

# Socio-Legal NEWSLETTER

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## TOWARDS A EUROPEAN SOCIOLOGY OF LAW

*Can there be such a thing as a European sociology of law? What does, or what should, this involve? What problems does it face? Is it too early to try and develop such a shared enterprise? Or is it too late? David Nelken attempts to answer these questions in the light of the recent Onati conference.*

We could, on the one hand, say that it is too early to develop a European sociology of law because of the difficulty of overcoming profound differences in language, culture and academic traditions which are inextricably intertwined with modes of thinking about, experiencing and studying law. Such contrasting 'legal epistemes', it is claimed, cannot communicate. (It is enough to think of the enormous variation in the importance different European jurisdictions give to the value of 'empirical' information about the operations of law.) On the other hand, we could also make the opposite argument. It is now too late, because, after the advent of globalisation, it would be a retrograde step to want to limit our research to a 'place' identified as Europe. Europe and European law are formed and reformed as part of the ever-increasing flows of people and ideas in the larger world (albeit in different roles in the first, second and third worlds). The search for a distinct European identity also has to come to terms with the variety of groups and populations who already make up the European Union (and Turkey has real prospects of becoming a member soon). Many of Europe's citizens belong to diasporas stretching well beyond Europe's boundaries and are bearers of traditions that are as old as or may even pre-date Europe.

But perhaps these questions are exactly the shifting terrain on which we have to try and construct a European sociology of law? Certainly we could dispose of the issue by arguing that the truths of science know no boundaries. But are we so convinced that the sort of sociology of law we engage in really is universally relevant? And why then have national associations? Why is it that sociology, criminology and social policy all have their own European associations and journals? Arguably law is, and needs to be, even more local or even parochial than these intellectual disciplines, and in any case there is a specific body of European Union law to contend with.

### The Onati conference on European ways of law

These thoughts are stimulated by having just returned from the first ever European sociology of law conference at the Onati Institute in the Basque country in Spain in July this year. The then director Volkmar Gessner had long hoped to try and hold a conference at Onati. But I played a modest part in planning this event because I suggested to him (while we taught together on the Onati Masters course the previous year) that a promising theme might be 'European ways of law'. This idea came to me after writing a review of Bob Kagan's book dealing what he calls 'the American way of law'. In this book, and in other writings, Kagan strongly criticises the excesses of American adversarial justice and warns Europeans not to go down the same path. But the contrasting picture he draws of law in European welfare states, which he sees as guided by expert bureaucratic policy-making, seems to me both idealised and over-homogenised. After having lived for the past 15 years with the unending culture shock of Italian law (as well as having some experience of differences in other European countries) it seemed to me to be a moot question whether there is one 'European way of law'.

In this report I want to say something about the proceedings at the Onati conference that may be especially useful for those who were not able to make it. Given the limitations of space, however, I shall only be able to give a general overview, together with a brief account of a session on European versus American ways of law that I organised, as well as short summaries of the plenaries. Many of the papers were made available on the Onati website ([www.iisj.es](http://www.iisj.es)) and a selection will be forthcoming in an Onati publication. In addition, however, I would like to use the conference as an opportunity for addressing the larger intellectual and organisational challenges that I raised at the outset and this will hopefully be of interest even for those who did attend.

From all accounts the conference was much enjoyed. Its success should be attributed to Volkmar Gessner, himself a pioneer in the study of European sociology of law (Gessner et al, 1996), and the characteristic efficiency and lightness of touch shown by the Onati administrative staff and especially Malen Gordo Mendizabal. Tasty conference meals and musical performances added to the pleasure of the event. It was difficult to remember that this was not only the first conference on this theme to be held at Onati but also its first ever full-scale conference as such. Onati usually averages around 30 for the workshops it holds throughout the year. This time 180 people from 29 different countries took part.

Since it was open to all, the conference offers some sort of idea, however rough, of who is interested in European sociology of law and what they might take this to mean. Countries from both Western and Eastern Europe were well represented. There were large contingents not only from Spain, but also from the UK, Holland, Italy and Sweden. The French presence was likely under-strength because the RCSL was holding an important conference in Paris the following week. German sociology of law, once one of the strongest in Europe, has been sadly reduced by the lack of government support for the discipline. Countries outside Europe with a presence at the conference (a sixth of all participants) included not only scholars from English-speaking countries such as the US, Canada and Australia, but also Asia (China and South Korea), as well as a range of Southern American countries such as Venezuela, Argentina and Brazil.

Most presenters of papers did not stick rigidly to the conference theme (when do they ever?) and few papers expressly addressed what is or could be meant by European way or ways of law. But it is fair to say that the issue was almost always implicit in what was being discussed. The sessions most relevant to the theme dealt with the topics of EU Community law, constitutionalism and human rights, law and legality in the new Europe, the transformation of European law, law and social change in Europe, European legal space, Europe and gender, and immigration policy. Some papers highlighted comparative issues such as mediation in Italy and the UK, or EU environmental policy in Holland. But other presentations dealt with more general questions such as law and popular culture, restitutive justice, post-colonial justice, or law and norms (the focus of the Swedish contingent) which were not necessarily tied to the theme of the conference. It is hard to say how far the work presented was representative of what is going on in the community of [p4](#)

### SLSA 2006 Stirling - 28-30 March

The University of Stirling is looking forward to welcoming delegates to SLSA 2006. The conference website is now live. It contains all stream information (see also [p14](#)) plus details about location, travel to Stirling, accommodation, booking and the social programme. [www.slsa-stirling06.org.uk](http://www.slsa-stirling06.org.uk)

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## SLSA Directory 2006

For several years, the *SLSA Directory* has been sponsored by the legal publishers LexisNexis/Butterworths. This arrangement came to an end with the 2005 edition and it has not been possible to find a replacement sponsor. After much discussion, the SLSA Executive Committee has decided not to publish a printed version of the directory but, instead, has taken the opportunity to change over to an electronic fully searchable version which will be published on the SLSA website. The first fully electronic directory will be the 2006 edition which is currently being prepared. More information about these changes will be circulated to members via the newsletter, website and email network as it becomes available.

### Newsletter contact details

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### SLSA website and bulletin board [www.kent.ac.uk/slsa](http://www.kent.ac.uk/slsa)

#### Website

. . . detailed information about the SLSA and its activities . . . updated regularly . . . best port of call for the latest SLSA news . .

#### Bulletin board

. . . SLSA announcements . . . conferences and events . . . jobs . . . other items of interest . . . registered users get regular digests . . .

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## Berlin 2007: progress report

The arrangements for the 2007 international socio-legal studies meeting in Berlin are progressing well. The US-based Law and Society Association (LSA) has for some time expanded its Annual Meeting every five years by holding a joint meeting with the Research Committee on Sociology of Law (RCSL). The Berlin 2007 meeting will expand the international co-sponsorship even more broadly, including – in addition to the SLSA – the Japanese Association for the Sociology of Law, the Vereinigung für Rechtssoziologie and the Sociology of Law Section of the German Sociological Association (DGS).

### SLSA membership participation

At the LSA meeting in Baltimore in July 2006, the IPC will meet with other scholars to form the Program Committee for 2007 (PC2007) and work will begin in earnest to prepare the 2007 programme. This is the key area for SLSA members to contribute. SLSA members are invited to suggest themes, panels, streams or other types of participation of particular interest to them. This can be done via a new open forum located on the SLSA bulletin board. This is an area dedicated to soliciting ideas and input and fostering discussion. After the SLSA conference a range of possible options for further refinement will be announced and these will be developed through a more restricted form of discussion in the same forum, open to new members joining on request. The products of this refining process will be fed into the

programme planning and theme selection for the Berlin meeting by the PC2007.

### International collaboration

The Program for International Socio-Legal Research Collaboration (PIRC) is an LSA initiative offering financial support to bring international scholars to the Berlin meeting. It also covers attendance at LSA Baltimore 2006. The programme is targeted at multi-national teams of scholars conducting research on a common topic over two years. Groups must include at least six scholars from three or more countries and will be expected to initiate new research projects in Baltimore, organise a panel or roundtable at that meeting, present findings at Berlin 2007, and agree to publish joint papers in an edited volume or journal symposium. SLSA members are eligible to apply. The closing date is 6 January 2006.

### Contact details

SLSA liaison for Berlin 2007 is Bronwen Morgan e b.morgan@bristol.ac.uk. The open forum can be found at **w** [www.kent.ac.uk/slsa/boards](http://www.kent.ac.uk/slsa/boards). PIRC details are at **w** [www.lawandsociety.org/international/PIRC.htm](http://www.lawandsociety.org/international/PIRC.htm). For more detailed information on Berlin 2007 visit **w** [www.kent.ac.uk/slsa/conferences/berlin07.htm](http://www.kent.ac.uk/slsa/conferences/berlin07.htm).

### Change of date

Please note that the Berlin 2007 dates are now confirmed as **25-28 July 2007** (slightly later than originally advertised).

## I thought I should get out more . . .

. . . so I adopted a new strategy for last year's SLSA conference. For those readers that don't pitch up regularly to the annual event, the conference isn't all dinners, parties and talking to friends (although, goodness knows, there's no shortage of that). The conference also has academic content. Streams of papers are organised by devotees on particular subjects – housing, health, civil rights, gender, equity or whatever. This method of organisation was adopted about five years ago, and it's been brilliant. People who know about the subject organise sessions that are coherent. The streams attract a broadly consistent audience, creating their own social networks. That allows for ease of transition of discussion from the presentation to the pub, and works very well to integrate conference newcomers. People now pitch up in part because we know that there will be lots of interest to us in a stream relevant to our subject.

For lots of us, myself included, that matters. Often, as socio-legal scholars,

we work in areas and with approaches our immediate colleagues don't really understand. I have precisely one colleague in my school who will really understand me when I talk about my primary research interest (mental health law), and I count myself lucky. For me, there is as a result still a real advantage to getting a slate of people together with similar interests – the old-fashioned ideal of a conference as a community of people who can exchange ideas.

For me, though, the streams were starting to get confining. They were starting to feel like their own mini-conferences, and I became aware that there was a lot happening that I wasn't exposed to, and a lot of people that I wasn't meeting.

Hence the new strategy: for the Liverpool conference, I decided I would have an objective of attending sessions in at least five streams. For several of those I was able to pick sessions that, notwithstanding the different titles of the streams, intersected with my research interests. That re-enforced my view about the insularity of the streams: people in those other streams were citing different

literature and using different arguments to the ones I'm used to. Unsurprisingly, I left with a variety of new academic bones to chew on.

In a couple of cases I picked sessions that had nothing to do with my research areas. I could put an academic sheen on that, but let's be honest – I picked them because they looked interesting and fun. Looking outside my research area did however make me reappraise some 'common-sense' truths I've always assumed in the past, and made me aware of some of the breadth of socio-legal research that's happening at the moment. I think that's beneficial too. Socio-legal studies was founded in part as a reaction to the internalism of traditional legal analysis; there's an irony in the fact that we have become so focused on our own specific subjects and approaches.

Maybe we should all be getting out more?

*Peter Bartlett is Nottinghamshire Healthcare NHS Trust Professor of Mental Health Law at the School of Law, University of Nottingham.*

## 2005 Summer Institute

From 29 June–3 July, 24 postgraduates, post-docs and junior faculty together with 12 faculty from the US and UK, gathered at the Centre for Socio-Legal Studies, Oxford, for an intensive exploration of the theme of The Intersection of Rights and Regulation: New Directions in Socio-Legal Scholarship – chosen as a fruitful avenue into a number of different areas of socio-legal scholarship. They did so at the first of three thematically linked Summer Institutes between 2005 and 2007 taking place at Oxford University, Wits University, South Africa and the University of Santa Barbara, USA under the auspices of the LSA together with the host institutions.

The 2005 LSA Summer Institute was co-sponsored by the SLSA, with generous support from the Oxford Law Faculty, the Centre for Socio-Legal Studies and the two UK journals *Social and Legal Studies* and the *Journal of Law and Society*. The UK-based faculty members helping coordinate the institute included: David Campbell, Durham University; Denis Galligan, Oxford University; Anne Griffiths, Edinburgh University; Bronwen Morgan, then Oxford University, now Bristol; and David Sugarman, Lancaster University. Other faculty members were Patricia Tuitt, Birkbeck; Tonya Brito, University of Wisconsin-Madison, USA; Elizabeth Boyle, University of Minnesota, USA; Patricia Ewick, Clark University, USA; Chuck Epp, University of Kansas, USA; George Lovell, University of Washington, USA; and

Annelise Riles, Cornell University, USA. The SLSA sponsored the participation of four of its members – Helen Hartnell, Sundhya Pahuja, Luigi Cominelli and Tola Amodu – as well as three overseas students – Yuksel Sezgin (from Turkey), Alexander Fischer (from Germany) and Niklas Hultin (from Sweden).

It was an exciting event with the discussion stimulated by the highly international nature of the participants who had been selected on a competitive basis from 114 applications from 15 countries. The final pool not only represented 12 countries, but also the disciplines of law, political science, sociology, anthropology, public policy, geography, history and even a practising-publishing solicitor. Details are archived at [www.lawandsocietysummerinstitutes.org](http://www.lawandsocietysummerinstitutes.org). An interesting statistic from the application pool is worth mentioning, particularly as the institute was part of an initiative by the LSA to support the internationalisation of socio-legal scholarship. Of the 60 per cent US-based applicants, 28 per cent were based in law schools. By contrast, of the 40 per cent non-US-based applicants, 61 per cent were from law schools – an illustration of quite a striking difference in institutional bases for socio-legal work in transatlantic perspective. And within Europe, UK applicants were more likely to be based in law schools than other European applicants.

A proposal for publication of an edited collection of essays from the 2005 participants is currently under development.

**Bronwen Morgan**

## SLSA postgraduate conference 2006

The next SLSA annual postgraduate conference will take place at the University of Sheffield, 12–13 January 2006. The aim of the conference is to help postgraduates both to improve their postgraduate experience and progress into an academic career.

This year there will be sessions on: managing your supervisor; giving conference papers; applying for academic jobs; publishing; and what is socio-legal research? There will be opportunities to meet fellow postgraduates and established academics and to raise questions and queries.

The conference will be in the Law School on Conduit Road. It will start at 2pm on Thursday 12 January and conclude at midday on Friday 13 January. Accommodation and dinner on Thursday night are included in the conference. The SLSA makes no charge for the conference or the accommodation and dinner. The number of places is limited. Places will be allocated on a first come, first served basis. Those registering for the conference will need to send a cheque for £20 made payable to the SLSA with their registration form. This cheque will only be cashed in the event of somebody failing to take up their place at the conference. For those attending, all cheques will be returned at the time of the conference. For more details please contact Tony Bradney [e.a.Bradney@shef.ac.uk](mailto:e.a.Bradney@shef.ac.uk). The registration form can be downloaded at: [www.kent.ac.uk/slsa/conferences](http://www.kent.ac.uk/slsa/conferences).

p1 sociology of law researchers, But what was clear was that there were a lot of people out there doing interesting work who appreciated the chance to find out what was going on elsewhere.

In terms of the disciplines being used, speakers drew mainly on law (conceived broadly so as to include socio-legal studies) as well as history and legal philosophy. There was also some use of concepts drawn from sociology and social policy. As compared to US Law and Society Association meetings, there was probably less reference to political science, anthropology, psychology and economics, and somewhat less interest in empirical methods or questions of methodology more generally. But, at the same time, there was also not that much evidence of (self-consciously) critical and cultural studies of law. It would be a pity if European sociology of law, if and when it constitutes itself, were to reproduce the current somewhat artificial split between the recently founded mainstream European Society for Criminology and the more critical but somewhat marginalised European Group for the Study of Deviance and Social Control.

Nonetheless, there was no shortage of controversial issues to debate in the conference. In an opening session explicitly devoted to the conference theme, Bob Kagan illustrated six ways in which he saw American law continuing to stand apart from European ways of law (the place of federal courts, extent of market freedom, attitudes to crime, the welfare state etc). He claimed that 'adversarial legalism' was an American phenomenon and insisted that, despite pressures to convergence which meant that its influence was spreading, it was always likely to remain much more marked there than in Europe.

Wolf Heyderbrand, in his reply, argued that, if a more historical view of changes in law was taken, it would reveal a worldwide move not towards costly and often inefficient adversarial justice but to 'informal proceduralism' and 'soft law'. Both in the US and elsewhere, the trends to watch were those of deinstitutionalisation, delegalisation and deformalisation, all of which tended to work to the benefit of powerful agents. If Heyderbrand diminished the importance of place, Antoine Garapon, the other respondent, sought to heighten it. In seeking to explain the specificities of French legal culture, compared to the Anglo-American legal episteme, he emphasised the need to interpret how law is experienced by those within a given society explaining that the first step is to recognise the importance of linguistic differences. He suggested for example that in France it is difficult to think of law as being moved by agents or social movements, that the 'private' or 'economic interest' is suspect in the realm of law and that, to a remarkable extent, 'law is an ideal that never happens'.

The three plenary speeches also made distinctive contributions to the theme. Although it is hard to imagine that it could have been deliberately planned this way, the first plenary turned out to deal with the past of sociological studies of law, the second with the present, while the final plenary looked to the future. Roger Cotterrell, in a characteristically lucid and learned presentation, looked back to what Ehrlich, Weber and Durkheim had to say, or might have to say now, about the socio-legal dilemmas facing Europe. Ehrlich, of course, offers us important insights into legal and cultural pluralism; Weber wrote about the problem of leadership as something that cannot be reduced to bureaucracy; Durkheim charted the possibility of finding shared values even under conditions of modern individualism. Needless to say, any 'solutions' these great thinkers proposed are perhaps less useful than the recognition that they too wrestled with problems that are recognisably similar to our own.

The second plenary was given by Richard Munch, a leading German social theorist. Munch sought to explain how similarities could be found between the type of sociological thinking characteristic of different countries and the way they chose to respond to problems of socio-legal regulation. Taking as his examples the USA, UK, France and Germany, he wove an intricate argument concerning 'representative' thinkers from each country (Giddens for the UK, Foucault for France etc) whose accounts of social action could be seen to be mirrored in distinctive national 'styles' in the implementation of clean air

legislation. Conference proceedings ended with a hard-hitting, inspirational presentation by Boaventura de Sousa Santos, on law, colonisation and post-colonisation. He described a Europe which had produced great achievements but also much bloodshed. Looked at today from the perspective of the poorer countries of 'the South', he argued, Europe and USA were on the same side in blocking their progress. He argued for the need to learn from 'the South' and sought to show the possibility of a 'counter-hegemonic' use of ideas such as democracy rights and law.

### Where next? An intellectual and organisational agenda

This conference, valuable as it was, hardly scratched the surface of the intellectual issues that may be seen as the agenda of a future European sociology of law. Because Europe is both a place to study and a place that studies and helps to spread law (with or in competition with Americans or others), such an endeavour would need to encompass law 'in Europe', 'for Europe' and 'by Europe'. More specifically, research is needed in order to:

1. understand the internal differences within Europe and the way these are changing;
2. consider the role of law in the process by which European polities are coming together, or should come together;
3. clarify the similarities and differences between Europe, the US, the Islamic world, Asia etc with regard to legal epistemes, legal cultures and legal traditions;
4. examine the role of European law in the wider/ globalising world; and, not least,
5. consider the different ways of studying law sociologically in Europe and the way this reflexively helps shapes law itself.

For many of these tasks we can find a clear and increasingly evident overlap with comparative law, legal history and legal philosophy. But it will also be necessary to look further afield to other social sciences and cultural studies to keep up with debates over relevant problems of comparative method and how to represent 'other' realities without falling into the trap of 'Orientalism' or 'Occidentalism'. It was striking, for example, how much Garapon, in his intervention at the conference, struggled to make himself understood as he tried to explain to scholars trained in Anglo-American ways of thinking why 'law' in continental Europe is precisely not considered a matter suitable for negotiation and mediation.

Of all the items on this agenda therefore it is probably the first that is the most urgent, given the way the European Union bureaucracies and court decisions tend (often deliberately) to run ahead of ideas and practices of the groups that produce the 'living law' within each society. Certainly we already know something about the existence of differences in the use and meaning of law within and between the nation states and groups that make up the European Union. Whether they concern the role of judges and lawyers, the use of courts, patterns of delay, contrasts in penal 'sensibilities', or the meanings of underlying legal and social concepts, differences in 'legal culture' (Nelken, 2006a) are at least as remarkable as the similarities that we might expect to find in societies at roughly similar levels of political and economic development. Nor do these differences lack potential practical and policy implications. How can it be that in Italy most young people who commit murder do not even get a criminal conviction? How far, if at all, does this depend on special social conditions that only prevail in Italy (Nelken, 2006b)? But whilst context is important it may not always be all-important. We must be careful not to assume that given institutions, practices and ideas necessarily emerged in the society in which they are currently situated. Beccaria's ideas about punishment found much readier audiences abroad than in what was to become Italy.

From a sociological point of view, comparative law scholars have so far tended to focus too much on private law matters and on the differences or similarities between common law and civil law traditions. Together with social scientists, they have also done important work on the differences between the West and the East as the ex-communist countries seek to re-model their law so as to be admitted to the EU 'club' or become more like the West (but

this could change). By contrast, fewer scholars have explored differences from the North to the South of Europe. It would be an interesting project for example to ask why Scandinavian countries find the idea of 'law as fact' so congenial whereas countries in Southern Europe tend to treat the law as 'counter-factual'. Such a comparison might provide real insight into our field's fundamental question of how law and society interrelate *and* help each side learn something about itself as well as the other.

It will suffice here to provide a few illustrations of the type of enquiries that could be (or are being) pursued under the other headings. Students of EU law examine the way the same law may be applied differently in different places and predict trends towards convergence or to less predictable 'irritation' as legal and social systems try to communicate. But the problem of how to define 'success', and who gets to define it, remains open. There are fundamental differences in expectations as to what we should want from European law. If Habermas asks us to move to a European citizenship which uses law as a way of keeping ethnicity in its proper place, the Basque Minister of Justice who introduced the Onati conference explained that, from his political perspective with its fear of threats to the identity of minorities, he hoped for a Europe of 'all the peoples'.

As interesting is the way that all-penetrating flows of communication now transform the processes of imposition, imitation or resistance that lead to socio-legal change. Europe is thus just another 'glocal' site for what Appadurai (1991) has called 'ideoscapes'. Legal practices and ideas reproduce themselves in a space of 'intercultural legality' that is increasingly shaped by awareness of other ways of doing things rather than by conditions 'at home'. Rather than taking any existing society as a model, what counts more is simply the desire to be 'normal'. Once relative statistics of prison rates in Europe began to be published, for example, a self-conscious move to the 'norm', led policy-makers in Finland to set out to reduce the number of people incarcerated while the Dutch felt entitled to go the other way.

But European law also exists through its success in expanding outside its own space. How much is the drive to harmonisation driven by the need to compete abroad? Is there a perverse connection between 'fortress Europe' and the need for cheap labour both abroad and at home? Certainly, American approaches to criminal and civil justice exert great influence worldwide. Lawyers and economists who travel abroad with their 'global prescriptions' (Dezalay and Garth, 2002), and foreign students who study in American Universities (or European ones) are both important vectors of change. 'Imperial law', as it has been called, accompanies the current brutal stage of economic globalisation. And there is something disturbing about spreading the 'rule of law' at a time when 'social acceleration' means that powerful business interests neither need it nor need to respect it (Scheuerman, 2004). On the other hand, when Anglo-American business-friendly law and European continental codified systems engage in competition it is not always the former that wins out. European personnel and ideas are heavily involved in transnational organisations such as the European Court of Human Rights, as well as in a variety of non-governmental organisations.

There is, finally, the role of scholarship itself in all these international exchanges. Lawyers often seem to be getting there first, well ahead of academia. But at least academics can afford to be more reflective. They may have most to offer by questioning the 'taken for granted' and showing the roots of difference. Scholars researching in ostensibly 'pragmatic' societies can do more than keep asking obsessively whether the law is 'working'. (The American philosopher Morganbesser may have been right in his claim that 'pragmatism works in theory but not in practice!') And scholars who live in more idealist cultures could do more than keep reminding their listeners of the importance of 'values'. But there is a limit, of course, even to our reflexivity. Can there be a culture-free concept of legal culture? Does this matter?

Keeping our feet on the ground, if we are to carry forward a programme of teaching and research on these questions we probably also need to find a suitable organisational form and

forum. Weber (himself not a great success as a politician) once said famously that 'politics is a slow boring of hard boards'. In our case it seems to be more a matter of breathing new life into academic Boards. For example, it is easy to miss the way the organisational and intellectual challenges of building a European sociology of law are connected. A major (and sought for) achievement of the Onati meeting was the way it reached out to young staff and postgraduates. By contrast, many meetings in Europe (both for better as well as for worse) tend to involve academic 'schools' where most importance is given to the leading figures and younger scholars sometimes do little more than make up the entourage. Competition between the leading scholars, as well as political differences, can have serious effects on the development of intellectual community and constructive debate.

So, in these terms, it is already a matter of significance that the Onati conference saw relatively few 'leading figures' and hence made more room for those starting out. No doubt this reflected the wide range of contacts the institute has made through its programmes of teaching, workshops, residencies and library facilities. By contrast the usual run of meetings organised by the Research Committee of Sociology of Law has tended to place stress on cross-national research collaboration that necessarily tends to privilege established scholars (as does much of the Law and Society Association's outreach with the exception of the graduate workshops). Realistically, though, European sociology of law absolutely must also involve established scholars so that they can offer leadership and share their experience and contacts (in return for a modicum of ego-massaging).

How should things be taken further? We cannot leave the development of European sociology of law only to Onati. Help from other institutions and organisations (some yet to be invented) is required. The Onati Institute is a quite remarkable institution. Situated in a small town an hour from the nearest airport, in a part of Spain with a strong separate political identity and a highly distinctive language, it has nonetheless served as a powerhouse of international sociology of law. The continuing political commitment of the Basque authorities to our field is fortunately not in question. But the institute has a global rather than specifically European remit. The next conference being considered for two years' time (which I proposed once it became clear that there was insufficient support for holding another European one) is likely to deal with 'Latin American ways of law'. In any case, running conferences in Onati puts a large strain on the staff (and the town's restaurants and hotels might also have some problems in absorbing larger numbers of conference-goers). So, if not Onati, who is to take up the cause? It would certainly be a pity to lose the momentum this conference has created.

The USA Law and Society Association is the role model for a successful organisation in our field and it is at present actively involved in efforts to become more international. But if the focus is to be on Europe it would make more sense to have a Europe-based organisation and conference site(s), though one open to all-comers, as at Onati. Another obvious possibility is the Research Committee for the Sociology of Law (the current president is Lawrence Friedman and the secretary is Reza Banakar). It was after all, under their aegis, that Onati itself was (re)founded and is still run. Some of its 'working groups' – for example on family law or the legal profession – have certainly been successful in bringing people together in comparative enquiries and, from time to time, conferences have been held, sometimes in conjunction with the Law and Society Association. Yet its remit as the sociology of law section of the International Sociological Association means that it too has a global rather than a specifically European role. It also suffers from a lack of resources which means that it has mainly served the needs of well-funded established researchers. Although it should have a role in any further developments, it would be asking too much to expect the RCSL to construct a future for European sociology of law unaided.

In the related area of criminology, the founding of the European Society of Criminology some years ago stemmed simply from the initiative of a small group of people ▶ p6

p54 from various European countries. Matters have since gone well. Conferences are well attended and shift from country to country. The society has been particularly successful in attracting scholars from Eastern Europe and also has a high level journal. Something similar could perhaps be tried for sociology of law. But I think probably the most viable way forward at present is rather to try to organise some sort of federation of willing national associations who would each take it in turn (every few years) to host an annual European-focused conference. An informal meeting was organised at Onati to discuss this possibility and the representatives of different national associations there were very positive. But it is clearly something that needs to be aired more generally.

Many of the national organisations, including the UK's SLSA, are thriving, and already look beyond their own borders. But having to think every few years about how best to host the range of languages, cultures and concerns that make up Europe would be quite a new challenge. (Other regional federations could do the same.) There is also more that the more dynamic universities and research institutes could be doing. Some time ago I wrote to a Director of the European University Institute in Florence pointing out that, since the departure of Gunther Teubner, the Law department did not seem to have given much attention to teaching and researching the sociology of law. In this way, I suggested, it mirrored the error of the EU itself which focused too much on the creation of law and too little on the reception it would receive. To my surprise he wrote back saying he agreed with me! (Though, as far as I know, nothing has yet been done about changing things.)

It would of course be easier for us too to do nothing. And this is not exactly a utopian moment. The Onati conference itself was sandwiched between, on the one hand, the news of what seemed like the definitive rejection of the European constitution in leading European countries and the shock of the London bombings, a brutal message sent to a country of Europe to withdraw its troops from another part of the world. At the same time there are daily reports of people dying (and not only metaphorically) to get into fortress Europe. Yet, without being over-ambitious, all this could be said to show that sociologists of law do have something to offer and a voice that needs to be heard. Law in Europe and in the world must aim to be more than social engineering and seek to serve ideals such as democracy, equality, tolerance and human rights. But it is ever more difficult to produce intercultural understanding of what is or could be meant by such values, and we cannot afford to mistake fine-sounding intentions for actual achievement. Could a European sociology of law make a special contribution to this goal? Comments are welcome!

**David Nelken** (e [sen4144@iperbole.bologna.it](mailto:sen4144@iperbole.bologna.it)) is *Distinguished Professor of Legal Institutions and Social Change at the University of Macerata in Italy and also Distinguished Research Professor of Law at Cardiff and Visiting Professor of Law at the LSE. A past Trustee of the USA Law and Society Association, he currently serves on the boards of the (ISA) Research Committee for the Sociology of Law and the Onati Institute for the Sociology of Law.*

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## COUNTER-TERRORISM AT NEWCASTLE

### Multi-disciplinary conference

Newcastle Law School and the Jean Monnet Centre recently jointly hosted a conference entitled Counter-Terror: Law and Policies in the EU. This multi-disciplinary conference focused on the future development of EU-wide counter-terrorism policies and the role of the security and intelligence agencies in counter-terrorism. It brought together academics from across Europe and a wide range of disciplines (including law, politics, security studies and medicine), parishioners, and law enforcement personal and representatives from the UK, Irish and Austrian governments. Key-note speakers included Sir Ronnie Flanagan (HM Chief Inspector of Constabulary) and Professor Trevor Page (Royal Society Working Group on Bio-Terrorism), Professor Jorg Monar (University of Strasbourg), Professor David Bonner (University of Leicester) and Angela Hegarty (University of Ulster). Due to security concerns the conference was invitation only but information and materials from the conference are now available. Please see Newcastle Law School website for details or contact Conference Director Dr Rhiannon Talbot.

### New academic research Network

Rhiannon Talbot at Newcastle Law School is in the process of establishing a JISC email network on terrorism and counter-terrorism. The network will be multi-disciplinary, drawing together academics concerned with terrorism from a range of perspectives, including law, political science, intelligence and security studies and peace studies. It is intended that the network will stimulate debate on a wide range of issues surrounding terrorism and be a source of information and news. If you are interested in joining the network please contact Dr Rhiannon Talbot at Newcastle Law School, University of Newcastle-upon-Tyne, e [r.m.talbot@ncl.ac.uk](mailto:r.m.talbot@ncl.ac.uk) or t 0191 222 8543 w [www.newcastle.ac.uk](http://www.newcastle.ac.uk).

## SOCIO-LEGAL STUDIES INTERNATIONAL

BY BETTINA LANGE

### INDIA

This new column will report regularly about socio-legal research and teaching from a variety of countries. Its purpose is to highlight socio-legal work beyond the English language community and beyond socio-legal issues raised in countries of the north. This column may thus contribute to the development of socio-legal teaching and research co-operations between the UK socio-legal community and socio-legal teachers, activists and researchers in other parts of the world. It may facilitate critical comparative research and thus help to recognise and question the specific cultural contexts in which we develop key concepts in socio-legal analysis. Additional information about some of the topics covered here can be found on the new international page on the SLSA website w [www.kent.ac.uk/slsa/international](http://www.kent.ac.uk/slsa/international).

In this issue we are focusing on socio-legal activities in India. India has pioneered socio-legal research which bridges academic, activist and legal practitioner knowledge in the pursuit of social justice.

### Documentation centres and publications

Center for Education and Development in India - clippings and articles on a variety of topics, including human rights. w [www.doccentre.org](http://www.doccentre.org).

*Economic and Political Weekly* is an internationally renowned social sciences journal which includes contributions from politics, law, economics and sociology. w [www.epw.org.in](http://www.epw.org.in).

eSocialSciences is a pan-Asian, India-centric online multidisciplinary portal that promotes excellence in research in the social sciences and humanities and has been developed by the founders of *The Indian Legislator*, India's first and only Parliamentary newspaper. w [www.esocialsciences.com](http://www.esocialsciences.com)

For social science journals go to w <http://isidev.nic.in/jrnlst.html>; for law reports visit All India Reporter w [www.allindiareporter.com](http://www.allindiareporter.com) and Supreme Court of India Judgments w [www.scjudgments.com](http://www.scjudgments.com).



## ESRC NEWS

In autumn 2005, the ESRC announced the launch of two new grants schemes: the First Grants Scheme and the Large Grants Scheme. Both will be annual competitions.

### First Grants Scheme

The aim of this scheme is to enable new researchers and academics at the start of their careers to gain experience of managing and leading research projects. Applications may be for up to three years and up to £400,000. The scheme is open to staff of HE institutions and recognised Independent Research Organisations who have not been principal investigators or co-investigators on Research Council awards and are within six years of completion of their PhD or equivalent professional standing, or four years of their first academic appointment if this followed directly from their PhD. Closing date: noon 4 January 2006.

### Large Grants Scheme

The aim of this scheme is to provide for experienced researchers requiring longer term or extended support for research groups, inter-institutional research networks, linked project programmes, medium to large surveys, other infrastructure or methodological developments, or any related large scale projects where funding above the standard research grant of £1.5m is required. Applications may be up to five years, for £1.5–5m at 100 per cent of full economic costs. The scheme is open to all staff of HE institutions and recognised Independent Research Organisations. The principal and primary co-investigators are likely to be experienced researchers with already established national and international publications and recognition in their field. Closing date: noon 31 January 2006.

Further information about the two schemes, including how to apply, can be obtained from the ESRC website. [www.esrcsocietytoday.ac.uk](http://www.esrcsocietytoday.ac.uk)

## Socio-Legal activist groups and centres

*Combat Law* is the voice of lawyers and activists who form the cutting edge of legal activism in India. The magazine is aimed at increasing awareness of rights, connecting legal initiatives, providing accurate and timely information and enabling access to justice for the poor. [www.combatlaw.org](http://www.combatlaw.org)

The People's Union for Civil Liberties (PUCLDR) was founded by the veteran leader Jaya Prakash Narayan in 1976. The idea was to make the PUCLDR an organisation free from specific political ideologies, so that people belonging to various political parties can come together on one platform for the defence of civil liberties and human rights. [www.pucl.org](http://www.pucl.org)

The India Center for Human Rights and Law was set up by a group of lawyers and social activists who envisioned establishing a comprehensive human rights centre that would fight for access to justice for poor people - particularly women, children and minority and vulnerable communities. The centre aims to deepen and widen the understanding of human rights within the country and assist in the creation of laws and policies that will bring about a more equitable society. [www.ichrl.org](http://www.ichrl.org)

The National Center For Advocacy Studies (NCAS) is a membership-based social change resource centre that aims at strengthening rights-based and people-centred advocacy, so as to empower people who are struggling for the creation of a just and humane society. NCAS works with social action groups and professionals, as well as public-spirited citizens. Through the focus of its activities in India and the rest of South Asia, NCAS is emerging as a premier centre for this type of advocacy in the global south. [www.ncasindia.org](http://www.ncasindia.org)

The South Asia Human Rights Documentation Centre (SAHRDC) is a network of individuals across the region. It seeks to investigate, document and disseminate information about human rights treaties and conventions, human rights education, refugees, media freedom, prison reforms, political imprisonment, torture, summary executions, disappearances and other cruel, inhuman or degrading treatments. SAHRDC has Special Consultative Status with the Economic and Social Council of the United Nations [www.hri.ca/partners/sahrdc](http://www.hri.ca/partners/sahrdc).

See [www.distel.ca/womlist/countries/india](http://www.distel.ca/womlist/countries/india), for a list of women's organisations. Further socio-legal activist and research centres, eg Foundation for Public Interest and Multiple Action Research Group, can be found at Janmanch People's Forum [www.janmanch.org](http://www.janmanch.org).

## NEW ECPR STANDING GROUP ON REGULATORY GOVERNANCE

The European Consortium on Political Research has recently approved a new standing group on Regulatory Governance. The group aims to foster cooperation among scholars as well as to enhance the state of knowledge in this highly important field. The group is under the auspices of the ECPR which is the organisation of European political scientists, but it is hoped that lawyers, economists, sociologists and criminologists (among others) will be interested in joining this scholarly organisation. Located in Europe, the group aims to be truly international by attracting scholars from other parts of the world as equal partners for academic exchange and full membership. To join the group and learn more about it, visit its website or contact Jacint Jordana (UPF, Barcelona) [e jacint.jordana@upf.edu](mailto:jacint.jordana@upf.edu) or David Levi-Faur (University of Haifa and Australian National University) [e levifaur@poli.haifa.ac.il](mailto:levifaur@poli.haifa.ac.il).

[www http://galactus.upf.edu/regulation/reg-gov](http://galactus.upf.edu/regulation/reg-gov)

## MSc in criminology and criminal justice

Oxford's MSc in criminology and criminal justice is a one-year full-time post-graduate course providing students with the opportunity to study cutting edge criminology alongside pre-eminent academics and practitioners at the Oxford University Centre for Criminology. The centre has recently announced a new MPhil programme open to those who successfully complete the MSc. Applicants are strongly advised to apply early for both courses as places are limited.

Further information about the centre as well as full MSc/MPhil admission criteria, fees and funding information can be found at [www.crim.ox.ac.uk](http://www.crim.ox.ac.uk).

Application forms and Graduate Prospectus are available from [www.admin.ox.ac.uk/gsp/apply](http://www.admin.ox.ac.uk/gsp/apply).

## Publishing

Stree is a small independent publisher based in Calcutta bringing out scholarly, well designed books in Bengali and English on social and women's issues. [www.geocities.com/streebooks/home.html](http://www.geocities.com/streebooks/home.html). Kali for Women was started in 1984, in a Delhi garage. It has been providing a viable publishing mouthpiece to Indian feminism. Both Ritu Menon (Publishing for Social Change) and Urvashi Butalia came to publishing with substantial technical training as well as a strong commitment to feminist activism [www.spinifexpress.com.au/fasiapub/india/kali.htm](http://www.spinifexpress.com.au/fasiapub/india/kali.htm). Other publishers include: Vikas Publishing House; Orient Longman; Ajanta Books; Rupa Books; Sangam Books; Sterling Publishers; Vedams Books; Sage India; Indian Social Institute.

Further reading . . . Ratna Kapur (2005) *Erotic Justice Law and the New Politics of Postcolonialism* (Orient Longman; Glass House Press) addresses the ways in which law has been implicated in contemporary debates dealing with sexuality, culture, and 'different' subjects - including women, sexual minorities, Muslims and the transnational migrant.

## Indian academic institutions

The Developing Countries Research Center, Delhi University aims to introduce 'a third-world perspective into teaching and to make itself a centre of ideas, a source of knowledge rooted in third world history and a springboard for creative theory'. The centre is running an international conference on Wounded History and Social Healing: South Asian Experience, 23-25 February 2006. [www.dccrdu.org](http://www.dccrdu.org).

The Tata Institute of Social Sciences specialises in social science research linked to government policy, NGOs and advocacy. [www.tiss.edu](http://www.tiss.edu)

The Centre for Study of Society and Secularism conducts research, seminars and workshops and publishes the *Indian Journal of Secularism and Secular Perspective*. [www.csss-isl.org](http://www.csss-isl.org).

**All sources provided by Jane Krishnadas, Dept of Law, Keele University, UK.**

**If you would like to highlight socio-legal activities from a particular country or region please contact Bettina Lange [e b.lange@law.keele.ac.uk](mailto:e.b.lange@law.keele.ac.uk).**

## INNOCENCE PROJECT NEW ORLEANS

As mentioned in SLN 46, I was fortunate enough to spend six months on a research sabbatical, funded in part by the SLSA Small Grants' Scheme, at the Innocence Project New Orleans (IPNO). I was even luckier to arrive home in England shortly before Hurricane Katrina devastated the city and much of the Gulf Coast.

Louisiana has the highest incarceration rate of any state in the USA. Over half of the 5000 inmates in the State Penitentiary have been sentenced to life imprisonment without parole; 85 are on Death Row. Even more shocking than the severity of these sentences and the prison conditions is the insubstantial, fundamentally flawed or inherently contradictory evidence upon which some of these people were convicted. IPNO was also the only organisation providing assistance to those wrongfully convicted and sentenced to anything less

than death in Louisiana and Mississippi (the state with the second highest incarceration rate).

Before Katrina, IPNO (together with the other groups undertaking death penalty work at the Justice Center (described in an article by Clive Stafford-Smith, *The Guardian*, 2 September 2005)) survived on volunteers, dedicated staff and precarious funding. (The staff and volunteers are all safe, although many have lost their homes and possessions.)

The destruction wrought by the hurricane means that IPNO cannot survive without new resources. The full extent of the damage to the office is not yet known. Some of the staff are working out of Jackson, Mississippi and are continuing to work on the Mississippi cases. More devastating than damage to the building and equipment may be the loss of potential evidence in the boxes and files stored in the building and the disappearance of potential witnesses in the exodus to other states.

The news coverage has begun to reveal the scale of inequality and injustice in America. The American Civil Liberties Union is pursuing claims that after the mandatory evacuation order was issued, prisoners in Orleans Parish Prison were abandoned for days during the hurricane without food or water in overcrowded, flooded cells. IPNO's clients were predominantly from the poorest families, those hit hardest by Katrina. IPNO is working to trace their clients' families and also their clients who have already been released from prison (Louisiana provides 'compensation' of just \$10 to exonerees) to assist them with obtaining disaster relief.

Organisations like IPNO do extraordinary work in very difficult circumstances. They and their clients are unlikely to receive official assistance as the rebuilding of New Orleans begins. If you would like more information or are able to offer support, please visit either [www.ip-no.org](http://www.ip-no.org) or [www.reprieve.org.uk](http://www.reprieve.org.uk). **Hannah Quirk**

### *Journal of Law & Society* 32(4) Articles

Securing liberty in the face of terror: reflections from criminal justice – Lucia Zedner

Harnessing the power of the past? Lord Hoffmann and the Belmarsh detainees case – Thomas Poole

Regulating more effectively: the relationship between procedural justice, legitimacy and tax non-compliance – Kristina Murphy

Magistrates' everyday work and emotional labour – Sharyn Roach Anleu and Kathy Mack

On the consequences of defensive professionalism: recent changes in the legal labour process – Daniel Muzio and Stephen Ackroyd

#### Book reviews

Richard V Ericson and Aaron Doyle: *Uncertain Business: Risk, insurance and the limits of knowledge* – Tom Baker

Patricia Tuitt: *Race, Law, Resistance* – Reza Banakar

Mike Feintuck: *The Public Interest in Regulation* – Julia Black

Brian Z Tamanaha: *On the Rule of Law: History, politics, theory* – Martin Krygier

Fiona Cownie: *Legal Academics: Culture and identities*; Anthony Bradney: *Conversations, Choices and Chances: The liberal law school in the 21st century* – William Twining

## WEBSITES UPDATED

The UKCLE website has recently been updated and relaunched.

[www.UKCLE.ac.uk](http://www.UKCLE.ac.uk)

... and the ESRC also has a new website with a new name

[www.societytoday.co.uk](http://www.societytoday.co.uk)

... and the Law Commission's website has also been relaunched

[www.lawcom.gov.uk/review.htm](http://www.lawcom.gov.uk/review.htm)

## LAW COMMISSION CONSULTATIONS

The Law Commission is due to issue consultation papers in the following areas in the near future.

Work started in July 2005 to examine the law as it relates to cohabitation by unmarried couples on the termination of their relationship by separation or death. A consultation paper will appear in April 2006. The commission is also looking at housing disputes and how to make law and practice in this area simple, effective and fair. A consultation paper is due before the end of 2005. A similar publication date is expected for a consultation paper on the law of murder following the announcement by the Home Office of a comprehensive review. And a scoping paper has been published online to define the areas of work of the post-legislative scrutiny project which will also begin to consult before the end of 2005.

[www.lawcom.gov.uk](http://www.lawcom.gov.uk)

## SCOLAG NEWS

The Scottish Legal Action Group has made available 3000 free copies of the October 2005 edition of *SCOLAG Legal Journal* to students in Scotland. Scotland's popular socio-legal law journal is available to all students at a highly subsidised rate. Any SLSA member wanting copies for their students should contact the editor at [e editor@scolag.org](mailto:editor@scolag.org). The entire October edition, and James Chalmers' recent HIV-testing article from June 2005, are available at [www.scolag.org](http://www.scolag.org).

## HIV/AIDS AND LAW: THEORY, PRACTICE AND POLICY

Dr Matthew Weait of Keele University has been funded by the ESRC to run a series of seminars on HIV/AIDS and Law: Theory, Practice and Policy. The seminars, which are being organised in collaboration with Daniel Monk of Birkbeck College, the African HIV Policy Network and the George House Trust, aim to bring together academics, practitioners, policy makers, NGOs and activists to explore the impact of legal regulation on people living with HIV/AIDS. There will be two residential seminars at Keele and a one-day seminar at Birkbeck during 2005–06. Any inquiries about the series should be addressed to Matthew Weait [e m.weait@law.keele.ac.uk](mailto:m.weait@law.keele.ac.uk).



## EMPLOYEE ETHNIC MONITORING IN THE POLICE SERVICE

A research report on the legal requirement to publish annually the results of employee ethnic monitoring in the police has been published by Middlesex University Business School. Written by Anne Ruff, the study involved a postal survey of the 43 English and Welsh Police forces. The next stage of the research will involve examining the content of the published results in order to identify good practice. If you would like a copy of the report, contact [e a.ruff@mdx.ac.uk](mailto:a.ruff@mdx.ac.uk).

## LEVERHULME TRUST EARLY CAREER FELLOWSHIPS

These awards are for those with a proven record of research (PhD or equivalent). Approximately 35 Fellowships will be offered in 2006 to provide career development opportunities for academics who do not hold or have not held a full-time established academic post in a UK university or comparable institution in the UK. Researchers in all fields are eligible for the 24-month grants. The next round is for the 2006–07 academic year. The trust contributes 50 per cent of total salary costs up to a maximum of £20,000 per annum; the balance is to be paid by the host institution. Fellows are to be paid on the national salary scale for academic staff based on their age and experience. Fellows may also seek research expenses of up to £5000 per annum. Application materials will be available from January 2006. The closing date is Tuesday 14 March 2006. A copy of the 2005 information leaflet and referee sheet and general information about the scheme can be found at the Leverhulme Trust website [w www.leverhulme.org.uk](http://www.leverhulme.org.uk).

## ... people

An impressive array of the Scottish legal establishment attended the SLS Annual Dinner in the Great Hall of Stirling Castle to mark the retirement of **PROFESSOR ALAN PATERSON** of Strathclyde University as President of the Society of Legal Scholars. He is succeeded by **PROFESSOR TONY DUGDALE** who holds the Beachcroft Wansbroughs Chair of Law at Keele University. **PROFESSOR CELIA WELLS** of Cardiff University Law School, and chair of the Law sub-panel for the 2008 Research Assessment Exercise, has been elected Vice-President.

Arrivals at Kent Law School: **HELEN CARR** from the Law Commission as lecturer and **ROSEMARY HUNTER** from Griffith University as professor (from September 2006).

**JOHN FLOOD** has developed a new website designed to disseminate his work as widely as possible. Papers, articles etc can be downloaded via a search facility. The website is at [w www.johnflood.com](http://www.johnflood.com).

## WORKSHOP AT QUB

In September 2005, the School of Politics, International Studies and Philosophy at QUB held an interdisciplinary workshop on Contested Meanings: Democratic Practice and Principles across Cultural Boundaries. It was organised by Antje Wiener, Catherine Madden and Thomas Pfister and co-sponsored by the school itself, the EU 6th Framework Programme CONNEX Project Connecting Excellence on European Governance, the Jean Monnet Centre QUB and the British Academy.

Participants included Jane Jenson (Montreal); George Ross (Brandeis); Shane O'Neill, John Morison (QUB); Iain Begg (LSE); Christine Landfried (Hamburg); Sonja Puntischer-Riekmann (Salzburg); Johannes Pollak (Vienna); Wendy Larner (Bristol); Christopher Lord (Reading); Josef Niznik (Warsaw); Paul Teague (Belfast); Sally Wheeler (Belfast); Uwe Puetter (Budapest); Mark Bovens (Utrecht); Antje Wiener and Thomas Pfister (Queen's). Programme details and papers are available on the university's website [w www.qub.ac.uk](http://www.qub.ac.uk).

## HALL OF RESIDENCE GRANTS - ONATI

The Board of the International Institute for Sociology of Law has created residence grants for scholars who would like to conduct research at the institute's Library and Documentation Centre. These grants cover lodging for a maximum of three months between October and March. Those interested in applying for such a grant should submit an application form by 17 February 2006. [w www.iisj.es](http://www.iisj.es)

This year **PRAKASH SHAH** of QMUL was awarded the Beca Chiba (Chiba Prize) to spend two months at the International Institute for the Sociology of Law at Onati to work on a project concerning law and religion among Britain's South Asian diaspora. He took up residence at the IISL in July and September 2005 for this project.

**STEVEN GREER** has been appointed professor of human rights at Bristol.

**DR AMBREENA MANJI** has moved from the law department of Warwick University to a readership at Keele University. She is also the director of the new research institute - Law, Ethics and Society.

**CHRISTOPHER WATERS** has been promoted to senior lecturer at the School of Law, University of Reading.

**PROFESSOR GENEVRA RICHARDSON** has moved from Queen Mary to King's College, London. Her new contact details are [School of Law, King's College, Strand, London WC2R 2LS](mailto:School of Law, King's College, Strand, London WC2R 2LS) [e genevra.richardson@kcl.ac.uk](mailto:genevra.richardson@kcl.ac.uk).

## JOSEPH ROWNTREE FOUNDATION RESEARCH COMMITTEES

The JRF currently has three core committees and five single programme committees, covering a varied range of research interests. The core committees cover housing and neighbourhoods; poverty and disadvantage and practice and research. The single programme committees are concerned with drugs and alcohol; governance; immigration and inclusion; independent living and parenting. You can register for notification of new calls and changes to priorities at the JRF website: [w www.jrf.org.uk/funding/research](http://www.jrf.org.uk/funding/research).

## NUFFIELD FOUNDATION DEADLINES

### Timetable for grant applications 2005-2006

The deadlines for Nuffield Foundation project grants for next year in the Access to Justice, Child Protection and Family Justice, Older People and their Families and Open Door programmes are: for the July 2006 meeting, 29 March 2006 for outlines and 15 May 2006 for final applications; for the November 2006 meeting, 17 July for outlines and 11 September 2006 for final applications. The Nuffield Small Grants Scheme is a rolling programme with no deadlines. [w www.nuffieldfoundation.org](http://www.nuffieldfoundation.org)

### *Social & Legal Studies 15(1)*

Taxonomies of inequality: lawyers, maps and the challenge of hybridity – Emily Grabham

RIA to RAE: Is it easy to be an intellectual in law? On Fiona Cownie's book, *Legal Academics* – Peter Goodrich

### Special mini issue on Law and Music

Copyright concepts and musical practice: harmony or dissonance? – Anne Barron

Digital sampling and cultural inequality – David Hesmondhalgh

Copyright, the work and phonographic orality in music – Jason Toynbee

Copyright law's musical work – Anne Barron

If you would like to submit an article to *Social and legal Studies* please contact Linda Mulcahy [e mulcahy@bbk.ac.uk](mailto:mulcahy@bbk.ac.uk)

## WOMEN, JUDICIAL OFFICE AND SILK IN NORTHERN IRELAND

Dermot Feenan, Lecturer in Law at the University of Ulster and author of a report on applications by women for Silk and judicial office in Northern Ireland, commissioned by the Commissioner for Judicial Appointments for Northern Ireland, summarises the report's findings, recommendations and related issues.

The research found that up to March 2005 women held 18 per cent of judicial posts above tribunal level and made up 8 per cent of Silk in Northern Ireland. There are still no female High Court or Court of Appeal judges.

There were 166 women holders of judicial office in Northern Ireland, ranging from county court judges to chairs of tribunals. There were no women judges in the High Court; 9 women in the county courts, compared to 30 male judges; 3 female full time resident magistrates, compared to 15 males; and 5 female deputy resident magistrates, compared to 13 males. Out of a total of 63 Queen's Counsel in the province, only 5 were women.

The number of women holding high legal office in Northern Ireland is low compared to other countries. At September 2004, 8 per cent of all High Court judges in England and Wales were women.

The research found a range of factors which women were more likely to cite than men for not applying for judicial office or Silk, including caring for children and uncertainty about the appointments criteria.

Many women also referred to limited opportunities in certain areas of practice,

such as criminal defence work, their lack of self-confidence and a lack of encouragement from their professional bodies. Other factors which influenced women's reluctance to apply for judicial posts included inconvenience about times of sitting and inconvenience of travel.

Just over 40 per cent of female barristers, solicitors and holders of judicial office interviewed perceived that informal networks or socialising could adversely affect women's success in applications for judicial office and Silk. And just over half of female barristers, solicitors and holders of judicial office interviewed knew of women who had left private practice for reasons associated with their gender.

Most of the women interviewed referred to gender discrimination in briefing practices between solicitors and barristers and in passing on briefs between barristers. This was seen as a barrier to women achieving judicial office or becoming QCs.

The majority of women reported that they had received no encouragement from their professional bodies, the Northern Ireland Court Service or the Lord Chief Justice's office to apply for either Silk or judicial office, respectively.

The report made a number of recommendations, including:

- access to work without gender discrimination;
- encouragement to women to apply for Silk or judicial office;
- practical assistance such as work-shadowing of judges;
- improved information about appointments;
- opening up judicial office to legal academics and legal executives;

- testing the competency of applicants for judicial office across a range of skills and abilities using a variety of methods in addition to or instead of the traditional interview;
- introduction of assessment centres for applications to judicial office;
- further gender sensitivity training for holders of judicial office, assessment panels and middle management in the Court Service;
- extension of part-time judicial appointments and adjustments to working hours and work patterns;
- challenges to gender stereotyping and sexism;
- and creation of a Working Party on Women in the Legal Profession.

The report recommended that any reform to the appointments process in Northern Ireland should incorporate best practice in the rest of the United Kingdom. Many similar recommendations have been, or will be, adopted in England and Wales.

The Northern Ireland Judicial Appointments Commission, which was launched in June 2005, will now conduct the appointment process and make recommendations in respect of all appointments up to and including High Court judge. It must aim to ensure that the judiciary is reflective of the community.

The report, *Applications by Women for Silk and Judicial Office in Northern Ireland*, is available from the office of the Commissioner for Judicial Appointments for Northern Ireland or in pdf format at <http://cjani.courtsni.gov.uk/CJANIResearchReport.pdf>. Dermot Feenan is continuing research in this area and may be contacted at [e d.feenan@ulster.ac.uk](mailto:d.feenan@ulster.ac.uk).

## PUBLIC LAW PROJECT

### Access to judicial review . . .

Essex University and the Public Law Project have been granted £115,974 by the Nuffield Foundation for new research on access to judicial review. The study will be undertaken by Professor Maurice Sunkin and Varda Bondy. The 18-month project which commenced in August 2005 aims to explore the workings of the permission stage of the judicial review procedure and is the first research of its kind since the implementation of the procedural reforms that followed the Bowman Report in 2000. The Bowman proposals were intended to encourage early settlement, improve the information available to judges at permission stage

and improve their ability to manage cases. The research will examine whether the procedural reforms have achieved their goals of focusing the parties' minds on the issues at an early stage and promoting settlements. It will also look at the criteria for obtaining permission and the changing nature of the permission stage itself.

### . . . and mediation

The Public Law Project has also carried out a four-month Nuffield-funded pilot study on mediation in the public law context which concluded in April 2005. The purpose of the study, undertaken by Varda Bondy, was to conduct a survey of the existing theoretical and research literature on mediation, with particular

reference to public law in this and similar jurisdictions, and to identify how best to establish an independent evidence base for exploring the value and limits of the use of mediation in the context of judicial review. This included identifying key actors who could be involved in setting up a proposed experimental mediation scheme for judicial review cases and establishing contacts among the relevant authorities, including the Legal Services Commission, the Department of Constitutional Affairs, the Administrative Court, mediators and public law practitioners.

The PLP, with Professor Linda Mulcahy of Birkbeck, will be seeking further funding for a comprehensive study on mediation and public law.

## STRASBOURG COURT RESEARCH

Sue Millns at Kent University has been awarded €1,179,000 (with nine partner institutions) by the European Commission for a Specific Targeted Research Project on The Strasbourg Court, Democracy and the Human Rights of Individuals and Communities: Patterns of Litigation, State Implementation and Domestic Reform. [e s.millns@kent.ac.uk](mailto:e.s.millns@kent.ac.uk)

## THE LAW OF EVIDENCE IN SEXUAL OFFENCE TRIALS

Michele Burman (Glasgow), Lynn Jamieson (Edinburgh) and Jan Nicholson (Glasgow) have received funding from the Scottish Executive Justice Department to undertake research on the use of sexual history and character evidence in sexual offence trials in Scotland. This 15-month study follows on from their earlier baseline study of the law of evidence in sexual offence trials (available at:

[www.scotland.gov.uk/publications](http://www.scotland.gov.uk/publications)) and will evaluate the impact of changes to the law of evidence introduced by the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002. The study will utilise court records and taped proceedings of trials, as well as in-court observation of trials and interviews with complainers and legal professionals to investigate whether and how the legislation is being applied, and its impact on the trial process and outcome. For further information, contact [e sheproject@gla.ac.uk](mailto:sheproject@gla.ac.uk).

. . . publications by slsa members . . . publications by slsa members . . . publications

### . . . books

**EU Environmental Law: Challenges, change and decision-making** (2005) Maria Lee, Hart £25/€37.50pb ISBN 1-84113-410-4 Contemporary environmental regulation is having to adapt to significant challenges coming from all directions, including the quest for economic efficiency, popular mistrust of experts and frequent observation of poor practical results. In respect of the EU, criticisms of regulatory activity are accentuated by significant questions surrounding the legitimacy of certain EU institutions and processes. This book, in examining substantive EU environmental laws and policies, considers endeavours to improve environmental regulation. One striking feature of EU environmental law is its preoccupation with the structure of decision-making and this forms a major theme.

**The Glass Consumer** (2005) Susanne Lacey (ed) National Consumer Council £12.99/US\$22.50pb ISBN 1 86134 735 9 We are all 'glass consumers'. Organisations know so much about us, they can almost see through us. *The Glass Consumer* appraises this relentless scrutiny of consumers' lives. It reviews what is known about how personal information is used and examines the benefits and risks to consumers. Bringing together leading authors in this field, the book analyses the use of consumers' information in the public and private sectors, and includes case studies on the UK NHS and the financial services sector; considers how privacy-enhancing technologies can be used to engineer good information handling practices; appraises the efficacy of the regulation of personal information; and sets out the National Consumer Council's agenda for change.

**Humanity, Freedom and Feminism** (2005) J Marshall, Ashgate ISBN 0 7546 2562 1 £50 210pp This book begins by analysing and critiquing 'second wave' feminists, who examine how philosophers such as Plato and Aristotle, Descartes, Hobbes and Kant regard human beings and their capacities. While some feminists seek to use ideas of the 'universal human subject' to include women, others argue that such ideas are intrinsically masculine and exclude the feminine and others seek to deconstruct that subject. The author suggests using an inclusive universal conception of the human being, drawn from ideas of positive liberty from the liberal tradition, Hegelian ideas of the formation of the free human being in society, and care ethics. It then goes on to link this theoretical perspective to international human rights and humanitarian law, drawing together areas of theory usually presented separately.

**The Making of the Modern English Law of Defamation** (2005) Paul Mitchell, Hart Publishing £40/€60 ISBN 1-84113-304-3hb 400pp The modern law of defamation is frequently criticised for being outdated, obscure and even incomprehensible. This book explains how and why the law has come to be as it is by offering a historical analysis of its development. Whilst the primary focus is the law of England, it also makes extensive use of comparative common law materials from other jurisdictions and is essential reading for anyone interested in the law of defamation, in media law and the relationship between free speech and the law.

**Studies in International Law: Family law, gender and the state** (2nd edn) (2005) Alison Diduck and Felicity Kaganas, Hart Publishing £27/€40.50 ISBN 1-84113-419-8pb 800pp The new edition of this popular book of text, cases and materials on family law, as well as providing a firm grounding in family law, sets the law in its social and historical context and encourages a critical approach by students. Legal principle is set against a background which explores, primarily from a feminist perspective, some of the assumptions relating to gender, sexual orientation, class and culture underlying the law. It examines the ideology of the family and, in particular, the role of the law in contributing to and reproducing that ideology.

**French Criminal Justice: A comparative account of the investigation and prosecution of crime in France** (2005) Jacqueline Hodgson, Hart £28/€42pb ISBN 1-84113-429-5 256pp Basing much of its analysis upon the first major empirical study of the French pre-trial process, this monograph breaks new ground in the field of comparative criminology. Moving away from idealised accounts of judicially supervised investigations, it provides a better understanding of the ways in which an inquisitorially rooted criminal process operates in practice and the factors that influence and constrain its development and functioning. The structure and operation of French criminal justice is set within a broad range of contexts – of political, occupational and legal cultures – from the French Republican tradition of state-centred models of authority, across the growing influence of the ECHR, to the local conditions which determine the ways in which individual discretion is exercised. The French model of investigative supervision and accountability is contrasted with more adversarial procedures and, in particular, the different ways in which the reliability of evidence is guaranteed and the interests of the accused protected.

**Producers and Consumers in EU E-Commerce Law** (2005) John Dickie, Hart Publishing £25/€37.50 ISBN 1-84113-454-6pb 176pp This book argues that the EU is failing to protect consumers' critical interests in the area of e-commerce. The author compares the EU's close and rapidly enacted protection of producers' critical interests in e-commerce, in terms of authorship and in 'domain-identity', with its faltering steps towards protection of consumers' corresponding interests.

**Trusts Law: Text and materials** (2005) Graham Moffat, with Gerry Bean, John Dewar, Cambridge University Press £35pb ISBN-10: 0521674662 ISBN-13: 9780521674669 864pp The book is divided into four main parts: trusts and the preservation of family wealth; trusts and family breakdown; trusts and commerce; and trusts and non-profit activity. Within each part, leading cases, statutes and historical and research materials are placed alongside the narrative of the author's text to give emphasis both to general theories of trust concepts and to the practical operation of trusts. Attention is also given to themes such as the developing relationship between trusts law and other areas of private law such as the law of restitution. This new edition takes account of all relevant developments and expands discussion of key themes.

**Making People Behave: Anti-social behaviour, politics and policy** (2005) Elizabeth Burney, Willan Anti-social behaviour has become a label attached to a huge range of nuisance and petty crime and is the lever for control mechanisms ranging from the draconian to the intrusively bureaucratic. New Labour has given the police and local authorities more power than ever before to manage disorder, especially when attributed to young people. Political capital has been gained by these measures but the result is often to increase social exclusion. 'Nasty neighbours' and 'youths hanging about' are manifestly troublesome in certain locations, but with government encouragement enforcement measures are prioritised over more complex solutions addressing root causes. This book explores both the political roots of the new measures and also the deeper social explanations for the unease expressed about anti-social behaviour, which finds its counterpart in other western democracies.

**Economic and Social Rights under the EU Charter of Fundamental Rights** (2005) Tamara Hervey and Jeff Kenner (eds), Hart Publishing £24/€36 ISBN 1-84113-563-1 372pp The Charter of Fundamental Rights of the European Union includes a large number of rights of an economic or social nature. This collection of essays considers the significance of the inclusion of such rights within the EU Charter, in terms of protection of individual and collective social and economic interests within and between the EU and its Member States. What differences might it make to EU law and policy that certain economic and social rights are proclaimed in the EU Charter?

**Making Social Security Law: The role and work of the Social Security and Child Support Commissioners** (2005) Trevor Buck, David Bonner, Roy Sainsbury, Ashgate £50 249pp ISBN 07546403816 This volume provides a comprehensive analysis of the role and work of the Social Security and Child Support Commissioners in the development of social security law. It draws on an empirical socio-legal study to offer an important basis for policy and theoretical reviews of the government's tribunal reform agenda. Key features include; reports on and analysis of in-depth interviews with all 23 Commissioners; an examination of their role in 'making' law; and a discussion of the implications of the findings for the government's tribunal reform programme. Introductory chapter and a full contents list available at [www.ashgate.com/index.htm](http://www.ashgate.com/index.htm).

**Human Rights Act: A success story?** (2005) Luke Clements and Philip Thomas (eds), Blackwells £19.99 ISBN 1405123753pb 208pp This book examines the impact of the Human Rights Act from the viewpoint of judges, lawyers, civil libertarians, politicians and academics. It is an investigation of the Act since it came into force in 2000 and offers insights and suggestions for its more effective, accessible and successful employment.

**Labour Law** (4th edn) (2005) Simon Deakin and Gillian S Morris, Hart Publishing £31.95/€47.92 ISBN 1-84113-560-7pb 1256pp Labour law is a highly dynamic and complex field which can be properly understood only in its broader international and historical context. This book provides a comprehensive analysis of current British labour law which explains the role of different legal sources, as well as social and economic policy, in its development. It enables readers to obtain a deeper insight into likely future, as well as past, changes in the law. The new edition highlights important new developments in the areas of the contract of employment, dismissal and discrimination law, EU law, employee representation, human rights, 'family-friendly' policies and industrial action law.

**In brief . . . Prison Privatisation Report** International Number 69 is available at [www.psir.org/justice](http://www.psir.org/justice) . . . just published *The State of Law in the South Caucasus* (2005) Christopher Waters (ed) Palgrave . . . and *Environmental Law* (2005) Donald McGillivray with Stuart Bell OUP.

## . . . journals

**Call for papers** The first online edition of the *Entertainment and Sports Law Journal* (formerly *Entertainment Law*) is now available at <http://go.warwick.ac.uk/eslj> as part of the Electronic Law Journals Project at the University of Warwick. The ESLJ aims to be the publication of choice for academics and practitioners working in the fields of IT, IP, media, sport, music, literature and the arts. Doctrinal, theoretical, socio-legal and comparative perspectives are all welcome. For examples of previous issues see <http://go.warwick.ac.uk/eslj/issues>. Prospective authors are encouraged to contact the editors if they would like to have an article or relevant item considered for future publications: Guy Osborn, [g.osborn@wmin.ac.uk](mailto:g.osborn@wmin.ac.uk), David McArdle [d.a.mcardle@stirling.ac.uk](mailto:d.a.mcardle@stirling.ac.uk), Mark James [m.james@mmu.ac.uk](mailto:m.james@mmu.ac.uk), SteveGreenfield [s.greenfield@wmin.ac.uk](mailto:s.greenfield@wmin.ac.uk).

**Call for contributions** 'Counterblast' is a new forum in *The Howard Journal of Criminal Justice* in which authors discuss pertinent issues in criminal justice and penal policy. The first two articles are available free online. If you would like to write a 'Counterblast', please submit your paper to the editors [www.blackwellpublishing.com/hojo](http://www.blackwellpublishing.com/hojo).

Blackwell's most accessed legal articles are available free online until 31 December 2005 and from 2006 Blackwell will be publishing the following additional titles: *The Journal of Law, Medicine & Ethics*, *The Journal of World Intellectual Property*, *Law & Social Inquiry* and *Legal Studies* [www.blackwell-synergy.com](http://www.blackwell-synergy.com).

## . . . research reports

**The Exercise of Judicial Discretion in Rent Arrears Cases** (2005) Caroline Hunter, Sarah Blandy, David Cowan, Judy Nixon, Emma Hitchings, Christina Pantazis and Sadie Parr DCA 6/05 [www.dca.gov.uk/research/2005/6\\_2005.htm](http://www.dca.gov.uk/research/2005/6_2005.htm) This report examines the factors influencing the orders made by judges in housing possession cases brought by social landlords on the grounds of rent arrears. It considers whether there is consistency between district judges and the key stakeholders' perceptions of judges' decision-making. Taking a primarily qualitative approach, cases and outcomes were observed and analysed in three locations, focus groups were held with practitioners and 26 district judges were interviewed. The results indicate different patterns of decisions, both between courts and between judges and the report considers various possible explanations for these variations.

**Residence and Contact Disputes in Court** (Vol 2) Carol Smart, Vanessa May, Amanda Wade and Clare Furniss, University of Leeds DCA 4/05 This is the second report from a study, contracted January 2002, which aimed to provide baseline data on contact and residence orders. The first part of the study involved a survey of 430 court cases in three different county courts in England. This second stage of the study used qualitative in-depth interviews with 61 parents who had taken their dispute to court.

**Minority Ethnic Parents, their Solicitors and Child Protection Litigation** by Julia Brophy, Jagbir Jhutti-Johal, Eleanor McDonald DCA 5/05 This report examines the experience of parents from minority ethnic backgrounds who become involved in care proceedings. Through interviews, it describes what it takes for parents from diverse ethnic, cultural, religious and linguistic backgrounds to feel that the legal process is fair and that they have been heard and understood. [www.dca.gov.uk/research](http://www.dca.gov.uk/research)

**Review of the Effectiveness of Specialist Courts in Other Jurisdictions** (2005) Joyce Plotnikoff and Richard Woolfson, Lexicon Limited 3/05 The UK has recently begun experimenting with courts that specialise in particular types of problems facing modern communities. In some countries, the development of problem-solving legal structures has a long history, derived in some instances from indigenous and tribal justice systems. This study explores the lessons, in particular the implications for the judiciary, legal profession and court process, that have emerged from the experience of 10 courts in Australia, the USA and Canada specialising in drugs, domestic violence, community and mental health problems.

● **SEMINAR SERIES: HIV/AIDS AND LAW - THEORY, PRACTICE AND POLICY**

*Keele University: 9-11 December 2005*

ESRC-funded seminar series, co-organised by Keele University, the African HIV Policy Network, Birkbeck College and the George House Trust. The first seminars will address substantive legal topics with particular resonance for people living with HIV/AIDS. Subsequent seminars will be hosted by Birkbeck College (March 2006) and Keele University (June 2006). Matthew Weait [e m.weait@law.keele.ac.uk](mailto:m.weait@law.keele.ac.uk), Daniel Monk [e d.monk@law.keele.ac.uk](mailto:d.monk@law.keele.ac.uk), Rhon Reynolds [e rhon.reynolds@ahpn.org](mailto:rhon.reynolds@ahpn.org), Chris Morley [e chris@ght.org.uk](mailto:chris@ght.org.uk)

● **COMPARATIVE CONSTITUTIONALISM AND RIGHTS: GLOBAL PERSPECTIVES**

*University of KwaZulu-Natal, Durban: 10-13 December 2005*

Sponsors: LSA, University of KwaZulu Natal, University of Saskatchewan. With the collapse of communist systems, the language of rights has replaced the language of redistribution. The economic and political paradigm of the free market is dominant and intertwined with this is the contemporary liberal legal framework and its trappings of constitutionalism. Participants will explore these broad themes in a global and local context and examine differing judicial approaches taken on these issues. [e penelope.andrews@usask.ca](mailto:penelope.andrews@usask.ca)

● **INTERNATIONAL FORUM ON CHILD PROTECTION, DIVERSITY AND LAW**

*St Anne's College, University of Oxford: 4-5 January 2006*

In the field of child protection litigation in multi-cultural/multi-faith settings, studies by Julia Brophy, Jagbir Jhutti-Johal, Eleanor McDonald and Charlie Owen have pointed to the need for interdisciplinary dialogue between a range of professionals and disciplines. The first step in this was undertaken in 2003 with a forum in Oxford. It is now planned to expand the process to an international forum of key researchers and legal practitioners. [e julia.brophy@socres.ox.ac.uk](mailto:julia.brophy@socres.ox.ac.uk)

● **8TH ANNUAL LILI CONFERENCE AND VOCATIONAL TEACHERS FORUM V CONFERENCE**

*University of Warwick: 5-6 January 2006*

**LILI conference**

The conference will explore the ways in which all those engaged in legal education can meet the needs and expectations of an increasingly diverse student population. This year's title is Using Your Imagination: Illuminating Legal Education. Keynote speaker: David McQuoid-Mason, James Scott Wylie Professor of Law, University of KwaZulu-Natal.

**Forum V**

Becoming a Competent Practitioner will bring together law teachers and practitioners involved in professional education and training, providing opportunities to discuss current and future provision of legal education. Keynote speaker: Roger Smith, Director of Justice and former director of legal education at the Law Society of England and Wales. [w www.ukcle.ac.uk](http://www.ukcle.ac.uk)

● **SCARMAN LECTURE: OPEN LECTURE**

*Gray's Inn Large Pension Room, London: 25 January 2006*

Justice Michael Kirby, the first Chair of the Australian Law Commission, and Justice of the High Court of Australia, will be presenting a lecture on: Law Reform and Human Rights – Scarmán's Great Legacy. [w www.lawcom.gov.au](http://www.lawcom.gov.au)

● **EQUALITY AND SOCIAL INCLUSION IN THE 21ST CENTURY: DEVELOPING ALTERNATIVES**

*Queen's University Belfast: 1-3 February 2006*

Conference themes include: Care, Gender and Justice; In States of Denial; and Counting In(equalities). [w www.qub.ac.uk/hea](http://www.qub.ac.uk/hea)

● **10TH FAMILY LAW SEMINAR SERIES**

*Staffordshire University Law School: 4 February 2006*

The theme for the invited papers on the day will be Couples. Anyone interested in attending can contact Penny Booth, Principal Lecturer in Law [e p.j.booth@staffs.ac.uk](mailto:p.j.booth@staffs.ac.uk), Stoke on Trent ST4 2DE [t 01782 294550](tel:01782294550)

● **COMPARATIVE MICRO-SOCIOLOGY OF CRIMINAL PROCEEDINGS: INTERNATIONAL WORKSHOP**

*Free University Berlin: 10-11 March 2006*

Theme: Event and Process in Communal Discourse. How are local events and translocal processes related? How does this affect the micro-analyses of encounters, spectacles or happenings? The relation of event and process is essential for research projects seeking to understand legal, medical, political, scientific, economical, and other discourses. This workshop intends to provoke other issues engaging empirical and theoretical researchers. Organiser Thomas Scheffer [e scheffer@law-in-action.org](mailto:scheffer@law-in-action.org) [w www.law-inaction.org](http://www.law-inaction.org)

● **SACRO CONFERENCE 2006 Positive conflict resolution - mediation and community development in Scotland**

*Heriot Watt University: 16 March 2006*

Visit [w www.sacro.org.uk](http://www.sacro.org.uk)

● **CENTRE LGS EVENTS 2006 Annual lecture: The decline of state sovereignty and the return of the repressed**

*University of Westminster: 12 May 2006, Evening*

Given by Professor Wendy Brown.

**Symposium: 'There is no politics without fantasy': Gender, sexuality and cultural studies in law**

*Keele University: 19-20 April 2006*

To bring together academics from a range of disciplines in order to investigate the many different uses of fantasy in gender, sexuality and law scholarship.

[t +44 \(0\)1227 824474](tel:+4401227824474) [f +44 \(0\)1227 827399](tel:+4401227827399) or [e centre-lgs@kent.ac.uk](mailto:centre-lgs@kent.ac.uk)

● **LSCR 6th INTERNATIONAL RESEARCH CONFERENCE**

*Queen's University Belfast: 20-21 April 2006*

To be held in conjunction with the Northern Ireland Legal Services Commission and the Scottish Legal Aid Board. The conference will involve leading researchers, policy makers, professionals and commentators in the legal aid field from around the world. Its theme will be Transforming Lives: The Impact of Legal Services and Legal Aid. For booking contact [e cate.fisher@legalservices.gov.uk](mailto:cate.fisher@legalservices.gov.uk). More information at [w www.lsrc.org.uk](http://www.lsrc.org.uk)

● **MIDWEST POLITICAL SCIENCE ASSOCIATION CONFERENCE**

*Palmer House Hotel, Chicago: 20-23 April 2006*

Themes: Judicial Politics; Public Law

[w www.indiana.edu/~mpsa/conferences/conferences.html](http://www.indiana.edu/~mpsa/conferences/conferences.html)

● **IMMIGRATION CONTROL AND CRIME CONTROL - AN INTERDISCIPLINARY ANALYSIS OF POINTS OF CONVERGENCE**

*SUNY Buffalo Law School: 28 April 2006*

Organised by Teresa Miller (Law, SUNY Buffalo).

Details at [w www.buffalo.law.edu/baldycenter](http://www.buffalo.law.edu/baldycenter)

● **16TH INTER-PACIFIC BAR ASSOCIATION CONFERENCE**

*Hilton Hotel, Sydney: 30 April-3 May 2006*

The conference will focus on the negotiation and effect of free trade agreements across a range of topics. [w www.ipba2006.com](http://www.ipba2006.com)

● **BUILT ENVIRONMENT LAW NETWORK (BEL-NET)**

*Inaugural meetings, London and Hong Kong: April 2006*

BEL-NET is an international and interdisciplinary network of researchers bringing together legal scholars and academic researchers in the property, construction and social housing fields to address a range of legal issues affecting the built environment. Its international character also allows comparative legal studies to be undertaken. The inaugural meetings will discuss BEL-NET's future direction. Contact Paul Chynoweth [e p.chynoweth@salford.ac.uk](mailto:p.chynoweth@salford.ac.uk)

● **ASSOCIATION OF SOCIAL AND LEGAL PHILOSOPHY: SOCIAL JUSTICE IN PRACTICE - Call closes 1 February 2006**

*University College Dublin, Ireland: 29 June-1 July 2006*

Preference will be given to contributions explicitly addressing the connections between philosophy and practice. [w www.ucd.ie/alsp2006](http://www.ucd.ie/alsp2006)

## CONFERENCE STREAMS

Send 300-word abstracts and 3–5 keywords – including title, outline, contact details and affiliation – to the stream organiser by 31 January 2006 (unless otherwise stated). Early submission is appreciated. To discuss your ideas, contact the stream organiser. To offer a stream or panel not listed or contribute a paper unrelated to any streams, contact Nicole Busby [e n.e.busby@stir.ac.uk](mailto:n.e.busby@stir.ac.uk) by 31 December 2005.

There will be no postgraduate stream. Organisers want to encourage participation from a wide range of individuals working at all levels. Postgraduates are strongly encouraged to apply for inclusion in individual streams. Contact stream organisers for further information.

For more detailed information on streams please see the website.

[www.slsa-stirling06.org.uk](http://www.slsa-stirling06.org.uk)

### Access to justice

Papers on all aspects are welcome both domestic and international. Past topics have included: salaried legal aid services; assessing legal need; lawyers and legal markets; access to justice, the courts and litigation; mediation; pro bono; litigants in person; and conditional and contingency fees. **Organiser** Richard Moorhead [e moorheadr@cardiff.ac.uk](mailto:moorheadr@cardiff.ac.uk) [† 029 2087 5098](tel:+4412920875098).

### Administrative law

**Organiser** Robert Thomas [e robert.thomas@man.ac.uk](mailto:robert.thomas@man.ac.uk) [† 01612 753583](tel:+441612753583).

### Charity law

Themes include: law reform; political activism; responding to terrorism through monitoring; an EU-wide 'code of conduct'; new corporate forms; governance codes. Papers are invited on all aspects of charity and voluntary and community sector law and policy. **Organiser** Alison Dunn [e alison.dunn@ncl.ac.uk](mailto:alison.dunn@ncl.ac.uk) [† 0191 222 7560](tel:+441912227560)

### Children and law

Aimed at academics and professionals, this stream is concerned with the operation of laws affecting children and young people and will liaise with the family law stream. Papers may cover theoretical and empirical research, as well as legal and policy issues. **Organisers** Christine Piper [e christine.piper@brunel.ac.uk](mailto:christine.piper@brunel.ac.uk) and Felicity Kaganas [e felicity.kaganas@brunel.ac.uk](mailto:felicity.kaganas@brunel.ac.uk).

### The city and new urbanism

**Organiser** Nathan Moore [e nathan.moore@bbk.ac.uk](mailto:nathan.moore@bbk.ac.uk)

### Criminology

**Organiser** Reece Walters [e reece.walters@stir.ac.uk](mailto:reece.walters@stir.ac.uk)

### Devolution - special stream

Contact conference organiser Nicole Busby [e n.e.busby@stir.ac.uk](mailto:n.e.busby@stir.ac.uk)

### Entertainment and sports law

In conjunction with *Entertainment and Sports Law Journal*. Submissions are invited from the fields of, *inter alia*, music, literature, theatre, sport, internet regulation etc. Contact organisers to check if your paper will 'fit' in this inclusive stream. **Organiser** David McArdle [e d.a.mcardle@stir.ac.uk](mailto:d.a.mcardle@stir.ac.uk)

### European law

Law and law-related papers are welcome addressing, for example; the failure of the constitution; a Europe of 25 (and beyond); tools and techniques of governance; reflections on the EU's impact for the Member States and below and the international community. **Organiser** Jo Hunt [e huntj@cf.ac.uk](mailto:huntj@cf.ac.uk).

### Family law and policy

Papers welcome on all aspects particularly: the impact of the Civil Partnership and Gender Recognition Acts; the Law Commission's work on cohabitants; financial provision and relationship breakdown. This stream will liaise with the children stream. **Organisers** 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

Theoretical or empirically based papers are welcome on all aspects of the ways in which law regulates aspects of gender and sexuality in criminal, medical, family and many other areas. Proposals for sessions are welcome (submit a list of participants with abstracts) as are new research and researchers. **Organiser** Helen Baker [e hebaker@liv.ac.uk](mailto:hebaker@liv.ac.uk) [† 0151 794 2825](tel:+441517942825)

### Housing

This will consist of two sessions on the Law Commission: dispute resolution in housing and governing the private rented sector. Housing papers outside these sessions are encouraged to find other streams as an opportunity for cross-fertilisation. **Organisers** Caroline Hunter [e c.m.hunter@shu.ac.uk](mailto:c.m.hunter@shu.ac.uk) [† 0114 225 3767](tel:+441142253767) and Sarah Blandy [e s.blandy@leeds.ac.uk](mailto:s.blandy@leeds.ac.uk) [† 0113 343 5050](tel:+441143435050)

### Information law and cyberspace

The phenomenal expansion of the use of information technology and its impact upon our lives has had a corresponding effect on all facets of the law in this field. This stream will feature papers within this area as very broadly defined. **Organisers** Chris Ashford [e chris.ashford@sunderland.ac.uk](mailto:chris.ashford@sunderland.ac.uk) [† 0191 515 2312](tel:+441915152312) and Mark O'Brien [e m.r.obrien@shu.ac.uk](mailto:m.r.obrien@shu.ac.uk) [† 0114 225 5749](tel:+441142255749)

### Labour law

The organisers are keen to discuss the challenges and opportunities facing labour law today including: an enlarged EU or globalisation; the concept of employee/employment/worker; inequality and discrimination; family-friendly legislation; employment tribunals; the demise of trade unionism. **Organisers** Grace James [e c.g.james@reading.ac.uk](mailto:c.g.james@reading.ac.uk) and Nicole Busby [e n.e.busby@stir.ac.uk](mailto:n.e.busby@stir.ac.uk)

### Legal education

Papers on all aspects of legal education are welcome, including exploration of legal education in countries outside the UK. Speakers may wish to engage in analysis of policy, the curriculum, law school staff and students, relationships between law schools and the legal profession or the place of skills in the law school. **Organiser** Fiona Cownie [e f.cownie@hull.ac.uk](mailto:f.cownie@hull.ac.uk) [† 01482 466238](tel:+441482466238)

### Legal history

**Organiser** Lorie Charlesworth [e l.r.charlesworth@livjm.ac.uk](mailto:l.r.charlesworth@livjm.ac.uk)

### Legal professions and ethics

**Organisers** Andy Boon [e boona@wmin.ac.uk](mailto:boona@wmin.ac.uk), John Flood [e floodj@wmin.ac.uk](mailto:floodj@wmin.ac.uk) and Julian Webb [e webbj@wmin.ac.uk](mailto:webbj@wmin.ac.uk).

### Miscarriages of justice

Papers on any aspect will be included: theoretical attempts to define the problem; the cause(s) of miscarriages of justice; the media; consequences for victims; compensation; the roles of the Court of Appeal and the CCRC; the erosion of legal safeguards for suspects; policy recommendations. NB Closing date for abstracts: 31 December 2005. **Organisers** Michael Naughton [e m.naughton@bristol.ac.uk](mailto:m.naughton@bristol.ac.uk) [† 0117 954 5323/928 8216](tel:+441179545323) and Carole McCartney [e ctmccartney@aol.com](mailto:ctmccartney@aol.com) [† 0113 3435 051](tel:+441133435051)

### Sexual offences and offending

**Organiser** Philip Rumney [e p.rumney@shu.ac.uk](mailto:p.rumney@shu.ac.uk)

### Social theory and the law

The theory stream welcomes contributions in any areas of, or of interest to, social and legal theory. No particular perspective is assumed. Inter-disciplinary approaches are also welcome and may draw on social sciences as well as humanities. **Organiser** Eric Heinze [e e.heinze@qmul.ac.uk](mailto:e.heinze@qmul.ac.uk) [† 020 7882 3605](tel:+442078823605)

## Postgraduate bursaries

The SLSA has a healthy student bursary fund and is keen to support postgraduates who would otherwise not be able to attend Stirling 2006. Student members are strongly encouraged to apply. See [www.kent.ac.uk/slsa/students.htm#bursaries](http://www.kent.ac.uk/slsa/students.htm#bursaries).



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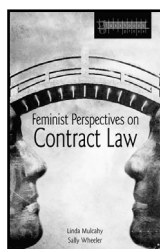
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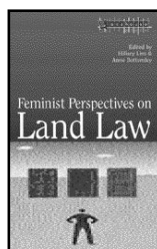
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The law of contract is ripe for feminist analysis as feminist perspectives on contract have tended to be marginalised in mainstream textbooks. This edited collection questions the assumptions made in such works and the ideologies that underpin them, drawing attention to the ways in which the law of contract has facilitated the virtual exclusion of women, the feminine and the private sphere from legal discourse.

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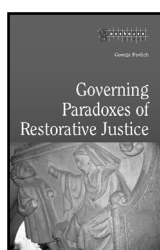
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This volume looks beyond the topics of the family home and domestic property to examine the wide range of feminist work in relation to property, especially land. The editors draw from other disciplines (such as anthropology and social geography) to examine a set of topics (including access to shopping malls, the needs of travellers and the impact of registration of title to land, etc) rarely covered in previous works.

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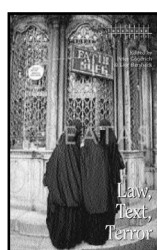
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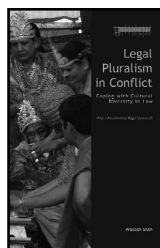
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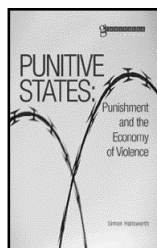
## Legal Pluralism in Conflict: Coping with Cultural Diversity in Law

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This book is the result of the author's experience as a teacher and researcher in the field of ethnic minorities and the law. It begins by developing a legal pluralist theoretical framework to analyse the interaction of ethnic minority laws and British laws, before examining the limits of existing approaches to legal education and charting the development of the alternative course of ethnic minorities legal studies.

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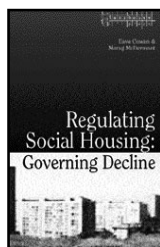
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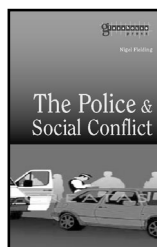
## Regulating Social Housing: Governing Decline

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