The Centre for Socio-Legal Studies

Graduate Student Handbook 2015–16

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1.0 Introduction

Welcome to the Centre for Socio-Legal Studies!

This Handbook is intended as a guide for students at the Centre, and should complement and, where necessary, supplement the information in your Law Faculty Handbook. You will find further information, particularly about the research interests of Centre members, on its website: https://www.law.ox.ac.uk/centres-institutes/centre-socio-legal-studies.

1.1 Centre Members

CENTRE DIRECTOR

Dr Marina Kurkchiyan, *Senior Research Fellow and Wolfson College*
Sociology of law; Comparative legal cultures; Rule of Law and regulative power of law in non-Western economies

DIRECTOR OF GRADUATE STUDIES

Dr Bettina Lange, *Associate Professor in Law and Regulation*
UK, German and EU environmental regulation; qualitative empirical socio-legal research methods, including discourse analysis; socio-legal theories of regulation.

RESEARCH STAFF

Dr Christina Cook, *Research Officer in the legal regulation of water resources*
Water security and the water-energy nexus; scale and politics in water governance; the intersection of land use planning and water governance

Dr Naomi Creutzfeldt, *ESRC Research Fellow*
Civil justice systems and access to justice; Alternative Dispute Resolution (ADR); EU law and regulation; risk regulation and risk communication; media and political communication across cultures; ombudsmen and procedural justice

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

Dr Iginio Gagliardone, *Leverhulme Early Career Research Fellow*
International communication; media and governance in Africa; political transitions; China-Africa relations

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

Professor Christopher Hodges, *Professor of Civil Justice Systems & Head of the CMS/Swiss Re Civil Justice Programme*
Product liability; civil justice systems

Dr Agnieszka Kubal, *British Academy Postdoctoral Research Fellow*
Migration and law; comparative legal cultures; social theory

Dr Sonia Macleod, *Research Officer, Civil Justice Programme*
Product liability, involving medicines and medical devices injuries,

Dr Fernanda Pirie, *Associate Professor in Socio-Legal Studies*
Anthropology of law; legalism; history of law and conflict resolution in the Tibetan region

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 Ying Yu, *Visiting Sponsored Researcher in EU-China Consumer Protection and Dispute Resolution*
Consumer protection policy and law; comparative law

ADMINISTRATIVE STAFF

Katie Hayward, Administration Officer (Acting Administrator for Michaelmas Term)

CENTRE ASSOCIATES

Dr Miriam Allena, *Bocconi University, Milan*
Administrative law and public procurement law

Dr Paolo Cavaliere, *Edinburgh Law School, University of Edinburgh*
Pluralism and diversity in the media, e-democracy and the relationship between new media and politics

Professor David Cowan, *University of Bristol Law School*
Social theory and housing systems

Dr Rogier Creemers, *University of Oxford China Centre*
China media law and policy, communication and culture

Dr Janina Dill, *Department of International Relations, London School of Economics,*
International humanitarian law & international criminal law; philosophy of war, just war theory; law and morality in international relations theory, specifically constructivism; the emergence and demise of states in international law

Dr David Erdos, *University of Cambridge*
Privacy and data protection in law and practice; freedom of expression; freedom of information; constitutional theory and practice and human rights

Professor Lawrence Gostin, *Georgetown University, Washington DC*
Mental health policy

Professor Marc Hertogh, *University of Groningen, the Netherlands*
Public opinion about law, legal consciousness, legal pluralism, administrative justice

Philip Lewis, *All Souls College*
Legal professions

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

Professor Doreen McBarnet
Business regulation and governance, business practice and compliance, corporate governance and corporate responsibility

Dr Rebecca Money-Kyrle
Constitutional and administrative law and human rights, European and comparative law

Kaveh Moussavi
Public interest law and litigation

Professor Monroe Price, *Annenberg School for Communication*
Communications law; art law; regulation of mass media

Dr Eleanor Pritchard, *QMUL*
Law and nationalism in Kosovo

Professor William Twining
Globalisation and law; theories of law and society

Dr Lisa Vanhala, *University College, London*
Comparative politics; law and courts; comparative constitutionalism; human rights; environmental policy; new social movements

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 https://www.law.ox.ac.uk/centres-institutes/centre-socio-legal-studies/centre-socio-legal-studies-visitor-programme/centre.

STUDENT REPRESENTATIVES

Felix-Anselm van Lier
Stacy Topouzova

Pedro Fortes
Cristina Golomoz

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 Kurkchiyan)

Leila Faghfouri Azar, *Regents College*
Rethinking democracy from the perspective of the refugee: a case study on Iranian diaspora (Supervisor Dr M Kurkchiyan)

Elena Butti, *St. Cross College*
An analysis of child-witnesses' testimonies in transitional justice institutions (Supervisor Dr F Pirie)

Sebastián Castro, *Wolfson College*
Do courts matter? The role of courts in economic regulation (Supervisors Dr B Lange and Dr C Decker)

Arthur Choo, *Wolfson College*
A socio-legal analysis of North Korean Refugee Resettlement (Supervisor Dr M Kurkchiyan)

Diana Dajer, *St Anne's College*
Peacebuilding from the ground up: Collective action in Colombian transitional justice scenario (Supervisor Dr B Lange)

Rebecca Elvin, *University College*
Judicial accountability in divided societies: a comparative approach (Supervisor Prof D Galligan)

Elham Ali Fakhro, *St. Anthony's College*
Judicial behaviour in the gulf cooperation council states: do constitutions matter? (Supervisor Prof D Galligan)

Fernanda Farina, *Lincoln College*
From democracy to 'juristocracy': expansion of judicial power from the Brazilian perspective (Supervisor Dr B Lange)

Pedro Rubim Borges Fortes, *St Hilda's College*
Class actions in Brazil: a socio-legal enquiry (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 Kurkchiyan)

Cristina A. Golomoz, *New College*
The ownership of archives in formation (Supervisor Dr F Pirie)

Ivo Gruev, *Merton College*
The limitations of the Bulgarian Constitutional Court with regard to the fundamental rights protection of citizens (Supervisors Prof D Galligan, Dr M Kurkchiyan)

Binesh Hass, *Wadham College*
Theories of rights and their socio-political foundations in constitution-making contexts (Supervisor Prof D Galligan)

Anneloes Hoff, *St. Anthony's College*
Local Voices in Colombian mining governance: An analysis of legal and non-legal public participation mechanisms (Supervisor Dr F Pirie)

Friso Jansen, *St. Anne's College*
An enquiry into the regulation of medical and legal professionals using a law and society approach (Supervisors Dr C Decker and Dr M Kurkchiyan)

Owain Johnstone, *Christ Church College*
An empirical investigation into the impacts of International Law, focusing on the impacts of the Human Trafficking Protocol (Supervisor Dr F Pirie)

Charlotte Kelly, *Balliol College*
A socio-legal exploration of legal transplantation in the field of children's rights law in Indonesia and Singapore (late Colonial-modern day) (Supervisor Dr M Kurkchiyan)

Sajjad Khoshroo, *St. Anthony's College*
Civil Compromise in Islamic Law: Case study of Islamic Finance and Women's Rights (Supervisor Dr M Kurkchiyan)

David Kwok, *St. Cross College*
The underworld justice system in Chinese societies (Supervisor Dr F Pirie)

Felix van Lier, *Blackfriars College*
Towards a hybrid pouvoir constituent. The constitution making process in Libya: socio-legal approach (Supervisor Dr F Pirie)

Heather McRobie, *Wolfson College*
The challenges of Bosnian independent civil society and civic identity under the Dayton Constitution (Supervisors Prof D Galligan with Dr M Kurkchiyan)

João Loreto Ilhão Moreira, *St. Cross College*
Cognitive and role biases in arbitral decision making (Supervisor Dr B Lange and Prof C Hodges)

Madhavi Ramankutty, *Hertford College*
Constitutionalism: Postnational constitutional structure of the European Union and its ability to adequately protect human rights (Supervisor Prof D Galligan)

Alice Schneider, *Christ Church College*
Legal cultures of privacy (Supervisor Dr B Lange)

Katarina Sipulova, *St. Anthony's College*
The role of constitutional courts in decomunization process in the Czech Republic and Slovakia (Supervisor Prof D Galligan)

Claire Stockwell, *Linacre College*
The effectiveness of second best solutions: Climate change & the courts (Supervisor Dr B Lange)

Stanislava Topouzova, *St. Cross College*
Does the removal of the law end the "transition"? The consequences of the Accession (Immigration and Worker) Regulations 2006 for Bulgarian migrants in London after January 1st 2014 (Supervisors Dr M Kurkchiyan and Dr A Kubal)

Andres Gonzalez Watty, *Wolfson College*
Public policy and regulation; legitimacy and accountability in international organizations; administrative law (Supervisor Dr B Lange)

Ling Zhou, *St Peter's College*
Protecting the consumer in transforming China? The unsteady development of Chinese consumer law (Supervisor Dr F Pirie)

1.2 Centre Facilities

Desk space

The Centre allocates a desk and PC to all new research students, and makes them available to continuing students, depending on space, on a year by year basis. As space is limited, the situation is reviewed each term. If not used regularly, your desk will 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.

IT

If you have any minor IT or printing problems, please direct these in the first instance to the Acting Administrator, Katie Hayward. Any major problems need to be directed to the Manor Road Building IT helpdesk, who are located on the first floor of the Manor Road Social Science Building. They can be reached by telephone on 84240 or by emailing itsupport@manor-road.ox.ac.uk from your Oxford email address.

Centre Access

The Centre is open during office hours, but access after office hours is by swipe access with your university card. 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 arranged. 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 are secure as you enter and leave. Please ensure doors are shut behind you and you 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 Hayward for details. 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.

Coffee mornings

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

Tidiness

Centre members are obliged to keep the Centre tidy and as they would wish to find it. This includes the sofa area and the kitchenette. After Centre events—seminars, coffee mornings—please help to wash and tidy away.

Canteen
The Manor Road building has a canteen which is open 8.00am to 4.00pm, and sometimes longer during the term, selling morning goods, drinks and snacks, and hot and cold lunches.

1.3 University Facilities

Libraries

The Bodleian Libraries form the integrated library service of the University of Oxford, offering over 9 million volumes, 26 site libraries, 3,800 study places, 48,000 online journals, hundreds of research databases, document supply services, information skills training programmes and world-class staff expertise: www.bodleian.ox.ac.uk/.

Your University card gives access to all libraries although you may have to register on first use. Introductory lectures are run at all libraries, which you are encouraged to attend.

To search the collections, locate items, access online resources, reserve or renew books, and for the library's instant chat service, please use SOLO (Search Oxford Libraries Online): solo.bodleian.ox.ac.uk/. For off-site access to online resources you can log-in to SOLO with your Single-Sign-On. Once you have received your university card, you can set-up a library password to log-in to library PCs or connect your laptop to the Bodleian Libraries network: register.bodleian.ox.ac.uk/.

An extensive range of guides to resources and services is available online, libguides.bodleian.ox.ac.uk/, including details of forthcoming training, libguides.bodleian.ox.ac.uk/workshops.

The Bodleian Social Science Library (SSL) is the main library for Oxford University's Social Sciences Division and particularly supports the Departments of Economics, International Development, Politics & International Relations, Sociology, and the Centres for: Criminology, Refugee Studies, Russian & East European Studies, and Socio-Legal Studies. The SSL is housed on the ground floor of the Manor Road Building, www.bodleian.ox.ac.uk/ssl, and is open 7 days a week during term-time (9am to 10pm Mon–Fri, 10am–6pm Sat, 11am–7pm Sun). The SSL offers a variety of study spaces, including graduate study rooms, individual study carrels, and two group discussion rooms which are available for booking. For answers to FAQs (Which password do I use? How do I print, copy and scan? How do holds work?), please see the SSL Getting Started webpage: bodleian.ox.ac.uk/ssl/gettingstarted/. The SSL website also provides links to the Library's Facebook page, RSS feed, Twitter account and the 'ask an SSL Librarian' enquiry form.

To arrange a one-to-one research support appointment with the SSL subject consultant please see the web page: www.bodleian.ox.ac.uk/ssl/quick-links/research-resources-appointments For other contacts and information about library services: www.bodleian.ox.ac.uk/ssl/quick-links/contact. To request new library materials for purchase, email the details to ssl-orders@bodleian.ox.ac.uk.

In addition to the SSL, there are separate social science libraries for Anthropology, Business, Education, and Law. Area studies are well-served by the Vere Harmsworth Library, Rhodes House Library, the Oriental Institute Library, the Latin American Centre Library, the Bodleian Japanese Library, and the Chinese Centre Library.

Oxford College Libraries offer collections and services to their own members. Nuffield College also offers reference access to its library to all postgraduate members of the University, and hosts and supports the Data Library with a Data Officer who specializes in supporting graduates needing to create or use qualitative data.

IT 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 IT Services Centre provides many services which you are encouraged to make use of. Please see their website: www.it.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.

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.

2.0 Research Training

2.1 Theory and Methods in Socio-Legal Research

This course provides the basic training required for all new graduate students. 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 16-25 of this Handbook. Seminars take place from 2.00–3.55pm in Seminar Room D of the Manor Road Building.

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.

2.2 Weekly Seminar Series

The Centre convenes a weekly 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 4:00pm in Room D of the Manor Road Building. Attendance is compulsory for first year 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 of common interest and maintain the research community. Many students find informal conversations an invaluable source of advice and ideas.

2.3 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. Information will be widely distributed.

2.4 Conferences and Seminars

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

2.5 Additional Classes

In addition to the basic course outlined above, we recommend that you consider – in discussion with your supervisor - to attend further classes:

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

Politics and International Relations (DPIR)

- Statistical Methods in the Social Sciences (lectures)
- Intermediate Social Statistics (lectures and classes)
- Case Study Research
- Elite Interviewing
- Social Network Analysis

Sociology

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

Law

- Legal Research Method: the training course offered by the Law Faculty to its research students. More information about this can be found in the Law Faculty Graduate Student Handbook.

b) Methodology courses arranged by the Doctoral Training Centre (DTC). For further information see: http://researchtraining.socsci.ox.ac.uk/

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.

2.6 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 raise any issues you wish with the Centre's Director of Graduate Studies (DGS), Dr Bettina Lange and also talk to your College adviser.

Dr Eleanor Pritchard, an Associate and former student at the Centre, is available as an informal advisor in case you have issues you would like to discuss in confidence. These issues could include practical problems relating to your research and fieldwork but Eleanor is also equally happy to advise you on any unofficial matters relating to your life in Oxford.

Eleanor can be contacted at eleanor.pritchard@gmail.com.

2.7 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 https://www.law.ox.ac.uk/sites/files/oxlaw/final_pgr_handbook_2015-16_0.pdf.

Transfer and Confirmation of Status

Details about the purpose and requirements of Transfer of Status are available in the Law Faculty Handbook.

Please note that, for Confirmation of Status, the requirements of the Centre are different from those of the Law Faculty. The reason is to ensure that the student gets detailed and supportive advice at an important stage of the research process. The Centre's requirements are particularly suitable for students who have collected a substantial amount of empirical data. 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 one or two assessors, who will conduct an oral examination with the student.

2.8 Residence Requirements
The University takes residence requirements very seriously. Please refer to the Law Faculty Handbook 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.

2.9 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

2.10 Centre Citizenship
Students are encouraged to play a full part in the Centre community as well as the student community. Their views are represented at the Centre's General Purposes Committee through the Student Representative, Felix-Anselm van Lier.

3.0 Theory and Method in Socio-Legal Research

The course is intended to develop an appreciation of law as a social phenomenon, to introduce influential theoretical perspectives, and to consider the variety of methods by which socio-legal research questions might be addressed. The course does not seek to provide a comprehensive coverage of the whole field of social-legal inquiry, but focuses instead on selected issues as an introduction to and way of illustrating the approaches taken by a variety of scholars. Each of the seminars is a self-contained, stand-alone session.

Attendance is not optional. It is a part of the methodological training required of all CSLS students. However, to ensure a sufficient link between the course and your project, you may substitute relevant sessions provided elsewhere at the University for up to two sessions in Michaelmas Term and up to three sessions in Hilary Term. This should be discussed and agreed with your supervisor, and the Centre's Director of Graduate Studies should be informed.

MICHAELMAS TERM

Sessions in Michaelmas Term are intended to provide an introduction to a selection of key approaches and debates in contemporary socio-legal studies. The discussions will explore the nature of law and the various forms it takes in a variety of social settings and relationships. Understanding the nature of different theoretical and disciplinary approaches to the study of law will equip you with the perspective necessary to pose questions that are relevant to the field, and to appreciate the range of different ways in which you might explore them. The overarching objective of the term is to empower you to ground your project in the socio-legal field, while enabling you to exercise as much choice as possible about how you frame your project intellectually.

WEEK 1: Monday 12th October, Professor D J Galligan
Introduction to the socio-legal field.
The aim of the seminar is to introduce students to the study of law in society, which means identifying the general objectives and methodology of this approach to understanding law. The seminar begins with legal theory, as demonstrated by Hart in the *Concept of Law*; it then shows how to move from legal theory to law in society. This in turn leads on to discussion of the central issues in the study of law in society and how to approach them.

Essential reading:
H.L.A., 1961. *The Concept of Law*. Oxford University Press, chapter V.
Weber, M., 1968. *Economy and Society,* Roth, G. and Wittick, C. (eds). Berkeley: University of California Press, Vol I, pp. 22–36.

Further reading:
H.L.A., 1961. *The Concept of Law*. Oxford University Press, chapter VI
Durkheim, E. 1984. *The 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. 1991. *Order Without Law.* Harvard, Part II.

WEEK 2: Monday 19th October, Dr. Marina Kurkchiyan
Meanings of law within competing models of social order.

This session deals with approaches that have been developed to explain 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, which develops an assortment of theoretical models. Whichever approach is taken, it will affect, either implicitly or explicitly, the way in which the nature of law is understood and its role in organizing social order. During the session we will analyse 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:

Turner, Bryan S. (ed.) 1999. *The Blackwell Companion to Social Theory*. pp 19–71.
Kurkchiyan, M. 2010. Perceptions of Law and Social Order: A Cross-National Comparison, *Wisconsin Journal of International Law* 27, 3. (will be distributed).

WEEK 3: Monday 26th October, Dr Bettina Lange
Is law a regulatory tool or a knowledge regime? Focus on contemporary regulation theories and Foucault.

The purpose of this session is to render explicit how specific ways of understanding law steer socio-legal research towards particular research questions and perspectives. We will explore two influential socio-legal conceptions of law. First, the session will critically analyse an instrumentalist conception of law, which perceives law as a powerful normative order that can regulate social actors' behaviour and facilitate social change. Second, the session will contrast this instrumentalist conception with a symbolic understanding of law. Here law is a particular way of representing and understanding the social world. We will discuss how this idea of law as a knowledge regime has been developed by the French philosopher Michel Foucault.

Essential reading:
Golder, Ben and Fitzpatrick, Peter. 2009. *Foucault's Law*. London: Routledge. Ch.1.
O'Malley, Pat, Nicholas Rose, and Mariana Valverde. 2006. 'Govermentality', *Annual Review of Law and Social Science*, 2, pp. 83–104.

Further reading:
Haines, Fiona, 2011, *The paradox of regulation: what regulation can achieve and what it cannot.* Cheltenham: Edward Elgar., Chs 2 and 9.
Walby, Kevin. 2007. Contribution to a post-sovereigntist understanding of law: Foucault, law as governance, and legal pluralism' *Social and Legal Studies* 16 (4): 551–71.
Tadros, Victor. 1998. Between Governance and Discipline: The Law and Michel Foucault, *Oxford Journal of Legal Studies*, 18 (1): 75–103.

WEEK 4: Monday 2nd November, Dr Marina Kurkchiyan
Law in everyday life: the study of legal consciousness within the Law & Society movement.

Much legal study, perhaps most of it, by its very nature concerns itself with the extraordinary. To focus on case law is, as we know, to focus on the unusual. Most disputes do not reach the stage of court judgments, let alone litigation. Socio-legal research of the law in action, such as studies of the police or regulatory enforcement processes or the implementation of law in public agencies, represents an attempt to shift the scholarly focus from the extraordinary to the ordinary. These visible practices have been observed and documented by researchers for many years as a key element of the socio-legal enterprise. The study of legal consciousness within socio-legal studies, however, represents a shift even further into the ordinary, quotidian and, crucially, almost invisible life of law in society. To study legal consciousness is to study the taken-for-granted and not-immediately-noticeable: the background assumptions about legality which structure and inform everyday thoughts and actions.

Essential reading:
S Silbey 'After Legal Consciousness' *Annual Review of Law and Social Sciences,* (2005) 1 323
S Halliday and B Morgan, (2013) 'I Fought the Law and the Law Won? Legal Consciousness and the Critical Imagination' 66 *Current Legal Problems* pp. 1-32
David Engel, How does law matter in the constitution of legal consciousness? In Sarat, A. and Garth B.G. (eds.) 'How does Law Matter? Fundamental Issues in law and Society'

Further reading:
P Ewick and S Silbey *The Common Place of Law: Stories from Everyday Life* (Chicago University Press, 1998)
A Sarat '"... The Law is All Over:" Power, Resistance, and the Legal Consciousness of the Welfare Poor' (1990) 2 *Yale Journal of Law and the Humanities* 343
LB Nielsen 'Situating Legal Consciousness: experiences and attitudes of ordinary citizens about law and street harassment' (2000)34 Law & Soc. Rev. 1055
M Hertogh, 'A "European" Conception of Legal Consciousness: rediscovering Eugen Ehrlich' (2004) 31 *JLS* 455

WEEK 5: Monday 9th November, Professor Rosemary Hunter
Gender, Class, Race, Sexuality and Power

Law and society scholarship necessarily proceeds from a particular – though often unarticulated – conception of society. This seminar considers the consequences for law and society scholarship of so-called 'conflict' models of society, i.e. those which see power as unevenly distributed among social groups, with some groups exercising domination over others. This has implications for categories of analysis such as 'identity', 'experience' and 'agency', and also raises questions about the relationship between different axes of subordination, and about the role of law in perpetuating social subordination.

Essential reading:
Rosemary Hunter, 'The Gendered "Socio" of Socio-Legal Studies', in Dermot Feenan (ed), *Exploring the 'Socio' of Socio-Legal Studies* (Palgrave Macmillan, 2013) 205-227.
Hilary Sommerlad, 'That Obscure Object of Desire: Sex Equality and the Legal Profession', in Rosemary Hunter (ed), *Rethinking Equality Projects in Law: Feminist Challenges* (Hart Publishing, 2008) 171-194.

Further reading:

Ruth Fletcher, 'Feminist Legal Theory', in Reza Banakar and Max Travers (eds), *An Introduction to Law and Social Theory* (Hart Publishing, 2002) 135.

Michel Foucault, *The History of Sexuality, Volume 1: An Introduction* (Penguin Books, 1976/1990).

Emily Grabham, Davina Cooper, Jane Krishnadas and Didi Herman (eds), *Intersectionality and Beyond: Law, Power and the Politics of Location* (GlassHouse/Routledge, 2009).

Cheryl Harris, 'Whiteness as Property' (1993) 106 *Harvard Law Review* 1707.

Max Travers, *Understanding Law and Society* (GlassHouse/Routledge, 2010) chapters 4 and 5.

WEEK 6: Monday 16th November, Dr Chris Decker
Key discussions in 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:

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

Sunstein, C. and R. Thaler. 2003. Libertarian Paternalism Is Not An Oxymoron, *University of Chicago Law Review* <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=405940>

Further reading:

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

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

Van den Bergh, R. 1996. Law and economics: the growth of law and economics in Europe, *European Economic Review* 40: 969–77.

WEEK 7: Wednesday 25th November, Professor Dave Cowan
Note date
Exploring the legal in socio-legal studies.

Much socio-legal study is by its nature less interested in technical law. As William Twining says, we are not "plumbers", as doctrinal lawyers have described us, but "basket-weavers". The basket-weaver term perfectly describes our activity. Socio-legal work is interdisciplinary; it weaves together diverse strands into a thing; a mutually constitutive whole which would not stand without one of its parts. Yet, we might ask, what would happen if we unpicked our weave? Where would "the legal" and "the social" be found? In the recent past, with the encouragement of scholars working on science and technology studies, or actor-network theory, such as Bruno Latour and John Law, socio-legal studies have turned back in on themselves. A key contribution was made by

Annelise Riles in her work, which exemplified what socio-legal studies might make of doctrinal law (a rather mundane set of questions about the conflict of laws), and why it is so important. In this session, we draw on our own experiences to see how the legal is inflected in our work.

Essential reading:

Cowan, D. and Wincott, D. (forthcoming) Exploring the legal. In D. Cowan and D. Wincott (eds), *Exploring the Legal in Socio-Legal Studies*, London: Palgrave + any chapter that is of relevance to your research.

Riles, A. 2005–6. A new agenda for the cultural study of law: Taking on the technicalities, *Buffalo Law Review*, 63(4): 973

Further reading:

Cotterell, R. 1998. Why must legal ideas be interpreted sociologically? *Journal of Law and Society*, 25(2): 171

Latour, B. 2005. *Reassembling the Social: An Introduction to Actor-Network-Theory*. Oxford: OUP.

__. 2010. *The Making of Law: An Ethnography of the Conseil d'Etat*. Cambridge: Polity.

Pottage, A. 2012. The materiality of what? *Journal of Law and Society*, 39(1): 167.

Valverde, M. 2009. Jurisdiction and scale: Legal 'technicalities' as resources for theory, *Social and Legal Studies*, 18(2): 139.

__. 2014. 'Time thickens, takes on flesh': Spatiotemporal dynamics in law. In I. Braverman, N. Blomley, D. Delaney and A. Kedar (eds), *The Expanding Spaces of Law; A Timely Legal Geography*. Standford: Stanford UP.

WEEK 8: Monday 30th November, Professor Christopher Hodges
Dispute resolution: theory and practice

What are the different models of resolving disputes? What would be the criteria against which we compare and evaluate them? This session will look at direct negotiation, fighting, courts, administrative tribunals, public regulatory agencies, arbitration, 'alternative dispute resolution' (ADR) models involving assistance from intermediaries, like mediation, ombudsmen, business association code schemes, small business commissioners, and so on.

Essential reading:

Galanter, M. 1974. Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change, *Law and Society Review* 9(1): 95. Reprinted (with corrections) in R Cotterrell (ed.) *Law and Society*. Aldershot, 1994. pp.165–230.

Stadler, A. and C. Hodges (eds), 2013. *Resolving Mass Disputes: ADR and Settlement of Mass Claims* Edward Elgar.

Further reading:

Fiss, O. 1984. Against Settlement, *Yale Law Journal* 93: 1073

Roberts, S. and M. Palmer. 2005. *Dispute Processes: ADR and the Primary Forms of Decision-Making*. Cambridge University Press.

Hodges, C. 2015. *US Class Actions: Theory and Reality*. EUI Florence working paper 2015/36 (ERC ERPL 14) http://hdl.handle.net/1814/36536

HILARY TERM

In these seminars you will discuss the practical techniques available to carry out socio-legal research and the ways in which they relate to whatever theoretical approach you might take. You will consider which questions you can ask and answer through which methods. At the session in Week 7, CSLS students who have reached an advanced stage of their project or who have already completed their theses will share some of their experiences with you. They will talk informally about the challenges that they faced and the bridges they had to cross. In the concluding sessions held in the Trinity Term you will be invited to make an overall presentation of your chosen project.

WEEK 1: Monday 18th January, Dr Marina Kurkchiyan
Introduction to Research Methods.

The session will provide a general survey of the social and philosophical roots of the various techniques available for data collection. Particular attention will be paid to the contested issues in social science research, such as: What are we trying to achieve when we are engaged in research activities? Do qualitative and quantitative approaches have equal claims to be considered 'scientific'? 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? 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 2: Monday 25th January, 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, S. and P. Schmidt. 2009. Beyond Methods: Law and Society in Action. New York: Cambridge University Press. Chapters 1, 2, 7, 14.
McBarnet, D. 2004. *Crime, compliance and control.* Ashgate. Introduction (Ch. 1 'False dichotomies in criminal justice research' might also be useful)

Further reading:
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.

WEEK 3: Monday 1st February, Dr Bettina Lange
Analysing qualitative data

Socio-legal scholarship has been developed through research projects that draw on empirical data or through theoretical research that builds on a critical analysis of empirically informed socio-legal research. In other words, whether you are conducting purely theoretical or empirical socio-legal research you will need to engage with the question of how empirical data about law and society phenomena can be analysed, and what constitutes good analysis of qualitative empirical data.

This seminar provides an introduction to analysing qualitative empirical data for socio-legal research projects. It draws attention to how prior theoretical assumptions about social and legal worlds shape approaches to qualitative data analysis. It will introduce discourse analysis as one particular approach to qualitative data analysis, and discuss 'coding' as a technique of qualitative data analysis. The seminar will therefore combine critical reflection upon theoretical foundations of qualitative data analysis with 'hands on' analysis of qualitative data.

Essential reading:

Bryman, Alan. 2012. *Social Research Methods*, Chapter 24 (Qualitative Data Analysis) (4th ed.) Oxford University Press.

Taylor, Stephanie. 2001. Locating and Conducting Discourse Analytic Research. In M. Wetherell, S. Taylor, and S.J. Yates (eds), *Discourse as data: a guide for analysis*. London: Sage.

If available, bring to the seminar an example of qualitative empirical data you are using in your research or you have used in previous research, e.g. for an undergraduate or master's dissertation, such as two pages of an interview transcript or notes for (participant) observation, or notes taken for summarizing key points from a public policy document.

Further reading

Lange, Bettina. 2015. Regulating economic activity through performative discourses: a case study of the EU carbon market. In Lange, Haines and Thomas (eds) *Regulatory Transformations: Rethinking Economy and Society Interactions*. Oxford: Hart.

Lange, Bettina. 2011. Foucauldian inspired discourse analysis: a contribution to critical environmental law scholarship? In A. Philippopoulos-Mihalopoulos(ed.) *Law and Ecology: New Environmental Legal Foundations.* London: Routledge.

WEEK 4: Monday 8th February, Dr Petra Mahy
Comparative Methods and Analysis.

This session offers an overview of qualitative and quantitative methods for conducting explicitly comparative socio-legal research. Drawing on comparative methods from various disciplines (comparative law, sociology, and anthropology), the session will cover issues of comparability, the reduction of detailed data for manageability, and the systematic collection and analysis of data across cases. The benefits and limits of the creation and use of indices and the measurement of the strength of law ('leximetrics') will also be discussed.

Essential reading:

Roger Cotterrell. 2012. Comparative Sociology of Law. In D. S. Clarke (ed.) *Comparative Law and Society*, Research Handbooks in Comparative Law, Edward Elgar, Cheltenham.

Matthias Siems. 2014. *Comparative Law*. Cambridge University Press. Ch. 11.

Matthias Siems. 2005. Numerical Comparative Law: Do We Need Statistical Evidence in Law in Order to Reduce Complexity? *Cardozo Journal of International and Comparative Law* 13: 521.

Katarina Pistor et al. 2002. The Evolution of Corporate Law: A Cross-Country Comparison. *University of Pennsylvania Journal of International Economic Law* 23: 803 (see pp 802–804 on method and just skim the rest).

Further reading:

Michael Armer. 1973. Methodological Problems and Possibilities in Comparative Research. In M. Armer and A. Grimshaw, *Comparative Social Research: Methodological Problems and Strategies.* John Wiley and Sons, New York.

Fred Eggan. 1965. Some Reflections on Comparative Method in Anthropology. in M.E. Spiro (ed.) *Context and Meaning in Cultural Anthropology*. New York: The Free Press.

George E. Marcus. 1995. Ethnography in/of the World System: The Emergence of Multi-Sited Ethnography, *Annual Review of Anthropology* 24: 95.

WEEK 5: Monday 15th February, Dr Bettina Lange
Case study research.

Case studies are a key element in research design in socio-legal studies and this session will focus on their use in qualitative empirical projects. Qualitative empirical case studies are often used to explore, map or explain socio-legal processes (e.g. dispute resolution, enforcement of legal provisions etc.) On the basis of key examples from the socio-legal literature and with reference, where relevant, to your own research projects, this session will address questions, such as:

- how to choose and define the scope of your 'case' (typical, extreme, revelatory, or critical)
- how many cases you need to answer your research question
- what are the strengths and limitations of comparative case studies
- how to extrapolate from a case or cases to theory

Essential reading:

Yin, Robert K. 2014. *Case Study Research: Design and Methods* (5th ed.) Sage Publications, Los Angeles, chs. 1 and 2.

Morgan, Bronwen. 2012. *Water on Tap*. Cambridge: CUP. (skim read through the book to gain a sense of how six national case studies have informed the argument of this socio-legal research).

Further reading:

Lange, Bettina. 2008. *Implementing EU Pollution Control: Law and Integration*. Cambridge: CUP. Methodology Appendix

Pires, Roberto. 2011. Beyond the fear of discretion: flexibility, performance and accountability in the management of regulatory bureaucracies. *Regulation and Governance* 5(1): 43–69

WEEK 6: Monday 22nd February, Dr Sonia Macleod
Introduction to quantitative methods.

This session offers a basic introduction to the use of quantitative methods in social science research: Prior knowledge of quantitative methods is not expected nor required. We will cover the basic forms taken by quantitative datasets and how to select the appropriate tools to analyse them, as well as the strengths, challenges, and potential problems of quantitative data collection and analysis. The session will focus on the importance of research design and choosing the right statistical techniques to ensure useful research outcomes. Questionnaire and survey design, sampling, the use of software, and the use of secondary data sets will be introduced.

Essential reading:

In Bryman, A. 2012. Quantitative Data Analysis. In *Social Research Methods.* Oxford: OUP. In particular chapters 7, 8, 14, and 15.

The OUP website has some useful additional learning resources linked to the book, including multiple choice questions where you can check your understanding, a glossary, datasets from the book, etc. see http://global.oup.com/uk/orc/sociology/brymansrm4e/

Further reading:

Bryman, A. 2012. *Social Research Methods* Chapters 13 and 16 (where relevant to the research proposal).

Wonnacott, T and R. Wonnacott. 1990. *Introductory Statistics.* (5th ed.) Wiley.

Agresti, B and B. Finlay. 2009. *Statistical Methods for Social Sciences* (4th ed.) Person.

Treiman, DJ. 2009. *Quantitative Data Analysis: Doing Social Research to Test Ideas* (1st ed.) Wiley. [Not the most straightforward of reads, but useful for those intending to analyse using STATA, as it contains worked examples].

WEEK 7: Monday 29th February, Dr Christina Cook, with Chris Williams
Experiences 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: Monday 7th March, Dr Naomi Creutzfeldt
Research Ethics.

This session will provide an overview of the ethical issues that may arise during socio-legal research. The first part of the session will discuss 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 an opportunity for questions and discussion.

Essential reading:

Socio-Legal Studies Association, Statement of Ethical Research Practice (http://www.kent.ac.uk/nslsa/images/slsadownloads/ethicalstatement/slsa%20ethics%20statement%20_final_%5B1%5D.pdf)

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

University of Oxford Central University Research Ethics Committee, CUREC 1/A (and related documentation)
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

Dingwall, R. 2008. The Ethical Case Against Ethical Regulation in the Social Sciences and Humanities, *21st Century Society*, 3 (1): 1–12

WEEK 8 Wednesday 9th March, Dr Bettina Lange
[2.00-5.00pm]
Research Design Workshop

The purpose of this workshop is to provide you with constructive feedback in an informal atmosphere on the research design for your project. The workshop starts off with a discussion on how to design a socio-legal research project, with most of the time devoted to short student presentations on the 'what, how and why' of your project. You will obtain 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 analyse 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

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 every research student to develop his or her own project to its maximum potential.

WEEK 1

Monday 25th April, Centre Fellows and Students
Presentations of Student Projects

WEEK 2

Monday 3rd May, Centre Fellows and Students
Presentations of Student Projects

4.0 Funding for Research Expenses

4.1 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 £250 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.

4.2 Other Funds

Your college may 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, although not in your first year, and only in consultation with your supervisor.

4.3 Centre Funding Opportunities

A small fund is available to support student research and to supplement the resources offered by the Law Faculty and Colleges. Students may apply once each year for a grant of up to £500. Preference will be given to applications for expenses related to fieldwork and to those related to conference attendance, although we will consider other claims. Further details will be circulated at the beginning of each term.

The Centre can also sometimes offer bursaries available to cover fees: details will be circulated in due course.

Details of further funding opportunities can be found in the Law Faculty Handbook.

5.0 Fieldwork Safety and Training

Fieldwork
Many students will, as part of their course, undertake fieldwork. The safety and welfare of its students is paramount to the University. This includes fieldwork and there are a number of procedures that students must follow when preparing for and carrying out fieldwork.

Preparation
Thorough preparation can pre-empt many potential problems. When discussing your research with your supervisor please think about the safety implications of where you are going and what you are doing. Following this discussion and before your travel is approved, you will be required to complete a travel risk assessment form. This requires you to set out the significant safety risks associated with your research, the arrangements in place to mitigate those risks, and the contingency plans for if something goes wrong. There is also an expectation that you will take out University travel insurance. The Centre needs accurate information on where you are, and when and how to contact you while you are away. The travel assessment process should help to plan your fieldwork by thinking through arrangements and practicalities.

Training
Even if you are familiar with where you are going there may be risks associated with what you are doing. Training is provided in the following ways:

Departmental course (run annually):

- A short basic **fieldwork safety awareness session** covering personal safety and planning tips is incorporated into the 'Experiences of Fieldwork' session, held in Week 7 of Hilary Term. Post fieldwork students will also be able to share their experiences. All students carrying our fieldwork are expected to attend this session.

DTC courses (run termly)

- **Preparation for safe and effective fieldwork in the Social Sciences**. A half day course, for those carrying out medium to high risk research in rural and urban contexts.
- **Fieldwork: how do we deal with what we see and hear?** For research in traumatic or distressing areas.
- **Facing the personal challenges of fieldwork: reflective researcher discussion group**. A facilitated peer support group to help students deal with culture shock and other transitional issues.

Safety Office courses (run termly)

- **Emergency First Aid for Fieldworkers**.
- **Fieldwork Safety Overseas**: A full day course geared to expedition-based fieldwork.

Useful Links

- DTC courses: http://researchtraining.socsci.ox.ac.uk

- Safety Office courses: http://www.admin.ox.ac.uk/safety/safetytraining/trainsubj/fieldwork/

- University insurance
  http://www.admin.ox.ac.uk/finance/insurance/travel/howtoarrangeinsurance-staffstudentsresearchersandvolunteers

- University Policies:
  http://www.admin.ox.ac.uk/safety/policy-statements/

- Travel clinic:
  http://www.admin.ox.ac.uk/uohs/at-work/travel/#d.en.1963

- FCO country information:
  https://www.gov.uk/foreign-travel-advice

- Women travellers:
  https://www.gov.uk/government/policies/supporting-british-nationals-overseas/supporting-pages/advice-for-women-travellers

  http://saferbusinesstravelforwomen.com/principles/

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. 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 that 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 is 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 of 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 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/nslsa/images/slsadownloads/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 the DGS should sign the relevant declarations. The form should then be sent electronically 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. They can obtain further advice from their supervisor or Dr Marina Kurkchiyan (Director of CSLS).

Links to Ethical Guidance

Socio-Legal Studies Association (SLSA) Research Ethics Statement
http://www.kent.ac.uk/nslsa/images/slsadownloads/ethicalstatement/ethics_drft2.pdf

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

American Political Science Association (APSA) Guide to Professional Ethics in Political Science
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' 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/.