

Socio-Legal NEWSLETTER No 91 SLSA

THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

SUMMER 2020

A MESSAGE FROM SLSA CHAIR ROSIE HARDING

Dear Colleagues, I very much hope that the summer 2020 SLSA newsletter reaches you in good health, and good spirits, despite the very challenging times we find ourselves in.

Following the unavoidable decision to cancel our SLSA 2020 Annual Conference in Portsmouth as a consequence of the COVID-19 pandemic, I wanted to take this opportunity to update SLSA members on the planning that the SLSA Board of Trustees has undertaken to mitigate the impact on the association and our members.

Firstly, I want to extend sincere and grateful thanks to the conference team at the University of Portsmouth. They acted with the utmost professionalism in extremely difficult circumstances to mitigate losses to individual delegates, the SLSA and the University of Portsmouth. Second, as we announced at the time, we very much hope to find a way to bring members together in person to celebrate the SLSA 2020 prizewinners, at a time and place where it is possible for us to do so. Unfortunately, we are not yet able to make plans for a large-scale in-person gathering, but will update members as soon as we are able.

As members will be aware, a significant proportion of SLSA funds are generated through donations to the SLSA from the institutions hosting our annual conference. Whilst the SLSA did not experience direct financial losses as a consequence of the cancellation, we will not receive any such donation this year. As a consequence, the SLSA Board has had to engage in significant contingency planning to ensure that we can continue to meet our charitable objects with a much reduced income for the short to medium term.

The likelihood of ongoing social-distancing requirements means that there remains a lack of clarity about when and how activities like large-scale conferences will be able to return in the ways that we had become accustomed. The SLSA Board has decided that we will run the annual, free, postgraduate conference as an online event in January 2021, to avoid any potential last-minute cancellations. Further details will be available early in the 2020/2021 academic year as usual. We will make decisions about future SLSA conferences and events in the coming weeks and months and will update members as appropriate through our weekly ebulletin and termly newsletter.

The SLSA is in a relatively secure financial position at present, but we do have to make difficult decisions about how best to continue to serve our members, and meet our charitable objectives, to mitigate an inevitable budget deficit. The change of colour of our newsletter from cream paper and blue text to white paper and black ink is part of our cost saving measures. Let us know what you think!

Following discussion at the AGM in April, we have decided not to increase membership fees this year, but plan to make a small (inflationary) increase in 2021. We will confirm the details of this in due course and would strongly encourage members to renew their SLSA membership when it falls due, to continue to be eligible for SLSA prizes and funding.

The SLSA Board are aware of the great value that SLSA members place in our funding streams, and we are determined to protect our grants, fieldwork grants and seminar funding. Unfortunately, the funding envelope will need to be smaller in 2020 than it has been in recent years, though we hope reduced costs on travel should ensure these schemes continue to provide value to members. We have decided to pause the Research Training Grants scheme (as many training courses are not running in the way they usually would this year) until further notice.

I very much hope that members will understand the reasons for these difficult decisions, and that you will continue to support your SLSA. I look forward to the next time we can meet in person; until then I wish every member of our socio-legal community good health through these difficult times.

Rosie Harding, Chair, SLSA, May 2020

SLSA AGMs 2020

Due to the cancellation of our Annual Conference, the SLSA AGMs had to be postponed. Originally, planned for 2 April in Portsmouth, the two AGMs took place online on 30 April 2020. Many thanks to those members who managed to attend.

The final AGM of the SLSA as an unincorporated association was held first at which attendees unanimously voted to dissolve the organisation in that format. It was immediately followed by the first AGM of the SLSA as a Charitable Incorporated Organisation.

Several SLSA Board members stepped down at the meeting. These were: Maebh Harding (Membership Secretary); Jed Meers (webmaster and blog editor); Rachael Blakey (PG rep); Naomi Creutzfeld (former publisher liaison); Amanda Keeling (SLSA 2019 organiser); Ilke Turkmendag; and Tom Webb (SLSA 2016 organiser). SLSA Board members generously give their time and expertise to support the SLSA, so we are extremely grateful to them for their contributions over recent years.

At the same meeting, five new Board members were elected: Chris Ashford, Northumbria University; Simon Flacks, University of Westminster; Emma Jones, Open University; Emma Milne, University of Portsmouth; and Clare Williams (independent researcher).

See page 2 for full details of the 2020/2021 SLSA Board.

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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 e [Rosie Harding](mailto:Rosie.Harding).

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

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



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MEMBERSHIP RENEWALS

Many people's membership fees fall due in July. Please ensure that your membership fees are paid to avoid being chased for payment and/or deleted from the database.

The annual full membership fee is £40 (student rate £20). To renew, simply transfer your payment to the SLSA account:

- **bank:** Co-operative Bank
- **sort code:** 08-92-99
- **account number:** 65209341
- **account name:** Socio-Legal Studies Association

Bank payments are manually matched to your membership account so please ensure that your full name is clearly stated in the merchant reference.

Existing members can check their membership profile in the members' area of the **w website**.

In exceptional circumstances where a bank transfer payment is not possible, you can send a cheque made out to the 'Socio-Legal Studies Association' to SLSA Treasurer, Vanessa Munro, School of Law, University of Warwick, Coventry CV4 7AL.

Membership fee increase from 1 July 2021

Following discussion at the AGM, the SLSA Board of Trustees have decided not to increase membership fees this year, but that we will do so in 2021. As a consequence of the late cancellation of Portsmouth 2020 SLSA Conference, and the ongoing impact of COVID-19, SLSA funds are likely to be depleted for the short to medium term. The SLSA Board of Trustees agreed that to offset this impact on the SLSA budget, and to protect the activities of the SLSA through the fallout from this global crisis, we will increase the annual full membership fee to £50 and the student membership fee to £25 (retaining the first year free for new student members) from **1 July 2021**. This will be the first fee increase for 10 years and is roughly in line with inflation to date since 2011. Members will be reminded of the increase well ahead of the time so that they have ample opportunity to arrange payment of the correct amount. We are also actively investigating the possibility of introducing online credit/debit card payments, and payment by direct debit, and will update members in due course about these future payment options.

SLSA ANNUAL PRIZE FOR CONTRIBUTIONS TO THE SOCIO-LEGAL COMMUNITY

This prize was launched in 2011 and in its first nine years has been awarded to Mavis Maclean, Phil Thomas, Roger Cotterrell, Sally Wheeler, Martin Partington, Linda Mulcahy, Mike Adler, jointly to Tony Bradney and Fiona Cownie, and, most recently, to Robert Dingwall.

The winner of this prestigious award receives £500 and lifetime membership of the association.

SLSA members are warmly invited to submit nominations for this year's prize. Please take the time to think about whether you would like to nominate an inspiring colleague. There are no specific criteria. Nominators should simply state in 100 words why the person they are nominating would be a worthy recipient of the prize.

The prize is funded by a private sponsor.

Visit **w website prizewinners' page** to find out why the previous winners were chosen.

Nominations should be sent by email to **e admin@slsa.ac.uk**. Closing date: **Monday 7 September 2020**.

SLSA VIRTUAL DRINKS

On Friday 29 May, around 20 SLSA colleagues gathered online for virtual drinks, timed to coincide with what would have been an actual event in a Denver watering-hole during LSA 2020.

Organised by SLSA international liaison officer, Smita Kheria, with support from other Board members, this was the SLSA's first ever virtual social event, very much designed to be flexible and informal. Ahead of the evening, we offered members four breakout options. As well as the main Zoom room there was: 'LSA 2020'; 'COVID and socio-legal research'; 'No work here'; and 'When things don't quite work out as planned'. The most popular rooms were the last two and, maybe not surprisingly, it seemed that no one wanted to talk about COVID-19! However, there were some entertaining discussions – both work and non-work related – and positive feedback afterwards. As a result, we are looking into organising other informal events in the future.

A MESSAGE FROM YOUR PGR REPS

The emergence of COVID-19 has drastically changed all of our lives in an alarmingly short period of time, and adjusting to working remotely and social distancing has been challenging and anxiety inducing (to put it mildly!).

We understand that this is a particularly difficult time for our PGR community, especially for those whose fieldwork/research has been disrupted and those who have had to take on new or additional responsibilities as carers. We just want to stress that it's really important to reach out for help if you feel you need extra support, whether that is through your supervisors, your institution or even your PGR peers. If there is anything we can do in our capacity as SLSA reps, please do not hesitate to email us at **e slsapgprep@gmail.com**.

And, finally, a message from Rachael Blakey, who has stepped down from the PGR rep role as she comes to the end of her PhD: *'Thank you to everyone who has made me feel so welcome on the SLSA Board. I have so enjoyed representing our PGR community and am missing it already! Special thanks to Tahir who has been an amazing PGR rep to work with and I know will do amazing work going forward. The SLSA will be looking for another PGR rep to join Tahir later on – information will be posted online soon!'*

Tahir Abass and Rachael Blakey

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Next copy deadline: **19 October 2020**
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SLSA PRIZES 2019

Many congratulations to this year's book and article prizewinners, announced on 2 April 2020.

Hart–SLSA Book Prize

- Kate Bedford (2019) *Bingo Capitalism: The Law and Political Economy of Everyday Gambling*, Oxford University Press

Hart–SLSA Prize for Early Career Academics

- Insa Koch (2018) *Personalising the State: An Anthropology of Law, Politics and Welfare in Austerity Britain*, Oxford University Press

SLSA Theory and History Prize

- Kate Seear (2019) *Law, Drugs and the Making of Addiction: Just Habits*, Routledge

SLSA Article Prize

- Jane Scoular, Jane Pitcher, Teela Sanders, Rosie Campbell and Stewart Cunningham (2019) 'Beyond the gaze and well beyond Wolfenden: the practices and rationalities of regulating and policing sex work in the digital age' 46(2) *Journal of Law and Society* 211–239

Prize for Contributions to the Socio-Legal Community

- Professor Robert Dingwall: see [w prizewinners page](#) on the website for details of Robert's nomination.

Call for nominations for SLSA book and article prizes 2020

Nominations are now open for this year's book and article prizes. There are four prizes:

- the Hart Socio-Legal Book Prize;
- the Socio-Legal Article Prize;
- the Hart Socio-Legal Prize for Early Career Academics;
- and the Socio-Legal Theory and History Prize.

The closing date is Monday 5 October 2020. Publications published in the 12 months up to 30 September 2020 are eligible.

The first three prizes are generously sponsored by Hart Publishing. The Socio-Legal Theory and History Prize is sponsored by a private benefactor and the same rules apply for this as for the other book prizes, but no book or author will be eligible to win the Theory and History Prize and the Book Prize or Prize for Early Career Academics in the same year.

The winners of all the book prizes will receive £250 and the winner of the article prize will receive £100. Shortlists will be published in the spring issue of the newsletter and winners will be announced at next year's conference dinner in Portsmouth. Full details can be found on the SLSA [w website prizes page](#) and follow the prizes links. If you have a query about any of the prizes, please contact [e admin@slsa.ac.uk](mailto:admin@slsa.ac.uk).

TURN YOUR SLSA 2020 PAPER INTO A BLOG PROPOSAL

Were you due to present a paper or poster at SLSA 2020? How about writing your paper up into a (1000-word) blog post for the SLSA and submit it as part of #VirtualSLSA2020? To submit a post proposal or ask any questions, get in touch: [e blogeditors@slsa.ac.uk](mailto:blogeditors@slsa.ac.uk).

Regular blogs on any topic are also warmly welcomed.

AcSS: CALL FOR NOMINATIONS

On 26 March 2020, the Academy of Social Sciences (AcSS) announced that 51 leading UK social scientists had been conferred the award of Fellow of the AcSS. These included three prominent SLSA members: Professor Deirdre McCann, Durham University; Emeritus Professor David Sugarman, Lancaster University; and Professor David Fraser, University of Nottingham.

As a member of the Academy of Social Sciences (AcSS), the SLSA can nominate eminent socio-legal scholars for appointment as academicians. Full details of the process are available on the [w AcSS website](#).

The paramount requirement for successful nomination is that the nominee be 'a leading figure in their field and have already left a clear mark on it'. The AcSS notes that suitable nominees should 'merit the esteem of their peers for the excellence of their work and their championing of social science'.

SLSA members already admitted as fellows include all the winners of our prestigious annual prize. See the [w AcSS website](#) for the full list of current fellows.

Please send nominations (maximum 500 words) to Vanessa Munro [e v.munro@warwick.ac.uk](mailto:v.munro@warwick.ac.uk) by Monday 31 August 2020.

SLSA SEMINARS 2020

Congratulations to the winners of this year's Seminar Competition. Details of the arrangements for these events will be confirmed in due course: check the [w seminar page of the website](#).

- Henrique Carvalho, University of Warwick, 'Decolonising Criminal Justice and Penal Power': award £1830
- Elisabeth Griffiths, Northumbria University, 'The Gender Pay Gap: From History to Computer Algorithms': award £1875
- Sarah Keenan, Birkbeck, University of London, 'Workshop on Critical Perspectives on Land Registration': award £1875
- Mark Simpson, Ulster University, 'Benefits in Wales: Opportunities and Challenges for Social Security Devolution': award £1875

Forthcoming SLSA events

Each year the SLSA runs or supports a number of workshops, seminars and conferences both in the UK and abroad, either independently or in partnership with academic institutions or other learned associations. Please check the [w SLSA website](#), for details of new arrangements of events that were postponed over the spring and early summer.

- **SLSA 2020 Law and Literature Symposium** – 15 July 2020: online
- **SLS-JAC-SLSA Workshop on Judicial Appointments: 'Academics as judges'** – date and venue tbc
- **Interdisciplinarity as Resistance** – date and venue tbc
- **Legal Design: Concepts, Methods, Norms and examples** – date and venue tbc
- **SLSA Postgraduate Conference**, online, January 2021 – dates tbc
- **SLSA 2021**, Cardiff University, 30 March–1 April 2021

SLSA GRANT SCHEMES

Applications are now open for the next round of SLSA Research Grants and PhD Fieldwork Grants.

The Grants Scheme has been running since 1999 and has funded well over a hundred projects. It aims to support work for which other funding sources would not be appropriate and to encourage socio-legal research initiatives in a practical way.

Research Grants

Applications for this year's round are now invited. Applications are considered only from those who are fully paid-up members (or registered as free student members) of the SLSA, wherever they live. Applications must be made using the Application Package available on the SLSA website. The Application Package is subject to change so be sure to download the latest version.

The deadline is **31 October 2020**. Individual awards are up to a maximum of £1500. The Research Grants Subcommittee takes the following elements into consideration:

- clarity of the aim(s) and objective(s) of the research – originality, innovativeness and importance of the research; methodology (including coherence with aim(s) and objective(s), practicability and, if applicable, ethical considerations); budget; and potential impact;
- funding will not normally be provided for conference attendance or to subsidise postgraduate course fees;
- funding will not be provided via this scheme for one-day conferences or for seminar series;
- feedback will be given to unsuccessful applicants;
- no member will receive more than one grant per year;
- SLSA Board members are not eligible for the scheme.

Parental substance use and family justice

Simon Flacks, University of Westminster, £2214

The aim of this project is to explore how family lawyers and magistrates/judges understand and explain parental substance use. Evidence of the use of drugs, including alcohol, has profound implications for parents who wish to retain care of, or contact with, their children. As well as being involved in up to two-thirds of care applications, allegations of substance use are central to disputes between parents about residence and contact. Although some research has examined the impact of drugs and alcohol on outcomes within the family justice system, particularly in respect of the introduction of Family Drug and Alcohol Courts, no research has explored how lawyers, magistrates and judges actually understand drugs and addiction or the relationship between substance use, child welfare and parenting. This could be leading to unjust outcomes for both children and parents, especially given that a child's 'best interests' can be notoriously difficult to determine, and that lawyers and legal decision-makers play important roles in the legal constitution, or 'making', of drugs and addiction. I intend to undertake approximately 30 semi-structured interviews with solicitors, barristers, magistrates and judges in London and Brighton. Research questions include:

1. How do participants understand and define 'drugs' and parental 'addiction'?
2. How do participants make parenting assessments in respect of substance use (ie based on what information)?
3. According to participants, how does the nature of substance used, as well as the means and level of consumption, affect parenting capacity and the potential for child harm?

The study will therefore seek to create a conversation between the fields of family law, socio-legal studies and critical drugs studies. This is a pilot study, and it is anticipated that future projects will involve Cafcass officers and parents themselves.

PhD Fieldwork Grants

In January 2013, in response to the number of applications from postgraduates, the then SLSA Executive created a PhD fieldwork scholarship, with separate selection criteria, under the general umbrella of the Research Grants Scheme. The Fieldwork Grants scheme's aims are the same as those of the umbrella scheme outlined above. The maximum award is £1000.

Applications are invited for the fieldwork scheme for the year 2020. Applications to the scheme are considered only from those who are fully paid-up members (or registered as free student members) of the SLSA, wherever they live. Funding will only be made available to students who have completed their first year of study by the time the grant is to be taken up and who are not in receipt of ESRC or AHRC funding. Applications must be made using the PhD Fieldwork Application Package available on the SLSA website. Closing dates and decision dates as above.

Further information

For more information and to help you decide whether your project is appropriate for an SLSA grant, visit the **w grants area** of the website where you will also find a full list of previous grantholders. In addition it may be helpful to look at some of the numerous examples of previous project summaries and reports available in the **w newsletter archive**. And you may also wish to read the instructive article by Jess Guth, former chair of the Grants Subcommittee, published in **SLN 82:5**.

If you have any queries about either scheme, please contact **e admin@slsa.ac.uk**.

Project summaries of this year's successful cohort follow.

Right to a fair trial in Brazilian Appellate Courts: a perspective through the lens of feminist theory

Daniela Travaglia, University of Birmingham, £2000

This research uses a socio-legal methodology to investigate whether the gender imbalance of Brazilian appellate courts compromises the right to a fair trial, in its impartiality aspect.

The right to a fair trial entails two requirements of impartiality: the subjective and objective tests. The subjective test implies the lack of prejudice or bias towards parties, whereas the objective test is related to the appearance of impartiality and guarantees the court must offer to eliminate any doubt in this respect (European Court of Human Rights, *Daktaras v Lithuania*, October 2000).

However, according to a new feminist concept of the right to a fair trial, one more element is necessary for this analysis: the gender imbalance in appellate courts and how it affects impartiality. From a feminist perspective, the requirements of impartiality are underdeveloped, despite its central role to the rule of law. Both are mostly based on the liberal concept of impartiality and lack a gender perspective. A feminist critique of the current understanding of the right to a fair trial is essential to examine the consequences of the gender imbalance in appellate courts and to revamp its concept, showing that the fair trial and impartiality shall not be seen as gender-neutral.

The primary focus is the place of gender in the analysis of impartiality as a core component of the fair trial. Thus, this research is being built utilising a robust qualitative approach about the law in practice or, in this case, 'courts in practice'. Taking gender as the primary point, the research seeks to understand how case law develops in a gender-imbalanced appellate court and how this imbalance can impact the process of adjudication and the court's impartiality.

Reimagining civil society's involvement in transitional justice: Russia's approach to the repressive past after the breakup of the USSR

Selbi Durdiyeva, Ulster University, £2000

Nearly three decades after the breakup of the Soviet Union, Russia remains an authoritarian state, with a selective use of the Soviet past, which could be an indicator of the lack or absence of transitional justice (TJ) measures. However, at the same time, considering Russia a 'failed transition' is erroneous, as it would disregard the efforts of such an important actor as civil society. Through the analysis of three civil society groups engaged in TJ in Russia – namely, one prominent actor (Memorial – one of the oldest NGOs in Russia), a religious group working on Stalinist mass execution and burial space (Butovo Complex), and a marginal far-right group in a Siberian city (Russian Spirit) – I aim to demonstrate the heterogeneity of civil society groups and tackle some presumptions with respect to the functions and role of civil society, existent both in political and TJ theory. The thesis aims to understand the potential of and obstacles facing civil society in TJ processes, when civil society took control of TJ measures, in the absence of action (or even in the face of hostility) coming from the state.

Interviews are a key source of empirical data and allow me to fill in the gaps of understanding derived from document and secondary data analysis. To date, through the first stage of my field work, I have conducted 26 interviews. To follow up on some of these, as well as to carry out others that I was unable to do previously, I will be making a subsequent visit to Moscow. I also plan to travel to Sandormoh, a mass burial site found and preserved by one of the civil society groups I am studying. I am also hoping to visit the former site of Solovestky Labour Camp together with St Petersburg and Moscow Memorial, which will allow me to observe the NGOs in action. I am very grateful to the SLSA for the support and scholarship that will help me carry out my research.

Unearthing the law from the pits: legal mapping of customary and living laws as an alternative to artisanal and small-scale mining formalisation in Ghana

Linda Mensah, University of Strathclyde, £1931

Artisanal and small-scale mining (ASM) – the extraction and processing of minerals with predominantly low-technology and manual labour – has generated countless research studies over the past decades, most of which revolve around its significant economic contributions and negative social and environmental externalities. Like many other mineral-producing countries of the Global South, Ghana's strategy for addressing the challenges within its ASM sector has, since the 1980s, been focused on formalising and integrating the sector into the formal legal economy. Despite these formalisation efforts, the evidence suggests that an overwhelming 90 per cent of artisanal miners continue to operate informally, electing to conduct their business under informal and customary laws rather than the state-centric mining laws. The state's response to this persistent informality has not been favourable either, and has involved increased criminalisation, militarised evictions from lands and the introduction of specialised courts solely for handling cases of arrested informal artisanal miners.

Against the background that the prevailing formalisation has been largely unsuccessful in delivering a more sustainable and inclusive ASM, this research argues for placing customary and other informal laws at the centre of legal and policy reform. I draw on legal pluralist and decolonial theories to contextualise

indigenous knowledge systems and practices as sources of an informal and 'living' law to address the misrecognition, marginalisation and exclusion of local artisanal miners. This research therefore delves into the under-theorised intersection between ASM and customary laws, which it unearths with ethnographic techniques of participant observation, oral histories, storytelling and informal conversations. With a three-month fieldwork in Ghana, this study will primarily observe artisanal miners at their mining sites and engage with local chiefs as custodians of customary law and members of the local community. It will additionally study up by interviewing judges and other government and private officials who have been instrumental in the state's formalisation project.

Conflicts and contestation in a public inquiry

Raphael Schlembach, University of Brighton, £1105

The exposure of undercover officers embedded in political activist groups has made headlines since 2011. Undercover policing through infiltration has involved the use of intimate and sexual relationships, the use of dead children's identities as aliases without the knowledge of the deceased's parents, and the withholding of evidence from courts. A judge-led inquiry, under the Inquiries Act 2005, has been investigating the matter since 2015, but its work will begin in full only later this year. The inquiry process is a test of the ability to use an inquisitorial mechanism to disclose state secrets (related to undercover policing) and to satisfy both the police's interest in maintaining secrecy and the competing demand (from victims, researchers and the media) for transparency and disclosure.

The aim of this project is to scrutinise the way that the Undercover Policing Inquiry negotiates the various expectations that key stakeholders place on it. The project seeks to contribute to socio-legal analysis of public inquiries under the Inquiries Act 2005 that brings the struggle and contestation within the inquisitorial process to the foreground. By focusing on the interactions, controversies and challenges in the Undercover Policing Inquiry, rather than the inquiry's official report(s), the research will open up new avenues for understanding such relational processes that can be applied to other ongoing and forthcoming public inquiries.

The research consists of three ways of collecting data:

1. written evidence submitted to the inquiry and transcripts of evidence hearings;
2. observations of court proceedings and interactions; and
3. in-depth interviews with core participants and legal representatives.

But as with most research projects in recent months, COVID-19 and social-distancing measures have had an impact. Notably, evidence hearings have been postponed even further (none have been held after five years of inquiry work!).

SLSA

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PROPERTY PEOPLE POWER AND PLACE STREAM 2020

The SLSA's Annual Conference is a key date in the calendar for many of us; providing opportunities for presenting research, developing collaborations, building contacts, and a welcome chance to catch up with colleagues after a busy year of teaching and research!

After putting together another jam-packed session for the Property People Power and Place Stream, co-convenors Professor Sarah Blandy and Dr Jill Dickinson were looking forward to discussions on a variety of topics, including pubs, canals, mobility, bankruptcy, mortgage repossessions and low-income housing provision.

Following the cancellation of the Annual Conference, the navigation to online working presented an opportunity to run the stream online and hold a 'virtual symposium'. Mindful that recent developments mean that those involved in the stream may be juggling new challenges, we invited presenters to let us know of their interest in participating and to work with us in identifying a suitable date, time and format.

Leading up to the event, colleagues welcomed the online format for various reasons, including accessibility, and reducing their environmental footprint. Whilst the physical SLSA Conference does move around the UK, colleagues can face considerable issues arising from the time and costs involved in travel and accommodation, especially international colleagues (because their academic calendar doesn't necessarily always align with the UK programme) and early career researchers. Ben Archer, one of the presenters involved in the Online Symposium, noted:

I was really excited to present at the SLSA conference in Portsmouth, and respect how important conferences such as this are for a PhD student like myself. When offered the opportunity to present at the Online Symposium, I was delighted to have the chance to discuss some of my findings and network as an early career researcher with academics in similar fields.

Conversely, colleagues also admitted that their experience of online engagement never quite matches that provided by in-person presentations, discussions and socialising, and that's even when the technology works! They highlighted how another challenge can be finding an elusive quiet corner to participate in online events, particularly for those using shared work spaces and/or juggling home schooling.

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Terra nullius? Temporal legal pluralism in an Australian colony – Shane Chalmers

White-collar crime: the privileging of serious financial fraud in New Zealand – Lisa Marriott

Gay and lesbian collaborative co-parenting in New Zealand and the United Kingdom: 'The law doesn't protect the third parent' – Nicola Surtees

Genealogies of immigration detention: migration control and the shifting boundaries between the 'penal' and the 'preventive' state – Giuseppe Campesi

Yelling 'Fire' in a crowded occupation: cynical fire hazard claims and the technocratic containment of dissent – Honor Brabazon

The banishment of the poor from public space: promoting and contesting neo-liberalisation at the municipal level – Kevin J Brown

Overall, colleagues expressed how the benefits of running online sessions, including convenience, cost, emissions reduction and equity, outweigh some of the challenges presented by virtual events, and suggested that these factors could potentially result in an increase in such gatherings in the future.

The Property People Power and Place Online Symposium took place via Zoom on Wednesday 20 May 2020 from 9:45am–12:30pm. Presenters discussed a range of topics including: public spaces protection orders; dephysicalised property and shadow lands; murals, traces and the sacred/secular of the 'lawscape'; and digital property.

Over 20 people attended the symposium. Feedback included: 'Thank you very much for organising this. It is good to keep some form of academic debate and engagement going during these odd times' and 'Really well done. Have attended a few online seminars etc (more than usual) during these extraordinary times and it was certainly one of the best, good interaction, made good use of video, and well organised.'

Building on this enthusiasm, we're looking into opportunities for running further events online – hopefully see you there!

*Dr Jill Dickinson, Sheffield Hallam University;
with thanks to Benjamin Archer, Sheffield Hallam University,
Sarah Gilmartin, University of Lancaster and
Jessica Smith, University of Kent*

SLSA 2020 LAW AND LITERATURE SYMPOSIUM

The SLSA Law and Literature Symposium will take place on Wednesday **22 July 2020**. It will be held online (via Teams), and the **programme** features six original paper presentations on two key themes: 'Crime and consequences in law and literature'; and 'Making sense in/of law and literature'.

If you are interested in joining this event, or would like more information about it, please get in touch with the convenors **e David Gurnham** or **e Julia Shaw**.

SLSA membership benefits

Benefits of SLSA membership include:

- three hard-copy newsletters per year;
- discounted one-day and SLSA Annual Conference fees;
- weekly ebulletin;
- eligibility for grants (research and fieldwork);
- eligibility for funding schemes;
- eligibility for SLSA prizes;
- 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 selected books, plus special online discounts from Hart Publishing 20%, Palgrave Macmillan 20%, Bristol University Press/Policy Press 25%, Combined Academic Publishers 30% and Edward Elgar 25%;
- special membership category for retired members;
- ... and much more.

Visit **w website** for details.

LAW AND COMPLIANCE DURING COVID-19

Researchers at the University of York have begun looking into the UK public's compliance with the many restrictions imposed during the government's COVID-19 lockdown period.

Understanding the role of law in society has rarely been so important. Current lockdown restrictions, introduced in March 2020, form the central plank of a wide range of government interventions, which to date include the 359-page Coronavirus Act 2020, 61 statutory instruments (emerging from 46 different parent Acts), and an even greater amount of policy and guidance. Whilst an inevitably lively legal debate has ensued – describing these constraints as ‘almost certainly the most severe restrictions on liberty ever imposed’ – it is clear that an analysis rooted in society's response is central to understanding this phenomenon.

We were particularly keen to find out how people understand the rules, whether they see themselves as compliant, what drives compliance, and how the rules relate to ordinary perceptions of rights. Through an initial national survey from our Nuffield Foundation-supported **Law and Compliance during COVID-19** project, we now have a preliminary snapshot.

Some key preliminary findings, taken from our first interim report, are outlined below. In the longer term, we will conduct a more detailed statistical analysis that further explores the drivers of compliance. Survey data will also be supplemented by ongoing qualitative work, including online focus groups with 80 to 100 participants and a series of online interviews, alongside a more general analysis of the government's interventions.

Initial key findings

Compliance

Most respondents (99%) claim to know, mostly or exactly, what activities are permitted under the lockdown restrictions. Most (85%) also said it was easy to follow any changes made. However, there was extensive disagreement on what is (and is not) allowed in relation to specific rules. There was particular confusion regarding some of the more complex exceptions to general prohibitions. For instance, only 68% of respondents knew that it is permitted to move to another address because of a fear of violence at home.

It was clear that, although most respondents are largely following lockdown rules, a sizeable proportion of them reported failing to observe strict compliance (we asked about their experience in the week before the survey). Furthermore, respondents reported breaking a rule, while others, although not regarding themselves as breaking rules, reported ‘bending’ rules. Almost a third (31.8%) of respondents broke or ‘bent’ a restriction at least once during the seven-day period preceding the survey.

Approximately half of our respondents (48%) predicted that they would find it harder to follow rules the longer lockdown continued. Equally, approximately half (52%) predicted they would find it harder to comply should lockdown rules become stricter. A smaller proportion (38%) predicted difficulty in the event of a second lockdown being introduced after current restrictions are lifted.

Social solidarity

We examined the extent to which people felt they owed a *duty* to others to comply with the restrictions. Perhaps

unsurprisingly, our findings confirm that most people feel a strong sense of owing an obligation to their families to comply with the lockdown (76%), more so than in relation to neighbours (53%) or the country more generally (55%). It was particularly striking that even more people feel this strong sense of compliance obligation in relation to NHS workers (78%).

The converse of a felt *duty* to comply with the lockdown rules is a sense of the lockdown violating ordinary perceptions of one's ‘rights’. Most people saw the lockdown as violating various ‘rights’ but felt that the violation was acceptable in the circumstances of the current pandemic. However, a significant minority of respondents reported that the violation of various ‘rights’ was unacceptable, notwithstanding the current circumstances. The strongest sense of an *unacceptable* rights violation related to the notion of people having a ‘right’ to *fully* support those who need them.

Challenges

Although the lockdown is centrally focused on containing the spread of infection and protecting the NHS's capacity to cope, it is clear that such a radical and widespread change to how society functions will have significant negative effects on people's lives. We asked respondents to indicate whether they had experienced a significant problem or dispute in relation to key aspects of life. Our findings suggest that problems with mental health, loneliness and financial worries are most prevalent. But also of concern was the 1% who reported problems of violence or abuse within the home, particularly in light of the earlier finding (above) that only 68% of respondents knew that it is permitted to move to another address because of a fear of violence.

Preliminary conclusions

Overall, our initial findings suggest that people think they comprehend the rules and are generally willing to comply. They view the interference with their sense of ‘rights’ as broadly justified, and though it might prove difficult would try to continue to comply with future restrictions should they be extended or tightened further. However, there is a striking lack of agreement on what is understood as permitted in relation to particular activities. Many also report breaking or bending the rules.

Simon Halliday, Professor of Socio-Legal Studies, University of York, Jed Meers, Lecturer in Law, University of York and Joe Tomlinson, Senior Lecturer in Public Law, University of York

We are grateful to Dr Mark Wilberforce for his support with this research. This research was kindly funded by the Nuffield Foundation (Grant Reference JUS /FR-000022588). The project has been funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily the Foundation.

The Socio-Legal Newsletter needs you!

It is more important than ever that the socio-legal community works together in the current time of social upheaval and uncertainty. The newsletter is the SLSA's principal means of publicising the activities of the Board of Trustees and the membership in general. The next copy deadline is **19 October 2020**. Please send in news about your publications, research, new jobs/promotions/awards, articles on socio-legal topics, events – virtual and physical – and anything else of interest to socio-legal colleagues. Contact: Marie Selwood [e editor@marieselwood.co.uk](mailto:editor@marieselwood.co.uk) or [t 01227 770189](tel:01227770189).

SOCIAL DISTANCING FROM AND IN A GENDERED WORLD

Flora Renz, Kent Law School, University of Kent, looks at how social distancing is shining a light on how our 'normal' existence is shaped and the assumptions that government and the wider society makes about how people organise their lives.

Writing in the middle of a global pandemic it seems increasingly difficult to focus on other concerns beyond the immediate threat to our collective health and survival. But is there something our response to COVID-19 can reveal about the ways in which our lives, before, during and after this current crisis are shaped and organised? Can it tell us something about how norms around gender (and other characteristics like disability and class, for instance) permeate all aspects of our society and its institutions, all aspects of life? Are there **social injuries** that are not caused by necessary public health measures, but whose continuous existence is simply becoming more visible in times of crisis?

Due to the current lack of a vaccine against what has proven to be a highly contagious virus, the main remedy offered in response to a global pandemic seems to rely on social distancing for the majority, and social isolation and quarantine for a smaller minority. There are, of course, good public health reasons for this approach, which so far seems to be the only proven way to lower infection rates. But social distancing also presumes a certain social model and way of living that is in line with the ideal liberal subject so beloved by modern states and governance practices: an individual with garden, balcony(ies), or other private outside space and a sufficient number of rooms in which to distance safely from others. But let's start from the beginning ...

In the first place, in order to be able to distance from others, one needs to be able to survive without reliance on others – or at least without reliance on being in close proximity with others. On the most literal level this is, of course, not possible for anyone: we all rely on food produced (and now delivered) by others, as well as crucial utilities and some sources of continuing income to pay for such things. And while nobody is expecting us to give these up in order to facilitate social distancing (although a lack of savings and other income is clearly a key factor preventing many from engaging in this public health measure in the first place), other types of dependence on others are clearly envisaged as running counter to social distancing. In particular, those of us who depend on care from others or who are caregivers ourselves do not seem to fit neatly into public health plans. If such care is necessary or considered at all, social distancing presumes that it can always take place within the home and is therefore carried out by close family members. But what happens to people with disabilities **who rely on agency or NHS carers**, older people who do not live near their families, or parents of young children who would normally attend nursery so their parents can work? These groups and many others starkly expose the relational nature of our lives and needs, as well as the still gendered dimension of care. Early accounts already show that **a majority of the care work** that was previously done by carers outside the home now seems to fall mainly back onto women, who are compelled to take this on in addition to carrying out employment either in person or remotely for the greater good. At the same time, those whose needs either for specific resources or care are deemed too great are portrayed as an almost unavoidable sacrifice, with repeated invocations of the mantra that those who have died or will die are mainly those who are 'older or have underlying conditions'.

Social distancing also seems to rely on certain ideal family formations that largely mirror the heteronormative two parents with a small number of children model (see the Health Protection (Coronavirus, Restrictions) England Regulations 2020, reg 6(j)). This became most evident when the government had to clarify that children of divorced parents would still be allowed to move between households and the strangely proscriptive statement that **new couples should move in together**. But is also implicit in what is not being said, for instance, who would carry on working in single parent households while schools were closed? What happens to couples that may not in fact be 'new' but still do not live together? What happens in homes where one partner is **abusing the other**? What happens to couples that are not couples at all but involve three or even more people? Can our new reality accommodate these deviations from the imagined norm?

Of course, a number of remedies to the more obvious negative side-effects of social distancing have been offered up fairly quickly: online meetups and coffee hours to help combat loneliness; mutual aid groups to deliver food, medication and other necessities to those confined to their homes and unable to venture outside; flexible working hours offered to those suddenly taking on significantly more caring responsibilities. And while moving activities online may replicate many aspects of social interaction, it also offers a strange form of sensory deprivation. Computers and screens cannot replicate the feeling of a group of people in space, the almost unnoticeable sounds, smells, pressure and feeling of bodies being near each other. Similarly, voluntary services cannot replicate an already crumbling social safety net and a failure of state provision; and flexible working hours cannot erase the fact that care work is actual work and can rarely be done concurrently with other work.

It seems likely that social distancing will mostly be temporary, although perhaps not as temporary as we might wish. As a result, most of the issues outlined here are treated as short-lived problems, that is, if they are considered at all by employers, institutions and governments. And, while social distancing has certainly made the gendered nature of how we distribute domestic labour and care work, as well as the implicitly gendered nature of our system of governance, more starkly visible, social distancing has not produced these conditions. However, working on a research project that asks what would happen if we no longer had a formal legal gender assigned by the state, I am acutely interested in what the future of gender may look like. So, rather than thinking about this as a temporary state of emergency, can thinking about these issues and perhaps about how to resolve them, help us imagine a society whose institutions, practices and communities are less suffused with gender? Can we think about care and bodily needs not as something exceptional or unusual, but rather as something that affects all of us, although perhaps to varying degrees at different times? Can our state and legal system find a way to address the very gender-based inequality around which it is built? Beyond this immediate crisis can equality law address the unevenly gendered nature of our society? It seems vital that when we emerge out of our imposed isolation, we do not simply return to the status quo, but rather use this as an impetus for imagining more radical social change.

*This article was first published on the **SLSA Blog**.*

SLSA weekly ebulletin

The SLSA weekly ebulletin is published every Friday in termtime. As well as providing updates on SLSA activities and schemes, it also provides a weekly round-up of members' and other news including events, research, publications, vacancies and much more. If you would like an item included in the ebulletin, please send it by lunchtime on a Friday to [e editor@marieselwood.co.uk](mailto:editor@marieselwood.co.uk).

ARTIFICIAL INTELLIGENCE IN HEALTHCARE: FRIEND OR FOE?

*Jo Smith, features writer for the **Immigration Advice Service** – an organisation of immigration lawyers in the UK, Ireland and the US – asks whether changes proposed to the UK immigration system will result in the introduction of more robots in the care sector.*

Whenever the future is depicted in sci-fi films or the media, technology tends to feature prominently as an aide to daily life. From robots that perform routine and mundane tasks to advanced intelligent technology that can operate on a more autonomous level, technology has permeated our everyday lives and our vision for how the future ought to look.

As the NHS and care workforce battles the coronavirus crisis, there have been a number of moral quandaries over the practicalities of automating the healthcare system and investing in so-called ‘care robots’. Yet the potential benefits are myriad: a workforce that is not susceptible to contagions; the ability to fill positions which have been left vacant by staff who are ill or having to isolate to prevent the spread of infection; and the potential for a 24-hour workforce that doesn’t need significant time off during times of extraordinary pressure on the health service to name a few.

Already, the integration of robots into healthcare services has been hugely successful in both physical and mental terms. Toyota has released a **range of robots** designed to assist patients who need help walking and regaining their balance while others support healthcare assistants by taking the weight of patients that need help moving from a bed to a chair, for example. *Paro*, the furry robot seal, has been used to promote mental health, particularly in those with dementia and for those with autistic spectrum disorders. The efficacy of support animals has long been recognised, but the introduction of emotional support robots has enabled more widespread use without any of the concerns about infection risk, hygiene matters and training that can be an issue with real animals.

The potential for replacing humans with robots has been an area of technological research which has fascinated tech giants for decades. As computing power and capacity has increased, many jobs have been supported and, in some cases, surpassed by technological solutions which can offer increased accuracy and productivity for lower overall costs. The pace of research into these solutions has increased in the UK over recent years due to the impact of Brexit on the availability of migrant care workers.

However, while it seems sensible to plan for a future in which many of the more routine or physically demanding duties can be performed by artificial intelligence (AI), the UK government has laid out plans which explore the potential for replacing some ‘key workers’ altogether.

The government’s immigration proposals to block entry for workers earning less than £25,600 per year from January 2021 relies strongly on alternatives to human workers, especially in the care sector where wages are often as low as £16,000, according to the National Association of Care and Support Workers. The other **criteria for securing a work visa** include having a PhD or fulfilling a job on the UK Shortage Occupation List, neither of which apply to care workers despite vacancies of more than 100,000 positions in the sector, **which could rise to 460,000** under the plans. These concerns were addressed for other areas of healthcare by the introduction of the **NHS visa**, but no such measures have been put in place to protect caring roles.



In October 2019, the government responded by pledging £34 million to develop its bizarre vision of care robots instead of amending the immigration rules. In February, the Home Office reiterated that employers will need to ‘adapt’ from reliance on EU labour to such automated systems in a move which has since been **described as ‘ridiculous’** by **Noel Sharkey**, a professor of AI and robotics at Sheffield University and former judge of the BBC’s *Robot Wars*.

However, integrating automation in the healthcare sector could be an effective and hugely positive step for medical professionals and those who need care, providing AI supports and relieves the physical burden of care, rather than replacing flesh-and-blood staff. Automation has the potential to revolutionise the sector if it is executed correctly, but the vision to replace human contact with ‘care bots’ fails to take into account the necessary factor of human, tactile touch in care work. Further still, robots are unable to express empathy, ascertain patient’s mental state or accurately assess someone’s changing care needs. Some AI algorithms have even become fraught with human prejudices which make them ill-suited to the complex and diverse stages of care work.

Yet coronavirus might just propel the case for AI in healthcare. As staff are frequently pushed to their physical and mental limits, often with a lack of personal protective equipment, support delivered by automation could be hugely effective as is **the case of a new ward** that was built in a Chinese hospital where COVID-19 patients were treated exclusively by humanoid robots. Here, the robots were utilised to deliver food and medication to patients, take note of their vital signs, clean corridors and even dance for entertainment – all while controlled remotely by staff.

Elsewhere, robots that have been trialled in caring environments have been welcomed by staff and residents alike. But, for the nuanced care that is also needed, automation is still an insufficient option when it comes to effectively replacing the functions of human staff. While there is an **ongoing staffing crisis in care** and Brexit limitations are also looming, automation may not be the immigration solution the UK government is hoping for.

There is a desperate need to strike a balance between using technology to relieve the pressure on overworked sectors and attempting to cut costs and care levels by replacing humans with robots. Experts estimate that **automation** could save the NHS more than £12 billion a year, if it uses virtual workers to tackle data entry tasks. If the scope is broadened to use robots to assist in areas where they excel, such as the early diagnosis of **Alzheimer’s disease** and some **types of cancer**, then the success that we have seen using automation to reduce the impact of COVID-19 could be replicated in other areas of healthcare.

The unprecedented spread of the COVID-19 virus has highlighted the need for increased research and understanding of the potential for automation, but knee-jerk implementation could result in damaging losses of personnel and skills. The future will feature robots and other forms of automation, but they should not be viewed as an alternative to a trained and experienced workforce, rather as a tool to be used by healthcare professionals in order to deliver excellent care to their patients.

*This article was first published on the **SLSA Blog**.*

WILL MAKING IN SOCIALLY DISTANT TIMES

Juliet Brook, Portsmouth Law School, University of Portsmouth, asks whether the current law relating to will-making is fit for purpose in the current social climate.

In England and Wales, in order to make a valid will you need to sign your will (or acknowledge your signature as your own) in the presence of two witnesses (Wills Act 1837, section 9). Each witness then needs to sign (or acknowledge their signature) in the presence of the testator.

But what level of proximity amounts to presence? Eighteenth-century case law established that 'presence' requires that the testator and witnesses are able to see the act of signature, but confirmed that it is not necessary for them to be in the same room as long as there is a direct line of sight between testator and witnesses (*Casson v Dade* (1781) 1 Bro CC 99). Presence on the other side of a window or glass door would therefore be permissible; there have been recent reports of people **signing wills on car bonnets** or witnessing through patio doors to maintain social distancing. Private client solicitors have been working extremely hard as they strive to facilitate will-making that complies with the requirements and have even been designated as key workers to reflect their important role.

Would video witnessing suffice? In its 2017 consultation paper on '**Making a Will**', the Law Commission expressed its opinion that it is 'unlikely' that video witnessing would satisfy the presence requirement because the witnesses would not be physically present (para 6.32), although this has not yet been conclusively determined. Therefore if someone tries to execute a will using video witnessing, it would not be known until after their death whether this was a valid will. For people who are self-isolating and wish to make a will, relying on such a legally untested method of witnessing would be extremely risky.

Furthermore, in England and Wales, non-compliance with the formalities for making a will means the document is invalid; the courts have no discretion that would enable them to admit to probate a document where someone has tried, but failed, to meet the formality requirements. The Law Commission's 2017 consultation paper recommended the introduction of a 'dispensing power' that enables the court to dispense with the formalities if sufficient testamentary intention can be proved (Consultation Question 28), but its project to reform the law of wills was put on hold so it could prioritise its **work on weddings**. When that decision was made, no one foresaw that weddings would be practically impossible for much of 2020 ...

Many other common law countries already have dispensing powers, yet a growing number of jurisdictions have used emergency legislation to permit video witnessing of wills in certain circumstances. For example, New Zealand has enacted the (snappily titled) **Epidemic Preparedness (Wills Act 2007 – Signing and Witnessing of Wills) Immediate Modification Order 2020**, enabling wills to be signed by video link. Similar provisions have been enacted in Queensland, Ontario, and **numerous states in the USA**. The **Scottish Law Commission** has also confirmed that video-witnessing will be sufficient.

So, what hope for England and Wales? Recently, Gina Miller and Baroness Kennedy called for **oral wills to be permitted for all**, ostensibly by extending the 'privileged wills' that members of the armed services can make when on active service. However, purely oral wills are **fraught with difficulties**. It may not be clear from an oral will (even if recorded) whether the testator had sufficient intention for it to operate as their will. Cumbersome as the witness requirements are, they exist to



protect testators from undue influence and to give them certainty that the steps they take will have legal validity.

The **Law Society of England and Wales** has confirmed that it is in discussions with the Ministry of Justice about a temporary relaxation in the formalities. However, a recent **written response** in the House of Commons suggested it was unlikely that any changes will be made swiftly, and indicated that any changes would be in line with those suggested by the Law Commission in 2017. At the time, the Law Commission rejected both oral wills and any extension of privileged wills beyond the armed forces. Furthermore, it made no proposal to permit video witnessing; whilst it was discussed in the context of electronic wills, there was a great deal of prevarication about the introduction of these. It was only the introduction of a dispensing power that was explicitly recommended.

It is, however, important to note that many of the jurisdictions that have recently enabled video witnessing in response to the current crisis already have dispensing powers so can admit informal documents (including video recordings and even **text messages**) to probate. These jurisdictions arguably had no need to relax their formalities, but it is not surprising that they have chosen to do so. My research has identified examples of **will-like documents that were not admitted to probate** under dispensing powers due to insufficient proof that the testator had adequately adopted the document as their will. Therefore, whilst dispensing powers provide a far greater degree of flexibility than we currently have in England and Wales, they do not give the certainty to the testator or their family that we all need in these unsettling times. Permitting video referencing as a way to make a valid will appears to be the safest way to facilitate will making without losing sight of the reasons why formality requirements exist.

It looks increasingly uncertain that any changes will be introduced in time to take effect during the peak of the pandemic; it seems that our Victorian laws on making a will are set to remain firmly in the nineteenth century. Whilst the line-of-sight test does not make it impossible to witness a will and comply with social-distancing rules, it could deter people from making a will when they most need it. The lack of a safety net for those who get it wrong would be less of a problem if our intestacy laws reflected the way we live our lives in the twenty-first century, yet under our intestacy laws a cohabitant does not have any entitlement to inherit from their partner. The comfort that most of us need at the moment is the knowledge that our loved ones will be provided for if we were to die. Unfortunately, there could be many in England and Wales who will suffer more heartbreak when they discover, too late, that their loved one's final wishes will not be honoured.

*This article was first published on the **SLSA Blog**.*

British Academy: Humanities and Social Sciences Tackling Global Challenges 2020 call for proposals

The British Academy is inviting original, interdisciplinary research proposals from researchers in the humanities and social sciences, as well as other disciplines where appropriate, that will explore societal and economic issues faced by the Global South. Projects must seek to foster equitable research partnerships aiming to enhance our understanding and responses to global challenges related to:

- cities, urbanisation, urban settlements, (in)formality, urban living and practices, urban governance, urban infrastructure;
- conflict, peace, (in)security, human dignity, violence, disasters, risk, crisis, fragility; and
- education, learning, early childhood, children, youth.

There will be no priority given to research related to COVID-19, however, understandably given the current situation, the Academy warmly welcomes applications focused on COVID-19. COVID-19, and infectious diseases more broadly, know no borders and the profound social and economic challenges it poses indicate a clear need for research in the humanities and the social sciences. Awards of up to £50,000 are available. See [w website](#) for details. Closing date: **1 July 2020**.

Nuffield Foundation Strategic Fund: application deadline extended

The Nuffield Foundation has extended the deadline for applications to its Strategic Fund to take account of the challenges currently facing the research community. The fund is a rare opportunity for researchers to develop original and challenging ideas, to work collaboratively across disciplines, and to influence social policy in a period of rapid change and uncertainty for our society. See [w website](#) for details. New closing date: **29 June 2020**.

Journal of Law and Society (summer 2020)

Jurist in context: William Twining in conversation with David Sugarman – William Twining and David Sugarman

Economic crises, crisis of labour law? – Michel Coutu

Tax fraud and selective law enforcement – Rita de la Feria

Participation as a framework for analysing consumers' experiences of ADR – Christian Gill, Jane Williams, Naomi Creutzfeldt and Nial Vivian

Making the state responsible: intersex embodiment, medical jurisdiction and state responsibility – Fae Garland and Mitchell Travis

Review articles

The remarkable rise of 'law and historical memory' in Europe: theorising tendencies and prospects in the recent literature – Uladzislau Belavusau and Aleksandra Gliszczynska-Grabias

Book reviews

Criminal Law and the Man Problem by Ngaire Naffine – Nicola Lacey

Critical Theory and Legal Autopoiesis: The Case for Societal Constitutionalism by Gunther Teubner – Marcelo Neves

The Democratic Courthouse: A Modern History of Design, Due Process and Dignity by Linda Mulcahy and Emma Rowden – Margaret Moran and Patrick Schmidt

Inspiring women: challenging the diversity deficit in the legal professions oral history project

Do you know an inspiring woman lawyer or group of women lawyers in England or Wales? Researchers at the Oxford Centre for Socio-Legal Studies (CSLS) are inviting participation in an online survey which will only take about five minutes to complete. This survey is part of a research project being conducted by the CSLS to raise the profile of women whose contribution to law and other women is little known beyond their professional field.

The research team is particularly interested in finding out about the life experiences of a diversity of women lawyers, particularly from working-class backgrounds; those who came to England and Wales as migrants or refugees; women of Black, Asian and minority ethnic (BAME) heritage; from lesbian, gay, bisexual, transgender and queer groups (LGBTQ+); women with disabilities, and those working in less well-known areas of law.

Please see [w website](#) for further details and to complete the survey or contact [e Dvora Liberman](#).

British Academy Writing Workshops

The British Academy is inviting proposals for writing workshops in developing countries. These workshops should aim to support early career academics, promote the uptake of research emanating from developing countries in international journals and further intellectual interaction globally.

The intention of the Writing Workshops is to cultivate professional networks and mentorship and provide access for early career researchers in developing countries to the academic requirements of journals, including international journals, and to equip them with the necessary knowledge and skills to publish in these journals. This will support the progression of their academic careers and promote the visibility of their research in international publications. Through the Writing Workshops programme, the British Academy aims to encourage and support early career researchers in Official Development Assistance eligible countries to publish in high-impact journals in the fields of the humanities and the social sciences, and enable them to build connections with academics and journal editors based in the UK and elsewhere.

All projects in the programme are currently open for proposals. See [w website](#) for full details.

Journal of Law and Society (autumn 2020)

Articles

Ultimate legality: reading the community of law – Peter Fitzpatrick

'Paedophile hunters', criminal procedure and fundamental human rights – Joe Purshouse

Competing narratives in a case biography: a tale of two citadels – Caroline Jones and Jonathan Montgomery

Gendered-'objective' patent law: of binaries and singularities – Jessica Lai

Judicial procedural involvement (jpi): a metric for judges' role in civil litigation, settlement and access to justice – Ayelet Sela and Limor Gabay-Egozi

Book reviews

The Radical Philosophy of Rights by Allan Hutchinson – Costas Douzinas

History and the Law: A Love Story by Michael Lobban – Carolyn Steedman



PETER FITZPATRICK

Peter Fitzpatrick died on 20 May 2020. Even as news spread of his serious illness, tributes from five continents poured in, in appreciation of one of the most eminent scholars of law and society, a brilliant teacher and a wonderful and socially engaged human being. Abdul Paliwala and Phil Thomas remember their friend and colleague.

Peter is remembered for his devastating critique, through a poststructuralist lens of modernism in law in numerous works including especially *The Mythology of Modern Law* and *Modernism and the Grounds of Law*. An underlying theme of Peter's work has been that, after Nietzsche's death of God, modern law arrogates to itself dimensions of the sacred. Yet, the claim of law to rationality is itself dependent on the sandy foundations of an oppositional negative reference to a mythic, barbaric, savage state, a dependency which became the justification, both historical and contemporary, for imperialism, colonialism and racism. His work relying on Edward Said's orientalism and pathbreaking analyses of Foucault and Derrida and other poststructuralist scholars resulted in clinical 'anti-modernist' deconstruction of the positivist legal scholars, especially including H L A Hart. The idea of law as part of a modernist secular theology became an abiding concern in Peter's work, and he was working on completing a culminating volume entitled *Law, Modernity and the Sacred*.

Yet, this seemingly abstract legal scholarship was underpinned by deep values involving a multidisciplinary, multicultural approach to knowledge, a practitioner's understanding of law, and an active engagement, as well as profound solidarity with ordinary people.

Peter's values were formed in a Jesuit seminary in Queensland. He came to law through the unorthodox route of a distance-learning degree where he came to link law and society through self-study of Julius Stone's *Province and Function of the Law*. This was followed by a period with the global law firm of Baker & McKenzie and a London LLM. His commitment to the subaltern was shown by engagement in Social Action Centres operating in the deprived areas of Belfast where he had his first lectureship at Queen's University. By this time, he was already committed to the needs of indigenous peoples and anthropology, and, as this interest intensified, he was enticed away in 1971 to New Guinea for a research project on ways of introducing indigenous legal ideas into 'modern' law.

Peter's engagement with ordinary people, living and working with them in their villages, as well as work for the new self-government and the university, inspired a critique of colonialism and imperialism which constitutes the fuel igniting and powering his intellectual oeuvre. A non-determinist Marxist political economy perspective influenced by anthropologists such as Meillassoux became the basis for *Law and State in Papua New*

Guinea, completed after his arrival as lecturer and subsequently Professor of Law and Social Theory at the University of Kent.

Kent involved a deep engagement with critical legal studies (CLC), especially in the CLC conferences and in the co-editing of the Pluto series on Law and Social Theory with the iconic *Dangerous Supplements*. At Kent, and subsequently at Queen Mary and Birkbeck, Peter's engagements with Foucault deeply intertwined with his relationship to Marxism and emerged as a qualification of Marxist theories of law, especially in the inadequacy of the idea of 'relative autonomy'. Foucauldian analysis of law was deepened in engagement with Derrida, especially with the *Force of Law*, to attribute a 'mystical' quality to law, as both responsive and determinative, so that law and justice each must exceed the other in the direction of the other. It was in this complex articulation that Peter saw the potential for resistance and for the relational community.

Colleagues and above all students have been inspired by Peter's amazing depth of knowledge and generosity of spirit. At Kent, Queen Mary and Birkbeck, Peter innovated his pedagogically unique student reading groups based on communal engagement with intense 'slow reading'. This involves an immense patience with text and with students. He instilled a sense of wonder of the world of law into poetry, the garden, creation and creativity, engaging with text as existing beyond itself and teaching as engagement with the whole person. Peter's approach to text meant that he could always find a redeeming feature in work, sometimes when a less generous person could fail to find anything of merit. Intellectual generosity was a characteristic of Peter, something difficult to find with many scholars. Peter's death has united us in that elusive unavowable community of Blanchot: 'There could not be a community without the sharing of that first and last event which in everyone ceases to be able to be just that.'

For those interested in Peter's intellectual life, please read the forthcoming article in the Journal of Law and Society entitled 'Ultimate legality: reading the community of law'. Peter's last complete publication is 'Unseen empires: the law beyond development' in Sam Adelman and Abdul Paliwala (eds) The Limits of Law and Development (Routledge 2020 forthcoming).

people . . .

STEFAN MACHURA, Professor of Criminology and Criminal Justice at the School of History, Philosophy and Social Sciences, Bangor University, has received the International Prize Honorable Mention 2020 of the US-based Law and Society Association (LSA). The International Prize 'is offered to a scholar, normally in residence outside the United States, in recognition of significant contributions to the advancement of knowledge in the field of law and society'.

Stefan has been coordinating, conducting and propagating research internationally on lay participation in the courts, on fairness and legitimacy of courts and the police, and on law in film and television. His works have been published in English and German, with translations into Russian and – appearing soon – Spanish. Between 2008 and 2019, Stefan published a series of articles investigating the relations of people in north Wales with the police, based on collaborative work with postgraduate students. These studies have inspired the work of academics in other countries, much like his earlier research on lay judges in Germany and Russia. The reality of how professionals interact when safeguarding children and how they felt supported by their agency formed another empirical project in the north Wales area. With Fay Short from Bangor Psychology and a group of MA students, the ability of police officers to recognise cases of modern slavery was compared with those of students, standing in for a wider lay public.

On the lighter side of scholarship, Stefan Machura publishes an article this year with his collaborator for many years, Olga Litvinova, Honorary Research Fellow at Bangor University, on conflict and law as they appear in the TV comedy series *Frasier*. Here, people laugh about the worst aspects of law and lawyers, but also about all-too-human misdemeanours in everyday life.

Transnational Law and State Transformation: The case of extractive development in Mongolia (2019) Jennifer Lander, Routledge £115 262pp

This book contributes new theoretical insight and in-depth empirical analysis about the relationship between transnational legality, state change and the globalisation of markets. The role of transnational economic law in influencing and reorganising national systems of governance evidences the constitutional dimensions of global capitalism: the power to institute new rules and limits for national states. This form of new constitutionalism does not undermine the state but transforms it by eroding national capacities and implanting global alternatives. While leading scholars in the field have emphasised the much-needed value of case studies, there are no studies available which consider the cumulative impact of multiple axes of transnational legal ordering on the national state or its constitution. This monograph addresses this empirical gap, whilst expanding the theoretical scope of the field and will be of interest to scholars of international law, global governance and the political economy of development.

Lawyers in 21st-Century Societies: Volume 1 - National reports (2020) Richard L Abel, Ole Hammerslev, Hilary Sommerlad and Ulrike Schultz (eds), Hart £225 912pp – 20% discount with code SLSADIS

The world's legal professions have undergone dramatic changes in the 30 years since publication of the landmark three-volume *Lawyers in Society*, which launched comparative sociological studies of lawyers. This is the first of two volumes in which scholars from a wide range of disciplines, countries and cultures document and analyse those changes. The present volume presents reports on 46 countries, with broad coverage of North America, Western Europe, Latin America, Asia, Australia, North Africa and the Middle East, sub-Saharan Africa, and former communist countries.

Dispute Processes: ADR and the primary forms of decision-making (2020) Michael Palmer and Simon Roberts, Cambridge £99.99hb/£42.99, new edn

This wide-ranging study considers the primary forms of decision-making – negotiation, mediation, umpiring, as well as the processes of avoidance and violence – in the context of rapidly changing discourses and practices of civil justice across a range of jurisdictions. Many contemporary discussions in this field – and associated projects of institutional design – are taking place under the broad but imprecise label of alternative dispute resolution (ADR). The book brings together and analyses a wide range of materials dealing with dispute processes and the current debates on and developments in civil justice. The new edition is thoroughly revised and extended.

Research Handbook on Gender, Sexuality and the Law (2020) Chris Ashford and Alexander Maine (eds), Edward Elgar, £195hb 552pp – 25% discount with code SLSA25

This innovative and thought-provoking Research Handbook explores not only current debates in the area of gender, sexuality and the law but also points the way for future socio-legal research and scholarship. It presents wide-ranging insights and debates from across the globe, including Africa, Asia, Eastern Europe and Australia, with contributions from leading scholars and activists alongside exciting emergent voices.

Chapters address a range of current arguments and issues, providing an enhanced theoretical framework and evolving understanding from a variety of feminist and queer perspectives. Relationship recognition debates and LGBT activism and scholarship are examined and discussed, as well as questions around bodily autonomy, kink identities, pornography and healthcare access rights. Research exploring the lived experiences of people facing challenges such as domestic violence, asylum, femicide and hate crime is also assessed.

Values in the Supreme Court: Decisions, division and diversity (2020) Rachel J Cahill-O'Callaghan, Hart £60 232pp 912pp – 20% discount with code SLSADIS

This book examines the significance of values in Supreme Court decision-making. Drawing on theories and techniques from psychology, it focuses on the content analysis of judgments and uses a novel methodology to reveal the values that underpin decision-making. The book centres on cases which divide judicial opinion: Dworkin's hard cases 'in which the result is not clearly dictated by statute or precedent'. In hard cases, there is real uncertainty about the legal rules that should be applied, and factors beyond traditional legal sources may influence the decision-making process. It is in these uncertain cases – where legal developments can rest on a single judicial decision – that values are revealed in the judgments. The findings in this book have significant implications for developments in law, judicial decision making and the appointment of the judiciary.

Decriminalising Abortion in the UK (2020) Sally Sheldon and Kaye Wellings (eds) Policy Press, £12.99epub/pb 112pp – 25% discount with code SLSA (also available OA as free download)

The public and parliamentary debate about UK abortion law reform is often diverted away from key moral and political questions by disputes regarding basic questions of fact. And all too often, claims of scientific 'fact' are ideologically driven. But what effect would decriminalisation be likely to have on women's health? What would be the impact on the incidence of abortions? Would decriminalisation equate to deregulation, sweeping away necessary restrictions on dangerous or malicious conduct? With each chapter written by leading experts in the fields of medicine, law, reproductive health and social science, this book offers a concise and authoritative account of the evidence regarding the likely impact of decriminalisation of abortion in the UK. The authors have also published a Policy Briefing covering key messages and policy recommendations around abortion, the likely impact of decriminalisation and how to ensure effective regulation afterwards. This is also available to purchase in print or free as a [downloadable pdf on OAPEN](#).

Accountability and Review in the Counter-terrorist State (2019) Fiona de Londras, Jessie Blackburn and Lydia Morgan, Policy Press £90hb/£27.99pb/epub 192pp – 25% discount with code SLSA

Counter-terrorism is now a permanent and sprawling part of the legislative and operational apparatus of the state, yet little is known about the law and practice of how it is reviewed, how effective the review mechanisms are and what impact they have or how they interact with one another. This book addresses that gap in knowledge by presenting the first comprehensive, critical analysis of counter-terrorism review in the UK, informed by exclusive interviews with policy-makers, politicians, practitioners and civil society. The authors have also written a Policy Briefing covering policy recommendations around counter-terrorism and the review mechanisms. This is available free as a [downloadable pdf on OAPEN](#).

Assets, Crimes and the State: Innovation in 21st Century Legal Responses (2020) Katie Benson, Colin King, Clive Walker, Routledge £120hb/£36.99 282pp

Organised crime, corruption, and terrorism are considered to pose significant and unrelenting threats to the integrity, security, and stability of contemporary societies. Alongside traditional criminal enforcement responses, strategies focused on following the money trail of such crimes have become increasingly prevalent. These strategies include anti-money laundering measures to prevent 'dirty money' from infiltrating the legitimate economy, proceeds of crime powers to target the accumulated assets derived from crime, and counter-terrorist financing measures to prevent 'clean' money from being used for terrorist purposes. This collection brings together 17

emerging researchers in the fields of anti-money laundering, proceeds of crime, counter-terrorist financing and corruption to offer critical analyses of contemporary anti-assets strategies and state responses to a range of financial crimes.

Exploring the Case for Virtual Jury Trials during the COVID-19 Crisis: An evaluation of a pilot study conducted by JUSTICE (2020) Linda Mulcahy, Emma Rowden and Wend Teeder, CSLS Oxford/Oxford Brookes University 48pp

On 23 March 2020 all new trials were suspended, due to fears that they may contribute to the spread of COVID-19. JUSTICE has a number of concerns about this. For those remanded in prison, it means an indefinite period in which their liberty is being restricted without a determination of guilt. For those remanded on bail, it means increased uncertainty and the inability to make plans for the future. For victims, it means a long wait for justice and a lack of closure. Moreover, it means a rise in the backlog that criminal courts were already struggling with, delaying justice far beyond the lifting of restrictions, which will not be for some time. The same is true of civil and family court trials. In collaboration with Corker Binning solicitors and AVMI, the audio-visual solutions company, JUSTICE have been testing whether virtual jury trials are possible using a video platform already utilised in the courts and which can be accessed from home computers. This report is an independent evaluation of the initiative and available as a free download.

Constitutional Idolatry and Democracy: Challenging the infatuation with writtenness (2020) Brian Christopher Jones, Edward Elgar £75 224pp – 25% discount with code BCJ035

Constitutional Idolatry and Democracy investigates the increasingly important subject of constitutional idolatry and its effects on democracy. Focused around whether the UK should draft a single written constitution, it suggests that constitutions have been drastically and persistently over-sold throughout the years, and that their wider importance and effects are not nearly as significant as constitutional advocates maintain. Chapters analyse whether written constitutions can educate the citizenry, invigorate voter turnout, or deliver 'We the People' sovereignty.

Emotional Labour in Criminal Justice and Criminology (2020) Jake Phillips, Jaime Waters, Chalen Westaby, Andrew Fowler, Routledge £120 288pp

This book is the first volume to explore criminal justice work and criminological research through the lens of emotional labour. A concept first coined 30 years ago, emotional labour seeks to

explore the ways in which people manage their emotions in order to achieve the aims of their organisations and what the subsequent impact of this is on workers and service users. The chapters in this edited collection explore work in a wide range of criminal justice institutions as well as the penal voluntary sector. In addition to literature review chapters which consolidate what we already know, this book includes case study chapters which extend our knowledge of how emotional labour is performed in specific contexts, and in relation to certain types of work.

Leading Works in Law series

The Leading Works in Law series, published by Routledge, explores the development of particular areas of law by reference to their 'leading works'. Each book asks scholars in the field to select and analyse a 'leading work' and how it has or should have impacted upon the development of that area of law. *Leading Works in Law and Religion* has already been published and volumes on legal ethics, public law, law and social justice and family law are in preparation. The series editor is now looking for editors for volumes on any other area of law. If you are interested or have any queries, then please email **e Professor Russell Sandberg**.

IALS: The Director's Series 2020/21 Law and Humanities in a Pandemic

In an effort at understanding the context of the pandemic, scholars at all career stages and across disciplinary boundaries are invited to contribute to a series of 'work in progress' seminars at the Institute of Advanced Legal Studies during the 2020–2021 academic year with a view to the production of a special issue and/or edited collection on the theme of 'Law and Humanities in a Pandemic'. See **w website** for details. Closing date for expressions of interest: **30 June 2020**.

International Journal for the Semiotics of Law

Submissions are invited for three COVID-19 special issues. See **w website** for details. Closing date: **10 December 2021**.

Submissions are also invited for two special issues on 'Semiotic Perspectives on Environment, Forestry, Fishery, Hunting and Law'. See **announcement** for details. Closing date: **10 February 2021**.

EVENTS

- **JUSTICE HUMAN RIGHTS CONFERENCE 2020**

6–9 July 2020: online

See **w website** for details.

- **SLSA 2020 LAW AND LITERATURE SYMPOSIUM**

15 July 2020: online

If you are interested in joining this event, or would like more information about it, please contact the convenors **e David Gurnham** or **e Julia Shaw**. See **w website** for details.

- **LAW AND HUMANITIES ROUNDTABLE 2020: LAW AND THE SENSES**

29 July 2020: online

See **w programme** for details.

- **SOCIETY OF LEGAL SCHOLARS ANNUAL CONFERENCE**

1–4 September 2020: online

See **w website** for details.

- **SLSA POSTGRADUATE CONFERENCE 2021**

January 2021 tbc: online

Further details will be announced in due course.

- **SLSA ANNUAL CONFERENCE 2021**

30 March–1 April 2021: Cardiff University

Further details will be announced in due course. Look out for the call for papers in the autumn.

- **CRIME JUSTICE AND SOCIAL HARMS**

23–24 March 2021: venue tbc

Organised by the **Howard League for Penal Reform**. Further details will be announced in due course.

- **WG HART WORKSHOP**

April 2021: venue and date tbc

This event has been rescheduled from its original dates in summer 2020. See **w website** for details.

- **INTERNATIONAL ROUNDTABLES FOR THE SEMIOTICS OF LAW 2021: CALL FOR PAPERS**

27–29 May 2021: Pontificia Università Antonianum, Roma, Italy

See **w announcement** for full details. Closing date: 6 January 2021.

- **CRITICAL LEGAL CONFERENCE 2021**

2–4 September 2021: University of Dundee

See **w website** for details. This is the postponed 2020 conference.

For details of other forthcoming unscheduled SLSA events, see page 4.

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