

# Socio-Legal NEWSLETTER

№ 37



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## RESEARCH CAPACITY: A CRISIS IN WAITING?

*The socio-legal community is not training enough new scholars in the skills necessary to replace the old guard and carry out the research of the future, writes Sharon Witherspoon.*

The phrase 'research capacity' is frequently used these days. Of course, like all useful concepts, it means a multitude of things: the level and mix of skills in the research community, the increasing pressure on the time available for research as administrative and teaching burdens rise, and so on. But among those concerned for the long-term health of the social sciences, it tends also to mean a concern over the numbers of new or younger researchers and what this may mean for the future. Across the social sciences, there are conflicting views about whether the next decade will see a disproportionate decline in the numbers doing empirical social research, or whether the real issue is the quality of new appointments rather than the numbers of posts filled. There are certainly alarm bells ringing about the numbers of those trained in quantitative skills or sophisticated evaluation methods.

I would contend though that there are special reasons to be concerned about research capacity in socio-legal studies. Of course, the socio-legal research community that carries out empirical analyses has always been rather small. But many of those who have created the discipline of socio-legal research in Britain were trained in the 1970s, many at institutions like the Oxford Centre for Socio-Legal Studies, where there was a critical mass that relished the challenge of doing empirical research on the actual workings of the law. There is little evidence that a new generation of socio-legal researchers trained in the full panoply of empirical research skills is coming along to replace that generation.

For instance, the Nuffield Foundation's Small Grant Scheme in the Social Sciences [see p 10] is explicitly designed to foster small projects and is used by many researchers to support their first independent research after their PhDs (or in their first academic position). As the Foundation has a special interest in socio-legal research we are particularly keen to encourage applications for socio-legal research. Yet unlike other disciplines, we see very few such applications from new or younger socio-legal researchers.

Another reason for heightened awareness of the lack of capacity is the burgeoning demand for socio-legal evidence on the part of policy makers. The Legal Services Commission, the Lord Chancellor's Department, the Scottish Justice Department, and others are all more aware of the need for evidence. Yet at the latest meeting of the Socio-Legal Research Users Forum (SLRUF), where funders and users of empirical socio-legal research meet to discuss issues of common interest, there was a shared sense of urgency about the need to develop more research capacity if

current and forthcoming policy changes are going to be based on and evaluated by robust empirical evidence. Certainly, the Nuffield Foundation is concerned that there may not be enough capacity both to meet the policy makers' demand for programme evaluations and to carry out the more fundamental empirical reviews that we have traditionally supported.

Of course, some of the reasons for concern over recruitment of younger researchers are true across all academic disciplines. The declines in salary, status and autonomy of academic careers have roots and repercussions far larger than the SLSA or the Foundation can realistically address.

But there are some causes for concern peculiar to socio-legal research. For instance, the shortage in younger researchers with wide-ranging research skills in family or civil law is much more marked in those subjects than in criminology. Part of this is undoubtedly due to the pathways into socio-legal research. Criminologists often come into the study of the criminal justice 'system' via sociology or psychology or some other discipline with a strong methodological training. Civil and family law researchers are perhaps more likely to come from a background in law itself. Yet there is no clear framework within which lawyers might gain the research skills and techniques needed to carry out socio-legal research, or that offers the training, support and critical mass of enquiry that would foster the careers of a new generation of socio-legal researchers. Individual careers may be fostered through working as research assistants with established academics, but this is less likely to create a thriving community of researchers with diverse views and interests and a shared commitment to empirical examination of the workings of laws and legal structures.

I have also heard some concerns that the reward structure within the discipline of law – perhaps illustrated by the RAE – discriminates against the time and effort spent on the laborious data collection that underpins much socio-legal research. Text-based research is, it is said, more quickly completed.

If there are grounds for concern over the numbers of socio-legal researchers skilled in empirical research, there may be grounds too for hope. Discussions held at the SLSA Annual Conference or the SLRUF have begun to focus attention on the different paths by which social scientists might become interested and trained in law, and lawyers might become interested and trained in social research methods. There is a widespread recognition that some active steps may need to be taken to create the critical mass that might attract a new generation of tough-minded empirical researchers, and many of us are looking for ways to support this. I hope that the next year or so will see an urgent debate about the ways forward – and we may all begin to take concrete steps to support new research capacity in socio-legal studies. If we do not, we risk going back to a state where the pronouncements of law about itself could not be met by the exhilarating challenge of evidence.

**Sharon Witherspoon is Deputy Director of the Nuffield Foundation.**

**SLSA Executive Committee  
2002–2003**

**SLSA CHAIR**

Sally Wheeler  
Department of Law, Birkbeck College  
✉ s.wheeler@bbk.ac.uk

**SLSA VICE-CHAIR**

David Cowan  
Department of Law, Bristol University  
✉ d.s.cowan@bristol.ac.uk

**SLSA SECRETARY**

John Flood  
School of Law, Westminster University  
✉ j.a.flood@wmin.ac.uk

**SLSA TREASURER (2002 annual  
conference organiser)**

Mary Seneviratne  
Nottingham Law School, Nottingham Trent  
University  
✉ mary.seneviratne@ntu.ac.uk

**SLSA RECRUITMENT AND MEMBERSHIP  
SECRETARY**

Stephen Whittle  
Manchester Metropolitan University  
✉ s.t.whittle@mmu.ac.uk

**SLSA EXECUTIVE MEMBERS**

Reza Banakar  
Centre for Socio-Legal Studies, Oxford  
University  
✉ reza.banakar@csls.ox.ac.uk

Anne Barlow  
Department of Law, University of Wales,  
Aberystwyth  
✉ aeb@aber.ac.uk

Lois Bibbings  
Department of Law, Bristol University  
✉ lois.s.bibbings@bristol.ac.uk

Andy Boon  
School of Law, Westminster University  
✉ boona@wmin.ac.uk

Anthony Bradney  
Faculty of Law, Leicester University  
✉ ney@leicester.ac.uk

Trevor Buck  
Faculty of Law, Leicester University  
✉ tgb1@leicester.ac.uk

Helen Carr  
School of Law, North London University  
✉ helen.carr@lawcommission.gsi.gov.uk

Richard Collier  
Newcastle Law School, Newcastle  
University

✉ richard.collier@newcastle.ac.uk  
Brian Dempsey  
School of Law, Edinburgh University

✉ editor@scolag.org.uk  
Peter Fitzpatrick  
Department of Law, Birkbeck College  
✉ peter.fitzpatrick@clickvision.co.uk

Hazel Genn  
University College London  
✉ h.genn@ucl.ac.uk

Anne Griffiths  
Faculty of Law, Edinburgh University  
✉ a.griffiths@ed.ac.uk

Lisa Glennon  
Queen's University Belfast  
✉ l.glennon@qub.ac.uk

Paddy Hillyard  
School of Social & Community Services,  
Ulster University

✉ p.hillyard@ulster.ac.uk  
Michael Meehan  
Liverpool John Moores University  
✉ m.a.meehan@livjm.ac.uk

Andrew Sanders  
Department of Law, Manchester University  
✉ andrew.h.sanders@man.ac.uk

Marie Selwood (*Newsletter* and *Directory*  
editor)  
✉ m.selwood@virgin.net

Sally Sheldon  
Law Department, Keele University  
✉ s.j.sheldon@keele.ac.uk

Lisa Webley (PG representative)  
School of Law, University of Westminster  
✉ webleyl@westminster.ac.uk

*... people*

**LEE MARSHALL** is moving from the Department of Sociology at University College Worcester to a new post in sociology at the University of East Anglia from 1 September. ✉ Politics and Sociology Sector, University of East Anglia, Norwich NR4 7TJ

**MATTHEW HUMPHREYS** left Anglia Polytechnic University on 1 July and is now at: ✉ the Department of Law, Surrey University, Guildford GU2 7XH.

**GRACE JAMES** is moving from the University of Wales, Aberystwyth to take up a lecturing post at Reading University in September  
✉ c.g.james@reading.ac.uk

**PROFESSOR PETER GRABOSKY** is now at the Regulatory Institutions Network in the Research School of Social Sciences, Australian National University. ☎ + 61 2 6243 8509  
☎ +61 2 6243 8507  
✉ peter.grabosky@anu.edu.au

**JUDITH SIDAWAY** has left the Strategic Research Unit at the Law Society to join the Research Secretariat at the Lord Chancellor's Department.  
☎ 020 7210 1465  
✉ judith.sidaway@lchdq.gsi.gov.uk

**PROFESSOR P PEARCE** is now at the Legal Services Commission Research Centre. ☎ 020 7759 0000.

**ALISON BROWN** has moved from the Scottish Executive to take up a research fellowship at the Department of Applied Social Sciences, Stirling University.  
✉ alison.brown@stir.ac.uk

**DR LINDA MULCAHY** of Birkbeck, former Chair of the SLSA, has been made Anniversary Professor of Socio-Legal Studies. ✉ l.mulcahy@bbk.ac.uk

Law Commissioner and former chair of the SLSA **PROFESSOR MARTIN PARTINGTON** of Bristol University was awarded a CBE in the Queen's Birthday Honours for services to the administration of justice.

**SLSA ANNUAL CONFERENCE –  
JLS plenary lecture 2003 ...**

The *Journal of Law and Society* is to sponsor the plenary lecture at next year's SLSA Annual Conference at Nottingham Trent University (see pp 13–14 for details and booking form). It is hoped that this event will attract a speaker with an international reputation. Although the final choice rests with the JLS Board, members are invited to put forward suggestions for possible candidates. Contact Sally Wheeler by **30 September 2002**.

**... possible venues for 2004**

The SLSA Executive is looking for possible venues for the 2004 Annual Conference. The conference is a key SLSA activity and has become more and more successful over the years. If you think that your institution would like the opportunity to host this popular event, then contact SLSA chair Sally Wheeler by **30 October 2002**.

Sally Wheeler ✉ Birkbeck, School of Law, Malet St, London WC1E 7HX ☎ 020 7631 6000 ☎ 020 7631 6506  
✉ s.wheeler@bbk.ac.uk

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**CHANGE OF EDITOR FOR NEWSLETTER**

Penny Smith stood down as newsletter editor after the spring issue (her 28th edition!). Members' thanks are due to her for her hard work and dedication over the years. A personal thanks is due from me to Penny for her support and ideas during the handover period.

Marie Selwood, Editor, *Socio-Legal Newsletter*, ✉ 33 Baddlesmere Road, Whitstable, Kent CT5 2LB ☎ 01227 770189  
✉ m.selwood@virgin.net. **Deadline for autumn issue 15 October 2002.**

# HOW TO GET RECOGNISED

Lorraine Gelsthorpe reviews the process and criteria for achieving research training status under the ESRC recognition exercise

As I embarked upon my own doctoral research in the 1980s, I well remember a revered professor taking me aside and advising that I really only needed a packet of sharp pencils and a teatowel as 'essentials' to get me started on the PhD. It took me a little while to realise that the teatowel was to assist in the task of learning to touch-type. I have to reveal that the pencils came in really useful in those desperate moments when ideas failed me and I not only tried every desk in the office I shared and every table in the library, but a different medium for different days of the week.

In my journey towards completion of the doctoral research, I visited cities of hope, seas of theory, canyons of despair, data trails and data analysis jungles, wreck heaps of discarded hypotheses and the plains of writing. On numerous occasions I got lost in uncharted territories and found myself in a fog. Luckily, with wise advice and support, I survived and completed on time. Some years later, in assuming responsibility for postgraduates in my own university department, I began to look at the issue of research training in some depth. Does training get in the way of what people really want to research, for example? Why impose training on people when they think they will never need those particular skills? Despite some resistance from colleagues and students in early attempts to create a training, support and development programme for PhD students, I am persuaded that research training is important – not only to improve standards, but to ensure that social scientists are equipped to work in increasingly diverse and high profile public arenas that take them well beyond ivory towers. Such a stance has no doubt been influenced by my own experiences, but I am generally convinced that we never quite know what skills we are going to need. We might anticipate a career in one direction, but find ourselves taking a different route. We might vow never to use statistics, but then find ourselves in situations where at least an understanding of statistics will lend weight to our critical reading of matters. In public and private spheres, and academic careers, competence in a wide range of skills (quantitative and qualitative methods, documentary and legal analysis, computer assisted analysis, presentational skills and so on) can be hugely important in terms of establishing our credentials as professional socio-legalists, criminologists or otherwise social scientists.

The Arts and Humanities Research Board and the Economic and Social Research Council (ESRC) alike, along with other major research councils, have turned their attention to the notion of research training in recent years. One of the critical issues, it seems, is whether or not training guidelines which have emerged from such bodies are too prescriptive and thus constraining. Bearing in mind that the ESRC's *Research Training Guidelines* were produced following direct consultation with socio-legalists and criminologists (through the pages of the *Socio-Legal Newsletter* and the equivalent *British Society of*

*Criminology Newsletter*, for instance), it is perhaps hard to sustain this criticism. The subject-specific guidelines for socio-legalists and criminologists were revised several times in light of comments received from both within and without these professional bodies and from 'users' working in the field (policy makers, employers and practitioners, for instance). Another key question, of course, is how the ESRC decides whether or not an institution makes the grade and does well by its students in terms of research training.

## The ESRC recognition exercise 2001

What follows is an outline of the major recognition exercise in 2001 to mark out those institutions adjudged by the ESRC to be worthy of 'research training' (RT) status. RT status is important in terms of students' eligibility to receive ESRC funding at any one institution. Essentially, there are two levels of RT status:

*continued overleaf*

## HART SOCIO-LEGAL ARTICLE PRIZE

Congratulations to the winners of this year's article prize, Douglas Vick and Kevin Campbell for 'Public protests, private lawsuits, and the market: the investor response to the McLibel case' (2001) 28 *Journal of Law and Society* 204–41. The prize was announced at the SLSA's annual conference in Aberystwyth. The Hart book prize was not awarded this year. Details of the 2003 book and article prizes will appear in the autumn edition of the *Socio-Legal Newsletter*.

## SLSA SMALL GRANTS SCHEME

SLSA members interested in applying for a small grant are reminded that the deadline is **31 October 2002**. The executive committee provides £5000 annually – up to a maximum of £1000 per individual grant – to encourage socio-legal research initiatives in practical ways.

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

Funding will not normally be provided for conference attendance or to subsidise postgraduate course fees. Feedback will be given to unsuccessful applicants. No member will receive more than one grant per year. Executive committee members are not eligible for the scheme.

The research grants committee's annual report to the executive committee about the number and quality of applications will be summarised in the *Socio-Legal Newsletter* which will also publish award winners' details. Decisions will be made no later than 31 January 2003.

Research grants committee members are Dave Cowan, John Flood and Mary Seneviratne. For details of this year's scheme contact: Dave Cowan ✉ Dept of Law, Bristol University, Wills Memorial Building, Queens Rd, Bristol BS8 1RJ ☎ 0117 954 5224 ✉ d.s.cowan@bris.ac.uk

*continued from page 3*

- 1+3 – that is, where institutions have a full research training programme for first year doctoral/masters students and then a research training, support and development programme for those continuing to do doctoral research;
- +3 – that is, where institutions offer a research training, support and development programme of one kind or another for continuing doctoral research students. (Here, it is assumed that students have received their foundational research methods training at another institution which does have RT status).

In 2001, the Socio-Legal and Criminology Panel set up to assess applications for RT status involved:

Dr Loraine Gelsthorpe (chair) – Cambridge University;

Professor Ken Pease (deputy chair) – Huddersfield University;

Professor Lynda Warren – University of Wales, Aberystwyth;

Dr Carole Willis – Home Office.

Professor Mary Seneviratne, Nottingham Trent University, served as a consultant assessor to the panel.

The panel received 21 applications altogether and the results of the accreditation process can be found on the ESRC's own website.

### **What did the panel look for when making recommendations to the Training Board?**

A simple answer would be to say that the panel looked to see how far applications met the training guidelines produced jointly by the ESRC and academic community at both the generic and subject-specific levels. But it may be more helpful to indicate some pointers towards recognition which emerged from the panel's deliberations:

The 1+3 applications where the panel found it easiest to make a positive recommendation for RT status were clear, detailed and with a solid criminological or socio-legal orientation. Applications indicated courses at an advanced level, in appropriate amounts and with appropriate resources (including staff) to support a socio-legal/criminological environment. The courses were well balanced (with required and optional courses) and appropriately assessed (so as to test skills developed during the course).

Generally speaking, the applications of whose value we were most confident were those where a substantial proportion of the masters course was quite obviously devoted to research methods training. The strongest applications addressed research in accordance with the ESRC postgraduate training guidelines sections D (broadly based training, general research skills, personal development and employment related skills) and E (addressing principles of research design, data collection and data analysis) alongside a good range of issues identified in the subject-specific training guidelines. In particular, such applications were characterised by research methods training which addressed both quantitative and qualitative skills and gave sufficient attention to training in statistical techniques.

Crucially, these applications emphasised the need for students to develop practical competencies and not simply a

theoretical appreciation of methodological issues and statistical techniques. 'Doing' in order to learn rather than learning about' or critiquing various methodological applications seemed important to us. These courses also reflected a natural progression through training components so as to equip students for the task of preparing a dissertation.

The strongest applications also featured a dissertation component which was at an appropriate level (circa 15,000 words) and weighted appropriately in terms of assessment (between 25–33%).

With regard to the +3 programmes, the applications we found it easiest to recommend positively were characterised by the provision of advanced training opportunities at both a specific and general level. The programmes also featured continuing input to students' development in terms of staff-student seminars and other structured opportunities for students to engage with staff as well as with other students. These applications featured the active involvement of outlet staff in training and in research activities.

In relation to part-time provision, the applications we liked most came from those outlets that had made specific provision for part-time students beyond the grouping of training courses on particular days of the week.

With regard to CASE (collaborative) applications, the strongest applications came from those outlets which could demonstrate considerable experience of collaborative research with outside agencies and where due attention had been given in the application to the negotiation of research topics, the selection of students and the supervision and monitoring of students' progress. Such applications also gave due attention to intellectual property rights with regard to the ownership of data and publication.

There are a number of general points which it is perhaps worth noting too: some of the applications required extensive detective work to tease out what was actually being provided, for instance! We were also surprised that several applications came from departments that were clearly committed to a range of collaborative research with other organisations, but no application for CASE recognition had been made. Further, we noted that there was relatively little mention of the development of teaching skills within the applications.

Needless to say, the task of assessing the applications was not easy, but we were mindful of students' needs and guided by the need to be fair and balanced. Prior to the recognition exercise, there had been much consternation about the new training requirements outlined in the ESRC's *Training Guidelines*, particularly regarding the insistence on training in statistical and quantitative skills for all social scientists. But, in reviewing the applications, the Socio-Legal and Criminology Panel kept in mind the standards of methodological expertise currently demanded by public organisations, central and local government and other potential employers and this is where the current insistence on statistical and quantitative methods skills alongside other research methods comes in.

***Loraine Gelsthorpe is based at the Institute of Criminology, Cambridge University and chaired the Socio-Legal and Criminology Panel 2001 for the ESRC.***

# SLRUF HIGHLIGHTS WAY FORWARD

*Law Commissioner Martin Partington reports back from the May 2002 meeting at which members discussed the problem and possible solutions to a future shortage of socio-legal research scholars.*

The most recent meeting of the SLRUF considered the issue – raised by Mike Adler in the November 2001 edition of the *Socio-Legal Newsletter* [SLNL 35] – about the numbers of new scholars coming into socio-legal research. Adler’s focus was particularly on socio-legal scholarship in the universities. But the issue has wider implications, particularly for governments anxious to promote evidence-based policy-making. The key question is: is there adequate research capacity available to undertake the research that government departments and agencies want to commission?

The SLRUF meeting heard first about the investments that the ESRC was making in research training. It was now widely accepted that PhD students in the social sciences needed programmes of taught instruction in research methods as part of their research training. In the socio-legal area, this was particularly vital for those who had studied law as a first degree. They had to develop competence in (or at least a thorough understanding of) quantitative and qualitative methods if they were ever to become fully rounded socio-legal researchers. The ESRC was encouraging these developments.

Despite these changes, the problem remained that only small numbers of studentships were being taken up by those with socio-legal interests. Members of the SLRUF commented on the dearth of newcomers to the research field. It was accepted that there was a tendency for government departments – anxious to obtain value for money – to contract with those with an established research track record. But there was a widespread feeling that if the present generation of researchers were not replaced, then over the next decade there would be an increasingly serious problem of undercapacity.

The SLRUF did not think that there were simple solutions to be found. But there needed to be better understanding of how a number of issues interacted so that proposals for resolving problems might be developed. These included:

- the impact of the RAE, in particular its relative undervaluing of empirical research;
- the lack of significant centres of socio-legal research (with the exception of some well established centres of criminology) that might provide the critical mass needed to bring on young researchers;
- the difficulty of departments in institutions working collaboratively to put on the training programmes in research methods the ESRC now required;
- the difficulty of institutions working collaboratively to provide core training programmes that were cost-effective;
- the inability of the ESRC to provide funding for students in their final writing-up year – which often had the effect that PhDs remained unfinished, while the postgraduates

themselves either sought employment or left research altogether;

- the lack of any information about the career paths of research students and what might keep them in or attract them back into socio-legal research;
- more generally the attractiveness (or lack of it) of a career in research.

Sally Wheeler, SLSA Chair, offered to set up a small group to explore the implications of these issues further; she will be assisted by Sharon Witherspoon from the Nuffield Foundation and Paul Rouse from the ESRC. It was hoped this would lead to the SLSA being able to propose new initiatives, for example summer schools, research seminar series, the encouragement of career development opportunities and other initiatives that might assist. It was particularly important that the socio-legal community understood and took advantage of sources of funding that were already available.

Work on this will progress over the summer and the outcome reported back to both the SLRUF and SLSA in due course.

© [martin.partington@lawcommission.gsi.gov.uk](mailto:martin.partington@lawcommission.gsi.gov.uk)

## Who is training tomorrow’s researchers?

Despite the growth of the SLSA since its foundation, the picture that has recently been painted in the socio-legal community is one of undercapacity at all levels – in particular at postgraduate level – so that socio-legal scholars are not coming through the system. In SLNL 35, Mike Adler expressed concern about the small number of postgraduate applications to the ESRC; in SLNL 36 Martin Partington reported the concerns of the SLRUF about undercapacity; and, there was low take-up of the 2001 ESRC recognition schemes. The lumping together of socio-legal studies and criminology by the ESRC for recognition purposes obscures the small number of outlets offering recognised socio-legal training. Of course, it may be that postgraduates are funded in other ways, such as through university or departmental scholarships; or that some law departments believe that ESRC training requirements do not meet the needs of their doctrinal law students.

The SLSA Executive would like to hear from members about their experiences of socio-legal research training and capacity. In particular, we would be interested to hear members’ views on any of the following –

- Does your department offer undergraduates training in research methods? If so, what type of training is offered? If not, are there any reasons why it is not offered? Are your undergraduates obliged to write a dissertation?
- Did your department apply for ESRC recognition? If so, what was your experience of the latest round of the exercise?
- If your department did not apply for ESRC recognition, why not?
- How many ‘research-track’ postgraduates does your department have?
- What schemes should the SLSA have in place to encourage and facilitate research capacity?

Please respond to Dave Cowan: © [d.s.cowan@bris.ac.uk](mailto:d.s.cowan@bris.ac.uk).

# GLOBAL LAW IN A MORAL DOMAIN

*Roger Cotterrell, plenary speaker at the recent SLSA annual conference, ponders the future of law in a transnational context and asks what socio-legal scholars can contribute to its evolving role.*

When Paddy Hillyard and I were invited to debate problems and directions of socio-legal research at the SLSA annual conference in Aberystwyth, the main problem seemed to be to find some really fundamental disagreements to fight over. I felt there were differences of emphasis more than anything else. Both of us, for example, thought globalisation posed major challenges as a topic for socio-legal inquiry and we both wanted to emphasise what socio-legal studies are for in terms of their moral or political payoff, though we differed in the way we approached these issues.

From my point of view the legal challenges of globalisation and the need for socio-legal studies to consider law in its relation to morality are closely related. Brian Tamanaha's much praised new book *A General Jurisprudence of Law and Society* ((2001) OUP, winner of the Law and Society Association's book prize) argues that we should stop worrying about law's legitimacy (a concern of sociology of law since its beginnings) and adopt a positivist view which sees law's relations with specific social or cultural settings or its groundings in moral convictions as merely contingent. Law does not 'mirror' society, Tamanaha argues, though it obviously derives from social sources. Somehow, it has a life of its own which is proved by the way law can be carried transnationally in globalising processes as a regulatory technique. Its prestige, simply through being recognised as law, gives it enough authority without there being a practical need to worry about deeper legitimacy questions.

I think recent experience gives the lie to all this and sets a vital agenda for socio-legal studies. A global order is in process of forming, but it is not clear whether it will be based on law or on pure political and military power. As the world's only superpower declares itself not bound by treaties, unconstrained by principles of the rule of law in addressing threats of international violence, and uninterested in the development of international criminal jurisdiction or in important international initiatives in environmental regulation, the future prospects of law as a major contributor to global co-existence seem uncertain. Law, to be strong and capable of attracting reliance in the many new transnational arenas that cry out for stable regulation, needs powerful legitimacy. Positivist views of law often merely presuppose the legitimacy given by stable nation states as authors of law. But if law is called on to regulate beyond states and to create transnational order to which national citizens see themselves obviously obligated to adhere, much stronger legitimacy is required for it.

Sources of legitimacy beyond those given (or refused) by nation states depend on the nature of the communities law regulates. Sometimes, these are communities of shared interest, so that instrumental law (in transnational commerce, finance, etc) is acceptable because of its obvious utility. Sometimes, they are communities of shared belief or ultimate value commitments. International human rights law no doubt depends for its most

important bases of legitimacy on fundamental transnational commitments to the sanctity and dignity of all individual human beings. And communities of mere co-existence, of populations having to live together in a shared environment, underpin the legitimacy of initiatives and aspirations in environmental law. These examples, among many, point to sources of legitimacy in types of community that may be in no way bounded by the borders of nation states.

As the responsibilities of law to regulate transnational relations become greater, forms of legitimacy rooted in these diverse kinds of community become crucial. The authority of law depends in these circumstances on far more than positivist tests of law's formal origins. It depends also, and crucially, on what we can think of as moral criteria: the rootedness of law and legal initiatives in moral domains of community extending beyond the nation state (or sometimes in limited regions within it).

Much globalisation literature ignores law because law is widely seen as merely instrumental, a camp-follower of the armies of globalisation, a technique available for any purpose. The real action in globalisation is often seen to be in economic or cultural matters. But if law is to have a chance of regulating our transnational future and not merely be sidelined, on a whim, by war talk and power politics, legal scholarship needs, I think, to explore extensively what law's bases of authority are and can be in the new global environment. This is clearly a matter for socio-legal inquiry because it involves reconsidering in new contexts all the old questions about law's necessary roots in society and culture. Law as pure technique, mere positive law as Tamanaha seems to think of it, is now a very weak regulatory form as it continues to rely mainly on sources of political authority in the nation state. Nation states themselves can no longer be assumed generally to possess regulatory sovereignty in practical terms and one needs to ask: 'Which nation state, subject to what international pressures?' and 'What kind of sovereignty under what kinds of conditions?' National law, in stable political societies, usually prevails against other normative orders originating or based in the nation state, but it is now frequently shaped, adjusted, coloured in interpretation, or nullified in practice by transnational forces. Our responsibility is to try to make those transnational forces as far as possible legal in character, subject to transnational conceptions of the rule of law, and rooted in the moral understandings and social and cultural experience of transnational communities.

Seen in this way, law's moral bases and its globalising destiny are closely linked. The future of socio-legal studies should surely be shaped by a clear recognition of this fact. That involves also recognising the limitations of the legal positivism we have inherited, the transformations (though, of course, not the disappearance) of the authority of nation states, and the urgent need for stronger moral foundations of legal authority to equip it as it takes on new responsibilities beyond nation state jurisdictions. If we fail to do this, perhaps we shall just have to acquiesce in the marginalisation of law in many transnational arenas whenever powerful interests deem brute force a more effective way of resolving problems than stable normative regulation.

**Roger Cotterrell is Professor of Legal Theory at Queen Mary & Westfield College, London University. ☎ 020 7975 5142  
✉ r.b.m.cotterrell@qmul.ac.uk**

# THE LEGACY OF POLITICAL DISSENT

*Jiri Priban argues that the nature of political dissent in modern liberal democracies can be better understood if we look to its precursors in the totalitarian regimes of the eastern bloc.*

Recent political developments in Europe show that even current complex democratic societies are still governed by the old principle of safety and security. Politicians cannot ignore this aspect of modern political reality so persuasively formulated by Thomas Hobbes. If they do, they invite populists and extremists to exploit citizens' political and personal fears and put at risk our current political culture of pluralism and heterogeneity.

The rise of populists in Austria, Denmark, France, The Netherlands, Poland and other European countries in recent years need not necessarily be taken as a fundamental political shift in and popular resignation of values typical of open, liberal and democratic communities. Nevertheless, general distrust of politics, growing uncertainties and problems surrounding the matter of minimum levels of political and cultural integration make it a lot easier for new governments and state administrations to argue for more powers and political control of their populations. Political liberties lose out to police surveillance and the level of citizens' consent to these practices certainly took all liberals by surprise. One can say that the political sovereign/Leviathan is back and Hobbes' concept of politics and law momentarily beat Locke's notion of limited government.

Political developments and new legislation enacted in the aftermath of the terrorist attacks on the USA last September can surely have only a temporary effect because democratic politics is hard to imagine without a power balance between a government and its citizens. In the current situation, it is therefore important to rethink the political strategy of dissent. I contend that although populist extremists, terrorists and religious fundamentalists dissent from liberal democratic politics, too, it would be inaccurate to label them all simply as political dissidents. So, who is a dissident? Does the term include everyone who fights a government, or is the strategy of dissent much more subtle?

I believe that possible answers may be found if we return to the analysis of dissent in totalitarian systems. In a sense, the situation there is less complex and it is therefore simpler to understand the meaning of political dissent. In countries such as China, governments are omnipotent and any action challenging this power immediately becomes dissident and is repressed. Dissidents have to fight for those basic liberties such as freedom of expression and the right to vote – often taken for granted in liberal democracies. In fact, any attempt to act autonomously and search for authentic self-creation becomes dissident because it challenges the government's claim to control the totality of society. In the context of the former Soviet bloc countries, the Hungarian dissident Gyorg Konrad called this attempt 'antipolitics', while Czech dissidents developed and radicalised the notion of 'non-political politics'. The struggle of political dissidents in totalitarian countries therefore belongs to the grand

modern history of political struggle for negative political freedoms, limited government and a liberal tolerant community.

The situation in current liberal democratic societies is radically different, yet some dissident experiences and strategies employed in totalitarian and authoritarian states may be translated across. Democratic politics seeks to integrate protest and dissent into its system. However, we should make clear distinctions between political opposition, violent protests and political dissent. Political opposition participates in the institutional framework of decision-making power and acts on the assumption of eventual movement from opposition to government. Violent protests such as anarchistic actions and acts of political terrorism define themselves against the system but at the same time use its own language of violence and terror. On the other hand, political dissent distances itself both from aspirations to achieve political power and confrontations of government monopoly of political violence via acts of terrorism or violent anarchy. Dissent is political because it permanently challenges the extent of political power and control and permanently seeks to put governmental actions under public scrutiny. It therefore becomes extremely important precisely at the time when governments demand more power and control over their citizens. Dissident voices are more important when the public consensus is largely in favour of these extensions of power and their justification in the name of the rule of law and human rights. The best lesson to be learned from dissidents in former communist states is that they successfully challenged the universal claims of the communist system. It therefore becomes a primary task, too, for dissidents in liberal democracies to highlight the limits of these political systems and thus avoid the possibility that democratic governments might pursue their political goals on the basis of their universal validity and binding force.

Political dissent in liberal democracy is obviously at risk of being politically naive, ridiculous and blinded by ideological stereotypes. Probably the most illustrative is the example of anti-globalisation activists using the global means of the internet and mass media in their political struggle and confronting the advertising strategies of multi-national corporations through the slogan 'no logo', which depicts the public sphere merely as a totality of consumers debilitated by producers. However, ideology and the means of public persuasion are not too important. From the systemic perspective, it is more important that public political discourse remains disputed and contested and therefore cannot be closed by universal claims of some political vision of the brave new world.

According to a number of empirical surveys, people living in contemporary western democracies are losing interest in politics and becoming less involved in political action. This tendency exposes the current level of social heterogeneity and 'privatisation of politics'. Mass democracies have become disintegrated, and the political homogeneity required for mass political movements and parties has disappeared. In this political condition, the strategy of dissent and its concept of 'non-political politics' – the primary goal of which is meta-control and limitation of political power – becomes vital for the future existence of liberal and democratic politics.

**Jiri Priban, Cardiff Law School, discusses the rule of law and political dissent in his book *Dissidents of Law (2002)* Ashgate, ISBN: 0754622843. @ priban@cf.ac.uk**

## RESTORATIVE CAUTIONING – FINDINGS PAVE THE WAY FOR MORE RESEARCH

In 1998, Thames Valley Police launched a restorative cautioning initiative, whereby police officers administering cautions were asked to invite all those affected by the offence, including victims, to a meeting. These meetings were facilitated in the main by police officers who used a script to structure discussion around the harm caused by the offence and how this could be repaired. Richard Young and Carolyn Hoyle, from the University of Oxford Centre for Criminological Research, with funding from the Joseph Rowntree Foundation, helped the police to implement this new way of cautioning and carried out a formal evaluation of the process and the outcomes achieved.

They found that the police were largely successful in transforming cautioning practice – the restorative justice script was used in over two-thirds of cautions. Hence, Thames Valley Police has overseen the largest scale restorative justice initiative in the UK to date. In the initial stages, implementation of the restorative model in individual cautions was often deficient, with poor practice by police facilitators. In the worst examples, officers reinvestigated the offence, sought admissions to prior offending and asked questions which could be seen as attempts to gather intelligence. In other words, they strayed well beyond the boundaries of neutral facilitation. The researchers prepared a ‘warts and all’ interim report drawing attention to these problems. In response, the police revised the cautioning script and provided facilitators with top-up training which improved facilitation significantly, although it was still not always good.

Although the formal evaluation found deficiencies in implementing the model, most clearly concerning inadequate preparation of all participants before the caution, offenders,

victims and their respective supporters were generally very satisfied with the fairness of the process and the outcomes. It was particularly important to some offenders, both adult and juvenile, that they had the same opportunity to have their say as everyone else, and that they were listened to with a degree of respect. During the year following the caution, all participants remained broadly positive and a substantial minority reported longer term benefits such as improvements to relationships.

Cautioning processes that adhered most closely to restorative justice principles tended to produce the most positive outcomes. Participants exposed to high quality facilitation were most likely to feel that they had experienced a fair process. They were also most likely to believe that the meeting made offenders feel ashamed of their criminal behaviour and helped them to understand the effects of that behaviour on others.

Of the 56 offenders aged 10 to 17 in the final evaluation sample, just 14% were re-sanctioned within a year of the restorative caution. Based on a comparison with a Home Office study of the effectiveness of traditional cautioning, this suggests that restorative cautioning halved the likelihood of re-sanctioning within a year. Hoyle and Young are to begin a larger scale re-sanctioning study of restorative cautioning, funded by the Home Office, to assess the validity of this finding.

The full report, *Proceed with Caution: an evaluation of the Thames Valley Police initiative in restorative cautioning*, by Carolyn Hoyle, Richard Young and Roderick Hill, is published for the Joseph Rowntree Foundation by YPS (ISBN 1 84263 071 7, £14.95).

To order a copy ☎ 01904 430033 or ✉ orders@yps.ymn.co.uk. A list of other publications arising from this research can be found at the website for the Oxford Centre for Criminological Research @ [www.crim.ox.ac.uk/projects/rpub.htm](http://www.crim.ox.ac.uk/projects/rpub.htm).

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## COHABITATION, MARRIAGE AND THE LAW

The initial stage of a Nuffield Foundation funded research project exploring cohabitation, marriage and the law has now been completed. Drawing on data from the British Social Attitudes (BSA) Survey 2000 and from in-depth interviews with current and former cohabitants, the project examines public attitudes about cohabitation and marriage, explores who cohabits and why, investigates legal attitudes and beliefs about so-called ‘common law marriage’, and considers attitudes to and options for legal reform. Anne Barlow (Aberystwyth), Simon Duncan (Bradford University), Grace James (Aberystwyth) and Alison Park (National Centre for Social Research) make up the interdisciplinary and inter-institutional project team.

Overall, it was found that cohabitation is widely accepted as both a partnering and parenting structure across all strata of British society. The elderly and religious were less accepting, but even these groups are becoming more tolerant. Although marriage is still seen as an ideal relationship in the abstract, it is not necessarily seen as better than cohabitation in practical terms and, generally, married couples are not viewed as making better parents. Reasons for cohabiting included: avoidance of stereotyped gender roles; disillusionment with marriage; trial marriage; avoiding divorce; emotional security of living together; unexpected pregnancy; and the cost of a ‘proper’ wedding being

outweighed by other priorities. Reasons for choosing marriage after cohabitation included; the wish to have children; the desire to achieve greater emotional security (including having the same family name); greater financial security; and religious belief.

The research found that over half of those interviewed in the national survey believed, incorrectly, that cohabitants have a ‘common law marriage’ giving them the same legal rights as married couples. However, the perceived legal position was *not* normally a factor directly influencing the decision to marry or cohabit for interviewees in the in-depth study. Whatever their knowledge of the law, only a small number of cohabitants had made any provision regarding the legal consequences of their relationship. There is strong support among cohabitants and others for treating married and cohabiting couples the same in law, and the idea of a formal Partnerships Register where cohabitants could agree the terms of their relationship was, in the in-depth study, popular among current and former cohabitants.

A grant extension has recently been awarded by the Nuffield Foundation to enable the researchers to conduct further in-depth interviews amongst British African-Caribbeans and British Asians; groups which were not well represented in the BSA survey and may show different attitudes and behaviours. For a copy of the findings leaflet and/or further information about the project, please contact Anne Barlow ✉ [aeb@aber.ac.uk](mailto:aeb@aber.ac.uk).



## RESTORATIVE JUSTICE IN SECURE ESTABLISHMENTS FOR YOUNG OFFENDERS

Brian Williams, Reader in the Community and Criminal Justice Studies Unit at De Montfort University, Leicester, has been awarded a 13-month research grant by the national Youth Justice Board to research the extent to which restorative justice is being used in Young Offender Institutions and secure establishments for young people, and make recommendations on good practice. The research team also includes Gwyneth Boswell, Devinder Curry, Derek Owens-Rawle and Mike Semenchuk, and work has already begun. Although the research is mainly concerned with victim-offender mediation, enquiries are also being made into the extent to which restorative practices inform establishments' group-work with young offenders, their disciplinary procedures and their approaches to bullying. A brief literature review has been completed, and the field work is now under way.

For further information @ bwilliam@dmu.ac.uk.

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## ECONOMY AND SOCIETY STUDY GROUPS

*Economy and Society* is offering to fund study groups to a maximum of £3,000 each, with a view to encouraging the research, writing and subsequent publication of papers on any subject of interest to the journal.

A typical group will comprise a core of up to eight individuals who would meet once or twice a month to present and discuss papers on a chosen topic. These groups may also choose to invite other participants on a less regular basis to deliver papers on a particular theme. The object is to generate papers of publishable quality. All groups will offer their collection of papers to *Economy and Society* for publication on a first refusal basis. Applicants should include a description of the research topic, rationale of the study group, a list of all participants and occasional speakers and a provisional list of papers commissioned, together with a budget for the meetings. Closing date: 10 November 2002.

Details from ✉ Nikolas Rose, Managing Editor, *Economy and Society*, Goldsmiths College, London SE14 6NW.

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## ANTI-DISCRIMINATION LAW

Paul Skidmore (Bristol University) has been awarded a two year Marie Curie Research Fellowship at the Humboldt University, Berlin by the European Commission. The research focuses on anti-discrimination law in employment in Germany in the light of recent EU Directives. ☎ + 49 30 2093 3451 @ paul.skidmore@rewi.hu-berlin.de

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## CONFIDENTIALITY IN SCHOOLS

Professor David Lewis and Anne Ruff, of Middlesex University's law group, have been awarded a grant under the Nuffield Foundation's Social Sciences Small Grants Scheme to conduct research into confidential reporting procedures in maintained schools. The research includes sending questionnaires to schools, LEAs and Diocesan Boards. A final report will be published at the end of the year. @ a.ruff@mdx.ac.uk

## OPPORTUNITIES FOR INTERCHANGE

The Home Office and the Academy of Learned Societies (ALS) are promoting the interchange of social scientists between the Home Office and the university sector. Social scientists with an interest in areas of Home Office responsibility – for example, crime, drugs, policing, citizenship, asylum, race relations – are invited to spend a period ranging from a few weeks to one year working in the Research, Development and Statistics Directorate (RDS) of the Home Office.

In this way, it is hoped that scholars could contribute to the foundation of government policy through research. Similarly, Home Office civil servants with a background or experience of social research or policy are invited to spend a period of time on secondment to a university social science department, where they would be expected to contribute to teaching and on-going research projects.

The scheme aims to promote closer working between the Home Office and academia and to give both academics and government researchers the opportunity to work in and learn from relevant environments outside their usual places of work.

Further details and opportunities for interchange will be advertised as they become available on the ALS website @ [www.the-academy.org.uk](http://www.the-academy.org.uk) and the Home Office website @ [www.homeoffice.gov.uk/rds/vacancies1.html](http://www.homeoffice.gov.uk/rds/vacancies1.html).

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## INTENSIVE SUPERVISION AND SURVEILLANCE PROGRAMMES

The Centre for Criminological Studies and Probation Studies Unit, University of Oxford, has been commissioned by the Youth Justice Board to evaluate the recently established Intensive Supervision and Surveillance Programmes (ISSPs) for persistent young offenders. ISSPs are the most rigorous, non-custodial interventions available for young offenders. As the name suggests, they combine intensive supervision with close monitoring. They are designed to be unique in both the amount and intensity of supervision and surveillance provided and they are underpinned by the principle of 'evidence-based' practice. The aim is to ensure that the most difficult young offenders are identified, the risks that they pose managed and that their needs are continually reassessed over time.

The evaluation of ISSPs provides an important opportunity to examine the potential of multi-modal approaches to breaking the cycles of offending and stopping the development of criminal careers. It will also allow researchers to identify 'protective' factors which reduce the likelihood of continuing criminal behaviour. The number of ISSP schemes around the country, and the variability in their approach, makes the evaluation a complex and stimulating challenge. Data collection entails a broad range of quantitative and qualitative techniques, incorporating standardised measures that permit a comparison of efficacy and impact across the ISSP schemes.

For further details visit @ [www.crim.ox.ac.uk](http://www.crim.ox.ac.uk) or @ [www.issp.org.uk](http://www.issp.org.uk) or contact @ [robin.moore@crim.ox.ac.uk](mailto:robin.moore@crim.ox.ac.uk) or @ [ian.waters@crim.ox.ac.uk](mailto:ian.waters@crim.ox.ac.uk).

## NUFFIELD SOCIAL SCIENCE SCHEMES

The Nuffield Foundation New Career Development Fellowship Scheme supports social scientists in the early stages of post-doctoral research to work in partnership with an experienced researcher on projects broadly related to social well being.

The scheme aims to foster research capacity through the exposure of fellows to research skills or a new body of knowledge that they would not otherwise easily acquire.

In summary the fellowship consists of:

- a partnership between a 'new' post-doctoral social scientist (the fellow) and an established and experienced social scientist;
- a joint project that has a clear relation to social well being and will increase the skills/knowledge of the fellow;
- foundation funding of up to £120,000 for three years (salary support for the fellow, support for the partner, project costs).

The closing date for 2003 is likely to be towards the end of November 2002. Applicants must have a PhD or equivalent expertise and research experience. Fellowships must be held at UK institutions. Application materials for the 2003 round will be available on the Foundation website by the beginning of September 2002 @ [www.nuffieldfoundation.org](http://www.nuffieldfoundation.org).

The Social Science Small Grants Scheme makes grants intended for self-contained social science research projects, including pilot studies. Awards are normally up to £6,000 but may exceptionally reach £10,000. Grants may be used for research assistance, data collection, travel and subsistence, or other research expenses.

The three priority areas for funding are: projects that develop social science research capacity and 'new' research careers; self-contained or pilot projects that address the wider objects of the foundation, namely its interest in 'the advancement of social well being'; outstanding small projects in the social sciences. Applicants must have a post of one year or more in a university or independent research institute in the UK. Research students or others working for a higher degree are not eligible.

The Social Science Small Grants Scheme is a rolling programme and there is no closing date. Small Grants Application Materials (Ref: SSS/LB) are available from: ☒ The Nuffield Foundation, 28 Bedford Square, London WC1B 3JS.

@ [www.nuffieldfoundation.org](http://www.nuffieldfoundation.org) ☎ 020 7580 7434 (24 hour)

## *just published ...*

The **British Journal of Community Justice** is a new peer reviewed journal with three issues a year published jointly by De Montfort and Sheffield Hallam Universities. Its aims are to articulate, interrogate and debate research, theory, policy and practice, and their interrelationships in the domain of community justice. Editors, Paul Senior and Brian Williams, would welcome articles for forthcoming issues. @ [bjcj@psc-uk.com](mailto:bjcj@psc-uk.com)

The following reports have been published recently by the Lord Chancellor's Department. **Court-based ADR Initiatives for Non-Family Civil Disputes: the Commercial Court and the Court of Appeal**, by Hazel Genn (2002) 115pp, presents an evaluation of the Commercial Court's practice of issuing ADR Orders in selected commercial disputes and a review of the Court of Appeal's mediation scheme, established in 1996.

**Judges' Case Management Perspectives: the views of opinion formers and case managers**, by Joyce Plotnikoff and Richard Woolfson (2002) 56pp, presents the findings of a qualitative research project which asked judges for their views on case management skills and possible ways they could be acquired by members of the judiciary and magistrates.

**Professionalising Lay Justice: the role of the court clerk in family proceedings**, by Joan Hunt (2002) 201pp, reports on the findings of a research project to examine in depth the role and practice of the court clerk in family proceedings, using data gathered from clerks, magistrates and professionals using the courts. The study focuses particularly on case management and considers what lessons might be drawn for the experience of case management under the Children Act 1989. For details contact: ☎ 020 7210 8520 ☎ 020 7210 0695 @ [sattwood@lcdhq.gsi.gov.uk](mailto:sattwood@lcdhq.gsi.gov.uk).

**Supporting Court Users: the In-Court Advice and Mediation Projects in Edinburgh Sherriff Court Research Phase 2**, by Elaine Samuel (2002) Scottish Executive Central Research Unit/The Stationery Office ISBN 07559 3342 7 £5, has recently been published. The study monitored the business of the In-court Advice Project in Edinburgh Sherriff Court for a period of nine months, examined the new mediation component of the project and assessed the project's continued impact on court users, the sherriff court and the civil justice system. Copies available from The Stationery Office Bookshop: ☎ 0870 606 5566 ☎ 0870 606 5588 [www.tsonline.co.uk](http://www.tsonline.co.uk).

**Woolf - personal injury, clinical negligence and housing disrepair** by Tamara Goriely, Richard Moorhead and Pamela Abrams (2002) Law and Civil Justice Council £20

The first in-depth research into the impact of the Woolf reforms on the pre-action stages of personal injury, clinical negligence and housing disrepair suggests there has been a change in the culture of litigation towards a more co-operative approach but there remain concerns about the speed and cost of cases post-Woolf. Available from: the Law Society Strategic Research Unit ☎ 020 7320 5623.

### **JOURNAL OF LAW AND SOCIETY**

Volume 29 Number 3 – September 2002

'Identity, recognition, rights: what can Hegel teach us about human rights?' – *Costas Douzinas*

'Court awards of damages for loss of future earnings: an empirical study and an alternative method of calculation' – *Richard Lewis, Robert McNabb, Helen Robinson, Victoria Wass*

'Children at risk: legal and societal perceptions of the potential threat that the possession of child pornography poses to society' – *Suzanne Ost*

'Changing definitions of risk and responsibility in French political scandals' – *Violaine Roussel*

'A revised role for trade unions as devised by New Labour: the representation pyramid and "partnership"' – *Tonia Novitz*

'What made me a legal aid lawyer?' – *Geoffrey Bindman*

**Responsibility in Law and Morality** by Peter Cane (2002) Hart Publishing ISBN 1-84113-321-3 £25hb 320pp.

Lawyers who write about responsibility tend to focus on criminal law at the expense of civil and public law; while philosophers tend to treat responsibility as a moral concept, and either ignore the law or consider legal responsibility to be a more or less distorted reflection of its moral counterpart. This book aims to counteract both of these biases. By adopting a comparative institutional approach to the relationship between law and morality, it challenges the common view that morality stands to law as critical standard to conventional practice. It shows how law and morality interact symbiotically, and how careful study of legal concepts of responsibility can add significantly to our understanding of responsibility more generally. @ www.hartpub.co.uk

The Community and Criminal Justice Studies Division, De Montfort University, has published two new monographs. **Take-Up and Roll-Out: issues and contexts in the implementation of effective practice in the probation service** and **Case Management: context for supervision and design issues for the probation service** are both by Paul Holt and priced £9.99. @ glennon@dmu.ac.uk

**Senior Citizenship? Retirement, migration and welfare in the European Union**, by Louise Ackers and Peter Dwyer (2002) The Policy Press ISBN 1 86134 264 0 £18.99pb 232pp

Debates about citizenship in Europe, particularly in relation to social policy and welfare provision, are increasingly topical as the European Union expands and moves towards greater integration. This book charts the development of mobility and welfare rights for retired people moving or returning home under the Free Movement of Persons provisions. It raises important issues around the future of social citizenship and the implications of the exercise of agency, in an increasingly global and mobile world.

**Body Lore and Laws: essays on law and the human body** Martin Richards, Andrew Bainham and Shelley Day Sclater (eds) (2002) Hart Publishing ISBNs 1-84113-196-2 £35hb 1-84113-197-0 £18pb 400pp

Bodies and body parts are not only subject to regulation through formal legal processes, but also the meanings attached to particular bodies, and the significance accorded to some body parts, are aspects of broader cultural processes. In short, bodies are subjected to both lore and laws. The contributors offer a range of interdisciplinary papers that critically examine how bodies are constructed and regulated in law.

The UKCLE has just published the second edition of the teaching and learning manual **Teaching Human Rights** by Noel Whitty, Doris Buss, Wade Mansell, Susan Millns and Christine Bell (2002) UK Centre for Legal Education ISBN 1 902730 07 0 £6.80. The manual is intended as a resource for teachers wishing to rethink, refresh or develop their courses. For information and orders contact: @ ukcle@warwick.ac.uk @ www.ukcle.ac.uk.

**Visible Women: essays on feminist legal theory and political philosophy** Susan James and Stephanie Palmer (eds) (2002) Hart Publishing ISBN 1-84113-195-4 £25hb 216pp

In this volume, current debate is advanced on two levels. First, it contains original and ground-breaking discussions of questions lying at the heart of contemporary feminist theory. At the same time, it contains a more reflexive strand of argument about the intellectual resources available to feminist thinkers, and the advantages and dangers of borrowing from non-feminist traditions of thought. It provides an exceptionally rich examination of contemporary legal and political feminist theory.

**Contract Law: casebooks on the common law of Europe** by Hugh Beale (2002) Hart ISBN 1-84113-237-3 £35pb 1088pp

This book is aimed at those who teach, learn or practice law with a comparative or European perspective. It contains leading cases, legislation and other materials from the legal traditions within Europe with a focus on English, French and German law as the main representatives of those traditions.

**Human Rights in Private Law** by Daniel Friedmann and Daphne Barak Erez (eds) Hart Publishing ISBN 1-84113-213-6 £45hb 400pp

The expansion of human rights legislation and concepts in modern national and international law has given rise to a major issue relating to their potential impact on private relationships. This book presents new approaches which strive to broaden the application of human rights to the private field on the ground that power can be abused and human rights can be infringed even when all parties are private. The subject is examined from theoretical and comparative perspectives by leading scholars representing a diversity of legal systems.

Frank Cass Publishing is launching a new series, **Studies in Law, Society and Popular Culture**. Series editors are Steve Greenfield and Guy Osborn, Westminster University. The series will publish works of scholarship on the interaction of law and popular culture in areas as diverse as sport, music, media, intellectual property, leisure and tourism, gambling, art, youth culture, advertising, performing arts, computer games, literature and film. It will also explore those activities where the absence of any law or the internal 'laws' or norms dictate the way they are organised and managed. There will be works of comparative and international research, studies in specific areas, edited collections and broader texts that may cut across areas of popular culture (such as crime and popular culture). The editors are happy to discuss potential submissions with authors and encourage submissions across established disciplines. Please contact Guy Osborn @ g.osborn@wmin.ac.uk ☎ 020 7911 5000 x2567 or Steve Greenfield @ greenfs@wmin.ac.uk ☎ 020 7911 5000 x2538.

**The Principles of Social Order: selected essays of Lon L Fuller** Kenneth Winston (ed) (2002) ISBN 1 84113 234 9 £25pb 344pp

This volume contains Fuller's 'exercises in economics', studies of the principal forms of legal order (eg contract, adjudication, mediation, legislation and administration). There is also a previously unpublished lecture on freedom.

## REALISING OUR POTENTIAL

This 'self-development' workshop organised by the Women Law Professors' Network is aimed at all female legal academics and takes place at Manchester University on 11 October 2002, 9.45am–3.45pm. It is sponsored by Manchester University School of Law and Nottingham School of Law. Professor Nicola Lacey is the keynote speaker and there are roundtables on 'Managing as an Outsider' and 'Research and Scholarship'. Roundtable speakers include Fiona Beveridge, Noreen Burrows, Alison Dunn, Rosa Greaves, Judy Laing, Jo Shaw, Maria Tighe, Celia Wells, Sally Wheeler and Diana Woodhouse. Registration is free, deadline 4 October 2002. Contact Kathleen Lacey: ✉ School of Law, Manchester University, Oxford Road, Manchester M13 9PL ☎ 0161 275 3563 ☎ 0161 275 3579 @ pg-law@man.ac.uk.

## CRIMINALLY ACCLAIMED

Entering its second year, Glasgow Graduate School of Law's MSc in Criminal Justice has received positive evaluation from its first intake of students. Intended to offer an innovative approach to the study of crime and punishment, the course is offered through the Glasgow Graduate School of Law, a unique partnership combining the academic strengths and resources of both Glasgow and Strathclyde Universities. A key strength of the course is the range of interests and experience of the teaching team which includes senior practitioners and distinguished visiting tutors. The interdisciplinary focus of the course is also reflected in the diverse backgrounds of students attracted to the course. As well as recent graduates predominantly from the social sciences and law who wish to advance their learning, the course is aimed at lawyers, police officers, prison staff and social workers.

In aiming to serve the needs of this variety of recent graduates and criminal justice practitioners, it is hoped that their diverse insights, experiences and skills will contribute to a stimulating and challenging learning environment. Contact Linda Ion for details: ✉ Glasgow Graduate School of Law, Strathclyde University Campus, Lord Hope Building, Level 2, 141 St James Rd, Glasgow G4 0LT ☎ 0141 548 3119 @ crimjust@law.strath.ac.uk.

## ESRC SEMIINARS: KNOWING FAMILIES

The Centre for Research on Family, Kinship and Childhood at Leeds University is running an ESRC seminar series over two years (2002–04) entitled Knowing Families. Six seminars will explore methodological approaches and challenges in researching families and kinship. In recent years, there has been a very welcome increase in research into processes of family and kinship. As a consequence, researchers are developing significant methodological insights and practices, but there is a tendency for these to occur in 'pockets'. This seminar programme aims to draw these together and develop them, achieving methodological advancement through a dialogue between leading family researchers, research methodology experts, practitioners and users of research.

For details contact Jennifer Mason @ j.mason@leeds.ac.uk or Nichola Hutchinson @ family@leeds.ac.uk.

## WORKING WITH VIOLENCE

The University of Surrey Roehampton is offering a new part-time (evening), two year postgraduate course for professionals interested in working in the area of violence prevention – MSc Postgraduate Diploma Programme Working with Violence. It is aimed primarily at people with some work experience or interest in this area – police officers, social workers, solicitors, refuge workers, community safety officers, teachers, etc. Applications are also welcome from law, criminology, social science and psychology graduates with one year's relevant work experience. The programme offers a knowledge, practice and skills focused training on violence prevention work, allowing specialism in one of two pathways – preventing violence against women (working with survivors and perpetrators of sexual and domestic violence) or preventing workplace and in-school aggression, bullying and violence. Applications are welcome for October 2002. Further details from: ✉ Working with Violence Programme Convenor, Dr Lorraine Radford, University of Surrey Roehampton, 80 Roehampton Lane, London SW15 5SL ☎ 020 8392 3475 @ l.radford@roehampton.ac.uk.

## BRUNEL LAW AND SOCIETY MASTERS

This course is offered both on a full-time (1 year – 2 days per week) and a part-time (2 years – 1 day per week) basis. Diploma students must take the six taught modules, MA students are required in addition to write a dissertation on a subject of their choice. Students who successfully take three modules are awarded a postgraduate certificate. In addition, students are accepted for individual modules. All students take an introductory module on research skills, and there is also a core module for each specialist path. The remaining modules are selected from a variety of options. The specialist core modules are: protecting children; state, law, and family; theoretical issues in criminology; youth justice; mediation and alternative dispute resolution: children, families and offenders. These modules are also available as options to students on different specialist paths. Other optional modules include: advanced research skills; issues in evidence; psychology of crime; policing; punishment and penology; introduction to children and childhood in law and society; and issues in law and society. For details, contact: @ felicity.kaganas@brunel.ac.uk.

## HEALTH LAW AND CORPORATE LAW

Nottingham Law School is running two new full or part-time LLM programmes from October 2002. The LLM/PG Diploma in Health Law explores health law and ethics and will be of interest to graduates in law and health related disciplines. Modules include: medical malpractice; medical ethics; health care and the incapable patient; and the employer and health law. The LLM PG Diploma in Corporate Law is aimed at graduates/PGDL students wishing to extend their corporate law base, covering the law relating to: public and private companies; corporate taxation; corporate crime; and corporate aspects of environmental law. Closing date 16 August 2002. Contact: ☎ 0115 848 2581 ☎ 0115 848 6489 @ rosanne.rieley@ntu.ac.uk.



Socio-Legal Studies Association

# Annual Conference 2003

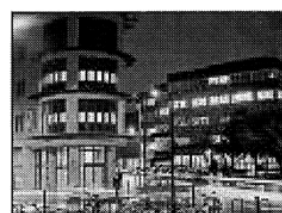
at Nottingham Law School, The Nottingham Trent University

Conference streams include:

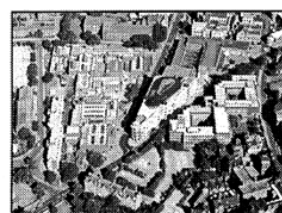
- Access to Justice
- Children and the Law
- Criminal Justice
- Civil Justice
- Environmental Law and Society
- Ethics
- European and International Issues
- Family Law and Policy
- Gender
- Housing
- Human Rights
- Information Law and Cyberspace
- Labour Law
- Law History
- Law and Social Theory
- Law and Literature
- Legal Education
- Medicine and Social Care
- Methodology
- Regulation
- Social Security Law and Policy

## 14 - 16 April 2003

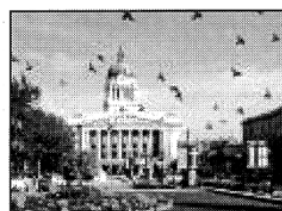
**PLUS** dedicated postgraduate stream, workshops, a full social programme. All accommodation is within easy walking distance of the conference site.



*For further information about student bursaries please e-mail: [mary.seneviratne@ntu.ac.uk](mailto:mary.seneviratne@ntu.ac.uk) before 1 February 2003*



**Deadline** for proposals for conference streams and conference papers:  
**31 January 2003**



For further information about the conference please visit our website: [www.nls.ntu.ac.uk/slsa2003/](http://www.nls.ntu.ac.uk/slsa2003/)



First name: \_\_\_\_\_ Surname: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**FULL RESIDENTIAL CONFERENCE RATES**

The fee includes 2 night's hotel accommodation with breakfast, lunch on each day, conference reception and dinner

	SLSA member rate		SLSA non-member rate	
Superior hotel ****	£380	<input type="checkbox"/>	£410	<input type="checkbox"/>
Standard hotel ***	£330	<input type="checkbox"/>	£360	<input type="checkbox"/>

**SINGLE NIGHT BOOKINGS**

The fee includes one night's hotel accommodation (Superior), breakfast, lunch on the day, reception for Monday delegates and dinner for Tuesday delegates

	SLSA member rate		SLSA non-member rate	
Monday 14 April	£215	<input type="checkbox"/>	£230	<input type="checkbox"/>
Tuesday 15 April	£240	<input type="checkbox"/>	£255	<input type="checkbox"/>

**NON-RESIDENTIAL RATES**

The fee includes lunch on each day, conference reception and dinner

SLSA member rate		SLSA non-member rate	
£220	<input type="checkbox"/>	£250	<input type="checkbox"/>

**POSTGRADUATE RATES**

The residential fee includes 2 night's hotel accommodation with breakfast, lunch on each day, conference reception and dinner

The non-residential fee includes lunch on each day, conference reception and dinner

For information about student bursaries, contact Mary Seneviratne before 29 January 2003 e-mail: mary.seneviratne.ntu.ac.uk

	SLSA member rate		SLSA non-member rate	
RESIDENTIAL	£220	<input type="checkbox"/>	£230	<input type="checkbox"/>
NON-RESIDENTIAL	£150	<input type="checkbox"/>	£160	<input type="checkbox"/>

**OTHER REQUIREMENTS**

Access  Special diet  Vegetarian  Other

Please specify requirements: \_\_\_\_\_

I enclose a cheque for £ \_\_\_\_\_ made payable to "Nottingham Law School Ltd" for the total due

Or invoice: Name: \_\_\_\_\_ for £ \_\_\_\_\_ at the above address/or give details below:

Address: \_\_\_\_\_

**Please complete and return by 14 February 2003 to: SLSA Bookings, Nottingham Law School, Belgrave Centre, Nottingham, NG1 5LP**

Please note: 1. A late registration fee of £30 must be added to applications received after 14 February 2003. 2. Cancellation charges: up to 31 days prior to the conference – a full refund less £25 admin fee; within 30 days of the conference – no refund. 3. No bookings will be taken by phone. 4. Booking forms received after 14 March 2003 may not be accepted. 5. Accommodation will be allocated on a first come, first served basis. 6. Conference participants will be listed on the conference website and in the conference programme. 7. If you have any queries or special requests, please phone Lesley Comerie on 0115 848 2722 or e-mail: lesley.comerie@ntu.ac.uk.

You may want to take a photocopy of this prior to posting.

Where did you hear about the conference? \_\_\_\_\_

● **PREVENTING CRIME AND DOING JUSTICE**

*Brisbane, Australia: 1–3 October 2002*

16th annual conference of the Australian and New Zealand Society of Criminology, hosted by the School of Criminology and Criminal Justice and the Key Centre for Ethics, Law, Justice and Governance at Griffith University. [www.gu.edu.au/school/ccj/ANZSOC2002/](http://www.gu.edu.au/school/ccj/ANZSOC2002/)

● **MEDIATING LAW: CULTURE, THEORY, PRODUCTION**

*Melbourne, Australia: 29 November–1 December 2002*

11th international conference of the Law and Literature Association of Australia, held in conjunction with the Association for the Study of Law, Culture, and the Humanities (USA) and hosted by the Melbourne University Law School.

Keynote speakers: Thomas L Dunn (Amherst College, USA) on the Laws of Disappearance; Nasser Hussain (Amherst College, USA) on Universalism and Human Rights; Michael Kirby (Justice of High Court of Australia) on Law, Literature and the Courts; William P MacNeill (Griffith University, Australia) on Empire and Cinema; and Jenni Millbank (Sydney University) on Desire, Imprisonment and Lesbian Representation. Deadline for papers and panels: 30 August 2002. Discounted booking rate until 30 August 2002.

[www.law.unimelb.edu.au/events/mediatinglaw](http://www.law.unimelb.edu.au/events/mediatinglaw)

● **THE POLITICS OF CHILDHOOD**

*University of Hull: 10–12 September 2002*

3rd international conference organised by the Centre for the Social Study of Childhood (CSSC) at Bradford and Hull Universities to explore the politics of childhood as experienced by children in their everyday lives. Plenary speakers include: Irene Rizzini (Center for Research on Childhood, Rio de Janeiro); Nick Hardwick (Refugee Council); Allison James (CSSC); John O'Neill (York University, Toronto) is giving the CSSC Annual Lecture. For registration and booking form contact Allison James [a.james@hull.ac.uk](mailto:a.james@hull.ac.uk).

● **UKCLE EVENTS**

The following workshops have been scheduled by the UK Centre for Legal Education.

- **Re-thinking lecturing in law**, 24 September 2002, Aston University – half-day workshop to revisit the function and purpose of the lecture
- **Learning outcomes and assessment**, 24 October 2002, York University – half-day workshop on writing learning outcomes and designing matching assessment criteria
- **Computer-aided assessment: objective questions**, 25 November 2002, Aston University – workshop focusing on how objective questions can be adapted to assessment in law.

[www.ukcle.ac.uk/events](http://www.ukcle.ac.uk/events)

● **LEARNING IN LAW INITIATIVE 2003: COMPLEXITY, CREATIVITY AND CURRICULUM**

*Warwick University: 10 January 2003*

The theme of the conference seeks to address the implications for the law curriculum of changes in higher education, whether arising from factors such as globalisation and the use of information technology, or key policy initiatives such as widening participation, employability and quality assurance. To submit a paper, send an abstract (no more than 500 words) to Tracey Varnava: [t.varnava@warwick.ac.uk](mailto:t.varnava@warwick.ac.uk).

● **RISK REGULATION: RESEARCH STUDENT CONFERENCE**

*LSE London: 19–20 September 2002*

A conference for doctoral students in the social sciences to present and discuss work in progress. For further details and expressions of interest contact Michael Huber at the Centre for Analysis of Risk and Regulation. [m.huber1@lse.ac.uk](mailto:m.huber1@lse.ac.uk)

● **SOCIAL CONTROL AND VIOLENCE: BREAKING THE CYCLE**

*Krakow, Poland: 29 August–1 September 2002*

30th annual conference of the European Group for the Study of Deviance and Social Control. This conference will focus on the links and interplay between violence and formal social control on various levels, stretching from the individual to the global. The goal is the development of critical perspectives and to focus upon violence and social control against the background of 11 September 2001.

Questions include: what further impact will the declaration of the international 'war on terrorism' have? What will be the consequences for forms of security and social control – at local and global levels? Are we witnessing a shift from 'welfare' states to 'warfare' states? Is interpersonal violence on the increase? What new forms of social control are being developed? Details from: [karen.leander@smd.sil.se](mailto:karen.leander@smd.sil.se) or [www.europeangroup.org](http://www.europeangroup.org).

● **UPCOMING INTERDISCIPLINARY CONFERENCES IN AUSTRALIA**

- **Opening law: making links crossing borders**, 9–11 December 2002, Wollongong – 20th Annual Law and Society Conference [www.uow.edu.au/law/LIRC](http://www.uow.edu.au/law/LIRC)
- **Representing justice**, 12–14 December 2002 – the second 'representing justice' conference which will examine key aspects of the physical, social and symbolic environments of the delivery of justice. [www.ncf.canberra.edu.au](http://www.ncf.canberra.edu.au)

● **SPEAKING TRUTH TO POWER - call for papers**

*Savannah, Georgia, USA: 30 January–1 February 2003*

The annual conference of the Georgia Political Science Association is calling for presentations and proposals on the theme 'speaking truth to power'. All other topics will also be considered and participants from all disciplines worldwide are welcome. Deadline for proposals is 13 September 2002. Offers to serve as panel chairs and discussants are also welcome. Details from Harold Cline: [hcline@mgc.peachnet.edu](mailto:hcline@mgc.peachnet.edu)

● **SIXTH ANNUAL CONFERENCE, ASSOCIATION FOR THE STUDY OF LAW, CULTURE, AND THE HUMANITIES – call for papers**

*Cardozo Law School, New York: 7–9 March 2003*

The Association for the Study of Law, Culture and the Humanities is an organisation of scholars engaged in interdisciplinary, humanistically oriented legal scholarship. The association brings together a wide range of people engaged in scholarship on legal history, legal theory and jurisprudence, law and cultural studies, law and literature, and legal hermeneutics. It aims to encourage dialogue across and among these fields about issues of interpretation, identity, and values, about authority, obligation, and justice, and about law's place in culture.

Examples of sessions include: History, Memory and Law; Reading Race; Law and Literature: Human Rights and Cultural Pluralism; Speech, Silence, and the Language of Law; Judgment, Justice, and Law; Beyond Identity; the Idea of Practice in Legal Thought; Metaphor and Meaning; Representing Legality in Film and Mass Media; Anarchy, Liberty and Law; What is Excellence in Interpretation?; Ethics, Religion, and Law; Moral Obligation and Legal Life.

Scholars with interests across the range of areas in law, culture and the humanities are invited to organise panels, to submit proposals for individual paper presentations, and/or to indicate their interest in serving as chair/discussant. If you wish to post a call for papers for a specific panel you are proposing, please send the description of the panel and your email address to [sheinz@ccwf.cc.utexas.edu](mailto:sheinz@ccwf.cc.utexas.edu) who will post the call on the association's web site [www.aslch.org](http://www.aslch.org). Deadline for proposals is 1 October 2002. For more details contact: Dr Sally Sheldon, Visiting Scholar, Gender, Sexuality and the Family Project, Cornell Law School, Myron Taylor Hall, Ithaca, New York 14853-4901 [T](tel) 607 255 3805 [F](tel) 607 255-7193 [s.j.sheldon@keele.ac.uk](mailto:s.j.sheldon@keele.ac.uk)