

Centre *for* Socio-Legal Studies

Report 2011/2012



UNIVERSITY OF
OXFORD

Introduction *from* the Dean of the Faculty of Law

There is really no such thing as legal studies that are not socio-legal studies. The study and the critique of legal doctrine (which we love in the Law Faculty) are the study and the critique of social techniques for achieving social justice.

So the whole law school needs to be engaged in the study of law in society. The rest of us in the large, diverse, and decentralized Oxford Law Faculty will have lost the plot, if we forget that we are studying society when we study law. Our hope for the Centre for Socio-Legal Studies is that it will enable us to pursue that study better, by fostering specific talents and methods for the study of the social context and the social impact of law.

The methods, of course, include empirical study and more generally the techniques of the social sciences; in this report you will see how the members of the Centre bring those multiple techniques to bear on legal issues.

It is not easy to break down barriers among social sciences, let alone between lawyers and social scientists. As part of our heritage in Oxford, the Centre for Socio-Legal Studies has the opportunity to meet those challenges, and to do good things that a Law Faculty couldn't otherwise accomplish.

Timothy Endicott

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Director's Introduction

In 2012 the Centre celebrated forty years of socio-legal studies at Oxford. This seems like an appropriate occasion on which to prepare a report on the Centre's activities. The current publication covers two years, 2011 and 2012.

The Centre is an inter-disciplinary and multi-disciplinary research institute, dedicated to the study of law in society. This entails the empirical investigation of different areas and forms of law, and the roles they play in various societies. The main areas of research currently comprise constitutions, the social foundations of public law, regulation and governance, the anthropology and sociology of law, civil justice and dispute resolution, environmental, media, and information law. This is a diverse range of topics, which reflects the multiple forms that laws may take and the various ways in which they may be important in different contexts. These include parts of the developing world and the international arena, as well the courts, rules, and social configurations of the west.

The diversity and remit of these projects is driven by the interests and intuitions of an extremely able group of researchers. Many are just embarking upon their careers and the majority have moved into the study of law from a background in another discipline. This is most often sociology or political science, but also includes economics, anthropology, media and area studies, history, and genetics. Such scholars bring with them new insights and an awareness of cutting edge topics for research. The remarkable growth of regulation in the modern world, for example, and its expansion into new areas like privacy and data protection, calls for critical analysis, and the Centre is at the forefront of new research in this area. Meanwhile, although the state claims to control the national legal realm and its experts, law often transcends state boundaries.



The influence of the EU is fundamental, while areas like human rights, transitional justice, economic and environmental regulation, and media policy encourage the development of new forms of law and justice mechanisms, calling for investigation by scholars with a range of expertise and disciplinary backgrounds. The Centre provides an environment in which they work, collaborate, and organise seminars that reach out to a wider group of researchers, policy-makers, and members of the business world and civil society.

Excellent research is, we believe, produced by the best scholars, when they are allowed to pursue what they regard as the most important topics for enquiry.

The Centre encourages students and researchers at all stages of their careers in their pursuit of these goals.

The Centre is supported by the University's Faculty of Law, whose students are also offered teaching in socio-legal topics. Meanwhile individual projects and researchers attract funding from research councils and a number of private donors and generous benefactors. As a result, the Centre now comprises a thriving research community, consisting of a dozen or so post-doctoral researchers and some twenty-five students.

Fernanda Pirie



Research



Constitutions: social and political foundations

While constitutions have been exhaustively analysed and discussed from doctrinal and philosophical points of view, the socio-legal perspective has attracted much less attention. Stimulated by the range and pace of constitution-making in eastern Europe, north Africa, and elsewhere, Denis Galligan launched this programme of research to examine the social character of constitutions: their origins, the processes by which they are made, their functions, and how and in what ways they matter. The idea is to encourage more research into the origins of laws and legal doctrines; rather than investigating how law works in practice, the aim is to account for law's social and political origins.

A series of workshops on the social and political foundations of constitutions has brought to Oxford a variety of scholars from many different countries, some to present their research on the social and political foundations of their own constitutions, others to expound a range of theoretical approaches, including constitutions as coordinating devices, as power relations, as mission statements, and as contracts. Several doctoral students and visiting academics are undertaking related projects. Two volumes of essays and a monograph on the people in the constitution are shortly to be published.

Regulation and Governance

Several research projects are concerned with the ways in which modern law seeks to change behaviour for specific social and economic ends, and in the public interest.

Bettina Lange is investigating the regulation of transgenic agriculture in the European Union, focussing on the constitution of administrative authorisations at the EU level through, and in particular the mobilization of discourses about the environmental and public health risks of transgenic agricultural products. In a separate, more theoretically oriented project, she is exploring the contribution of a 'social sphere', in particular civil society and private economic actors, to regulating economic conduct, as an alternative to state 'command and control' regulation or reliance on self-regulatory markets.

Both Doreen McBarnet and Chris Decker are examining the role of lawyers, in the first case their role in regulation, including what is thought of as 'legal engineering', and in the second case the issue of legal services regulation and its economic rationale. Meanwhile, Professor McBarnet has continued her work on corporate responsibility, particularly in relation to corporate finance and tax, while Dr Decker is researching developments in both the theory and practice of economic regulation across the utility sectors (energy, communications, water).

Iginio Gagliardone and Nicole Stremmlau have investigated the ways in which media are regulated in transitioning societies in East Africa and the relations with projects of state building.

Courts, civil justice, and conflict resolution

Marina Kurkchiyan has been scrutinising formal institutions of conflict resolution in England, Poland and Bulgaria, and examining the ways in which they have changed and evolved, as part of an international research team that examines the extent to which local legal cultures are responding to the integration processes of the EU. Further afield, Fernanda Pirie has carried out research into methods of conflict resolution, patterns of order, and state-society relations in different parts of Tibet.

Meanwhile, members of the CMS/Swiss Re Civil Justice programme, headed by Chris Hodges, are engaged in the comparative examination of dispute resolution mechanisms, especially in Europe, analysing the principles and procedures that should, or do, apply, and evaluating effectiveness and outcomes. As part of this team, Iris Benohr has examined the relationship between consumer protection, rights, law and economics in the EU, Naomi Creutzfeldt-Banda has been mapping and evaluating out-of-court settlement mechanisms in Europe, and Rebecca Money-Kyrle is examining global collective redress procedures.

Cristina Parau has investigated how ideas regarding the relations between the judiciary and the rest of society have percolated into Europe from the US, while Lisa Vanhala has been examining the extent to which environmental non-governmental organizations have chosen to be active participants before the courts, or not.



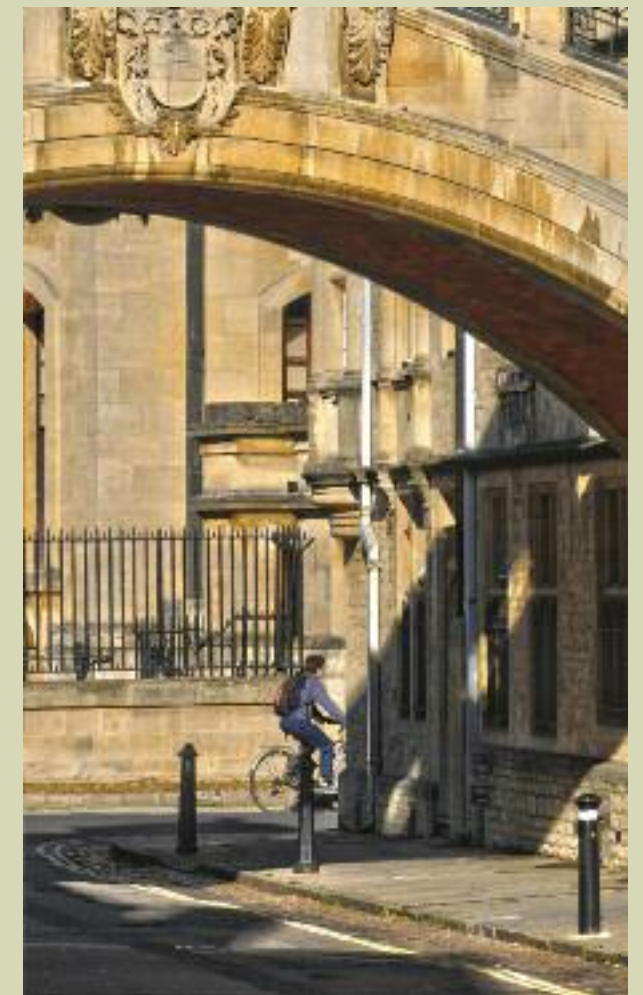
Media and information law

David Erdos has initiated a project on Data Protection and the Open Society, which examines emerging tensions between privacy, freedom of expression, and freedom of information within today's information society. It is particularly concerned with similarities and differences in data protection law, as it is being interpreted and applied by national and European regulatory agencies, courts, and tribunals, and with the ways in which tensions are being practically resolved by academic institutions, professional journalists and citizen bloggers.

Within the Programme in Comparative Media Law and Policy, Nicole Stremmlau has a particular interest in media and governance in transitioning and fragile states, principally in East Africa, while Rogier Creemers researches the nexus between media policy and political change in China. In related research, Iginio Gagliardone is examining new media and political change in Sub-Saharan Africa, the adaptation of international norms of freedom of expression in authoritarian regimes, and the role of the media in peace-building processes.



Photo: Jared Rodriguez/Trudout



Historical Perspectives on Law

Denis Galligan's research on the social foundations of public law involves examining the role of 'the people' and constitutional issues in the 17th century, and their impact on modern constitutionalism. He has also undertaken a study of historic writers on constitutions in Britain, France, and the United States.

Fernanda Pirie is one of the convenors of the Legalism project, in which anthropologists and historians explore the creation of texts and development of law beyond or before the rise of the state. As part of this project Dr Pirie is conducting research into the history of legalism in Tibet.

Marina Kurkchiyan is engaged on a historical study of legal culture in Russia, which involves examining the emergence of written laws and texts in the medieval period.



Tibetan mediator

Law in transnational and European contexts

Changing civil justice systems in Europe and developing media law regimes in Africa are just two of the topics that call for research into the cross-border significance of legal norms and practices.

The research of the Civil Justice project is significant in the context of change in Europe, notably the reform of civil procedure rules, the spread of collective, representative, class, and group action mechanisms, developments in funding mechanisms for civil claims, and the spread of small claims and alternative dispute resolution mechanisms.

Meanwhile, the Programme in Comparative Media Law explores the vast changes in media policy across the world and the adaptation of international norms of freedom of expression in authoritarian regimes, and the role of the media in peace-building processes.

Theoretical and empirical approaches to law

A number of researchers engage in fieldwork and make use of ideas and models developed by sociologists and anthropologists of law. The work of both Fernanda Pirie and Marina Kurkchyan investigates law in its social context, informal social practices, legal consciousness, and the nature of law in culturally and historically diverse settings.

Meanwhile, the relationship between such empirical work and theoretical approaches to the nature of law in society, is a topic of interest to both Denis Galligan and Fernanda Pirie.



Research Staff

Iris Benöhr, British Academy Postdoctoral Research Fellow



Iris Benöhr is a British-Academy Postdoctoral Fellow working on a research project *The Intersection of Environmental and Consumer Law: Shaping a Coherent Legal Framework for Sustainable Consumption and Climate Change Mitigation*. This project aims to bridge the gap between consumer law, competitive concerns, and sustainable development. It proposes a novel legal framework to foster sustainable consumption, which can be implemented through international and EU law. Iris is also working on the Civil Justice programme, comparing dispute resolution schemes in financial services. Her main research interests are EU law, consumer and competition law, human rights, environmental law, and civil justice.

Chris Decker, Senior Associate Research Fellow



Chris is an economist whose research is focused on the application of economics in public policy and legal/regulatory processes. His forthcoming monograph on Modern Economic Regulation provides an account of how regulatory theory and practice relating to the utility sectors has evolved since the 1980's. Chris's recent work examines how economic objectives are reconciled with other public policy objectives, such as social and environmental objectives, and considers the use of economic evidence in regulatory processes (including by Courts and Tribunals) and in competition law enforcement. In addition, he is researching the regulation of the legal profession and the not-for-profit sector.

Rogier Creemers, Research Officer for PCMLP



Rogier's research aims to illuminate the socio-legal background and developments of public communications law and policy in China. With a background in Chinese Studies and Law, Rogier aims to understand how political and social evolutions in the 20th Century have shaped ideas and legal structures that govern the production and dissemination of ideas in China, and how, in turn, this structure has served as a tool to implement political control. In a wider sense, Rogier is also interested in the epistemology implicit in Chinese law, and how this relates to China's national and international political developments.

David Erdos, Katzenbach Research Fellow & Leverhulme Trust Early Career Fellow



The Data Protection and the Open Society project explores the law of data protection as this interacts with the competing values of freedom of speech, freedom of research, and freedom of information. This work to date has principally had two aspects. Firstly, it has elucidated the origins, substance, and operation of the law through rigorous comparative empirical analysis, using both quantitative and qualitative methods. Secondly, at a conceptual level, David has explored the difficulties of determining what sort of activities fall within the Data Protection derogation for journalism, art, and literature and how Data Protection effects the production and flow of information within the research context.

Naomi Creutzfeldt-Banda, Research Officer on Civil Justice Systems



Naomi joined the Civil Justice Systems team in 2010. She has undertaken in-depth research on pathways of alternative dispute resolution for consumers in Europe. This involved more general questions about access to justice and consumer protection in the EU. She is particularly interested in the influence of national legal culture on dispute behaviour and what that translates to in the EU-27 context. Developing from this, a related area of research is Ombudsmen and procedural justice. She has also worked on risk communication and risk regulation in the EU, as well as a project on mass litigation about the Buncefield case in the UK.



17th century legal document from Ladakh



Iginio Gagliardone, British Academy Postdoctoral Research Fellow



Iginio Gagliardone is British Academy Post-Doctoral Research Fellow at CSLS and Research Associate of the Centre of Governance and Human Rights at the University of Cambridge. He focuses on the international politics of the Internet, the role of the media in political change, especially in Sub-Saharan Africa, and the adaptation of international norms of freedom of expression in developing countries. His research is highly interdisciplinary: it integrates theories and methods adopted in international relations, communication, socio-legal, and development studies, and has featured in various academic journals as well as in media such as CNN, Al Jazeera, and The Guardian.

Denis Galligan, Professor of Socio-Legal Studies

The main subject of Professor Galligan's research has been the social foundations of constitutions. This has resulted in several publications, including the forthcoming *The Social and Political Foundations of Constitutions*, edited with Mila Versteeg, and a further edited volume on *Constitutions and the Classic Writers*. He is currently working on a socio-legal historical study of the way in which the concept of the people is presented in modern constitutions. A parallel strand of research involves developing a theoretical understanding of the social concept of law, a topic on which he has published a paper in the *Oxford Handbook of Empirical Legal Research* (Cane & Kritzer, eds).

Christopher Hodges, Head of the CMS/Swiss Re Programme on Civil Justice Systems



In 2012 Chris's position as the leading European expert in collective redress, funding of litigation and Consumer ADR has been recognised in numerous ways. He was installed as Erasmus Professor of Fundamentals of Private Law at Erasmus University, Rotterdam, and was appointed Visiting Professor at Leuven University. He spoke as an expert on competition damages in the European Parliament, and has assisted the European Commission, MEPs and governments on the EU Consumer ADR legislation. He has lectured (and researched) across Europe, from Vilnius to Dublin and Stockholm to Malta, as well as in the USA. He has co-written a book on Consumer ADR as well as several articles.

Marina Kurkchiyan, Law Foundation Senior Research Fellow



Marina explores and compares legal cultures in different societies. She examines the type of socio-legal relationship that exists in various historical, socio-economic, and cultural contexts. A recent project compared five European countries, England, Norway, Poland, Bulgaria and Ukraine, where she observed case hearings in civil courts and combined qualitative data collection with nationwide surveys to study the specific meanings that people attach to law. At present the focus of her research is Russia and the ways in which legal culture, understood as an interplay of the institutions of law with everyday practices and legal consciousness, has evolved in Russia through history.

Bettina Lange, University Lecturer in Law and Regulation



Bettina has mainly been involved in three lines of socio-legal inquiry. The first mobilizes Foucauldian discourse analysis for understanding how arguments for and against transgenic agricultural products are constructed and disciplined in EU administrative authorisations. Second, she has been interested in integrating interpretivist, behavioural approaches to socio-legal analysis with science and technologies studies' focus on actor-networks, including material artefacts, in the production of the social meaning of law. Third, she has started to explore the construction of the social meaning of law, in particular UK farmers' changing conceptions of a 'right to water' through a BA funded pilot project.

Doreen McBarnet, Professor of Socio-Legal Studies



Doreen has done research on the financial crisis, presenting papers at academic and business/professional events, and has led a seminar at the UK Treasury. She has also built on her work on corporate social responsibility by analysing the UN's Ruggie initiative on business and human rights, participating in discussions for the Foreign and Commonwealth Office on the UK's implementation of the initiative, and contributing to a report to the EU. She has led a workshop for the Canadian Revenue Agency on her longstanding interest in the increasingly topical issue of tax avoidance, and has been researching the role of corporate lawyers.

Rebecca Money-Kyrle, Research Officer on Civil Justice Systems

Rebecca is working on a comparative study of collective litigation laws in European member states, the USA, Canada, Australia, and several Latin American jurisdictions. Rebecca has also been developing a new stream of research on coroners and inquests. Her book 'Collective Actions: A comparative study' will be published by Hart during 2013.

Fernanda Pirie, Director and University Lecturer in Socio-Legal Studies



An anthropologist specialising in Tibetan societies, Fernanda has carried out research into forms of conflict resolution, practices of feuding and mediation among Tibetan nomads, and state-society relations in China. An interest in historical legal texts and practices led to the development of the *Legalism* research group with colleagues in anthropology and history, and to her own research into Tibetan legal history. Major publications include the forthcoming *Anthropology of Law* and edited volumes in the *Legalism* series. An anthropological study of the English Bar is also in progress.

Nicole Stremiau, Research Fellow and Coordinator of PCMLP



Nicole's research focuses on media policy in transitions from war to peace and the role of media in conflict. While she continues to research and write on Ethiopia, her more recent work has been on media and conflict in Somalia and Somaliland, which has received funding from the United Nations. She is currently writing a monograph on the Politics of Communication in Africa (with Iginio Gagliardone). Her research was recently profiled by the National Endowment for Democracy highlighting 11 of the most significant academics that have contributed to empirical understandings of the relationship between media and governance.

Janina Dill (Wolfson Junior Research Fellow, 2010-2012)

Janina is interested in international law in war, specifically its philosophical foundations and normative scope. She is currently turning her DPhil thesis into a monograph, tentatively entitled *Legitimate Targets? The Effectiveness of International Law in US Air Warfare*. Her second project investigates moral agency and individual legal responsibility in war. It enquires whether the choices that individual agents at different levels of the chain of command face match the assumptions about moral agency underlying the law that criminalizes unlawful attack. Janina is also interested in legal challenges arising from state failure and the right to self-determination.

Cristina Parau (British Academy and Law Foundation Research Fellow in Courts and Public Policy, 2008-2011)

Cristina researches the comparative politics of Europe in the post-Communist era, and the evolution of institutions under the influence of transnational elite networks. While she was at the CSLS her research concerned judicial independence in post-Communist CEE. She also researched the influence of Europeanization on state-civil society relations in CEE, for which she won West European Politics' Vincent Wright Prize.

Lisa Vanhala (British Academy Postdoctoral Research Fellow, 2010-2011)

Lisa's research looks at the relationship between non-governmental organizations, law and social change. She published her first monograph, *Making Rights a Reality? Disability Rights Activists and Legal Mobilization* in 2011. The book won the Socio-Legal Studies Association and Hart Early Career Prize 2012 and the Best Book in Comparative Politics, Canadian Political Science Association 2012. Lisa is currently working on two projects. One attempts to solve the puzzle of why some environmental NGOs have chosen to be active participants before the courts while others have completely eschewed the use of legal strategies. The second looks at the role courts play in debates about climate change.

The CMS/Swiss Re Research Programme on Civil Justice Systems

The aim of this Programme is to research dispute resolution systems and to propose reforms to contribute to the development of new civil justice architecture for the EU and for European jurisdictions. The focus is on detailed empirical research, not assuming that existing architecture (e.g. courts and lawyers) are the sole answer, but examining all techniques (including ombudsmen, compensation schemes, mediation, regulators, and so on) both individually and in new combinations. The review has identified several major shifts: the slow but inexorable harmonisation of EU civil procedure systems and regulatory systems; the collapse of public funding for access to justice and switching towards private sources of finance for litigation; the swift rise of alternative dispute resolution (ADR) systems and regulators as means of delivering effective redress; and the increasing compartmentalisation of expertise in all of these areas, which leaves a vacuum at governmental and academic levels in taking an overview of multiple developments and of what holistic policy ought to be.

The programme has been funded by the international law firm CMS and the European Justice Forum. In late 2012, Swiss Re has also made a major contribution covering several years. We are very grateful for their enlightened and arm's-length support.

In 2012, the Programme focused on three main areas. First, Rebecca Money-Kyrle has completed a major book on the mechanisms and safeguards in all class action or collective action procedures of jurisdictions around the world. This will be published in book form by Hart in 2013, and findings will be in an article in 2013 by Dr Money-Kyrle and Prof Hodges.

Second, Sweta Chakraborty has carried out a series of 30 case studies on major liability cases involving medicines injuries in Europe, to determine whether the safety signal came from litigation, medical professionals, or the pharmacovigilance system. Prof Hodges, Naomi Creutzfeldt-Banda and Iris Benöhr have been working on various case studies of major cases in financial services, environmental and personal injury issues. Sonia Macleod has started work on case studies on the PIP silicone breast implant and metal-on-metal hip implants stories.

Third, Prof Hodges, Dr Creutzfeldt-Banda and Dr Benöhr have completed a major project examining Consumer ADR systems in 10 EU Member States, published as a book by Hart in 2012, together with a series of articles. Their findings underpin new EU legislation.

Chris Hodges



Chris Hodges

The Programme in Comparative Media Law and Policy

The Programme in Comparative Media Law and Policy (PCMLP) has been pursuing an innovative socio-legal approach to media law and policy, focusing on transitioning and conflict societies in Asia, Africa and the Middle East. Recent developments in new communications technology have posed dramatic challenges that are at the forefront of the research agenda. From the role of media in the Arab Spring, to the explosion of mobile phone use across Africa, to the challenges of regulating social networking sites in China, the researchers have analyzed the transformations in the ways in which states govern, people participate, and power is distributed.

The research in Asia has thrived over the past couple of years. With funding from the European Union, and in partnership with the Great Britain China Centre, Renmin and Peking University, Rogier Creemers is examining legal and regulatory issues around new media in China. This has provided the foundations for deepening his research on Internet regulation in China. In India collaboration with the National Law University of Delhi on a media law and policy curriculum study is building on the annual South Asia seminar and moot court competition.

PCMLP has also been also deepening its interests in Africa. Iginio Gagliardone is exploring how the Chinese approach to the information society is transforming media systems in Africa. In Somalia, through support from the United Nations, Nicole Stremmlau has been researching how media are contributing to the violence and also exploring their role in peace building and transitional justice efforts. Questions of how media and new technology are regulated, and what media 'law' means in the absence of capable state institutions, has been at the forefront of this exciting research. PCMLP continues to work closely with the Annenberg School for Communication at the University of Pennsylvania, and the role of ICTs and political participation is being further explored in Eastern Africa though a joint project funded by the Carnegie Corporation involving universities in Ethiopia, Kenya, Somalia, and Uganda.

PCMLP's annual programmes have grown significantly over the past two years. The International Rounds of the Price Moot have been complemented with a series of regional rounds in the Americas, South East Europe, Middle East, and South Asia. The programme has been able to improve access to the Annenberg-Oxford Summer Institute through scholarships for students from developing countries, making the programme even more diverse and selective.

Nicole Stremmlau



Oxford Transitional Justice Research

Oxford Transitional Justice Research (OTJR) is an inter-disciplinary network of University of Oxford staff and graduate students with a research interest in the justice processes employed by societies following large-scale human rights violations. The group currently focuses on four research-oriented activities: seminars and conferences; working papers; publications; and policy work.

Since 2007, OTJR has run a successful weekly seminar series. The series is supported by the Planethood Foundation and has hosted leading academics and practitioners from around the world. Past speakers have included Luis Moreno Ocampo (the former Prosecutor of the International Criminal Court), Prof Mark Drumbl (Washington and Lee University), Prof Kieran McEvoy (Queens University) and Prof Mahmood Mamdani (Columbia University). The series has consisted of over 120 individual presentations and is now considered UK's premier forum for transitional justice debates. OTJR hosted two international conferences in 2009 and 2012, four symposia and ten lunchtime workshops. These initiatives have been supported by, amongst others, the Economic and Social Research Council, the John Fell Fund, the Oak Foundation, and the Planethood Foundation. In addition to these events, the OTJR Working Paper Series provides an online forum where scholars and practitioners can disseminate their research and practical experiences regarding transitional justice.

Both the OTJR events and its working papers have led to a number of academic publications. In 2012 OTJR published the edited collection, *Critical Perspectives in Transitional Justice* (Intersentia) and papers presented at the OTJR seminar series and/or edited through the working paper series have been published in *African Affairs*, *Journal of Human Rights Practice*, *African Journal of International and Comparative Law* and the *Duke Journal of Comparative and International Law*. Finally, OTJR has pursued policy work with the UN Office of the High Commissioner for Human Rights, Human Rights Watch, the Public International Law and Policy Group, and the Institute for Legal Practice and Development.

Nicola Palmer



The Foundation for Law, Justice and Society

The Foundation for Law, Justice and Society (FLJS) is an independent institution affiliated with the Centre for Socio-Legal Studies and Wolfson College. Established in 2005, the mission of the Foundation is to study, reflect on, and promote an understanding of the role that law plays in society. It aims to identify issues of contemporary interest and importance, and distil academic knowledge and understanding in order to equip practitioners with knowledge of immediate relevance to their work. The Foundation's aim is to make its work easily accessible to professionals in government, business, and the law, and in so doing, to bridge the gap between academia and policymaking. The Foundation does this by bringing together the world's top thinkers at its public events, and through a dynamic online presence. To find out more about its work, please visit www.fljs.org, where you can register for upcoming events and browse a wide range of policy briefs, reports, opinion pieces, and podcasts.

Denis Galligan

Notes from our researchers



DNA and the Law

Although there is no standard route to CSLS mine is a little more unusual than most. My degree was in physiological sciences, with a PhD in brain development. After a brief post-doc in neural stem cell research I decided on a change of direction. I undertook a Graduate Diploma in Law and the Bar

Vocational Course before starting at CSLS as a research assistance on a project looking at the way in which jurors view intentionality under the relatively new offence of 'causing or allowing the death of a child'. Towards the end of this project I obtained ESRC small grant funding to examine how jurors understand and use DNA evidence when making a decision about a suspect's guilt or innocence. My suspicion was that lay jurors had little comprehension of what a DNA profile is and therefore how to use this information in the context of a trial. This project generated some interesting and novel findings, particularly in relation to the relative impacts of random match probabilities and contextual information on verdict choices. In essence the results demonstrated that people have a very limited base understanding of some aspects of DNA evidence, and that contextual clues are used far more readily to make decisions than numeric clues, such as random match probabilities. People are generally better story tellers than calculators, particularly with low probability events!

I have an interest in a broad range of medico-legal issues from DNA evidence to genetic contributions to parenting in emerging technologies such as mitochondrial donations. I am currently integrated into the European Civil Justice programme working on medical device regulation assessing the proposed changes to the medical device directive and writing case studies on the PIP breast implant scandal and metal-on-metal hip joints.

Sonia Macleod



Charity regulation in China

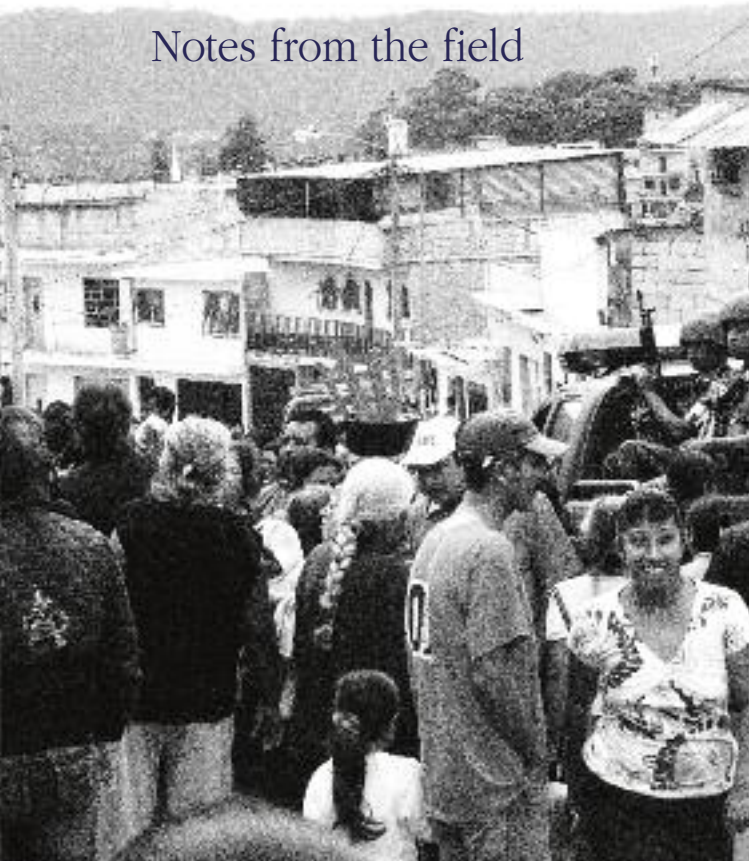
As a BCL student, I had the pleasure of taking a paper at the Centre on Law in Society, a course which broadened my legal horizons by introducing me to the socio-legal discipline and methods of empirical research. The following year, my longstanding interest in China led me to choose a MPhil/DPhil project exploring the regulation of illegal or quasi-legal grassroots organizations in China working with vulnerable children, and in particular the local understandings, expectations, and experiences of Chinese charity workers regarding the role and function of law in modern society. As a CSLS student, I was supported during my fieldwork academically, administratively, and financially. On my return to Oxford to write up my findings, it was enormously beneficial to be able to partake in the academic life of the Centre throughout my time as a research student. Faculty and student presentations, workshops, conferences, and social gatherings all provide CSLS students with ample exposure to a diverse range of research projects. I concluded my DPhil in February 2012, and took up a short-term post-doctoral research fellowship at the Centre before securing a lectureship at Marquette University Law School, Wisconsin, where I teach Asian Law and Comparative Human Rights. My time at CSLS has served me well in adjusting to an academic career in a new jurisdiction, and I look forward to passing on some of what I gained in Oxford to my students in the USA.

Anna Kloeden



Students

Notes from the field



Violence in Contemporary Guatemala: Order and Insecurity at the Margins of State and City

'Like ancient ruins' is how one resident described the many looted shells of abandoned homes in her poor and notorious sector of Guatemala City, where I have been conducting ethnographic fieldwork. Empty homes and displaced neighbours are just one facet of how changes in the culture and criminal economy of local gangs have re-shaped the physical and social landscape of their communities. When people tell stories about how their neighbourhood has changed, they frequently express nostalgia and a sense of loss over the abandonment of the *códigos de barrio* – the neighbourhood codes – that organized relationships within the community, within the gang, and between the gang and its neighbourhood. Gangs that based the logic of their existence in protection of the *barrio* have become parasitic on it.

Guatemala City's 'red zones' have historically existed at the periphery of the legal and social order. Residents' narratives emphasize the fear and regret occasioned by the loss of tacit codes that *did* work locally to make precarious situations more predictable, manageable, and liveable. My doctoral research explores how such stories further our understanding of the local ordering and experience of crime and insecurity, and the effects of violence on Central America's most vulnerable urban communities.



Katherine Saunders-Hastings

The Singapore Trials: A Historical and Socio-Legal Study of Post-WW11 Trial Conducted by the British Authorities in Singapore

My research on British war crimes trials conducted in Singapore after WWII has brought me to various archives in the UK and Singapore, such as the UK National Archives (Kew Gardens), the UK Parliamentary Archives, and the National Archives of Singapore. My journey through these worlds of archives has been exciting and bewildering. As I sieve through trial discussions and proceedings recorded on tissue-thin paper, brittle and yellow with age, I am constantly amazed at the wealth of information and clues that they reveal. And I am even more amazed at the meticulousness of record-keeping then, long before our electronic age. Every exchange between the accused person, judges, prosecutor, and defense counsel has been captured word for word, enabling the trials to unfold before one's eyes. Nevertheless, navigating these archives has not been without its challenges. I have often found myself hunting for a missing document or trying to decipher smudged signatures. On occasion, while combing through particular archival collections, I have stumbled upon unexpected documents confirming or demolishing an emerging hypothesis – to my delight or frustration. I have learnt much, not least the virtues of patience, persistence, and rigour.



Wui Ling Cheah

The International Criminal Court, the International Crimes Division, and the case of the 'Interests of Justice' in Uganda

I am currently conducting the first part of my fieldwork at the International Criminal Court in The Hague. I entered the Court as an intern in the Investigations Division of the Office of the Prosecutor (OTP) and this is giving me a great opportunity to learn about how the court works from the inside on the specific issues I am researching, as well as to make contact with key relevant actors that I wish to interview for my project. The OTP has so far proven to be an extremely interesting environment and I have come across many visions and points of view that promise to make my data gathering a very rich experience. On this basis, I am going to travel to Uganda in the summer of 2013, and gather the second half of my data, which will include interviews with specific stakeholders engaged in the work of the Ugandan International Crimes Division. The two sets of data should complement each other in such a way as to give me a comparative ground upon which I will base my thesis.



Matilde Gawronski

Current students

Varvara Andrianova, *Roles of Judges in Shaping Popular Perceptions of Law and Courts in England and Russia*

Sebastian Castro Quiroz, *Do Courts Matter? The Role of Courts in Economic Regulation*

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Ingrid Cloete (MPhil), *To what extent does South African Law provide for Public Participation in Environmental Decision-making?*

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Andrew Tickell, *Discursive Construction of the Problem? Admissibility Decision-Making of the European Court of Human Rights*

Asma Vranaki, *Law as one of the Manifestations of Power in Online Social Networking Sites (OSNS): An Analysis of Protection and Violation of Copyright and Privacy Interests in OSNS*

Ling Zhou, *Protecting the Consumer in Transforming China? The Unsteady Development of Chinese Consumer Law*

Felix-Anselm van Lier, *Towards a Hybrid Pouvoir Constituant: The Constitution-Making Process in Libya, a Socio-Legal Approach*

Completed theses

Neil Chisholm, *American Law in Korea: A Study of Legal Diffusion*

Eric Ip, *Constitutionalism under China: Strategic Interpretation of the Hong Kong Basic Law in Comparative Perspective*

Anna Kloeden, *Government Beyond Law: Exploring Charity Regulation and Spaces of Order in China*

Tatiana Kyselova, *Contract Enforcement in Post-Soviet Ukrainian Business*

Emily Mok, *International Assistance and Cooperation in Access to Essential Medicines: A Study of the Issues in Governance and Implementation*

Rebecca Money-Kyrle, *Pre-Charge Detention of Terrorist Suspects and the Right to Liberty and Security*

Phillip Paiement (MSt), *Spatial Justice in European Union Regional Development: Local Interpretations of the SOL currency project in Grenoble*

Avanti Perera, *Medical Negligence Claims in Sri Lanka: A Dispute Perspective*

Justine Rogers, *Pupillage: The Making of the Barristers' Profession*

Aruna Sathanpally, *The Potential and Practice of Weak Remedies in Human Rights Adjudication: A Study of Declarations of Incompatibility in the United Kingdom*

Griha Singla (MSt), *Judicial Approaches to the 'War on Terror': A Socio-legal Analysis of Inter-Institutional Relationships in the United States and the United Kingdom*

Nabiha Syed (MSt), *A Tale of Two Transparencies: Defining the Right to Know through the U.S. Freedom of Information Act and Leaks Movements*

Emiliana Versteeg, *Words of Liberty: On the Origins and Evolution of Constitutional Ideas*





Regular seminars hosted by the Centre and its members include:

- the CSLS weekly seminar series
- the CSLS students' discussion group
- the regulation discussion group
- the weekly seminars organized by OTJR.

The Annenberg-Oxford Media Policy Summer Institute and The Price Media Law Moot Court are organized annually by PCMLP.

In addition a number of special events were held:

2012

Legalism: Justice and Community

7 & 8 December

Workshop organized by Fernanda Pirie and Judith Scheele

New Trends in African Media: The Growing Role of China

9 November

Workshop organized by PCMLP

CSLS 40th Anniversary Event

Wolfson College, 22 June

Organised by the Centre for Socio-Legal Studies

Chinese Media Legislation and Regulation:

Trends, Issues and Questions

15 & 16 June.

Workshop organized by PCMLP

The 'Right to be Forgotten' and Beyond: Data Protection and Freedom of Expression in the Age of Web 2.0

12 June

Workshop organized by David Erdos and OxPILS

The Russian Socio-Legal Tradition

19 April

Workshop organized by Marina Kurkchyan, with the FLJS

Will there be an Ethiopian Spring? Reflections on New Media and Political Change in Ethiopia

6 March

Workshop organized by Iginio Gagliardone

Media and Governance in Developing Countries

January and February

Seminar series organized by PCMLP with the LSE and the Centre for Governance and Human Rights, Cambridge

Media Policy after the Arab Spring

23 February, Qatar

Workshop organized by PCMLP

2011

The Second Annual Symposium on Media and New

Technologies in India

19-20 December, Delhi

Organized by PCMLP

Presenting DNA Evidence

30 November

Workshop organized by Sonia Macleod

The Politics and Culture of Non-State Censorship in

Contemporary India: Contextualising the Ramanujan

Ramayana Essay Controversy

30 November

Lectures organized by PCMLP and the South Asia History Seminar Series

The Hidden World of Consumer ADR: Redress and Behaviour

28 October

Conference organized by the CMS Programme in Civil Justice Systems

Constructing Legal Culture through Institutional Reforms:

The Russian Experience

28 September

Workshop organized by Marina Kurkchyan, with the FLJS

Somali Media and the Diaspora

29-30 June

Workshop organized by PCMLP

The Foundations of Law: Legalism in the Ancient World, Europe and Asia

6 & 7 June

Workshop organized by Fernanda Pirie and Paul Dresch, with St John's College

Events organized with the FLJS

2012

Jürgen Habermas: The Crisis of the European Union

27 November

Discussion organized by Denis Galligan

Courts as Representatives

18 & 19 October

Lecture by András Sajó, panel discussion and workshop.

Constitutions and the Classics: Coke, Blackstone and Rousseau

4 October

Workshop organized by Denis Galligan

How Do Constitutions Matter?

29 June

Workshop organized by Denis Galligan

Redirecting Fleet Street: Media Regulation and the Role of Law

18 May

Panel discussion

Annual Lecture in Law and Society: The Strange History of the American Federal Bill of Rights

by Professor Pauline Maier

17 May

The Social and Political Foundations of Constitutions

June 2011 to May 2012

Series of workshops organized by Denis Galligan

The Promise and Pitfalls of Federalism: Constitutional Development for the Twenty-First Century

25 April

Workshop

Constitutional Revolution and the Arab Spring

24 February

Workshop jointly organised with the University of Virginia, Charlottesville

2011

The Consequences of Populism for Constitutions

29 October

Workshop in Sofia organized by Denis Galligan

Risk Versus Hazard: Hypocrisy in Policy

12 October

Panel discussion organized by Denis Galligan

How Do Constitutions Present the People?

28 September

Seminar organized by Denis Galligan

The Court of Public Opinion: Justice, the Media and Popular Will

8 July

Workshop

Constitutions and the Media: How the Media Presents and

Reports on Constitutional Affairs

16 June

Workshop organized by Denis Galligan

Annual Lecture in Law and Society: The Indirect Origins of the Juridical Constitution

by Professor Denis Galligan

15 June

Constitution as Contracts, Constitution as Charters

25 May

Lecture by Professor Tom Ginsburg

Who Regulates the Regulators? Issues of Accountability and Liability of Regulators

14 April

Workshop

Constitutions and Constitutionalism in Central and East Europe

24 & 25 March

Workshop and lecture by Professor Janos Kis in Budapest

The Role of Courts in a Democracy: A Debate

11 February.



Publications

- **Benöhr, I.** 2012. Consumer Dispute Resolution after the Lisbon Treaty, *Journal of Consumer Policy* 1:29–38.
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- **Pirie, F.** 2012. Legal dramas on the Amdo grasslands: abolition, transformation or survival? In K. Buffetrille (ed.) *Revisiting Rituals in a Changing Tibetan World*. Leiden: Brill.
- **Price, M. & Stremiau, N.** 2012. Media and Transitional Justice: Towards a Systematic Approach, *International Journal of Communication* 6: 1077–99.



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