Socio-Legal
NEWSLETTER
SLSA
No 38
THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION WINTER 2002

HOW MAFF CAUSED THE FOOT AND MOUTH EPIDEMIC

David Campbell and Bob Lee lay blame for last year's foot and mouth epidemic squarely at the door of the government department charged with dealing with it

The Lessons Learned inquiry, the last of three into the 2001 epidemic of foot and mouth disease (FMD), has now reported. Unfortunately, the most important lesson to be learned is sadly missing. The epidemic was not merely badly managed by the government but was caused by the government's own agricultural policies.

FMD is probably the most infectious disease of livestock, partly because it is rarely fatal. For most animals, it is comparable to flu in humans, though often accompanied by painful sores. Animals with the disease live to transmit it, either by direct contact, via their wastes (in which FMD virus can survive for weeks or months), or by exhaling the virus, which can then be wind-blown over considerable distances.

As it is so contagious, FMD is epidemic in a sporadic fashion in most areas of the world where livestock is reared. It took enormous post-war efforts to bring FMD under control in Europe. Until the 2001 epidemic, the EU had been largely free of FMD since 1990 because it operated a policy of 'stamping out' outbreaks by the slaughter of infected and seriously at risk animals. In most parts of the EU, but not the UK, this has been supported by vaccination.

Under the Animal Health Act 1981, MAFF (now DEFRA) has complete responsibility for dealing with disease control. Stamping out is only practicable as a government policy, because it requires rapid detection and assessment followed by the rapid slaughter and disposal of infected and at risk animals. In 2001, absolutely none of this happened. The Lessons Learned Report confirms that the government's initial response to the outbreak of the disease was hopelessly inadequate. MAFF had no reliable monitoring in place and was slow to identify the danger. By the time it did so, infected animals had been scattered around the country, spreading the disease to an unknown and uncontrollable extent. MAFF was also slow to assess the epidemiology of the outbreak and impose measures to limit it. In the end, stamping out was abandoned in all but name. Given the unknown extent of the disease, the slaughter became general, as animals in a radius of 3km from each suspected outbreak were 'contiguously culled'.

In the end, up to 10m animals were killed. Perhaps 90 per cent of them were not infected. The disease was eventually controlled, but only because contiguous culling had become almost indiscriminate killing in disregard of the economic, human and animal welfare costs. It was impossible to ensure that all the animals were killed humanely. Very large numbers were killed in ways so horribly cruel that they should occasion lasting national shame.

In the light of this catastrophe, the Lessons Learned Report is the latest influential call for the government to prepare better contingency plans. With hindsight, many extra provisions for dealing with another outbreak have been proposed: greater numbers of vets to identify the disease, more officials to enforce precautionary measures, bigger rendering plants, greater vaccine stocks, and so on. The costs of controlling a future outbreak in this way will be enormous, indeed they appear fanciful. Even more worryingly, this expenditure will be wasted. As has been realised outside agriculture, throwing money at problems in this way is a mistake. The correct answer to the question: 'How much public money should be spent on disease control?' is not; 'A lot more.' The correct answer is: 'A lot less.'

Controlling the risk of an epidemic is not merely a question of expenditure on disease control, but also of the livestock rearing practices which produce the risk. Take an illustration of a paint manufacturing business using combustible materials. That business inevitably runs the risk of a fire harming its factory, its employees and the surrounding area. This risk can never be completely eliminated, though it will be increased or diminished depending on how the business is run.

To deal with unavoidable risks, the business will need insurance cover. The insurance premiums will reflect the probability and potential costs of fire damage. Obtaining cover at the lowest premium acts as an obvious incentive to minimise risk by running the business well. Some risks will be taken nonetheless, perhaps because a particularly combustible material improves manufacturing efficiency, or being near to population concentrations saves transport costs. The business will look to balance the profits of such risk-taking against the costs of insurance. The optimum level of risk will be run because of the discipline imposed by the costs of insurance.

Substituting 'livestock rearer' for 'paint business' in this example, one can see how MAFF caused the 2001 epidemic. Having complete responsibility for disease control, MAFF provided farmers with generous compensation and insulated them from liability for losses caused to others, such as the tourist industry. MAFF thereby made the costs of precaution irrelevant to the farmer. In the language of economics, the risk which is an 'internal' cost in the factory example was made an 'externality' to farmers. Farmers have little economic incentive to tackle that externalised risk. Accordingly, they haven't. MAFF created a situation of 'moral hazard' in which livestock rearing practices disregard the costs of disease control, because those costs are borne by others. The result is animals are reared extremely intensively, sanitary measures have a low priority, and there are millions of live animal movements each year.

The stamping out policy is classic 'blackboard economics'; a policy adopted because it works on the blackboard. It works if FMD can be quickly detected; if it can be quickly localised; if infected and at risk animals can be identified, slaughtered and disposed of quickly; and if other appropriate precautionary measures can be quickly put in place. This may happen in a small-scale outbreak. But stamping out could be thought a sensible response to a large-scale outbreak only because it was never properly costed. It was especially foolish that no thought was given to the costs it would impose on farmers unable to move stock but ineligible for compensation, or on the ▸ *p3*

SLSA Executive Committee 2002–2003

SLSA CHAIR

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

SLSA VICE-CHAIR

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

SLSA SECRETARY

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

SLSA TREASURER (2002 annual conference organiser)

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

SLSA MEMBERSHIP SECRETARY

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

SLSA RECRUITMENT SECRETARY

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

SLSA EXECUTIVE MEMBERS

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

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

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

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

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

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

Richard Collier
Newcastle Law School, Newcastle University
e richard.collier@newcastle.ac.uk

Brian Dempsey
School of Law, Edinburgh University
e editor@scolag.org.uk

Peter Fitzpatrick
Department of Law, Birkbeck College
e peter.fitzpatrick@clickvision.co.uk

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

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

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

Paddy Hillyard
School of Social & Community Services, Ulster University
e p.hillyard@ulster.ac.uk

Michael Meehan
Liverpool John Moores University
e m.a.meehan@livjm.ac.uk

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

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

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

people...

MAVIS MACLEAN director of the Oxford Centre for Family law and Policy, was awarded a CBE in the Jubilee Honours for services to research in the justice system, and was made a Fellow of the Royal Society of Arts.

PROFESSOR CAROL JONES has moved from School of Law, City University of Hong Kong to a Chair in Socio-Legal Studies & Criminal Justice at the University of Glamorgan. She will be continuing her work on the building of legal institutions in China. t 01443 482342 e cagjones@glam.ac.uk

On 1 October 2002 **DR RICHARD YOUNG**, of the Centre for Criminological Research at Oxford University, was promoted to Reader in Criminal Justice.
e richard.young@law.ox.ac.uk

TONY PROSSER has moved from his post of John Millar Professor of Law at Glasgow to become Professor of Public Law at Bristol University. ✉ School of Law, Wills Memorial Building, Bristol, BS8 1RJ e t.prosser@bristol.ac.uk t 0117 954 5302 f 0117 925 1870

REBECCA PROBERT has moved from Sussex University to Warwick. Her new details are: ✉ School of Law, Warwick University, Coventry CV4 7AL
t 024 76 524484
e rebecca.probert@warwick.ac.uk

MARTHA-MARIE KLEINHANS has taken up her new post as permanent lecturer in the School of Law, Reading University. e m.kleinhans@reading.ac.uk

DR LESLIE MORAN of Birkbeck and former member of the SLSA executive committee has been made Professor of Law. He has also been appointed the new Head of the Law School at Birkbeck. ✉ Birkbeck Law School, Malet Street, London WC1E 7HX

SUE MOODY has left the Law Department at Dundee to spend three years running Victim, Information and Advice, a new service for victims of serious crime, bereaved next-of-kin and vulnerable witnesses whose cases are reported to the prosecutor in Scotland.
e sue.moody@copfs.gsi.gov.uk

DEBRA MORRIS and **ALAN SPRINCE** have left Liverpool University and are currently at Cayman Islands Law School.
e debra.morris@gov.ky and
e alan.sprince@gov.ky

CHRIS ASHFORD has moved from being an associate lecturer to take up the position of Legal Education Officer with Irwin Mitchell Solicitors. The post involves design and delivery of a wide range of law related training courses and the operation of a range of existing courses, eg ILEX. t 0870 1500 100 x4011 e ashfordc@irwinmitchell.co.uk

BRIAN WILLIAMS of the Community and Criminal Justice Division at De Montfort University has been awarded a Personal Chair in Community Justice and Victimology. t 0116 257 7898
e bwilliam@dmu.ac.uk

FIONA MACMILLAN of Birkbeck has been promoted to Professor of Law. ✉ Birkbeck, Malet Street, London WC1E 7HX t 020 7067 2408
f 020 7631 6506
e f.macmillan@bbk.ac.uk

LYNN MATHER, past president of the Law & Society Association, has been appointed Director of the Baldy Center for Law & Social Policy and Professor of Law and Political Science at the University at Buffalo, New York. Previously, she was the Nelson A Rockefeller Professor Of Government at Dartmouth College (USA). Her book *Divorce Lawyers at Work: Varieties of professionalism in practice* (2001) OUP received the Herman Pritchett award from the American Political Science Association in September 2002.
✉ School of Law, O'Brian Hall, University at Buffalo, Buffalo NY 14260
t 716 645 2102
e lmather@buffalo.edu

HELEN BAKER has recently submitted her PhD at Lancaster University and moved to a lectureship at Liverpool University in September. ✉ Liverpool Law School, Liverpool University, Chatham Street, Liverpool L69 3BX
t 0151 794 2825 e hebaker@liv.ac.uk

Professor **KIERAN MCEVOY** of Queen's University Belfast has been awarded the British Society of Criminology book prize (£500) for *Parliamentary Imprisonment in Northern Ireland* (OUP). The award was for the best sole-authored book published in the discipline in (2001).

Westminster University has been joined by four new members of staff: **JASON CHUAH** in the Dept of Postgraduate Legal Studies; **OLIVER PHILLIPS** and **ANDREW ADEYEMI** in the Dept of Academic and Legal Studies; and **TIMOTHY ELLISON** in the Dept of Professional Legal Studies.

To contribute or advertise ...
If you would like to write an article, contribute a news item or place an advertising insert for a forthcoming issue of the newsletter then contact: Marie Selwood, Editor ✉ *Socio-Legal Newsletter,* 33 Baddlesmere Road, Whitstable, Kent CT5 2LB
t 01227 770189
e m.selwood@virgin.net.

 ISSN: 0957-7817

p1 tourism industry, or on those living near pyres. Now that the call for better contingency planning is leading to stamping out being properly costed, it will be abandoned. Widespread use of vaccination may improve the handling of the disease and reduce the amount of appalling cruelty. But it is also costly and cannot solve the problems if current intensive rearing practices and the mass movement of live animals continue. These will always threaten to turn an outbreak into an epidemic. If those practices are not changed, we are headed for another catastrophe even if vaccination is adopted. And if vaccination is not adopted, stamping out is again bound to decay into mass, cruel slaughter when the next major outbreak occurs.

If the government told our fictional paint business that, after a fire, it would not be liable for its own or others' losses but will be generously compensated, we might expect to see its factory burn down. Had FMD been treated as a normal business risk, to be borne by those engaged in the business, it could have been treated as a normal business expense. There would then have been every incentive to avoid the livestock rearing practices that caused the epidemic.

The first inquiry to report, The Future of Farming and Food, looked at general changes to farming. It was a serious mistake to separate these inquiries. Change more radical than either inquiry alone would consider is needed. Unless farmers are made to internalise the costs of disease, including FMD control, and devise their livestock rearing practices accordingly, there is every likelihood that there will be another epidemic. We believe it is inevitable.

The process by which another epidemic will be caused has already begun. Movements of live animals have started again, including the cross-channel shipment of live lambs. This not only raises serious animal welfare problems but obviously constitutes a grave risk. Autumn livestock auctions are taking place. These involve millions of animal movements, but farmers have flatly told DEFRA they will not comply with the (anyway insufficient) proposed precaution of delays on movement. DEFRA, entirely predictably, is backing down over these. There has recently been a serious FMD scare created by animal movements like the ones which started the 2001 epidemic. The animals involved were not tagged, though DEFRA's strategy entirely depends upon this happening. The farmer responsible simply disregarded the precautionary measures, but then this selfishness is just what the regulations encourage.

It has not been possible to trace this farmer, but this is hardly surprising. Experience overwhelmingly tells us that economic regulation based on criminal sanctions is unlikely to work, and that financial incentives are a superior regulatory mechanism. It is a sickening joke that whilst the animals involved in the last scare were not tagged, the farmer DEFRA claims was responsible for the 2001 epidemic was tagged as part of his home arrest. This farmer was guilty enough, but this is fruitless scapegoating. Effective criminal sanctions require an impossibly costly inspection regime and are unnecessarily draconian compared to the simple solution of making farmers insure against the risk of the disease.

Those who, like ourselves, eat meat in the belief that livestock will be humanely killed must realise that, unless there is radical change, this will not be the case. Animals which provide meat will be killed humanely. But behind them there will inevitably be huge numbers of animals cruelly killed in the panic, mass slaughter which has been the government's response to the epidemics which its agricultural policies cause.

David Campbell and Bob Lee are based at Cardiff Law School and the ESRC Centre for Business Relationships, Accountability, Sustainability and Society.

The Hart Socio-Legal Book Prize and the Socio-Legal Article Prize 2003

The Executive Committee of the SLSA wishes to receive nominations for two of its annual prizes, the **Hart Socio-Legal Book Prize** and the **Socio-Legal Article Prize**. The aim of both prizes is to celebrate and promote the work of early career academics. The winner of the prize is traditionally announced at the dinner during the SLSA Annual Conference (Nottingham Law School, 14–16 April 2003). The value of the prizes will be £250 for the Hart Book Prize and £100 for the SLSA Article Prize. On previous occasions, the judges have sometimes exercised the power to divide the whole sum equally between the winners. The rules governing the prizes are as follows.

1 Nominations can be accepted from any one member of the SLSA, including the author(s) of the nominated publication. Nominations are also welcome from publishers provided a statement is enclosed indicating that the author has consented to the nomination (see note 9, below).

2 Authors nominated must be early career academics. By this we mean lecturers in the 'old' university sector; lecturers and senior lecturers in the 'new' university sector; research fellows, research associates, and research assistants in both sectors; and postgraduate students.

3 Nominations must be accompanied by two copies of the publication being nominated.

4 The winners of the two competitions will be determined by an SLSA sub-committee, which will include at least one external expert co-opted to the sub-committee for this purpose.

5 The SLSA seeks to encourage both single-authored and collaborative work. Accordingly, both single-authored and co-authored books and articles can be nominated. In the case of co-authored works, it is necessary for all authors to be early career academics, as defined at note 2. There is to be no restriction on the number of co-authors permitted.

6 Individual book chapters are eligible for the article prize. Edited collections are not eligible for the book prize.

7 Eligibility for nomination will be determined by academic status at the time of publication, not at time of nomination.

8 Books and articles by eligible authors will be considered provided that: (i) they have been published within the 12 months preceding the closing date for nominations; and (ii) they have not been nominated in an earlier SLSA prize competition.

9 The nomination must include (i) a statement of the month and year in which the book/article was published; (ii) a statement showing that the author has consented to the nomination.

10 The prizes will be awarded to the successful candidates at the SLSA's annual conference, and details of the winners will be published in the *Socio-Legal Newsletter*.

Nominations, accompanied by two copies of the relevant publication, should be sent by Friday 20 December 2002 to ✉ Richard Collier, Newcastle Law School, 22–24 Windsor Terrace, Newcastle Upon Tyne University NE 1 7RU. Queries or requests for further information should be sent to ✆ richard.collier@newcastle.ac.uk.

BUILDING RESEARCH CAPACITY IN LEGAL EDUCATION

Tracey Varnava, UKCLE Manager and Research Co-ordinator, outlines the work of the centre in the field of legal education.

The last issue of this newsletter considered the lack of research capacity in socio-legal studies. In the field of legal education the difficulties of building capacity are exacerbated by an academic culture in which educational research is generally not valued and subject specialists are not encouraged to spend time on teaching and learning projects. And why would they want to? The RAE and the promotions system in most universities have conspired to ensure that there is little or no professional recognition for subject-based pedagogical research. To address this situation the UK Centre for Legal Education (the LTSN subject centre for law) is working both to nurture research capacity and also to raise the profile of legal education research within the community.

Current areas of activity

Linking teaching and research How is law teachers' research currently linked to their teaching? What are the best ways in which this link could be developed for the benefit of student learning? UKCLE has been awarded £4000 over 18 months by the LTSN Generic Centre to support activities that seek to answer these questions. The centre is working with law teachers to look at 'building the link' via activities such as:

- developing student research skills;
- using teaching, learning and assessment practices which simulate research processes;
- using simulations/first-hand experience of legal practice to enhance student understanding;
- integrating research data/findings into the curriculum.

Individuals and departments are invited to submit case studies demonstrating effective practice in linking teaching and research. These will be published together with background materials on the UKCLE @ website www.ukcle.ac.uk/link.

ETHICS project The subject of ethics is taught over a wide range of disciplines, and is open to a surprisingly broad range of interpretations. Together with four other LTSN subject centres (philosophical and religious studies, bioscience, psychology, medicine, dentistry and veterinary medicine, and health sciences and practice) UKCLE is involved in a project examining the current provision of ethics teaching.

The projects aims to:

- discover, disseminate and embed good practice in the learning and teaching of ethics;
- develop cross- and sub-disciplinary networks to facilitate the brokerage of good practice;
- broker and disseminate existing pedagogical research on the learning and teaching of ethics and the development of new research

Employability Parallel to issues of concern exclusive to the legal education community are issues of national importance to higher education, such as widening participation, student retention and employability. Looking specifically at employability, UKCLE has been awarded funding of £10,000 by HEFCE to support a range of activities exploring approaches designed to enhance the employability of law graduates.

Manuals on *Developing Reflective Practice* (Karen Hinett) and *Professional Performance Assessment* (Chris Maguire) are due for publication by the end of this year, and we have also established working groups on personal development planning and problem-based learning. Amanda Fancourt, UKCLE Research Fellow, is researching law firms' perceptions of the LPC and its suitability for preparing students for practice. Edward Tunnah and Helen Carr from the London Metropolitan University have received funds from the UKCLE Project Development Fund to look at the suitability of the undergraduate law curriculum for preparing black Caribbean students for legal practice.

Legal education surveys Research into legal education needs to be grounded in solid data. Two surveys aimed at providing these data are currently being prepared. Veronica Strachan, UKCLE Scottish Co-ordinator, will be distributing a survey to law staff in Scotland during the current academic year, aimed at providing data on issues such as learning, teaching and assessment methodologies and support needs. The Legal Education Research Group, supported by a project team made up of UKCLE, the Association of Law Teachers (ALT), the Committee of Heads of University Law Schools and the Society of Legal Scholars, is working on the follow-up to the 1996 survey of UK law schools.

Staff development opportunities The successful completion of legal education research is dependent on a cohort of confident legal education researchers. In July 2001 UKCLE hosted a workshop with the Legal Education Research Group on research methods, and we ran a session at the ALT conference in March 2002 to showcase the work of our funded projects and invite discussion on the experience of conducting legal education research. Our research webpages provide updates on current UKCLE activities as well as information on events and sources of funding @ www.ukcle.ac.uk/research. A manual on the process of doing legal education research is planned, and we aim to set up a database of research publications and projects.

To find out more about UKCLE's research and development work, please contact us or visit our website. UKCLE ✉ Warwick University, Coventry CV4 7AL ✆ 024 7652 3290 ✆ 024 7652 3117 @ www.ukcle.ac.uk

US OPPOSITION TO THE ICC

The Bush Administration's refusal to sign up to the International Criminal Court undermines US claims to uphold democracy and human rights says Professor Penelope Andrews of City University, New York.

President George Bush's action in refusing a call from President Nelson Mandela, most likely as a response to the latter's vocal opposition to the proposed invasion of Iraq, in many ways symbolises American contemporary foreign policy. The United States has been sliding towards political isolationism despite its self-referential image as the embodiment of democracy, economic growth and a beacon of human rights for all. This isolationism is reflected in several developments, for example, in the refusal to sign the Kyoto Treaty on Global Warming and the cavalier dismissal of the United Nations World Conference Against Racism before the conference even commenced. Lately this isolationism is most pronounced in the Bush administration's active opposition to the International Criminal Court (ICC). Early on in his term, President Bush took the unusual step of withdrawing the United States' signature from the treaty creating the ICC (a signature which President Clinton acceded to just as his Presidency was ending).

The administration's opposition is based on the fear that American military personnel might be subject to politically motivated charges and prosecution. After the publication last year of Christopher Hitchens' book, *The Trial of Henry Kissinger*, certain voices in the administration indicated that their real concern was that top civilian leaders might be targeted for legal action on the part of the ICC. In fact, some Chilean courts have been entertaining lawsuits against Secretary of State Henry Kissinger for his involvement in the 1973 coup that shepherded in the brutal 17-year dictatorship of General Augosto Pinochet. Whether such lawsuits would ever survive motions for dismissal are debatable, but the reality is that the rules of the ICC and particularly the principle of complementarity mandate that trials be held in the country of the accused. It is only when a court is unwilling or unable to prosecute that the ICC would exercise its jurisdiction. Therefore, any American charged would be tried in an American court.

Opposition to the ICC is most surprising since arguably the ICC could be of significant assistance to the United States in its current war on terrorism. The ICC as an independent judicial body is empowered to investigate and prosecute individuals accused of crimes against humanity, war crimes and genocide. Therefore it would make prosecution of the likes of Osama Bin Laden easier, and of course it would intervene only if national courts are unwilling or unable to investigate and prosecute such crimes. Current research suggests that despite deep American unease since 11 September 2001, a healthy majority of Americans support continued international engagement and United States participation in the ICC. Moreover, a sizeable number of American academics and a wide array of non-governmental organisations are involved intensely in the establishment of the ICC and continually call upon their government to support it.

In the last few months the Bush administration has engaged in a flurry of activity seeking agreements from governments around the world to exempt American citizens from the reach of the court. Of course, all this activity has occurred against the backdrop of an almost global consensus and commitment to the ICC. The Bush administration's opposition is disturbing since it aligns the country with a few pariah states which reject the ICC. This is especially harmful to the United States' efforts to win global support for its intended invasion of Iraq.

There is support for the conclusion that the Bush administration's motives are unequivocally ideological and in the final analysis quite hypocritical. Why should American military personnel be immune from the same standards applicable to military personnel globally? Why does the Bush administration evince such a lack of confidence in the conduct of its soldiers? Why does it demonstrate such a lack of faith in American courts to apply principles of international law to military personnel who are in violation of such law? The hypocrisy also is manifested in the American government's annual global survey of human rights and its individual country reports. Indeed, it is a troubling phenomenon that the United States is prepared to insist on American values (such as democracy and human rights) as applied to other countries – but it stops short at American borders. Most alarmingly, in its proposed action against Iraq, the United States insists that the repressive regime of Saddam Hussein should be terminated and the country's government brought into line with universal principles of human rights.

There may be widespread agreement on this point, but the appropriate course of action to achieve this goal remains elusive. If the American government is striving for global respect for human rights and for the cessation of human rights atrocities – a laudable ambition – then by signing up to the ICC the American government demonstrates its clear commitment to this admirable universal objective. Moreover, by harnessing its considerable resources, the American government can render the ICC a truly workable global institution of justice. Short of this, all utterances of the Bush administration pertaining to global co-operation, human rights and democracy will ring hollow, and it will miss the opportunity, once again, to become a global leader for justice and human rights.

A view from the coalface

Morag McDermont, ESRC CASE Student at the University of the West of England, gives her perspective on the grounding she received in her first year of study

As a research student who has just completed the first year of a PhD, I was amused by the advice that Loraine Gelsthorpe (SLNL 37) received, that all she needed were sharp pencils and to learn to touch-type. Luckily for ESRC-funded PhD students, things had moved on by 2001. The first year of being an ESRC student can at times feel extremely frustrating! What you really want to do is get on with 'real research', and instead you are required to attend lectures and seminars on theory, methodology, SPSS and NVIVO. However, having reached the end of this process, and written and presented a research proposal, the value of this 'training' period has become clear. But before explaining why I think this is the case, I need to take issue with the label 'training', which seems a particularly inappropriate title for what actually goes on.

Training is generally considered to be a process of learning a particular skill, usually through instruction, observation and regular practice. Surely this is not what the first stage of becoming a researcher is all about? Rather, it is to provide exposure to a range of theoretical and methodological approaches and perspectives, and to provide new researchers with the space to consider the interconnectivity of different approaches.

Whatever we call it, this first stage is imperative, if for no other reason than it avoids getting to the end of three years and then scrabbling around for a theoretical coat-hook on which to hang your research and analyse a mass of data. But for me a focus on theoretical and methodological perspectives at the beginning of a PhD is much more: it is recognition that perspective determines approach and action. What sources are chosen, whether and how interviews are carried out, how statistics (your own and others) are used, and what you do with it all, is determined by the theoretical starting point.

The choice of a theoretical perspective is highly personal. Personal history can make a particular subject appear important above all others, and certainly determines responses to such questions as 'what is a fact?'. The student's 'training' period is not about inculcating a set of prescribed responses – rather it is an opportunity to consider alternative perspectives. Central must be the recognition that no research can be carried out free of 'bias' – good research attempts to identify what that bias is and how it affects the research process.

The same can be said for methodology. Being exposed to computer-based quantitative and qualitative analysis packages not only makes you aware of possible resources; it also makes you aware of the limitations. Blowing open the myth of 'value-free' numbers must surely count as an important step on the road to becoming a socio-legal researcher.

My conclusion? Research 'training' – couldn't do without it. But learning to touch-type might be pretty useful too!

TRUTH AND TRANSITION: DEALING WITH THE PAST IN THE NORTH OF IRELAND

Now that an uneasy peace reigns in the North of Ireland, is it time to re-examine the past and write the true history of the troubles? And if so, how can this be achieved? Bill Rolston of Ulster University examines the options.

The British state and human rights abuses

There have been approximately 20 truth commissions held throughout the world in the last two decades. All of them have focused, totally or mainly, on state human rights abuses. In this light, there is a *prima facie* case to be answered in relation to the Irish conflict. British state forces accounted for approximately 10 per cent of all deaths up to the ceasefires of 1994 (357 deaths). The British Army was responsible for 82 per cent of these deaths and the police for a further 15 per cent. As the vast majority of those killed were from the nationalist community, this community was the most outspoken in relation to state killings.

Only seven British Army and RUC personnel were convicted in relation to these deaths – four for murder, one for attempted murder and two for manslaughter. The four British soldiers convicted of murder each served less than four years in prison. There was also widespread collusion – collaboration between state forces and loyalist groups in the killing of nationalists. At least as many died in this way as directly at the hands of the state.

The criminal justice system often served to add insult to injury. Investigations were often at best cursory. Inquests could only reach findings of fact (who died, when, and so on) rather than culpability. Moreover, lawyers for the state frequently used Public Interest Immunity Certificates to protect documents or witnesses from scrutiny.

In effect, the criminal justice system reinforced a common prejudice that certain victims – those killed by republicans – were more important than others – republicans and nationalists killed by state forces. Those campaigning on these latter cases while the conflict raged frequently became targets themselves, either of arrest by state forces or attack by loyalists.

The peace process and truth

There are many claims made on behalf of truth commissions. They are said to help end impunity by uncovering the truth; to lend official acknowledgement to those who have struggled for justice in the past; to help bring closure for the events of the past; and to contribute to the emergence of a culture of human rights to transcend the previous culture of abuse. The reality is often less than the promise; still, the relevance of a truth commission in the North of Ireland seemed to be worth examination as the ceasefires took root and the peace process evolved.

The Good Friday Agreement of May 1997 led eventually to a devolved power-sharing executive in December 1999. The Agreement represented an uneasy compromise. One measure of this is the relative lack of a robust debate on the past human rights abuses of the state during the negotiations. The parties avoided tackling some major constitutional and legal issues head-on for fear of quickly bringing negotiations to a close.

However, the fate of politically-motivated prisoners was central to negotiations. The Agreement promised an accelerated release programme, with all prisoners released by July 2000. Unionist negotiators did not easily agree to the early release of republican prisoners. Part of the deal to make it easier for them was the focus on the needs of victims. In effect, the Agreement traded victims for prisoners, linking the two in a way which was neither inevitable nor helpful. Unionists could conclude that, while republicans got their prisoners out, unionists got the victims of republican violence placed centre stage. This allowed the victims of state violence (and to a lesser extent, of loyalist violence) to be conveniently forgotten once again.

Subsequent developments seemed to favour this unionist interpretation. A Victims' Commissioner, Kenneth Bloomfield, was appointed in October 1997 to look into the question of victims, 'including those who have died or been injured in the service of the community'. Singling out one group of victims – police and soldiers – in this way seemed to give them greater importance than other victims. Groups like Relatives for Justice (RFJ), campaigning on behalf of victims of state violence, found that, while groups active on behalf of victims of paramilitary violence were consulted and heard sympathetically by Bloomfield's commission, RFJ was only consulted after protesting, and its concerns were only begrudgingly acknowledged in the final report.

The community and the quest for truth

In his report Bloomfield acknowledged the possible benefit of a Truth and Reconciliation Commission (TRC) for Northern Ireland. But a more vibrant demand for truth has come from groups which had already been active on the issue of victims of state abuses. In January 1995, eight such groups established the Campaign for Truth and were the first to call for a TRC for Ireland.

But for those working for victims of state violence, getting their concerns on the agenda continued to be an uphill struggle, involving not only challenging the prejudice of other initiatives, but also through self-help techniques.

These groups were aware of developments elsewhere, in particular South Africa, whose TRC seemed to be a model of the best truth commissions have to offer. On the other hand, they realised that that such developments did not necessarily translate directly to Ireland. In South Africa, apartheid was condemned. Equivalence in the Irish situation would require putting the British state in the dock. Imperialism, including the partitioning of Ireland and the state's underwriting of unionist one-party rule, would have to be at the centre of deliberations – a tall order even in the best of circumstances.

That some state personnel, especially in the security forces, were less than enthusiastic about a truth commission is not surprising. Somewhat more noteworthy is the scepticism of republicans, who might have been expected to be more supportive. They feared that they would be forced to address their 'war crimes' without any reciprocal gesture from the British state.

Key elements of the power structure of the previous political dispensation in Northern Ireland remain intact and consequently well placed to protect their interests, in particular the Special Branch. It is difficult to see how a truth commission at this point in time could be any more successful in penetrating such power structures than past investigations by Assistant Chief Constable John Stalker or current Police Ombudsman Nuala O'Loan. Given that, the initial enthusiasm of some for a TRC has wilted.

Legal remedies

Parallel to these developments was the use of legal mechanisms linked to popular campaigns. After years of agitation by relatives of those killed on Bloody Sunday, the British government established a new tribunal, the Saville Inquiry, to investigate the truth. And in two cases, in September 1993 and May 2001, the European Court of Human Rights found Britain guilty under Article 2, the right to life, in relation to the killing of a number of republicans. In the latter case the Court criticised the British authorities for failing adequately to investigate the crime. There are potentially upwards of 1000 cases of state killings or killings involving collusion where the state is open to similar criticism. An opening has thus been created to allow for such cases to be brought before the courts.

That said, it is clear that there are severe limitations to this approach. Courts are much better at apportioning individual rather than collective blame, and as such may do little to present the big picture. At the same time, the possibility of legal actions stretching for decades into the future could persuade the state to concede a meaningful truth process as an alternative.

Legal tribunals are another possible route. They have the distinct advantage that their brief can be wider than individual prosecution. There have been calls for tribunals in relation to a number of killings, especially that of solicitor Pat Finucane by loyalists. The British state has proved reluctant to constitute such a tribunal – not surprisingly, given the extensive involvement of state forces with those who planned and executed the murder.

One tribunal has been conceded, however, – the Saville Inquiry on Bloody Sunday. Its very existence is a victory, overturning the finding of the previous inquiry, by Lord Widgery in 1972, that the dead were not innocent. In addition, there has been the disclosure of countless documents which may contribute to future prosecutions. At the same time, the Saville Inquiry has been overly legalistic, thus diluting one of the potential benefits of truth processes, namely, narrative truth.

Conclusion: a jigsaw of truth

This critique of the mechanisms on offer makes two key points clear. First, none of these mechanisms alone can deliver the whole truth or perfect justice. The mistake is to believe that the search for truth is satisfied by one event, such as a truth commission.

Secondly, the community is ultimately thrown back on its own resources. In the past they built their own memorials, held their own tribunals, etc. They can continue to do these things while pressing for concessions from the state, eventually assembling a jigsaw of truth. This may not be the fullness of justice they desire, but it will help break the silence, censorship and impunity of the past.

Based on Bill Rolston's 'Assembling the jigsaw: truth, justice and transition in the North of Ireland' (2002)* Race and Class *44 (1): 87–105

SLSA conference 2003 – plenary speaker announced

Jean Louise Cohen, Professor of Political Science at Columbia University, New York, is to give the plenary lecture at the SLSA annual conference next year in Nottingham. Here she outlines the main themes she will cover in her address.

My plenary lecture will be on the topic of my 2002 book – *Regulating Intimacy*. It will be entitled 'Personal autonomy and the law: The dilemmas of regulating intimacy'. I will be discussing the dilemmas of legal regulation of the 'sphere' of life considered the most personal, the arena where one should be able to make free choices and where the right to privacy should protect these intimate decisions from public scrutiny, as well as the right to be different, ie to make decisions that need not conform to the decisions others or the majority would make. But the dilemma arises because, as we know, thanks to feminist criticism, the domain of intimacy – the 'private spheres' – is also a domain where power relations exist, where great injustices, abuse and violence occur (domestic violence especially against women and children) and where the right to privacy has often been invoked to protect the abuse of power by the powerful. Regulation of this domain in the name of equality and justice is crucial. But how can this be done without sacrificing the personal autonomy and freedom that every adult merits in such a domain? That is the dilemma.

My lecture will take up this question and argue that the choice between equality and autonomy is a false one, dictated in part by a particular conception of law and its relation to society that should be abandoned (a particular legal paradigm). I will try to provide an alternative conception and legal paradigm from whose perspective the choices facing us might appear less paradoxical and more appealing.

Professor Cohen's areas of concentration are contemporary political theory and legal theory and she is the author of three books:* Class and Civil Society: The limits of Marxian critical theory *(1882) UMass Press;* Civil Society and Political Theory *(co-authored with Andrew Arato) (1992) MIT Press; and* Regulating Intimacy: A new legal paradigm *(2002) Princeton University Press.

ARE THE WOOLF REFORMS A SUCCESS?

Robert Musgrove and Anna Rowland look at the results of the first detailed research on the Woolf reforms in England and Wales.

Cost, complexity and delay. Lord Woolf identified these as the chief obstacles to justice before 1999.

Have the Woolf reforms improved access to justice in the way Lord Woolf envisaged? The first detailed research, commissioned jointly by the Civil Justice Council and the Law Society examines the impact of the Woolf reforms on pre-action behaviour. The researchers interviewed 54 lawyers, insurers and claims managers specialising in personal injury, clinical negligence and housing claims and examined 150 pre- and post-Woolf personal injury case files.

The research shows that the reforms have been successful in improving access to justice. They have introduced a new culture to litigation. In general, a spirit of openness and co-operation has replaced adversarial tactics. Early disclosure under the pre-action protocols has led to more settlements at the pre-action stage, and these settlements are based on better information.

Most practitioners regard the reforms as a success, and they particularly like the clearer structures and greater certainty in fast-track procedures. Solicitors' practices have started to change, with increased emphasis on 'commodity' litigation. A number of the larger firms are establishing a 'claims-centre' type approach, with large back offices supported by sophisticated IT systems utilising date flags and standard letters.

Practitioners also like the greater openness, which they believe has made settlement easier. It was reported by most that the new procedures had improved the relationships between claimant solicitors and insurers, NHS claims managers and local authorities.

Claimant offers under Part 36 were singled out for particular praise, as were the personal injury and clinical negligence pre-action protocols. Practitioners felt the combination of these innovations smoothed the way for a properly informed settlement.

However, the research highlights a number of problems. Practitioners complain of a lack of sanctions for those who breach the pre-action protocols. This was seen as undermining the effectiveness of the protocols. The difficulty here is that sanctions can only be imposed by a court and many of these cases settle at the pre-action stage and never come before a court. For those cases it is hard to see how sanctions can be imposed. The Protocol Working Parties will be looking at the issue of sanctions and whether any changes need to be made to the current system.

Expert evidence was one of the areas, which Lord Woolf highlighted as causing the most difficulty in terms of cost and delay prior to the reforms. Expert evidence continues to be problematical. There has been a great deal of confusion about the 'ownership' of medical reports where the identity of the expert has been agreed under the Personal Injury Protocol. The Court of Appeal case *Carlson v Townsend* [2001] WL 273002 has clarified that an agreed expert is not the same as a joint expert and that the claimant still retains the right not to disclose an unfavourable report.

The research also suggested that the procedure for agreeing experts under the Personal Injury Protocol has slowed the process of obtaining medical reports. Instead of instructing a medical expert at the first meeting, claimants now have to comply with the protocol procedure (contact other side, wait for acknowledgement, 14 days to agree names, etc). The time taken to issue instructions has increased from two months to well over three months. Together with increased delay in writing reports it now often takes six months to obtain a report. On a positive note, the instruction of agreed experts has all but eradicated from the pool the 'owned' expert.

Although the research focused on the pre-action stage, during the course of interviews, practitioners frequently were keen to express views about the wider system, in particular the courts they dealt with. Many felt the courts were inefficient. Practitioners' main frustration was the delay caused by courts unable to list applications quickly enough for the procedural timetables to bite. They also commented that courts appear to be having difficulty coping with the increased case management demands introduced by the reforms (for example, getting case management orders out on time), and offered the opinion that they were under-resourced. We are all aware that the new civil procedures were implemented without the form of comprehensive IT support as envisaged by Lord Woolf. This criticism makes it even more critical that the Courts and Tribunals Modernisation Programme (CTMP) is a success.

The removal of legal aid and the introduction of conditional fees for personal injury cases shortly after the implementation of the reforms has also caused significant problems. Difficulties surrounding the recovery of success fees and insurance premiums have started to sour the relationships between claimant solicitors and insurers that the reforms had gone a long way to improve. Given the problems with funding over the past two years, practitioners and other key players should take credit that they have managed to embrace the Woolf spirit, and work together to ensure the reforms work as well as they have.

So what about cost, complexity and delay? Despite the clear success of the reforms, the problems of cost and delay will continue to tax us. The front-loading of costs, as a by-product of the protocol process, and the requirement for early case preparation to meet the strict new court timetables, appear to be offsetting the savings that can be made by earlier settlement in a number of cases. The system does not appear necessarily to be quicker or cheaper from the pre-action perspective, but the overall impression is that it is fairer.

Have the Woolf reforms been a success? We would like to say 'yes'. There is clearly better access to justice, and better quality justice. The Lord Chancellor's Department's research on the success of case management, the sister piece to our own research, will help to clarify the overall picture. In the meantime, the Law Society and the Civil Justice Council will continue to work together, and with the major players in the civil justice system, on initiatives aimed at further improving our justice system. The Personal Injury and Clinical Negligence Protocol Working Groups will be reconvened to consider the research findings and make recommendations. It is hoped that a working group will be established to consider the problems relating to experts, and John Peysner's Recoverable Costs Working Group will attempt to bring more certainty to the costs structure in the fast-track.

For both the Law Society and the Civil Justice Council, the publication of this research is part of a wider process of monitoring and improving the civil procedure. Over the coming months we will be examining the findings in detail and considering how some of the difficulties can be resolved.

Robert Musgrove is Private Secretary to the Master of the Rolls and Secretary to the Civil Justice Council. Anna Rowland is Policy Adviser to the Law Society on civil litigation and Secretary to the Civil Litigation Committee. The research was carried out by Tamara Goriely (lead researcher) IALS, Pamela Abrams, Westminster University, and Richard Moorhead, Cardiff Law School. The full report can be ordered from the Law Society Business Centre ✆ 020 7320 5640, price £20.

GENDER EQUALITY AND THE ADJUSTMENT OF CONSTITUTIONS AND INSTITUTIONS

Funding of up to £5000 over two years (1 January 2003–31 December 2004) has been secured from the British Academy Fund for Joint Projects with South Eastern Europe by a project team led by Jo Shaw, Manchester University and Sinisa Rodin, Zagreb University. The project brings together established research groupings in the UK and Croatia to work in the fields of gender equality law and gender mainstreaming in public policy. It builds upon an existing close collaboration in the field of EU law and constitutionalism between the UK and Croatian project leaders. The team will study the adjustment of the Croatian constitution, legislation and institutions in the light of EU gender equality provisions, drawing upon the relevant UK and EU public policy experiences. The project aims to foster the professional development and training of less experienced researchers within the Croatian team. For more information, contact Jo Shaw ✆ jo.shaw@man.ac.uk.

VISITING FELLOWSHIP SCHEME

The Centre for Sentencing Research (CSR) at Strathclyde University invites scholars, officials and practitioners to apply for Visiting Fellowships to pursue the study of sentencing (broadly conceived). Applications may be submitted at any time. Decisions will normally be made twice a year (February and August). Informal enquiries can be made to CSR co-directors Cyrus Tata ✆ cyrus.tata@strath.ac.uk or Neil Hutton ✆ neil@law.strath.ac.uk or Cyrus Tata ✉ Law School, Strathclyde University, Glasgow G4 0RQ ✆ 44 (0)141 548 3274 / 3459 ✆ 44 (0)141 553 1546 @ www.law.strath.ac.uk/CSR/

NUFFIELD SMALL GRANTS SCHEME

The Nuffield Foundation has recently produced updated materials for Social Science Small Grants and New Career Development Fellowships applications. These can be downloaded from the foundation's website or hard copies can be requested. The deadline for this year's fellowships has now passed but there is no closing date for applications to the Small Grants Scheme which are accepted throughout the year. ✆ 020 7681 9616 ✆ 020 7323 4877 @ www.nuffieldfoundation.org

THE JURY DIVERSITY PROJECT

Sally Lloyd-Bostock and Cheryl Thomas have been awarded a grant by the Lord Chancellor's Department for a research project on ethnic diversity and the jury system in England and Wales, based at the Birmingham University School of Law. The research, which is now underway, investigates the socio-economic and ethnic profile of those summoned for jury service in relation to that of the local community, and in relation to aspects of jury cases, such as the ethnic background of defendants. They will also be running simulations to explore whether the ethnic background of jurors actually affects jury verdicts. The project is funded under the LCD's Courts and Diversity Research Programme. Contact Prof Sally Lloyd-Bostock ✆ 0121 414 6303 or Dr Cheryl Thomas ✆ 020 7494 0753 /07771 763216 ✆ juryproject@aol.com

ADVICE NEEDS OF LONE PARENTS

Cardiff Law School and the National Council of One-parent Families have been awarded a grant by Nuffield to research the advice needs of lone parents. For further information contact Richard Moorhead ✆ moorheadr@cardiff.ac.uk ✆ 029 2087 5098.

THE HUMAN RIGHTS ACT: ITS IMPACT ON THE COURTS

John Raine (Birmingham University) and Clive Walker (Leeds University) recently reported the findings of a research project designed to assess the impacts on courts of the implementation of the Human Rights Act 1998. The research took a three-stage longitudinal approach and examined: first, the planning and preparation work undertaken by courts and related agencies in the period ahead of implementation of the Act; second, the effects immediately after implementation (in October 2000); and, third, the position almost a year later to assess the longer-term impacts. While wide-ranging in its concern with impacts, a particular priority for this research (which was based on fieldwork at three Crown Court, three County Courts and three magistrates' courts) was the effect of the legislation on court workloads and in terms of productivity and throughput of cases. Initially, the fairly widely held (though by no means universal) expectation was that the new Act would have a marked effect on the workload of the courts and on throughput rates because of the additional requirements for compliance (for example, having to give reasons for decisions in magistrates' courts). Also widely expected were human rights challenges from the defence, particularly in criminal litigation, adding to case lengths by creating trials within trials.

However, one year after implementation, the general picture from the research was one of relatively limited impact of the Human Rights Act in terms of challenges and additional workload for the courts, although it had invoked a number of significant and specific policy and practice changes and more generally was felt to be engendering a stronger human rights culture within the courts. The study highlights the comparative success with which the courts managed the implementation process and the ways in which they have adapted their practices to accommodate some potentially significant Human Rights Act issues, most notably the 'giving of reasons' and the 'conduct of means enquiries' in the magistrates' courts.

So far as overall workload implications are concerned, the research noted a modest increase in average case lengths in the magistrates' courts, resulting in particular from the requirement to formulate and articulate reasons for all decisions. In the period under investigation, the average duration of trials increased by around 15 minutes – an interval which was mostly able to be accommodated within the existing court sitting schedules, rather than requiring additional sessions. At the same time, while the study highlighted indications of growing human rights consciousness within the courts over the 18 months of investigation, it was also recognised that these would be relatively early days in terms of the potential for such development in criminal and civil justice practice more generally. The research report is published by the Lord Chancellor' s Department: *The Impact on the Courts and the Administration of Justice of the Human Rights Act 1998* (2002) 9/02.

COMPARATIVE RESEARCH ON GAY ACTIVISM: EIRE, SA AND USA

Dermot Feenan, Ulster University, has been awarded a research grant by the Royal Irish Academy for a project entitled 'Challenging sexuality from the margins: gay, lesbian and bisexual activism in civil society', which will compare activists' legal and political strategies in Ireland, South Africa and the USA. The grant complements an award by Cornell University to support his ongoing research on the family/domestic partnership campaign of the National Gay and Lesbian Task Force in the USA in the late 1980s/early 1990s. Further information from ✆ d.feenan@ulster.ac.uk.

THE PRODUCTION AND USE OF PRE-SENTENCE REPORTS

A new two-year project has been set up to examine the production and use of pre-sentence social enquiry reports in relation to sentencing in the Sheriff Courts in Scotland. It aims to provide a detailed picture of the processes of communication between report writers and sentencers. The study will commence in January 2003 and is funded by the ESRC. The study will be conducted by the Centre for Sentencing Research, Law School, Strathclyde University (Cyrus Tata and Neil Hutton) in collaboration with the Department of Social Policy and Social Work (Fergus McNeill) Glasgow University and Centre for Socio-Legal Studies at Oxford University (Simon Halliday). A Research Fellow is being recruited. A summary of the project is available at @ www.law.strath.ac.uk/CSR.

CRIMINAL JUSTICE IN CHINA

Professor Carol Jones, Glamorgan University and Professor Mike McConville of City University Law School, Hong Kong, have recently secured Foreign Commonwealth Office research funds for a needs assessment of the Chinese criminal justice system. They will be working with Elsa Kelly (City University, Hong Kong) and Camille Cameron (Melbourne University Law School). Carol Jones has also secured funds from the Hong Kong Research Grants Committee for a study of litigants-in-person in the Hong Kong Civil court process and is hoping to be involved in the first 'Paths to Justice'-style study of unmet legal needs and access to justice in Hong Kong, in conjunction with the Department of Justice, Hong Kong. ✆ cagjones@glam.ac.u

MENTAL HEALTH OF STUDENTS

Professor Neville Harris of the School of Law at Manchester University has received research funding from Eversheds Solicitors for an examination of the legal implications of student mental health problems. The research will consider the rights and obligations of students and universities and colleges in this context. The work is timely given the expected publication of Universities UK guidelines on student mental health/suicide prevention before the end of the year. The research will draw on evidence from various research studies in fields such as education, psychology and psychiatry. Neville Harris would welcome receipt of any thoughts or information on this subject from colleagues elsewhere: neville.s.harris@man.ac.uk

... stop press... stop press ... deadline for SLSA Directory 2003 is 17 January

Along with our annual conference and this newsletter, the SLSA Directory is one of the most important elements of membership, writes Helen Carr. Here's why.

Each year I am astounded by the scope of the annual conference and regret the missed opportunities to listen to papers on subjects that are not at the heart of my teaching and research interests. The conference is successful because of the infinite variety of expertise of the participants. The *SLSA Directory* provides the distillation of that expertise. It is the association's effort to represent the individual and collective achievements of the socio-legal community. It provides a great deal of the association's credibility and its permanent public face. There is no doubt that it allows the socio-legal community to punch above its weight. The *Directory* also provides opportunities for academics to input into critical socio-legal debates.

Nony Ardill, Policy Director at the Legal Action Group, points out: 'The *Directory* would be the first port of call for policy-oriented organisations like LAG needing contributions or expertise from members of the socio-legal community – to put legal policy initiatives into context and to complement practitioner-based knowledge. For example, we have used the SLSA network to commission articles for our magazine, *Legal Action*, to identify speakers for seminars, and to obtain empirical evidence to support responses to government consultations. A recent example was our response to the Auld Report. We were able to contact Richard Vogler whose knowledge of European jurisdictions enabled us to rebut some of Auld's proposals in our response.'

I was reminded of the personal advantages of a comprehensive *Directory* entry recently. Out of the blue a letter arrived from the Independent Review Service inviting me to apply for the post of legal adviser to the Social Fund Commissioner, Sir Richard Tilt. When I expressed an interest in the post I also asked why they had written to me and was told that they had contacted everyone who had listed social security as an area of interest in the *SLSA Directory*.

Of course I am hardly the ideal person to urge anyone to keep an entry up-to-date! I have an aversion to routine paperwork hardly consistent with 10 years in practice as a solicitor, never mind 10 years as an academic at a new university. I always complete my conference application at the last minute (and as a result have been excluded from the last two conference dinners) and I am not prepared to admit when I last updated my directory entry. But all of that is going to change. Ensuring that the *Directory* is accurate and complete is one of those rare chores that is good for you as an individual as well as good for the SLSA.

To be included in next year's directory, or update your existing entry, look out for email reminders, visit the SLSA website @ www.ukc.ac.uk/slsa/index.html, fill in and post the form included with this newsletter or or contact: Marie Selwood, Editor, *SLSA Directory* ✉ 33 Baddlesmere Rd, Whitstable, Kent CT5 2LB ✆ 01227 770189 ✆ m.selwood@virgin.net.

Helen Carr is Academic Leader at North London University seconded to the Law Commission. The views expressed here are personal and not those of the Law Commission.

Just published

Brian Jack, of Queen's University Belfast, and Antonia Layard, of Exeter University, have been appointed to assist Maria Cull as case note editors on ***The Environmental Law Review***. They welcome contributions from colleagues reviewing noteworthy cases and would be happy to answer queries from potential contributors: Brian Jack ✉ Queen's University, Belfast BT7 1NN ✆ 02890 273451 ✆ b.jack@qub.ac.uk or Antonia Layard ✉ School of Law, Exeter University, The Amory Building, Exeter EX4 4RJ ✆ 01392 263365 ✆ a.layard@exeter.ac.uk

Andrew Le Sueur is the new editor of **Public Law**. The journal is published four times a year and welcomes enquiries from intending contributors about items that may be suitable, whether as articles (4000–9500 words) or as 'analysis' pieces (4000 words max). Further information can be found on the inside back cover of recent issues. Andrew Le Sueur ✉ School of Law, Birmingham University, Birmingham B15 2TT ✆ a.lesueur@bham.ac.uk ✆ 0121 414 6291

A Sentencing Information System for the High Court of Justiciary of Scotland by Cyrus Tata, Neil Hutton, John N Wilson, Alan Paterson & Ian D Hughson (2002) Centre for Sentencing Research/Dept of Computer Science Strathclyde University ISSN 1464 987X reports the results of the first stage of this research project ... The **Sentencing Observer** is a new information bulletin for people interested in the study of sentencing and society worldwide. It reports recent developments; promotes conferences, seminars, courses and other events; identifies funding opportunities, websites, calls for consultation; disseminates recent research; assists the development of international links and collaboration. Published 2–3 times per year on paper and on the web at www.law.strath.ac.uk/csr/observer. For both publications contact Jan Nicholson ✉ Centre for Sentencing Research, Law School, Strathclyde University G4 0RQ ✆ 0141 548 3338 ✆ jan.nicholson@strath.ac.uk ... Also from Strathclyde **Sentencing and Society: International perspectives** (2002) Cyrus Tata and Neil Hutton (eds) (2002) Ashgate (600+pp) 28 papers by 35 contributors from over 20 countries who attended the First International Sentencing and Society Conference at Strathclyde University in June 1999.

The Public Defence Solicitors' Office in Edinburgh: an independent evaluation by Tamara Goriely, Paul McRone, Prof Peter Duff, Prof Martin Knapp, Alistair Henry, Cyrus Tata, Becki Lancaster, Prof Avrom Sherr (2002) Scottish Executive Central Research Unit ISSN 0950 2254 ISBN 07559 3247 1

Facing Family Change: children's circumstances, strategies and resources by Amanda Wade and Carol Smart (2002) Joseph Rowntree Foundation £12.95 + £2 p&p from York Publishing Services, 64 Hallfield Road, Layerthorpe, York YO31 7ZQ. More information on the JRF website @ www.jrf.org.uk/bookshop.

At What Cost? The economics of gypsy and traveller encampments by Rachel Morris and Luke Clements (2002) Policy Press ISBN 1 86134 423 6 £18.99pb + £2.75 p&p This book presents the findings of a comprehensive study by the Traveller Law Research Unit at Cardiff Law School of the costs associated with unauthorised encampments. In addition to exploration of the financial costs experienced by local authorities in the UK, both as landowners and as providers of public services, the book also examines the financial, human and social costs suffered by private landowners, police services and Travelling People themselves. ✆ 01235 465500 ✆ direct.orders@marston.co.uk

New Visions of Crime Victims Carolyn Hoyle and Richard Young (eds) (2002) Hart Publishing ISBN 1 84113 280 2 £25hb 224pp This innovative collection presents original theoretical analyses and previously unpublished empirical research on criminal victimisation. Following an overview of the development and deficiencies of victimology, subsequent chapters present more detailed challenges to stereotypical conceptions of victimisation through their focus on: male victims of domestic violence; victims of male-on-male rape; corporate victims; and the 'victim-offenders' who are the recipients of IRA punishment beatings. The second half of the book considers criminal justice responses to victimisation.

An Introduction to Law and Social Theory Reza Banakar and Max Travers (eds) (2002) Hart Publishing ISBN 1 84113 209 8 £40hb £20pb 388pp Although most law schools recognise the value of introducing students to a broader sociological perspective on law, this usually falls short of a full engagement with sociology as an academic discipline. This book introduces a wide range of sociological traditions and how they can be used in investigating law and legal institutions. The book is organised into six sections on classical sociology of law, structural functionalism and systems theory, critical approaches, interpretive approaches, postmodernism, and pluralism and globalisation, and a conclusion that discusses the relationship between law and sociology @ www.hart.oxi.net

The Changing Face of Litigation: unrepresented litigants in the Family Court of Australia by Rosemary Hunter, Ann Genovese, April Chrzanowski and Carolyn Morris (2002) Law & Justice Foundation of NSW, Sydney $20 This report incorporates the results of a quantitative study of unrepresented litigants in the Family Court, including demographic information, characteristics of cases involving unrepresented litigants, and the changing incidence of unrepresented litigants over the past five years; and a qualitative study of the procedural and jurisprudential impact of unrepresented litigants in appeal cases. Copies of the report are available from the Law & Justice Foundation @ www.lawfoundation.net.au.

Economics, Ethics and the Environment by Julian Boswall and Robert Lee (2002) Cavendish ISBN 1 85941 725 6 £30pb 112pp This book draws together papers from academics, practitioners, lawyers and environmental experts in the fields of science, social science and law. Issues covered include risk regulation and the precautionary principle; methods of safeguarding the environment; techniques of regulatory intervention; the possible use of traditional economic devices such as taxation, trading and insurance in environmental regulation; the control of waste; and the contrast between protections afforded domestic animals and wildlife.

The Institute of Governance held an interdisciplinary workshop on 'Reconfiguring Government: politics, process and policy' in September 2001. The papers will be published in a special edition of **Northern Ireland Quarterly**. ▸ *p12*

p11 ◂ Recently published by the Lord Chancellor's Department are ... **It's only parking but …** by John Raine and Stephanie Snape (2002) LCD Number 5/02 free 80pp is an evaluation of the London Parking Appeals Service (PAS) and an examination of the applicability to other adjudicative settings of a set of organisational arrangements that have been pioneered at PAS. The project sought to draw out the lessons for other tribunals and courts in terms of costs, benefits and disbenefits ... and **The Impact of Conditional Fees on the Selection, Handling and Outcomes of Personal Injury Cases** by Paul Fenn, Alastair Gray, Neil Rickman and Howard Carrier (2002) LCD Number 6/02 free 75pp The past seven years have witnessed important developments in the ways that clients can pay their lawyers in England and Wales including the introduction of conditional fees (CFAs), changes to the legal aid scheme, and the growing influence of insurers in the legal marketplace. This study collected data on over 700 cases closed mainly during 2000 and 2001 to draw inferences about the population of solicitors doing personal injury work. It portrays a 'mixed economy' of fee arrangements. The research provides a useful benchmark against which to assess subsequent changes. Both reports are available free of charge from ✉ The Research Unit, Lord Chancellor's Department, 54–60 Victoria Street, London SW1E 6QW ✆ research@lcdhq.gsi.gov.uk ✆ 0207 210 8520.

Informal Criminal Justice Dermot Feenan (ed) (2002) Ashgate Publishing ISBN 0 7546 2220 7 £45hb 204pp explores conceptual debates and provides contemporary research in the field of informal criminal justice, including chapters on paramilitary 'punishment' and post-ceasefire restorative justice schemes in Northern Ireland, post-apartheid vigilantism in South Africa and informal crime management in England. Chapters also draw out general thematic issues, such as the relationship between formal and informal justice and the role of vigilantism as a form of informal justice.

The European Journal of Criminology is a new quarterly journal to be launched in January 2004 by the European Society of Criminology in partnership with Sage. It will seek to open channels of communication between academics, researchers and policy makers across the wider Europe. It will seek to bring together broad theoretical accounts of crime, analyses of quantitative data, comparative studies, systematic evaluations of interventions and discussions of criminal justice institutions. The journal will also cover analysis of policy and the results of policy. Inquiries should be sent to David Smith ✆ david.j.smith@ed.ac.uk ✉ School of Law, Edinburgh University, Old College, Edinburgh EH8 9YL ⓦ www.sagepub.co.uk

Respect and Equality: transsexual and transgender rights by Stephen Whittle (2002) Cavendish ISBN 1 85941 743 4 £25pb 300pp Written by a leading campaigner in the field, this book offers an essential guide to the legal position of 'trans' people. For Stephen Whittle, there is a history of non-respect and inequality before the law. In tracing past injustices, Whittle draws on theoretical discussions of sex, sexuality, gender and law, exploring the historical medico-legal construction of transsexualism as a syndrome, and the socio-legal construction of the transsexual. The book covers legal issues in relation to employment, marriage, parenting, treatment access, the military and imprisonment, plus the all-important position in European law, as well as examples of successful affidavits. It takes account of the most recent legal developments in the field.

***SOCIO-LEGAL STUDIES* 11(4) DECEMBER 2002**

'Policing property and moral risk through promotions, anonymization and rewards: crime stoppers revisited' – *Randy Lippert*

Risk havens: offshore financial centres, insurance cycles, the "litigation explosion", and a social democratic alternative' – *Anthony B Van Fossen*

'Policing and regulation: what is the difference?' – *Peter Gill*

'Legal autonomy and reflexive rationality in complex societies ' – *Patrick Capps and Henrik Palmer Olsen*

'Justice as integrity: objectivity and social meaning in legal theory' – *David Fagelson*

***SOCIO-LEGAL STUDIES* 12(1) March 2003**

'New modes of governance and the commodification of criminological knowledge' – *Reece Walters*

'Relational consumer contracts: new challenges for Brazilian consumer law' – *Ronaldo Porto Macedo Jr*

'Private interest representation or civil society deliberation? A contemporary dilemma for European Union governance' – *Deirdre Curtin*

'Saints, sluts and sexual assault: rethinking the relationship between sex, race and gender' – *Anne Cossins*

'The grounds of law' – *Alan Norrie*

'Tristes Juristes' – Peter Goodrich

'A fateful inversion' – Alan Norrie

Review essay

'Sigrun I Skoly, The Human Rights Obligations of the World Bank and the International Monetary Fund' – *Mac Darrow*

...events noticeboard

- **SLSA ANNUAL CONFERENCE 2003 –**
  Nottingham Trent University: 14–16 April 2003

See the advertisement on page 13 of this newsletter for details or visit the conference website ⓦ www.nls.ntu.ac.uk/slsa2003/.

- **LILI 2003 COMPLEXITY, CREATIVITY AND THE CURRICULUM**
  UKCLE, Warwick University: 10 January 2003

Bookings now being taken. Speakers include: Prof John Bell (Cambridge University), Prof Richard de Mulder (Erasmus University, Rotterdam) and Prof Avrom Sherr (IALS). ⓦ www.ukcle.ac.uk/lili/2003.

- **SPEAKING TRUTH TO POWER –**
  Savannah, Georgia, USA: 30 January–1 February 2003

Participants from all disciplines worldwide are welcome. Contact Harold Cline: ✆ hcline@mgc.peachnet.edu

- **PRIVATE ORDERING – OR NOT?: LAW & SOCIAL POLICY ANNUAL SEMINAR, 2003**
  Centre for the Study of the Family: 1 February 2003

Papers include: Domestic partnership contracts down under – any lessons? Frank Bates, Newcastle University, New South Wales; Sharing homes – the way forward, Stuart Bridge, Law Commission; Cohabitation reform: the Law Society's view, Cheryl Morris, Secretary to the Family Law Committee; Private ordering in practice – who decides? A portrait of the lawyer as a young mediator, Neil Robinson, solicitor mediator, The Mediation Centre; Private ordering and the interests of the child, Gillian Douglas, Cardiff Law School; A view from the bench, Nicholas Wilson, Family Division of the High Court of Justice. Fee £75. Contact Chris Barton: ✉ Law School, Leek Rd, Stoke-on-Trent ST4 2DF ✆ c.j.barton@staffs.ac.uk ✆ 01782 294550. ▸ *p15*

- **ASSOCIATION FOR THE STUDY OF LAW, CULTURE, AND THE HUMANITIES**

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

The Association is an organisation of scholars engaged in interdisciplinary, humanistically oriented legal scholarship. The annual conference 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. Dr Sally Sheldon ⓣ 607 255 3805 ⓕ 607 255-7193 ⓔ s.j.sheldon@keele.ac.uk.

- **EFFECTIVE RESTORATIVE JUSTICE**

De Montfort University, Leicester: 8–9 April 2003

Plenary speakers include Prof John Braithwaite of the Australian National University. Proposals are invited for papers and workshop sessions. Contact Helen Douds ⓔ hdouds@dmu.ac.uk or Gemma Lennon ⓔ glennon@dmu.ac.uk.

- **REMAKING LAW IN AFRICA: TRANSNATIONALISM, PERSONS AND RIGHTS**

Centre for African Studies, Edinburgh University: 21–22 May 2003

For details, contact Anne Griffiths ⓔ anne.griffiths@ed.ac.uk.

- **3RD PG CRIMINOLOGY CONFERENCE**

Leicester University: 31 March–2 April 2003

Aims to develop the skills of postgraduate criminology students. A distinguished academic will present a workshop on 'writing up' your thesis. Some ESRC bursaries available for those presenting papers. Contact Martin Wright ⓔ catch-communityradio@radiolinks2.freeserve.co.uk

- **SEMINAR SERIES: HUMAN RIGHTS**

Newcastle Law School, Newcastle University

- **Ought we to include among our human rights a 'right to die'?**, 11 December, Jennifer Jackson, Leeds University
- **Religious liberty as a human right**, 5 February, two papers by Roger Ruston and Javier Oliva, Research Fellows at the Centre for Law and Religion at Cardiff: Roger Ruston, 'Theological origins of religious freedom': Javier Oliva 'Human rights and religious denominations today'.
- **Human rights and equality**, 19 February, Aileen McColgan, King's College, London
- **Talking the talk: human rights protection and constitutional change**, 26 February, Colin Harvey, Leeds University
- **Some reflections on the 50th anniversary of the entry into force of the ECHR**, 12 March 2003, Ed Bates, Southampton University

Contact Suzanne Johnson ⓔ suzanne.johnson@newcastle.ac.uk ⓣ 0191 222 8637 ⓕ 0191 212 0064

- **WOMEN'S MOVEMENT: MIGRANT WOMEN TRANSFORMING IRELAND**

Trinity College, Dublin: 20–21 March 2003.

Recent migration into Ireland has transformed its society, economy and culture. The government's response has been to introduce multiple restrictions and exclusions, including proposals to remove the automatic right to citizenship of children of 'non-nationals' and to deport their parents. This event focuses on the centrality of women to these developments. Keynote speaker – Jayne OIfekwuningwe, East London University. Contact Ronit Lentin ⓔ rlentin@tcd.ie or Eithne Luibheid ✉ Department of Ethnic Studies, Bowling Green State University, Bowling Green, Ohio ⓔ eithne@bgnet.bgsu.edu.

- **RESEARCH COMMITTEE ON THE SOCIOLOGY OF LAW ANNUAL MEETING**

St Anne's College, Oxford: 18–20 July 2003

Theme: the role of law in a diverse society. RCSL working groups, including the Legal Professions Working Group, are organising sessions. Members should ensure that group chairs and conference organisers are informed about papers. Non-members welcome but space limited. Application forms from RCSL and IISL websites or Mavis Maclean ✉ Barnet Hse, 2 Wellington Sq, Oxford OX1 2ER.

- **SEXUALITIES, CULTURES AND IDENTITIES: NEW DIRECTIONS IN GAY, LESBIAN AND QUEER STUDIES**

Newcastle University: 7 January 2003

Key Speakers: Prof Stevi Jackson, York University; Dr Sally Munt, Sussex University, Prof Diane Richardson, Newcastle University, Prof Jeffrey Weeks, South Bank University. Information and a registration form can be found at: ⓦ www.ncl.ac.uk/cgws/conferences/sexualities.php.

- **WORKSHOP ON LAW AND SOCIAL THEORY**

Lund University, Sweden: 12–18 August 2003

The workshop will explore different perspectives on the relationship between law and social theory and how ideas and analytic resources from different social theoretical traditions can be employed in studying law, legal institutions and legal behaviour. ⓦ www.ivr2003.net

- **PSYCHOLOGY AND LAW – Call for papers**

Edinburgh: 7–12 July 2003

Abstracts for symposia, papers or posters are invited for this major international conference which has a number of special features and welcomes papers from non-psychologists. Details available on the conference website ⓦ www.law.soton.ac.uk/bsln/psych&law2003/ or from the conference administrator at ⓔ bsln@soton.ac.uk.

- **'TOUGH ON CRIME'...TOUGH ON FREEDOMS? FROM COMMUNITY TO GLOBAL INTERVENTIONS**

Chester College: 22–24 April 2003

Organised by the European Group for the Study of Deviance and Social Control (UK) in collaboration with the Centre for Studies in Crime and Social Justice (Edge Hill University College), this conference offers a range of themes within the scope of community-based and global interventions and their implications for civil liberties, social justice and human rights. Contact Barbara Houghton ⓔ houghtob@edgehill.ac.uk ⓣ 01695 584379 or Ann Jemphrey ⓔ jempha@edgehill.ac.uk ⓣ 01695 584055 ✉ Centre for Studies in Crime and Social Justice, Edge Hill, Ormskirk, Lancashire L39 4QP

- **INTERDISCIPLINARY APPROACHES TO GENDERED VIOLENCE**

Gender and Violence Inter-Faculty Working Group Bristol University

This ESRC seminar series' primary objective is to increase and disseminate knowledge of gender and violence by bringing together academics, activists, policy makers, practitioners and professionals from a variety of specialisms.

- **Gender, violence and health** (April 2003) researchers and practitioners from medical and health services backgrounds and those who have worked more directly on gender violence will focus on links between gender violence and sexual and reproductive health. Contact ⓔ e.willamson@bris.ac.uk, ⓔ l.doyal@bristol.ac.uk or ⓔ h.lambert@bristol.ac.uk
- **Gender, violence and global conflict** (September 2003) will examine the gendered nature of violence in global conflict. Contact ⓔ s.thapar-bjorkert@bristol.ac.uk or ⓔ kmorgan88@aol.com
- **Criminalising gendered violence** (January 2004) will critique the use of criminalisation to respond to gendered violence nationally and internationally and will include discussion of theoretical and practitioner perspectives, masculinities, domestic violence, state crime and international law. Contact ⓔ lois.s.bibbings@bristol.ac.uk or ⓔ c.pantazis@bristol.ac.uk.
- **Theory, policy and practice: gender violence and violence against women** (July 2004) seeks to link the strands of the series by examining overall developments in the field of gender violence. Contact ⓔ gill.hague@bristol.ac.uk or ⓔ ellen.malos@bristol.ac.uk.

website at: ⓦ www.bris.ac.uk/Depts/SPS/inter/domvio/iagv.html

- **BUILDING MARKETS FOR RECYCLABLES**

Brass Centre, Cardiff University: 5 December 2002

Free seminar in ESRC Transdisciplinary Seminars Initiative on how social science might assist in the promotion of technical options beyond waste disposal. Travel costs can be met for some postgraduates. Details ⓦ www.brass.cardiff.ac.uk or Bob Lee ⓔ leerg@cardiff.co.uk