

# Socio-Legal NEWSLETTER No 98

**SLSA**

THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

AUTUMN/WINTER 2022

## SLSA ULSTER 2023

*SLSA 2023 will be hosted by Ulster University School of Law from 4 to 6 April. The UK's most important gathering for the socio-legal research community will take place at the university's Magee campus in the historic walled city of Derry-Londonderry.*

We are extremely excited to be bringing the SLSA to Ulster, only the second time the conference has visited the island of Ireland. While we look forward to the takeover of our small city by delegates, following the success of the hybrid conference hosted by York Law School in 2022 and the recommendations emerging from the SLSA's recent EDI survey, we will also offer opportunities for virtual participation.

Those who can make the trip are assured of a memorable visit to a picturesque city whose history has for centuries been inseparable from Britain and Ireland's turbulent relationship. Derry-Londonderry's recent history is very much a *legal* history, from the civil rights movement of the 1960s to the landmark Saville Inquiry into the events of Bloody Sunday in January 1972, which led to the deaths of 14 protesters.

In recent years the city has come to prominence as the first ever UK City of Culture (2013), host of Europe's largest Halloween festival and, of course, the location of the hit Channel 4 series *Derry Girls*. Nearby, Northern Ireland's north coast is home to the Giant's Causeway UNESCO World Heritage Site and multiple *Game of Thrones* locations. Just a stone's throw away, over the border, are the beautiful hills of Donegal (the county was named the 'Coolest Place on the Planet' by *National Geographic Traveller Magazine* in 2017).

It is particularly appropriate that the conference should come to Derry-Londonderry in 2023, which marks the 25th anniversary of the Good Friday Agreement and of the Acts of Parliament that established devolved institutions of government for Northern Ireland, Scotland and Wales. Two of the architects of Northern Ireland's contemporary devolution settlement – Nobel laureate John Hume and former Deputy First Minister Martin McGuinness – were born in the city. The conference will mark this milestone with a plenary discussion on 25 years of devolution, with contributors from each of the three devolved countries.

In addition to this, attendees can expect everything that makes the SLSA conference a fixture on so many of our calendars: the chance to hear about the latest socio-legal research across 30-plus streams and seven current topics; a dedicated postgraduate programme on day one; the postgraduate Poster Competition; the conference dinner



and prizegiving; and an evening reception showcasing local entertainment and craft beers.

Ulster University is home to a relatively small law school, offering undergraduate courses at our Magee and Belfast campuses and postgraduate programmes in Belfast. We have a proud track record in socio-legal and interdisciplinary research, specialising in social justice and transitional justice. In the Research Excellence Framework 2021, 82% of our research and 100% of our research environment were assessed as world leading or internationally excellent. Most of the conference will take place in the Magee campus's main teaching block, opened in 2018.

By the time you are reading this, the call for papers will be open, with a deadline of **9 January 2023**. Full details are available on pages 14–15. To submit an abstract, visit the [w conference website](#).

## GIFT AID

*The SLSA Board is delighted to announce that the Association is now registered for Gift Aid.*

Thanks to its status as a UK Charitable Incorporated Organisation, the SLSA is now registered for Gift Aid on donations. So, if you are a UK taxpayer and you opt into Gift Aid, we can reclaim 25p from HMRC for every £1 that you donate. This increases the value of your donation, giving us more funds to advance the cause of the socio-legal community in various ways, adding support for our work on EDI, precarity, internationalisation, and building the socio-legal community more widely.

In order to apply Gift Aid to your donation you need to complete a brief Gift Aid Declaration form that sets out your name, address and confirmation of your taxpayer status. The forms for single donations and multiple donations can be accessed on the SLSA [w Gift Aid](#) page. Please complete the appropriate form and send it to SLSA Treasurer Philip Bremner [e philip.bremner@rhul.ac.uk](mailto:philip.bremner@rhul.ac.uk).

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**Newsletter sponsorship**

The *Socio-Legal Newsletter* is sponsored by a consortium of law schools and law journals committed to the development of socio-legal studies. We are very grateful for their support over recent difficult years. This has enabled the SLSA to continue its work with PGRs, ECRs and colleagues on precarious contracts, as well as our funding for seminars, fieldwork and impact. If your institution or journal would like to contribute to the future of our community in this way, contact SLSA Chair John Harrington: e [harringtonj3@cardiff.ac.uk](mailto:harringtonj3@cardiff.ac.uk).

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## SLSA ANNUAL PRIZE GOES TO RICHARD COLLIER

*The SLSA Board is delighted to announce that this year's prestigious Prize for Contributions to the Socio-Legal Community has been awarded to Richard Collier, Professor of Law and Social Theory at Newcastle University. Kathryn Hollingsworth and Sally Sheldon explain why they nominated him.*

During his 30-year career, Richard has forged new areas of enquiry in socio-legal studies: in gender and masculinities, and wellbeing and the legal profession (for which he was awarded a Leverhulme Fellowship). He has built new bridges with the profession that have helped illuminate and address some of the systemic gender and mental health challenges facing legal practitioners. Richard served for over a decade on the SLSA executive board (including as Secretary and coordinator of prizes), and 23 years on the editorial board of *Social and Legal Studies*, including four as a co-ordinating editor. In these

roles, he has offered thoughtful, insightful and constructive feedback on hundreds of submissions, reflecting his commitment to supporting and developing the next generation of scholars.

In his teaching, Richard's passion and care, along with his depth of



expertise, support students to develop new ways of thinking, seeing and 'doing' family law. He has given invited lectures, examined PhDs, and co-authored with colleagues across the world. He is a Fellow of the Academy of Social Sciences and the Royal Society of Arts. He is also the most humble, unassuming, thoughtful and caring of colleagues who never talks about his own numerous achievements, despite there being so many (including as a guitar-playing songwriter of – in his words – 'jingly jangly' pop!).

## SLSA IMPACT GRANTS 2022

*We are delighted to announce the awards for the first round of this pioneering new scheme.*

- Rachel Dunn, Leeds Beckett University, £1500, 'Re-imagining secure care for children'
- Alex Dymock, Goldsmiths University of London, £1415, 'Gender in online drug purchasing'
- Marie Fox, University of Liverpool, £1420, 'Recognising pet bereavement in the workplace'
- Kay Lalor, Manchester Metropolitan University, and Zainab Naqvi, De Montfort University, £1475, 'Publish not perish!' An academic publishing podcast'

The grantholders will be reporting on their activities in due course. For full details of the scheme, visit our [w impact and engagement page](#).

## NEW SLSA PG REP

*In July Lara MacLachlan was appointed as the SLSA's second PG Rep, joining Maddy Millar in the role to support our postgraduate members.*

Hi, I'm Lara, a postgraduate researcher in the Department of Sociology, Social Policy and Criminology at the University of Liverpool. I hold a BSocSc in Sociology and Social Policy and a Masters in Common Law from University College Dublin (UCD). I also completed an Advanced Diploma in Immigration and Asylum Law at the King's Inn, Dublin. I've previously worked as a research assistant on the Learn2EndGBV project at the IRIS Centre, UCD, and the Supporting Online Justice project at the Centre for Socio-Legal Studies, University of Oxford. My PhD research explores the process of giving and receiving civil legal advice through the lens of legal capability. My research interests include access to justice, social inclusion and legal consciousness.

I was interested in becoming a PGR Rep for the SLSA as I feel strongly about the importance of community and the power of community to help us address some of the more challenging parts of academia! I look forward to meeting many of you in the future.

*Lara MacLachlan, University of Liverpool*

## SLSA PRECARIITY SURVEY

*Please share your views!*

A key finding of the SLSA's **Equality, Diversity & Inclusion Survey Report** (2022) was that trends towards precarious employment practices in the higher education sector are a concern for the socio-legal community, and in particular for PGRs and ECRs. This survey aims to help the SLSA gain a better understanding of the challenges precariously employed members face in order to identify practical ways of supporting them, as well as highlighting structural and systemic issues with universities, research funders and other stakeholders in higher education.

The survey has 14 questions and should take 5–10 minutes to complete. Responses are encouraged from any interested member of the SLSA community – you do not need to be precariously employed currently to take the survey. This survey has received ethical approval from the University of Leicester. Closing date: **31 December 2022**. Follow the link below or use the QR code.

- **Fill in the survey**

For any queries, contact SLSA Precarity Rep Arwen Joyce e [arwen.joyce@le.ac.uk](mailto:arwen.joyce@le.ac.uk).



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## OPEN ACCESS: AN UPDATE ON UKRI'S NEW POLICY

*UK Research and Innovation (UKRI) announced a new Open Access (OA) Policy last year and offered further updates in July 2022. Key elements are noted below by the SLSA OA Working Group.*

UKRI's OA Policy:

applies to the following types of publication, *when they are required to acknowledge funding from UKRI or any of its constituent councils.*

a. Peer-reviewed research articles, including reviews and conference papers, that are accepted for final publication in either a journal, conference proceeding with an International Standards Serial Number (ISSN), or publishing platform ...

b. Monographs, book chapters and edited collections ... (emphasis added) (UKRI OA Policy, para 2)

### Research articles

- The Policy applies to research articles submitted for publication on or after 1 April 2022.
- Compliant open access routes are:
  - publishing the research article through an open access publication or platform; OR
  - publishing the research article in a subscription journal AND depositing the Author's Accepted Manuscript (or Version of Record, where the publisher permits) in an institutional or subject repository, at the time of publication. The deposited version should be free and unrestricted to view and download, and published under a Creative Commons Attribution (CC BY) licence. It is worth noting that 'a publisher-requested delay or "embargo period" between publication of the Version of Record and open access of the deposited version is not permitted' (UKRI OA Policy, para 6.b).

- Although the UKRI OA Policy mandates the use of a CC BY licence, there is an exception which may be of interest to some socio-legal researchers, ie researchers can apply to use the more restrictive Creative Commons No-Derivatives (CC BY-ND) licence and UKRI may permit this on a case-by-case basis. This licence gives authors more control over further publication and use of their work.
- An Open Access Block Grant is being provided by UKRI to universities in receipt of its awards to support implementation of this policy.

### Long-form publications

- The policy applies to monographs, book chapters and edited collections (long-form publications) published on or after 1 January 2024.
- The compliant OA route is publishing the final Version of Record or the Author's Accepted Manuscript as free to view and download via an online publication platform, publishers' website, or institutional or subject repository within a maximum of 12 months of publication.
- There are two minor exemptions to the requirement of open access for long-form publications.
- UKRI OA policy mandates the use of a Creative Commons licence for long-form publications. While it prefers a CC BY licence, notably other Creative Commons licences are permitted.
- A dedicated OA fund for monographs, book chapters and edited collections will be provided by UKRI to universities holding its awards from January 2024.

For full details, see [w UKRI OA Policy and related FAQs](#).

The new UKRI OA Policy is likely to be taken into consideration when guidance is issued for the forthcoming REF exercise (or equivalents). The SLSA will actively contribute on behalf of our community to any discussions on OA in that context and will update guidance for members, as required.

*SLSA Open Access Working Group*

## SLSA ACTIVITIES AT THE GLOBAL LSA MEETING

*The Global Meeting of the Law and Society Association (LSA) took place in Lisbon from 13–16 July 2022 and was organised in partnership between the LSA and other socio-legal associations around the world, including the SLSA.*

The SLSA hosted a get-together on the evening of 14 July for SLSA members attending the Global meeting. The event brought together new and continuing members to socialise informally and was particularly appreciated by early career members who were attending the LSA meeting for the first time.

The meeting offered several opportunities for building our international links. We participated in LSA's business meeting for socio-legal organisations, on 14 July, and the Global Café session's thematic roundtables on international collaboration and the next generation of law and society scholars, on 16 July. These activities facilitated new international connections with the Swiss Network for Law and Society, the Commission on Legal Pluralism and the Dutch Flemish Law and Society Association. It also allowed us to continue dialogue with the Law and Society Association of Australia and New Zealand, the Africa Law and Society Network and the Asian Law and Society

Association on potential opportunities for international collaboration, as well as the sharing of information and know-how.

We also participated in a poster display organised by LSA, aimed at sharing information about the range of international and regional organisations operating in the law and society area and their missions and activities to the large socio-legal audience at the global meeting.

I would like to thank Rebecca Moosavian for helping me organise the get-together and for participating in the meetings with me.

*Smita Kheria, International Liaison Officer*

### AcSS: call for nominations

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 is that the nominee be 'a leading figure in their field and have already left a clear mark on it'. Send nominations (max 500 words) to Vanessa Munro [e v.munro@warwick.ac.uk](mailto:v.munro@warwick.ac.uk) by **25 November 2022**.

## SLSA URGES STIPEND UPLIFT FOR ALL POSTGRAD STUDENTS

*The SLSA Board has issued the following statement with regard to postgraduate funding.*

Doctoral researchers are vital and valued members of the socio-legal community. Their success and development is essential to the future of our field. The SLSA is concerned that the current economic crisis is having a severe effect on the ability of many doctoral researchers to sustain themselves and those to whom they have caring commitments.

Consistent with our commitment to advancing **equality, diversity and inclusion** within the legal academy, we note in particular the threat that growing financial hardship poses to the participation of under-represented groups in postgraduate training and research. The disproportionate impact of care labour on women researchers is a specific area of concern. Promoting the interests and welfare of postgraduate students and other precariously engaged researchers is a key focus for the SLSA, one which is the subject of a **current survey** and workplan led by our PGR Reps – e [slsapgprep@gmail.com](mailto:slsapgprep@gmail.com) – and our Precarity Rep – Arwen Joyce e [arwen.joyce@le.ac.uk](mailto:arwen.joyce@le.ac.uk)

In this context, we welcome UKRI's announcement of a 10% increase in the minimum stipend level for postgraduate researchers holding studentships from the ESRC, AHRC and other research councils. We also note the commitment of universities to ensure that this 'uplift' continues for UKRI-funded students. The SLSA notes, however, that a majority of doctoral students in socio-legal studies are not so funded, although they too are affected by the cost-of-living crisis.

As such we call on universities and other funders to ensure that these stipends for all students are increased consistent with UKRI's approach, where they have not done so already. We acknowledge that financial resources are constrained all round, but urge this essential measure of support as a matter of fairness and an investment in the future of social science research.

### *Social and Legal Studies 31(6)*

Migrant labor supply chains: architectures of mobile assemblages – Shikha Silliman Bhattacharjee

Loyalty, liberty, and the law: analysing the juxtaposition of nation and citizen in the Indian sedition law – Ayesha Pattnaik

You ain't woman enough: tracing the policing of intersexuality in sports and the clinic – Mireia Garcés de Marcilla Musté

Sexual violence in the digital age: replicating and augmenting harm, victimhood and blame – Rachel Killeen, Anne-Marie McAlinden & Eithne Dowds

External intimacy: community-based intervention concerning crime and the integral state in Quebec – Eduardo González Castillo

'Gold standard' legislation for adults only: reconceptualising children as 'adjoined victims' under the Domestic Abuse (Scotland) Act 2018 – Ilona Cairns & Isla Callander

Lay advisers in family law settings: the role and quality of advice provided on social media – Tatiana Grieshofer

## SOCIO-LEGAL MASTERCLASS

*This ESRC-funded event was organised by Linda Mulcahy at the Oxford Centre for Socio-legal Studies and supported by the SLSA, the Centre of Law and Society, Cardiff, and the Journal of Law and Society. The theme was 'Pushing the boundaries of socio-legal methodologies'. Sejal Chandak, Queen's University Belfast, attended this year's event.*

The fifth annual Socio-Legal Methodology Masterclass took place in the beautiful St Catherine's College, Oxford. As this was my first visit to Oxford, I loved the vibe of this university town and was looking forward to the dedicated discussions on a wide variety of methodological issues in socio-legal research. In comparison to other social-sciences research, legal research does not always pay in-depth attention to methodology, and this Masterclass was an opportunity for me to dive deep into the deliberations that clearly impact legal/socio-legal research.

Another bonus was that the Masterclass was funded for all participants, which I am sure all of us did appreciate – and, genuinely, Oxford University does amazing food, as everyone agreed!

The panel discussions were extremely insightful and relevant to the issues that most PhD researchers will face at some point. They ranged from conversations on engaging with vulnerable research participants, through the need for quantitative socio-legal research, to dealing with ethical questions and getting the findings published. Each panellist was forthcoming with their own experiences, doubts and solutions, which gave me as a participant a real-life understanding of how socio-legal research methodology is way more than just 'getting-it-right'.

Each panel discussion also encouraged participants to raise their methodological queries or share their experience with the wider group, which did make these dialogues more fruitful and allowed us to pick through and work out some very interesting but thorny questions on methodologies. For instance, a recurrent theme that emerged was the need to be 'reflective' on methodological issues throughout the course of the research.

I was pleasantly surprised by the broad range of research that fellow participants were involved in (and also the fact that most of us were women!). Another (I assume unintentional) benefit was having participants at different stages of their PhD research. As a result, I could engage in discussions that not only motivated me with my own research, but also just seek guidance and pointers from those who were ahead in their journeys. The fact that it was a small cohort produced an overall environment of camaraderie between fellow participants that really enriched the experience. The networking opportunity that the Masterclass provided was also invaluable.

While I enjoyed this Masterclass immensely, I think that perhaps having a more diverse panel representing a wider range of interdisciplinary work could be beneficial for future participants. And if I had to list just one main-takeaway (there are plenty!), it is the need to carefully consider ethical issues and how to navigate through them on the research journey. Ethics is not and should not just be a box-ticking exercise.

I would like to thank all the organisers and the panel members for taking the time out during the summer to engage with us. Your enthusiasm did positively impact on us on our own research journeys!



## SLSA SUPPORT FOR CARA

*The SLSA Board is delighted to announce its collaboration with the work of the Council for At-Risk Academics (Cara).*

Cara is a UK-based charity that offers a lifeline to academics worldwide who are in immediate danger due to conflicts in their home countries, persecution by repressive governments or extremist groups, or discrimination on the basis of religion, ethnicity or sexual orientation. See the [w Cara website](#).

Cara was founded in 1933 by leading academics and scientists in the UK to help scholars forced out of their posts by the Nazi regime. Today it is the leading organisation of its type in Europe and is currently supporting hundreds of academics (and their immediate family members) to continue their academic work in safety. Through the Fellowship Programme, Cara assists academics to relocate temporarily to higher-education institutions in the UK or elsewhere. Working with university and research institute partners, Cara provides award packages and other means of support, including mentoring, to help displaced academics to settle into their new academic environment.

Cara's close partnership with universities, research institutes, learned societies and like-minded organisations is the basis for everything that it does. Cara therefore warmly welcomes the recent decision of the Board of the SLSA to support at-risk academics working in the legal field by offering them membership on a fee-waiver basis for the course of their award. Fellows will be able to participate more fully in academic life, to share ideas, to enter into networks, to access funding and to feel part of the socio-legal community – opportunities which were not available to them in their home countries. In return, SLSA and the wider socio-legal community will be enriched by the insights and perspectives of Cara Fellows.

Cara Fellows have responded very positively to this initiative and are looking forward to engaging with the SLSA and its members. In the first instance SLSA will welcome 11 Cara Fellows with expertise ranging across human rights law, refugee law, family law, constitutional law and international law and relations. This number will change as Cara continues to process over 1200 applications for support from at-risk academics from countries such as Afghanistan, Ukraine, Yemen and Syria.

*The Cara Team*

## MENTAL CAPACITY, SEXUAL RELATIONSHIPS AND INTIMACY

*Thanks to a generous £1000 from the SLSA Seminar Fund, and additional support from the School of Law (Keele) and the Centre for Law & Social Justice and Centre for Disability Studies (both Leeds), Bev Clough and Laura Pritchard-Jones (Keele) hosted this event on 23 May 2022.*

The event was prompted by developments in the case law on the legal approach to assessing mental capacity to consent to sex under the Mental Capacity Act 2005. Notably, the case of *A Local Authority v JB (by his litigation friend, the Official Solicitor)* [2021] UKSC signalled a new dimension to the law in this area. The case brought the civil and criminal law into closer alignment in relation to capacity to consent to sex, deeming that information relevant to the decision (in relation to which capacity is assessed) includes knowledge that the other person must consent, and does indeed consent. Alongside this case, we had also seen increasing engagement with the issue of social media usage, primarily by learning disabled individuals, for creating and maintaining relationships (*Re A* [2019] EWCOP 2; *Re B* [2019] EWCOP 3, [2019] EWCA Civ 913). These are an important reminder that intimacy and relationships in an increasingly digital age are not just physical, and the virtual world offers new opportunities and challenges for interpersonal connection.

As socio-legal scholars, we recognised the need for interdisciplinary interrogation of the judgment and its implications for people with cognitive impairments, as well as legal and social care professionals. For people at the centre of these decisions, the stakes are high. They can have significant implications for the everyday lives of individuals with cognitive or intellectual impairments who may have their capacity to consent to sex called into question. If they do not have capacity to make decisions about sexual relationships, then no best interests decision can be made on their behalf to allow them to have sex (Mental Capacity Act 2005, section 27). Anyone with

whom they may have a sexual relationship might also be committing a criminal offence under the Sexual Offences Act 2003. Any finding of incapacity here then can result in intense (or intensified) restrictions on the actions of individuals and their ability to connect with others and form relationships. Legal and social care professionals are tasked with making decisions which will impact on individuals' ability to develop intimate relationships, often with significant implications for freedom.

We sought funding to enable us to explore:

- how the law has developed in response to social attitudes about the sexual lives of people with cognitive or mental disabilities;
- the legal tensions and gaps in this area;
- the arguments for and possibilities of legal reform;
- the experiences of those at the centre of capacity assessments about sex and intimacy;
- the extent to which the voice of the person at the centre of these capacity assessments is heard, and how this can be improved; and
- the ways that practitioners understand and apply rules about mental capacity in this area and navigate the line between autonomy and protection.

We had a range of speakers including academics from law, sociology and disability studies, legal and social care practitioners, third-sector organisations, and artists. We also had participants from across academic and professional backgrounds, including a number of funded ECR spaces and spaces ringfenced for people with lived experience. The call for participants was exceptionally popular, and so we were able to shift to a hybrid model which ensured that a greater range of participants could attend and was also inclusive for people with disabilities who were not able to attend in person.

The event was very successful with presentations sparking lively, reflective and insightful discussions. These continued after the event, and it was felt that there was a real need for a forum in which to continue discussions and to enable the space for developing collaborations for future law, policy and practice-focused activities. As such, we are currently in the process of putting together an edited collection from the papers discussed at the event and looking to apply for funding for a research network.

## GRANT REPORTS

### Race, crime and justice in Britain, 1870–1955

**Esmorie Miller, Lancaster University and Lizzie Seal, University of Sussex, £1350**

This SLSA grant was awarded for the project Race, Crime and Justice in Britain, 1870–1955. The project aims to provide much-needed historical context to the present-day over-representation of people of colour in the criminal justice system and to contemporary experiences of victimisation. It focuses on Cardiff as a case study through which to do this due to its historical significance as a multicultural port city. The research was conducted from historical newspapers, life history documents and archival records to identify experiences of criminalisation and victimisation. Two researchers were involved: Lizzie Seal of the University of Sussex and Esmorie Miller of Lancaster University.

Searches of digitised newspapers have formed the most important and extensive sources for the project as there are extremely few surviving records from the lower courts, or from the Quarter Sessions/Assizes for crimes other than murder. News stories provide details of who appeared in the courts, what they were charged with, who the victim was and some narrative detail. ‘Race’ was not recorded in documents like police calendars and court registers, so news sources are one of the few ways to identify people of colour in the criminal justice system. Analysis of our corpus of news stories is ongoing but reveals much about the lives of people in Cardiff’s Butetown district, including the significance of race and racism.

The SLSA grant contributed to Esmorie’s aim to scope archival data on racialised youth, against the backdrop of the youth justice (YJ) framework originating in the early twentieth century. The origins of a separate YJ system are usually traced to 1908 in policy and academic literature. Her aim is to scope archival data on racialised youth during this period in order to identify patterns of crime and victimisation as they relate to people of colour in Cardiff, 1870–1955. Extant literature characterised under the theme of deviance invention reveals an important relationship between the emerging YJ system and the expanding urban populations of working-class youth in port cities like Cardiff. In previous work, Esmorie discussed the fact that little is known about the lives of racialised youth in Britain during this early period. Yet, on the one hand, extant literature on class reveals important knowledge about the way developing modern systems shaped the lives of expanding urban demographics of families and their progeny, deprived due to marginalising effects of entrenched inequality. On the other hand, contemporary research on race reveals the continued erasure and invisibility of racialised young people, obviating the role of racialisation within this history. Historic documents like the Fletcher Report (1930), detailing a so-called emergent race problem during this period, offer an important lens on the ways that important welfare frameworks – like the YJ system – defined their relationship with racialised families and children.

Both researchers visited the Glamorgan Archives in Cardiff. Esmorie aimed to scope what could be learnt about the racialised families cited in the Fletcher Report. These families were racialised – defined according to ideas within the popular, pseudoscientific eugenics logics concerning ‘inferior’ and ‘superior’ races. Eugenics logics importantly determined which individuals and groups within British society were worth the investment of social care and welfare. These considerations, including their

principles and practices, were administered through emerging institutions like YJ, policing, education, social work, medicine, businesses important to employment, recreational facilities, and the church. This is not an exhaustive list of institutions. What is important, for the research, is that these were the institutions with which families interacted because the former were given *carte blanche* to intervene in the lives of those determined to be deprived, in need of moral re-education. The purported aim of these institutional interventions was to stymie delinquent trajectories. Records from the institutions noted above were Esmorie’s starting point for scoping.

Lizzie visited Glamorgan Archives in order to scope what was in their collection in terms of police and court records that might be relevant to the project. The main useful source was the collection of police fingerprint and photographic registers 1904–1933 as these included a much wider list than that of people whose court appearances were reported in newspapers. Unlike the latter, however, there are no narrative details or information about victims.

Research was restricted due to the emergence of the Covid-19 global pandemic which saw the closure of archives. Later, in 2021, when lockdown lifted and the grant was active, archives like Glamorgan severely limited visits. This meant that our time with the documents was much reduced. The research is ongoing, but the funds availed by the SLSA enabled very important insights. It also led Esmorie to the Liverpool Records Office, which revealed the possibilities for expanding the research beyond Cardiff.

### Parental substance use and family justice

**Simon Flacks, University of Sussex, £2214**

I was awarded this SLSA grant in 2020 to explore how lawyers and judges understand substance use and its effect on family court proceedings. I later expanded the project to include interviews with social workers. My intention was to investigate how lawyers, judges, magistrates and social workers made judgements about substance use, childhood and parenting, to understand how they defined ‘drugs’ and parental addiction and to explore the possible consequences for how we understand the relationship between substance use and family harm.

The semi-structured interviews ranged from 45 to 75 minutes in length. Participants included 15 social workers, seven barristers, six solicitors, six District Judges, four magistrates and two psychiatrists. All had experience working in family courts, including in some cases Family Drug and Alcohol Courts. Permission was sought by the President of the Family Division, via the Judicial Office at the Royal Courts of Justice, to interview members of the judiciary. I received a rejection from the Judicial Office in the first instance due to concerns that I might be expecting judges to comment on their decision-making processes. It was granted second time round after I modified the interview questions.

I have so far presented the findings at the SLSA in York in April 2022, and I was invited to speak to the Association for Child Lawyers in a webinar in September 2022. I am planning to write two articles. One positions the findings within the field of critical drugs studies, exploring how – using Carol Bacchi’s poststructural interview analysis method – ‘reality’ was made in and through participant accounts. For example, the ‘traumatised’ parental substance user was a recurring motif which, while rooted in a more empathetic understanding of the challenges faced by parents, also raised important

questions about the relationship between substance use, parental subjectivity and the risks posed to children. I also plan to write an article, published in a family law/justice journal, about how participants spoke of drug testing, and particularly its pervasiveness as a biopolitical device for assessing honesty as much as drug/alcohol use. I am currently seeking funding for a follow-up participatory research study, involving colleagues from the University of Manchester, to explore how substance-using parents experience family justice.

## Assessing victims' rights contribution to gender justice in international criminal law: the case of the ECCC

**Marie Wilmet, European University Institute, £1000**

The role played by victims in international criminal proceedings is highly debated. Initially limited to the role of witness, victims have taken a more prominent role before international and hybrid criminal courts since the early 2000s. As victim participants or civil parties, they can exercise participatory rights in such proceedings and request reparations. As a consequence of the difficult experiences of victim-witnesses of sexual and gender-based crimes (SGBC) before the early international criminal tribunals, feminist scholars and practitioners advocated for the inclusion of victims' rights in international criminal procedure. They believed in their potential to increase the visibility and recognition of SGBC in international criminal law and to ensure gender-sensitive remedies. Through a case study of the Extraordinary Chambers in the Courts of Cambodia (ECCC), this research adopts a socio-legal approach to the intersection of debates on the role of victims and on the challenges to the recognition of SGBC in international criminal law.

This intersection has rarely been explored in the field, and mostly from a theoretical point of view. Indeed, although some empirical studies have analysed the impact of the inclusion of victims' procedural rights, no existing research focuses on the experiences of SGBC victims. This gap partly derives from the fact that, until recently, no international or hybrid criminal tribunal providing for robust victims' rights had rendered a conviction for SGBC. That changed on 16 November 2018 when the ECCC Trial Chamber found former Khmer Rouge leaders Nuon Chea and Khieu Samphan guilty of *inter alia* the crime against humanity of forced marriage and rape in Case 002/02 and awarded gender-specific reparations. As such, this case formed a unique and unprecedented opportunity to evaluate the impact of the inclusion of victims' procedural rights on gender justice. It is the only existing international criminal law case in which SGBC victims were able to participate, receive reparations, and for which the reparations have already been implemented.

Through an empirical case study of Case 002/02, I explored the impact of the inclusion of victims' participatory and reparatory rights in the ECCC's procedural law on the judicial experience of SGBC victims, but also on the type of gender justice rendered by the Court. During seven months of fieldwork, including five in Cambodia, several methods of data collection were mobilised. I conducted 35 interviews with professionals working in and around the ECCC. With the crucial assistance of interpreter and informant Meas Salm, I interviewed 42 civil parties who had participated in Case 002/02 on the basis of forced marriage and rape. The findings were furthered by participant observation during a three-month internship with the ECCC Pre-Trial Chamber, transcripts analysis,

and archival research. This fieldwork would not have been possible without the financial contribution of the SLSA, and I am extremely grateful for its support.

The research revealed the cruciality of including victims' procedural rights from the pre-trial stage to guarantee the consideration of SGBC in the investigation. Without the civil parties' requests to investigate the crimes of forced marriage and rape, the ECCC would not have recognised the gendered facets of Khmer Rouge criminality. At the trial stage, the legal representation of civil parties was collectivised under court-appointed lead co-lawyers. The rules envisioned a dual representational model with the lead co-lawyers ensuring the court-facing function, and the civil parties' individual lawyers providing for the victim-facing role. Concerns were initially raised about the impact of the representation's collectivisation on the actual exercise of participatory rights by traditionally marginalised victims, such as SGBC victims. In practice, however, the lead co-lawyers adopted a gender-sensitive approach throughout Case 002/02's trial stage. In consultation with the civil parties and their individual lawyers, they frequently submitted evidence and legal arguments to ensure the successful recognition of forced marriage by the Trial Chamber. Additionally, the civil parties interviewed were satisfied with their participation during the trial stage. They valued the strong client-attorney relationship with their individual lawyers, the possibility of attending proceedings, and the organisation of informational meetings. Moreover, the civil parties viewed positively the opportunity to meet other victims of forced marriage and the psychological support provided by NGOs during court-related activities.

The civil parties were, however, highly disappointed with the progressive decline in communication from the Court and their lawyers at the end of the trial stage and during the appeal. This was a direct consequence of the lack of funding allocated to civil parties-related activities at the ECCC and its dependency on external donor funding. Their assessment of the reparations awarded by the Court was less positive than their views on participation. Some of the civil parties were consulted regarding their views of reparations but regretted the absence of follow-up and the limited considerations for their perspectives. Most civil parties were dissatisfied with the information provided by the Court about the reparations programmes and were often unaware that they had benefited from them. While the civil parties positively experienced the collective and moral reparations programmes awarded by the Court, they expressed their preferences for financial reparations, healthcare, or the building of *stupas* (religious memorial monuments) close to their homes.

These empirical findings form the basis of the researcher's PhD and were presented at the SLSA Annual Conference 2022.

### What's new on the blog?

- **(Still) making the case for sociologically-informed approaches to law and economy**, Diamond Ashiagbor, Prabha Kotiswaran and Amanda Perry-Kessaris
  - **A reckless and irresponsible court**, Roger Cotterrell
  - **Should legal sex status be dismantled?**, Davina Cooper
  - **Gender pay gap – time for a change?**, James Hand
- If you have an idea for a blog post, please contact  
 e [blogeditors@slsa.ac.uk](mailto:blogeditors@slsa.ac.uk).



## The late, great Dr Vicky Conway

### *Roxanna Dehaghani pays tribute to her friend and colleague.*

Dr Vicky Conway, Associate Professor of Law at Dublin City University (DCU), was dedicated to ensuring justice, accountability, and fairness in the criminal process. Vicky did not only touch the lives of many through her teaching, research, activism and podcasting, she markedly improved the lives of others, particularly those whose voices were marginalised. It is therefore of no surprise that there was a huge outpouring of love and admiration after her untimely passing on 19 July 2022. These words of love and admiration have been of great comfort to those close to Vicky.

Vicky was a graduate of University College Cork, the University of Edinburgh and Queen's University Belfast (QUB). She held positions at QUB and the Universities of Kent, Limerick and Leeds, before joining DCU in 2015. It was during Vicky's time at QUB, coinciding with my own time there studying the LLB degree, that I first met her. I was in my final year, studying 'Gender and the law'. I was far from the most inquisitive or hard-working of students, but I developed an interest in – and a concern about – women's treatment in law and in practice. Vicky's passion and the way in which she sensitively but critically examined issues such as reproductive rights in Ireland encouraged me to think about the law differently. Vicky encouraged us students to consider why the law was the way it was, reflect on whom it most advantaged and disadvantaged, and imagine how it might otherwise be. Central to her teaching, research, activism and podcasting were people – the people whom the law and state institutions failed to protect, the people who were subject to unfair treatment because of the law, and the people whose voices were marginalised. It was this passion for critical socio-legal scholarship, shining light on the issues affecting the vulnerable and marginalised, and real-world change that remained with me during my further studies, and energised Vicky in all the work that she did.

Vicky was widely known for her work on policing. Her work spanned accountability and governance, the history of policing in Ireland, and practice and procedure in police

custody. It was on this last aspect of her work that we had significant contact. With Professor Yvonne Daly, Vicky was organising a conference on Police Custody in Ireland accompanied by an edited collection. When asked to present at the conference and write a chapter for the book, I quickly jumped at the chance. When I was reflecting on what to write and how best to contribute to this important work, Vicky was supportive and encouraging, and kindly answered my queries on the regulations on police custody in Ireland for vulnerable people – or rather the lack thereof. She not only possessed an encyclopaedic knowledge of the law in this area, but she was also incredibly generous in sharing this knowledge. Confirming that both the planned conference and edited collection would go ahead, Professor Daly said: 'Vicky truly believed in bringing people together, sharing views, getting to the heart of the issues collaboratively, to achieve real change. While we are still in the early throes of processing, both personally and professionally, the profound loss of Vicky, her legacy as a true champion for justice and fairness in the criminal process and beyond calls out for us to carry on with this important work, ensuring that we foreground the voices of those most affected by systemic failures, omissions or injustices, and continue to advocate for improvements across law, policy and practice.'

Such was her extensive knowledge and expertise in policing that Vicky had been appointed to the Policing Authority and the Commission on the Future of Policing. More recently, Vicky had been commissioned by the Policing Authority to study the experiences of policing in Ireland of those of African descent and those from the Brazilian community.

Vicky will be remembered for her research, teaching and activism. She will also be remembered for her sharp intellect and curiosity, her strength and courage in speaking truth to power, her ability to bring marginalised voices to the fore (including through her hugely successful *Policed in Ireland* podcast), and her aptitude in working with policy and practice. Yet, her legacy extends far beyond this: Vicky will be remembered as someone who cared deeply about others and was incredibly generous with her time and knowledge. Her passing has left a significant gap in criminal justice research and advocacy.

## Nicola Lacey awarded LSA Prize

This year's Law and Society Association (LSA) International Prize was awarded to Nicola Lacey of the London School of Economics. The LSA press release notes: 'Professor Lacey transformed the fields of critical criminology and penology and opened up new areas of inquiry and advocacy for reforming criminal justice systems around the globe. Her work has advanced sociolegal scholarship in these key areas. Professor Lacey has also made significant contributions to feminist legal thought and has written/co-edited seven books.'

The awards ceremony took place on 15 July 2022 at the LSA Global Meeting in Lisbon. See [w LSA website](#) for details of all the prizewinners.

## Leverhulme Trust: open funding schemes

Applications are open for the following grant schemes:

- **Study Abroad Studentships** – closes **9 January 2023**
- **Emeritus Fellowships** – closes **2 February 2023**
- **Research Project Grants** – outline applications are welcome at any time.

## BA open funding calls

### Research Projects

British Academy (BA) Research Project funds are available to support primary research in the humanities and social sciences. These awards, up to £25,000 in value, are tenable for up to five years in the first instance. The Academy is particularly interested in collaborative projects intended to provide infrastructural resources for other researchers and the wider public which have a clear focus on longer-term sustainability. See [w BA website](#) for details. Closing date: **9 December 2022**.

### BA/Wolfson Fellowships

The BA/Wolfson Fellowships are designed to support early career researchers within nine years of the award of their doctorate who show exceptional talent in both research and public engagement. Awards of up to £130,000 over three years provide award-holders with the valuable commodity of time by buying them out from their day-to-day duties. The deadline for applications is **30 November 2022**. Visit the [w BA website](#) for details.

## Journal of Law and Society launches new website

*The new Journal of Law and Society (JLS) website was born out of a desire to provide the socio-legal community with a dynamic repository of resources and opportunities, as well as to improve the transparency and accessibility of academic publishing in socio-legal studies, writes Jess Mant.*

As such, it features an ever-growing range of information, interviews, discussions and public events that socio-legal scholars may draw upon throughout the process of conceptualising, formulating and expressing their research, as well as preparing their work for publication in socio-legal outlets.

These resources are being continually curated through the journal's close relationship with the Centre of Law and Society, an international research hub for socio-legal studies which shares its home at Cardiff University. Opportunities to participate in events and apply for visiting fellowships and activities associated with the Centre of Law and Society can also be found on the website.

The launch of the website also marks the inauguration of JLS Conversations, a unique and prestigious online space in which socio-legal scholars are exploring ideas and engaging in further debate beyond the journal; challenging assumptions and pushing the boundaries of socio-legal studies in the ways that JLS authors have been doing for nearly 50 years.

Contributions to JLS Conversations span four key areas. The first is 'JLS Authors', in which authors return to the themes and arguments made in their JLS publications and reconsider them in light of new events, developments and debates. The second is 'Writing for the JLS', in which authors reflect upon their experiences of developing a publication for the JLS, their writing process, and the often-invisible journey that scholars take from the initial conception of an idea to a polished journal article. The third is 'Meet the Author', in which authors of leading socio-legal books are invited to reflect upon their work, their motivations for writing their book, and how they hope it may contribute to the broader field of socio-legal studies. Finally, the editorial board also publishes general posts on topics that are likely to be of significant interest to the socio-legal community, such as those relating to socio-legal theory and methods, empirical, policy-focused or impactful research, or recent developments and debates that concern the interaction between law and society.

The editorial board welcomes expressions of interests from socio-legal scholars who would like to contribute to this burgeoning dialogue. To propose a topic for JLS Conversations, please contact the JLS administrator, Jasmine Hagger e [haggerj1@cardiff.ac.uk](mailto:haggerj1@cardiff.ac.uk) or reach out to the editor of JLS Conversations, Jess Mant e [jessica.mant@Monash.edu](mailto:jessica.mant@Monash.edu).

For further information, explore the new [w JLS website](#).

## Nuffield Foundation: Research, Development and Analysis Fund

The Research, Development and Analysis Fund is for projects to inform the design and operation of social policy and practice across the Foundation's three core domains of education, welfare and justice. The two-stage application process is now open. Closing date for outline applications: **March 2023** (date tbc). See [w Nuffield Foundation website](#) for details.

## IALS forthcoming events

### Teaching Tomorrow's Law Teachers

The Institute of Advanced Legal Studies (IALS) is pleased to announce the launch of the IALS Summer Workshop: Teaching Tomorrow's Law Teachers. The workshop is a one-week intensive summer school for early career (ie first two years) academics in law to be held from **3–7 July 2023**. It is designed to provide focused professional development for those legal academics who wish to engage with interdisciplinary and critical perspectives in their teaching. The workshop will be facilitated by Professor Shauna Van Praagh of the Faculty of Law of McGill University in Montreal and Senior Associate Research Fellow at IALS. Academics working in all fields of research and teaching are welcome and encouraged to apply.

Further details can be found on the [w IALS website](#).

### WG Hart Workshops

#### 2023: call for papers

IALS has announced that the WG Hart Workshop will be held on **29–30 June 2023** on the topic of Theorists in Company Law. The workshop will feature three distinguished invited plenary speakers: Professor David Cabrelli (University of Edinburgh); Professor Janette Rutherford (The Open University); and Professor Charlotte Villiers (University of Bristol). The call for papers is now open with a deadline for proposals of **14 February 2023**.

Further details about the event and the call for papers can be found on the [w IALS website](#).

#### 2024: call for proposals

IALS is also seeking proposals and Academic Directors for the 2024 WG Hart Legal Workshop from law schools across the UK. The WG Hart Workshops are directed towards the advancement of legal education at the academic stage. IALS hosts the workshops on behalf of the University of London and invites applications to provide the academic leadership of the 2024 workshop; it will particularly welcome proposals that continue the workshop's long tradition of breaking new ground. The workshop will be held at IALS in **June 2024**. The deadline for proposals is **28 February 2023**.

See [w IALS website](#) for details.

### *Social and Legal Studies 31(5) October 2022*

The legitimisation strategies of 'progressive' prosecutors – Alexandra L Cox & Camila Gripp

Pragmatic punitiveness: the institutionalization of criminal domestic violence protection orders – Veronica L Horowitz, Ryan Larson, Allison Nobles, Victoria Piehowski & Joshua Page

The working culture of legal aid lawyers: developing a 'shared orientation model' – Emma Cooke

Zooming in: courtrooms and defendants' rights during the Covid-19 pandemic – Esther Nir & Jennifer Musial

Queer conflicts, concept capture and category co-option: the importance of context in the state collection and recording of sex/gender data – Ben Collier & Sharon Cowan

Insult, charisma, and legitimacy: Turkey's transition to personalist rule – Defne Över & Irem Tuncer-Ebetürk

***Social Citizenship in an Age of Welfare Regionalism: The State of the Social Union*** (2022) Mark Simpson, Hart £85hb/£76.50eb 224pp

This book presents a socio-legal examination of national and devolved-level developments in social protection in the UK through the eyes of politicians and officials at the heart of this process. Since 1998, devolution has altered the character of the UK welfare state, with dramatic change in the 10 years since 2010. A decade of austerity at national level has exposed diverging opinions on how governments in London, Edinburgh and Belfast view the social rights of citizenship. This political divide has implications for both social security law, as the devolved countries begin to flex their muscles in this key area for citizens' economic welfare, and the constitutional settlement. The book reflects on the impact of austerity, the referendum on Scottish independence and subsequent changes to the devolution settlement, Northern Ireland's hesitant moves away from parity with Westminster in social protection, Brexit, and the possible retreat from austerity during the Covid-19 pandemic. The social union may or may not be weakening; its character is unquestionably changing, and the book lays bare the ideological and pragmatic considerations driving legal developments. T H Marshall's theory of citizenship provides the lens through which these processes are viewed, while itself being reinterpreted in light of the national Government's increasing delegation of responsibility for social rights.

***David Bowie Outlaw: Essays on Difference, Authenticity, Ethics, Art and Love*** (2021) Alex Sharpe, Routledge £96hb/£19.99pb&eb126pp

This book explores the relevance of David Bowie's life and music for contemporary legal and cultural theory. Focusing on the artist and artworks of David Bowie, it brings to life particular theoretical ideas, creative methodologies and ethical debates that have contemporary relevance within the fields of law, social theory, ethics and art. What unites the essays presented here is that they all point to a beyond law: to the fact that law is not enough, or to be more precise, too much, too much to bear. For those who, like Bowie, see art, creativity and love as what ought to be the central organising principles of life, law will not do. In the face of its certainties, its rigidities, and its conceits, these essays, through Bowie, call forth the monster who laughs at the law, celebrate inauthenticity as a deeper truth, explore the ethical limits of art, cut up the laws of writing and embrace that which is most antithetical to law, love.

***Contractual Relations: A Contribution to the Critique of the Classical Law of Contract*** (2022) David Campbell, Oxford University Press £95hb 464pp

Written by one of the leading contributors to the relational theory of contract, *Contractual Relations* authoritatively explains the form of the existing law of contract by relating it to its economic, legal and sociological foundations. This volume demonstrates that economic exchange and legal contract rest on a moral relationship by which each party legitimately pursues its self-interest through recognition of the self-interest of the other. This essential relationship of mutual recognition is in stark contrast to the pursuit of solipsistic self-interest that is central to the classical law of contract. Self-interest of this sort is not morally defensible, nor does it enhance economic welfare. It is for these reasons that the classical law is legally incoherent. The fundamental inadequacies of the classical law's treatment of agreement, consideration and remedy have emerged as the doctrines of the positive law of contract and have been progressively developed to give effect to the relationship of mutual recognition.

***Death, Family and the Law: The Contemporary Inquest in Context*** (2022) Ed Kirton Darling, Bristol University Press £85hb/£24.99pb&epub 224pp

When a death is investigated by a coroner, what is the place of the family in that process? This accessibly written book draws together empirical, theoretical and historical perspectives to develop a rich, nuanced analysis of the contemporary inquest system in England and Wales. It investigates theories of kinship drawn from socio-legal research and analyses law, accountability and the legal process. Excerpts of conversations with coroners and officers offer real insights into how the role of family can be understood, who family is perceived to be and how their participation fundamentally shapes the investigation into a death.

***Reforming Age Discrimination Law: Beyond Individual Enforcement*** (2022) Alysia Blackham, Oxford University Press £80hb 400pp

Age is a critical issue for labour market policy. Both younger and older workers experience significant challenges at work. Despite the introduction of age discrimination laws, ageism remains prevalent. This book offers a roadmap for the future development of age discrimination law in common law countries to better address workplace ageism. Drawing on theoretical, doctrinal and empirical legal scholarship, and comparative perspectives from the UK, Australia and Canada, it provides a socio-legal critique of existing age discrimination laws and their enforcement and proposes concrete suggestions for legal reform and change. Building on legal and interdisciplinary insights, it examines the challenges and limitations of existing legal frameworks and the individual enforcement model for addressing age discrimination in employment. It also maps the stages of claiming, negotiation, or alternative dispute resolution, and hearing and judgment, using mixed-method case studies of the enforcement of age discrimination law in the UK and Australia.

***Immigration Judicial Reviews: An Empirical Study*** (2021) Robert Thomas & Joe Tomlinson, Palgrave Socio-Legal Series £99.99hb/£79.50pb 230pp

This book analyses how the system of immigration judicial reviews works in practice, as an area which has, for decades, constituted the majority of judicial review cases and is politically controversial. Drawing upon extensive empirical research and unprecedented research access, it explores who brings judicial review challenges against immigration decisions and why; the type of immigration decisions that are challenged; how cases proceed through the judicial review process; how cases are settled out of court; and how judicial review interacts with other legal and non-legal remedies. It also examines the quality of immigration judicial review claims and of the initial decisions being challenged. Through a novel account of the operation of the immigration judicial review system in practice and the lived experience of it by judges, representatives and claimants, this book adds a new perspective to the wider understanding of judicial review.

***Habitual Ethics?*** (2022) Sylvie Delacroix, Hart £85hb & open access 176pp

What if data-intensive technologies' ability to mould habits with unprecedented precision is also capable of triggering some mass disability of profound consequences? What if we become incapable of modifying the deeply rooted habits that stem from our increased technological dependence? Habits are deemed rigid by definition. To question this assumption, this book first articulates the way in which the habitual stretches all the way from unconscious tics to purposive, intentionally acquired habits. It also highlights



the extent to which our habit-reliant, pre-reflective intelligence normally supports our deliberative selves. It is when habit rigidification sets in that this complementarity breaks down. The book moves from a philosophical inquiry into the 'double edge' of habit – its empowering and compromising sides – to a consideration of individual and collective strategies to keep habits at the service of our ethical life. Allowing the norms that structure our forms of life to be 'cotton-woolled' in abstract reasoning is but one of the factors that can compromise ongoing social and moral transformations. Systems designed to simplify our practical reasoning can also make us 'sheep-like'. Drawing a parallel between the moral risk inherent in both legal and algorithmic systems, the book concludes with concrete interventions designed to revive the scope for normative experimentation.

***Orphanage Trafficking in International Law* (2022)**  
Kathryn E van Doore, Cambridge University Press £85hb  
224pp

This book explores the process of orphanage trafficking as a form of child trafficking in international law, examining the contexts in which it occurs and providing a comprehensive, holistic approach to addressing the issue as a form of trafficking. In doing so, it establishes the method and process of orphanage trafficking as an issue of international concern, reconceptualising the activity of orphanage tourism as a demand-driver for child trafficking and a form of exploitation, and making recommendations for how countries where orphanage trafficking occurs, and those that contribute to it via funding and volunteers, should tackle the issue.

***Clamouring for Legal Protection: What the Great Books Teach Us about People Fleeing from Persecution* (2021)** Robert F Barsky, Hart £67.50hb/  
£36.99pb/£54eb 366pp

In this novel approach to law and literature, Robert Barsky delves into the canon of so-called Great Books, and discovers that many beloved characters therein encounter obstacles similar to those faced by contemporary refugees and undocumented persons. The struggles of Odysseus, Moses, Aeneas, Dante, Satan, Dracula and Alice in Wonderland, among others, provide surprising insights into current discussions about those who have left untenable situations in their home countries in search of legal protection. Readers who are interested in learning about international refugee law and immigration regulations in home and host countries will find herein a plethora of details about border crossings, including those undertaken to flee pandemics, civil unrest, racism, intolerance, war, forced marriage, or limited opportunities in their home countries.

***Marriage Unbound: State Law, Power, and Inequality in Contemporary China* (2022)** Ke Li, Stanford University Press \$30pb 336pp

In China today, divorce may appear a private concern, when in fact it is a profoundly political matter – especially in a national context where marriage was and has continued to be a key vehicle for nation-state building. This book focuses on the politics of divorce cases in contemporary China, following a group of women seeking judicial remedies for conjugal grievances and disputes. Drawing on extensive archival and ethnographic data, paired with unprecedented access to rural Chinese courtrooms, Ke Li presents not only a stirring portrayal of how these women navigate divorce litigation, but also a uniquely in-depth account of the modern Chinese legal system. With sensitive and fluid prose, Li reveals the struggles between the powerful and the powerless at the front lines of dispute

management; the complex interplay between culture and the state; the insidious statecraft that far too often sacrifices women's rights and interests. Ultimately, this book shows how women's legal mobilisation and rights-contention can forge new ground for our understanding of law, politics, and inequality in an authoritarian regime.

***The Constitutional Legitimacy of Law Officers in the United Kingdom* (2022)** Conor McCormick, Hart £76.50  
272pp

This book provides a detailed account of each law officer's functions and draws on that as the basis for a conceptual analysis of their constitutional legitimacy. In recent years, this legitimacy has been questioned because of recurring controversies surrounding the discharge of their varied functions. Indeed, it has become increasingly clear that those functions enable law officers to play a highly influential part in the regulation and exercise of public power throughout the UK. The book argues that the most persuasive framework for analysing the offices which make up this diverse regime involves concentrating on the constitutional values of independence, accountability and trust which underpin it. Both aspects of the book – namely the explanation of functions and the analysis of legitimacy – are written in a holistic way which encompasses critical analyses about the Attorney General and Solicitor General for England and Wales; the Counsel General for Wales; the Lord Advocate, Solicitor General and Advocate General for Scotland, and the Attorney General and Advocate General for Northern Ireland.

***Technology, Governance and Respect for the Law: Pictures at an Exhibition* (2022)** Roger Brownsword, Routledge £96hb/£27.99pb&eb 216pp

In the context of the technological disruption of law and, in particular, the prospect of governance by machines, this author reconsiders the demand that we should respect the law, simply because it is the law. What does 'the law' need to look like to justify our respect? Responding to this question, the book takes the form of a dialectic between, on the one side, the promise of the prospectus for law and, on the other, the discontent provoked by the performance of law in practice; this is followed by a synthesis. Four pictures of law are considered: two are traditional pictures – law as order and law as just order; and two are prompted by the technological disruption of law – law as governance by machines and law as self-governance by humans. These pictures are tested in five performance areas: contract law, criminal law, biolaw, information law and constitutional law. The synthesis highlights three particular points. First, the only prospectus for law that clearly commands respect is one that is committed to protecting the global commons; second, any form of governance by humans will invite reservations and push-back against the demand for respect; and, third, governance by machines is not so much a superior form of governance as a radically different form in which questions about respect are redundant.

***The Limits of Private Governance: Norms and Rules in a Mediterranean Fishery* (2021)** Florian Grisel, Hart £85hb/£42.99pb/£76.59eb 224pp

Is there a future for the law? In this book, the author addresses one of the most fascinating questions raised by social scientists in recent decades. Since the 1980s, socio-legal scholars have argued that governance based on social norms (or 'private governance') can offer an alternative to regulation by the law. On this account, private governance could be socially efficient and even optimal compared with other modes of governance. The book supplements this optimistic analysis of private governance by assessing the long-term evolution of a private order in the fishery of

Marseille. In the last eight centuries, the fishers of the city have regulated their community without apparent means of legal support from the French state. In the early fifteenth century, they even created an organisation called the Prud'homme de Pêche for that purpose. Based on archival evidence, interviews and ethnographic data, Grisel examines the evolution of the organisation and argues that the strong social norms in which it is embedded are not only powerful tools of governance, but also forces of inertia that have constrained its regulatory action.

**Competition Policy and the Music Industries: A Business Model Perspective** (2021) Jenny Kanellopoulou, Routledge £96hb/£29.59eb 200pp

This book explores the nature of the music industries before and after the digital revolution from the point of view of the consumer and considers the question of whether there is a role for competition policy intervention in the music industries. Considering the historically consolidated environment of these industries and their rapidly evolving business models in the twenty-first century, the author argues that there is a need for updated competition design to promote consumer welfare and competition in these markets. Opening a much-needed interdisciplinary dialogue across music studies, business and law, the book applies business model literature to antitrust law in the context of the music industries. It offers a comprehensive history of encounters between the music industry and antitrust and regulatory authorities in the US, UK and EU, from the payola scandals of the 1950s to the merger of Live Nation and Ticketmaster in 2010, showing how, even as business models in the industry have changed, it has repeatedly moved towards consolidation with little regulation. Drawing on this history, it considers how competition policy can foster innovation and safeguard consumer interests in the music markets of the future.

**Transnational Narratives and Regulation of GMO Risks** (2021) Giulia Claudia Leonelli, Hart £85hb/£42.99pb/£76.59eb 328pp

This book provides an insight into the regulatory conundrum of genetically modified organisms (GMOs), deploying transnational legal analysis as a methodological framework to explore this area of risk governance. It deconstructs hegemonic and counter-hegemonic transnational narratives on the governance of GMO risks, cutting across US and EU law, the Agreement on Sanitary and Phytosanitary Measures and hybrid standard-setting regimes. Should uncertain risks be run unless adverse effects have been conclusively established, and should regulators only act where this is cost-benefit effective? Should risk managers make a convincing case that a product or process is safe enough for the relevant uncertain risks to be socially acceptable? How can intractable transnational regulatory conflicts be solved? The book complements a close analysis of regulatory frameworks and case law with a more encompassing perspective on the political, socio-economic and distributional implications of different approaches to the regulation of health and environmental risks in times of globalisation. The GMO deadlock thus becomes a lens through which to investigate the underlying value systems, goals and impacts of transnational discourses on risk governance.

**Reimagining the Court of Protection: Access to Justice in Mental Capacity Law** (2022) Jaime Lindsey, Cambridge University Press £85hb 212pp

As one of the first researchers authorised to observe hearings and access court files at the Court of Protection, this author offers an original account and analysis of the workings of the court. Using data collected with approval

from the senior judiciary of the Court of Protection and the Ministry of Justice, this innovative book combines empirical data with theoretical and normative analysis. It takes a socio-legal approach to understanding how the Mental Capacity Act operates in practice to achieve access to justice and situates current debates within an international context, showing how other jurisdictions have been guided by the UN Convention on the Rights of Persons with Disabilities. Furthering scholarship across fields including access to justice, healthcare law and procedural justice theory, this timely and pioneering book argues for a reimagining of the Court of Protection.

**Lawyers in Conflict and Transition** (2022) Kieran McEvoy, Louise Mallinder & Anna Bryson, Cambridge University Press £85hb 300pp

Countries undergoing or recovering from conflict and authoritarianism often face profound rule of law challenges. The law on the statute books may be repressive, judicial independence may be compromised, and criminal justice agencies may be captured by powerful interests. How do lawyers working within such settings imagine the law? How do they understand their ethical obligations towards their clients and the rule of law? What factors motivate them to use their legal practice and social capital to challenge repressive power? What challenges and risks can they face if they do so? And when do lawyers facilitate or acquiesce to illegality and injustice? Drawing on over 130 interviews from Cambodia, Chile, Israel, Palestine, South Africa and Tunisia, this book explores the extent to which theoretical understandings within law and society research on the motivations, strategies, tactics and experiences of lawyers within democratic states apply to these more challenging environments.

**Access to Justice in Magistrates' Courts: A Study of Defendant Marginalisation** (2022) Lucy Welsh, Hart £85hb/£76.50eb 208pp

This book examines access to justice in summary criminal proceedings by considering the ability of defendants to play an active and effective role in the process. Using socio-legal research methods, the ethnographic study is based on observation conducted in four magistrates' courts in South East England and interviews with defence lawyers and Crown prosecutors. Setting out an argument that defendants have always been marginalised through particular features of magistrates' court proceedings, it contends that the political climate in relation to defendants and access to justice since 2010 has further undermined the ability of defendants to play an active role in the process.

**From Discrimination to Death: Genocide Process through a Human Rights Lens** (2022) Melanie O'Brien, Routledge £96hb/29.59eb 338pp

This volume studies the process of genocide through examining human rights violations that occur during genocide. Using individual testimonies and in-depth field research from the Armenian Genocide, Holocaust and Cambodian Genocide, it demonstrates how a pattern of specific escalating human rights abuses takes place in genocide. Offering an analysis of all these particular human rights as they are violated in genocide, the author intricately brings together genocide studies and human rights, demonstrating how the 'crime of crimes' and the human rights law regime correlate. The book then applies the pattern of rights violations to the Rohingya Genocide, revealing that this approach could have been used to prevent the violence against the Rohingya, before advocating for a greater role for human rights oversight bodies in genocide prevention. The pattern ascertained through the research in this book offers a resource for governments and human rights practitioners as a mid-stream indicator for genocide prevention. It could also be used by lawyers and judges in genocide trials to help determine whether genocide took place.

# SLSA 2023 CALL FOR PAPERS AND POSTERS

*The call for papers for the Socio-Legal Studies Annual Conference 2023 is now open!*

The conference will be hosted by Ulster University, Derry-Londonderry, from **4 to 6 April 2023**. Authors wishing to present at the conference (whether in person or virtually) should visit the **conference website** to find a link for submissions of abstracts via Oxford Abstracts.

Descriptions of the various streams and current topics that make up the conference can also be found on the website. Please choose the most appropriate stream or current topic for your proposed paper and prepare an

abstract of max 250 words. Deadline for submissions: **9 January 2023**. Postgraduate researchers wishing to enter the annual Poster Competition should also submit an abstract by this date. Decisions on acceptance/rejection of papers will be made by individual stream/current topic conveners. If you have any questions about the suitability of your idea for a particular stream or current topic, please contact the conveners directly.

Further information about the conference, including fees and details of our planned plenary discussion on 25 years of devolution in the UK, will appear on the website in the coming weeks. We look forward to the usual high standard of papers in Derry-Londonderry.

*The 2023 Conference Team* e [slsa2023@ulster.ac.uk](mailto:slsa2023@ulster.ac.uk)

## Current topics

### 25 years of constitutional change – past and future

Aoife Donoghue e [aoife.odonoghue@qub.ac.uk](mailto:aoife.odonoghue@qub.ac.uk)

Rory O'Connell e [r.oconnell@ulster.ac.uk](mailto:r.oconnell@ulster.ac.uk)

### Comedy controversies – humour and free speech

Alberto Godioli e [a.godioli@rug.nl](mailto:a.godioli@rug.nl)

Jennifer Young e [j.a.young@rug.nl](mailto:j.a.young@rug.nl)

### Conspiracy theories and the rise of pseudolaw

Jack Head e [jack.head@stcatz.ox.ac.uk](mailto:jack.head@stcatz.ox.ac.uk)

Kate Leader e [kate.leader@york.ac.uk](mailto:kate.leader@york.ac.uk)

### Disruptive technologies: reproduction, genetics, and the family

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Caroline Redhead e [caroline.redhead@manchester.ac.uk](mailto:caroline.redhead@manchester.ac.uk)

Nicola Williams e [n.williams2@lancaster.ac.uk](mailto:n.williams2@lancaster.ac.uk)

### Epistemic injustices in law

Farnush Ghadery e [ghaderyf@lsbu.ac.uk](mailto:ghaderyf@lsbu.ac.uk)

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Jessica Wiseman e [jessica.wiseman@eui.eu](mailto:jessica.wiseman@eui.eu)

### Human rights and war

Luke Moffett e [l.moffett@qub.ac.uk](mailto:l.moffett@qub.ac.uk)

### Human rights, memory and transformative justice

Aoife Duffy e [aoife.duffy@essex.ac.uk](mailto:aoife.duffy@essex.ac.uk)

Katya Al Khateeb e [serene@essex.ac.uk](mailto:serene@essex.ac.uk)

## Conference streams

### Administrative justice

Chris Gill e [chris.gill@glasgow.ac.uk](mailto:chris.gill@glasgow.ac.uk)

### Art, culture and heritage

Janet Ulph e [ju13@leicester.ac.uk](mailto:ju13@leicester.ac.uk)

Sophie Vigneron e [s.vigneron@kent.ac.uk](mailto:s.vigneron@kent.ac.uk)

### Banking and finance

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Alison Lui e [a.lui@ljmu.ac.uk](mailto:a.lui@ljmu.ac.uk)

### Children's rights

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Naomi Lotte e [naomi.lott@nottingham.ac.uk](mailto:naomi.lott@nottingham.ac.uk)

### Civil justice systems and alternative dispute resolution

Masood Ahmed e [masood.ahmed@le.ac.uk](mailto:masood.ahmed@le.ac.uk)

### Constitutionalism in developing democracies

Nauman Reayat e [nauman381a@gmail.com](mailto:nauman381a@gmail.com)

### Criminal law and criminal justice

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Kirsty Welsh e [kirsty.welsh@ntu.ac.uk](mailto:kirsty.welsh@ntu.ac.uk)

### Disability, law and social justice in times of uncertainty

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Alison Tarrant e [tarrantae2@cardiff.ac.uk](mailto:tarrantae2@cardiff.ac.uk)

### Empire, colonialism and law

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### Environmental law

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Ben Mayfield e [b.mayfield@lancaster.ac.uk](mailto:b.mayfield@lancaster.ac.uk)

### Equality and human rights law

David Barrett e [d.barrett@exeter.ac.uk](mailto:d.barrett@exeter.ac.uk)

### Exploring legal borderlands: empirical and interdisciplinary methods

Pedro Fortes e [pfortes@alumni.stanford.edu](mailto:pfortes@alumni.stanford.edu)

### Family law and policy

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Annika Newnham e [a.newnham@reading.ac.uk](mailto:a.newnham@reading.ac.uk)

### Gender, sexuality and law

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Nora Honkala e [n.a.honkala@reading.ac.uk](mailto:n.a.honkala@reading.ac.uk)

### Graphic justice: law, comics, and related visual media

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### International economic law in context

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### Interrogating the corporation

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Margaret Downie e [m.downie@rgu.ac.uk](mailto:m.downie@rgu.ac.uk)



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- **AN ETHICAL SOCIAL ECONOMY**  
5 December 2022: University of Westminster, London  
Speaker: Philip Kolvin. See [w website](#) for details.
- **ASIAN LAW & SOCIETY ASSOCIATION MEETING**  
9–10 December 2022: Vietnam National University, Hanoi  
See [w website](#) for details.
- **LAWYERING IN THE ANTI-TRAFFICKING SPACE**  
13 December 2022: University of Liverpool  
See [w website](#) for details
- **DIVERSITY, DILEMMAS AND DISCOVERIES: LEGAL HISTORY IN THE CURRICULUM**  
15 December 2022: online from Open University Law School  
See [w website](#) for details.
- **GLOBAL CORPORATE LAW SEMINAR SERIES**  
Spring term 2023: online from Global Corporate Law  
See [w website](#) for details.
- **LEGAL RESEARCH FOR SOCIAL IMPACT**  
1 February 2023: University of York  
See [w website](#) for details of this rearranged event.
- **ISSUES & DEVELOPMENTS IN ENTERTAINMENT LAW**  
7 February 2023: University of Westminster, London  
Speaker: Sir Richard Arnold, Court of Appeal judge. See [w website](#) for details.
- **AHRC ENGAGING WITH GOVERNMENT 2023**  
21–23 February 2023: Institute for Government, London  
See [w website](#) for details of this free event.
- **INTERNATIONAL CONFERENCE OF THE CENTER FOR TRANSDISCIPLINARY GENDER STUDIES**  
4–6 May 2023: Humboldt Universität zu Berlin  
See [w website](#) for details.
- **EVIDENTIARY REGIMES OF UN TREATY BODIES: PERSPECTIVES FROM RESEARCH AND PRACTICE**  
15–16 May 2023: Ghent, Belgium  
See [website](#) for details.
- **23RD INTERNATIONAL ROUNDTABLES FOR THE SEMIOTICS OF LAW: CALL FOR PAPERS**  
24–27 May 2023: online from Rome  
See [announcement](#). Closing date: 6 January 2023.
- **LSA ANNUAL MEETING 2023**  
1–4 June 2023: Caribe Hilton, San Juan, Puerto Rico  
See [w website](#) for details.
- **AUTHORITARIANISM AND GENOCIDE: NARRATIVES OF EXCLUSION – CALL FOR PAPERS**  
10–14 July 2023: Barcelona, Spain  
See [w website](#) for details. Call closes: 1 December 2022.

- **LAW AND HUMANITIES ROUNDTABLE 2023: CALL FOR PAPERS**  
14 July 2023: online and University of Verona  
See [announcement](#) for details. Call closes: 14 February 2023.
- **NINTH APPLIED LEGAL STORYTELLING CONFERENCE: CALL FOR PROPOSALS**  
26–28 July 2023: City Law School, University of London  
See [announcement](#) for details. Call closes: 2 December 2022 (priority deadline) and 3 February 2023 (extended deadline).

**Journal of Law and Society (Summer 2022)**

Vehicles for justice: buses and advancement – Antonia Layard

Intermediaries in the criminal justice system and the ‘neutrality paradox’ – John Taggart

The inefficiencies of plea bargaining – Jay Gormley  
What can contract law learn from MeToo? – Renata Grossi

(Dis)passionate law stories: the emotional processes of encoding narratives in court – Stina Bergman Blix

Tradition and reinvention: the making and unmaking of herbal medicines in the UK – Nayeli Urquiza &amp; Emilie Cloatre

Mobilizing employment discrimination law: the litigation strategies of British and French trade unions compared – Cécile Guillaume &amp; Vincent-Arnaud Chappe

Invisible labour: legal dimensions of invisibilisation – Zoe Adams

Paper chains: tied visas, migration policies and legal coercion – Maayan Niezna

**Book reviews***Legal Pluralism Explained, History, Theory, Consequences* by Brian Z Tamanaha – reviewed by Cormac Mac Amhlaigh*Intellectual and Cultural Property, between Market and Community* by Fiona Macmillan – reviewed by Dr Pinar Oruç*The Law Multiple* by Irene van Oorschot – reviewed by Michael E Lynch



# SLSA Conference

## 4–6 April 2023



Hosted by School of Law, Ulster University, Derry-Londonderry UK  
Call for papers closes 9 January 2023.

See website for details: <https://www.ulster.ac.uk/conference/slsa>

