

# Socio-Legal

## NEWSLETTER No 67 SLSA

THE NEWSLETTER OF THE SOCIO-LEGAL STUDIES ASSOCIATION

SUMMER 2012

## SLSA ACADEMICIANS

*The SLSA is delighted to announce that all five of the nominees put forward by the SLSA Executive at the suggestion of members have been accepted as academicians of the Academy of Social Sciences (AcSS).*

They are: Emeritus Professor Michael Adler, Edinburgh; Professor David Cowan, Bristol; Mavis Maclean CBE, Oxford; Emeritus Professor Philip Thomas, Cardiff; and Professor Sally Wheeler, Queen's University Belfast.

Appointed at the same AcSS council meeting in March were Professor Tamara Hervey, Sheffield, and Professor Carol Smart, Manchester, both also long-standing members of the SLSA.

New Academicians may be nominated by their learned society or by individual academicians as an acknowledgment of their leading status in their discipline. Nominations are received twice per year and the SLSA Executive Committee will continue to invite members to suggest nominees for future rounds.

## SLSA PRIZE FOR CONTRIBUTIONS TO THE SOCIO-LEGAL COMMUNITY

The new annual SLSA Prize for Contributions to the Socio-Legal Community was launched last year and the first winner was Mavis Maclean (*SLN* 65:1). The winner receives £500 and lifetime membership of the association.

**SLSA members are invited to submit nominations for this year's prize.** 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.

Nominations should be sent by email to SLSA secretary Amanda Perry-Kessaris [a.perry-kessaris@soas.ac.uk](mailto:a.perry-kessaris@soas.ac.uk). Closing date: **6 September 2012**.

## SLSA seminar competition

The SLSA Executive Committee is delighted to announce the relaunch of the annual seminar competition with a budget of £2500. A seminar committee of Gavin Dingwall, Penny English and Mark O'Brien has been set up and will be meeting shortly to finalise arrangements.

Details will be published on the website and via the weekly e-bulletin in due course.

## ANNUAL CONFERENCES

### A look back to Leicester 2012

Leicester De Montfort Law School played host to nearly 300 delegates from 21 countries in the bright and welcoming surroundings of the Hugh Aston Building. Despite the somewhat chilly conditions of the British spring, enthusiasm wasn't dampened and the wide choice of 279 papers in 25 streams and four themes gave attendees plenty of options for each session.

Mavis Maclean, winner of the first SLSA Prize for Contributions to the Socio-Legal Community, was the plenary speaker at a packed session on the first day. Other highlights were a pre-conference tour of the city for early arrivals, author-meets-reader sessions with this year's prizewinners and the conference dinner in the historic Leicester City Rooms.

The SLSA AGM took place on the Wednesday at which long-standing members Dermot Feenan, Jo Shaw and Sue Millns stood down and Jonathan Garton of Warwick joined the Executive Committee.

The SLSA Executive would like to thank organisers Gavin Dingwall, Andre Naidoo and Kate Scott for their hard work, dedication and warm welcome in Leicester for the second time.

### And a look forward to York 2013

York Law School (YLS) is very much looking forward to welcoming the SLSA annual conference to the University of York on **26–28 March** next year. The law school only graduated its first year of LLB students in 2011 and when they first started with us in 2008 hosting such a large conference would have been an impossible task, given a staff of only seven full-time academics, housed in a portacabin on the chemistry car park! From such small beginnings, however, we have grown in numbers both staff and student-wise. In 2010, we moved into our purpose-built building on the new Heslington East campus of the university. We are very proud of our new building and are delighted to be able to show it off to the socio-legal community at the conference.

Through a poster competition, we are hoping to use the conference as an opportunity to build links between doctoral students at the various doctoral training centres that have been funded by the ESRC and beyond. Please watch this space for further details.

We are also very pleased to be able to announce that our plenary speaker is someone whose very title announces her connections to North Yorkshire: Baroness Hale of Richmond. Undoubtedly, the first, and to date only, female justice of the Supreme Court will have much of interest to say.

*Caroline Hunter, YLS conference committee chair*

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**Meetings**

The next Executive Committee meeting will be on **20 September 2012** in London.

SLSA members are invited to propose items for inclusion on the agenda of future meetings; email SLSA secretary, Amanda Perry-Kessaris; e a.perry-kessaris.soas.ac.uk. Minutes and papers from past meetings are available at [www.slsa.ac.uk/content/view/105/269/](http://www.slsa.ac.uk/content/view/105/269/).

**Social media**

You can follow the SLSA on Twitter @SLSA\_UK and on Facebook  
w [www.facebook.com/groups/55986957593/](http://www.facebook.com/groups/55986957593/).

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**www.slsa.ac.uk**

The SLSA website contains comprehensive information about the SLSA and its activities and is also the home of the SLSA Membership Directory. The news webpages are updated almost daily with socio-legal news, events, publications, vacancies etc. To request the inclusion of a news item and for queries about the content of the website, contact Marie Selwood e marieselwood@btinternet.com.

**Disclaimer**

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

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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 you think that your institution would like to become involved in this initiative, please contact SLSA chair Rosemary Hunter e r.c.hunter@kent.ac.uk.

Newsletter sponsors 2010–2013 are: Birkbeck; Cardiff Law School; Centre for Socio-Legal Studies, Oxford; University of Exeter; University of Kent; University of Liverpool; London School of Economics; University of Nottingham; Queen's University Belfast; University of Warwick; and University of Westminster.



Department of Law



The University of Nottingham



## SLSA ONE-DAY EVENTS

*Don't forget to book your place for the SLSA's two one-day conferences coming up this autumn.*

### Exploring the legal in socio-legal studies

Following on from the SLSA's one-day conference on 'Exploring the "socio-" in socio-legal studies', this event on **21 September 2012** at the London School of Economics (LSE) will focus on 'the legal' in socio-legal studies. Confirmed speakers are: Annalise Riles, Cornell; Chris Tomlins, California Irvine/American Bar Association; Linda Mulcahy, LSE; Andreas Philippopoulos-Mihalopoulos, Westminster. Full details and registration information are available on the website at [www.slsa.ac.uk/content/view/295/330](http://www.slsa.ac.uk/content/view/295/330). If you have any queries, please contact Dave Cowan [e d.s.cowan@bristol.ac.uk](mailto:d.s.cowan@bristol.ac.uk).

### Teaching socio-legally

The final one-day workshop in our Doing, Funding, Teaching trio, 'Teaching socio-legally: socio-legal studies in the law curriculum' will be on **31 October 2012**, organised by Penny English and Chris Ashford. Further details, including a registration form, are on the SLSA website at: [www.slsa.ac.uk/content/view/291/330](http://www.slsa.ac.uk/content/view/291/330).

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*The first two events in our 'Doing, funding, teaching' series took place earlier this year at the Nuffield Foundation in London*

### Doing socio-legal research: empirical challenges and solutions

On 13 March, 25 delegates gathered for this workshop organised by Linda Mulcahy and Amanda Perry-Kessaris. The aim of the event was to introduce researchers to the key issues to be addressed when planning a project, seeking funding and actually conducting research. In the morning session, Linda Mulcahy began the day by talking about 'Methodological landscapes: how to match methods to research questions'. Next came Chandra Lekha Sriram and Amanda Perry-Kessaris who spoke about researching unfamiliar and dangerous topics and locations and then Andy Boon talked about ethical issues.

The afternoon consisted of four sessions, each devoted to a different type of research. Robert Dingwall began with an introduction to observation and conversation analysis. He was followed by Kristen Rundle who spoke about archival research and Les Moran on the subject of interviews. Finally, Sally Wheeler closed the day with a session on surveys.

### Funding socio-legal research

Following on from the areas covered in the 'Doing' day, the second event, 'Funding socio-legal research', on 14 May, was organised by Rosemary Hunter and Anne Barlow and attracted 32 academics from the UK and Ireland. The aim of the day was to outline some of the major funding opportunities available and offer advice on making your application more likely to succeed. The morning session covered research council project grants. Anne Barlow, Stephen Shute and Morag McDermont brought first-hand experience to bear on how to make a case for support, outline pathways to impact, handle costings and budgets and pick the right council and scheme for your project.

The afternoon topic was 'Charitable grants/small grants and fellowships'. Stephen Shute and Anne Barlow were joined by Daniel Monk, Richard Collier, Nicola Lacey (British Academy) and Sarah Lock (Nuffield Foundation) to give pointers on writing applications and advice on specific funders. There was also a feedback session on draft applications.

## MEMBERSHIP FEES

As members will be aware, last year the Executive Committee took the decision to increase membership fees. This was the first fee increase since 2001. The fees are now £40 per annum for full membership and £20 per annum for postgraduate membership.

I would like to thank all those members who took the time to adjust their annual standing orders, or otherwise paid the correct amount. This income is vitally important to the financial health of the SLSA and the schemes and activities that are conducted in the interests of the membership.

As the new membership year approaches in July, this is a further plea to those members who are not currently paying the correct amount or who are paying their standing order into the Lloyds rather than the Co-operative bank account. It would significantly ease my membership secretary workload if those members could attend to this as soon as possible (and thanks to those who have already done this since receiving any recent email communications from me).

Standing orders can be easily adjusted either through electronic banking or by writing to your bank. To make writing to your bank as simple as possible, there is a standard form on the website in the 'Join the SLSA now' section (click on the 'Standing order form' hyperlink in the 'Increase in fees' section).

While some members have kindly changed their amount, they are still paying into the old Lloyds bank account, which we are desperately trying to close down. For ease of reference, all standing orders should be paid into the following account:

**Bank:** Co-operative Bank  
**Sort Code:** 08-92-99  
**Account number:** 65209341  
**Account name:** Socio-Legal Studies Association

The same form can be used to adjust where your standing order is paid to.

If you have a sterling bank account, payment by standing order allows you to set up a regular annual payment so you don't have to remember to pay your fees each year. However, you can also pay by electronic bank transfer (to the account above); send a cheque (in sterling or an international cheque made out in sterling) made payable to the 'Socio-Legal Studies Association'; or send an international bank draft (made out for membership fee plus £2 to cover costs incurred by the SLSA i.e. for £42 or £22).

*With thanks,  
 Julie McCandless (SLSA membership secretary)*

## SLSA BOOK AND ARTICLE PRIZES 2012

### SLSA book and article prizes

Nominations are open for next year's book and article prizes. There are three prizes:

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

The closing date is Monday **1 October 2012**. Publications published in the year up to **30 September 2012** are eligible. Full details can be found on the SLSA website [www.slsa.ac.uk](http://www.slsa.ac.uk) and follow the prizes links. These three prizes are generously sponsored by Hart Publishing.

## BEING SOCIAL

*The SLSA Executive Committee recently decided to re-invigorate and extend our social media presence. With the growth in new platforms, we're keen to utilise new technologies, to interact and engage with members and also to support greater interactivity between them. Exec member Chris Ashford has been appointed social media officer and will be taking these exciting initiatives forward.*

We'll still be sending through our successful and popular paper newsletter and weekly e-bulletins to members, but we will also be using social media to share key developments and news from within the socio-legal community. Through 're-tweets', 'shares' and 'likes' we hope that information will quickly be shared among like-minded individuals and that this will enhance your own research, teaching and impact activity. For those of you who have so far resisted dipping your toe into the social media water that is Twitter, perhaps now is the time to give it a whirl. The service is free and allows you to send and read text-based posts ('tweets') of up to 140 characters. Sign up at [w https://twitter.com/](https://twitter.com/) and follow us @SLSA\_UK.

The SLSA has always been a hub of creativity and innovation, and so we're not content with just setting up the

usual Facebook and Twitter sites. We're going to be engaging with innovative new platforms too.

One such platform which you might have read about in the news in recent months is Pinterest. Pinterest is a sort of virtual pinboard, on which people can share photographs by category according to events, interests, hobbies and so on. We want members to use Pinterest to share photographs from SLSA events, and also to tell us photographic stories about their lives as socio-legal scholars.

Perhaps it's a covershot of a new book you've published or are reading, perhaps it's a photo of a student activity that a class has recently undertaken. It could be a visit to an archive, or images documenting research methods. We want you to be as creative as possible. Get thinking and keep watching our Facebook and Twitter pages for the launch later in the year.

For those of you with a QR reader on your phone (just do a search in your app-store if you're not sure), open the app and hover over the image to the right and you'll be taken to our Facebook page where you'll see links to our other platforms. Alternatively, just search for 'Socio-Legal Studies Association' on Facebook.



## MEET YOUR EXEC

*In an occasional series, SLSA Exec members introduce themselves and describe their socio-legal journeys. Here, Jonathan Garton and Marian Duggan tell their stories.*

My engagement with socio-legal studies began during my PhD at King's College London (KCL). My supervisors, Charles Mitchell and John Gardner, had secured funding to supervise a project labelled simply 'regulation of charity' and, as my LLB at Newcastle had been largely doctrinal – with the notable exception of my place in the first cohort of Richard Collier's course on law, society and social change – I originally intended to meet the brief by writing a black-letter critique of the guidance for charity trustees published with increasing frequency by the Charity Commission. I plugged away on this basis for a couple of years but struggled to find a satisfactory angle. My recurring thought was that if only I could find the book that would explain to me from first principles just what we ought reasonably to expect from a regulatory regime for charities then I would have something on which to pin my critique. I was convinced that the book must exist – it seemed to address such an obvious and fundamental question – and yet my repeated best efforts failed to unearth it. After an embarrassingly long time, the penny dropped and I realised the obvious: there was no book, but I could have a bash at writing it myself.

Out went my critique of Charity Commission guidance; in came the theories of organised civil society and the work of scholars across a range of disciplines, particularly Jeremy Kendall, Helmut Anheier, Lester Salamon and Dennis Young, that enabled me to work up an explanation of when it might be appropriate to regulate charities and other civil society organisations, and how such regulation might best be implemented.

My research today continues in broadly the same vein, exploiting the economic and social science theories that seek to explain civil society activity as tools for developing and evaluating regulatory rules. After my PhD I taught at Leicester, KCL and Liverpool before taking up my current position as a reader at Warwick. Over the past decade I have given a number of papers at the SLSA annual conference and have always found it to be a supportive and rewarding environment. I am looking forward to my time on the Executive Committee, having been appointed at last April's AGM.

*Jonathan Garton*

My research interests firmly lie in the arena of gender, sexuality and victimisation. This began with my undergraduate degree in criminology where I spent most of the three years focusing on sexual and domestic violence. For my postgraduate studies, I broadened out to consider homophobic victimisation. My master's degree coincided with legal developments in this particular area of 'hate crime'. I was fascinated by the similarities linking misogyny and homophobia, and the very different approaches taken by the criminal justice system in addressing such victimisation. Common sense dictated a link between gender and sexuality; legal responses stipulated a dichotomy of gender or sexuality. Thus, sexual orientation became grounds for hate crime and gender did not. Subsequently, the complexity of hate crimes continues to intrigue me, particularly when unpacking the intersectionality of gendered and/or sexualised victimisation.

The SLSA has been a fantastic environment within which to build upon this curiosity. I discovered the SLSA whilst at Queen's University Belfast, undertaking my doctoral research into prejudices informing and sustaining homophobia in Northern Ireland. Although my studies began with criminology and ended with law, 'socio-legal' seemed to best fit my developing profile. I attended my first SLSA conference in 2006 at Stirling University and was inspired to present a paper the following year at Canterbury. In 2009, I became an Executive Committee member, later taking on the roles of recruitment officer and research grant committee member.

I am currently based in the Department of Law, Criminology and Community Justice at Sheffield Hallam University. I am fortunate in that my teaching reflects my research interests, allowing for plenty of lively and informative discussions with students. Sheffield is also an excellent city for vibrant and vocal grass-roots feminist activism.

It is encouraging to see so many young people, male and female, coming together to fight sexism and homophobia, promote reproductive rights, challenge harmful rape myths, highlight socio-economic inequality and work towards ending violence against women – the very issues that set me off on my current path over a decade ago.

Thus, to paraphrase a great thinker: things are still dangerous; there is still much to do.

*Marian Duggan*

## LEICESTER 2012 THEMES

*Some of our theme organisers report back on the continuing success of our 'streams and themes' approach to organising conference papers.*

### Art, culture and heritage

The Art, Culture and Heritage theme, co-convened by Janet Ulph (Leicester) and Charlotte Woodhead (Warwick), saw varied papers covering topics including graffiti, human remains, museums, illicit trade, immunity from seizure, dispute resolution, indigenous rights and Nazi loot. The session had an international flavour, both in subject matter and participants.

Lucy Barnes (Kingston) presented a paper, "Localising" Graffiti, in which she addressed the involvement of communities and their interests in decisions regarding graffiti's appropriate treatment.

In her presentation of the legal and ethical obligations regarding the excavation of ancient human remains, Carolyn Shelbourn (Sheffield) suggested a separate regulatory system for burial archaeology. Janet Ulph, currently an AHRC Placement Fellow with the Museums Association, highlighted the principles of disposal, sustainability and stewardship of museum collections in the context of sales and transfers from UK museum collections. Penny English (Anglia Ruskin)

identified ways to strengthen the current regime for protecting antiquities from loss of their archaeological context and the regulation of the illicit trade in antiquities in her paper, 'Combating the illicit trade in antiquities in Europe: the need for reform'.

Shea Esterling (Aberystwyth) analysed the right to respect for cultural property established by Article 11(2) of the UN Declaration on the Rights of Indigenous Peoples in the light of cultural property nationalism and internationalism. In the context of cultural heritage claims, Alessandro Chechi spoke about the lack of a dedicated international dispute resolution process and concluded that the real problem is the fragmentation of knowledge of adjudicators and litigants, emphasising the role of databases such as ArThemis run by his home institution, the Art Law Centre, University of Geneva.

Charlotte Woodhead's presentation assessed the role played by the UK claims procedure for Nazi era spoliated art in preserving the values associated with cultural heritage. Andrzej Jakubowski (Institute of Law Studies, Polish Academy of Sciences, Warsaw) presented a paper on 'Human rights, cultural heritage and the limits of state immunity' in which he analysed, amongst other things, the competing rights of human rights victims seeking compensation and the collective rights of communities to their cultural patrimony.

*Charlotte Woodhead*

### Exceptional states: international economic law in times of crisis and change

Following on from the successful themes on international economic law organised at the SLSA conferences in Bristol in 2010 and Brighton in 2011, this theme sought to address a contemporary concern facing international economic law and regulation. As the international economy undergoes tremendous upheaval and change – from financial crises to global concerns over food, energy security and climate change to conflicts over natural resources – critical questions are being posed as to the capacity of the post-war international economic legal framework, itself built in the aftermath of conflict and crisis, to contain the social, economic, political and legal manifestations of global crises.

Papers in this theme explored the various aspects of the intersections between crisis, conflict and change in the international economic legal order. The multifaceted nature of the thematic was reflected in the diversity of conceptual, methodological and substantive content of the presentations, ranging from critique of the normative foundations of international economic law to evaluations of legal and regulatory responses to the global financial climate and trade crises, and to assessments of the human rights and human development dimensions of crisis and conflict in the international economy.

Common threads permeating the presentations and discussions across the various panels were, firstly, the impact of contemporary crisis on developing countries, particularly countries on the periphery of the global economy and, secondly, a need to interrogate more deeply the underlying narratives of contemporary patterns of economic activity and their contributions to the conceptualisations of crises and, ultimately, to crisis prevention or resolution. The fruitful discussions and conversations that took place across the panels this year, building upon the success of the previous two years, certainly highlight the need for such a platform for bringing together scholars who work on areas of international economic law, international development and human rights from socio-legal, contextual or critical traditions.

*Celine Tan and Amanda Perry-Kessaris*

### Legal consciousness: a stocktake

This theme attracted seven really interesting, diverse papers, presented in three stimulating sessions on the Wednesday of the conference. Simon Halliday and Bronwen Morgan set the scene, opening up an often overlooked feature of Ewick and Silbey's work concerning the relationship between 'legal consciousness narratives and a focus on the hegemonic power of law', using grid-group cultural theory developed by anthropologist Mary Douglas. This was followed by Marc Hertogh's paper which looked at perspectives on the legitimacy of the Dutch legal system, moving from public confidence to legal consciousness. Marc's work is distinctive in the legal consciousness field in that he uses quantitative datasets to attempt to understand issues of legal consciousness. These two papers opened up an interesting discussion about both the theoretical basis of legal consciousness research and range of methods that can be deployed by researchers in this field.

The papers in the following two sessions demonstrated the breadth and depth of research being carried out by European scholars from a legal consciousness perspective. Sarah Hirons presented fascinating material examining deaf perspectives on access to justice using quotes from video-logs by deaf people. Antonia Layard looked at 'Planning and creative acts of resistance' using material from groups working and living in the Stokes Croft area of Bristol. Rosie Harding focused on research amongst dementia patients looking at healthcare inequalities and access to justice. Sarah Blandy's work examined residential owners' understandings of common parts and collective property rights, using three case studies of different types of property owners. Finally, Jackie Gulland looked at the relationship between legal consciousness and the somewhat problematic concept of legal capability, which has been borrowed by some advice organisations from the personal finance field.

Throughout the three sessions we had a vibrant audience of 20–25 people. The discussions were very stimulating – and extremely useful for those of us who are using legal consciousness in current research. Many of us agreed we wanted to continue our discussions at next year's conference.

*Morag McDermont and Dave Cowan*

## FUNDING AND CAPACITY BUILDING FOR SOCIO-LEGAL RESEARCH

*During a session on research capacity at the SLSA's 2012 conference in April, Nuffield Foundation director Sharon Witherspoon presented an overview of the Foundation's work and focused on areas of interest to the socio-legal community and Antonia Layard of Cardiff University recounted some of her own experience of applying for research grants. Marie Selwood reports.*

The conference session was chaired by Caroline Hunter who introduced it with reference to a recent survey she conducted to find out to what extent empirical research featured in undergraduate law courses. The survey was followed up by a workshop and the project had identified several law modules using empirical research in different ways, experimenting and refining their approaches over time in response to feedback. The survey and workshop and the resulting publication (Hunter 2012) had all been supported by a Nuffield Foundation grant.

Sharon Witherspoon's presentation began with a short introduction to the Foundation and its general objective of 'the advancement of social well-being, particularly by means of scientific research'. Its annual budget for research funding is approximately £11m and its main areas of activity are: social research, social science and social policy; education; and science. As a charitable trust, the Nuffield Foundation is not reliant on public funds, unlike higher education and research councils which are suffering deep cuts in the current economic climate. The Foundation is committed to supporting social science research based on empirical evidence and emphasises the fact that 'social science evidence matters: for policy, practice, public understanding and debate'.

Sharon explained that those looking for funding need to target their applications carefully: checking the stated areas of special interest of funding bodies and thinking ahead regarding possible future consequences of changes to the legal system. They also need to think about 'what will be done with their findings and by whom'. She added that inexperienced applicants should show their proposal to someone more senior to obtain constructive criticism.

The Nuffield Foundation is interested in research that has implications for policy and practice and is methodologically sound. When evaluating applications, the trustees ask key questions, about the research topic (is it of interest to the trustees and to the wider world?), about the strength of the design and methodology and of the research team, about the applicability of the research to policy and practice, and how results will be disseminated. Its website provides detailed information about its research programmes and applicants need to make sure that proposals fit well with the published research interests and themes.

Sharon stressed the Foundation's long-standing relationship with socio-legal research dating back to 1969 (the SLSA benefitted from a grant of £4000 when it was launched in 1990). She explained that there are still difficulties to be overcome in tackling the research capacity gap identified by the Nuffield Inquiry (2006), for instance: experienced researchers nearing retirement and the shortfall of people coming through to replace them; a lack of cross-disciplinary working at an institutional level; the RAE failure to incentivise empirical research; change needs to happen at undergraduate level as well as postgraduate and mid-career.

The MacInnes Report (2009) from the ESRC pointed to the need for training in quantitative methods, chiming with the

Nuffield Foundation's views and prompting a collaboration to launch a new £5.5m programme (which may be enlarged by ESRC/HEFCE) aimed at improving the confidence and research skills of undergraduates. Entitled Quantitative Methods for Undergraduate Social Scientists, the programme will fund centres at up to 10 UK universities over five years to train undergraduates in quantitative analysis and address the skills shortage in this area. The centres will work towards integrating and embedding quantitative methods into undergraduate teaching across courses. The grants will also fund labs, summer schools, placements, bursaries, internships and additional teaching staff with specialist knowledge. Further details are available on the Nuffield Foundation website where it is also possible to sign up for email updates on progress. Sharon's slides from her presentation at SLSA 2012 are available on the SLSA website.

Antonia Layard then gave a personal view of her experiences in applying for funding. She had recently received a grant through the AHRC's Connected Communities programme. The AHRC runs development workshops (or 'sandpits') where researchers (who are either invited or who apply) spend several intensive days developing ideas. She explained how the workshops aim to nurture cross-disciplinary approaches by bringing together academics from the arts and humanities with scholars from a range of other disciplines and practitioners and policymakers. By working in this way, innovative proposals emerge involving collaboration between experts from diverse fields with widely different skills who would not normally work together. Over the course of the sandpit, the proposals are narrowed down to produce about five projects. As well as providing opportunities for involvement in the resulting projects, the workshops can also result (and did so in Antonia's case) in the development of important new research relationships and opportunities for follow-on funding.

Antonia also reiterated Sharon's point about careful targeting of proposals. She stressed the importance of meticulously reading websites, guidance notes and advice to applicants to make sure that you submit your proposal to the right funding body. She also commented that it is equally valid to create a proposal based on that reading as it is to search for the right niche for your already drafted pet project.

The session was complemented in May by the SLSA's 'Funding socio-legal research' one-day conference hosted by the Nuffield Foundation and attended by around 40 delegates.

### References

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- MacInnes, J (2009) *Final Report: Strategic Adviser for Quantitative Methods: Proposals to support and improve the teaching of quantitative research methods at undergraduate level in the UK*, ESRC
- Nuffield Inquiry on Empirical Legal Research (2006) *Law in the Real World: Improving our understanding of how law works*, Nuffield Foundation

### Websites

AHRC Connected Communities:

www.ahrc.ac.uk/FundingOpportunities/Pages/connectedcommunities.aspx

Nuffield Quantitative Methods programme:

www.nuffieldfoundation.org/quantitative-methods-undergraduate-social-scientists

Witherspoon presentation slides:

www.slsa.ac.uk/content/view/282/292/#SLSANuffield

## SLSA GRANTS 2012–2013

*The SLSA Research Grants Scheme has been running since 1999 and to date has funded 70 socio-legal research projects. The scheme aims to support work for which other funding sources would not be appropriate and to encourage socio-legal research initiatives in a practical way. Applications for this year's round are now invited and summaries of the forthcoming projects from the latest tranche of awardees are given below.*

This year's round is now open for applications. Applications to the scheme are considered only from those who are fully paid-up members (or registered as free student members) of the Socio-Legal Studies Association, wherever they live, by 31 October in the year of the application. Applications must be made using the Application Package available on the SLSA website. The Application Package is subject to change so please make sure that you download the latest version.

The next deadline for applications is **31 October 2012**. Individual awards are up to a maximum of £2000. The Research Grants Committee takes the following elements into consideration when judging applications:

- 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;
- Executive Committee members are not eligible for the scheme.

Decisions will be made no later than **31 January 2013**.

For more information and to help you decide whether your project is appropriate for an SLSA grant, visit the SLSA website where there are examples of project summaries, reports from past grantholders, a full list of previous grantholders and project titles and Dermot Feenan's instructive article on submitting your applications, first published in *SLN* 66:4–5.  
 www.slsa.ac.uk/content/view/65/215/.

### A socio-legal approach to evidence in the international criminal tribunals

**John Jackson, University of Nottingham, and Yassin Mboge, University of Leicester, £1950**

Although there is considerable literature on the re-emergence of international criminal justice within the last 20 years as a means of addressing egregious human rights violations, there has been little socio-legal literature on the manner in which international trials actually operate.

This project adopts a socio-legal approach towards the treatment of evidentiary issues internationally across a range of different tribunals including the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Special Court of Sierra Leone, the Special Tribunal for Lebanon, the Extraordinary Chambers in the Court of Cambodia and the International Criminal Court (ICC).

The project aims to address the lack of any socio-legal comparison of the evidentiary norms, processes and practices that operate within international criminal processes by exploring the challenges that have faced the work of the international criminal tribunals and how these have been met by the various professionals involved. With the work of a number of tribunals nearing completion and the ICC establishing itself as a permanent international court, this is an ideal time to examine what lessons can be learned for future practice.

The research methodology combines conventional legal analysis of the evidentiary rules and jurisprudence of the various international tribunals with qualitative methods of empirical research. Semi-structured interviews are being conducted with a number of practitioners drawn from judges, prosecutors, defence counsel, Chambers counsel and Registry lawyers who have experience working across a range of different tribunals.

The research findings will be disseminated to a wide range of practitioners engaged in international criminal practice, policymakers and scholars in the field. An initial findings paper is to be published in a forthcoming collection of papers on evidence in international criminal trials in the *Leiden Journal of International Law*.

### The politics of prognosis: HIV, anti-retrovirals and the definition of disability in UK equality law, 1996–2005

**Emily Grabham, University of Kent, £1300**

This research contributes essential empirical material to a larger project investigating the role of time, and particular temporal concepts, in UK equality law.

The Politics of Prognosis project will provide an analysis of employment law cases from the late 1990s and early 2000s about the definition of HIV within disability discrimination legislation. These debates relied heavily on temporal concepts of 'prognosis' and the HIV life-course.

Operating in a climate of persistent, and generalised, misunderstanding about the potential transmission risks of HIV during this period, many HIV-positive employees in the UK were facing employment discrimination and dismissal. Between 1996 (when the Disability Discrimination Act came into force) and 2005 (when HIV was automatically recognised as a disability), it was necessary to show that HIV was a long-term condition with a serious effect on day-to-day life in order to prove that it was a disability. HIV activists and legal practitioners were required to construct particular temporal narratives about medical effectiveness and prognosis in order to gain access to legal rights.

Through qualitative empirical research, I hope to investigate how dominant ideas about HIV timelines were constructed and reframed within legal proceedings about the definition of disability in this period. By interviewing 10 UK-based legal practitioners and HIV activists about the strategies used to obtain employment protection for people affected by HIV discrimination, I will begin to develop a socio-legal analysis of the effects of prognosis, as a temporal construct, on dominant legal understandings of disability, sexuality and race in UK discrimination law.

It is hoped that this analysis will provide important new questions not only about the key conceptual underpinnings of legal equality projects in the UK more specifically, but also on the socio-legal regulation of embodied futures more generally.

## The gender of justice: the prosecution of sexual violence in war

**Kirsten Campbell (lead investigator) and Claire Garbett, Goldsmiths College, £996**

With the impending closure of the International Criminal Tribunal for the former Yugoslavia, regional prosecutions will become the focus of criminal accountability for war crimes committed in the 1990s conflict.

National prosecutions are particularly significant in Bosnia and Herzegovina (BiH). BiH was the site of numerous crimes and is commonly understood as the least 'reconciled' country in the region. It is also the location of the unique 'internationalised' War Crimes Chamber (WCC). However, concerns have been raised regarding sexual violence prosecutions before the WCC. This research aims to identify current problems in WCC sexual violence prosecutions, as well as to consider potential strategies for addressing them. The funded research has two elements.

The first involves developing a database of WCC sexual violence prosecutions (which will also be translated into Bosnian). This database will provide the basis for systematic analysis of sexual violence prosecutions in terms of gender and ethnicity of victims and accused, charges, convictions and sentences. The second undertakes qualitative research with key non-governmental organisations developing advocacy and trial work in this area, victims' associations and WCC staff to provide a richer understanding of these patterns of prosecution and consider possible reforms.

This study will serve as an important resource for those seeking to improve the prosecution of sexual violence in war.

## The social construction of forensic sleep expertise

**Gethin Rees, University of Southampton, £1900**

The use of the sleepwalking defence is infrequent but has increased since 2005. The use of the defence in rape and sexual assault cases, in particular, has been granted greater credibility since 2005 as a result of the new medical category for sleep-based sexual behaviours, 'sexsomnia'.

Sexsomnia, as a defence, was legally tested in England and Wales in *R v Bilton* (2005) and has recently received much media attention due to the cases of Stephen Lee Davies and Zack Thompson. To assess the legitimacy of the defence, scientific and medical examinations are performed in order to identify whether the medical history and/or physiology of the suspect supports the claim that the sexual assault was the result of a parasomniac episode. An expert report is produced, which is of great significance during sexsomnia-based trials. I aim to investigate the ways that sleep experts prepare this expert evidence.

Performing an ethnography of a sleep clinic, I will investigate the ways sleep experts mobilise different kinds of evidence (for example, the suspect's claims of a history of parasomnia, as well as specialist medical investigations) in order to determine the suspect's conscious state at the time of the attack. The sleep expert is also required to comment on the cause of the violent sleepwalking event (i.e. specify whether it is sane or insane automatism), something they find very difficult (both individually and as a profession), and there is debate over whether all "forgotten" sexual assaults are necessarily the result of sexsomnia or of some other cause (for instance, alcoholic blackout). In sum, I intend to investigate the ways sleep scientists negotiate the legal and professional debates around cause in order to produce expert evidence.

## JLS news

The *Journal of Law and Society* (JLS) has launched a **workshop sponsorship scheme** with a fund of £10,000 per annum. The JLS seeks to promote good quality socio-legal scholarship and proposals will be judged in the light of that broad overall aim. The JLS is also seeking to use the funding to secure top quality socio-legal scholarship for publication in the journal so applicants must normally agree that the JLS shall have first refusal of articles for publication coming out of the workshop or seminar. For further details contact Carol Black at [black@cardiff.ac.uk](mailto:black@cardiff.ac.uk). Applications will be considered twice a year: the deadlines are **1 March** and **1 September** each year.

The JLS also invites expressions of interest concerning the **guest editorship** of the JLS special issue (spring 2014). Readers are invited to contact the editor with their proposal. Send a list of authors, agreed and those yet to be confirmed, and working titles of each contribution. Prepare one page explaining the purpose and range of the collection. The material must be socio-legal, fit the character of the JLS, and have current relevance and appeal to its international and diverse readership. The issue must also be both thematic and coherent. The issue is 75,000 words, inclusive of footnotes and carries between eight and 10 papers. The deadline for completed copy is November 2013. The JLS may provide funds to support a meeting for the authors. The issue will also appear simultaneously as a book published by Wiley-Blackwell, Oxford. A decision on the 2014 publication will be taken in September 2012 thereby allowing the editor one year to produce the copy. The special issue for 2013 is titled 'Towards an Economic Sociology of Law' and is edited by Amanda Perry-Kessaris, Prabha Kotiswaran and Diamond Ashiagbor. Contact JLS editor Philip Thomas [thomaspa@cardiff.ac.uk](mailto:thomaspa@cardiff.ac.uk).

## Legal Education and Training Review

The Legal Education and Training Review (LETR) is a fundamental, evidence-based review of education and training requirements across regulated and non-regulated legal services in England and Wales. It is intended to ensure that the future of legal education and training will be effective and efficient in preparing legal service providers to meet the needs of consumers.

There is now an online survey aimed at professionals and individuals with an informed interest in the legal professions. To complete the survey, visit the LETR website and follow the links. Closing date: **16 August 2012**. There is also a consultation on equality and diversity currently open. Closing date: **2 July 2012** [www.lettr.org.uk](http://www.lettr.org.uk). See also page 13 for details of the forthcoming LETR symposium.

## Legal Services Act 2007

In early April 2012 the Legal Services Board (LSB) published its interim baseline report to look at the market impacts of the Legal Services Act 2007 in England and Wales. This builds on the evaluation framework published in April 2011, and the Oxera market segmentation framework published in September 2011.

The report brings together information from a wide range of sources and provides a narrative around what this shows. It also highlights the key gaps in published knowledge of the legal services market. The LSB believes this is the first time this has been done across the whole range of legal services. The board regards this as a work in progress and is keen to get a wide range of feedback between now and September with a view to publishing a final report in October. The report is available on the Legal Services Board website, in the research section. [www.legalservicesboard.org.uk](http://www.legalservicesboard.org.uk) **Robert Cross, LSB**



## Mapping paths to family justice

SLSA members Anne Barlow of the University of Exeter and Rosemary Hunter of the University of Kent have together with psychologist Dr Janet Smithson (University of Exeter) been awarded ESRC funding of £500,000 for their three-year interdisciplinary project 'Mapping Paths to Family Justice'. This aims to provide critical evidence about the usage, experiences and outcomes of different forms of alternative family dispute resolution (AFDR) on relationship breakdown, namely solicitor negotiations, mediation and collaborative law, at a time when these court alternatives are likely to become increasingly used as major reforms to the family justice system are underway. This follows the recent Family Justice Review and the general withdrawal of legal aid for private family law cases in the Legal Aid Sentencing and Punishment of Offenders Act 2012. In particular, the project will explore: how well-known and how widely used each of these 'alternative' processes has become nationally; how positive or negative people's experiences of these processes have been in the short and longer term; what (if any) norms of family dispute resolution are embedded in each of these processes, and with what (if any) impacts on different kinds of users and cases. Ultimately, it is hoped to consider whether each process appears to be more or less appropriate for particular kinds of parties and/or disputes.

The project commenced in July 2011 and is adopting a mixed methods approach. Its first phase of questions on a nationally representative survey has been conducted. Interviews with lawyers, mediators and parties with experience of different styles of AFDR are underway and, in its final phase, recording and analysis of a selection of mediations, collaborative law processes and lawyer-client interviews will be undertaken. Findings from the three phases will be synthesised in order to arrive at an overall 'map' of family dispute resolution pathways.

The project has the support of an advisory group comprising a range of practitioners, policymakers and academics with an interest in family dispute resolution and the preliminary findings from the project's national survey were presented at the SLSA conference at De Montfort University in April 2012. For more information, visit the project website at [w http://socialsciences.exeter.ac.uk/law/research/frs/mappingpathstofamilyjustice/about/](http://socialsciences.exeter.ac.uk/law/research/frs/mappingpathstofamilyjustice/about/).

*Anne Barlow*

## Students involved in Supreme Court case

A group of law students from the School of Oriental and African Studies (SOAS), University of London, have been working on a landmark US Supreme Court case, which will decide whether a corporation can be held liable for aiding and abetting human rights abuses under the Alien Torts Act.

The team of seven, in conjunction with Harvard Law School, have produced significant research and content for a high-profile *amicus curiae* brief, arguing that corporations can and should be held liable for such actions in American courts. They researched the history of corporate liability for such abuses by the East India Company and other English corporations in the seventeenth and eighteenth centuries. They also conducted research for the plaintiffs, some of which was cited by the lawyers and justices in oral arguments before the court on 28 February 2012. A decision is expected in the autumn.

'The students spent hundreds of hours in the archives establishing that corporations shouldn't be excluded from the most egregious violations of international law,' said Deval Desai, research associate at SOAS, who led the team. Tyler Giannini, clinical professor at Harvard Law School added: 'The work of the students and researchers from SOAS has been invaluable to the litigation effort and historical research on corporate liability. In this case, which is being watched around the world with great interest, it has been excellent to see collaborative research efforts that span the continents.'

The plaintiffs in this case, Kiobel, allege that Royal Dutch Petroleum collaborated with the Nigerian government to commit extrajudicial killing, torture, rape and crimes against humanity in order to suppress their lawful protests against oil exploration in the Ogoniland. Specifically, they allege that it collaborated by providing transportation, food and compensation to soldiers who carried out the attacks.

Following this experience, the students have set up an organisation, Banyan: SOAS Advocates. Banyan offers graduate students similar opportunities to contribute to legal practice, policy and advocacy, and has linked them with legal practitioners, non-governmental organisations and organisations such as the World Bank. To contact Banyan, email [177111@soas.ac.uk](mailto:177111@soas.ac.uk).

*Johannah Flaherty, SOAS communications manager*

## European Research Council: a source of funding for socio-legal studies?

Few socio-legal researchers seem to have looked to the European Research Council (ERC) to fund their research – perhaps it's time to think again. I have just started work on a four-year €1.029m programme of work funded by a Starting Independent Investigation Grant from the ERC. The programme, entitled 'New Sites of Legal Consciousness: A Case Study of UK Advice Agencies' (see *SLN* 66:6) includes three interconnected projects. Overall, it will employ three post-doc researchers and a PhD student – so ERC grants are an opportunity to develop your own research at the same time as creating new posts for researchers and students in socio-legal studies.

The Starting Independent Investigation Grant is part of the ERC's 'Ideas' programme, which aims to 'stimulate groundbreaking investigator-initiated "frontier" research carried out by individual teams across all fields'. Anyone between two to 12 years from PhD completion is eligible to apply; the funding is to enable the researcher to create or strengthen their own independent research team and/or establish their own research programme. You can apply for up to €1.5m, but for social science research which does not require lots of investment in equipment, we in Bristol reckoned that around €1–1.2m is probably about right. As will be clear from

my own success, research does not have to be focused across Europe – my case studies will all be of UK-based advice agencies (Citizens Advice and Shelter). I have, however, agreed to work on making links with researchers in other European countries looking at advice-type organisations, with the aim of setting up a European network by the end of the four-year programme.

Important to success in gaining large grants such as these is to show that your proposed programme of research is building on existing work. In my case, I had already been successful in gaining two ESRC CASE-funded PhD studentships looking at advice services in health locations and advice services for deaf people respectively, and I had conducted a pilot study with Citizens Advice (funded by my own law school and the Society of Legal Scholars) on barriers to justice in the Employment Tribunal system. I was therefore able to demonstrate a long-standing commitment to this research area, which is one of the assessment criteria.

There's more information about Starter Grants on the ERC website at [w http://erc.europa.eu/starting-grants](http://erc.europa.eu/starting-grants). Calls for proposals are issued over the summer with the deadline for submission in the autumn. So if you think you're eligible and have an idea for an exciting research programme that addresses important challenges at the frontiers of your field, then it is certainly worth thinking about applying now.

*Morag McDermont, School of Law, University of Bristol*

## SOURCES FOR LEGAL HISTORY: TWO ARCHIVES

*Susannah Rayner, archivist at SOAS, and Antonia Moon, lead curator of the Post-1858 India Office Records at the British Library, describe some of the fascinating material in their collections and its importance to legal scholars.*

### School of Oriental and African Studies

When Amanda Perry-Kessaris first came up with the proposal to provide an introductory tour of the School of Oriental and African Studies (SOAS) archives for legal academics, it posed an interesting challenge. SOAS Library specialises in archives relating to missionary organisations, charities and non-governmental organisations, British businesses based in Africa, Asia or the Middle East, and – in a catch-all category – individuals whose lives and works relate to the geographical areas of study at SOAS. The question was: would any of this be of interest to lawyers?

It turned out to be quite an eye-opener for both archivists and academics alike, with a range of material relating directly to many SOAS law courses. Although you might expect SOAS to have strong source material on Asia, Africa and the Middle East, in fact its collections cover a wider geographical area, thanks to the worldwide activities of the missionary and charitable organisations whose records we hold. For example, there is a surprising amount of material relating to Australia, and law students studying human rights and ethnic minorities will find significant archival evidence of the devastating impact of early colonialism on the indigenous population of that country. London Missionary Society (LMS) correspondence from New South Wales in the 1820s describes the persecution of Aborigines, including the execution of an Aborigine without trial, the outbreak of violence between settlers and Aborigines, and predicts the likely extinction of Aborigines in that region, only 40 years after the arrival of the 'First Fleet' to Botany Bay.

The archives of missionary societies are a great source of information since missionaries were expected to send regular



*High Court at Agra (BL W3552)*

letters and reports to mission headquarters and these have survived to a large extent. From the eighteenth century onwards, they provide some of the earliest documentation of contact with overseas communities, their first recorded histories, and often the first forms of written language as they attempted to translate the Bible and other works into the local vernacular. They are a rich source for the social, medical, educational and political history of these regions. Missionaries were often ardent campaigners for the rights of the indigenous communities they worked among, particularly for the poor and disenfranchised elements of society.

Much of this campaigning had legal ramifications. For example, Botswana, one of the most stable and prosperous countries in modern-day Africa, would probably not exist as a separate entity were it not for the close collaboration and mutual support between the nineteenth-century leaders of the Tswana people and missionaries from the LMS. Together they successfully lobbied the British government to establish the Bechuanaland Protectorate, largely to fend off the machinations of Cecil Rhodes' British South Africa Company. Had they not succeeded in this, Bechuanaland, as it was then known, would have been subsumed into South Africa.

Even as a protectorate, the state was not immune to the impact of apartheid government in South Africa, introduced there in 1948. Matters came swiftly to a head that year when, Seretse Khama, destined to become the paramount chief of the Bamangwato, met and married an English girl while studying in London. This encountered huge opposition both in Africa and Britain, with South Africa threatening to withdraw from the Commonwealth and impose economic sanctions against the UK. The records of the LMS, as well as the Movement for Colonial Freedom, which are held at SOAS, provide a fascinating insight into the case and some of the legal problems it presented – the prevention of their marriage in church, the couple's exile from Bechuanaland, Seretse's forced 'abdication' – as well as how matters were finally resolved.

For further information about legal sources in SOAS archives go to [www.soas.ac.uk/library/archives/specialist-guides/subject](http://www.soas.ac.uk/library/archives/specialist-guides/subject), or for a search through our catalogue go to <http://squirrel.soas.ac.uk/dserve/>.

### India Office records

The nine miles of India Office Records held at the British Library contain much of interest to students of legal history. The archive comprises the records of the East India Company (1600–1858), the British Government Board of Control (1784–1858) and the India Office (1858–1947), and a number of related British agencies. The records are complemented by about 3500 collections of private papers. The legal story that the records tell is one of change from a pluralist to a uniform system of law, as the British gradually moved from administering native and English laws in parallel to imposing English as the substantive law.

In the widest sense, the records show law in action. Public order, policing, jails, legal personnel, municipal taxes,



*Khama the Great, paramount chief of the Bechuanaland Protectorate, with the son of LMS missionary W C Willoughby, c 1895*

processions, and court buildings are just some of the topics covered in the judicial proceedings of the Indian administrations. Here, a question on the Bombay Boiler Inspection Act might appear alongside a petition for mercy for an imprisoned man.

Court records, while few in number, are another key source. The surviving Sudder Dewanny Adawlut (Higher Revenue Court) records include transcripts of cross-examinations: an unusual example of native voices in the colonial archive. The British administration itself appears as a legal player. Papers of Privy Council appeals to which the government of India was a party appear in the Public and Judicial Department records. The papers of the solicitor to the East India Company contain counsel's opinion on points of law that touched the company: questions range from rights to compensation for lost ships to whether or not shareholders can vote on a Sunday.

A series of manumission certificates issued to slaves at Aden shows the Indian government's influence in territories beyond its own: the 'informal empire'.

The records also show law being created. Papers of successive Indian Law Commissions from 1834 show the evolution of all-India penal and civil procedure codes. Private papers of legal pioneers, men like Mountstuart Elphinstone, Henry Maine and Charles Wood, give a personal view of legal reforms. Printed proceedings of Indian legislative assemblies include the debates around key legislation such as the Female Infanticide Prevention Act and the Indian Factory Act. Records of special committees regularly contain more information than is in the published reports. A draft report of the 1918 Sedition Committee, for example, reveals the thinking behind the infamous Rowlatt Act which extended wartime emergency powers into peacetime: '[Juries] cannot be relied on in this class of case. They are too much inclined to be affected by public discussion.'



Judges at the High Court of Allahabad: (left to right) the Hon. Sir Edward Grimwood Mears (1919), the Hon. Sir Shah Mohammad Sulaiman (1932) and the Hon. Sir Iqbal Ahmad (1941)(BL W3552)

Finally, the records show the oriental inheritance. Well-known orientalist like Nathaniel Halsted, Henry Colebrooke, and William Jones viewed law as an integral part of the culture that they were exploring. Books such as Jones's *Institutes of Hindu Law* (1798) were sponsored by the East India Company; they are now part of the British Library's collections. Administrators at local level sought to inform themselves of legal practices in the areas under their control. Thus, a thief detector in Madras in 1797 explains to an inspector his use of trial by ordeal: tools of detection include rice, a razor, a vase, a shoe, and nails. Such reports were regularly printed in the Bengal Asiatic Society's journal, *Asiatic Researches*.

To find out more about the sources, search our catalogues at [www.http://searcharchives.bl.uk](http://www.http://searcharchives.bl.uk) or email us at [ior@bl.uk](mailto:ior@bl.uk). Do tell us about your own research: we are keen to build up a community of users around our legal records.

SOAS School of Law is organising a series of Legal Treasures Tours. Visit [www.soas.ac.uk/law/events/legal-treasure-tours/](http://www.soas.ac.uk/law/events/legal-treasure-tours/) for more details.

## ECONOMIC SOCIOLOGY OF LAW: NOTES ON A CONTINUING ADVENTURE

*Diamond Ashiagbor, Prabha Kotiswaran and Amanda Perry-Kessaris recount the first steps on a journey of discovery.*

In February 2011, we embarked upon an exploration of the nature and value of an economic sociology of law – that is, the use of sociological approaches (empirical, normative, analytical) to investigate relationships between law and economy. We decided to begin with a reading group – an informal gathering of faculty and students from across disciplines and institutions, who are interested in the idea of an economic sociology of law.

Topics covered so far include:

- the case for an economic sociology of law
- delving deeper into Polanyi
- social capital in an economic sociology of law
- neoliberalism and law
- market governance in colonial India
- equality law: legal reasoning and organisational practice
- legal reasoning in financial markets
- economics as if people mattered
- law and economy through the lens of 'community'
- Max Weber and 'the' law and development 'movement'

In addition to stimulating thought-provoking and enjoyable conversation, the reading group enabled us to formulate a proposal for an invitational workshop Towards an Economic Sociology of Law to be held in September 2012 with the generous

financial support of the *Journal of Law and Society* and the School of Oriental and African Studies (SOAS) School of Law.

In this project, we will seek, in particular, to locate economic sociology of law within the broader socio-legal tradition, to uncover connections between Polanyian and Weberian approaches to the intersection between law, economy and society and to bring to the fore work which has been in the tradition – if not using the language – of economic sociology of law.

The influence of Weber on social theory throughout the twentieth and twenty-first centuries has been pervasive and consistent: Weber's sociological analysis of law and the economy can clearly be seen as a prototype for an economic sociology of law (Swedberg 2006). His work has also had a significant influence on policymakers, as evidenced within discourse on development, governance and the rule of law: Weber's observations on the central role of 'rational' legal systems in the emergence of modern capitalism and on economic development more generally have been implicitly and explicitly co-opted by the World Bank (Shihata 1991; Santos 2006: 272–3).

Karl Polanyi's dramatic and troubling probing of economic history, as set out in particular in *The Great Transformation* (2001 [1944]), has tended to receive less attention than the, by now familiar, Weberian perspective. However, interest in the Polanyian perspective is undergoing a revival, which attests to a wider resurgence of intellectual attentiveness to the 'social embeddedness' of market societies. In particular, those working in the discipline of economic sociology draw on Polanyi to challenge 'economic imperialism', most especially the assumption of the self-regulating market economy, by asserting the importance of both state action and social relations as constitutive of markets.

It is only relatively recently that legal scholars have also begun to draw upon economic sociology: whether in terms of insights from Polanyian- or Weberian-inspired scholarship, or from what may be termed the 'new economic sociology', owing more to Granovetter (1985). In spite of Polanyi's background as a lawyer, analysis of law did not figure greatly in his own work, or in that of Polanyi-inspired economic sociologists. Similarly, law is rarely a sustained object of enquiry for new economic sociologists (Edelman and Stryker 2005: 537). Even those drawing on the work of Weber have paid little attention to what he had to say on law (Swedberg 2003: 5).

The workshop is aimed at remedying these gaps. It seeks to unpack the embeddedness paradigm at a number of analytical levels: focusing on individual actors and the relations between them (micro- and meso-levels of analysis), as well as on social regimes and institutions and on the rationalities behind given regimes (macro- and meta-levels) (Frerichs 2011). By bringing together a range of contributors who – in the tradition, if not necessarily using the terminology, of economic sociology of law – have been studying the interface between law, society and economy at these different levels, we hope to develop a comprehensive analytical framework to cast light on new and existing research agendas. For instance, research questions include: how we might make sense of the way in which the law interacts with organisational and cultural norms – or is perhaps 'domesticated' by organisational culture – in the process of forging behavioural change in the workplace (see Edelman et al 2001; Sturm 2005; ); global norm-making against a backdrop of local resistance: the uses, abuses and avoidance of law in the regulation of financial markets (see Halliday and Carruthers 2009); and the role of labour law institutions under conditions of economic liberalisation, in particular, as part of an array of adjustment mechanisms cushioning the adverse domestic

effects of market exposure (Ashiagbor 2011). In addition to Polanyi's concept of embeddedness, Weber's contention that a market society requires as a prerequisite 'a promptly and predictably functioning legal system' (Weber 1978 [1921/22]: 337; Kennedy 2004) is another reference point. So an important question for this project is how economic sociology of law can be used to plot the unpredictable dynamics of legal reform, moving from law 'in the books' to focus on law in context in order to redress flaws in the purely Weberian approach. A central aim is to respond to what one might call the 'flawed transmission of Weberian theory', for instance, in its connections to some of the programmatic limitations of the 'good governance' or 'rule of law' legal reform agenda (Santos 2006; Thomas 2008:6).

In drawing upon both Polanyi and Weber, the objective is to develop a set of analytical frames which go beyond established 'law and society' or 'law and economics' approaches to interdisciplinary analysis in law (Kotiswaran 2011; Perry-Kessaris 2011). Rather like the project embarked on in recent years by some economic sociologists, our aim is to engage with the 'situatedness' of economic action (Edelman and Stryker 2005) as an alternative to the traditional 'law and economics' approach, which downplays the social embeddedness of the economy. This offers us the potential to bridge the gap between the 'under-socialised' view of social action offered by law and economics, and the 'over-socialised' view from sociology or sociology of law (Granovetter 1985; Krippner et al 2004).

Papers presented at the invitational workshop will be published in special issues of the *Journal of Law and Society* and the *International Journal of Law in Context*, both in 2013.

For further information about the reading group, including a full list of topics and readings, and requests to join, see: [www.soas.ac.uk/law/events/readinggroups/esol](http://www.soas.ac.uk/law/events/readinggroups/esol)

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### Social and Legal Studies 21(3)

- 'Hearing the right gaps': enabling and responding to disclosures of sexual violence within the UK asylum process – Helen Baillot, Sharon Cowan & Vanessa Munro
- Checkpoint watch: bureaucracy and resistance at the Israeli/Palestinian Border – Irus Braverman
- Tale of two citizenships? Citizenship, migration and care in the European Union – Heli Askola
- Are gay rights Islamophobic? A critique of some uses of the concept of homonationalism in activism and academia – Aleardo Zanghellini
- Pariah peoples: Roma and the multiple failures of law in Central and Eastern Europe – Istvan Pogany
- Deviant disabilities: the exclusion of drug and alcohol addiction from the Equality Act 2010 – Simon Flacks
- Review essay: the many books on Europe's many constitutions – Chris Thornhill

## Books

**The Fragility of Law: Constitutional patriotism and the Jews of Belgium, 1940–1945** (2012) David Fraser, Routledge £90hb/£26pb 304pp

This book examines the ways in which, during the Second World War, the Belgian government and judicial structure became implicated in the identification, exclusion and killing of its Jewish residents, and in the theft – through Aryanisation – of Jewish property. Fraser demonstrates how a series of political and legal compromises meant that the infrastructure for antisemitic persecutions and ultimately the deaths of thousands of Belgian Jews was Belgian. Based on extensive archival research, the book offers the first detailed exploration in English of this intriguing and virtually unexplored episode of Holocaust history.

**Critical Reflections on the Status of Irregular Migrants in Europe and the United States** (2012) Marie-Benedicte Dembour and Tobias Kelly (eds) Routledge £80 250pp

Human rights seemingly offer universal protection. However, irregular migrants have, at best, only problematic access to human rights. Whether understood as an ethical injunction or legally codified norm, the promised protection of human rights seems to break down when it comes to the lived experience of irregular migrants. This book asks three key questions. First, what do we mean when we speak of human rights? Second, is the problematic access of irregular migrants to human rights protection an issue of implementation, or due to the inherent characteristics of the concept of human rights? Third, should we look beyond human rights for an effective source of protection?

**Great Debates in Property Law** (2012) David Cowan, Lorna Fox O'Mahony and Neil Cobb, Palgrave Macmillan £19.99 256pp

The subject of property has the potential to be an endlessly fascinating area of study. We all need to live somewhere and to exist in some relationship with land, yet, for too long, property law has been regarded by students as difficult, inaccessible and irrelevant to everyday life. This book introduces readers to property law as a fluid, ever-changing entity, developed over centuries. It enables readers to appreciate that to understand the

current rules requires a sense of where they have come from, how they might change and why they matter. Taking a contextual approach, the authors encourage students to think critically about the nature of land law.

**Forms Liberate: Reclaiming the jurisprudence of Lon L Fuller** (2012) Kristen Rundle, Hart £40 222pp

Lon L Fuller's account of what he termed 'the internal morality of law' is widely accepted as the classic twentieth-century statement of the principles of the rule of law. Much less accepted is his claim that a necessary connection between law and morality manifests in these principles, with the result that his jurisprudence largely continues to occupy a marginal place in the field of legal philosophy. In this book, Kristen Rundle offers a close textual analysis of Fuller's published writings and working papers to explain how his claims about the internal morality of law belong to a wider exploration of the ways in which the distinctive form of law introduces meaningful limits to law-giving power through its connection to human agency. By reading Fuller on his own terms, this book demonstrates why his challenge to a purely instrumental conception of law remains salient for twenty-first century legal scholarship.

## BMJ journals

The BMJ Group journals *Journal of Medical Ethics*, *Sexually Transmitted Infections* and *Medical Humanities* have issued a joint call for papers for a special collection of articles. The collection will be called: 'Criminalizing contagion: ethical, legal and clinical challenges of prosecuting the spread of disease and sexually transmitted infections'. It will be guest-edited by David Gurnham, Catherine Stanton and Hannah Quirk (all of the School of Law, University of Manchester). The deadline for submissions is **14 December 2012**.

Articles will appear in 2013. Details about invited themes, submission instructions and advice, and about the participating journals can be found by following the 'call for papers' link on the journals' websites: [w http://mh.bmj.com/](http://mh.bmj.com/) [w http://jme.bmj.com/](http://jme.bmj.com/) [w http://sti.bmj.com/](http://sti.bmj.com/).

- **PRIVATE SECTOR INVOLVEMENT IN CRIMINAL JUSTICE**

27 June 2012: School of Law, University of Leeds

Hosted by the Centre for Criminal Justice Studies, University of Leeds. [w www.law.leeds.ac.uk/research/events/private-sector-involvement-in-criminal-justice.php](http://www.law.leeds.ac.uk/research/events/private-sector-involvement-in-criminal-justice.php)

- **NORTH–SOUTH IRISH CRIMINOLOGY CONFERENCE**

28–29 June 2012: University College Dublin

Theme: 'Economy, crime and punishment'. Attendance is free but please register in advance via email [e criminology@ucd.ie](mailto:criminology@ucd.ie).

- **TRUST AND CO-OPERATION IN CRIMINAL JUSTICE: LOCAL, TRANSNATIONAL AND GLOBAL PERSPECTIVES**

3 July 2012: School of Law, Liberty Building, Leeds

Please email for further information: [e a.k.gideon@leeds.ac.uk](mailto:a.k.gideon@leeds.ac.uk).

- **DOUBLE JEOPARDY 2012: PROTECTING THE RIGHT OF LGBTI ASYLUM-SEEKERS**

4–6 July 2012: Greenwich University, London

An international conference to examine the global causes of LGBTI forced migration and the experiences of LGBTI asylum-seekers and refugees. [w www.lgbtiasr-doublejeopardy.org](http://www.lgbtiasr-doublejeopardy.org)

- **HUMAN TRAFFICKING IN THE 21ST CENTURY: CHALLENGES AND OPPORTUNITIES**

5 July 2012: University of the West of England, Bristol

This timely conference addresses various aspects of this global phenomenon, including recent developments and the threat of increased trafficking posed by the London Olympics. Please visit the conference website for details. [w www1.uwe.ac.uk/bl/bls/research/internationalhumanrights/humantraffickingconf5july.aspx](http://www1.uwe.ac.uk/bl/bls/research/internationalhumanrights/humantraffickingconf5july.aspx)

- **CENTRE FOR LEGAL RESEARCH ANNUAL LECTURE**

6 July 2012: Glendenning Lecture Theatre, University of the West of England

Speaker: Rashida Manjoo, UN Special Rapporteur on Violence against Women. Title: 'Violence against women: the challenges of accountability'. Please visit website for further details and registration [w http://info.uwe.ac.uk/events/event.aspx?id=13129](http://info.uwe.ac.uk/events/event.aspx?id=13129).

- **CIVIL SOCIETY ORGANIZATIONS FIGHTING CORRUPTION: THEORY AND PRACTICE WORKSHOP**

9–10 July 2012: Faculty of Business Economics and Law, University of Surrey, Guildford

Please contact [e n.berge@surrey.ac.uk](mailto:n.berge@surrey.ac.uk) for further information or book at [w http://store.surrey.ac.uk](http://store.surrey.ac.uk).

- **RC33 EIGHTH INTERNATIONAL CONFERENCE ON SOCIAL SCIENCE METHODOLOGY**

9–13 July 2012: Sydney, Australia

The session on 'New ethnographies of crime and justice' will present new ethnographic research about crime and criminal justice. It is hoped that a side event will be arranged where a larger number of participants will present ethnographic papers and reflections on professional practice. For more information see, [w conference.acspri.org.au/index.php/rc33/2012/index](http://conference.acspri.org.au/index.php/rc33/2012/index).

- **LEGAL EDUCATION AND TRAINING REVIEW SYMPOSIUM**

11–12 July 2012: Lowry Hotel, Manchester

Theme: 'Assuring competence in a changing legal services market'. Please visit website for full details: [w http://letr.org.uk/symposium/](http://letr.org.uk/symposium/).

● **INTERNATIONAL JOURNAL OF CLINICAL LEGAL EDUCATION CONFERENCE 2012**

10–13 July 2012: *Durham*

Theme: 'Entering the mainstream: clinic for all'. For further information, please visit [www.ijcle.com](http://www.ijcle.com).

● **SECOND INTERNATIONAL SOCIOLOGY ASSOCIATION FORUM OF SOCIOLOGY, SOCIAL JUSTICE AND DEMOCRATIZATION**

1–4 August 2012: *Buenos Aires, Argentina*

Objectives: to provide a meeting place for the various research committees, working groups and thematic groups; to develop a socially significant theme involving public actors and to which different areas of sociology can contribute; to hold the interim Research Council business meeting. See [www.isa-sociology.org/buenos-aires-2012/](http://www.isa-sociology.org/buenos-aires-2012/).

● **CURRENT DEVELOPMENTS IN ETHNOGRAPHIC RESEARCH IN THE SOCIAL AND MANAGEMENT SCIENCES**

29–31 August 2012: *University of Liverpool*

Seventh annual joint symposium organised by the University of Liverpool Management School and Keele University Institute for Public Policy and Management. This year's theme is 'Ethnographic horizons in times of turbulence'. Full details: [www.liv.ac.uk/management-school/ethnography\\_conference/2012\\_symposium.htm](http://www.liv.ac.uk/management-school/ethnography_conference/2012_symposium.htm).

● **RE-IMAGINING IMPRISONMENT IN EUROPE: COMMON CHALLENGES, DIVERSE POLICIES AND PRACTICE**

5–7 September 2012: *Trinity College, Dublin*

An international conference with presentations from leading academics, policymakers and practitioners. Please see website for details: [www.jcfj.ie/news.html](http://www.jcfj.ie/news.html).

● **CULTURE, COMMUNITY AND ARCHITECTURE WORKSHOP: CALL FOR PAPERS**

6 September 2012: *Southampton Law School*

Theme: 'The architecture of community'. A full-day multidisciplinary event exploring the complex relationships between culture, community and architecture. See website for details: [www.southampton.ac.uk/law/news/events/2012/09/06\\_culture\\_community\\_and\\_architecture\\_workshop.page](http://www.southampton.ac.uk/law/news/events/2012/09/06_culture_community_and_architecture_workshop.page). Call closes: 13 July 2012..

● **FOURTH CAMBRIDGE INTERNATIONAL REGULATION AND GOVERNANCE CONFERENCE: CALL FOR PAPERS**

6 September 2012: *Anglia Ruskin University, Cambridge*

Title: 'More regulations or better stewardship? Optimising the means and ends of good governance'. Guest speaker: Sir Adrian Cadbury. Please visit website for further details [www.anglia.ac.uk/ruskin/en/home/faculties/aibs/news.html](http://www.anglia.ac.uk/ruskin/en/home/faculties/aibs/news.html). Call closes: 1 July 2012..

● **RICS COBRA 2012: LEGAL RESEARCH SYMPOSIUM**

11–13 September 2012: *Las Vegas, Nevada, USA*

The Royal Institution of Chartered Surveyors' (RICS) Legal Research Symposium 2012 will, once again, be coordinated by the CIB Working Commission on Law and Dispute Resolution in partnership with the annual international COBRA research conference. Further information is available from Paul Chynoweth [p.chynoweth@salford.ac.uk](mailto:p.chynoweth@salford.ac.uk) or visit [www.cobra2012.com](http://www.cobra2012.com).

● **RIGHTS AND WRONGS? DEVELOPMENTS IN ACCESS TO JUSTICE**

12–14 September 2012: *Magdalen College, Oxford*

This Legal Services Research Centre conference brings together leading academics, policy officials, practitioners and legal service administrators from around the world to present research on legal services and access to justice policy. Further details can be obtained from [www.justice.gov.uk/about/lsrc/index.htm](http://www.justice.gov.uk/about/lsrc/index.htm).

● **CRITICAL LEGAL CONFERENCE: GARDENS OF JUSTICE**

14–16 September: *Stockholm*

The 'gardens of justice' theme suggests thinking about law and justice as a physical as well as a social environment, created for specific purposes, at a certain distance from society and yet as an integral part of it. The theme invites thought about justice as a concrete metaphor rather than an abstract concept. Please see website for details: [www.csc.kth.se/clc2012/](http://www.csc.kth.se/clc2012/).

● **RESOURCING CARE**

19–20 September 2012: *Keele University*

This workshop for the Revaluing Care Network will provide a space to reflect critically on care's heritage and to consider anew the different ways in which care is a resource in an era characterised by renewed austerity and intensified personal management.

[www.keele.ac.uk/risocsci/newsandevents/therevaluingcarenetwork/](http://www.keele.ac.uk/risocsci/newsandevents/therevaluingcarenetwork/)

● **INNOVATION, DEVELOPMENT, CREATIVITY AND ACCESS TO KNOWLEDGE IN PACIFIC ISLAND COUNTRIES**

24–25 September 2012: *Australian National University, Canberra*

The conference will focus on the challenges and opportunities for innovation, creativity and access to knowledge in the Pacific region, particularly in response to the new demands raised by globalisation, climate change, the knowledge economy and intellectual property requirements in multilateral and bilateral trade agreements.

[www.ippacificislands.org/conf5.html](http://www.ippacificislands.org/conf5.html)

● **11TH WORLD CONGRESS ON SEMIOTICS: LAW AND SEMIOTICS ROUNDTABLE**

5–9 October 2012: *Nanjing Normal University, China*

Theme: 'Global semiotics: a bridge linking different civilisations'. The World Congress of Semiotics is being held in China for the first time. This congress in the historic city of Nanjing symbolises that global semiotics has begun to play a role of a bridge linking (in the broadest sense) Eastern and Western civilisations..

[www.semio2012.com/Item/Show.asp?m=1&d=853](http://www.semio2012.com/Item/Show.asp?m=1&d=853)

● **SHAPING POLICY, CHANGING LAW**

12 October 2012: *Law Society, Chancery Lane, London*

The conference explores the relationship between academic research and policy development/law reform. This event provides a unique opportunity for dialogue around these issues by bringing together academics, parliamentarians, civil servants, judges and other users of research. <http://services.lawsociety.org.uk/events/node/54686>

● **SPORT: PROBING THE BOUNDARIES: CALL FOR PAPERS**

7–9 November 2012: *Salzburg, Austria*

Call closes: 3 August 2012. [www.inter-disciplinary.net/probing-the-boundaries/persons/sport/call-for-papers/](http://www.inter-disciplinary.net/probing-the-boundaries/persons/sport/call-for-papers/)

● **SEVENTH ANNUAL CONFERENCE ON EMPIRICAL LEGAL STUDIES: CALL FOR PAPERS**

9–10 November 2012: *Stanford Law School, Stanford, California*

Call closes: 8 July 2012. [www.lawschool.cornell.edu/SELS/conferences.cfm](http://www.lawschool.cornell.edu/SELS/conferences.cfm)

*Journal of Law and Society (Autumn 2012)*

Bridging the gap – non-state actors and the challenges of regulating new technology – Carolyn Abbot

Beyond 'constitutionalism beyond the state' – Gavin Anderson

A tale of two Chinese courts: economic development and contract enforcement – Xin He

Amnesties, punishment and the calibration of mercy in transition – Kieran McEvoy & Louise Mallinder

**Review article**

Constitutionalism as fear of the political? A comparative analysis of Teubner's 'Constitutional Fragments' and Thornhill's 'A Sociology of Constitutions' – Jiri Priban

**Book reviews**

Ed Bates, *The Evolution of the European Convention on Human Rights: From its inception to the creation of a Permanent Court of Human Rights* and Manisuli Ssenyonjo (ed.), *The African Regional Human Rights System: 30 years after the African Charter on Human and People's Rights* – Urfan Khaliq

Emma Cunliffe, *Murder, Medicine and Motherhood* – Siôn Jenkins

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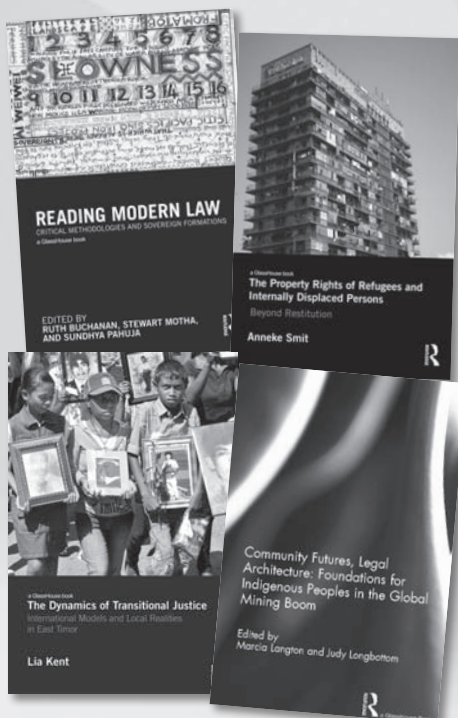
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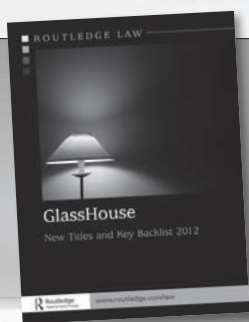
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