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NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

SPRING 2016

# SLSA 2016: LANCASTER

# Tuesday 5 April–Thursday 7 April 2016

Preparations are well underway at Lancaster University Law School for SLSA 2016. We have had an incredible response from the socio-legal community with nearly 500 abstracts being submitted to over 50 streams and themes via EasyChair, plus a good number of poster proposals.

The programme is packed, with all three days set to be absolutely full. In the plenary, four fantastic speakers will discuss 'Social constructions of crime in a liberal society'; several streams and themes will host author-meets-reader sessions from SLSA prizewinners; and a panel of experts will provide insights and advice in a session on 'Impact'. We are also looking forward to welcoming a number of charitable organisations and hope that this will help develop links between the socio-legal community and the charity sector.

The conference will take place in our beautiful 360-acre parkland campus just outside the city of Lancaster, with views across glorious countryside and in easy reach of the Lake District National Park, and the Arnside and Silverdale and Forest of Bowland areas of outstanding natural beauty. Delegates will also be able to walk around our 150-year-old woodland on the Woodland Walk and visit the Peter Scott Gallery showcasing contemporary art. In the city of Lancaster itself, you will be able to take a tour round Lancaster Castle and visit the Ashton Memorial, a Victorian folly set in the picturesque Williamson Park, or eat and drink at the many great pubs, restaurants and cafes that Lancaster has to offer.

We are keen to be as family friendly as possible and, in addition to offering a family room away from the hustle and bustle of the conference and some twin-room accommodation, we have provided lots of information on the website about local holiday schemes for delegates' children. If you are bringing children, please contact us at **e** slsa@lancaster.ac.uk.

The university also has an excellent sports centre with fully equipped cardio and weights gymnasiums, a swimming pool and a climbing and bouldering wall. Outdoor types can take on our Trim Trail around the campus, or take advantage of the excellent cycle routes heading away from the university.

By train, Lancaster is on the West Coast mainline about one hour north of Manchester Airport train station and two-and-ahalf hours from London Euston. Buses run regularly from the station and from city centre bus stops to the campus. By car, the university is about five minutes north of junction 33 of the M6.

Standard rate registration closes at 6pm on Monday 14 March 2016, with the postgraduate extended early bird rate also switching over to the late rate at this time.

We are really looking forward to welcoming you in April. See the website for more information and to download the conference programme www.lancaster.ac.uk/law/slsa2016, or contact the team at e slsa@lancaster.ac.uk if you have any questions. Lastly, use #SLSA2016 for tweets about the conference. Tom Webb

### **Future SLSA Annual Conferences**

In 2017 the SLSA Annual Conference will be hosted by the University of Newcastle and in 2018 we will be gathering at the University of Bristol.

# SLSA ANNUAL PRIZES

The SLSA Executive Committee is delighted to announce the 2016 winners of our four annual prizes.

Hart Socio-Legal Book Prize and Prize for Early Career **Academics** – both awarded this year to:

Luis Eslava (2015) Local Space, Global Life: The everyday operation of international law and development, Cambridge **University Press** 

**Socio-Legal Article Prize** 

Lynette Chua (2105) 'The vernacular mobilization of human rights in Myanmar's sexual orientation and gender identity movement' (2015) 49(2) Law and Society Review 299-332

Socio-Legal Theory and History Prize

Jiri Priban (2015) Sovereignty in Post-Sovereign Society: A systems theory of European Constitutionalism, Ashgate

All the winners will be attending the SLSA Annual Conference where they will take part in author-meets-reader sessions. Look out for details in the conference programme.

# SLSA BLOG

We are delighted to announce that the new SLSA blog will be launched after the Annual Conference at Lancaster next month. This is intended to be a venue for academics and practitioners with an interest in socio-legal issues to showcase their work and ongoing research.

We are currently inviting contributions to the blog which meet the following criteria. Your blog post should:

- address a topic related to socio-legal studies and of interest to SLSA members;
- be accessible to a wide international readership;
- be a maximum of 1000 words;
- reference any sources either via hyperlinks or OSCOLA referencing.

Please send proposed blog posts to e blogeditors@slsa.ac.uk including your full name and affiliation. If you have queries about whether a particular topic would be of interest, please contact the blog editors at the same address.

### Also in this issue . . .

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### newsletter sponsors newsletter sponsors

# Newsletter sponsorship

The Socio-Legal Newsletter is sponsored by a consortium of law schools interested in promoting socio-legal studies in the UK. If your institution would like to become involved in this initiative, please contact SLSA chair Rosemary Hunter e rosemary.hunter@qmul.ac.uk.

Newsletter academic sponsors 2013–2016 are: Birkbeck; Cardiff Law School; Centre for Socio-Legal Studies, Oxford; University of Exeter; Kent University; University of Liverpool; the LSE; Newcastle University; Northumbria University Newcastle; University of Nottingham; QMUL; Queen's University Belfast; University of Leicester; University of Sheffield; University of Strathclyde; University College London; University of Warwick; University of Westminster; and University of York.

The newsletter is also sponsored by the Journal of Law and Society.













The University of Nottingham















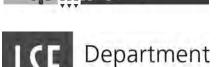






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of Law



LAW AND SOCIETY

# SLSA EXECUTIVE NEWS

# Annual general meeting

The AGM will take place at 1pm on Wednesday 6 April 2016 at the University of Lancaster during the Annual Conference. If you would like to suggest an agenda item please send details to SLSA secretary Kevin Brown e k.brown@qub.ac.uk by Monday 21 March 2016. NB copies of the minutes of last year's AGM will be included in this year's conference packs (and they are also downloadable from the Exec page of the SLSA website).

### Vacancies on the Executive Committee

Helen Carr, Gethin Rees and Ben Livings will be standing down from the Executive Committee at the AGM. We would like to thank all of them for their commitment and contributions during their time on the Exec.

Up to three vacancies on the Exec will arise at the AGM. If you feel that you can offer your time and expertise and are interested in being nominated for any of these vacancies then it is important that you attend the AGM where nominations will be taken and a secret ballot held if nominations exceed the number of seats available. You also need to attend the AGM if you wish to nominate a colleague. Information on the role and duties of Exec members is set out below.

### Executive Committee membership

The SLSA is an unincorporated voluntary association which exists to promote socio-legal studies and to serve its members. Its major sources of income are membership fees and the surplus made from the Annual Conference. The Executive Committee is the governing body of the association. It meets three times a year, in mid-September, mid-January and mid-May, in central London, and communicates between meetings via a JISCMail

The term of office of Exec members is three years, with a right to be re-elected for a further three years. After serving for a continuous period of six years an Exec member must stand down from the committee for at least a year (and may then renominate if they wish). Some Exec members are co-opted rather than elected, in order to perform a particular function (eg the webmaster), or if we wish to fulfil a particular representative purpose (eg representative of the Journal of Law and Society).

The SLSA will reimburse your travel expenses to attend Exec meetings, but since we are using members' funds to do so, we will only cover second-class, advance purchase rail fares. If you need to fly, please book as early as possible. There is an expense form for claiming reimbursement on the SLSA website.

The activities of the Executive Committee fall into the following categories.

- Office bearers: Exec members may choose to become an office bearer as positions fall vacant. The officers are: chair, vice-chair, secretary, treasurer, membership secretary, recruitment secretary, postgraduate representative (who must be a postgraduate), international liaison officer, publisher liaison officer and social media officer. We also have a permanent newsletter, web and ebulletin editor, Marie Selwood; webmaster, Jed Meers; and administrative assistant, Nathan Emmerich.
- Sub-committees: each of the SLSA funding schemes for members has a subcommittee to decide on applications received for the award of funding. Thus, there are subcommittees for the book prizes, research grants, the seminar competition, and the research training and mentoring schemes. Subcommittees may also be set up on an ad hoc basis to deal with a particular issue. Each member of the Exec is expected to join one or more subcommittees.

- Policy decisions: policy issues raised at Exec meetings are discussed and decided on by the whole committee. These might include issues relating to the Annual Conference, ideas for new funding schemes or requests for funding support from the SLSA, or suggestions for nominations of eminent socio-legal scholars to be Fellows of the Academy of Social Science. The annual Prize for Contributions to the Socio-legal Community and the annual Socio-Legal Article Prize are also decided by the committee as a whole. Since the Exec only meets three times per year, members are expected to prioritise attendance at these meetings.
- Contributing to submissions: the SLSA is invited to or considers it important to make submissions on a range of consultations concerning socio-legal and higher education issues. If you have particular expertise or interest in a topic, your input into the SLSA's submission will be welcomed.
- Representing the Exec at events and on committees: the chair receives regular invitations to attend various events. If she cannot attend, she will email the Exec to see if anyone else is available and willing to go on behalf of the SLSA. Less frequently we are asked to nominate a representative to a committee and, again, the chair will email the Exec and ask for volunteers.
- Generally promoting and supporting the SLSA: this might include encouraging colleagues to join the association, proposing a topic for a one-day conference, contributing to the newsletter if requested, or attending SLSA-sponsored events. Exec members are expected to attend the Annual Conference unless absence is completely unavoidable.

By engaging in the above activities, you will have the opportunity to gain considerable knowledge of current issues in legal education and higher education generally, gain experience in assessing funding applications and/or research outputs, contribute ideas to the development of the association and what we offer our members, learn about the running of an association, take on a leadership role and pursue networking opportunities. These can be of benefit to your own academic career as well to your institution.

You are probably aware that the SLSA website is a vast trove of information: www.slsa.ac.uk. Any questions can often be answered there. Otherwise, feel free to ask the SLSA's administrator Nathan Emmerich e admin@slsa.ac.uk or chair Rosemary Hunter **e** rosemary.hunter@qmul.ac.uk.

### SLSA contact details

### Socio-Legal Newsletter

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> Next copy deadline: 23 May 2016 Next publication date: 27 June 2016

### SLSA admin

The SLSA has a dedicated email address for applications for and queries about all prizes, competitions and funding schemes. Contact **e** admin@slsa.ac.uk.

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Webmaster: Jed Meers e jed.meers@york.ac.uk Webeditor: Marie Selwood e marieselwood@btinternet.com Social media officer: Jen Hendry e j.hendry@leeds.ac.uk.

### Disclaimer

The opinions expressed in articles in the Socio-Legal Newsletter are those of the authors and not necessarily those of the SLSA.

# PG CONFERENCE 2016

On 7 January 2016 some 54 postgraduate students, ranging from those just starting their masters to those approaching completion of their doctorates, gathered in Oxford for our postgraduate conference, hosted by Oxford's Centre for Socio-Legal Studies. The two days of workshops that ensued covered nearly every aspect of postgraduate life.

As three postgraduate students looking ahead to academic careers, the prospect of guidance from more experienced members of the profession was most welcome. Postgraduate life can be confusing at the best of times and the transition from there to a fully fledged academic career is often difficult. For us, this was the main benefit of the conference - a series of workshops where we could get advice straight from the mouths of those leading departments and chairing hiring committees.

By the end of the two days we had been given a comprehensive crash course in how to survive a postgraduate research degree and where to go from there. Each workshop focused on a different topic, giving us plenty of practical 'do's and 'don't's along the way. Topics included: the life-cycle of a PhD; how to get published; delivering a conference paper; getting an academic job; and how to make it through your viva in one piece. No matter at what stage attendees were in their studies, these sessions had a lot to offer.

In all cases the subjects were addressed with sensitivity and candour, and often with the benefit of a personal perspective culled from years of first-hand experience. Highlights included: a discussion of the necessary but painful process of removing interesting - but maybe not that relevant - sections of your nearfinished thesis; the ins and outs of what's happening behind the scenes at the viva; the politics and practicalities of the conference paper; and a somewhat stark message regarding the academic job hunt – a useful reminder that it really is publish or perish!

All that said, the workshops were only one part of the conference. We would not want to downplay the fantastic opportunity we were also given to meet fellow socio-legal scholars of all stripes from around the country. The comparative newness of socio-legal studies and our smaller numbers can make networking somewhat harder than it might be for more straightforwardly doctrinal lawyers. For that reason it was wonderful to be able to meet up with our peers and find out more about what they were up to.

The social aspect of the conference also gave everyone a chance to discuss their research. While there were some similarities in research themes, it was fascinating to see such a wide range of topics being tackled (everything from Australian national security policy to the morality of corruption). Socialising was also made enjoyable given the excellent food and the hospitality of staff at St Catherine's College where we were put up for the night.

But the conference was not just an opportunity to meet our peers. One particularly nice aspect was the welcoming presence of those senior academics running the workshops. Everyone was happy to talk through any questions and overall we were left with the impression that not only was there a strong sociolegal community out there but postgraduate students were warmly welcomed to become part of it. As a postgraduate it can sometimes feel like there is a glass ceiling between you and established researchers - it was lovely to find so many hands reaching across that divide.

If you're at all interested in socio-legal studies, we would definitely recommend attending the postgraduate conference next year. It has been running for 20 years, a success in itself, and hopefully we've given you an idea of why that might be!

Owain Johnstone, Charlotte Kelly and Barbara Morazzani

# **BUDDY UP AT SLSA 2016**

Following two previous successful years, a buddy-up scheme is again being offered at this year's SLSA Annual Conference under which postgraduate students are given the opportunity to meet with a more senior academic who is also attending.

This scheme aims to enable students both to network and to discuss their research with senior academics within their field.

The scheme operates as follows: the student is supplied with contact details of the academic and should then get in touch with them so as to arrange a meeting within an informal environment, either while in Lancaster or afterwards. This provides the ideal opportunity, outside of the sometimes intimidating conference setting, for postgraduates to make a connection with a scholar with whom they wish to talk through their ideas.

Those students interested in taking part in the scheme should email the SLSA postgraduate representative, Charlotte Bendall, at e cbendall@essex.ac.uk with a short (100-word) summary of their research and up to three suggested academics by 21 March 2016.

It should be noted that, while we will try to accommodate your preferences, academics will generally only be assigned one student each.

To find out more about how the scheme worked in its first year, read the reports from two student members who took part in the pilot: see SLN 73:5 available at wwww.slsa.ac.uk/ images/slsadownloads/newsletters.

Charlotte Bendall

# SLSA funding schemes open for applications

The SLSA Executive Committee invites applications for two funding schemes. Applications for both are on a rolling basis.

### SLSA Research Methods Training Bursaries

The aim of this scheme is to support training in social science research methods and the use of data analysis software (eg SPSS and NVivo) for SLSA members who do not possess but wish to acquire these skills and do not have access to sources of institutional support to do so. The SLSA will provide bursaries to cover the cost of attendance at a relevant training course offered by an established provider. See, for example, the courses offered by the National Research Methods Training Centre at the University of Southampton w www.ncrm.ac.uk. Eligible applicants will be members of the SLSA who are early or mid-career researchers and not currently undertaking a PhD. Full details are available at w www.slsa.ac.uk/index.php/prizes-grants-and-seminars/ research-methods-training-bursaries.

### SLSA Mentorship Scheme

The aim of this scheme is to support travel and accommodation for SLSA members who wish to visit and spend up to a week working with a chosen mentor. Applicants must be paid-up members of the SLSA who are not currently undertaking a PhD.

Full details are available at www.slsa.ac.uk/index.php /prizes-grants-and-seminars/mentorship-scheme.

Enquiries about these schemes should be directed to e admin@slsa.ac.uk.

# APPOINTING JUDGES IN AN AGE OF DIVERSITY

Graham Gee and Erika Rackley report on a two-day conference, partly funded by the SLSA, held at the University of Birmingham from 6 to 7 November 2015 to mark the 10th anniversary of the Judicial Appointments Commission (JAC).

This is an age of diversity. There is today broad agreement that diversity raises important questions for a legal system and its officials about how to respond to our mutual differences of, amongst other things, gender, race, sexuality and social background. Despite all of this, there is much less agreement about the full implications of recognising diversity as an important goal of the judicial appointments regime. For beneath this surface agreement actually lie very real differences of opinion as to the method, form, timing and motivations for diversity. These differences are particularly apparent between those who might be termed 'insiders' (ie those involved in making appointments: the JAC and senior members of the judiciary) and those who are on the 'outside' (such as academics and media commentators).

The conference brought together academics and postgraduate students from England and Wales, Northern Ireland, Scotland, Australia, Canada and South Africa as well as judges, civil servants, officials, practitioners, current and past members of the JAC and past members from other judicial appointment bodies to try and bridge this gap.

The event was organised around three themes - legitimacy, accountability and diversity - with three speakers on each panel, each speaking for about eight minutes followed by a response from a practitioner or JAC commissioner and an hour's discussion.

There was lively debate amongst the delegates on a wide variety of related issues, including: the definitions of 'merit' and 'diversity'; the appropriate level of involvement of ministers and judges in judicial appointments; the use of ceiling quotas; judicial appraisal; and post-retirement activities. The conference ended with a roundtable during which participants looked to future challenges for those involved in judicial appointments in light of the experiences of the JAC's first decade.

The conference also included a keynote lecture from Lady Hale, who spoke on appointments to the Supreme Court and suggested 'we ought to be ashamed of ourselves . . . [i]f we do not manage to achieve a (much) more diverse [Supreme] Court' in the process of filling the six vacancies which are due to arise over the next three years. Lady Hale's lecture was attended by over 300 people, including delegates from the conference, University of Birmingham students and members of the local legal community. The lecture was widely reported, including in The Guardian, the Solicitors Journal, Pink News and the Australasian Lawyer.

There was also a postgraduate stream organised by Birmingham PhD researcher, Elena Kapardis. Following an open call for papers, postgraduates from University College London, Birmingham, Melbourne and Manchester Metropolitan universities presented their work to an audience comprising postgraduate students and conference delegates.

In addition to the SLSA funds, the conference was supported by the universities of Sheffield and Birmingham.

> Graham Gee e g.gee@sheffield.ac.uk Erika Rackley e e.rackley@bham.ac.uk

# SLSA INTERNATIONAL

The SLSA's commitment to promoting the field of sociolegal studies also has a strong international dimension. To this end, the SLSA Executive Committee has recently appointed Sharon Cowan, Edinburgh University, as its new international liaison officer. She takes over this role from Ben Livings.

Sharon will be developing this role in the coming months with a view to supporting international members and raising the association's international profile.

Several projects are already underway. At the Law and Society Association (LSA) annual meeting in New Orleans in June 2016 the SLSA is planning to hold a reception for invited guests hosted by chair Rosemary Hunter. This conference has long been popular with SLSA members and the Executive has decided that this presents a worthwhile opportunity to strengthen relationships with international colleagues. In addition, the SLSA will be co-sponsoring the LSA's 2017 meeting in Mexico City, together with the Canadian Law and Society Association (CLSA) and the Research Committee on

# Newsletter advertising

We have a limited amount of space available in the newsletter for advertisements. Rates are as follows (no VAT to add).

- back cover: £650
- inside back cover: £500
- other inside whole pages (excluding pages 2 and 3) £400
- half page: £200
- quarter page: £100
- inserts: £350 (for 1300 inserts supplied by advertiser)

Contact e marieselwood@btinternet.com.

Sociology of Law (RCSL). Executive member Michael Thomson, University of Leeds, is a member of the programme committee for the 2017 conference and is in the process of contacting UKbased specialists in Latin-American socio-legal studies who may be particularly interested in attending this event.

In addition, the SLSA is co-sponsoring the Law and Society Association of Australia and New Zealand (LSAANZ) conference in Sydney in December 2018 alongside the CLSA, and is a member of the World Consortium for Law and Society (WCLS). Sharon and another Executive member, Jen Hendry, University of Leeds, are part of the planning committee for Sydney 2018.

If you have any suggestions on how the SLSA could enhance its international reach, contact Sharon at e s.cowan@ed.ac.uk.

### Useful websites

- CLSA w www.acds-clsa.org
- LSA w www.lawandsociety.org
- LSAANZ w www.lsaanz.org
- RCSL w http://rcsl.iscte.pt
- WCLS w www.lawandsocietyworld.org

### The newsletter needs you

The next copy deadline is 23 May 2016. Please send your

- publications
- research
- new jobs/promotions/awards
- articles
- events and
- information on streams and themes
- to Marie Selwood e marieselwood@btinternet.com or t 01227 770189.

# SLSA GRANTS 2016

The SLSA Grants Scheme – launched in 1999 and making the first awards in 2000 - has grown steadily over its 16year duration and has now provided nearly £130,000 for socio-legal research. We are delighted to announce the successful projects for this year that will receive research and fieldwork grants. We also publish Mark Simpson's final report on his completed fieldwork research.

# Research grants

- Marian Duggan, Kent University, £1005: Evaluating risk and responsibility in the domestic violence disclosure scheme
- Marie Fox, University of Birmingham, and Sheelagh McGuiness, Bristol University, £2237.60: Abortion and travel - the experience of women in Northern Ireland travelling to Great Britain to access abortion care
- Amanda Perry-Kessaris, Kent University, £2730: Graphic design, civil society and the current negotiations for the econo-legal reunification of Cyprus

# Fieldwork grant

Meenakshi Narayan, Michigan State University, £3000: Production of the state - examining the role of forestrights legislation, communities and civil society in India

All this year's grantholders will be providing summaries of their research projects for the summer newsletter where we will also be publishing reports from several completed projects.

Full details of the scheme can be found at w www.slsa.ac.uk/index.php/prizes-grants-and-seminars/ small-grants. The closing date for applications for this scheme is **31 October** each year.

### The social citizenship of lone parents, 2010–2015: evolution and devolution

### Mark Simpson, Ulster University, £780\*

This project examines the profound changes to social citizenship within the UK that occurred during the five-year term of the Conservative-Liberal Democrat Coalition government. The reforms of 2010-2015 have implications for the minimum standard of living the state supports, the citizen's reciprocal obligations in return for financial support and the tier of government at which social rights are defined and realised.

UK government policy shows a blend of continuity and change from the New Labour era. Normative indicators of an acceptable minimum standard of living (notably the Child Poverty Act 2010 and human rights law) remained unchanged under the Coalition. However, the hitching of the citizen's right to financial support to labour market participation, which underpinned Labour's Welfare Reform Acts of 2007 and 2009, has been further entrenched and Labour's use of increased social security benefits as a core element of anti-poverty policy reversed.



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LinkedIn w www.linkedin.com/groups/SocioLegal-Studies-Association-4797898

For lone parents, change has been particularly dramatic. Excluded from compulsory jobseeking until 2007, since the Welfare Reform Act 2012 lone parents have been fully exposed to a conditionality regime that has become more demanding, with stiffer penalties for non-compliance, for all claimant groups. Meanwhile, with childcare and other barriers to wellpaid employment not fully addressed, they have been disproportionately affected by real-term and cash cuts to social security benefits.

The Coalition's controversial 'welfare reform' agenda generated particularly vocal opposition from parties in Northern Ireland and Scotland's devolved governments. Although social security has hitherto been a rare field of social policy in which UK-wide uniformity has largely been maintained, 2015 saw steps towards regionalisation, with legislation to devolve new competences to Scotland tabled at Westminster and the Northern Ireland Assembly taking the unprecedented step of rejecting a Bill containing reforms equivalent to those in the 2012 Act.

The phase of research supported by the SLSA grant consisted of interviews with elite actors (politicians and civil servants) in Scotland and Northern Ireland. This process explored reasons why demand for regional divergence in social security should emerge at this point in time. Ideologies of social citizenship were found to differ only subtly between UK, Scottish and Northern Irish elites, dominated by a shared construction of paid work as the 'key to citizenship'. However, deep concerns with the perceived harshness, effectiveness or suitability to the devolved regions of UK 'welfare-to-work' measures were identified.

Whereas unionist politicians feared nationalists might seek to break up the single UK welfare state as a means of weakening the political union, the critique of UK government policy transcends the unionist-nationalist divide, allowing nationalists to claim that unionist caution regarding regionalisation fails to grasp the opportunities provided by devolution to better serve citizens. Nonetheless, the likely extent of policy divergence and the extent to which regional social citizenships may emerge, are constrained for the time being by Scotland's limited devolved competence and Northern Ireland's weak fiscal position, as well as the consensus that policy should seek to move most claimant groups, including lone parents, towards paid work.

Supervisors: Gráinne McKeever and Ann Marie Gray

# SLSA membership benefits

Benefits of SLSA membership include:

- three 16-page (minimum) newsletters per year;
- personal profile in the SLSA online directory;
- discounted SLSA Annual Conference fees;
- weekly ebulletin;
- eligibility for grants schemes, seminar competition, prizes, training bursaries and mentorship scheme;
- members' priority in newsletter publications pages;
- discounted student membership (with first year free);
- free annual postgraduate conference;
- student bursaries for SLSA Annual Conference;
- discounts on subscriptions to a selection of law journals;
- 20 per cent discount on Ashgate, Hart, Palgrave Macmillan and Routledge books bought online;
- special membership category for retired members
- . and much more. Visit **w** www.slsa.ac.uk for details.

# **SOURCES AND METHODS** IN CRIMINOLOGY AND **CRIMINAL JUSTICE**

On 20 November 2015 the Institute of Advanced Legal Studies (IALS) played host to a training day co-sponsored by IALS, the British Library, the SLSA and the British Society of Criminology - around the topic 'Sources and methods in criminology and criminal justice'. Gethin Rees summarises the day.

The event aimed to provide postgraduate research students and early career fellows with an appreciation of some of the documentary materials for studying crime and criminality available in institutions like the British Library and the UK Data Service (UKDS), as well as the conceptual, theoretical and methodological tools that can be used during data gathering and analysis. Fifty-one people attended and there were 17 speakers, including representatives from the British Library, UKDS, the National Archives and the Evidence and Insight Unit within the Mayor's Office for Policing and Crime, as well as established scholars from a host of academic institutions.

The event was loosely broken into two sections: 'Collections and theoretical approaches'; and 'Official records and methods'.

In the first section, attendees were not only introduced to the collections available at various institutions and the ways that they could access them for research purposes, but also various approaches and positions that scholars may take when addressing work on crime, for instance, comparative research or feminist methods.

The afternoon focused on 'Official records and methods', which began with a sociology of knowledge from Paul Rock and co-authors highlighting the variety of decisions that have resulted in so many public documents being destroyed, thereby making it difficult to find answers to some of the questions we would like to ask. Rather than being a problem for scholars, however, the absence of documentary evidence was presented as an opportunity to be innovative in the ways they generate information; this served as a useful jumping-off point for the afternoon's discussion of methods.

Presentations on the use of freedom of information requests, crime surveys, police recorded data, epistolary research and court design guides all provided exemplary case studies where scholars had found innovative means to generate evidence and presented a far wider range of methods of research than usually found in a textbook.

The event ended with a short Q&A aimed at addressing some of the benefits and challenges around interdisciplinary work between criminology and socio-legal studies, and each attendee was made a member of IALS to enable them to use the institute's resources at any time.

# @SLSA\_UK prize

The SLSA now has over 2000 Twitter followers. Congratulations to our 2000th follower, Kate Galloway of James Cook University, Australia. She has chosen as her prize *Changing Concepts of Contract Law* by David Campbell, Linda Mulcahy and Sally Wheeler from Palgrave Macmillan's Socio-Legal Studies series which is edited by Dave Cowan. See www.palgrave.com/series/palgrave-macmillan-socio-legalstudies/PMSLS.

# One-day conference on restorative justice and restorative practices

On 6 November 2015, the University of Leeds welcomed over 120 delegates for a one-day conference on 'Restorative justice and restorative practices in Leeds: towards a restorative city'. The conference was the result of a collaboration between the School of Law, Leeds Social Science Institute and Leeds City Council. Attendees were drawn primarily from criminal justice, schools, universities and children's services. The event focused on the inherent challenges and possible benefits of delivering restorative practices (RP) in a range of sectors, as well as on the creation of 'restorative cities'.

The morning consisted of presentations by Professor Adam Crawford (University of Leeds), Nigel Richardson (director of Children's Services, Leeds City Council) and Belinda Hopkins (director at Transforming Conflict). Adam spoke about the need to be mindful of the risks of the development and growing use of RP. Nigel then described the work of Leeds City Council in its quest to become a 'child-friendly city', outlining the importance of RP to achieve this end. Finally, Belinda spoke about the use of RP, both proactively and reactively, with young people in schools and in other organisations.

This was followed by a two-part breakout session. In the first half, attendees organised themselves according to sector while, in the second, groups were inter-sector. In both parts, a table facilitator invited the groups to respond to a series of questions relating to the restorative city project, the enablers and barriers to RP implementation, the importance of research and evaluation, and the nature of future inter- and intra-sector collaboration at a local level.

The first afternoon session involved speeches by Jon Collins (CEO, Restorative Justice Council) and Professor Joanna Shapland (University of Sheffield). First, Jon outlined the work

of his organisation in regulating the use of RP through the Restorative Service Quality Mark. Then Joanna described the methodology and main findings of her seminal research on the use of restorative justice with serious crime across England, commenting on positive findings relating to the views of victims and the effects on reoffending, as well as identifying some issues around implementation in policing and other criminal justice contexts.

The final sessions involved, firstly, a chance for participants to read and discuss the findings of the breakout sessions and, secondly, a panel discussion. The panel consisted of individuals working locally in children's services, police, academia, schools and the local Police and Crime Commissioner's office, each of whom gave a short talk before participating in a Q&A session.

Towards the end, Adam Crawford commented that many delegates had expressed the desire to use the conference as a launchpad for a local practitioners' network, leading one delegate to announce that such a network had recently been created: the practitioner-led Leeds Restorative Hub. It is hoped that, in the coming months, this existing infrastructure can be used to bring people together from across Leeds.

As students, we benefited greatly from our attendance at the conference which allowed us to speak with and learn from those who are actually engaged in the activities we are studying. We constantly try to take advantage of any chance to discover how our classroom learning and research applies out in the real world and this event was certainly a fantastic opportunity to do just that.

Emma McNamara, Jeremy Leathwood-Hill and Emma Reid, all BA in criminology and criminal justice, University of Leeds, and Ian Marder, PhD student in Criminal Justice, University of Leeds

# University of Strathclyde postgraduate law conference

The University of Strathclyde hosted its inaugural Postgraduate Law Conference on 5-6 November 2015 in the university's recently redeveloped Lord Hope Building. The event was organised by a committee of postgraduate researchers (Meryem Horasan, Lynsey Mitchell, Jo Noblett, Michelle Donnelly, Jonathan Brown, Clowie Wheeler-Ozanne and Alan Brown) and sponsored by the university's Researcher Innovation Fund.

The conference was entitled 'Considering contemporary challenges in legal theory, legal practice and legal methods' and aimed to provide an open and welcoming platform for knowledge exchange and dissemination of ideas amongst postgraduate and early career legal researchers. The event was well attended, exceeding the expectations of the organisers for the initial conference, with papers being presented by research students from throughout the UK and from as far afield as Sweden, Italy and Nigeria.

The two-day event began with a keynote address from Professor Kenneth Norrie, former head of the law school at the University of Strathclyde. Professor Norrie used his speech to explore his own approach to legal research through the example of a journal article he was in the process of writing. He went on to use this analysis of his own research methods to consider the nature of legal research more widely.

Also included was a skills session run by Dr Gabrielle Milson, a researcher developer within the University of Strathclyde research development programme. This session covered the highly relevant topic of 'Writing with impact' and was well attended and enthusiastically received by the conference delegates.

Over the course of the two days a series of parallel panels took place, giving students the opportunity to present papers to a supportive audience and receive relevant feedback from eminent members of law school staff. The parallel panels also provided a forum for the delegates to engage in valuable knowledge exchange with other postgraduate researchers and academics. These panels encompassed a wide variety of topics spanning diverse areas of legal scholarship, ranging from criminal justice, ethical and philosophical critiques through to public international law and the intersections of law and technology, among many others.

From these panels, the organising committee unanimously awarded the prize for best paper to Eddy Lenusira Wifa, a doctoral researcher at the University of Aberdeen, for his excellent and thought-provoking paper, 'Developing an effective health and safety regulatory framework for the United Kingdom offshore wind energy industry: lessons from its offshore oil and gas industry'. In addition, the organisers have worked with the editors of the Strathclyde Student Law Review to arrange for the publication of a special edition of the student law journal later in 2016 which will comprise a selection of the papers presented at the conference.

The organising committee is hopeful of building upon the success of this maiden conference throughout the coming years and in that regard initial plans are already in place for the second edition, provisionally scheduled for autumn 2016.

Alan Brown e alan.brown.100@strath.ac.uk

people.

HILARY SOMMERLAD has left the University of Birmingham to take up a chair in law and social justice at the University of Leeds e h.a.k.sommerlad@leeds.ac.uk.

SUSAN EASTON has been promoted to professor of law at Brunel University e susan.easton@brunel.ac.uk.

# The law and unintended consequences: call for papers

At SLSA 2016 in Lancaster our stream will explore a modern take on the idea of 'unintended consequences'; a term often associated with the American sociologist Robert K Merton and subsequently applied by Joseph R Gusfield in *Symbolic Crusade*.

Today it is usual, before introducing a new law, to subject legal rules to rigorous examination, eg consultations, Green and White Papers and expert committees etc. Lawmakers expect to be prepared for side effects, even negative side effects, resulting from legal intervention. A cost-benefit decision may have been made and negative effects may be deemed justified in view of the attainment of a main goal. However, lawmaking is not an exact science; it concerns people and people are unpredictable. As such, things do not always turn out as expected: there are instances where law has unintended or unanticipated consequences. These come in many forms, including the trivial and the quirky, and instances where the unintended consequences alter or even defeat the intended objectives of a law. This is the focus of the stream. Thereafter we hope to include relevant papers in an edited book.

This is a call to those of you who are interested in unintended consequences and have a practical example that you would like to develop into a published paper. Submissions for the published collection are invited from scholars in any area of legal or social science scholarship, UK based or overseas. We particularly welcome interest from PhD students and early career researchers, although senior academics are not barred from contributing! Your presence at the SLSA conference is not necessary should you simply wish to contribute to the book.

An academic book publisher has been identified, but not yet finalised. We seek approximately 20 contributions of around 5000 words. Please contact us if you have an idea that you wish to explore and thereafter turn into a paper. We hope to have all papers completed by September 2016. Some draft papers will be presented at the SLSA conference in Lancaster and they will be finalised by September 2016. Please contact us with your proposal, albeit sketchy at the moment, so that we can begin to build the potential book chapters/contributions.

> Dr Richard Craven e richard.craven@leicester.ac.uk and Professor Phil Thomas e thomaspa@cardiff.ac.uk

# Law and Compassion Research Network

This network has been established by Dermot Feenan, research fellow, Law, University of Portsmouth. It will share research information; host events, such as workshops, conference sections, symposia; and support opportunities for further collaboration, including through publication. The network welcomes scholars from across disciplines globally. Those interested in membership should provide details of their research interests (including publications) related to the theme 'Law and compassion' in not more than 200 words to e dermot.feenan@port.ac.uk. **Dermot Feenan** 

# 2017 W G Hart Workshop: call for proposals and nomination of academic directors

The Institute of Advanced Legal Studies is seeking proposals and academic directors for the 2017 W G Hart Legal Workshop from law schools across the UK. The WG Hart Legal Workshops are directed towards the advancement of legal education at the academic stage. The institute will particularly welcome proposals that continue the workshop's long tradition of breaking new ground.

See website for details: w http://ials.sas.ac.uk/research/ hart/wgh\_legal\_workshop.htm. Closing date: 31 March 2016.

# Nuffield Foundation grants for research and innovation projects

The Nuffield Foundation is inviting applications for the current round of this funding scheme. Under the Law in Society programme projects are funded that are designed to promote access to and improve understanding of the civil and family justice systems. The Open Door programme funds projects that improve social well-being and meet the wider interests of the Nuffield Foundation's trustees but lie outside the remit of its other programme areas. This year's deadlines are 18 April 2016 for outline applications and 14 July 2016 for full applications. Please see website for details. www.nuffieldfoundation.org /grants-research-and-innovation-projects

# The way we live now: AHRC anniversary essay competition

The AHRC marked its 10th anniversary in 2015 with a number of activities including an essay competition. The competition builds on the themes of the AHRC's series of 10th anniversary debates throughout the UK examining key aspects of the human world – the ways in which they are changing and shaping our lives – and exploring the ways in which the arts and humanities can help us understand our changing world. The competition is open to any current doctoral student registered at an eligible organisation. You do not have to be AHRC-funded to enter this competition. Essays should be no longer than 1500 words and cover only one topic in the debate series. See the AHRC website for the complete list of topics. Winning essays will be published on the AHRC website. The final deadline for entries is 31 March 2016. www.ahrc.ac.uk/funding/opportunities/current/theway-we-live-now-the-ahrc-anniversary-essay-competition

# Paccs: call for applications

As part of the Research Council UK Partnership for Conflict, Crime and Security Research (PaCCS), the ESRC and AHRC wish to commission cross-disciplinary and innovative research projects that will extend our understanding of how transnational organised crime has evolved through time and in different cultural contexts; why and how it extends across borders; what impact it has on populations and sustainable international development; and effective ways of preventing and mitigating its impact. These grants are intended to generate innovative, cross-disciplinary approaches and collaboration and engagement to develop a better understanding of complex issues related to transnational organised crime and its inter-relation with other licit and illicit activities. Grants of up to £100,000 are available. Projects can be up to 18 months in duration. The deadline is 30 March 2016.

# AHRC open calls

The AHRC has a number of funding schemes that are permanently open for applications, for example, early career research grants and leadership fellowships. Both these schemes offer funding of between £50,000 and £250,000. Alternatively, the research network scheme provides up to £30,000 to support forums for the discussion and exchange of ideas on a specified thematic area, issue or problem. Full details of all open schemes are at **w** www.ahrc.ac.uk/funding/opportunities/current.

# Law Commission open consultations

The Law Commission has two consultations currently open. The consultation on sentencing law in England and Wales closes on 9 April 2016 and the consultation on misconduct in public office closes on 20 March 2016. See w www.lawcom.gov.uk.

# New Centre of Law and Society at Cardiff Law School

The Centre of Law and Society has been set up at Cardiff University to encourage and provide an institutional framework for the support of socio-legal, sociological, theoretical and interdisciplinary research and education. Closely linked to the *Journal of Law and Society* and its activities, the centre's mission is to promote innovative work in the fields of sociology and social theory of law, legal cultures, legal anthropology, legal education, legal professions and ethics, comparative sociology of criminal justice, family law, law and religion, law and medicine, law and environment, law and business regulation, and socio-legal studies of EU integration. In the coming years, the centre is expected to develop a wide range of activities and research programmes supporting the exchange and development of ideas, through conferences, symposia, seminars, research methods seminars, reading groups and working paper electronic publications, between academics, practitioners and others. Periodically, the centre will invite proposals for a series of research activities (such as conferences, workshops, symposia and seminars) that will run for a particular time period (for example, a year) built around a sociolegal research theme.

For further information, contact Professor Jiri Priban, the centre's director at E Cardiff Law School, Museum Avenue, Cardiff CF10 3AX or e priban@cf.ac.uk. Jiri Priban

# €1m to study LGBT refugees and asylum-seekers in Europe

Dr Nuno Ferreira, from the Liverpool Law School, has been awarded a highly competitive and prestigious European Research Council Starting Grant, worth €1m, to fund the project SOGICA - 'Sexual orientation and gender identity claims of asylum: a European human rights challenge'.

### Addressing a fundamental research gap

Every year, thousands of individuals claim asylum in Europe based on their sexual orientation or gender identity and existing studies indicate that their claims are often treated unfairly, based on inappropriate legal, cultural and social stereotypes. This is made worse by the insufficient harmonisation of high standards across Europe. There have been limited attempts of excellent academic quality to address this issue and this research will overcome this gap.

SOGICA will produce the first ever theoretically and empirically grounded comparative study of the legal experiences of asylum-seekers across Europe claiming international protection on the basis of their sexual orientation or gender identity. Building on extensive documentary analysis and fieldwork, including interviews with asylum-seekers, decisionmakers and experts, the project will determine how European asylum systems can more fairly treat these LGBT asylum claims.

### Building the future of refugee studies

The project will last four years and will compare in detail the British, German and Italian contexts. With the support of three research assistants, the project will radically increase the amount of evidence available and allow for better quality proposals, contributing to the fulfilment of the human rights and international obligations of European states.

SOGICA will enhance further the already excellent body of expertise in the Liverpool Law School in the field of refugee law, including in the school's Liverpool Law Clinic. The project will also be used as the cornerstone for a new interdisciplinary platform for refugee studies at the University of Liverpool.

Nuno Ferreira

# The Legal Records at Risk project

The Legal Records at Risk project, based at the Institute of Advanced Legal Studies, University of London, commenced in September 2015 with the following aims:

- to broaden the concept of 'legal' records from their traditional definition as court records or deeds to the business records of private sector institutions specialised to law (ISLs), including arbitration and mediation services, barristers, insolvency practitioners, legal executives, licensed conveyancers, multidisciplinary practices, notaries, patent attorneys, pro bono legal services, scriveners, solicitors, trade-mark attorneys and providers of ancillary services such as law publishers and legal stationers;
- and to identify and facilitate the rescue of legal records of potential value which may be at risk through globalisation, digital obsolescence, physical neglect, lack of interest on the part of information owners or reduced archival resources to preserve and provide access to the records.

All private sector institutions in the UK face similar information management challenges, but modern legal records are particularly vulnerable due to recent developments in legal services which are transforming the nature, organisation, regulation and economics of the sector. It follows that the traditional processes by which legal records are managed, disposed of or preserved for posterity also need to change.

The project will not collect records but will act as a conduit through which legal records of value (in all formats and media) are identified, preserved and made available for research.

In doing so we hope to raise the awareness of the information owners of legal records as to the value of their records and assist them to unlock the potential of the records for both internal business reference and external research use. We will achieve this aim by:

- creating a census of private sector ISLs in England and Wales, with details of what, if any, provision has been made to preserve their archives;
- identifying legal records of research value and relevant repositories;
- facilitating the process by which information owners deposit records with repositories;
- providing generic record-keeping advice to information owners:
- recognising and advocating best practice;
- and working with the archive and research communities on a co-ordinated strategy for the identification and preservation of legal records of value.

The project is being led by Clare Cowling, an experienced archivist and records manager. Please contact her at e clare.cowling@sas.ac.uk if you would like further information. the latest project news, see our website w http://ials.sas.ac.uk/research/lrar/lrar.htm, which includes details of our introductory seminar/workshop (further workshops are planned) and a questionnaire for researchers. Please contact the project with your thoughts and suggestions.

Clare Cowling

# **BOOKS**

Northern/Irish Feminist Judgments: Judges' troubles and the gendered politics of identity (2016) Máiréad Enright, Julie McCandless and Aoife O'Donoghue, Hart £40 592pp

The Irish project 'Irish feminist judgments: judges' troubles and the gendered politics of identity' builds upon the work of the England and Wales Feminist Judgments Project which integrated feminist theory and judicial method, rewriting influential judgments from feminist perspectives. This anthology of rewritten judgments from Northern/Ireland (along with innovative web resources with materials of use to both academics and civil society) is the result. Bringing together academic partners at institutions across the UK and Ireland including the law schools at Kent University, the LSE, University College Dublin, University College Cork, Queen's University Belfast and the University of Ulster, with solicitors, barristers and civil society groups, the project created a broad new community of Irish feminist scholars around an ambitious Northern/Irish Feminist Judgments Project. The project has created tangible resources which can be used to engender a societal dialogue about legal decision-making and social change, developing dynamic resources for future research and teaching in judicial studies. The project focuses on the gendered political roles of judges in contexts of transition from conflict, colonialism and religious patriarchy.

Sanitation Law and Policy in India: An introduction to basic instruments (2015) Philippe Cullet and Lovleen Bhullar (eds), Oxford University Press £40.99 368pp

For the longest time, sanitation received little attention from policymakers and lawyers, although it was not completely outside the purview of laws and policies in India. However, the past couple of decades have witnessed a significant change in the manner in which sanitation is viewed, both at the national and international levels. While this change is accompanied by a growing interest among academics and practitioners in the

policy perspectives on sanitation, the emphasis on its legal dimensions has lagged behind considerably. The piecemeal nature of the existing legal instruments having a bearing on sanitation and the lack of awareness about these instruments has further contributed to this knowledge deficit. This book attempts to fill this gap by piecing together the provisions of the existing legal instruments that seek to address the different dimensions of sanitation in India. In the process, it highlights, to researchers, policymakers, lawyers and other people interested in sanitation, the importance, complexity and fragmented nature of the legal and policy frameworks that inform the sector.

Climate Change and Social Movements: Civil society and the development of national climate change policy (2015) Eugene Nulman, Palgrave Macmillan £58 200pp

Climate Change and Social Movements is a riveting and thorough exploration of three important campaigns to influence climate change policy in the UK. Social movement organisations and activists worked together to pass legislation on emissions targets, oppose the construction of carbon-intensive infrastructure and establish a public bank that would increase investment into renewable energy and energy efficient technology. What impact did the campaigns have on policy? When was the timing ripe for activists to win their demands? How were these social movement organisations and groups able to affect policy and what strategies were involved? The author answers all of these questions and more by delving deep into the campaigns and illuminating the way policymakers think about and respond to social movements.

The Subject of Prostitution: Sex work, law and social theory (2016) Jane Scoular, Routledge £85 190pp

The Subject of Prostitution offers a distinctive analysis of the links between prostitution and social theory in order to advance a critical analysis of the relationship of law to sex work. Using the lens of social theory to disrupt fixed meanings, the book provides an advanced analytical framework through which to understand the complexity and contingencies of sex work in late

modernity. The book analyses contemporary citizenship discourse and the law's ability to meet the competing demands of empowerment by sex workers and protection by radical feminists who view prostitution as the epitome of patriarchal sexual and economic relations. Its central focus is the role of law in both structuring and responding to the 'problem of prostitution'. By developing a distinctive constitutive approach to law, the author offers a more advanced analytical framework from which to understand how law matters in contemporary debates and also suggests how law could matter in more imaginative justice reforms. This is particularly pertinent in a period of unprecedented legal reform, both internationally and nationally, as legal norms simultaneously attempt to protect, empower and criminalise parties involved in the purchase of sexual services. This book aims to overcome the current aporia in these debates and suggest new ways to engage with the subject and law. As such, The Subject of Prostitution provides an advanced theoretical resource for policymakers, researchers and activists involved in contemporary struggles over the meanings and place of sex work in late modernity.

Pioneering Healthcare Law: Essays in honour of Margaret Brazier (2015) Catherine Stanton, Sarah Devaney, Anne-Maree Farrell and Alexandra Mullock, Routledge £95 308pp

This book celebrates Professor Margaret Brazier's outstanding contribution to the field of healthcare law and bioethics. It examines key aspects developed in Professor Brazier's agendasetting body of work, with contributions being provided by leading experts in the field from the UK, Australia, the USA and continental Europe. They examine a range of current and future challenges for healthcare law and bioethics, representing state-of-the-art scholarship in the field. The book is organised into five parts. Part I discusses key principles and themes in healthcare law and bioethics. Part II examines the dynamics of the patient-doctor relationship, in particular the role of patients. Part III explores legal and ethical issues relating to the human body. Part IV discusses the regulation of reproduction and Part V examines the relationship between the criminal law and the healthcare process. Offering a collaborative review of key and innovative themes in the field, the book will be of great interest and use to academics and students working in healthcare law and bioethics, and those working in health policy, law and regulation at both national and international levels.

Law in Politics, Politics in Law (2015) David Feldman (ed) Hart

Much writing on the relationship between politics and law has been overwhelmingly theoretical. We know relatively little about the practical, day-to-day impact of law on politicians, their legal advisers and civil servants. Yet policy can be given effect through law; legislation often has partisan, political, pragmatic aims and legal rules and procedures can exercise unwelcome constraints on politicians when developing and implementing policies. How do lawyers in government see their roles? How does politics affect the drafting of legislation or the making of policy? This volume begins to answer these and other questions in a number of settings. Contributors include former departmental legal advisers, drafters of legislation, law reformers, judges and academics, who focus on what actually happens when law meets politics in government.

Honorary Protestants: The Jewish school question in Montreal, 1867–1997 (2015) David Fraser, University of Toronto Press \$84.95 536pp

When the Constitution Act of 1867 was enacted, section 93 guaranteed certain educational rights to Catholics and Protestants in Quebec, but not to any others. Over the course of the next century, the Jewish community in Montreal carved out an often tenuous arrangement for public schooling as 'honorary Protestants', based on complex negotiations with the Protestant

and Catholic school boards, the provincial government and individual municipalities. In the face of the constitution's exclusionary language, all parties gave their compromise a legal form which was frankly unconstitutional, but unavoidable if Jewish children were to have access to public schools. Bargaining in the shadow of the law, they made their own constitution long before the formal constitutional amendment of 1997 finally put an end to the issue. In Honorary Protestants, David Fraser presents the first legal history of the Jewish school question in Montreal. Based on extensive archival research, it highlights the complex evolution of concepts of rights, citizenship and identity, negotiated outside the strict legal boundaries of the constitution.

Perspectives on Legal Education: Contemporary responses to the Lord Upjohn Lectures (2016) Chris Ashford, Nigel Duncan and Jessica Guth (eds), Routledge £95 276pp

This edited collection offers a critical overview of the major debates in legal education set in the context of the Lord Upjohn Lectures, the annual event that draws together legal educators and professionals in the UK to consider the changes in the field. Presented in a unique format that reproduces classic lectures alongside contemporary responses from legal education experts, this book offers both a historical overview of how these debates have developed and an up-to-date critical commentary on the state of legal education today. As the full impact of the introduction of university fees, the Legal Education and Training Review and the regulators' responses to it are felt in law departments across England and Wales, this collection offers a timely reflection on legal education's legacy, as well as critical debate on how it will develop in the future.

The Foundation of the Juridico-Political: Concept formation in Hans Kelsen and Max Weber (2016) Ian Bryan, Peter Langford and John McGarry (eds), Routledge £85 254pp

Hans Kelsen and Max Weber are conventionally understood as initiators not only of two distinct and opposing processes of concept formation, but also of two discrete and contrasting theoretical frameworks for the study of law. This book places the conventional understanding of the theoretical relationship between the work of Kelsen and Weber into question. Focusing on the theoretical foundations of Kelsen's legal positivism and Weber's sociology of law, and guided by the conceptual frame of the juridico-political, the contributors to this interdisciplinary volume explore convergences and divergences in the approach and stance of Kelsen and Weber to law, the state, political science, modernity, legal rationality, legal theory, sociology of

# Journal of Law and Society (summer 2016)

'Inheritance families of choice'? Lawyers' reflections on gay and lesbian wills - Daniel Monk

A new Leviathan: benefit sanctions in the twenty-first century - Michael Adler

Connections and tensions between nationalist and sustainability discourses in the Scottish legislative process - Andrea Ross and Rhys Jones

Privacy and search engines: forgetting or contextualizing? – Sylvia de Mars and Patrick O'Callaghan

Socio-legal studies in France: beyond the law faculty -Renaud Colson and Stewart Field

### **Book reviews**

Tarryn Phillips, Law, Environmental Illness and Medical *Uncertainty* – Bob Lee

Frank McDonough, The Gestapo: The myth and reality of *Hitler's secret police* – Richard Mullender

Andreas Philippopoulos-Mihalopoulos, Spatial Justice -Karin van Marle

law, authority, legitimacy and legality. The chapters uncover complexities within as well as between the theoretical and methodological principles of Kelsen and Weber and thereby challenge the enduring division between legal positivism and the sociology of law in contemporary discourse.

Funding Clinical Negligence Cases: Access to justice at reasonable cost? (2016) Paul Fenn, Alastair Gray, Neil Rickman and Dev Vencappa, Nuffield Foundation

This new report published by the Nuffield Foundation shows that the growth in lawyers working on a 'no win, no fee' basis has removed the financial barrier to pursuing a clinical negligence claim for many people. However, a small number of serious cases may be falling through the funding gap. Academics from the universities of Nottingham, Oxford and Surrey analysed data relating to clinical negligence claims between 2001 and 2013. The most significant change is the growing proportion of claims brought by people who would not have qualified for legal aid in 2001 (and who could not afford to self-fund), but who are now able to bring claims because of the increased availability of 'no win, no fee' lawyers. These findings and others are reported in full and available from the Nuffield Foundation website. w www.nuffieldfoundation.org

# JOURNALS

The first issue of the new Business and Human Rights Journal published by Cambridge University Press is now freely available at w journals.cambridge.org/bhrj.

The Journal of Commonwealth Law and Legal Education is the official journal of the Commonwealth Legal Education Association. It offers a platform for early career and established academics throughout the Commonwealth to publish their work and share scholarship, innovation and best practice on a wide variety of legal matters and themes. It also welcomes contributions from postgraduate students and others involved in Commonwealth law and legal education (such as practitioners). The journal is online, open access and peerreviewed. It is published in collaboration with the Open University School of Law, a world leader in supported open learning. The journal welcomes submissions of articles, case notes, comments on recent cases, legislation and proposed reforms, and book reviews. Applications to join the journal's panel of peer reviewers are also welcomed.

For further information on the journal and submission guidelines for authors, please visit www.open.ac.uk/ law/main/why-study-law/journal-commonwealth-law-andlegal-education. The editors are happy to discuss any queries or submissions and can be contacted e jclle@open.ac.uk. This is a rolling call with no closing date.

### Social and Legal Studies 25(2) April 2016

The legal question of morality: seal hunting and the European moral standard - Nikolas P Sellheim

Imagining the international: the constitution of the international as a site of crime, justice and community -Nesam McMillan

The symbolic power of legal kinship terminology: an analysis of 'co-motherhood' and 'duo-motherhood' in Belgium and the Netherlands - Frederik Swennen and

Human trafficking heroes and villains: representing the problem in anti-trafficking awareness campaigns -Erin O'Brien

Legislating consent: creating an empowering definition of consent to sex that is inclusive of people with cognitive disabilities - Anna Arstein-Kerslake and Eilionóir Flynn

### **SHEFFIELD HALLAM PUBLIC LAW CONFERENCE:** THE POLICING OF PROTEST AND PUBLIC ORDER

9 March 2016: Sheffield Hallam University

This event is part of Social Justice Week, a programme organised by the Helena Kennedy Centre for International Justice, Department of Law and Criminology. See website for details. www.shu.ac.uk/ faculties/ds/dlc/events/PublicLawConference2016.html

### DEAN'S LECTURE: THE PERSONS CASE: EQUALITY FOR WOMEN AND THE LIVING TREE THEORY

9 March 2016: City University London

Speaker: The Honourable Robert Sharpe. Please see website for further details and registration. www.city.ac.uk/events/2016/ march/deans-lecture-law-with-the-honourable-robert-sharpe

### **UNDOING THE DEMOS: BOOK COLLOQUIUM**

9 March 2016: Wolfson College, Oxford

Discussants led by Professor Denis Galligan will critique Wendy Brown's book. See website for details. w www.fljs.org/content/undoing-demos

### WHERE WE LIVE NOW: SOCIAL MEDIA, PLACE AND POLICY

9 March: British Academy, London

This event will cover the power and the limits of analysing and using social media data from research, commercial and policy points of view. w www.eventbrite.co.uk/e/where-we-live-now-social-mediaplace-and-policy-tickets-20896846029

### **NEW MATERIALISM: POLITICS AESTHETICS SCIENCE**

10 March 2016: Fyvie Hall, Regent Street, London

A Westminster Law and Theory Lab event. Please see website for details. w www.eventbrite.co.uk/e/new-materialism-sshwsmadpanel-discussion-tickets-21221162067

### **GLOBAL INTELLECTUAL PROPERTY CONFEX**

16 March 2016: Queen Elizabeth II Centre, Westminster, London Keynote speakers: David Kappos and Dan Solomon. Please see website for details. w http://london2016.events4sure.com

### PROFESSOR JAMES LECTURE: RELATIONAL AUTONOMY AND SOCIAL JUSTICE

16 March 2016: Liberty Building, University of Leeds Speaker: Catriona Mackenzie, Visiting Professor, University of Leeds. Please see website for details. www.law.leeds.ac.uk/events/ 2016/relational-autonomy-and-social-justice

### JUSTICE AND PENAL REFORM: RE-SHAPING THE **PENAL LANDSCAPE**

16–18 March 2016: Keble College, Oxford

Hosted by the Howard League for Penal Reform as part of its 150th anniversary celebrations. Please see website for further details. w www.howardleague.org/justice-and-penal-reform

### **PECANS 2016 WORKSHOP**

17 March 2016: Liberty Building, University of Leeds Theme: My body, my property: autonomy and relationality. Please see website for details. w www.eventbrite.co.uk/e/pecans2016workshop-my-body-my-property-autonomy-and-relationality-tickets-21018310332

### **ASSOCIATION OF LAW TEACHERS 51st ANNUAL** CONFERENCE

20–22 March 2016: University of Northumbria, Newcastle-upon-Tyne The theme of 'Promoting collaboration' will examine the ways in which legal educators and trainers can work together and explore collaborative links between legal education and the legal profession, law students, other professions and the community. Please see website for details. www.northumbria.ac.uk/alt2016

### **ETHICS AND SOCIAL MEDIA RESEARCH**

21 March 2016: 33 Finsbury Square, London

Organised by the Research Ethics Group of the Academy of Social Sciences and New Social Media, New Social Science Network. See website for details. w www.acss.org.uk/developing-generic-ethicsprinciples-social-science/ethics-and-social-media-research-conference

### **'HOW CAN A STATE CONTROL SWALLOWING?'** MEDICAL ABORTION AND THE LAW

23 March 2016: The Medical Society of London

This event is free but please register. A small number of bursaries are available to support the attendance of students. Please see website for details. w www.kent.ac.uk/law/mabal/project\_events.html

### CREATIVITY WITHIN THE CIRCULAR ECONOMY

24 March 2016: University of Westminster, London

Please see website for details of this Westminster Law and Theory Lab event. w www.eventbrite.com/e/creativity-in-the-circulareconomy-tickets-5076678482

### THE TRANSNATIONAL LEGAL LANDSCAPE: CHALLENGES AND OPPORTUNITIES

4-5 April 2016: King's College London

Please see website for details of this international graduate translegal research conference. w www.iglrc.com/submissions

### **DEVELOPING LEGAL RESEARCH NETWORKS AROUND** AGRITECHNOLOGY IN BRAZIL AND THE UK

4-7 April 2016: Passo Fundo, Brazil

Please see website for details. **w** www.britishcouncil.org.br/ events/newton-fund-researcher-links-workshop-jack

### INTERNATIONAL LAW ASSOCIATION BRITISH BRANCH **SPRING CONFERENCE**

8-9 April 2016: University of Lancaster

Please visit website for details. w www.britishcouncil.org.br/ events/newton-fund-researcher-links-workshop-jack

### POLICING PREGNANCY: A ONE-DAY CONFERENCE ON MATERNAL AUTONOMY, RISK AND RESPONSIBILITY

13 April 2016: Royal College of Physicians, London

Please see website for further details. www.tickettailor.com/ checkout/view-event/id/32028/chk/1c27

### LIABILITY VERSUS INNOVATION – UNPACKING KEY CONNECTIONS

18 April 2016: Keele University

Theme: Does liability stifle innovation? Economic models and anecdotal findings. This is the second in this ESRC Seminar Series. Please see website for details. www.esrc.ac.uk/news-events-andpublications/events/liability-v-innovation-unpacking-keyconnections-seminar-2

### **OXFORD CONFERENCE ON CONSUMER ADR AND ODR**

18-20 April 2016: Wolfson College, Oxford

Please see website for details w www.slsa.ac.uk/Oxford% 20Conference%20on%20Consumer%20ADR%20and%20ODR, %20Oxford

### TRILCON 2016

27 April 2016: West Downs Campus, University of Winchester Theme: Information is power. This is the Third Winchester Conference on Trust, Risk, Information and the Law. Please see website for details. www.winchester.ac.uk/academicdepartments/ Law/Centre%20for%20Information%20Rights/Pages/TRILCon-2016.aspx

### MIDLANDS POSTGRADUATE RESEARCH CONFERENCE IN LAW: LAW - SHIFTS AND STASIS

29-30 April 2016: University of Birmingham

Please see website for details. www.eventbrite.co.uk/e/midlandslaw-pgr-conference-2016-shifts-and-stasis-tickets-19708465551

### LAW AND RELIGION SCHOLARS NETWORK ANNUAL CONFERENCE 2016

5-6 May 2016: School of Law and Politics, Cardiff University Please see website for details. www.law.cf.ac.uk/clr/ networks/lrsn3.html

# **USING APPLIED SOCIAL SCIENCE METHODOLOGIES TO** CONSERVE THE HISTORIC ENVIRONMENT: CAN EVIDENCE CHANGE PRACTICE?

16 May 2016: Raleigh Convention Center, Raleigh, North Carolina Please see website for details.

w www.archaeological.org/events/20028

### THEORIZING TRANSNATIONAL BUSINESS GOVERNANCE INTERACTIONS: DESIGN, STRUCTURES, **MECHANISMS AND IMPACTS**

16–17 May 2016: York University, Toronto, Canada Please see website for details. w http://us6.campaign-archive2.com/

?u=9c469ba21bc97eb026344d1d7&id=fb67cfe569&e=b4c1d13e1b

### LAW AND SOCIETY ASSOCIATION ANNUAL MEETING

2-5 June 2016: New Orleans, USA

Please see website for details. w www.lawandsociety.org/ NewOrleans2016/neworleans2016.html

### THE ARTS OF LOGISTICS

3-4 June 2016: Queen Mary University of London Please see website for details. w https://networks.h-net.org/ node/73374/announcements/107933/cfp-arts-logisticsinterdisciplinary-conference

### **INAUGURAL UK MENTAL DISABILITY LAW CONFERENCE: CALL**

30 June–1 July 2016: University of Nottingham Please see website for details. Closing date: 1 May 2016. w www.slsa.ac.uk/images/Flyer\_-\_Law\_conf\_2016.pdf

### **ASSOCIATION OF SOCIAL ANTHROPOLOGISTS 2016 CONFERENCE**

4-7 July 2016: University of Durham

Stream: 'Politics, "market-making" and the organ trade: empirical accounts of (in)human practices'. Please see website for details. www.nomadit.co.uk/asa/asa2016/panels.php5?PanelID=4401

### THE FUTURES WE WANT IN NUMBERS: SEARCHING LEGAL INDICATORS FOR A BETTER WORLD

10-14 July 2015: Vienna, Austria

This is the third International Sociology Association Forum of Sociology. See website. w www.isa-sociology.org/forum-2016

### **MEDICO-LEGAL SYMPOSIUM: THE THEORY AND** PRACTICE OF NEUROLAW

8-9 September 2016: Edinburgh University

This symposium aims to provide up-to-date information on the theory and practice of the application of neuroscience to the law. See website for details. w www.criminalbar.com/events/otherevents/q/date/2015/11/13/medico-legal-symposium

### W G HART LEGAL WORKSHOP: VALUING EXPERTISE -LEGAL, NORMATIVE AND SOCIAL DIMENSIONS: CALL

20–21 September 2016: Institute of Advanced Legal Studies, London Academic directors: Professor Richard Ashcroft (QMUL); Dr Nicolette Priaulx (Cardiff University); Professor Matthew Weait (University of Portsmouth). Please see website for details. Call closes: 31 March 2016. w http://ials.sas.ac.uk/research/hart/wgh\_legal\_workshop\_ current\_year.htm

### INNOVATING FOR CHANGE IN GLOBAL FISHERIES **GOVERNANCE: CALL**

23 September 2016: University of Norway, Tromso, Norway Please see website for details. Closing date: 30 April 2016. w https://en.uit.no/forskning/forskningsgrupper/nyheter/ artikkel?p\_document\_id=355759&sub\_id=443478

### LASSNET CONFERENCE 2016: FOURTH EDITION

10-12 December 2016: Jawaharlal Nehru, Delhi, India

Theme: Thinking with evidence – seeking certainty, making truth. Please see website for details. w www.lassnet.org

# SLSA Guidance on Open Access

The SLSA Guidance on Open Access (OA) is available on the SLSA website along with SLSA chair Rosemary Hunter's presentation on OA from our 2014 conference: w www.www.slsa.ac.uk/index.php/open-access#SLSA. If you would like a member of the SLSA's OA subcommittee to visit your institution to give a presentation on OA, please contact Rosemary Hunter e rosemary.hunter@qmul.ac.uk.

# REMEMBERING ANDRÉ-JEAN ARNAUD

André-Jean Arnaud's name is less familiar in the Englishspeaking world of socio-legal studies than it should be, writes Roger Cotterrell. But this French legal sociologist and social historian of law, who died last Christmas Day aged 79, had an outstanding scholarly reputation throughout continental Europe and far beyond.

He wrote excellent books of enduring value - for example, on the history of the Code civil, the nature and development of sociology of law, globalisation and transnational governance, postmodernism and law, and the legal sociology of the family. His anglophone impact was limited by the fact that his books, mainly first published in French, were never translated into English. Had they been, they would surely have given him a prominence in the English-speaking world such as he found elsewhere.

Apart from his scholarship, Arnaud's contribution to the advancement of socio-legal studies was made largely through his ability and energy as an organiser and facilitator. Many English-speaking socio-legal colleagues came to know him through his work with the International Sociological Association's Research Committee on Sociology of Law. And generations of anglophone students owe him a huge debt because of the leading role he played in establishing the International Institute for the Sociology of Law (IISL) in Oñati as its first director (1989-1991).

He had not only to develop the IISL's policies but also to manage relations with its sponsors, and especially with the Basque government which had given premises to the IISL in the old abandoned University of Oñati. The late Volkmar Gessner, also much involved in establishing the IISL, once told me how lucky it was that Arnaud had become the first director. 'With his charm and charisma he wasn't afraid to ask for anything. I would never have done it but he made an outrageous demand from the authorities for a residence for the students in a beautiful derelict old house that had been owned by a noble family.' And he got it. In his speech at the IISL's inauguration Arnaud thanked the local people for their warm welcome and promised that Oñati would 'not suffer from the presence of so many eminent foreign professors'. But not everyone in this centre of Basque rebellion was happy: the first director's car was set on fire before Oñati settled into comfortable co-existence with the IISL.

In France, he was instrumental in creating the European Network on Law and Society and the journal Droit et Société. Starting out as a Marxist (an early article was on 'Law and politics in the writings of Mao Tse-Tung') he hardly endeared himself to the traditional French law faculties, and for much of his career he was a researcher affiliated to the National Centre for Scientific Research in Paris. In his last decades, with his Brazilian-born wife Wanda Capeller, he spent much time in Latin America researching globalisation, governance and MERCOSUR (the Common Market of the South), holding a UNESCO chair, and teaching and writing in Spanish and Portuguese as well as French.

He went to the USA as an academic visitor and gave lectures and wrote some articles in English, but he told me that he did not have a particular affinity for the language. He was spending so much time speaking the languages of Latin America, he said, that his English was rusty. With my inadequate oral French, we could not easily converse, although we were friends for nearly three decades. But we corresponded very easily and regularly by email - he writing in French, me in English - and we wrote an article together ('Comment penser le multiculturalisme en



droit?') in which we tried to think beyond our two nations' contrasting approaches to cultural pluralism.

Arnaud's numerous publications are full of lasting insights. His earliest book on sociology of law, the first volume of his Critique de la raison juridique (1981), is still a fine guide to the early history of the subject and a valuable introduction to its Durkheimian pioneers in France.

His friend, the sociologist Jacques Commaille wrote: 'For him sociology of law is never far from legal philosophy or legal history. Far from delimiting a territory, his sociology of law is enriched with this array of knowledges.' Arnaud began as a legal historian. Although his later socio-legal scholarship almost always focused on contemporary issues, there was usually a historical perspective in it. He liked to surprise his audiences for example, in a lecture I heard him give, he claimed to have found a 'pre-sociological vision of law' in the twelfth-century Decretum Gratiani.

He was a true individualist, following his own way outside the orthodox mainstream of juristic scholarship and never afraid to disrupt that orthodoxy. I found him a warm, courteous and generous friend, open-minded and richly cultured. European socio-legal scholarship is the poorer without him.

### Social and Legal Studies 25(3) June 2016

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# SLSA Annual Conference 2016 School of Law, Lancaster University 5th—7th April 2016



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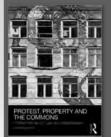
Edited by **Stewart Motha** and **Honni van Rijswijk**The archive manifests law's authority and its

Uncovering the Counter-Archive

The archive manifests law's authority and its troubled conscience. It is an indispensable part of the liberal legal response to biopolitical violence. This collection challenges established approaches to transitional justice by opening up new dialogues about the problem of assembling law's archive. By treating the law as an 'archive', this book traces the failure of universalized categories such as 'perpetrator', 'victim', 'responsible', and 'innocent' posited

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# Protest, Property and the Commons

Performances of Law and Resistance Lucy Finchett-Maddock

Protest, Property and the Commons focuses on the alternative property narratives of 'social centres', or political squats, and how the spaces and their communities create their own – resistant – form of law. Drawing on critical legal theory, legal pluralism, legal geography, poststructuralism and new materialism, the book considers how protest movements both

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Common Law, Walking, Unsettling Place

Olivia Barr

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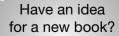
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