



# **The Centre for Socio-Legal Studies**

**Graduate Student  
Handbook 2011-12**

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## **1.0 Research Training**

### **1.1 Theory and Methods in Socio-Legal Research**

**Seminars:** This course provides the basic training required for all new graduate students. Participation in the course is compulsory for all Centre students in the first year of their research degrees.

A series of two-hour seminars is offered in Michaelmas and Hilary terms. Details of the subject matter, as well as required and suggested readings, are found on pages 9-19 of this Handbook.

Seminars take place from 2-4pm in Seminar Room D of the Manor Road Building each Monday, as well as on selected Wednesdays, throughout Michaelmas and Hilary terms.

In Trinity Term you will give a presentation on your research project and its methods. These presentations will be held on Monday afternoon during the first and second week of term.

**Certification:** In order for a student to meet the requirements of both the Centre and the Law Faculty satisfactory completion of all elements of this research training must be certified. For Socio-Legal students, and for Law Faculty students who choose to take this course, the Centre will provide such certification.

### **1.2 Centre for Socio-Legal Studies Weekly Seminar Series**

The Centre convenes a weekly Socio-Legal Research Seminar during Michaelmas Term, in which papers are presented by Research Staff, members of other institutions within the University and speakers from other Universities. The Seminars are held on Mondays at 4:30pm in Room D of the Manor Road Building. Attendance is compulsory for first year Centre students. The seminars may not directly address the topic of your research but they will help you to gain an understanding of what constitutes a socio-legal approach to research and how different types of theoretical and methodological frameworks can be applied. The series is, moreover, an important opportunity for students and staff in the Centre to meet and discuss issues pertaining to socio-legal research and, thus, to build the socio-legal research community of the Centre.

### **1.3 Students' Socio-Legal Discussion Group**

Occasional discussion groups are organised by students, for students, to discuss the progress of their research. Attendance is highly recommended. This year's discussion group is supervised by Dr Janina Dill, Fellow of the Centre. Scheduling information will be widely distributed.

### **1.4 Conferences and Seminars**

All conferences and seminars organised by the Centre are open to students. In addition to the weekly seminars, various workshops, conferences and other events are held throughout the year. Details will be widely circulated.

## 1.5 Additional Classes

In addition to the basic course outlined above, if your supervisor feels that you would benefit, they may recommend that you attend:

- a) Methodology classes for social sciences offered by other departments:

### Politics and International Relations

- Applied Statistics for Social Scientists: Michaelmas 2011
- Statistical Methods for Social Scientists: Advanced course in Hilary 2012
- Case Study Research: Trinity 2012
- Content Analysis: Trinity 2012
- Elite Interviewing: Trinity 2012
- Focus Groups: Trinity 2012
- Regulating Politics: Public Law and Legal Sources: Trinity 2012
- Network Analysis: Trinity 2012
- Visual Ethnography in Politics and Law: Trinity 2012

### Sociology

- Methods of Social Research, Comprising a Statistical Methods and Research Design Component

- b) Legal Research Method: the training course offered by the Law Faculty to law faculty research students. More information about this can be found in the Law Faculty Graduate Student Handbook.
- c) Lectures on various other topics: see the Oxford Gazette for further information.
- d) Information about the training opportunities available within the Social Sciences Division and across the University is available online at <https://weblearn.ox.ac.uk/portal/hierarchy/socsci.ses>.

## 1.6 Supervision and Guidance

Your supervisor is primarily responsible for guiding your work. However, research staff at the Centre are also available to offer advice and consultation. You can also talk to your college adviser and you can raise any issues you may wish to discuss with the Centre's Director of Graduate Studies (DGS), Professor Denis Galligan.

Dr Agnieszka Kubal, a former student of the Centre, is available as an informal advisor in case you have issues you would like to discuss in confidence with someone who has been there. These issues could include practical problems relating to your research and fieldwork but Agnieszka is also equally happy to advise you on any unofficial matters relating to your life in Oxford.

Agnieszka can be contacted at [agnieszka.kubal@qeh.ox.ac.uk](mailto:agnieszka.kubal@qeh.ox.ac.uk).

## 1.7 The Structure of Research Degrees

The *Oxford Law Handbook for Graduate Students* contains essential information regarding the rules and procedures governing your degree. You can find the electronic version at <http://www.law.ox.ac.uk/published/pghandbook.pdf>.

**Confirmation of Status:** Please note that the requirements of the Centre are different, and more stringent, than those of the Law Faculty. The reason is to ensure that the student gets more detailed and supportive advice at this stage of the research process. The materials to be submitted are as follows:

- a) An overview of the thesis, of approximately 2,000 words, which summarizes each chapter and states how much of the thesis is complete and how much remains to be done, with an estimate of the probable date of completion.
- b) A draft of **two** chapters of the thesis, one of which should, ideally, be the introductory chapter.

The materials will be read by an assessor who will conduct an oral examination with the student.

## 1.8 Residence Requirements

The University takes residence requirements very seriously. Please refer to page 18 of the *Oxford Law Handbook for Graduate Students* for further details. In effect you are required to reside for two years in Oxford. This is to enable you to benefit fully from the Centre's and University's research environments.

## 1.9 Professional Bodies in Socio-Legal Studies

You may be interested in joining one of the following professional bodies:

Socio-Legal Studies Association (SLSA), <http://www.slsa.ac.uk>

Law and Society Association (LSA), <http://www.lawandsociety.org>

Research Committee on Sociology of Law (RCSL), <http://rcsl.iscte.pt>

## 1.10 Centre Citizenship

Students are encouraged to play a full part in the Centre community as well as the student community. Your views are represented at the Centre General Purposes Committee through your Student Representative. This year's Student Representative is Anna Kloeden ([anna.kloeden@magd.ox.ac.uk](mailto:anna.kloeden@magd.ox.ac.uk)).

## 2.0 Facilities

### 2.1 Centre Facilities

The Centre aims to allocate a desk and PC to all research students, depending on available space, on a year by year basis. However, as space is limited, the situation is reviewed each term. If not used regularly, your desk may be allocated to someone else.

The communal areas of the Centre should be treated as a quiet working space for both students and researchers, so please keep conversations to a minimum. Please also respect your working space and ensure that any unwashed mugs, plates etc. are not left at your desk.

If you have any minor IT or printing problems, please direct these in the first instance to the Administration Officer, Katie Orme. Any major problems need to be directed to the Manor Road Building IT helpdesk, who are located at the top floor of the Manor Road Social Science Building, Room 327. They can be reached by telephone on 84240 or by emailing [itsupport@manor-road.ox.ac.uk](mailto:itsupport@manor-road.ox.ac.uk).

**Centre Access:** Access to the Centre is by swipe access with your University card. When you first arrive at the Centre you will need to register your card for building access, so please advise the Administrator of your card number and its expiry date. Your card will initially provide access between 8.00am and 6.00pm. You are entitled to 24 hour access but must attend a Health and Safety Induction session provided by the Building Manager before this can be activated. Dates of briefings will be circulated. If you enter or work in the building when the front desk of the building is unmanned you assume responsibility for making sure the building and the Centre is secure as you enter and leave. Please ensure doors are shut behind you and do not leave valuables unattended.

**Telephone and Fax Machine:** Phones in the open plan area can *only* be used for making calls within the University. There is a fax machine (0)1865 284221 located in the photocopy room. Please make a record of any faxes you send against your name in the file provided.

**Photocopier:** All students can gain access to the Centre's photocopier by using their University Card, and the Centre allows a reasonable number of copies to be made per year. Please see Katie Orme for details regarding photocopying. Anyone who anticipates heavy photocopying needs should contact her in advance.

**Refreshments:** You are welcome to use the Centre's kitchenette, including the supplies of tea, coffee, milk and sugar. A microwave is available for heating up drinks, but is **not** to be used for cooking food during normal office hours.

There is informal coffee and cake at the Centre on Thursdays at 11.00am throughout the year. Please ensure that you wash up and put away any items that you use. You are recommended and encouraged to attend and take this opportunity to interact with other Centre members.

The Manor Road building has a canteen which is open 8.00am - 4.00pm selling morning goods, hot and cold lunches etc.

## 2.2 University Facilities

**Libraries:** Your University card gives access to all University libraries although you may have to register on first use. Introductory lectures on library use are run at all libraries and you are encouraged to attend an introductory session at the beginning of the academic year.

**Computing Services:** You will be issued with a University of Oxford email address on your arrival. Its details will be sent to you by computing services to your College address. The University's Computing Services Centre provides many services which you are encouraged to make use of. Please see their website: [www.oucs.ox.ac.uk](http://www.oucs.ox.ac.uk).

**The Oxford University Language Centre:** The Language Centre at 12 Woodstock Road provides facilities for members of the University needing to learn languages for study, research or general communication purposes. Further information is also available on their website, [www.lang.ox.ac.uk](http://www.lang.ox.ac.uk).

**The Oxford University Skills Portal:** The Oxford University Skills Portal provides a range of training courses for Oxford University researchers, including postgraduate students, in relation to specific skills, such as giving conference presentations and project management. For more information see their website at [www.skillsportal.ox.ac.uk](http://www.skillsportal.ox.ac.uk).

## **3.0 Funding for Research Expenses**

### **3.1 Faculty Student Travel Grants**

The Law Faculty has a Student Travel Grant award scheme and the Centre's students may apply to the Graduate Studies Committee for a grant of up to £200 for travel associated with their studies. This may include doing fieldwork or giving a paper at a conference, but other relevant proposals will also be considered. Further details are available on the Law Faculty website, [www.law.ox.ac.uk/oxfordonly/students/travelgrant.shtml](http://www.law.ox.ac.uk/oxfordonly/students/travelgrant.shtml).

### **3.2 Other Funds**

Your college may also have a fund for travel and other expenses.

Paid tutorial work is often available at colleges. You are permitted to undertake a limited amount (up to 6 hours per week) of such teaching or research assistance, but not in your first year and in consultation with your supervisor.

### **3.3 Centre Funding Opportunities**

The Centre has a small, supplementary, student travel grant scheme and can sometimes make bursaries available to cover fees. Further details will be circulated at the beginning of each term.

Details of further funding opportunities can be found in the *Oxford Law Handbook for Graduate Students* on page 9.

## **4.0 Theory and Method in Socio-Legal Research**

### **Analysing Law and Society: 11 sessions (8 in Michaelmas Term and 3 in Hilary Term)**

These sessions are intended to introduce you to the field of socio-legal studies and to develop an appreciation of law as a social phenomenon. The discussions will explore the nature of law and the various forms taken by law in a variety of social settings and relationships. Placing law on the meeting ground between jurisprudence and other social science disciplines will equip you with the perspective necessary to pose questions that are relevant to the field and to adopt appropriate strategies to explore them. During the sessions you will learn about the contemporary debates in the discipline, together with its evolution through time.

### **Practical Socio-Legal Research Methods: 4 sessions in Hilary Term**

In these seminars you will discuss the techniques available to carry out socio-legal research and the ways in which they relate to the different theoretical approaches you might take. You will consider which questions you can ask and answer, through which methods. The focus is on empirical research and includes practical guidance on such topics as interviewing, participant observation, sampling, and ethics.

### **Designing and Implementing a Research Project: 2 sessions in Hilary Term**

During the last two sessions of the Hilary term, students who have reached an advanced stage of their project or who have already completed their theses will share their experience with you. They will talk informally about the challenges that they had to face and the bridges they had to cross. At the final session in the series, each member will have a chance to discuss their own project design with other researchers and fellows of the Centre.

### **Presentations: 2 sessions in Trinity Term**

In one of the two sessions you will make a short presentation of your research project to the rest of the students and some of the Centre's research fellows. You will also be expected to participate in the discussions relating to the other presentations in order to help the other students to develop their own projects.

Each of the seminars is a self-contained, stand-alone session, but students are expected to attend them all because every one of them emphasises key principles of good research design. Throughout the course you should think about how to link the theoretical perspective through which you approach your research topic to the specific question that you are seeking to answer and the specific research techniques that you will adopt.

## **MICHEALMAS TERM**

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### **WEEKS 1 & 2: Monday 10<sup>th</sup> October & Monday 17<sup>th</sup> October, Professor D J Galligan Introduction to the Socio-Legal Field I & II**

#### **Essential Reading:**

Hart, H.L.A., 1961. *The Concept of Law*, Clarendon Law Series, 2<sup>nd</sup> Edition. Oxford: Oxford University Press, chapters V & VI.

Weber, M., 1968. *Economy and Society*, Roth, G. and Wittick, C., eds. Berkeley: University of California Press, Vol I pp. 22-36.

Durkheim, E., 1984. *Division of Labour in Society*. New York: Free Press, pp.24-29, 68-86.

Durkheim, E., 1958. *The Rules of the Sociological Method*. New York: Free Press, pp. 1-13.

Ellickson, R.: *Order Without Law* (Harvard, 1991) Part II.

### **WEEK 3: Monday 24<sup>th</sup> October, Dr. Marina Kurkchian Law and Social Order**

This session deals with interpretations how society is organized, how various social forces ensure its coordinated functioning, and which institutions maintain its stability. These are fundamental questions in social science, and the debate about each of them is supported by a vast body of academic literature containing an assortment of theoretical models. Whichever approach is taken, it will necessarily affect, implicitly or explicitly, understanding of the meaning of law and its role in organizing social order. During the session we will analyze the various theories and link their interpretations of what law is to the larger viewpoints of social philosophy. We will then discuss whether the models have relevance to empirical reality, whether different societies are built upon different models of social order, whether the maintenance of social order is a fixed process or an evolving one, and the implications of all these possibilities for the analysis of law in a specific social context.

#### **Essential Reading:**

In addition to the reading of Week 1 and Week 2:

Bryan S. Turner (ed.) *The Blackwell Companion to Social Theory*. 1999 pp 19-71.

Kurkchian M, Perceptions of Law and Social Order: A Cross-National Comparison, *Wisconsin Journal of International Law*, 27, 3, 2010 (will be distributed).

### **WEEK 4: Monday 31<sup>st</sup> October, Dr Bettina Lange Luhmann and Foucault on Law**

What is law has been a key question for socio-legal researchers. This session will introduce students to key elements of the systems-theoretical thinker Niklas Luhmann's and the post-structuralist theorist Michel Foucault's perspectives on what is law in modernity and postmodernity. We will address whether these two thinkers belong to a 'critical' tradition in 'law

and society' scholarship, how they conceptualize relationships between law and power and how their perspectives can be mobilized not just in theoretical, but also qualitative empirical 'law and society' research.

**Essential Reading:**

N. Luhmann, *Law as a Social System*, transl. by K. Ziegert (Oxford, Oxford University Press, 2004) ch. 12.

B. Golder and P. Fitzpatrick, *Foucault's Law* (Abingdon, Routledge, 2009), ch. 1.

**Further Reading:**

J. Paterson, 'Reflecting on Reflexive Law', in: M. King and C. Thornhill (eds) *Luhmann on Politics and Law: Critical Appraisals and Applications* (Oxford: Hart, 2006), pp.13-35.

M. Foucault, *Discipline and Punish: the Birth of the Prison* (New York: Random House, 1975).

**WEEK 5: Monday 7<sup>th</sup> November, Dr Marina Kurkchyan  
Living Law**

In this session we will explore law beyond government. How do we understand the different types and systems of law that govern ordinary lives, often without people being aware of them? What conclusions can we draw about the nature of law by taking a close look at the many systems of 'living law' that are not legislated by a central government but have instead grown up in everyday practice and reached the point at which they are regarded as the accepted ways to deal with disputes in normal life? How do living law and state law interact and shape each other?

**Essential Reading:**

Ehrlich, E. *Fundamental Principles of the Sociology of Law*, Harvard University Press, 1936 [Ehrlich, E. *Fundamental Principles of the Sociology of Law*; London, Transaction Publishers, 2002].

Moore, Sally Falk. 1973. "Law and social change: the semi-autonomous social field as an appropriate subject of study." *Law and Society Review*, 719-46 (and in Moore, *Law as process: an anthropological approach*).

Roberts, Simon. 2005. "After government: on representing law without the state". *Modern Law Review* 68(1) 1-24.

**WEEK 6: Monday 14<sup>th</sup> November, Professor Bronwen Morgan (University of Bristol)  
The 'Law and Society' Movement**

This session will help students to understand i) the historical development of the socio-legal field of study and ii) ongoing core methodological debates within the law and society movement. The exploration of the historical development will focus on the manner in which the 'black letter law' approach evolved into a desire to explore 'law in action' and then the socially constructed nature of law. The exploration of core methodological debates aims to link this appreciation of the

chronological development of law and society scholarship with an appreciation of the implications for methodology. Within the law and society movement, a debate continues on what some would suggest is a deep methodological fissure, and others would suggest amounts to plural and complementary approaches.

All 'law and society' scholarship seeks to explore the links between law and society, but arguably not all the approaches taken are mutually compatible. The more positivistic strands strive to model their enquiries on the example of the natural sciences, aiming to test hypotheses of direct causal relations between law and society, in such a way as to come up with general predictions about when law affects society, in what ways and under what conditions. 'Post-empiricist' scholarship, however, questions the model of the social world that underlies this approach, especially the divide between fact and value that it assumes.

In conclusion the session will provide a review of the current state of the field including the trends that are emerging in response to advances in social science.

### **Essential Reading:**

Roger Cotterrell, 'Sociology of Law in Britain: A Case Study' in *Law's Community: Legal Theory in Sociological Perspective* (Oxford 1995), pp. 73-90.

Michael McCann (2008) 'Dr Strangelove (or: How I learned to stop worrying and love methodology)' in Austin Sarat (ed) *Studies in Law, politics and Society*, special issue: *Law and Society Reconsidered* see <http://www.justiciaglobal.info/docs/McCann.pdf>. [For further analysis see 1. and 2. below]

### **Further Reading:**

Austin Sarat, "Off to Meet the Wizard: Beyond Validity and Reliability in the Search for a Post-empiricist Sociology of Law" (1990) 15 *Law and Social Inquiry* 155-170.

Harrington, Christine and Barbara Yngvesson (1990) "Interpretive Socio-Legal Research," 15 *Law and Social Inquiry* 135.

Freidman 'Coming of Age: Law and Society Enters an Exclusive Club' *Annual Review Law and Social Sciences*, 2005. 1:1-16.

Halliday and Schmidt (2009) "Beyond Methods – Law and Society in Action", Chapter One of Halliday, S. and Schmidt, P., *Conducting Law and Society Research: Reflections on Methods and Practices*, New York: Cambridge University Press, 2009.

### **WEEK 7: Monday 21<sup>st</sup> November, Professor Doreen McBarnet Sociological approaches to socio-legal studies: can law control?**

This session will focus on the issue of law as a would-be instrument of control, by reviewing a range of key issues and concepts that have been developed over the years through empirically based studies, particularly in the area of business regulation, and taking us up to more recent work on such issues as the banking crisis. It will demonstrate the social and legal factors that influence the implementation and enforcement of legal control, address the problematic notion of compliance, note the challenges posed for legal control by a global economy, and consider new approaches to governance which may be seen as complementing traditional modes of legal control.

**Essential reading:**

Hawkins, K. (1984), *Environment and Enforcement* (Clarendon Press), pp.3-15, chapter 6 (also useful chs 7, 10).

McBarnet, D. (2010) 'Financial engineering or legal engineering? Legal work, legal integrity and the banking crisis' in Justin O'Brien and Iain Macneil (eds) *The future of financial regulation*, Oxford, Hart, 2010. Available electronically at <http://ssrn.com/abstract=1546486>.

**Further reading**

Ayres and Braithwaite (1992) *Responsive Regulation* [on the pyramid of enforcement].

McBarnet, D (2004) *Crime compliance and control*.

**WEEK 8: Monday 29<sup>th</sup> November, Dr Bettina Lange  
Socio-Legal Perspectives on Regulation**

At the heart of much regulation scholarship is the idea that legal rules can change social actors' behavior. The purpose of this session is to introduce students to the rich seam of 'law and society' scholarship on regulation that questions this very assumption. The session will start off with an outline of key themes in contemporary regulation scholarship and an analysis of the role that 'a social sphere' plays in designing and implementing legal regulation. The seminar discussion will address issues, such as how 'law and society' research conceptualizes 'success' and 'failure' of legal regulation, how it places an analysis of legal regulation in the wider context of the nature of the economic system in which legal regulation occurs and how case studies have been used to trace empirically the design and implementation of legal regulation.

**Essential reading:**

R. Baldwin, 1990, Why Rules Don't Work, *Modern Law Review* 53, pp. 321-337.

K. Hawkins, *Law as Last Resort* (Oxford, Oxford University Press, 2003), ch. 1 and Appendix

**Further Reading:**

J. Black, 2002, 'Critical Reflections on Regulation', *27 Australian Journal of Legal Philosophy*, pp. 1-37.

D. Oliver, T. Prosser and R. Rawlings, *The Regulatory State* (Oxford, Oxford University Press, 2010)

## ***HILARY TERM***

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### **WEEK 1: Monday 16<sup>th</sup> January, Dr Chris Decker Law and Economics**

This session aims to provide a general overview of the historical development, and main research agendas, of the different strands of the law and economics movement. It will trace this development from early scholarly interactions, through the Historical and Institutional schools, and the 'Chicago' law and economics movement, to the more recent 'new institutional' and 'behavioural' law and economics approaches. The central research themes of each of these schools will be considered, along with the legacy of each school in terms of both theory, and methodology. In so doing, the session will identify some recurring themes and areas of tension within the movement, and explore some of the main areas where economics and law have become practically intertwined in scholarly work as well as in practical policy contexts (such as regulation; antitrust and consumer behaviour and economic sociology).

#### **Essential Reading:**

E Mackaay, 'History of law and economics' in *Encyclopaedia of Law and Economics*, B Bouckaert and G De Geest (eds.), Volume I. (Cheltenham, Edward Elgar 2000) 66-99.  
< <http://encyclo.findlaw.com/0200book.pdf>>

C Sunstein and R Thaler 'Libertarian Paternalism Is Not An Oxymoron' (2003) University of Chicago Law Review <[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=405940](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=405940)>

#### **Further Reading:**

C Jolls, CR Sunstein and RH Thaler 'A behavioural approach to law and economics' in *Behavioural Law and Economics*, C Sunstein (ed) (Cambridge, Cambridge University Press 2000) 13-59.

R Ellickson 'Bringing culture and human frailty to rational actors: a critique of classical law and economics' (1989) Chicago Kent Law Review 23.

R Van den Bergh 'Law and economics: the growth of law and economics in Europe' (1996) European Economic Review 40 969-977.

### **WEEK 2: Monday 23<sup>rd</sup> January, Janina Dill Socio-Legal Studies of Transnational Law I: Grasping the meaning and influence of law in the international realm**

This session will discuss the role and impact of law outside the domestic context, where it is not backed by comprehensive and reliable enforcement. Does the lack of state enforcement make a difference to the behaviour of a variety of actors (including states, individuals and transnational agents) and how can law's impact be grasped theoretically and empirically? The realist orthodoxy of International Relations theory traditionally dismisses law as irrelevant in the international realm. However the infusion of International Relations with sociological and historiographic methods and the acknowledgement that even interactions among states involve individuals has inspired a more nuanced understanding of different legal norms and their influence on actors' interactions across state borders. We will in particular look at international and domestic law as well as transnational

soft law governing the use of force and how it affects states, individuals and transnational agents, such as Human Rights Watch and the International Committee of the Red Cross.

**Essential Reading:**

Christian Reus-Smit (2004) *The Politics of International Law*, in: Id. ed. “*The Politics of International Law*” Cambridge University Press, pp. 1 – 44.

Dino Kritsiotis (2004) *When states use armed force*, in: Christian Reus-Smit ed. “*The Politics of International Law*” Cambridge University Press, pp. 445 – 79.

**Further Reading:**

Andreas Paulus (2002) *Realism and International Law: Two optics in need of each other*, in: “*Proceedings of the Annual Meeting of the American Society of International Law*” Vol. 96, pp. 269 – 272.

Abraham Chayes and Antonia Handler Chayes (1993) *On Compliance*, in: *International Organization* Vol. 42, pp. 175 – 205.

**WEEK 3: Monday 30<sup>th</sup> January, Dr. David Erdos**  
**Socio-Legal Studies of Transnational Law II: The Development of Transnational Human Rights?**

This session will explore in what ways, to what extent and via which modalities a transnational law of human rights may be thought to be emerging at the beginning of the twenty first century. It will concentrate on exploring the variety of recent socio-legal work which has been completed on this topic. This will provide an opportunity to consider the variety of substantive perspectives which have been advanced on this issue. As importantly, it will elucidate the variety of qualitative and quantitative socio-legal methodologies which have been deployed. Consideration of the advantages and disadvantages of these various methodologies should be of help to students in structuring their own research.

**Essential Reading:**

Hafner, Emily Burton & James Ron, “Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes?”, *World Politics* (Vol. 61) (2009).

Law, David S. & Mila Versteeg, “The Evolution and Ideology of Global constitutionalism”, *California Law Review* 2011 (forthcoming)  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1643628](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1643628).

**Further Reading:**

Madsen, Mikael Rask, “*France, the UK, and the ‘Boomerang’ of the Internationalisation of Human Rights (1945-2000)*” in Simon Halliday and Patrick Schmidt, *Human Rights Brought Home: Socio-Legal Perspectives on Human Rights in the National Context*, Oxford; Portland, Oregon: Hart Publishing (2004) (a “qualitative” study of the impact of “transnational” human rights).

Twining, William, “Social Science and Diffusion of Law”, *Journal of Law and Society* (Vol. 32) (2005) (a general analysis of transnational diffusion studies in law).

## **WEEK 4: Monday 6<sup>th</sup> February, Dr Marina Kurkchyan Introduction to Research Methods**

The session on Introduction to Research Methods will provide a general survey of the social and philosophical roots of the various techniques available for data collection and link the ideas involved to a student's initial review of the literature on how to develop a viable research question. Particular attention will be paid to the contested issues in social science research, such as the following. What are we trying to achieve when we are engaged in research activities? Do qualitative and quantitative approaches have equal claims to be considered 'empirical'? When we decide on which methods to use in collecting the information we need, what assumptions are we making and what do they imply? What philosophical approaches do these assumptions rest upon? What do the differences between the various approaches entail for the interpretation of the nature of knowledge and truth? How do these differences apply at the ultimate stage, when research findings are used as evidence to support an argument and the completed text of a thesis must evaluate the validity of the initial research design? Finally, having surveyed the dynamic interplay between theoretical concepts and empirical data, the discussion will stress the importance of constructing a conceptual framework that will ensure the consistency and integrity of a research project.

### **Essential Reading:**

Robson, C., 2002. *Real World Research*. Blackwell Publishing, part I, pp. 3 – 77.

## **WEEK 5: Monday 13<sup>th</sup> February, Professor Doreen McBarnet Qualitative Research Methods**

This session will offer practical advice on how to approach qualitative research, frame research questions, negotiate access and conduct semi-structured and unstructured interviews. The approach will be based on practical experience and will offer tips and warn about pitfalls. The seminar will also demonstrate the 'grounded theory' approach to research, in which empirical research techniques are not merely a-theoretical tools, but the source of new concepts and theories.

### **Essential Reading:**

Halliday and Schmidt (2009) "Beyond Methods – Law and Society in Action", New York: Cambridge University Press, 2009.

McCracken, G., 1998. *The Long Interview*, London: Sage Publications.

Bryman, A., 2001. "Qualitative Data Analysis", in Bryman, A. *Social Research Methods*, Oxford: Oxford University Press, ch. 19.

McBarnet, D, 2004. *Crime, compliance and control*, Ashgate, introduction pp xiii-xx. (Ch. 1 'False dichotomies in criminal justice research' might also be useful)

## **WEEK 6: Monday 20<sup>th</sup> February, Dr Vuk Radmilovic Quantitative Research Methods**

This session will focus on the use of quantitative methods in socio-legal scholarship. It will discuss the growing trend towards "empirical legal studies", where "empirical" is defined as Large-N, or quantitative methods. It will moreover discuss some of the basic principles for large-N research and how quantitative legal data can be used to get at substantive legal questions.

The session will tailor the discussion to the students' research questions and discuss how large-N methods could be part of the students' research designs.

### **Essential Reading:**

Michael Heise, *The Past Present and Future of Empirical Legal Scholarship: Judicial Decision-Making and the New Empiricism*, University of Illinois Law Review 819 (2002). This article describes the new empiricism in law, and the growing trend towards empirical legal studies. Available at: [http://www.law.uiuc.edu/lrev/publications/2000s/2002/2002\\_4/Heise.pdf](http://www.law.uiuc.edu/lrev/publications/2000s/2002/2002_4/Heise.pdf)

Lee Epstein & Gary King, *The Rules of Inference* 69 University of Chicago Law Review 1(2002). This article, by two prominent political scientists, sets out the basic rules of inference for both qualitative and quantitative empirical legal scholarship. Available at: <http://gking.harvard.edu/files/rules.pdf>

### **Further Reading:**

Gretchen Helmke, "The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy." *The American Political Science Review* 96-2 (2002), pp. 291-303.

## **WEEK 7: Monday 27<sup>th</sup> February, Dr David Erdos Introduction to Research Ethics**

This session will provide an overview of ethical issues which may arise during socio-legal research. The first part of the session will consider why it is important to consider ethical issues and will also introduce core concepts which underpin ethical thinking in social studies. There will be an emphasis on considering the various and sometimes conflicting ways in which these concepts are interpreted and applied by academics. The second part of the session will introduce the University of Oxford's ethical review procedures (CUREC) and provide a general opportunity for further questions and discussion.

### **Essential Reading:**

Socio-Legal Studies Association, Statement of Ethical Research Practice ([http://www.kent.ac.uk/nlsa/images/slsadownloads/ethicalstatement/slsa%20ethics%20statement%20final\\_%5B1%5D.pdf](http://www.kent.ac.uk/nlsa/images/slsadownloads/ethicalstatement/slsa%20ethics%20statement%20final_%5B1%5D.pdf))

Association of Social Anthropologists, Ethical Guidelines ([http://www.theasa.org/ethics/Ethical\\_guidelines.pdf](http://www.theasa.org/ethics/Ethical_guidelines.pdf))

University of Oxford Central University Research Ethics Committee, CUREC 1/A (and related documentation) at [http://www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/curec/oxonly/documents/CUREC1A\\_March2011.pdf](http://www.admin.ox.ac.uk/media/global/wwwadminoxacuk/localsites/curec/oxonly/documents/CUREC1A_March2011.pdf).

Centre for Socio-Legal Studies, CUREC Forms – Advice to CSLS Researchers (2010)

Economic and Social Research Council, Framework for Research Ethics, 2010 ([http://www.esrc.ac.uk/images/Framework\\_for\\_Research\\_Ethics\\_tcm8-4586.pdf](http://www.esrc.ac.uk/images/Framework_for_Research_Ethics_tcm8-4586.pdf))

Dingwall, R., 2008. "The Ethical Case Against Ethical Regulation in the Social Sciences and Humanities", 21<sup>st</sup> Century Society. Vol. 3 (1), pp. 1-12

**WEEK 8: Monday 5<sup>th</sup> March, Dr Marina Kurkchiyan, Dr Agnieszka Kubal  
Sharing Experience of Fieldwork**

In this session two or three of the Centre's most senior doctoral students will be invited to share with the group their experience of conducting empirical research and discuss the problems that they have encountered in the final process of writing a full thesis draft. They will reflect upon the challenges that they have faced at the various stages of advanced research, how they have overcome them, and what lessons they have learned during the implementation of the project that they envisioned at the outset three years before.

**WEEK 8: Wednesday 7<sup>th</sup> March, Dr Bettina Lange, Dr Nicole Stremlau and Janina Dill  
Research Design Workshop**

The purpose of this workshop is to provide students with constructive feedback in an informal atmosphere on the research design for their project. The workshop starts off with a one hour lecture by Dr. Bettina Lange on how to design a socio-legal research project, with the remaining two hours devoted to short student presentations on the 'what, how and why' of your research project. Fellows will give feedback on how to tighten links in your project between the key research question that you seek to answer, the theoretical framework through which you want to investigate your research puzzle and the research techniques through which you will gather and analyze data in order to answer your research question.

**Essential Reading:**

Bryman, A. (2001) *Social Research Methods*, Oxford, Oxford University Press, ch. 2.

**Further Reading:**

De Vaus, D. (2001) *Research Design in Social Research*, London, Sage Publications.

***TRINITY TERM***

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**WEEK 1**

**Monday 23rd April, Centre Fellows and Students  
Presentations of Student Projects**

**WEEK 2**

**Monday 30th April, Centre Fellows and Students  
Presentations of Student Projects**

## 5.0 Centre Members

### CENTRE DIRECTOR

**Dr Fernanda Pirie**, *University Lecturer in Socio-Legal Studies and St Cross College*  
Law in anthropology; law and conflict resolution in the Tibetan region

**Dr Marina Kurkchian (Acting Director)**, *Law Foundation Fellow and Wolfson College*  
Sociology of law; Comparative legal cultures; Rule of Law and regulative power of law in non-Western economies

### RESEARCH STAFF

**Dr Chris Decker**, *Associate Research Fellow in Law and Finance*  
Regulation of economic activity; law and economics; competition policy; regulatory governance

**Dr Janina Dill**, *Junior Research Fellow and Wolfson College*  
International humanitarian law and international criminal law; law and morality in international relations, constitutionalization and global administrative law, moral agency in international relations theory and jurisprudence

**Dr David Erdos**, *Katzenbach Research Fellow and Balliol College*  
Privacy and data protection in law and practice; freedom of expression; freedom of information; constitutional theory and practice and human rights

**Dr Iginio Gagliardone**, *British Academy Postdoctoral Research Fellow*  
International communication; media and governance in Africa; political transitions; China-Africa relations

**Professor Denis Galligan**, *Professor of Socio-Legal Studies and Wolfson College*  
Theories of law and society; social foundations of public law; constitutions; transitional societies

**Dr Christopher Hodges**, *Head of the CMS Civil Justice Programme*  
Product liability; civil justice systems

**Dr Iris Benohr**, *Research Officer, Civil Justice Programme*

**Dr Sweta Chakraborty**, *Research Officer, Civil Justice Programme*

**Dr Naomi Creutzfeldt-Banda**, *Research Officer, Civil Justice Programme*

**Dr Rebecca Money-Kyrle**, *Research Officer, Civil Justice Programme*

**Dr Bettina Lange**, *University Lecturer in Law and Regulation and Wolfson College, UK*, German and EU environmental regulation; socio-legal theories of regulation; including the role of emotions in regulatory processes; discourse analysis

**Professor Doreen McBarnet**, *Research Fellow and Wolfson College*  
Sociology: business finance and the law; regulation; lawyers and legal work; law and ethics; corporate responsibility

**Dr Vuk Radmilovic**, *SSHRC Post-Doctoral Fellow*  
Law and politics of judicial review

**Dr Nicole Stremlau**, *Research Fellow, Head of PCMLP*

Media and development; freedom of expression; communication in war/post-war situations; strategic communication; Horn of Africa and Eastern African politics; political ideology and communication

**Dr Rogier Creemers**, *Research Officer at the Programme in Comparative Media Law and Policy*

#### **ADMINISTRATIVE STAFF**

**Alison Broadby**, Centre Administrator/Manager

**Katie Orme**, Administration Officer

**Louise Scott**, Administrator, PCMLP

#### **ASSOCIATE RESEARCH FELLOWS**

**Dr Peter Bartrip**, *Northampton College*

Social History

**Dr Phil Clark**, *SOAS*,

Transitional justice; African politics

**David Goldberg**, *Director, Guest Lecturer, Glasgow Caledonian University*

Communications and media law; access to information; rights to expression and information

**Professor Lawrence Gostin**, *Georgetown University, Washington DC*

Mental health policy

**Deborah Hensler**, *Judge John W. Ford Professor of Dispute Resolution and Associate Dean for Graduate Studies, Stanford Law School*

Dispute resolution; complex litigation; class actions; mass tort liability

**Dr Alan Jeunemâitre**, *Ecole Polytechnique, Paris*

Regulation of public services

**Dr Toby Kelly**, *University of Edinburgh*

Legal and political anthropology; citizenship; state violence; Israel/Palestine; Middle East

**Philip Lewis**, *Centre for Socio-Legal Studies and All Souls College*

Legal professions

**Laurence Lustgarten**

Criminal justice; national security; constitutional law and human rights; comparative and UK

**Professor Bronwen Morgan**, *University of Bristol*

Regulation; comparative welfare states; political economy; social and economic human rights; global governance; citizenship; social theory

**Kaveh Moussavi**

Public interest law and litigation

**Dr Cristina Parau**, *Wolfson College*

Comparative politics; comparative constitutionalism; Europeanization; constitutional politics in Central and Eastern Europe; judicial independence

**Professor Monroe Price**, *Annenberg School for Communication*

Communications law; art law; regulation of mass media

**Dr Andre Saddy**, *Federal Fluminense University, University Complutense at Madrid*

Administrative Law; constitutional law; infrastructure law; public regulation; forms of action and intervention of the States in the economy; Discretionary power

**Dr Florence Seemungal**, *University of the West Indies, Open Campus*

Capital punishment; homicide offender/victim profiling; judicial decision-making and case determination in criminal courts as well as Tribunals

**Dr Katerina Sideri**, *University of Crete*

Ethics and justice; legal regulation of technology; intellectual property law and policy; law and social theory; governance and pluralism

**Dr Magdalena Tulibacka**

European and comparative law; civil procedures; product liability and consumer law

**Professor William Twining**

Globalisation and law; theories of law and society

**Professor Willem Van Boom** *Erasmus School of Law, Erasmus University*

Comparative private law; behavioural law and economics; consumer law; regulatory efficiency

**Dr Lisa Vanhala**, *University College, London*

Comparative politics; law and courts; comparative constitutionalism; human rights; environmental policy; new social movements;

**Dr Aurora Voiculescu**, *Open University*

Human rights and the agencies of the 'globalised world'

**POSTDOCTORAL ASSOCIATE RESEARCH FELLOWS**

**Justin Cohen**, *American University, Washington, DC*

Contemporary governance in the European Union; theories of governance and society; international and regional governance

**Dr Agnieszka Kubal**, *Research Officer, International Migration Institute and Research Fellow at Wolfson College, Department of International Development (QEH)*

Migration and law; comparative legal culture; social theory

## VISITORS

The Visitors Programme is an important and dynamic part of the Centre's activities. Visitors are welcomed for all or part of the academic year. Please feel free to contact any of our visitors if you have research or subject matter interests similar to theirs.

Details of current visitors and their research interests can be found at our website at [www.csls.ox.ac.uk/visitors](http://www.csls.ox.ac.uk/visitors).

## RESEARCH STUDENTS

**Varvara Andrianova**, *St Cross College*

Perceptions of legality among ordinary citizens in Russia and the United Kingdom in courts of justices of the peace, magistrates' and county courts (Supervisor Dr M Kurkchian)

**Wui Ling Cheah**, *St Catherine's College*

Justice, politics and remembrance: A critical, legal and historical study of the Singapore Trials (Supervisor Prof D Galligan)

**Samuel Clark**, *Wolfson College*

Legal mobilization and successful prosecution of corruption in local courts in transitional contexts (Supervisor Prof D. Galligan)

**Rebecca Elvin**, *University College*

Judicial accountability in divided societies: A comparative approach (Supervisor Prof D Galligan)

**Frances Foster-Thorpe**, *Corpus Christi*

The relationship between accountability and responsiveness in public regulation with a focus on the use of contracting in regulation (Supervisor Dr B Lange)

**Nicholas Friedman**, *Keble College*

Explaining the concept of law: The respective roles of philosophy and the social sciences (Supervisor Prof D Galligan)

**Matilde Gawronski**, *Nuffield College*

Mass atrocities in the global justice system: A comparative study of multiple narratives and legal personas (Supervisor Dr M Kurkchian)

**Caitlin E. Goss**, *Merton College*

Constitutions and constitutionalism in transitional justice: The transformative power of constitutions in transitional societies (Supervisor Prof D Galligan)

**Rishab Gupta**, *Balliol College*

An analysis of the different legal instruments that developing countries can use in order to protect and promote foreign direct investment (Supervisor Prof D Galligan)

**Eric Ip**, *Oriel College*

The development and transition of the Supreme People's Court as a meaningful political force in the People's Republic of China (Supervisor Prof D Galligan)

**Ben Jones**, *Pembroke College*

Discontinuities in 'human rights' thought in Europe in the post-war era (Supervisors Dr D Erdos with Prof D Galligan)

**Anna Kloeden**, *Magdalen College*

The regulation of foreign- run charitable foundations in the PRC (Supervisor Dr. F. Pirie)

**Tatiana Kyselova**, *Wolfson College*

Order through Contract-Enforcement in Ukrainian Business (Supervisor Dr M Kurkchiyan)

**Heather McRobie**, *Wolfson College*

The challenges of Bosnian independent civil society and civic identity under the Dayton Constitution (Supervisor Prof D Galligan)

**Steven McCarty-Snead**, *Wolfson College*

The role of privacy rights in the formation, implementation, and enforcement of surveillance regulations in England (Supervisors Dr D Erdos with Dr M Kurkchiyan)

**Claire Stockwell**, *Linacre College*

The effectiveness of second best solutions: Climate change & the courts (Supervisor Dr B Lange)

**Sinisa Milatovic**, *St. Hilda's College*

Corporate Social Responsibility and the diffusion of international labour law norms (Supervisor Dr M Kurkchiyan)

**Blessed Ngwenya**, *Wolfson College*

The fragmented public in the SABC: Implications for policy and regulation (Supervisors Dr N Stremlau and Dr B Lange)

**Lionel Nichols**, *Lincoln College*

Transitional Justice in Kenya: The Special Court and the International Criminal Court (Supervisor Dr F Pirie)

**Po-Hsiang Ou**, *St. Anne's College*

Climate change vs. financial tsunami: Rethinking theories of transnational risk regulation (Supervisor Dr B Lange)

**Avanti Perera**, *St Anne's College*

Health policy and human rights (Supervisor Dr M Kurkchiyan)

**Eleanor Pritchard**, *St Cross College*

The legacy of nationalist popular culture and how it is addressed in Kosovo (Supervisor Dr F Pirie)

**Rayhan Bin Rashid**, *Wolfson College*

Transparency in the gas sector development of Bangladesh: provision, perceptions and practices (Supervisor Prof D Galligan)

**Katherine Saunders-Hastings**, *Balliol College*

Violence, narrative, and post-conflict citizenship: Women in transitional justice (Supervisor Dr F Pirie)

**Julian Sempill**, *Pembroke College*

The Law's Empire: The Common Law in the Age of Financialisation (Supervisor Prof D Galligan)

**Marwa Sharafeldin**, *St Catherine's College*

State, society and women's rights in Egypt: spaces of negotiation in an Islamized setting (Supervisor Dr F Pirie)

**Nabiha Syed**, *Balliol College*

Freedom and flows of information in the new security age- participatory oversight and new media in Pakistan (Supervisors Dr N Stremlau with Dr M Kurkchiyan)

**Andrew Tickell**, *Hertford College*

Paper voyages to Delphi: bureaucratic justice and the European Court of Human Rights (Supervisor Dr B Lange)

**Asma Vranaki**, *Wolfson College*

Regulation of the internet with special emphasis on the legal/regulatory issues presented by user-generated content (Supervisor Dr B Lange)

**Andres Gonzalez Watty**, *Wolfson College*

Public policy and regulation; legitimacy and accountability in international organizations; administrative law (Supervisor Dr B Lange)

## 6.0 Research Ethics

### CUREC forms – Advice to CSLS Researchers

It is University policy that research projects involving human participants be subject to ethical review. In almost all cases CSLS researchers will need to submit an application for ethical review to the Social Sciences and Humanities (SSH) IDREC using the CUREC 1A form which has been specially designed for this purpose

CUREC forms are supposed to be sent to the relevant IDREC and approval received, *before* the start of fieldwork. In all cases, should receive a signature from within the Department. For staff, the signature of the Director should normally be obtained. Students will need to obtain signatures from both their supervisor and the DGS. In unproblematic cases approval can be received fairly quickly. Ideally, however, forms should reach IDREC 30 days before fieldwork starts.

CUREC forms change from time to time. Please check the web-site <http://www.admin.ox.ac.uk/curec/oxonly/ethicalapp/index.shtml>.

Human participant research generally covers any situation where people are the subject of study and personal data is obtained either directly from them or indirectly. However, IDREC has confirmed that ethical approval is *not* required for the use in research of information in the public domain. This includes use of material such as blogs, biographies, newspaper accounts, published diaries and archives which are open to the public

### Filling in the CUREC/1A Form

This form is specially designed for research in the social sciences and humanities. It aims to raise awareness of relevant ethical issues and also to identify aspects of a research project which could merit further scrutiny. The form places considerable emphasis on the applicability of professional guidelines and, in most cases, all that required is a commitment to using relevant guidelines. The entire form should be read in line with CUREC's advice that "[o]nly in a limited number of cases is it necessary for researchers to complete the full application form [CUREC/2]". In reviewing research projects the SSH IDREC takes account of the overall nature of the research project. Elite informants, for example, are in many cases regarded as being substantially less at risk than other participants.

In examining the form it should be noted that the research project can, and indeed is likely to, change subsequent to completion of the form. However, IDREC need not be informed of this so long as (1) the changes are not such as would require completion of a CUREC/2 and (2) this change is not so drastic that you are planning what amounts to a different project. This further underscores the centrality within the scheme of the application professional guidelines.

The form is structured in to a number of sections many of which elicit Yes/No answers to a variety of declarations.

**Section A:** This gateway section includes a variety of declarations many of which are couched in medical/technical language. The ticking of any shaded box here will necessitate the use of a CUREC/2 submission. However, it is envisaged that the need for such any such answer will be very much the exception.

Question A.2 This assesses whether the direct carrying out of any test or interview is likely to induce stress, anxiety etc. in participants. Only mental states which meet the threshold of a “harmful psychological state” are covered. Any such state which is confined to the duration of the test or interview is excluded. Finally, applicants need only tick “Yes” where the risk is “significant”.

**Sections B:** This free text section allows you to briefly outline your research and its methodology including the way in which any professional guidelines will be applied. It is expected that the following guidelines will prove particularly helpful to CSLS researchers:

- Statement of Principles of Ethical Research Practice from the Socio-Legal Studies Association  
([http://www.kent.ac.uk/nlsa/images/slsdownloads/ethicalstatement/ethics\\_drft2.pdf](http://www.kent.ac.uk/nlsa/images/slsdownloads/ethicalstatement/ethics_drft2.pdf))
- Ethical Guidelines of the Association of Social Anthropologists  
(<http://www.theasa.org/ethics/guidelines.htm>)

**Section E:** This general section flags a number of ethical issues which you should think about as you plan and carry out your research. So long as you are covered by professional guidelines, however, you may tick a shaded box (or make a subsequent change in your project along the same lines) without having to obtain further approval from IDREC. The SLSA Ethics Statement, in particular, includes a number of provisions which may prove helpful in relation to Questions E.1, E.3, E.3 and E.5. It is expected that you tick ‘yes’ to Question E.2, namely that you will keep and process research materials in line with the Data Protection Act.

**Section F:** You, your supervisor (if relevant) and a representative of the Centre (ordinarily the Director or, in the case of students, the DGS) should sign the relevant declarations. The form should then be sent both electronically and in hard copy to the Social Sciences and Humanities IDREC. You are advised to keep a copy of the form yourself for future reference.

Some CSLS students have been experiencing difficulties in obtaining approval via the CUREC process. Should CSLS researchers themselves experience such difficulties then they are can obtain further advice from any of the following: their supervisor (if a student), Dr. David Erdos (co-ordinator of ethics teaching) and Dr. Fernanda Pirie (Director of CSLS).

### **Links to Ethical Guidance**

Socio-Legal Studies Association (SLSA) Research Ethics Statement (available at [http://www.kent.ac.uk/nlsa/images/slsdownloads/ethicalstatement/ethics\\_drft2.pdf](http://www.kent.ac.uk/nlsa/images/slsdownloads/ethicalstatement/ethics_drft2.pdf))

Association of Social Anthropologists (ASA) Ethical Guidelines (available at <http://www.theasa.org/ethics/guidelines.htm>)

American Political Science Association (APSA) Guide to Professional Ethics in Political Science (available at <http://www.apsanet.org/imgtest/ethicsguideweb.pdf>)

## **SOCIO-LEGAL STUDIES ASSOCIATION (SLSA)**

The UK SLSA has the following statement of principles of ethical research practice in place:

### **STATEMENT OF PRINCIPLES OF ETHICAL RESEARCH PRACTICE (JANUARY 2009)**

#### **PREAMBLE**

The aim of this Statement is to encourage the production of ethical socio-legal research. The Statement emphasises the importance of integrity and quality in conducting research and also the value we attach to collegiality in the socio-legal community. This Statement provides guidance also for socio-legal researchers who conduct funded research and who will have to communicate to research funders how issues of ethical socio-legal research practice are addressed in their project. In addition, it provides a reference point for socio-legal researchers who take research proposals through their university's research ethics framework approval procedure in conjunction with other ethical frameworks and codes. The Statement aims to encourage socio-legal researchers to take responsibility for their own ethical research practice.

#### **AIMS, SCOPE AND IMPACT OF THE STATEMENT OF PRINCIPLES OF ETHICAL RESEARCH PRACTICE**

Principle 1: Members of the SLSA should be familiar with and should consider the Association's Statement of Principles of Ethical Research Practice when commissioning, supervising, designing, conducting, writing and publishing or presenting research.

##### 1.1. Aims.

1.1.1. The aim of this Statement is to alert members of the Association, funders of socio-legal research and institutions, both employing and other, to issues that raise ethical concerns and to indicate potential problems and conflicts of interest that might arise in the course of research activities.

1.1.2. This Statement does not set out to be comprehensive or to provide a set of recipes for resolving ethical choices or dilemmas. For that reason, the spirit of the Statement is as important as the principles it espouses. It is recognised that it is often necessary to make choices on the basis of competing principles and personal values, and the interests of those involved. Departures from the principles set out here should be the result of deliberation and should be rendered explicit.

1.1.3. This Statement is intended to help members and others, particularly funders, to be aware of the ethical issues that may arise in socio-legal work, to encourage socio-legal researchers to reflect on their practices and encourage their colleagues to do so. The effectiveness of this Statement in achieving the aims set out above rests ultimately on regular use by socio-legal researchers, on active reflection and on discussion of their research practice.

## 1.2. Scope.

1.2.1. Socio-legal studies embraces disciplines and subjects concerned with law as a social institution, with the social effects of law, legal processes, institutions and services and with the influence of social, political and economic factors on the law and legal institutions.

1.2.2. Socio-legal research is diverse, covering a range of theoretical perspectives and a wide variety of empirical research and methodologies.

## 1.3. Impact.

1.3.1. Where principles are directly applicable to a situation they should guide a member's conduct. Where they are not directly applicable, members should act in the spirit of the Statement.

1.3.2. Members should encourage colleagues, including all socio-legal researchers under their supervision, to become familiar with the principles stated here and to ensure that they are understood.

1.3.3. The Statement is also intended to communicate the ethical position of socio-legal researchers to others, especially those sponsoring or affected by socio-legal research.

1.3.4. The Association will, for its part, communicate its commitment to the principles contained in this Statement through its website, by general dissemination of the Statement and through its educational programmes.

## **OBLIGATIONS TO THE ACADEMIC AND WIDER COMMUNITIES**

Principle 2: Socio-legal researchers should consider at all times their responsibility for maintaining the reputation of socio-legal studies as a valid contribution to scholarship.

### 2.1. The integrity of the discipline.

2.1.1. Members should report their findings accurately and truthfully.

2.1.2. Members should publish and disseminate the results of socio-legal research where appropriate for the benefit of the community. This includes publishing in a variety of media including popular journals.

2.1.3. Socio-legal researchers should make the results of investigations available to those they have researched.

### 2.2. Competence.

2.2.1. Members should not undertake work of a kind that they are not competent to carry out and should not ask socio-legal researchers under their supervision or guidance to carry out work which the socio-legal researchers are not competent to carry out, or they themselves are not competent to supervise.

2.2.2. Members should have due regard for the weight to be attached to other people's research and encourage others to do the same.

2.2.3. Members should satisfy themselves that the methodologies used are appropriate to the research to be carried out.

## **OBLIGATIONS TO COLLEAGUES**

Principle 3: Principal socio-legal researchers, supervisors and others responsible for research staff and postgraduate students should ensure that the project team is aware of this Statement.

3.1 Where a socio-legal researcher has primary responsibility for a piece of research, that socio-legal researcher should bring the ethical guidance contained in this Statement to the attention of other socio-legal researchers who are working on the project, particularly where those socio-legal researchers are less experienced. The socio-legal researcher with primary responsibility for the project also has a duty to raise, explore and provide guidance on any potential ethical issues with other members of the research team.

Principle 4: Socio-legal scholars should credit appropriately contributions in research collaboration.

4.1. Members should always acknowledge the contributions of colleagues to research work. In particular, where junior colleagues, including research assistants, have significantly contributed to collecting data their role should be acknowledged in any publication arising from that research. Colleagues are advised to discuss the arrangements for accrediting contributions in published work before embarking on research.

4.2. The names of everyone who has made a substantial contribution to a piece of research should be credited in publications and any other outputs that arise out of that research and, conversely, the names of those who do not make a substantial contribution should not appear in publications.

4.3. Members should take care to acknowledge the publications or other sources of ideas they have used in their work.

## **OBLIGATIONS TO SUBJECTS AND PARTICIPANTS**

Principle 5: Principal socio-legal researchers have both legal and ethical responsibilities to ensure the safety and well-being of members of their research team as well as their own safety and wellbeing.

5.1 Research staff should not be placed in a position where the research they are conducting carries an appreciable risk of physical harm or harm to their own mental well-being. In exceptional cases, the merits of the research may justify taking some such risks. In such cases it is the responsibility of the principal socio-legal researcher to ensure that the risks of harm are fully understood and freely consented to by the staff concerned and that all reasonable steps to ensure the safety and security of those individuals have been taken.

5.2 Principal socio-legal researchers are responsible for ensuring that the working hours and conditions of their research staff are consistent with the employer's legal obligations, and that any expectations of staff are commensurate with the skills and abilities of the post-holder.

## Principle 6: Foundations of research relationships.

6.1. Socio-legal researchers in the course of their activities enter into personal and moral relationships with those whom they study closely, i.e. the research participants, be they individuals, households, social groups or corporate entities.

6.2. Whenever possible, research relationships should be characterized by trust.

6.3. In some cases, where the public interest suggests otherwise and particularly where power is being abused by those being researched, obligations of trust and protection, for instance, through protecting the anonymity of research participants, may weigh less heavily. Nevertheless, these obligations should not be discarded lightly (particularly when there is a disparity of power in relationships with participants that favours the socio-legal researcher).

6.4. Members should strive to protect the rights of those they study, their interests, sensitivities and privacy, while recognising the difficulty of balancing potentially conflicting interests.

6.5. The ethical obligations in this Statement apply throughout research, including where there is any change in the research that engages new ethical issues.

6.6. Members are not absolved from responsibility for the well-being of research participants by any general consent given by such research participants.

6.7. When designing research, including identifying research participants, and disseminating research findings socio-legal researchers should give due consideration to principles of diversity and inclusivity. These principles may include consideration of the ethical implications of excluding participants from research on the basis of their class, gender, ethnicity, age, sexual orientation, physical ability, race or religious belief.

Principle 7: Socio-legal researchers normally should obtain the consent of participants in empirical research and should ensure that their consent is based on full knowledge of all material matters including the purpose of the research, funding sources and intentions regarding dissemination.

### 7.1. Obtaining consent.

7.1.1. As far as possible, socio-legal research should be based on the freely given and informed written consent of those studied. This implies a responsibility on the socio-legal researcher to explain as fully as possible and in terms meaningful to participants, what the research is about, who is undertaking and financing it, why it is being undertaken, what risks, if any are involved, what the research methods are and how it is to be disseminated. In the case of large-scale survey research, or other cases where a face-to-face meeting with participants is not feasible, this may be done by a covering letter sent to participants.

7.1.2. In some situations, for instance where there are insurmountable language barriers encountered during anthropological fieldwork, it may not be possible to obtain written consent and hence verbal consent may be sufficient.

7.1.3. Where data is gathered through observation of behaviour occurring in public there may be no expectation of privacy and hence no need for consent from all of the observed people.

7.1.4. Candour and frankness about the source of funding may create problems of access or co-operation for the socio-legal researcher but concealment may also have serious consequences. The emphasis should be on openness.

7.1.5. Research participants should not be under the impression that they are required to participate and should be aware of their right to refuse participation or revoke consent during the progress of a research project though the socio-legal researcher and the research participants should be aware of the potential negative effects of any such revocation on the research. Special care should be taken where research participants are vulnerable.

7.1.6. Research participants should ideally be given the opportunity to see transcripts of interviews or research notes and/or given drafts of any conclusions drawn from the data they have provided for comment.

7.2. Consent by proxy.

7.2.1. Where the participant's mental capacity to consent is in doubt for example because of mental illness or learning disability, the socio-legal researcher should discuss the research with an appropriate proxy before proceeding. Socio-legal researchers should be aware of obligations in relation to obtaining consent for 'intrusive' research in relation to research participants who lack mental capacity under the Mental Capacity Act 2005.

7.2.2. Obtaining data from proxies.

Where research participants are children or lack the appropriate level of mental capacity (e.g. because of mental illness or learning disability) to give informed consent to the relevant aspect of the research, proxies may need to be used to gather data. An appropriate proxy should be chosen on the basis of her/his relationship with the research subject. In these situations care should be taken not to disturb the relationship between this person and the proxy. Where it can be inferred that the person about whom information is sought would object to supplying certain kinds of information, the material should not be sought from the proxy.

7.3. Longitudinal research.

7.3.1 It should be borne in mind that, in longitudinal research, consent may need to be obtained on more than one occasion. It may be necessary to regard consent in such circumstances as subject to renegotiation over time.

7.4. 'Gatekeepers'.

7.4.1. In some situations, access to a research setting is gained via a 'gatekeeper'. In these situations, members should adhere to the principle of obtaining informed consent directly from research participants to whom access is required, while at the same time taking account of the gatekeeper's interest.

7.4.2. Where sponsors/funders also act directly or indirectly as gatekeepers and control access to participants, socio-legal researchers should not devolve their responsibility to protect the participants' interests onto the gatekeeper.

7.4.3. Since the relationship between research participants and the gatekeeper will continue long after the socio-legal researcher has left the research setting, care should be taken not to disturb that relationship unnecessarily.

## 7.5. Covert research.

7.5.1. Despite the technical advantages of covert research methods, they clearly violate the principle of consent and invade the privacy of those studied.

7.5.2. Covert research may be justified in certain circumstances, e.g. where the risk to the individual research participants is small, where their anonymity is guaranteed, where access to spheres of social life is closed by powerful or secretive interests and where it is impossible to use overt methods to obtain essential data. The overruling principle in the conduct of such research is whether the method is justified in the public interest.

7.5.3. In covert studies, it is particularly important to safeguard the anonymity of research participants (subject to Section 6.3). Ideally, where informed consent has not been obtained prior to the research taking place it should be obtained before disclosing material wherever possible.

Principle 8: Socio-legal researchers have obligations regarding respect for anonymity, privacy, confidentiality and data protection.

## 8.1. Confidentiality.

8.1.1. There may be some circumstances in which the objectives of the research require waiving the anonymity of research participants. However, unless such an alternative arrangement has been agreed upon by a research participant and the socio-legal researcher, data about or from a research participant, for instance statements made by an interviewee, are to be treated as confidential and, in the case of attributable statements, should not be attributed to the interviewee without their permission. In regard to research in which personal data is collected via means other than direct disclosure, e.g. historical research, the principles of confidentiality and anonymity should not be departed from without careful justification.

8.1.2. Socio-legal researchers should not give unrealistic guarantees of confidentiality and anonymity. In some cases, it may be necessary to decide whether it is either necessary or even appropriate to record certain kinds of sensitive information. In drafting and concluding confidentiality agreements researchers should consider that in some cases they may be subject to legal requirements to disclose information obtained during the course of the research which pertains to serious criminal offences being committed (see below principle 8.3).

8.1.3. Where data are collected about third parties, rather than directly from them, for instance in historical research, the objectives of the research may require not to keep those third parties anonymous. In some situations socio-legal researchers may decide not to keep the identity of research participants anonymous, where participants have consented to this, in order to enable replication of studies and critical peer review.

## 8.2. Preserving the anonymity of data.

8.2.1. Appropriate and practicable methods for preserving the anonymity of data should be used. These may include the removal of identifiers, the use of pseudonyms and other technical means to break the link between data and identifiable individuals such as 'broadbanding'<sup>1</sup> and 'microaggregation'.

8.2.2. Members should prevent data from being published or released in a form which would permit the identification of research participants. Where potential informants and research participants possess a combination of attributes which make them readily identifiable it may be difficult to

disguise their identity without introducing an unacceptably large measure of distortion into the data. In circumstances where it is difficult to protect the anonymity of informants and research participants, they should be informed of this fact in advance where possible.

8.2.3. The purpose and ultimate distribution of filming or recording for research purposes should be explained clearly to its subjects. Additionally, devices such as tape recorders or video cameras should be used only with the subject's consent.

1 The aggregation of individual data into larger categories.

2 That is the replacement of individual data by averages of small aggregates.

8.3. Legal obligations.

8.3.1. Socio-legal researchers should be aware of the legal status of researcher/subject confidentiality, where the relevant jurisdiction(s) provide clear rules on this, including those where fieldwork is being carried out. Research participants should be made aware of the risk, with reference to certain obligations, the socio-legal researcher may be required to give evidence or reveal documents which may make it impossible for socio-legal researchers to keep certain information confidential without breaking the law. Socio-legal researchers may have to consider legal obligations of various national jurisdictions where internet research involves data collection in more than one country.

8.3.2. Socio-legal researchers should be aware of obligations arising from data protection, privacy and intellectual property, such as copyright laws in relation to the collection, storing and publication of data.

8.4. Institutional context.

8.4.1 Institutions with which socio-legal researchers are affiliated should make themselves aware of the legal status of researcher/subject confidentiality in the jurisdiction. This awareness should inform institutional guidance given to socio-legal researchers at the commencement of their projects with reference to data dissemination, storage, publication, rights of research subjects, sponsors, funders and organisations employing socio-legal researchers.

8.5. Shared data.

8.5.1. Any person or organisation given access to data arising from research must be made aware of any obligations in relation to confidentiality and safety attaching to those data. Where there is a possibility that data may be shared with other researchers, and research participants have not consented to this, such sharing, and any other new uses to which the data will be put, should be discussed with them, and consent obtained.

8.5.2. Socio-legal researchers should respect the confidentiality of data disclosed to them by other researchers.

## **SOCIAL OBLIGATIONS**

Principle 9: Socio-legal researchers should be aware of wider social responsibilities in conducting and publishing their research.

9.1. While socio-legal researchers are committed to the advancement of knowledge, that goal does not, of itself, permit researchers to override the legitimate interests of others.

9.2. Members must satisfy themselves that the potential benefits of any study, whether in terms of direct social or other benefits to any group, or to society as a whole, or in terms of the work's contribution to the furtherance of knowledge, outweigh any social risks for the research participants, before embarking upon it.

9.3. It is incumbent upon members to be aware of the possible political and social consequences of their work for the individuals and groups alluded to in their work.

3 Such as under Freedom of Information Acts, Data Protection Acts, Human Rights provisions as well as copyright and libel laws.

Principle 10: Socio-legal researchers should strive to ensure that funded research and consultancy retains intellectual and ethical integrity and that their limitations and those of the research produced are made clear both in submitting tenders and in publishing results.

10.1. Tendering and contracting.

10.1.1. In the preparation of proposals for research, members should be honest and candid about their qualifications and expertise, the advantages and disadvantages of the various methods of data collection and analysis being employed. They should not conceal factors likely to affect the satisfactory completion of a research project. Socio-legal research projects should not be undertaken where time or resources are known to be inadequate. Members should neither underprice nor over-commit themselves in an attempt to secure a contract.

10.1.2. Members should clarify in advance the respective obligations of sponsors or funders and socio-legal researchers, where possible in the form of a written contract. They should clarify the methods used to collect and analyse data. They should refer the sponsor/funder to the professional codes to which they adhere.

10.1.3. Socio-legal researchers should always require that their professional independence be recognized and should resist restrictions on their freedom to disseminate research findings.

10.1.4. Members should not promise or imply acceptance of conditions which are contrary to their professional ethics or competing commitments.

10.1.5. Members should notify the sponsor or funder of any proposed significant departure from the terms of reference of the research.

10.1.6. When financial support or sponsorship has been accepted, members should make every reasonable effort to complete the research on schedule, including reports to the funding source.

10.2. Conflicts of interest between socio-legal researchers and sponsors and funders.

10.2.1. A common interest in providing knowledge exists between sponsors or funders and socio-legal researchers where the aim is to provide knowledge. Conflicts of interest may arise when the sponsor or funder would like to see particular findings to be generated from the research, where sponsors or funders produce detailed specifications or encourage socio-legal researchers to prescribe particular courses of action. Socio-legal researchers should be wary of constraints on their academic independence and particularly on their ability to reach their own conclusions or to publish their results.

10.2.2. Members should attempt to ensure that sponsors or funders appreciate that socio-legal researchers have obligations to research participants, academic colleagues, the wider socio-legal community and society at large. This includes a duty to protect the anonymity of research participants where an undertaking to this effect has been given, though there may be exceptional circumstances where such disclosure of the identity of a research participant is ethically indicated or legally required.

10.3. Advising sponsors and funders.

10.3.1. In their capacity as applicants, advisers or representatives of sponsors or funders members should encourage them to use a system of open and competitive tendering.

10.3.2. In their capacity as consultants to sponsors or funders, members should advise that clients should provide a detailed specification for the research, listing the criteria for judging applications and a guide price as to the maximum funding available. They should invite applications from as wide a group as possible, including through dissemination systems such as that operated by the SLSA.

10.3.3. Sponsors or funders should also be encouraged to provide an evaluation of both successful and unsuccessful proposals submitted and to give socio-legal researchers a reasonable time to complete the research before inviting them to draw conclusions.

A copy can also be located at: <http://www.kent.ac.uk/nslsa/content/view/247/270/>.