justice.gov.uk and www.dca.gov.uk).

Legal reforms or new legal programmes such as mediation centres or services, specialist or problem-solving courts, new arrangements for legal aid funding, or new sentencing provisions are typically established as pilot programmes with explicit expectations that the reforms will be evaluated by empirical research before longer-term implementation. The need to provide organisations with recommendations they can understand and implement within a budget makes evaluation research distinctive: 'evaluation methods often represent a

compromise between the ideal and the feasible' (Weiss 1998: 18). Other changes, for example, sentencing reforms, might be subject to socio-legal research which is evaluative but not explicitly evaluation research. This research might be more basic than applied, that is motivated by a gap in knowledge or developments in theory, rather than a commissioned request to improve the operation of policy, or to increase efficiency, success rates or levels of satisfaction with a programme.

Evaluation research raises a number of issues for socio-legal and social science researchers more generally, mostly relating to the political environment in which evaluation research occurs; this is a source of particular discussion in criminology (Travers 2005). In political environments where security, crime prevention and punishment are strong values, then much of the commissioned research might investigate ways of successfully achieving those goals, rather than addressing the underlying causes of crime, or the ways in which institutions themselves reproduce criminal offending.

Also, there is a concern about capacity to undertake socio-legal research. A recent UK inquiry considered the current capacity for empirical legal research among lawyers and social scientists: 'For commissioners of research, the capacity problem manifests itself in a shortage of researchers with the skills to conduct good quality empirical research in the civil law and policy field' (Genn et al 2006: 9). The scope of the report was limited to non-criminal law topics and processes, because criminal law and processes – crime, policing and criminal justice – have received more funding and public attention. Criminology has become a field of scholarship and a distinct occupation with a stronger empirical research capacity than other areas of law.

One of the causes of the current lack of capacity in socio-legal research is identified as the limitations of law school education and training which emphasises teaching legal doctrine and professional practice requirements that constrain law school curricula. There is little opportunity for teaching social science research methods which do not fit into the legal paradigm of research and scholarship. On the other side, the teaching of research methods in conventional social science departments may not necessarily address specific issues or challenges for the researcher in socio-legal context settings (Roach Anleu and Mack 2009).

Some final thoughts

In conclusion, the aim of the second edition of *Law and Social Change* is to address 'the interrelationships between law and social change by critically examining contemporary developments in the interdisciplinary field of socio-legal theory combined with analyses of empirical and comparative case studies' (243). This brief is vast, and so creates many opportunities for interrogating legal norms and understandings in specific local and everyday contexts, or comparatively, over time or across locations, as well as taking a broader view of social change and legal institutions. The ways in which macro changes characterised as globalisation, for example, link with the ways various actors – lawyers, judges, social activists, people in everyday life – experience, use, interpret and transform law, legal institutions and legal discourse must be topics of ongoing empirical investigation and theoretical development.

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I appreciate the valuable comments made by Kathy Mack on earlier drafts of this paper. SRA

* See page 14 for the references for this paper.

READ ALL ABOUT IT

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

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

Books

Making Anti-Racial Discrimination Law: A comparative history of social action and anti-racial discrimination law (2009) Iyiola Solanke, Routledge 256pp \$130

Making Anti-Racial Discrimination Law examines the evolution of anti-racial discrimination law from a socio-legal perspective. Taking a comparative and interdisciplinary approach, the book does not simply look at race and society or race and law but brings these areas together by drawing out the tension in the process in different countries by which race becomes a policy issue which is subsequently regulated by law. Moving beyond traditional social movement theory to include the extreme right wing as a social actor, the study identifies the role of extreme right-wing confrontation in agenda-setting and law-making, a feature often neglected in studies of social action. In so doing, it identifies the influence of both the extreme right and liberalism on anti-racial discrimination law. Focusing primarily on the UK and Germany, the book also demonstrates how national politics feeds into EU policy and identifies some of the challenges in creating a high and uniform level of protection against racial discrimination throughout the EU. Using primary archival materials from Germany and the UK, the empirical richness of this book constitutes a valuable contribution to the field of anti-racial discrimination law, at both undergraduate and postgraduate level.

The Law and Child Development (2010) Emily Buss and Mavis Maclean, Ashgate 516pp £145/£130.50 online

This volume asks what legal and socio-legal scholarship can contribute to understanding the role of law in the care and development of children. The editors have selected key articles ranging from theoretical analysis to empirical data-based research that address the law's approach in the USA and UK to resolving parenting disputes after separation, protecting children from abuse and neglect, and affording children procedural protections in the juvenile justice system. Their introduction to these important and often distressing areas of the law confirms the importance of understanding how law works in practice and reaffirms that law itself remains responsible for articulating and protecting society's values.

Law in the Pursuit of Development: Principles into practice? (2009) Amanda Perry-Kessaris, Routledge 312pp £75

Law in the Pursuit of Development critically explores the relationships between contemporary principles and practice in law and development. Including papers by internationally renowned, as well as emerging, scholars and practitioners, the book is organised around the three liberal principles which underlie current efforts to direct law towards the pursuit of development. First, that the private sector has an important role to play in promoting the public interest; second, that widespread participation and accountability are essential to any large-scale enterprise; and third, that the rule of law is a fundamental building block of development. This insightful and provocative collection, in which contributors critique both the principles and efforts to implement them in practice, will be of considerable interest to students, academics and practitioners with an interest in the fields of law and development, international economic law, and law and globalisation.

The EU Race Directive: Developing the protection against racial discrimination within the EU (2010) Erica Howard, Routledge 238pp £75

In 2000, the EU adopted a directive against discrimination on the grounds of racial or ethnic origin. This book provides an in-depth evaluation of the Race Directive and its effects, questioning how successful it has been. It discusses the history of the fight against racial discrimination in the EU and the equality clauses in international human rights instruments. It then examines the terms race, racism, racial discrimination and equality in the directive. The book also looks at the concepts of equality which can be distinguished in the Race Directive and in the subsequent developments at EU level. Examining whether the directive has improved the protection against racial or ethnic origin discrimination for people within the EU, the book concludes with an assessment of how far the EU has come on the road to racial equality with the adoption of the Race Directive and the subsequent developments. It also contains proposals for possible improvements.

The Modern Law of Contract 8th edn (2009) Richard Stone, Routledge-Cavendish 728pp £25.99

Written by a leading author and lecturer with over 30 years' experience teaching and examining contract law, *The Modern Law of Contract* continues to equip students with a clear and logical introduction to contract law. Exploring all of the recent developments and case decisions in the field of contract law, it combines a meticulous examination of authorities and commentaries with a modern contextual approach. An ideal accessible introduction to contract law for students coming to legal study for the first time, this leading textbook offers straightforward explanations of all of the topics found on an undergraduate contract law module. At the same time, coverage of a variety of theoretical approaches – economic, sociological and empirical – encourages reflective thought and critical analysis.

Law and social change

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Feminist and Queer Legal Theory: Intimate encounters, uncomfortable conversations (2009) Martha Albertson Fineman, Jack E Jackson and Adam P Romero (eds), Ashgate 504pp £35

This is a groundbreaking collection that brings together leading scholars in contemporary legal theory. The volume explores, at times contentiously, convergences and departures among a variety of feminist and queer political projects. These explorations – foregrounded by legal issues such as marriage equality, sexual harassment, workers’ rights, and privacy – re-draw and re-imagine the alliances and antagonisms constituting feminist and queer theory. The essays cross a spectrum of disciplinary matrices, including jurisprudence, political philosophy, literary theory, critical race theory, women’s studies, and gay and lesbian studies. The authors occupy a variety of political positions vis-à-vis questions of identity, rights, the state, cultural normalisation, and economic liberalism. The richness and vitality of feminist and queer theory, as well as their relevance to matters central to the law and politics of our time, are on full display in this volume.

Judging Civil Justice (2009) Hazel Genn, Cambridge University Press 228pp £40

The civil justice system supports social order and economic activity, but a number of factors over the last decade have created a situation in which the value of civil justice is being undermined and the civil courts are in a state of dilapidation. Genn discusses reforms to civil justice in England and around the world over the last decade in the context of escalating expenditure on criminal justice and vanishing civil trials. In assessing the claims and practice of mediation for civil disputes, she questions whether diverting cases out of the public courts into private dispute resolution promotes access to justice, looks critically at the changed expectations of the judiciary and points to the need for a better understanding of how judges ‘do justice’.

Administrative Justice in Context (2010) Michael Adler (ed), Hart 586pp £50

Written by a set of very distinguished contributors, this book comprises a definitive collection of papers on administrative justice in five parts, each of which contains articles on a particular aspect of administrative justice. The first part deals with the impact of ‘contextual changes’ on administrative justice and considers the implications of changes in governance and public administration, management and service delivery, information technology, audit and accounting, and human rights for administrative justice. The second part covers with conceptual issues and describes a number of competing approaches to administrative justice. The third part looks at the application of administrative justice principles to private law disputes while the fourth part examines the distinctive characteristics of administrative justice in three other jurisdictions. The final part reviews current developments in administrative justice and the book concludes with a discussion of legislative and policy developments in the UK. The general approach of the book is socio-legal and interdisciplinary. The chapters adopt a variety of disciplinary perspectives, including those derived from political science, public policy, social policy, accounting and information technology as well as from law.

Legal Method, Skills and Reasoning 3rd edn (2009) Sharon Hanson, Routledge-Cavendish 416pp £25.99

Language skills, study skills, argument skills and legal knowledge are vital to every law student, professional lawyer and academic. This book suggests a range of ‘how-to’ techniques for perfecting these academic and practical skills. It explains how to work with legal texts; how to read and write about the law; how to acquire effective disciplined study techniques; and how to construct legal arguments. It is full of practical examples and diagrams and is supported by a companion website offering additional resources.

Risk Regulation and Administrative Constitutionalism (2010) Elizabeth Fisher, Hart 320pp £22

Over the last decade the regulatory evaluation of environmental and public health risks has been one of the most legally controversial areas of contemporary government activity. As this award-winning work shows, legal disputes over risk evaluation are disputes over administrative constitutionalism in that they are disputes over what role law should play in constituting and limiting the power of administrative risk regulators. Five case studies taken from five different legal cultures demonstrate this point, and the work concludes with a strong argument for re-orienting the focus of scholarship in this area.

Law and Social Change (2010) Sharyn L Roach Anleu, Sage 312pp £24.99pb/£75hb

This is a new edition of Sharyn L Roach Anleu’s introduction to the sociology of law and its role as a social institution and social process. Discussing current theory and key empirical research from a diverse range of perspectives *Law and Social Change* gives relevant examples, from various cultures and societies, to provide a sociological view which goes beyond more jurisprudential approaches to law and society. It provides coverage of major classic and contemporary social theories of law; is informed by empirical research drawn from several countries/societies; and includes up-to-date and relevant examples. This thoroughly updated edition engages with modern scholarship, and recent research, on globalisation whilst also looking at related issues such as the internationalisation of law and human rights. It explores recent reforms at local and national levels, including issues of migration and refugees, the regulation of anti-social behaviour, and specialist or problem-solving courts and also provides a clear, accessible introduction to research methods used in the socio-legal field.

Agriculture and EU Environmental Law (2009) Brian Jack, Ashgate 300pp £65/£58.50 online

This book critically examines the development and current structure of EU agri-environmental measures at a substantive level. Examining the measures in an integrated manner, showing how they interrelate linking different aspects of EU agricultural law and policy, this volume examines the legislation adopted at EU level as well as the impact of particular national measures to implement that legislation. Where appropriate, comparisons are drawn between the manner in which EU legislation has been implemented among various member states. Critically assessing EU and national measures, in the light of other policy pressures, such as the influence of world trade agreements and the political pressures exerted by the agricultural sector within the national legal systems of individual member states, this volume is a valuable resource for academics researching and practitioners working in the areas of EU environmental and agricultural law.

The European Social Model and Transitional Labour Markets: Law and policy (2009) Ralf Rogowski (ed), Ashgate 374pp £65/£58.50 online

Bringing together theoretical, empirical and comparative perspectives on the European Social Model (ESM) and transitional labour market policy, this volume contains theoretical accounts of the ESM and a discussion of policy implications for European social and employment policies that derive from research on transitional labour markets. It provides an economic and legal assessment of the European Employment Strategy and contains evaluations of new forms of governance both in European and member state policies, including discussions of the potential and limits of soft law instruments. Country studies of labour market reforms in Denmark, the Netherlands, Belgium and France assess their contribution to an emerging ESM, while comparative accounts of the ESM examine mobility and security patterns in Europe and beyond and evaluate recent ‘flexicurity’ policies from a global perspective.

Regulating Audiovisual Services (2009) Thomas Gibbons, Ashgate 622pp £175/£157.50 online

In recent years, the changing nature of audiovisual services has had a significant impact on regulatory policy and practice. The adoption of digital technology means that broadcasting, cable, satellite, the internet and mobile telephony are converging, enabling each of them to deliver the same kinds of content and allowing users to exercise much greater choice over the kind of material that they receive and when they receive it. The essays examine the implications for regulatory design, asking whether there is still a role for traditional-style state controls, or whether other techniques, such as competition in the market and self-regulation, are more appropriate. They also explore how, in the digital era, structural issues of media ownership and control become problems of access and interconnection between services and how content regulation focuses more on problems raised by the interactions between providers and users, the relationship between freedom of information and technologies to control it and the international reach of the new media.

Criminology and Archaeology: Studies in looted antiquities (2009) Simon Mackenzie and Penny Green (eds), Hart 194pp £45

This collection is the product of a collaborative venture between criminologists and archaeologists concerned with the international market in illicit antiquities. It examines the state of regulation in the antiquities market with a particular focus on the UK's position, but also with reference to the international context. Antiquities are highly collectable, and there are several prominent international centres for trade. As well as the legitimate face of the antiquities trade there exists an international illicit market in which cultural objects are trafficked for profit in breach of national laws and international conventions. It is within such a complex international and local regulatory context that the essays presented here emerge, focusing upon three areas in particular: the demand for looted antiquities; the supply of cultural artefacts which originate in source countries; and regulation of the international market in antiquities. Criminology has long been interested in transnational crime and its regulation. Archaeologists' concerns lie in the destructive consequences of antiquities looting, which erases our knowledge of the past. In the papers presented here both disciplines present new data and analysis to forge a more coherent understanding of the nature and failings of the regulatory framework currently in place to combat the criminal market in antiquities.

Fairness at Work: A critical analysis of the Employment Relations Act 1999 and its treatment of collective rights (2010) Tonia Novitz and Paul Skidmore, Hart 224pp £30

From the White Paper on Fairness at Work, it seemed that the enhanced protection of 'collective rights' was central to New Labour's industrial relations settlement. Reforms were promised relating to diverse matters such as blacklisting, discrimination against trade union members, trade union recognition and industrial action. Moreover, the Blair government sought to portray trade unions as suitable representatives of workers in the context of grievance and disciplinary procedures, appropriate recipients of information and consultation and potential contributors to a new 'culture of labour relations'. This culture was encapsulated in the term 'partnership'. This book examines the rhetorical claims made in the White Paper (and later in Parliament) alongside the actual reforms contained in the Employment Relations Act 1999. These developments are studied in their broader context, including Britain's recent industrial relations history and the perceived need to find a 'third way' which navigates between pre-existing Labour and Conservative ideologies. Of interest to academics and students of labour law, industrial relations, politics and related disciplines, the book aim is to place in context what New Labour is and is not doing in the field of employment law.

International Law Reports (No 137) (2009) Elihu Lauterpacht, Christopher J Greenwood, assisted by Karen Lee, Cambridge University Press 798pp £130

The *International Law Reports* is the only publication in the world wholly devoted to the regular and systematic reporting in English of decisions of international courts and arbitrators as well as judgments of national courts. Volume 137 reports on, amongst others, the English House of Lords decisions in *A (No 1)* and *A (No 2)*, the judgments of the English Divisional Court, Court of Appeal and House of Lords in *Al-Jedda*, and the United States Supreme Court decisions regarding the detention without trial of enemy combatants in Guantanamo Bay and related cases.

Stakeholders in the Law School (2010) Fiona Cownie (ed), Hart 368pp £30

This collection brings together a distinguished group of researchers to examine the power relations which are played out in university law schools as a result of the different pressures exerted upon them by a range of different 'stakeholders'. From students to governments, from lawyers to universities, a host of institutions and actors believe that law schools should take account of a vast number of (often conflicting) considerations when teaching their students, designing curricula, carrying out research and so on. How do law schools deal with these pressures? What should their response be to the 'stakeholders' who urge them to follow agendas emanating from outside the law school itself? To what extent should some of these agendas play a greater role in the thinking of law schools?

Journals

Calls for papers

Knowledge Politics Quarterly invites submissions for its next issue, in particular from postgraduates and early career academics, although all are welcome. This is a special issue and papers on the following legal themes are invited: freedom of information law, or the quality of privacy in the media domain; the development of intellectual property law in the information society; and medical, patent and copyright law. Contact: Jamie Grace • j.grace@derby.ac.uk. Deadline: 16 April 2010. www.knowledgepolitics.org.uk

The *International Journal for the Semiotics of Law* has issued a call for a special issue/edited collection on 'Nation, identity and multiculturalism' (Anne Wagner, Jixian Pang and Cheng Le (eds)). Deadline: 31 May 2010. Email • valwagnerfr@yahoo.com and • chengle163@hotmail.com.

The *International Review of Law, Computers and Technology* is devoted to the study of the principles and practices bearing on the interaction of computers, other new technologies and the law. The call is at: www.tandf.co.uk/journals/cfp/cirlcftp.pdf.

The *Northern Ireland Legal Quarterly* publishes a wide variety of articles on all aspects of law and regular special issues. Submissions should be sent to the editor Sally Wheeler at • s.wheeler@qub.ac.uk.

In brief . . .

The *International Journal of Sport Policy* special issue on 'Implementing the European Commission White Paper on Sport' (2009 1:3) was guest edited by Richard Parrish and Samuli Miettinen and features papers presented at the third Sport&EU Annual Conference . . . the first issue of the *International Journal of Sport Policy* is now available free online . . . The second issue of *Law, Innovation and Technology* (Roger Brownsword and Han Somsen (eds)) features papers by Göran Hermerén, Alastair V Campbell, Thérèse Murphy, Laura Klaming and Anton Vedder, and Roger Brownsword . . . Jane Ball has published 'Insiders and outsiders in French social housing allocation' in *European Journal of Housing Policy* (2009) 9(3): 313–35.

- **TOWARDS A BETTER TOMORROW? THE CRUCIAL ROLE OF SOCIAL SCIENCE**

16 March 2010: Royal Society, 6-9 Carlton House Terrace, London
Chair: Polly Toynbee, *The Guardian*. Speakers: Professor Ian Diamond FBA, ESRC; Professor Harvey Goldstein, University of Bristol; Professor Sir Michael Rutter, King's College London; David Willetts MP. Researchers, government and policymakers address how social science research can strengthen its involvement in policymaking, increase its impact and combat potential public expenditure cuts.
www.britac.ac.uk/events/index.cfm

- **RESTORATION, TRANSITION AND SOCIETY**

23 March 2010: Durham Centre for Criminal Law and Criminal Justice, Nottingham
One-day conference focusing on issues of restorative justice and reparation in the broad context of post-conflict and transitional justice. Streams will include: the role of restorative justice in transitional justice; the effectiveness of international trial justice; democratic reconstruction; policing and criminal justice issues in post conflict societies. To book your place at the conference, email the conference administrator Julie Platten e j.a.platten@durham.ac.uk. Places are limited and bookings must be made before 17 March 2010. Conference fee: £30.

- **JUSTICE, MEDIA AND PUBLIC: CHANGING PUBLIC PERCEPTIONS IN THE NEW MEDIA LANDSCAPE**

25-26 March 2010: Research Institute for Law, Politics and Justice, Keele University
Speakers include: Judge Keith Cutler, chair of the Judges' Council Committee on Communications; Olga Kavran, spokesperson to the prosecutor, International Criminal Tribunal for the Former Yugoslavia; Joshua Rozenberg, freelance journalist; and Daniel Stepiak, associate professor, University of Western Australia. For any queries, please contact Lieve Gies e l.gies@keele.ac.uk and Rob C Mawby e rim3@leicester.ac.uk.

- **ENVIRONMENTAL JUSTICE IN LEGAL EDUCATION**

29 March 2010: University of Warwick
Hosted by UKCLE, UCL Faculty of Laws and Warwick Law School, the conference will be of interest to academics and others researching and/or teaching in the area of environmental justice, students and third-sector organisations. Confirmed speakers: Professor John McEldowney, School of Law, University of Warwick; Andrea Ross, School of Law, University of Dundee; Dr Jane Holder, Faculty of Laws, UCL and UKCLE consultant for education for sustainable development. See further www.ukcle.ac.uk/newsevents/ukcle.html.

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

6-8 April 2010: Murray Edwards College, Cambridge
This conference will consider a broad range of perspectives on the nature of democracy; meaning; power and possibilities; interpretation; literary and cultural representation; historical meaning; political theory; political philosophy; historical and critical reflections on problems of a globalising age; matters of governance; interpretive approaches; and forms of recognition or freedom. It will also consider the manner in which these ideas have been studied and understood by researchers and students over time, so illuminating our shared but contested intellectual and cultural traditions.
http://sites.google.com/site/bacsconference2010/

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

8-10 April 2010: University of Cambridge
This event will focus on matrimonial property; pre-nuptial and other agreements relating to family property and finances; and the unification of private international family law. These topics are among the most hotly debated in England and Wales, across Europe and beyond in family law. The conference will provide a valuable forum for discussion amongst academics and practitioners from all jurisdictions, placing local debates in a transnational, European context. Contact Jo Miles and Jens Scherpe e cefl2010@law.cam.ac.uk.

- **NEW DIRECTIONS FOR HOUSING? HOUSING IN AN ERA OF CHANGE**

14-16 April 2010: University of York
The Housing Studies Association is committed to supporting the development of academics and practitioners working in the field of housing studies. PhD students and researchers in the early stages of their careers are especially welcome on the Early Career Scholars stream. www.housing-studiesassociation.org/spring10

- **MIDWEST POLITICAL SCIENCE ASSOCIATION CONFERENCE**

22-25 April 2010: Chicago
Conference presentations are organised by topic in more than 60 sections based on different subfields or areas of study. Many of these are interdisciplinary and draw scholars from different fields, providing a variety of perspectives.
www.mpsanet.org/Conference/tabid/75/Default.aspx

- **POSTGRADUATE COLLOQUIUM ON DISABILITY LAW AND POLICY**

26-27 April 2010: National University of Ireland, Galway
The Consortium of Academic Centres on Disability Law and Policy is hosting an inaugural colloquium for PhD candidates and post-doctoral/post-graduate researchers on disability law and policy at three centres: Centre for Disability Law and Policy (National University of Ireland, Galway); Burton Blatt Institute (Syracuse University, NY); Richard Crossman Chair of Social Welfare and Social Planning (University of Haifa, Israel). The Centre for Disability Law and Policy at NUI, Galway, will host the initial colloquium. It will rotate to the other centres thereafter. www.nuigalway.ie/cdlp

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

29 April 2010: University College Cork
Aimed at those undertaking postgraduate research in the areas of criminal law, criminal justice and human rights. This year's theme is Borders of Justice: Locating the Law in Times of Transition. Enquires should be directed to ucclawconf@gmail.com.

- **HUMAN RIGHTS DEFENDERS AND PEACE PROCESSES**

6 May 2010: Centre for Applied Human Rights, University of York
One-day conference examining the role of human rights defenders in shaping peace processes, particularly post-conflict transitional justice mechanisms. Keynote speaker: Juan E Méndez, International Center for Transitional Justice. www.york.ac.uk/inst/cahr/index.html

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

10-13 May 2010: Salford Quays, UK
Papers will be published in a special issue of the *International Journal of Law in the Built Environment*. For booking and details, visit www.cib2010.com/.

- **LAW AND RELIGION SCHOLARS NETWORK**

11 May 2010: Centre for Law and Religion, Cardiff University
The full programme and booking form will be available on the website from 10 March 2010. The 100-strong network is a national initiative seeking to bring together academics interested in all areas of law and religion. See www.law.cf.ac.uk/clr/networks/lrsn.html.

- **10 YEARS ON: A MULTI-PERSPECTIVE EVALUATION OF THE HUMAN RIGHTS ACT**

4-5 June 2010: Salford Law School, University of Salford
A conference to evaluate the Human Rights Act 1998 from multiple perspectives, comprising both a domestic and international legal academic analysis and offering a multidisciplinary evaluation including philosophical, political, sociological and psychological themes extending beyond a traditional academic approach.
www.law.salford.ac.uk/hrconference

- **EUROPEAN CONSORTIUM ON POLITICAL RESEARCH STANDING GROUP ON REGULATORY GOVERNANCE**

17-19 June 2010: University College Dublin
Theme: Regulation in an Age of Crisis. Interdisciplinary conference in Europe attracting papers from all over the globe. Majone Prize for best paper given by an early career researcher. Contact Local Organising Committee chair Colin Scott e colin.scott@ucd.ie.

● **HUMAN RIGHTS AND THE ENVIRONMENT**

29 June 2010: *University of the West of England, Bristol*

Hosts: International Law and Human Rights Unit, UWE; Centre for Environmental Law and Policy, Swansea. Sustained reflection on the relationship between human rights and the environment has never been more urgent, but the signs are that human rights and environmental discourses have an uneasy and under-theorised relationship. This conference addresses themes at the interface of these two areas of concern. Visit [w http://law.uwe.ac.uk/chre](http://law.uwe.ac.uk/chre).

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

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

The workshop will explore theoretical and empirical aspects of national constitutions (including instruments such as Basic Laws and 'constitutional statutes'), regional constitutional instruments and international instruments of a 'constitutional' nature. Emphasis will be on questions concerning the purposes of constitutions, the extent to which such conceptualisations are given expression in the drafting of constitutional texts, and the means by which methods, techniques and institutional innovations are traded across jurisdictions. Contact Belinda Crothers [e belinda.crothers@sas.ac.uk](mailto:belinda.crothers@sas.ac.uk).

● **LSRC INTERNATIONAL RESEARCH CONFERENCE: RESEARCH INTO PRACTICE - LEGAL SERVICE DELIVERY IN A NEW DECADE: CALL FOR PAPERS**

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

A call for abstracts will be made shortly. Further information from [e catrina.denvir@legalservices.gov.uk](mailto:catrina.denvir@legalservices.gov.uk) or [t 0207 783 7514](tel:02077837514).

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

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

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

● **SOCIAL POLICY ASSOCIATION CONFERENCE**

7-9 July 2010: *University of Lincoln*

Full details at [w www.lincoln.ac.uk/home/conferences/spa2010/](http://www.lincoln.ac.uk/home/conferences/spa2010/).

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

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

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

● **ROYAL INSTITUTE OF CHARTERED SURVEYORS - LEGAL RESEARCH SYMPOSIUM: CALL FOR PAPERS**

2-3 September 2010: *Dauphine University, Paris*

Contributions should address legal topics affecting the built environment, or the work or education of chartered surveyors. However, the scope of the symposium is deliberately wide and will accommodate the maximum possible range of subject areas and scholastic styles. Visit [w www.bel-net.org](http://www.bel-net.org) or contact Julie Adshead (chair, Legal Research Symposium) [e j.d.adshead@salford.ac.uk](mailto:j.d.adshead@salford.ac.uk).

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

3-6 September 2010: *Poznan, Poland*

Conference theme: Legal Rules, Moral Norms and Democratic Principles. Call closes: 1 May 2010. Full details available at: [w www.springer.com/law/journal/11196](http://www.springer.com/law/journal/11196).

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

13-16 September 2010: *University of Southampton*

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

● **CMCL-CENTRE FOR MEDIA AND COMMUNICATIONS LAW - MEDIA, COMMUNICATIONS AND PUBLIC SPEECH: CALL**

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

Plenary speakers: Professor Eva Hemmungs Wirtén, Uppsala University, Sweden; Professor Peter K Yu, Drake University Law School, US. Papers are invited from researchers in law, media studies and related fields. Work on interactions of public speech and media and communications law and policy is particularly welcome. Send 300-word abstracts and 100-word biographies by 1 August 2010 to [e law-cmcl@unimelb.edu.au](mailto:law-cmcl@unimelb.edu.au). Selected papers will be considered for *Media and Arts Law Review*. [w www.law.unimelb.edu.au/cmcl/](http://www.law.unimelb.edu.au/cmcl/)

● **FORTHCOMING SEMINAR SERIES 2010**

Centre for Human Rights in Conflict, University of East London: spring events 2010

With the exception of the 12 April seminar, all seminars will be in Duncan House, room DH110. Visit [w www.uel.ac.uk/chrc](http://www.uel.ac.uk/chrc) or contact Victoria Perry at [e v.perry@uel.ac.uk](mailto:v.perry@uel.ac.uk).

10 March 2010: Widows, War and Peace: The why, the wherefore and the how – Augustina Akoto, University of East London

12 April 2010: The Security Council and Children and Armed Conflict – Radhika Coomaraswamy, UN Special Representative for Children and Armed Conflict

21 April 2010: The Reckoning – a showing of the 2009 film, which follows ICC prosecutor Luis Moreno-Ocampo as he pursues perpetrators of international crimes committed in Uganda, Congo, Colombia and Sudan.

Brighton and Sussex Medical School: Issues in Criminal Justice

20 April 2010: Criminal Law and Bureaucracy: Has it all gone too far? – Professor Jeremy Horder, Criminal Law Commissioner for England and Wales

29 April 2010: Memoirs of a Radical Lawyer – Michael Mansfield QC RSVP is essential to [e events@sussex.ac.uk](mailto:events@sussex.ac.uk) or [t 01273 877488](tel:01273877488).

Human Rights Consortium, School of Advanced Study, London: Fratricide and Fraternité - Understanding and repairing neighbour atrocity

Mellon Sawyer seminar series on the causes and consequences of neighbourly atrocities across history, cultures and continents. It seeks to answer two questions: what turns neighbour against neighbour?; and how do neighbours live together again after atrocity? Participants include: David Anderson (Oxford); Rachel Beckles Willson (Royal Holloway); Sumantra Bose (LSE); Jan Gross (Princeton); Stathis Kalyvas (Yale); Madeleine Leonard (Queen's University Belfast); Linda Martin-Alcoff (Hunter College); Ashis Nandy (New Delhi); Rosalind Shaw (Tufts); and Slavoj Žižek (Birkbeck). The opening conference 'Fratricide' took place in February 2010.

Seminars 1-3 on Violence

26 March 2010: Neighbourly Denunciation

23 April 2010: Intimate Atrocities

14 May 2010: Perpetrators/Bystanders/Rescuers

Seminars 4-6 on Aftermaths

28 May 2010: Drawing Lines

25 June 2010: Truth, Justice and Reparations

24 September 2010: The Everyday Afterwards

28-29 October 2010: Closing Conference: Fraternité

[w www.sas.ac.uk/human_rights.html](http://www.sas.ac.uk/human_rights.html) or email hrc@sas.ac.uk.

London, Newcastle and Belfast: ESRC-Seminar Series - Re-engineering the corporation

The School of Law at Queen's University Belfast is hosting an ESRC-funded seminar series in three separate venues on **26 March, 14 May** and **16-17 September 2010**. The series will aim to develop a research agenda that works towards a wholesale re-engineering of the corporate form. [w http://blogs.qub.ac.uk/corpgov/](http://blogs.qub.ac.uk/corpgov/)



Socio-Legal Studies Association Annual Conference

30 March - 1 April 2010

Bristol Law School is pleased to announce that it will be hosting the Socio-Legal Studies Association annual conference in 2010.

If you have any queries, you can contact the conference organisers Karen Harrison, Mark O'Brien or Phil Rumney at the following e-mail address: SLSA2010@uwe.ac.uk

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Surveillance and Democracy

Edited by Kevin D. Haggerty and Minas Samatas

This book of papers by the leading surveillance scholars in the field represents the first sustained attempt to grapple with the relationship between surveillance and democracy.

May 2010: 240pp
Hb: 978-0-415-47239-5: ~~£95.00~~ £80.75
Pb: 978-0-415-47240-1: ~~£28.99~~ £24.64

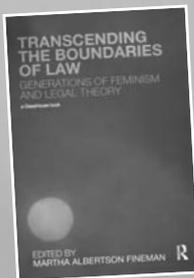


Immigration, Integration and Crime

A Cross-National Approach
Luigi M. Solivetti

Immigration, Integration and Crime provides a thorough analysis of immigration and crime rates in all of the main European countries, as well as the US, in order to show, not only that the widespread notion that a large non-national population produces high crime rates must be rejected, but also to analyse and explain the factors that influence the relationship between immigration and crime.

April 2010: 224pp
Hb: 978-0-415-49072-6: ~~£70.00~~ £59.50

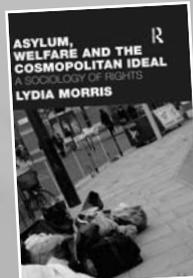


Transcending the Boundaries of Law

Generations of Feminism and Legal Theory
Edited by Martha Albertson Fineman

Transcending the Boundaries of Law brings together three generations of the most respected feminist legal theorists in order to assess the past, the present and the future of feminist legal thought in the Law and Society tradition. It is a groundbreaking collection that will be central to the further development of feminism and related critical theories.

July 2010: 320pp
Hb: 978-0-415-48138-0: ~~£95.00~~ £80.75
Pb: 978-0-415-48140-3: ~~£27.99~~ £23.79



Asylum, Welfare and the Cosmopolitan Ideal

A Sociology of Rights
Lydia Morris

Asylum, Welfare and the Cosmopolitan Ideal: A Sociology of Rights pursues the premise that rights must be understood as part of a social process: as an object of negotiation and contestation, and so as a terrain for strategies of inclusion and exclusion.

March 2010: 184pp
Hb: 978-0-415-49773-2: ~~£75.00~~ £63.75



Rethinking Rape Law

International and Comparative Perspectives
Edited by Clare McGlynn and Vanessa E. Munro

Rethinking Rape Law: International, Regional and National Perspectives provides a comprehensive and critical analysis of contemporary rape laws, across a range of jurisdictions.

April 2010: 336pp
Hb: 978-0-415-55027-7: ~~£80.00~~ £68.00



Comparative Perspectives on Communal Lands and Individual Ownership

Sustainable Futures
Edited by Lee Godden and Maureen Tehan

This book is a specially organized collection of critical debates, analyses and evaluations of changing models of property as the vehicle governing access to land and resources. These trends are explored in the context of current moves across many countries to privatize communal land holdings, and the collection comprises international analyses in conjunction with case studies – each of which explores an aspect of the broader themes of property, privatization, and sustainable communities – drawn from Australia, North America, South Africa, New Zealand, Sub-Saharan Africa and the Pacific region.

February 2010: 416pp
Hb: 978-0-415-45720-0: ~~£80.00~~ £68.00

Social Justice Series

Edited by Kate Bedford and Davina Cooper, both at University of Kent, UK

Social Justice is intended as a critical interdisciplinary series, at the interface of law, social theory, politics and cultural studies. The series welcomes proposals that advance theoretical discussion about social justice, power, institutions, grass-roots practice and values/ethics. Seeking to develop new conversations across different disciplines and fields, and working with wide ranging methodologies, Social Justice seeks contributions that are open, engaging, and which speak to a wide, diverse academic audience across all areas of the law, social sciences and humanities.

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www.routledgelaw.com/books/series/Social_Justice



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