

# Socio-Legal NEWSLETTER No 44



THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

WINTER 2004

## NUFFIELD INQUIRY INTO EMPIRICAL RESEARCH ON LAW: PROGRESS REPORT

*There are many and diverse barriers to the training and career development of socio-legal researchers. SLSA chair, Sally Wheeler, summarises the main themes to emerge from the discussions held during the first stage of the Nuffield Inquiry and looks forward to the next stage.*

### The background

There have been, as many of you will know, a series of meetings throughout the UK to discuss the *Consultation Document* that was published in April. This completes the first phase of the inquiry and we are extremely grateful to all those who hosted meetings for us and to all those who took part in the discussions. As might be expected at this stage, the sessions identified more problems than solutions. This has proved to be very useful in either confirming or casting doubt upon our own assessment of the problems and identifying more clearly the issues to be taken forward into the second stage of the inquiry – more-focused seminars in which identified stakeholders tackle particular issues.

### The issues

There was an acknowledgement that the trajectory of the capacity problem was career-long. There was no quick fix that could be put in place to create a bigger cohort of empirical researchers nor was it possible to say that there was any point at which there was not a capacity problem.

The difficulty of accessing appropriate training was identified as a running mate to career-long capacity issues. It was felt that adequate training was often absent during PhD study. ESRC recognition of training outlets did not have the same impact in law departments as it did in other social science departments. There was also no guarantee that completion of a socio-legal PhD would produce an academic comfortable with qualitative and quantitative methodologies and little or no opportunity to acquire, refresh or update these skills as careers progressed. Later training gaps in the academic career were identified as proposal writing and proposal costing, indicating a need for continuing professional development for legal academics. An issue for future discussion is how this is funded and accommodated in workload models. Should skill enhancement become as central to academic life as conference participation? It is also the case that the capacity issue is too serious to be dealt with by this sort of *ad hoc* solution. Continuing professional development as part of the academic career is desirable and good practice but it should exist in tandem with input from the research councils.

It was also found that a very successful academic career in law could be forged without undertaking the hard slog of empirical work, itself often undervalued by departments. Unlike other subject areas in the social science area, law (and possibly psychology) was faced with a surfeit of undergraduates. This provided an income stream that dwarfed that available from funded research, thus setting the scene for

the conduct of research that was compatible with participation in undergraduate teaching. Undergraduate teaching in law departments was felt not to value the input from empirical research. This could be addressed in a small way by marrying student need for employment with the enjoyment of involvement in empirical projects. Undergraduates could be used as research assistants in semester breaks.

The heavy competition from professional legal career opportunities was also identified as a problem. This has always affected the entry into academic careers by young legal scholars. The absence of empirical research from undergraduate law programmes was thought to make it less likely that those who had decided to embark upon an academic career track would do so in empirical legal studies. Other social disciplines were familiar with career paths that included appointments as research officers, post-doctoral fellows and research fellows. Appointments like this give time for a lasting interest in larger areas of empirical study to develop and take hold that would not be possible during the course of a PhD. Research methodology skills are honed and deepened during this type of appointment. Law departments, in part because of law student numbers, offer much more conventional career paths where the need to develop teaching interests is paramount. Whatever the downside of this is in relation to empirical legal studies, the point can be made that law departments do offer a career structure to entrants, whereas the research officer/fellow route is often criticised for failing to do this. This is perhaps something for the university community as a whole to consider.

Interestingly the time scale and publication demands of the RAE were not thought to be a significant blocking device on empirical work. The view was that socio-legal work had done well out of the descriptions of research quality provided by RAE panels. Socio-legal in this context obviously means much more than empirical legal studies and, while there was a view expressed that this particular branch of socio-legal studies had not done as well from the RAE as other parts of socio-legal studies, nevertheless there was broad agreement that the RAE reflected the ambitions of the research community. It had put socio-legal studies, including empirical work, firmly within the canon of legal scholarship. The fact that a relatively small amount of empirical work was submitted to the RAE panel in law was thought to be an indictment of the capacity problem rather than a reason for it.

Many law departments have been the subject of organisational restructuring in recent years. This has seen them, for example, lose single faculty status, or be absorbed into or merged with other social science disciplines. In some instances this has meant a physical relocation into more mixed units as well as a change in affiliative and financial structure. There was a sense in which this was seen as a positive – an opening up of horizons and possibilities. One of the themes that the workshops to be held in the second stage of the inquiry will explore is how to interest social scientists in legal issues, outside of crime where there has always been a very strong contribution from the broader academic community. Perhaps the pushing together of disciplines in this organisational way offers a first step.

Information about the next stage will be posted on the SLSA website when available. [www.kent.ac.uk/slsa](http://www.kent.ac.uk/slsa)

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deadline is **Monday 24 January 2005**.

## ... people

### STEPHEN LIVINGSTONE 1961-2004

The Law School of Queens University Belfast announces with deep sadness the death of Stephen Livingstone, Professor of Human Rights Law, aged 43. Stephen was reported missing on 20 March 2004 and a memorial service was held for him in Belfast on 11 September. The esteem in which he was held was evidenced by the large number of friends and colleagues from across the world who attended this service.

Stephen achieved a tremendous amount in his 43 years and remained throughout, as one tribute sent to the Law School said, 'one of the finest and most decent persons ever'. Stephen was born and bred in Belfast, a heritage of which he was proud. He was educated at the Royal Belfast Academical Institution and then at Clare College, Cambridge. He won a John F Kennedy scholarship to Harvard and studied for an LLM at Harvard law school. It was at Harvard that he forged his passionate interest in and commitment to human rights. He was committed to using law to make a difference: in Northern Ireland where he believed that respect for human rights was a necessary part of a lasting settlement and more generally in his work on prisons. He believed that the way in which a society treated its prisoners was an indicator of its own depth of civilisation.

Stephen's career as an academic began at Queen's in 1984. He spent a year at Detroit University as a visiting associate professor (1990-91) and then moved to Nottingham University as a reader in law in 1995. He returned to Belfast in 1998 to take up the post of Professor of Human Rights Law, later becoming head of the law school (2000-03) and director of the Human Rights Centre (1999-2002). Stephen was much more than an 'ivory tower' academic. His commitment to human rights saw him travel to Africa, and South Africa in particular, and to eastern Europe, carrying out human rights training and consultancy for bodies such as the British Council, the Council of Europe and the European Union, working with judges, prison warders, police officers and academics. Stephen was an advocate for and a genuine activist in the field of human rights. His was a commitment to ending the legacy of misdeeds and mistrust through real involvement. He was an active member of the Equality Commission for Northern Ireland, and was on the management board of the Northern Irish civil liberties campaigning body, the Commission on the Administration of Justice (CAJ).

Stephen was witty and amusing, his first spell in Belfast saw him performing with the Hole in the Wall Gang, a well known local comedy group. He was a great raconteur and convivial and hospitable. He was a mainstay of the famous Law School five-a-side football team. He had an encyclopaedic knowledge of sport but his interests extended to matters more cultural as well. He was interested in music, cinema, literature

and theatre - and he knew a lot about it. He enjoyed Mahler, Shostakovich, jazz and the Blind Boys of Alabama. He would quote Woody Allen as readily as the great American realist jurist Felix Cohen (on whom he always threatened to write an intellectual biography). He is survived by his partner Karen, his parents Max and Flo, and his sister Alison to whom our sympathies are extended.

*Ni bheidh a leithead ann arís*

*Sally Wheeler*

At Keele University, **DR SALLY SHELDON** has been promoted to a chair. **MANOLIS MELISSARIS** from Manchester and **ELIZA VARNEY** from Hull have been appointed to lectureships and the department also welcomes **KELVIN JOHNSTONE** as the new teaching fellow.

**ANNE BARLOW** has taken up a readership at the University of Exeter. Her new contact details are ✉ Law School, Amory Building, Rennes Drive, Exeter EX4 4RJ ✆ 01392 263159 e a.e.barlow@exeter.ac.uk.

**TONY BRADNEY** took up a chair at the Department of Law, University of Sheffield, commencing 1 September 2004.  
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**DOREEN MCBARNET** has become Professor of Socio-Legal Studies at Oxford University in the university's recent 'Recognition of Distinction' exercise.

**ADRIAN JAMES** moved from the University of Bradford to take up the Chair of Social Work at the University of Sheffield from 1 September 2004 e a.l.james@sheffield.ac.uk ✆ 0114 222 6463.

**MORAG MCDERMONT**, SLSA pg rep, has moved to the University of Bristol, Law School, Wills Memorial Building, Queens Road, Bristol BS8 4BH e morag.mcdermont@bris.ac.uk.

**RICHARD MOORHEAD** Cardiff Law School has been promoted to a Chair.

**PROFESSOR HAZEL GENN**, UCL, has been appointed Chair of RAE Main Panel J which covers law, politics, international studies, social work, social policy and administration, sociology, anthropology and development studies.

**KEITH HAWKINS** has been appointed Professor of Law and Society at Oxford University.

**PROFESSOR AVROM SHERR** has been appointed Director of the Institute of Advanced Legal Studies. He took up the post on 11 October 2004.

# CRITICAL SCHOLARSHIP UNDER THREAT

*Phil Scraton, plenary speaker at SLSA 2004, examines some of the problems scholars face while undertaking research and when publishing their results.*

... even a cursory consideration of the career trajectories of many UK scholars engaged in socio-legal research testifies to the fact that, as in other jurisdictions, 'once outsiders' can, indeed, 'become insiders' ... The reform of the higher education sector thus reflects – arguably in a rather weak form – wider structural, economic and cultural changes in the field of employment, changes which themselves opened out systems based on patronage, elitism and unaccountability to far more egalitarian processes in relation to recruitment, promotion and management. This is hardly a picture of a field of critical scholarship under threat. (Collier 2004, p 3)

Richard Collier's reflective article on the 'changing nature of academic life' and its implications for socio-legal studies situates the current debate exclusively in the context of the inexorable rise of the entrepreneurial university as a giant corporation. Grating management-speak provides a crude but all too familiar manifestation of this development: 'Regarding internationality, if we are to position ourselves favourably against blue chip competitors, and I'm talking Ivy League, in the new untapped markets of [insert new markets] we need blue-skies thinking to achieve maximisation of our product and the most lucrative return on investment.'

Laurie Taylor's THES column is so cringingly amusing because it hits the nail on the head and, to mix metaphors, while the laughter warms the reality leaves you cold. The focus on academic entrepreneurship, however, is not the only, nor the key, issue. My plenary talk at the April SLSA annual conference was an attempt to place issues of critical research, academic freedom and career structure at the heart of the consultation process into research capacity in socio-legal studies.

In that talk I provided graphic illustrations of recent research and the difficulties, including funding and access, faced by critical researchers in a cold climate. Having received moderate funding from the Northern Ireland Human Rights Commission I, and my co-researcher Linda Moore, were granted unprecedented access to the Mourne House Women's Unit, Maghaberry Prison, to research compliance with ECHR Articles 2 and 3. We found a 17 year old in a strip cell of the punishment block of the high security jail locked up 23 hours a day. She was dressed in a canvas gown, no underwear, lying on a canvas blanket on a concrete plinth, no mattress. She was self-harmed from her ankles to her hips, from her wrists to her shoulders. She had a child's potty for a toilet and no sink to wash. She was provided with sanitary towels during menstruation but nothing to hold them in place. In a most unusual move I gave evidence to a judicial review hearing and the judge ordered her immediate removal to the prison hospital. On the day we met her, another young woman Roseanne Irvine, was found hanging in her cell.

Experienced researchers, we were devastated by the sequence of events. As our recently published report demonstrates, the regime at Mourne House represented a systemic and unacceptable failure on the part of the Prison Service in its duty of care (Scraton and Moore 2004). We published an interim report on the ill-conceived transfer of women prisoners to the male young offenders' centre at Hydebank Wood. We were informed by the Prison Service that as a direct result of the research and our disclosures, Linda Moore and I had been banned from further access to prisons in Northern Ireland. We were *personae non gratae*. The following day I read Richard Collier's remarks on 'outsiders' becoming 'insiders' with a wry smile. To re-present another of his comments, our experience is a picture of critical scholarship under threat. It is not a new issue.

Researching and publishing from a critical perspective puts researchers up against powerful corporate interests and state

institutions. It creates funding and access dilemmas which extend to dissemination and publication. Restrictions on research teams by sponsors often include what they can report to conferences and what they can write. And then there is libel. Critical research, minus the resources of investigative journalism, treads a fine and not always apparent line drawn by external threats and self-censorship. It is 25 years since Mike Fitzgerald and Joe Sim were forced to withdraw *British Prisons* from publication. Although eventually published, the impetus was lost. A two-year gap in my publications is testimony to a protracted libel case in the early 1990s. It concerned the use of the word 'but' in a *New Statesman* article on institutionalised racism in the Merseyside Police and was an aside over custody deaths. In 1998 I discovered the extent of the review and alteration of the initial police statements in the immediate aftermath of the Hillsborough disaster. It involved a team of senior officers, appointed by the Chief Constable of the South Yorkshire Police, and the force's solicitors. It was carried through with the knowledge of the West Midlands investigating force, Lord Justice Taylor (who led the government inquiry), the coroner and the Home Office (see Scraton 2000). The pressure not to publish was intense and, occasionally, the personal and professional threats were direct.

These pressures on empirical researchers take their toll. In those universities where research remains a possibility, the expectation of externally funded research grants has never been higher. As more researchers leave universities to set up private research and evaluation companies, influential sponsors of socio-legal research exert market choice. Their choice is dictated both by 'value for money' and by political agendas. There is clear evidence that funders often lean on researchers to present 'favourable' data and 'tame' researchers realign data to secure future contracts. Academics operating in this partial arena risk compromising intellectual independence and integrity. It is not good enough to talk the language of 'shaping up' or 'shipping out'. The 1970s conflict in the universities affirmed the principle of academic freedom and this must be sustained. It is unacceptable defeatism to redirect 'critical thinkers' from the academy to the 'new cultural industries', whatever they are.

The Nuffield-funded *Consultation Document* (CD 2004:1) quotes Paddy Hillyard and Joe Sim in establishing that socio-legal research should address 'all forms of law and legal institutions, broadly defined', the analysis of which will 'further our understanding of how they are constructed, organised and operate in their social, cultural, political and economic contexts'. The CD confirms that under this 'broad umbrella' empirical, primary research is on the wane. There is an insufficiency of new people coming through to succeed the diminishing pool of experienced researchers. The 'fundamental point' being 'that while law is an increasingly important feature of modern life, there seems to be a decreasing capacity to keep it under empirical examination' (p 2). But what is meant by 'empirical examination'. The CD notes the Government's 'push towards evidence-based policy', and the significant increase in commissioning 'empirically based legal research'. Within this context the CD establishes the need to conduct 'high quality ... rigorous empirical research of law and the institutions of law as they operate' in order to 'underpin many areas of legal and social policy' (p 4). I agree, but the problem is not confined to ensuring a supply of appropriately trained and qualified academic lawyers.

This leads to problems of definition. What is meant by 'high quality' or 'rigorous'? Under what protocols will the relationship between sponsors and researchers be guided? These questions return us to the long-standing debate over the independence of research and the institutional and structural relations of power, authority and legitimacy. As I have written elsewhere:

There has emerged a 'new generation' of academic work based around local as well as national government surveys, audits and evaluations. In-depth qualitative research is virtually absent from what amounts to a naïve and partial approach to the assessment of policy or programme effectiveness. In this politically driven process legitimacy has been given to the pragmatism of a renewed ► p4

p34 form of positivism, ironically and erroneously masquerading under the guise of 'evidence-based research' (Scruton 2002, p 33).

Alongside this is the burgeoning of law, criminology and criminal justice taught courses. In teaching, as in research, the availability of funding to cash-strapped academic departments, together with the pull of market forces, dictates the academic agenda and its delivery. How pervasive and pernicious, argues Nils Christie (1993, p 58), has been the 'invasion' of 'management ideology' and vocational 'correspondence', with 'useful knowledge' passed from 'managers within the state and business' to students and academics. This results in the decline of 'university standards of critical thinking' and the diminution of the 'moral power of the question-makers'. Just as social sciences served and serviced the post-war military-industrial complex, how does socio-legal studies relate to the demands and desires of the punishment-industrial complex? Never has there been a more potentially lucrative period in academia for, as Christie put it, 'crime control as industry'.

The underlying problems of participation in socio-legal research are not distributed evenly across university departments. The RAE, initially a mechanism for some redistribution of the national research resource, has been significant in the renewal of elitism. Its divisiveness, once implicit, has become explicit, and is most marked in the widening gulf between the 'old' and 'new' universities. With the latter enduring diminished research funding, their emphasis has been on expansive undergraduate recruitment leading directly to ever-increasing class sizes, poorer staff-student ratios and unsustainable class contact hours. For many colleagues who endure these working conditions, particularly those recently appointed, the option of applying for research council funding or carrying out research is virtually impossible. The CD notably and disappointingly fails to address the issue of elitism. In fact, it compounds the problem in its selection of successful research centres or institutes. Highly productive centres or clusters within 'new' universities are conspicuous by their absence. Throughout universities the lack of a socio-legal studies career structure for dedicated researchers who have no wish to teach is a significant inhibition on the development of a long-term, coherent research culture. Short-term, poorly paid and insecure contract research cannot provide the foundations for vibrant, flourishing and inclusive scholarship.

Beyond an adequate career structure, however, is the challenge of how best to protect and reinforce critical analysis in socio-legal research, to interrogate 'how social systems really work, how ideology or history conceal the processes which oppress and control people, directing attention to the processes and institutions which legitimate knowledge' (Harvey 1990, p 6). Critique and reflexivity provide a knowledge base which not only interprets and deconstructs structural and institutional relations but also seeks solutions to their inherent contradictions. Commissioned or 'really useful' knowledge rooted in the formalised domain assumptions and mapped territory of academic disciplines is neither value-free nor value-neutral. It is derived historically and contemporaneously in the structural relations of inequality and marginalisation that characterise established orders. Yet this is a crucial period for critical analysis: the political and ideological construction of the 'war on terror'; the ascription of the 'axis of evil'; the redrawing of international standards on pre-emptive military action; the denial of the Geneva Conventions at Guantanamo Bay; the internment without trial of Muslims in Belmarsh Prison; the escalation of unacceptable infringements on civil liberties, human rights and academic freedoms. Add to this the extension of police powers, the expansion of prisons and young offenders' institutions, the criminalisation of children and young people through 'anti-social behaviour' measures, the backlash against children's rights and the exclusion of refugees and asylum seekers. Engaging with these issues takes the critical researcher to the centre of the lives and experiences of people, their neighbourhoods, their communities and their associated tensions. Inevitably, it takes them away from the corridors of influence in which funding and access decisions are made.

## HART SOCIO-LEGAL BOOK PRIZES AND SOCIO-LEGAL ARTICLE PRIZE 2005

*Last year's book and article prizes attracted more entries than ever and standards were high. The closing date for this year is 17 December 2004 so there's still time for last-minute nominations.*

The Executive Committee of the SLSA wishes to receive nominations for three annual prizes. These are:

- the Hart Socio-Legal Book Prize (a book prize, open to all, for the most outstanding piece of socio-legal scholarship published in the 12 months preceding the closing date for nominations);
- the Socio-Legal Article Prize (an article prize, open to all, for the most outstanding piece of socio-legal scholarship published in the 12 months preceding the closing date for nominations); and
- the Hart Socio-Legal Prize for Early Career Academics (a prize for the best book, published in the 12 months preceding the closing date for nominations, emerging from a previously awarded PhD, MPhil, LLB or MA).

The aim of the prizes is to celebrate and promote the work of socio-legal academics. The winners of the prizes are traditionally announced at the dinner during the SLSA Annual Conference which next year is hosted by Liverpool University School of Law from 30 March–1 April 2005. The value of the prizes will be, for the Hart Socio-Legal Book Prize, £250; for the SLSA Article Prize, £100; and, for the Hart Socio-Legal Prize for Early Career Academics, £250. On previous occasions, the

### *Social and Legal Studies 14(1)*

#### **Special Issue: Gendered Boundaries and Sexual Movements: Legal negotiations of the global and the local.**

Guest editors: Doris Buss, Ruth Fletcher, Daniel Monk, Surya Monro and Oliver Phillips.

Introduction – Doris Buss, Ruth Fletcher, Daniel Monk, Surya Monro and Oliver Phillips

Stages of Development: Marriage of girls and teens as an international human rights issue – Annie Bunting

'White Slaves' in a colonial nation: the Dutch campaign against the traffic in women in the early twentieth century – Petra de Vries

Now you see her, now you don't: sex workers at the UN Trafficking Protocol negotiations – Jo Doezema

A tale of two servitudes: defining and implementing a domestic response to trafficking of women for prostitution in the UK and Australia – Vanessa Munro

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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 for each of the prizes 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. The 'Hart Socio-Legal Book Prize' and the 'Socio-Legal Article Prize' are open to all academics. For the 'Hart Socio-Legal Prize for Early Career Academics' (a prize for the best book emerging from a PhD, MPhil, LLB or MA and published in the 12 months preceding the closing date for nominations) 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. All books submitted by early career academics under this scheme will automatically also be considered for the 'Hart Socio-Legal Book Prize'.
3. Nominations must be accompanied by two copies of the publication being nominated. All book nominations must include a clear statement indicating which of the book prizes (the Hart Book Prize/the Prize for Early Career Academics) they wish their work initially to be considered for.
4. The winners of the three 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 (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 other prizes.
7. Eligibility for nomination will be determined, if appropriate, 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* and on the website.
11. Members of the SLSA Executive Committee are not eligible for nomination.

**Nominations, accompanied by two copies of the relevant publication, should be sent by Friday 17 December 2004 to:**  
**Richard Collier** ✉ **Newcastle Law School, 22–24 Windsor Terrace, University of Newcastle-upon-Tyne, Newcastle-upon-Tyne NE1 7RY. For further information contact**  
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## SLSA POSTGRADUATE CONFERENCE 2005

*Are you a postgrad law student interested in socio-legal studies? Are you wondering where all the others are? If the answer is yes, then you need to come to the SLSA Postgraduate Conference at . . .*

### Lancaster University 7-8 January 2005

The SLSA Postgraduate Conference 2005 will take place at the School of Law, Lancaster University on 7–8 January. Intended to complement the main 2005 SLSA Conference in Liverpool, its purpose is to bring together established academics and postgraduate students to discuss the practical issues of engaging with and being involved in socio-legal research in an informal, friendly and supportive environment. Taking place over two days (an afternoon and a morning), the conference will include sessions such as:

- an introduction to socio-legal studies;
- mental health issues;
- getting published;
- academic employment
- best practice in supervision;
- and giving conference papers.

Confirmed speakers include Sally Wheeler (Queen's University Belfast),

Phil Thomas (Cardiff), Tony Bradney (Sheffield), Angela Mellville (Newcastle) and Bela Chatterjee (Lancaster).

Accommodation in the form of single hotel rooms next to the campus is being booked for the night of Friday 7 January. The conference itself will be held in Lancaster University's conference centre and the hotel is close by. The historic city of Lancaster is a bus ride away and the Lake District is also easily accessible from the city's train and bus stations. Lunch and coffee will be provided on both days and the SLSA will be sponsoring a meal in a local Italian restaurant on the Friday evening.

The cost of the conference has been set at £20 for residents. Travel expenses will be met by attendees themselves or their own funding. We expect interest to be high so book early to avoid disappointment. You can register by filling in the booking form on the SLSA website and returning it to the address below with your fee. To discuss booking arrangements, conference details or any queries contact Bela Chatterjee on or Anne-Maree Farrell, both at ✉ School of Law, University of Lancaster, Lancaster, LA1 4YN UK.

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### Visit the SLSA website and bulletin board www.kent.ac.uk/slsa

#### Website

In response to feedback from members, changes have recently been made to the website to make it more user-friendly and easier to navigate.

The website contains detailed information about the SLSA and its activities. It is updated regularly and is the best port of call for the latest news from the SLSA.

#### Areas include:

- bulletin board;
- conferences and events;
- contacts and committees;
- for students;
- joining and membership;
- links;
- research;
- prizes and grants;
- SLSA publications.

Hosted by Kent University, the webmaster is Nick Jackson and the web editor is Marie Selwood.

#### Bulletin board

The bulletin board is for members and others to post items of interest (eg job advertisements, events) and is run by Lisa Webley. It can now be accessed via a new button on the home page.

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 n.s.r.jackson@kent.ac.uk  
 m.selwood@tiscali.co.uk  
 webley@westminster.ac.uk

## DCA'S RESEARCH UNIT: APPROACH TO FUNDING

*Judith Sidaway, Head of the Research Unit at the Department for Constitutional Affairs, provides an insight into how and to whom DCA funds are allocated and highlights some of the common pitfalls experienced by applicants.*

The Research Unit in DCA is currently assessing the proposals submitted in response to its 2004 research programme and, at the time of writing, is considering the views of external peer reviewers and internal policy colleagues on the proposals before funding decisions are made. This year our 'key areas' for research contained more topics than in previous years – an expansion which reflected the addition of constitutional affairs to the department's responsibilities and a name change for the department. And the 'key areas' were very varied, ranging from specific and focused topics, such as the early evaluation of the new domestic violence 'gateway' form, to more wide-ranging topics, for example, asking how judges approach relationships between individuals and how 'problem clusters' are perceived and handled by those seeking advice and their advisors.

Receiving new proposals is the part of our research round which we most look forward to as we wait to see how the research community has built upon the brief topic outline provided and which proposals have funding appeal. The good proposals always stand out. What makes them do so?

For a start, they are well written and clear – important qualities if the final report on the project is going to do justice to the research and be accessible to policy makers. We look for research teams which are knowledgeable about the area and have a convincing timetable for delivery. Some of our most interesting and valuable projects have involved consortia formed from research teams from several universities – increasing the expertise available and shortening project timeframes.

Since much of the research we commission requires an empirical approach, it is essential that the researchers have experience and training in the relevant research methodologies and that these methodologies are appropriate, well explained and capable of delivering robust research findings. This is often the make or break aspect of a proposal, determining whether it is fundable or not. In most years, we are disappointed to see that in several cases very knowledgeable academics have submitted proposals which are either vague about methodological issues or have simply suggested an inappropriate approach.

This obviously relates to the issues raised by the Nuffield Inquiry on Empirical Research. Ideally for us, a research proposal should demonstrate both a good grasp of the subject area and methodological soundness. Applicants sometimes offer one without the other and we do notice that within some areas of socio-legal research (civil and administrative justice, for example) there is a lack of researchers with empirical skills and experience. This has, on occasion, resulted in the repeated funding of some researchers and we are conscious that the department has been perceived as operating a magic circle.

Given the shortage of empirical researchers, we can sometimes be faced with the choice of funding a small pool of reliable people or of taking a risk and funding someone less experienced. We have tried the latter and it does present us with difficulties. There are some methodologies (the large-scale collection of data from court files and their analysis, or the design of survey questionnaires) on which inexperienced

researchers are just not equipped to take the lead. This leaves smaller-scale qualitative projects as being potentially suitable. But, as a small unit, it stretches our resources (and those of policy teams) to offer the continued support and guidance needed over the life of a project – up to and including the production of a final report of publishable standard. From DCA's viewpoint it makes sense for researchers to have the necessary grounding in empirical work before we fund them and, in the context of the Nuffield Inquiry, we will be considering ways in which we can encourage this.

Value for money is naturally important and we get more queries about the possible budget for projects than about anything else. We don't start out with a separate set budget for each potential project and in response to queries our advice to proposers is to focus on what the project needs to make it work – in terms of methodology and resources – and to make budget calculations based on that. If there are several ways of doing something then the options can be set out and costed separately. We look at the overall approach in relation to the costings and it's not the case that cheapest is necessarily best. An undercosted proposal is of as much concern as an overcosted one.

We also consider how proposals address any ethical or diversity issues likely to be raised by the research and it is interesting to see that among this year's proposals the best have taken a very thoughtful approach to these issues. This involves going beyond a token mention and relating ethics and diversity to the scope of the research and its methodology. In the final analysis, an inadequate methodology may become an ethical issue in itself – overburdening respondents or failing to represent their views.

The topics on which we seek proposals come out of discussion and consultation with our policy colleagues in the context of the department's strategy, policy priorities and the need to improve its understanding of citizens and the users of legal services. In this sense, the topics have already been defined as relevant to policy but, again, the better proposals are able to explain their policy relevance and perhaps develop this aspect. This could be by explaining how the outcomes of early evaluation might be used or which information gaps it is most important to fill in order to improve the evidence base on which future policy will depend. The ability of the proposed research to adopt a creative approach and to offer new insights can sway funding decisions.

On commissioning work we usually initiate a meeting between researchers and policy colleagues so that projects can be fine-tuned in a way which best suits both and so that a dialogue is established. Policies are subject to pressure and change and empirical research can often only be described as messy. But ongoing dialogue encourages the resolution of any problems which might arise and early feedback on progress and findings helps policy makers to place their work in its social context.

Finally, when we send out our annual 'key areas' document to the research community, we get a lot of calls as people are in the process of making decisions about whether to submit a proposal and if so, what approach to take. Often we involve policy colleagues in these discussions. The research round can be labour-intensive both for researchers and for us, so we welcome these early queries and exchanges that will help to define the scope and methodology of a project. In the long run, this is likely to produce proposals which best inform and underpin policy.

**Judith Sidaway** ✉ *Research Unit, DCA, 5th Floor Selborne House, 54-60 Victoria Street, London SW1E 6QW † 020 7210 1465 e [judith.sidaway@dca.gsi.gov.uk](mailto:judith.sidaway@dca.gsi.gov.uk)*

## The Innocence Projects Colloquium: a resounding success!

*Michael Naughton, University of Bristol, and Carole McCartney, University of Leeds, report back on their joint initiatives that have been fostered by the SLSA.*

The Inaugural Innocence Projects Colloquium, underwritten by the SLSA, was held at the University of Bristol, School of Law on 3 September 2004. It attracted international, national and local media interest in the form of television, radio and broadsheet press interviews and articles. It formally launched the Innocence Network UK (INUK), a new university-based initiative to address wrongful conviction.

INUK was initiated when we met at the SLSA Annual Conference in Nottingham in 2003 where we found ourselves giving papers on miscarriages of justice to different conference streams. It became clear that others were also undertaking research on miscarriages of justice but had no knowledge of one another. This prompted us to request a dedicated stream at the SLSA Annual Conference in Glasgow in 2004. We were surprised that the stream attracted papers, not only from domestic and international academics, but also from the Criminal Cases Review Commission (CCRC, the official body charged with the investigation of alleged or suspected miscarriages of justice), criminal lawyers, forensic scientists and even campaigning organisations. This clearly established a need for a forum for wider discussion, leading to the organisation of the colloquium.

The colloquium was attended by over 80 delegates comprised of prominent academics from the UK, the USA, and Australia, interested parties from the campaigning organisations, leading activists, and criminal appeal lawyers. During the day, members from the Innocence Networks in the USA and Australia shared information on the various models that innocence projects can take, as well as their own personal experiences of their day-to-day running. Victims of wrongful imprisonment such as Paddy Hill (Birmingham Six) and Mike O'Brien (Cardiff Newsagent Three) spoke of the harm that they had endured and their continuing struggle to fit back into society after over a decade of incarceration. Representatives from leading legal organisations, including the Law Society, the Historical Abuse Appeal Panel (HAAP), the Criminal Appeal Lawyers Association (CALA) and important forensic scientists, all expressed their commitment to assisting with Innocence Projects and the Innocence Network in the UK.

Even the CCRC welcomed the INUK, conceding that it was often helpless in assisting innocent victims of wrongful conviction if they did not fulfil the criteria laid down under the Criminal Appeal Act 1995. The limits of the appellate system dictate that applicants to the CCRC must present fresh evidence or fresh arguments to have their cases referred to the appeal court. This means that if the CCRC has evidence of innocence that was available at the original trial, it will not constitute grounds for referral.

The day was concluded by Sir Ludovic Kennedy, a campaigner against wrongful convictions for almost half a century, with a rousing speech on the necessity of a united movement to bring about meaningful and lasting reform of the criminal justice system. Feedback confirmed that the day was a resounding success and it was firmly established that there is both a need and a desire to establish an Innocence Network in the UK to improve the criminal justice system.

INUK exists to:

- raise the public awareness of wrongful convictions;
  - undertake research that identifies the causes of wrongful convictions and effect legal reform;
  - encourage the establishment of Innocence Projects in the UK.
- INUK is a university-based initiative. It derives from the observation that academic research on the causes of wrongful convictions is an essential part of realising corrective reform of

the criminal justice system. Its contribution to the resolution of wrongful convictions will primarily be its work to undertake and deploy evidence-based research into both the causes of and the provisions that exist to remedy wrongful convictions.

In tandem with this, the INUK will encourage the establishment of Innocence Projects in universities which could assist those convicted of criminal offences who have exhausted appeal processes, whilst also achieving important pedagogical aims. Wrongful convictions have great educational value, elucidating all aspects of the criminal process as well as socio-legal and criminological concepts. Innocence Projects within universities can educate future lawyers in how wrongful convictions occur – and how to overturn them – developing their skills of investigation and fostering an in-depth understanding of appellate procedures. Innocence Projects should also inject some scepticism into future lawyers and open their eyes to the realities of criminal processes.

The INUK Steering Group is currently being formed with immediate future plans including another stream on miscarriages of justice at the SLSA Annual Conference Liverpool 2005 and the 2nd Innocence Projects Colloquium, to be held at the University of Leeds next Autumn. Anyone wishing to become involved with the INUK should contact Michael Naughton [e m.naughton@bristol.ac.uk](mailto:m.naughton@bristol.ac.uk) or Carole McCartney [e ctmccartney@aol.com](mailto:ctmccartney@aol.com).

## New ethical challenges for socio-legal researchers: SLSA one-day conference

*Anne Barlow, University of Exeter, summarises the complex issues, of great relevance to active socio-legal researchers, covered at this important and timely conference.*

The SLSA one-day conference on new ethical challenges in socio-legal research at the University of Westminster in September certainly provided delegates with much to think about. The conference, opened by Andy Boon (Westminster), explored a range of ethical issues which are changing the parameters within which socio-legal research can be conducted.

Rosemary Jay, of Masons and former Chief Advisor to the Data Protection Registrar, considered the impact of the Data Protection Act 1998 which, as she pointed out, is human rights legislation and 'is based on the fundamental assumption that to hold and use personal information about another living individual is to invade, in however slight a way, that individual's autonomy and privacy and must thus be justified in the first instance and conducted with due regard for fairness and the rights of that individual'. Individuals have a basic right to control information about themselves. The Act, operating in conjunction with the Article 8 convention right to respect for private and family life, and a right to confidence, raises some serious issues for researchers who collect and hold in a structured filing system personal data – that is information relating to a living individual – particularly if that information is considered 'sensitive' and/or collected covertly. Researchers need to be aware of the implications of the Act and, as a general rule, notice that personal data is being collected must be given to all research subjects who can then object. Where the personal data is sensitive – which includes information on ethnic or racial origin, political opinions, religious beliefs, physical or mental health, trade union membership and sexual health – informed consent is needed unless an exemption can be claimed. There are some exemptions which assist socio-legal research. Where there is anonymisation of sensitive personal data by researchers in a way that prevents re-identification of the individual (which is of course good research practice), the research subject may not have to be given access to the data, but this process may not avoid other requirements of the Act. A data protection checklist for researchers has been devised by Rosemary Jay and is now on the SLSA website as an appendix to her paper. ▶ p8

p74 What became clear in the discussion was that, whilst investigative journalism is considered a special purpose (s 3) which escapes the rigours of the Act, academic research has no such special treatment and, on a strict interpretation, covert research – arguably in some circumstances the only possible way to pursue a legitimate research idea (see for example Holdaway 1982)<sup>1</sup> – may be unlawful. Examples of where covert research may arise without having been part of an original research plan and the ethical challenges which ensue for researchers (and their supervisors) were provided by Brian Fielding (De Montfort) and John Flood (Westminster). Ray Lee (Royal Holloway) put the issue in its historical context and demonstrated how the current global trend towards greater protection of individual research subjects assumes we always research ‘down’ rather than ‘up’ which may be to empower further the already powerful.

Added to these concerns are the new rules governing access to court records by academic researchers which will take effect from January 2005 at a time when government departments, including the DCA, are adopting new ethical scrutiny procedures. Judith Sidaway (DCA), explained how the sensitive personal data contained in court records means that their current gatekeeping practice has been placed under review and it is not yet clear how access to court records for research purposes can be achieved lawfully. For the present, applications for access should be made to the DCA in the normal way and it is hoped further guidance will be forthcoming in due course.

Last but not least, delegates were able to share the afternoon panel’s (Gwynn Davis, Bristol, Robert Dingwall, Nottingham and Julian Webb, Westminster) experiences of ethics codes and committees which drew attention to some of the pitfalls and eccentricities to be found in current diversity of practice among academic institutions. There was much debate as to the usefulness of codes and a division in discussion along the lines of the more experienced – who were very sceptical as to the usefulness of codes which by definition could not provide answers to difficult ethical issues and were there to protect the institution rather than researchers – and the less experienced – who felt codes had some value in providing important guidance. Funders were increasingly demanding ethical clearance, a requirement which is set to expand rather than disappear and in this context it was agreed by all that it is important for researchers to make clear to the institutional powers-that-be the very different nature of socio-legal research on human subjects as opposed to more invasive science or medicine-based research.

Conference documents have now been placed on the SLSA website [www.kent.ac.uk/slsa](http://www.kent.ac.uk/slsa).

#### Notes

- 1 Holdaway, Simon (1982) ‘An inside job’: a case study of covert research on police’ in Bulmer M (ed), *Social Research Ethics*, Macmillan, Basingstoke

## Forthcoming SLSA events

Future events planned either by the SLSA or with SLSA involvement are:

- the SLSA postgraduate conference 7–8 January 2005 (see p 5)
- the SLSA annual conference 2005 30 March–1 April 2005 (see pp 14–15 for stream and website information)
- SLSA members’ sponsorship available for attendance at LSA Summer Institute (see p 10)
- one-day conference on ‘Discourse on technological risks in society’ (see SLSA website)

Event information is constantly updated on the SLSA website

[www.kent.ac.uk/slsa](http://www.kent.ac.uk/slsa).

## SLSA SMALL GRANT HOLDERS’ REPORTS

*The Small Grant Scheme is one of the SLSA’s most successful initiatives. Below, two grantholders report back on their SLSA-funded projects. The spring issue of the newsletter will carry news of 2004–05 awards.*

### International human rights law and caste-based Discrimination

Annapurna Waughray, Manchester Metropolitan University, School of Law £1000

With funding from the SLSA Small Grant Scheme, I spent time in India in May 2004 in Mumbai, Pune, Bangalore, Hyderabad, Ahmedabad and Delhi. The SLSA grant paid for my air fare, a pass for internal flights and accommodation and maintenance.

The overall purpose of this research is to examine the engagement, both actual and potential, of international human rights law with the issue of caste-based discrimination. The purpose of this trip was to examine the use and effectiveness of international human rights norms as a complement to domestic legislation, affirmative action policies and activism in tackling caste-based discrimination.

Since the UN-sponsored World Conference Against Racism, Racial Discrimination, Xenophobia and other Related Forms of Intolerance in 2001 the UN human rights system has begun to address explicitly the issue of discrimination on the basis of descent, of which caste-based discrimination is one manifestation. Despite the concern shown by certain of the treaty monitoring bodies, notably the Committee on the Elimination of Racial Discrimination, to address caste and other forms of discrimination on the basis of descent, this is an issue which until recently had not attracted a great deal of attention within the UN human rights system or from international human rights lawyers.

Discrimination on the basis of descent occurs across South Asia, South East Asia and parts of Africa as well as in diaspora communities and affects an estimated 260m people worldwide. Due to its population size India contains a large proportion of these. Efforts to tackle the issue in India include constitutional prohibitions on caste discrimination and the practice of untouchability, constitutional provision for affirmative action policies, legislative measures criminalising caste discrimination and atrocities committed on the basis of caste, and human rights bodies at national and state level. The research aimed, through speaking to those involved and through analysis of materials and documentation, to examine the role and potential of international human rights law and its interplay with domestic measures.

In India I was able to meet with and interview academics in eight different academic institutions, including the ILS Law College in Pune, the National Law School of India University in Bangalore, the NALSAR National Law School in Hyderabad and Jawaharlal Nehru University, New Delhi. I also met with and interviewed civil servants, practising lawyers in private practice and lawyers working for government-funded bodies such as the National Human Rights Commission and State Human Rights Committees. In addition I was able to spend time with a variety of local and national NGOs working in this field and met with NGO lawyers, representatives and grass-root activists.

Much (although not all) of the documentation relating to the UN human rights bodies and the human rights treaty monitoring bodies is accessible via the internet or otherwise available from within the UK. During this trip I was able to visit academic libraries and archive and documentation centres and to acquire documentation not readily available in the UK, such as internal academic publications, conference papers and reports, NGO papers, reports and publications and law reports.



As a result I was able to gain a wide range of perspectives on the issue of caste-based discrimination, on domestic measures designed to tackle the problem and on the role of international human rights law in addressing this form of discrimination.

I had already presented a preliminary paper to the SLSA Conference in Glasgow in April 2004, just a few weeks prior to my trip, on caste discrimination and international human rights law in the context of globalisation. On my return I presented a paper on the engagement of international human rights law with caste-based discrimination to the Society of Legal Scholars Conference in Sheffield in September 2004. I am working up both papers for publication early next year and will be continuing this research by examining caste-based discrimination within the South Asian diaspora, particularly in Europe, and the ability of domestic discrimination law to tackle this issue.

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## What is law in European Union integration?

Bettina Lange, Keele University £941

From an instrumentalist perspective law has been considered as a key tool for constructing European Union (EU) integration. It has also been perceived as a nearly autonomous force for integration. When political initiatives from the EU Commission and Council have been slow to progress, judgments of the European Court of Justice have continued to push integration forward. Contesting traditional conceptualisations of EU law and developing new ones is important in order to explain fully law's role in the EU integration process. While some integration theories, including work by political scientists, understand law as formal doctrine enacted by official legal actors, this project aims to contribute to a micro-sociological conception of 'EU law in action'.

The project focuses on integration in the field of the environment. Given the interconnectedness of nature across the different Member States, EU-wide harmonisation of environmental regulation is often considered as inevitable. EU environmental law is also characterised by a peculiar ambiguity about the source and scope of its normative power. As an aspect of the social dimension of integration it conjures up images of law facilitating social change. As a dimension of market integration in the EU, it appears constrained by economic rationality.

More specifically, at the heart of this research project lies an analysis of normative processes in the harmonisation of technical standards which aim to prevent and reduce the emission of pollutants into air, water and land in EU Member States. Under the EU Directive on Integrated Pollution Prevention and Control (IPPC) (96/61/EC, [1996] OJ L257/26) Member States have to ensure that mainly industrial installations, listed in Annex I, employ the 'best available techniques' (BAT) in order to prevent and reduce the release of prescribed substances to all three environmental media. The directive was hailed by policy makers as an innovative and holistic tool for industrial pollution control. Its cross-media approach departs from traditional, end-of-pipe, environmental medium specific regulation which often contributed to a mere shifting of emissions from one environmental medium to another.

The micro-sociological analysis of how BAT definitions are achieved and hence what constitutes 'BAT in action' draws on three two-month-long case studies designed to gather qualitative empirical data, mainly through semi-structured interviews and analysis of administrative records. The first case study examined how, for various industrial sectors, an EU-wide definition of BAT was achieved through a novel EU committee process which does not follow the traditional comitology structure. The second and third case studies provide data from two EU Member States, Germany and the UK, in order to trace to what extent a harmonised EU concept of BAT has been developed and what role normative dynamics have played in this process. The second case study was supported through the SLSA grant and examined

how national implementing legislation and a German regulatory authority defined BAT for particular industrial installations in specific licences. A third case study will examine how UK national implementing legislation and a regional office of the Environment Agency operationalise the BAT concept.

Initially it appeared that BATs could be analysed from a legal pluralist perspective as the interaction of the 'laws of the market' and 'laws of nature'. According to the text of the IPPC Directive key criteria for BAT determinations are the 'costs and advantages' of techniques and their impact on emissions to all three environmental media. The latter criterion takes into account that the natural environment cannot be understood as consisting of isolated, specific environmental media. Instead, the interpretation of BAT draws on the notion of holistic, integrated ecosystems.

Surprisingly, however, initial fieldwork suggested that cross-media impacts were seldom a decisive factor in BAT definitions, also because there was no single, agreed methodology for the measurement or trade-off of such impacts. In contrast, cost considerations were clearly significant in BAT determinations, but were seldom explicitly discussed. Hence, BAT – an example of EU law in action – seems to be better captured as the outcome of an open-ended discursive process which draws on a technical/scientific and a political and a legal discourse as well as a discourse of time. There are no hard and fast demarcation lines between these different discourses. Skills in translating from one discourse to another and in managing discourse boundaries could, in fact, be an important resource for actors in the BAT definition process. They helped to project images of agency by establishing channels of influence in complex networks of EU, national and local level participants in BAT definitions. Hence, subsequent work on the project will seek to integrate behavioural conceptualisations of 'law in action' with discourse theoretical perspectives. Analysis of the empirical data, additional literature review work and writing up of the results have been further supported through a Jean-Monnet Fellowship at the European University Institute, Florence. e b.lange@law.keele.ac.uk.

### *Journal of Law and Society, Winter 2004*

#### Articles

Goodbye to all that? The rule of law, international law, the United States, and the use of force – Wade Mansell

A 'European' conception of legal consciousness: rediscovering Eugen Ehrlich – Marc Hertogh

Demonstrably awful: the right to life and the selective non-treatment of disabled babies and young children – Luke Clements & Janet Read

Marriage and the moral bases of personal relationships – John Eekelaar & Mavis Maclean

The dead, the law, and the politics of the past – Kieran McEvoy & Heather Conway

Legal disciplinary practices – who needs them? – Harry McVea

The firm subtleties of a philosopher in 'everlasting doubt': remembering Norberto Bobbio – Vincenzo Ferrari

Getting Marx and Foucault into bed together! – Alan Hunt

#### Review article

Emmanuel Lazega: the collegial phenomenon: the social mechanisms of cooperation among peers in a corporate law partnership – Richard Abel

#### Book reviews

Linda Mulcahy: Disputing Doctors: The Socio-Legal Dynamics of Complaints about Medical Care – Diane Longley

Jenny McEwan: The Verdict of the Court: Passing Judgment in Law and Psychology – Ulrike Hahn

## LSA 2005 SUMMER INSTITUTE

The Law and Society Association's (LSA) 11th Summer Institute will take place in Oxford, England, from 29 June –3 July 2005. The institute is co-sponsored by the Oxford Centre for Socio-Legal Studies and the Oxford Faculty of Law. The institute is designed for advanced postgraduate students and junior faculty (normally, no more than three years in a full-time faculty position) in any discipline who:

1. are engaged in law and society research or research in socio-legal studies;
2. seek opportunities to share research in progress with colleagues; and
3. are interested in forging mentoring relationships with more senior scholars.

Application to the Summer Institute is open to prior participants in LSA-sponsored Graduate Student Workshop or didactic workshops as well as those with no prior association with the LSA but only individuals who have not yet participated in a Summer Institute are eligible to apply.

The theme of the institute is 'The intersection of rights and regulation: new directions in socio-legal scholarship'. In exploring rights and regulation, participants will have an opportunity to focus the methodology of rights, regulation or linkages between them in the following *loci*:

1. proliferating regulation (multi-level governance, networks, co-regulation, self-regulation);
2. proliferating rights (political, civil, economic, social, cultural, self-determinative);
3. rights in relation to competing discourses and strategies (rights, needs, markets, faith, justice);
4. rights and the distributive implications of regulatory design; and
5. legitimacy in rights and in regulation.

Through plenary sessions and small group discussions, participants will have the opportunity to engage with scholars from a variety of different backgrounds with significant research experience in socio-legal studies. They will also have the opportunity to make formal presentations allowing them to situate their own work within this tradition. The faculty leading the workshop will be announced shortly on the SLSA website.

The institute will subsidise participants' roundtrip airfare and will cover all meals and lodging expenses for the specified dates. The UK SLSA will sponsor any of its members selected to participate. Applications for SLSA membership will be accepted at the time of application to the institute. Full details are on the SLSA website and applications will be accepted until 15 January 2005. For further details contact Bronwen Morgan  
 e bronwen.morgan@csls.ox.ac.uk w www.kent.ac.uk/slsa

## PREGNANCY-RELATED DISCRIMINATION

In 2003 the Equal Opportunities Commission launched Britain's first general formal investigation into the discrimination faced by pregnant women at work. As part of this investigation Grace James, University of Reading, was commissioned to write a report summarising existing research and relevant legislation. This is now available via the EOC website (w www.eoc.org) – *Pregnancy Discrimination at Work: A review* (Working Paper Series No 14) 2004. For further information about this and recently completed Nuffield Foundation funded research of pregnancy-related unfair dismissal claims at employment tribunals in England and Wales, contact e c.g.james@reading.ac.uk.

## OXFORD UNIVERSITY, CENTRE FOR CRIMINOLOGY

### MSc in Criminology and Criminal Justice

This is a one-year full-time postgraduate course providing students with the opportunity to study cutting edge criminology alongside pre-eminent academics and practitioners at the Oxford University Centre for Criminology. Further information about the centre as well as full MSc admission criteria, fees and funding information can be found on the website w www.crim.ox.ac.uk. Application forms and Graduate Prospectus available from the admissions office (closing date 27 May 2005) w www.admin.ox.ac.uk/gsp/apply/ t 01865 596080.

## SCOLAG LEGAL JOURNAL STUDENT OFFER

The monthly *SCOLAG Legal Journal*, published by the Scottish Legal Action Group, carries news, articles and updates. SCOLAG is distributing 3000 extra copies of the October edition to law, social policy and social work students and it is also available online. Students are also offered subscriptions to the 20-page monthly for the highly subsidised rate of just £17. w www.scolag.org

## UNIVERSITY OF KENT - RESEARCH NEWS

The new AHRB Centre for Law, Gender, and Sexuality had its launch and first colloquium at the University of Kent in September with nearly 100 people in attendance. Speakers included Sara Ahmed, Bela Chatterjee, Richard Collier, Elena Loizidou, Ambreena Manji, Les Moran, Ralph Sandland, Carol Smart, Carl Stychin, Terry Threadgold, and Nira Yuval-Davis. The centre also sponsored a lecture by Baroness Brenda Hale at Keele University in October and will be holding a conference entitled 'Theorising intersectionality' in May 2005 w www.kent.ac.uk/clgs/index.htm . . .

Another new centre, for European and Comparative Law, will be launched at Kent next summer . . .

Davina Cooper has published *Challenging Diversity Re-thinking Equality and the Value of Difference* (Cambridge University Press) . . .

Sue Millns has won a European Commission Reintegration Grant award of €38,659.79 for a collaborative project entitled 'Gender auditing the constitution for Europe'.

## CHILDREN'S RIGHTS AND THE CHILDREN'S COMMISSIONER FOR WALES

Dr Bev Clucas at the University of Hull has been awarded AHRB Research Leave funding for a project on the Children's Commissioner for Wales entitled 'Children's rights: autonomy and the welfare/best interests tension. A Welsh perspective'. By examining the remit of and historical background to the role and practice of the Children's Commissioner for Wales, via analysis of legal materials and qualitative interviews, the study aims to explore tensions in the relevant law, to evaluate practical attempts at resolving this tension and to enrich both theoretical and practical discussion of children's rights. e b.r.clucas@hull.ac.uk

## HUMAN RIGHTS LEGISLATION IN THE SCOTTISH COURTS

Research into the use of human rights legislation (the Human Rights Act 1998 and the Scotland Act 1998) in Scottish court cases since devolution (May 1999–August 2003) was published in early November. The work was undertaken by researchers from the universities of Glasgow and Strathclyde who were commissioned by the Scottish Executive Legal Studies Team on behalf of the Justice Department. The research investigated the extent to which arguments based on the rights protected by the European Convention on Human Rights (ECHR) had been advanced in cases in the supreme and sheriff courts, whether as central, supporting or incidental arguments, and the impact of human rights arguments. The research included both quantitative and qualitative analysis. It looked at the number of cases in which human rights arguments were used, the nature of the

cases in which they were used, subject matter of cases both in terms of the ECHR articles relied upon and the geographical distribution of cases. It also analysed both the doctrinal significance of the post-devolution human rights case law and its actual and potential significance for policy development and public administration.

It was found that human rights arguments had been used in a wide range of criminal and civil cases in the Scottish courts with significant, but moderate, impacts on the courts and legal system and on public policy and practice. The full array of Convention rights was being invoked, with Article 6 being by far the most frequent. Although human rights arguments were being raised regularly, they were deployed in only a small fraction of all civil and criminal cases and were not evenly distributed across Scotland. The human rights legislation appeared to have had the greatest numerical impact in the criminal justice system. As for other dimensions of impact, the

abolition of temporary sheriffs in the early days of devolution was an indication of how far-reaching the effects of a single decision could be, but, overall, most of the challenges that might have had a significant impact on public policy and administration had actually failed. Having said that, the Scottish Parliament had legislated to amend several existing laws in order to pre-empt possible challenges.

The effect of human rights arguments on the course and outcome of a case was not always clear, as Convention rights arguments were often made alongside others based on existing principles of Scots or European Community law. Generally, decisions of the Scottish courts appeared to have been consistent with Strasbourg case law. The project also explored possible approaches to continue the monitoring of human rights points in the courts, highlighting barriers to this and suggesting ways forward based on the use of reported cases and devolution minutes. Full report and findings at [www.scotland.gov.uk/socialresearch](http://www.scotland.gov.uk/socialresearch).

## SLSA 2005 PLENARY SPEAKER

Mariana Valverde from the University of Toronto has accepted the SLSA's invitation to be the plenary speaker at SLSA 2005. The title of her talk will be: 'Is law's reasoning essentially pragmatic?'

She did a PhD in social and political thought but then turned her attention to social history and women's studies before becoming a sociologist. She did theoretical and historical work on gender and sexuality from the mid-1980s until the mid-1990s. Two publications from that time are *Sex, Power and Pleasure* (1985) and *The Age of Light, Soap and Water: Moral reform in English Canada 1880s–1920s* (1991).

Since the mid-1990s she has devoted herself to the sociology of law. Her main current research interest is the deployment of low-level administrative and lay knowledges of vice, sex and race in various legal complexes. Her 1998 book, *Diseases of the Will: Alcohol and the dilemmas of freedom* (Cambridge) won the Law and Society Association's Herbert Jacobs biannual book prize in 2000. Princeton University Press published her most recent book, *Law's Dream of a Common Knowledge* (2003).

She teaches theory at the Centre of Criminology, University of Toronto, and is currently engaged in a socio-legal research project on urban/municipal law and bylaw enforcement.

## EUROPEAN COMMUNITY OF PROPERTY REGIMES

Elizabeth Cooke and Therese Callus, University of Reading, together with Anne Barlow at the University of Exeter, have been awarded funding by the Nuffield Foundation for a project researching European community of property regimes. For further information please contact Elizabeth Cooke at [e.j.cooke@reading.ac.uk](mailto:e.j.cooke@reading.ac.uk).

## ADULTS WITH INCAPACITY ACT: LEARNING FROM EXPERIENCE

The Legal Studies Research Team at the Scottish Executive has recently published the results from a two-year project examining the operation and use of the Adults with Incapacity (Scotland) Act 2000. The Act reformed provisions for the protection and empowerment of adults unable to make or communicate some or all decisions about their own welfare and/or finances.

The project was comprised of three distinct, but linked, components: exploring how the Act was being implemented and, supporting this, monitoring usage levels of its different provisions, and researching experiences of using and awareness of the Act. The work reviewed information and training, guidance (including the codes of practice) and supervision in relation to the Act. Monitoring usage levels indicated that uptake of the different provisions of the Act had varied in the short period between implementation and April 2004, but usage had been steady and had consistently increased for Parts 2 and 6. There was considerable variation in usage between local authority areas across Scotland and the fundamental question of when to invoke the Act had been a major issue for authorities themselves, a finding which recently prompted the executive, following legal advice, to issue further guidance.

The results of the three streams of project activity provided a dynamic picture of an Act broadly meeting its central aims to provide enhanced protection and to offer more flexible and appropriate means to achieve this. This was acknowledged by groups who interact with the legislation, including affected adults and those who care for and about them. Nevertheless, the project also identified real and potential legislative, procedural and practice issues which could inhibit the full realisation of the objectives of the legislation, and suggested ways forward. Full report and findings available at [www.scotland.gov.uk/socialresearch](http://www.scotland.gov.uk/socialresearch).

**Lawyers and Vampires: Cultural histories of legal professions** W Wesley Pue and D Sugarman (eds) (2004) Hart £27.50/€40 410 pp ISBN 1-84113-519-4 Drawing on an international team of scholars, this is the first book directly to address the cultural history of the legal profession. The book seeks to understand the complex ways in which lawyers were imaginatively and institutionally constructed and their larger cultural significance. It illustrates both the diversity and the potential of this type of approach to lawyers in history.

**Patrolling with a Purpose: An evaluation of police Community Support Officers in Leeds and Bradford City Centres** A Crawford, S Blackburn, S Lister and P Shepherd (2004) CCJS Press, University of Leeds, 89 pp £14.95 ISBN 0-9511032-4-5 The Police Reform Act 2002 introduced a new breed of patrolling officer known as a Police Community Support Officer (CSO). This report evaluates the first year of their deployment in Leeds and Bradford city centres drawing upon extensive interviews and surveys of CSOs and members of the public, interviews with police officers and other key workers operating in the two city centres, as well as crime data to analyse the impact of CSOs on community safety.

**Competition, Regulation and the New Economy** C Graham and F Little (eds) (2004) Hart £25/€37.50 224pp hb In addition to being the principal medium for communication, education and entertainment, the new economy is now a leading provider of goods and services through electronic channels. The question pursued in this book is whether the conceptual underpinnings of competition law and international regulatory mechanisms are adequate or appropriate to deal with the developments raised by the new economy.

**Perspectives on Labour Law** ACL Davies (2004) Cambridge University Press, Law in Context Series £19.99 ISBN 0-521-60523-7 *Perspectives on Labour Law* is an accessible but thought-provoking introduction to labour law. It is suitable for those coming to the subject for the first time, and it will also be of interest to more advanced students, including postgraduates, who need to think about the subject's broader themes. The academic literature on labour law makes considerable use of human rights arguments and of economic analysis. Both of these approaches provide valuable insights into the underlying policy of the law but they can be rather off-putting for students who do not know the international human rights instruments, or who have no background in economics. This book introduces these wider perspectives on labour law and then applies them to a selection of topics, including anti-discrimination law, dismissal, working time, pay, consultation and collective bargaining, trade union membership and industrial action.

**Regulating Commercial Gambling** D Miers (2004) Oxford University Press ISBN 0-19-825672-3 pb 0-19-927615-3 9 hb This book sets recent developments in the regulation and deregulation of commercial gambling's three primary forms – betting, gaming, and lotteries – against an account of their social and legal history. The book examines the implementation and impact of the present law governing gaming and the National Lottery in terms of regulation and the enforcement of regulatory regimes. Miers focuses on how these regimes regulate the probity of the supplier, the supply of gambling opportunities, the nature of the transaction, and the player's participation and concludes with an evaluation of the Draft Gambling Bill 2003

**Contract Law in Perspective (4th edn)** L Mulcahy and J Tillotson (2004) Cavendish Publishing 304 pp £18 ISBN 1 85941 771 X This substantially revised new edition complements 'black letter' treatments of contract by looking at legal doctrine and statutes in their social, political and economic contexts. In addition to describing the key doctrines in the field, it explains the ideology behind them and considers the extent to which they serve the needs of the business community and consumers. The book aims to broaden understanding and appreciation of the subject by reference to the 'big ideas' in contract theory, and how these relate to practice at a level which is suitable for students.

**Playing Safe: Learning and teaching in undergraduate law** The UKCLE learning and teaching support project was aimed at exploring the perceptions and interpretations made by law teachers of their role in facilitating learning and in responding to the wider demands of society, quality assurance and professional bodies. Focused on five law schools, this report (available online) provides a valuable insight into current concerns. [www.ukcle.ac.uk/research/ncl.html](http://www.ukcle.ac.uk/research/ncl.html).

**Cohabitation, Marriage and the Law: Social change and legal reform in the 21st Century** A Barlow, S Duncan, G James and A Park (forthcoming 2005) Hart, Oxford £30 ISBN 1-84113-433-3 Using findings from their recent Nuffield Foundation-funded study, combining a nationally representative analysis of cohabitation and marriage with in-depth qualitative data about what cohabitants do and believe, the book explores public attitudes to cohabitation and marriage and the 'common law marriage myth'. It also provides an analysis of who cohabits, who marries and why and investigates legal attitudes and beliefs about 'cohabitation and common law marriage' and concludes by considering attitudes to and options for legal reform in the light of the research findings.

**Higher Education in Cyprus Before and After Accession: Legal and financial prospects** Stéphanie Lauthé Shaelou (2004) Policy Paper 1/2004, Research and Development Center, Intercollege, Nicosia, Cyprus Cyprus' accession to the European Union marks the beginning of a new legal process: the process of application and monitoring of the *acquis communautaire* in Cyprus. In the field of higher education, the *acquis* is unusual as it takes a different form, in accordance with the principle of subsidiarity. So how is Cyprus coping with this particular area of Community law? In this paper, the author focuses on certain issues of importance, such as the freedom to provide services or the institutionalisation process.

**Constructing Childhood: Theory, policy and social practice** Adrian James (2004) Palgrave/Macmillan ISBN 0-333-94891-2 The book provides a critical analysis of the social construction of childhood and children's agency. Through an interdisciplinary synthesis combining social theory and the role of law, social policy and the empirical findings of social science research, it bridges the current gap between theory and practice, offering an incisive theoretical account of childhood that is grounded in substantive areas of children's lives such as health, education, crime and the family. This furthers understanding of the impact of policy on children's everyday lives and social experiences.

## Journals

**Wales Journal of Law and Policy** is a peer-reviewed publication, for legal practitioners, policy advisers, academics, public bodies and anyone interested in the development of Welsh law and public policy. It is produced in partnership by the National Centre for Public Policy and the Department of Law, University of Wales Swansea The journal provides a forum for dissemination of information, reflection and comment upon Welsh law and policy, seeking to set developments in a UK wide and international comparative context. [www.wjlp.org.uk](http://www.wjlp.org.uk).

University of Glasgow School of Law **Student Law e-Journal** publishes high quality student work. Submitted publications are refereed and moderated by an editorial team of academics and students. [www.law.gla.ac.uk/students/webjourn](http://www.law.gla.ac.uk/students/webjourn)

**Law & Policy** has announced a call for papers (deadline 7 January 2005) for a topical issue on 'Responsive regulation and taxation', guest editor, Valerie Braithwaite of the Regulatory Institutions Network, Australian National University. [e valerie.braithwaite@anu.edu.au](mailto:valerie.braithwaite@anu.edu.au) [e lawpol@buffalo.edu](mailto:lawpol@buffalo.edu)

**Howard Journal of Criminal Justice**, special issue, 'Desistance from crime and implications for policy', S Farrall and S Maruna (eds) 43(4) September 2004 is available online. Contributors include Anthony Bottoms, Joanna Shapland, Andrew Costello, Deborah Holmes and Grant Muir, Ros Burnett and Shadd Maruna, Judith Rumgay, Fergus McNeill. [www.blackwell-synergy.com/links/toc/hojo/43/4](http://www.blackwell-synergy.com/links/toc/hojo/43/4)

● **7TH ANNUAL LILI 2005: THE EXPERIENCE OF LAW: LIVING, LEARNING AND EARNING?**

*University of Warwick: 7 January 2005*

The 7th Annual LILI conference at the University of Warwick, organised by UKCLE, seeks to explore the impact that law teaching is having on staff and students and ideas for future development. For further details and to book your place see [www.ukcle.ac.uk/lili/2005](http://www.ukcle.ac.uk/lili/2005).

● **THE CHANGING CONTEXT FOR CHILD WELFARE**

*St Anne's College, Oxford: 7-8 January 2005*

An interdisciplinary international conference to discuss European perspectives on child welfare. There will be two streams, one examining the way in which responsibility of the individual parent to the child is regulated through family law and the second exploring ways in which the responsibility of society to the coming generation is developing via family policies. Speakers: John Eekelaar, Andrew Bainham, Liz Trinder, Joan Hunt, Julia Brophy, Benoit Bastard, Jacek Kurczewski, Encarna Roca. e [mavis.maclean@socres.ox.ac.uk](mailto:mavis.maclean@socres.ox.ac.uk)

● **VOCATIONAL TEACHERS FORUM IV: COLLABORATION AND PARTNERSHIP IN PROFESSIONAL LEGAL EDUCATION**

*University of Warwick: 8 January 2005*

The 4th Vocational Teachers Forum at the University of Warwick, organised by UKCLE, invites discussion about the value of building links with practitioners and others in developing professional legal education. For further details and to book your place see [www.ukcle.ac.uk/vtf](http://www.ukcle.ac.uk/vtf).

● **FAMILY LAW: PUTTING THE CHILDREN FIRST?**

*Staffordshire University Law School: 5 February 2005*

Details available from Penny Booth ☎ [Staffordshire University Law School, Leek Road, Stoke-on-Trent, ST4 2DE](mailto:Staffordshire University Law School, Leek Road, Stoke-on-Trent, ST4 2DE). † 01782 294550 e [p.j.booth@staffs.ac.uk](mailto:p.j.booth@staffs.ac.uk)

● **CHILD LAW FOR 'NEARLY ADULTS'**

*Brunel University, Uxbridge Campus: 19 February 2005*

This one-day conference organised by the Association of Lawyers for Children and the Centre for the Study of Law, the Child and the Family comprises of workshops and speakers and covers issues relating to the older 'child'. It is aimed at child law solicitors and students. Fees from £17.50-£90 e [admin@alc.org.uk](mailto:admin@alc.org.uk)

● **SECOND BIRKBECK ANTHROPOLOGY OF LAW WORKSHOP: Call for Papers**

*Birkbeck College, University of London: 25-27 April 2005*

Theme – 'Space, territoriality and Time'. No registration fee, limited financial support is available for students. Details/offers of papers, contact Peter Fitzpatrick e [peter.fitzpatrick@clickvision.co.uk](mailto:peter.fitzpatrick@clickvision.co.uk). [www.bbk.ac.uk/law/workshops/anthro2005-birkbeck.shtml](http://www.bbk.ac.uk/law/workshops/anthro2005-birkbeck.shtml).

● **AHRB CENTRE FOR LAW, GENDER AND SEXUALITY: THEORISING INTERSECTIONALITY**

*University of Keele: 21-22 May 2005*

The workshop aims to address broad themes relating to intersectionality and will feature: Sherene Razack, 'Why is torture sexualized?: An interlocking analysis of prisoner abuse' and Iris Marion Young 'Structural inequality and the politics of difference'. e [c.a.moran@kent.ac.uk](mailto:c.a.moran@kent.ac.uk) [www.kent.ac.uk/clgs/index.htm](http://www.kent.ac.uk/clgs/index.htm)

● **BRITISH ASSOCIATION FOR CANADIAN STUDIES LEGAL STUDIES GROUP ANNUAL CONFERENCE**

*Canada House, London: 17 June 2005*

The British Association for Canadian Studies (Legal Studies Group) is holding its annual conference on 17 June 2005 at Canada House in London. The theme of this year's conference is 'Canada-UK perspectives on international law' and the keynote speaker is Stephen Toope, Professor of Law at McGill University and President of the Trudeau Foundation. Proposals for papers in all areas of public international law are welcome, with possible topics including divergence over the war in Iraq, differences in refugee determination, and the domestic reception of international law. Please direct queries and abstracts by 31 January 2005 to Christopher Waters ☎ [School of Law, University of Reading](mailto:School of Law, University of Reading) e [c.p.m.waters@rdg.ac.uk](mailto:c.p.m.waters@rdg.ac.uk).

● **COLLOQUIUM ON INTERNATIONAL COMMERCIAL ARBITRATION, ADR AND AFRICAN STATES**

*Central London: 6-7 July 2005*

Contact Lauretta Alexander, Colloquium Administrator † (+44) (0) 20 7848 2265 f (+44) (0) 20 7848 2465 e [l.a.alexander@kcl.ac.uk](mailto:l.a.alexander@kcl.ac.uk) [www.kcl.ac.uk/law/events/colloquium](http://www.kcl.ac.uk/law/events/colloquium).

**African Regional Series 2004-05:** Egypt (18-19 December 2004), South Africa (February 2005), Senegal (March-April 2005), Tunisia (December 2005). Contact Dr Amazu A Asouzu, Lecturer in Law ☎ [King's College London, London WC2R 2LS](mailto:King's College London, London WC2R 2LS) † (+44) (0) 20 7848 1159 f (+44) (0) 20 7848 2465 [www.kcl.ac.uk/law/events/colloquium](http://www.kcl.ac.uk/law/events/colloquium).

● **EUROPEAN WAYS OF LAW: 1ST EUROPEAN SOCIO-LEGAL CONFERENCE**

*International Institute for the Sociology of Law, Oñati, Guipuzkoa, Spain: 6-8 July 2005*

The purpose of the conference is a broad view of the socio-legal enterprise to include law's relations with all the social sciences; a multi-cultural outlook, a strong focus on attracting young researchers and enabling them to meet like-minded scholars, and a contribution to a real strengthening of European identity in socio-legal studies. The emphasis on Europe will be strong but not exclusive: comparisons with non-European legal cultures are welcome and submissions on law and society topics unrelated to the general theme will also be considered. [www.iisj.es](http://www.iisj.es)

● **BRITISH SOCIETY OF CRIMINOLOGY CONFERENCE: RE-AWAKENING THE CRIMINOLOGICAL IMAGINATION**

*University of Leeds: 12-14 July 2005*

Plenary Speakers: Lucia Zedner (Oxford); Tim Newburn (LSE); Richard Ericson (Toronto); Mike Levi (Cardiff). Special Sessions include: Zygmunt Bauman; Carol Smart and Public and Popular Representations of Crime. e [BSC2005@leeds.ac.uk](mailto:BSC2005@leeds.ac.uk) † 0113 3435034 [www.leeds.ac.uk/law/bsc2005/](http://www.leeds.ac.uk/law/bsc2005/)

● **THE INTERNATIONAL SOCIETY OF CRIMINOLOGY: 14TH WORLD CONGRESS OF CRIMINOLOGY**

*University of Pennsylvania, Jerry Lee Center of Criminology: 7-12 August 2005*

Theme: 'Preventing crime and promoting justice: voices for change'. All criminologists are welcome: all topics, methods, languages, disciplines and political views. All plenary sessions simultaneously translated into Spanish, French and English. Afternoon workshops of 90 minutes each are invited for any language. Discounted fees for early registration and students. Contact Meredith Rossner e [mrossner@sas.upenn.edu](mailto:mrossner@sas.upenn.edu). Papers to be published in a special issue of *Annals of the American Academy of Political and Social Science, Democracy, Crime and Justice*. [www.worldcriminology2005.org](http://www.worldcriminology2005.org)

● **UKCLE EVENTS**

Events for postgraduates and new academic staff – UKCLE has designed a series of regional events in association with UK GRAD to bring together postgraduates from different law schools to share ideas and develop their teaching skills. Basic and advanced levels are offered. [www.ukcle.ac.uk/events/postgraduates.html](http://www.ukcle.ac.uk/events/postgraduates.html).

● **BUFFALO LAW SCHOOL EVENTS**

*Baldy Center for Law & Social Policy, SUNY Buffalo Law School* [www.law.buffalo.edu/baldycenter/events.htm](http://www.law.buffalo.edu/baldycenter/events.htm).

**Immigration Policy and Practice Post 9/11: Impacts, historical precedents, and future directions: 15 April 2005**

Workshop presentations on recent developments in US immigration policy and practice, and their implications, particularly for US communities of Middle Eastern and South Asian origin. Details from Michael Lichter e [mlichter@buffalo.edu](mailto:mlichter@buffalo.edu)

**Law and Buddhism Project conference: 10-12 June 2005**

Two-part conference ('Structure and governance in Buddhist states and 'A case of theft: insights from law and Buddhism') convened by Rebecca French of the Law and Buddhism project.

**Modern Histories of Crime and Punishment: 10-12 June 2005**

Workshop organised by Markus Dubber (SUNY Buffalo Law School) and Lindsay Farmer (University of Glasgow Law School).

## CONFERENCE STREAMS

*The following streams are running at Liverpool 2005. For more details, log on to the conference website. The closing date for 300-word abstracts is 15 December 2004 and they should be submitted online.*

**w** [www.liv.ac.uk/slsa2004.htm](http://www.liv.ac.uk/slsa2004.htm)

**Access to justice** will feature papers on all aspects of the field, eg: international dimensions; salaried legal aid services; assessing legal need; lawyers and legal markets; the courts and litigation; tribunals, ombudsmen and dispute resolution. Richard Moorhead **e** [moorheadr@cardiff.ac.uk](mailto:moorheadr@cardiff.ac.uk) **†** 029 2087 5098

**Administrative law** It is hoped that this stream will include speakers presenting empirical research or providing theoretical or comparative overviews. Papers providing new insights into established topics and papers covering non-UK jurisdictions will also feature. Robert Thomas **e** [robert.thomas@man.ac.uk](mailto:robert.thomas@man.ac.uk)

**Charity law** Papers will investigate all aspects of how the law affects charities, in particular: the role of regulation, the impact of the changes to the Charities Bill, the impact of policy and the impact of legislation and case law on policy and practice. Warren Barr **e** [wbarr@liv.ac.uk](mailto:wbarr@liv.ac.uk) **†** 0151 794 3094

**Children and the law** Themes will be as follows: excluded children; youth justice and the impact of recent legislation; children's services – the treatment of children; children's services, law and policy; the role of children in shaping law and policy. Clare Dickinson **e** [clared@liv.ac.uk](mailto:clared@liv.ac.uk) **†** 0151 794 3819

**Corporate governance – After the codes** The theme of the stream will be an assessment from a variety of perspectives of the extent to which codes of corporate governance have remedied the problems they were intended to resolve. Iain MacNeil **e** [i.macneil@law.gla.ac.uk](mailto:i.macneil@law.gla.ac.uk) **f** 0141 330 4900

**Criminal justice** Papers will cover any aspects of criminal justice, theoretical or empirical, UK-oriented or international. It is also hoped that there will be thematic panels on criminal justice topics. George Mair **e** [g.mair@livjm.ac.uk](mailto:g.mair@livjm.ac.uk) **†** 0151 231 3942

**Education law and policy** will provide an opportunity to: reflect on the rapid growth and categorisation of education law; highlight some of the common tensions and political and social pressures underlying its many different aspects; explore changing roles; and reveal the uses and limits of rights. Ann Blair **e** [e.a.blair@leeds.ac.uk](mailto:e.a.blair@leeds.ac.uk) Daniel Monk **e** [d.monk@bbk.ac.uk](mailto:d.monk@bbk.ac.uk)  
**Equality law: Equality law and practice – delivering the goods** Papers in this stream will examine the evolution of equality law in the UK over the last decade addressing questions about the ability of legal reform to deliver social change. Fiona Beveridge **e** [f.c.beveridge@liv.ac.uk](mailto:f.c.beveridge@liv.ac.uk) **†** 0151 794 2809

**European law: European Union issues** The current dramatic chapter in the story of European integration presents fruitful opportunities for cross-disciplinary research and learning. General papers will be featured and also thematic sessions. Michael Dougan **e** [m.dougan@liv.ac.uk](mailto:m.dougan@liv.ac.uk) **†** 0151 794 2805.

**Family law and policy** Papers on all aspects of family law and policy will feature, in addition to papers that adopt a, comparative, European or international perspective. Anne Barlow **e** [a.e.barlow@exeter.ac.uk](mailto:a.e.barlow@exeter.ac.uk) and Rebecca Probert **e** [Rebecca.Probert@warwick.ac.uk](mailto:Rebecca.Probert@warwick.ac.uk)

**Gender, sexuality and the law** will feature law and law-related papers on all aspects of the relationships between gender, sexuality and the law eg: discussions of how gender and sexuality are constructed by the law and law's respect for and accommodation of difference in these areas. Helen Baker **e** [hebaker@liverpool.ac.uk](mailto:hebaker@liverpool.ac.uk) **†** 0151 794 2825

**Health law** Due to the wide range of possible topics, the stream is not limited to a particular over-arching theme and papers dealing with any aspect of health law will be presented especially those dealing with topical areas. Sam Halliday **e** [halliday@liverpool.ac.uk](mailto:halliday@liverpool.ac.uk) **†** 0151 7942882

**Housing law** Papers will investigate all aspects of housing law and its interaction with policy and practice. In particular, the role of regulation; the interaction of housing and crime; methods of dispute resolution; the impact of legislation and case law on policy and practice; the nature and content of housing rights. Sarah Blandy **e** [s.blandy@shu.ac.uk](mailto:s.blandy@shu.ac.uk) **†** 0114 225 4004 Caroline Hunter **e** [c.m.hunter@shu.ac.uk](mailto:c.m.hunter@shu.ac.uk) **†** 0114 225 3516

**Information law** Recent decades have seen a phenomenal expansion in the extent and nature of the use of information technology and its impact upon our lives, with a corresponding expansion of all facets of the law in this field. This stream will feature papers within this area as very broadly defined. Mark O'Brien **e** [m.r.obrien@shu.ac.uk](mailto:m.r.obrien@shu.ac.uk) **†** 0114 225 5749 Chris Ashford **e** [chris.ashford@sunderland.ac.uk](mailto:chris.ashford@sunderland.ac.uk) **†** 0191 515 2312

**Legal education** Papers on all aspects of legal education will be presented, both university legal education and professional training courses. Past speakers have addressed pedagogical developments and matters of theory and policy. The stream also hopes to cover legal education in non-UK jurisdictions and empirical investigations of aspects of legal education or law schools. Fiona Cownie **e** [f.cownie@hull.ac.uk](mailto:f.cownie@hull.ac.uk) **†** 0151 466 345

**Legal history** Legal history is a broad church. In the UK, it covers 2000 years, from the Roman Empire to last week, and every conceivable legal topic broadly defined. It also embraces the legal history of the rest of the world. It is hoped speakers will include those researching in the areas of gender, colonialism, identities and literature as well as other aspects of law in the past. Lorie Charlesworth **e** [l.r.charlesworth@livjm.ac.uk](mailto:l.r.charlesworth@livjm.ac.uk)

**Legal profession and ethics** The future of legal professionalism is in a state of considerable flux. This stream locates the changing fortunes of the legal profession in the organisation, regulation and operation of lawyers, in the UK and abroad, in theory and in practice. Andy Boon **e** [boon a@wmin.ac.uk](mailto:boon a@wmin.ac.uk) John Flood **e** [floodj@wmin.ac.uk](mailto:floodj@wmin.ac.uk) Julian Webb **e** [webbj@wmin.ac.uk](mailto:webbj@wmin.ac.uk) **†** 0207 911 5000

**Miscarriages of justice** will present work including theoretical attempts to explain error in the criminal process; cause(s) of miscarriages of justice; the role of the media; consequences for victims; compensation schemes; the Court of Appeal and CCRC; and the erosion of legal safeguards for suspects. Michael Naughton **e** [m.naughton@bristol.ac.uk](mailto:m.naughton@bristol.ac.uk) Carole McCartney **e** [ctmccartney@aol.com](mailto:ctmccartney@aol.com)

**Multiculturalism** Some of the most socially divisive contemporary debates are on cultural identity or diversity. To a greater or lesser degree, all states and communities face practical challenges that have to be resolved on a daily basis. This stream examines how multiculturalism has impacted on different legal jurisdictions and in different social and political spaces. Dominic McGoldrick **e** [dmcg@liv.ac.uk](mailto:dmcg@liv.ac.uk)

**Postgraduate stream** A postgraduate stream will be running. There is no set theme for this year. It is open to all postgraduate students conducting research into an area of relevance to the conference. Rob Stokes **e** [r.a.stokes@liverpool.ac.uk](mailto:r.a.stokes@liverpool.ac.uk)

**Socio-legal methodology stream** covers the methodological issues arising out of attempts to study law, legal institutions and legal behaviour, eg: quantitative and qualitative methods; discourse analysis; fieldwork; feminist methods; comparative methods; and epistemological issues of socio-legal research. Reza Banakar **e** [r.banakar@westminster.ac.uk](mailto:r.banakar@westminster.ac.uk)