

EXPERIENCING THE LAW:
ACTIVITY OR INACTIVITY?
THE ISSUE OF FAILURE IN LAW'S RESPONSE TO VIOLENCE

Conference Report: SOLON in association with the Institute of Advanced Legal Studies and Institute for Historical Research December 7 2007

This was the second one-day conference on the theme of *Experiencing the Law*, a conference series which seeks to bring together academics, practitioners and other interested parties explore and discuss aspects of the law as they affect the experience of substantial numbers of the 'ordinary' public. In other words, the focus of this conference series is not so much on serious, headline-grabbing crime as on the kinds of offending and socially offensive behaviour that has and does affect large numbers of people. This does not mean, of course, that serious indictable crime is not considered, but that an attempt is made, where it is discussed, to contextualise it within its everyday setting. It is an essentially present-orientated conference – but one that encourages a use of historical methodologies, and examples, to promote a greater understanding of modern realities and dilemmas.

For the December 2007 conference, it was agreed that we should take note of the substantial amount of public comment in the media in recent years commenting on individual experience of the law. Reports in both tabloid and broadsheet newspapers, as well as television and radio news and documentaries suggest that many in society (often comprising identifiable groups) who have been affected by violence perceive themselves as being denied what they hope for in the way of the law's response (broadly conceived), expressed in terms of protection, justice, and safety. We decided to ask a range of questions, sparked off by the following headline queries. Do legal practitioners and academics agree? If not, why not? Is the law failing and if so, what can and should be done? If not, then how can, indeed how should, the legal process be better presented and explained in the public arena, addressing both the victims and concerned masses? Given the apparent levels of current disquiet, what alternatives should be offered?

Experiencing the Law conferences take a socio-legal approach, moving beyond legal doctrinal considerations and, using current and historical dilemmas which have a resonance with each other, considering the voices of those affected and involved, professionally and privately. This year, given the theme debating the issue of law's 'failures' in dealing with violence in daily life, it was decided to prioritise papers and presentations on the legal

system's responses to 'honour' crime, forced marriage and issues of violence against women, particularly (but not exclusively) that involving a racial dimension.

The keynote speakers were Heather Harvey from Amnesty International, Jasvinder Sanghera of Karma Nirvana, and Nazir Afzal of the Crown Prosecution Service. Their presentations provided a powerful challenge to aspects of current legal practice and expectation – while also, as Nazir Afzal stressed, accepting that much good work had been done in these areas recently. Even so, the overall conclusion was to stress how much, in the area of honour crime, including the 'crime' of forced marriage, still remains to be done. It was pointed out, forcibly, by these speakers that there were no easy and quick solutions to the dilemmas posed by 'honour' crime in its broadest sense [something that the article published in this edition by Aris Tsantropoulos about honour crimes in Crete also explores]. Above all, the easy excuses of associating such crime with religion (especially Islam) have the effect of worsening, rather than improving, matters. In her paper, Heather Harvey highlighted the unintended consequences of hastily-conceived legislation on the vulnerable, including female victims of domestic violence who do not have residency status nor access to legal aid, and the equally unintended negativities resulting from the stereotyping of Islam in association with terrorism, making it seem potentially threatening to Muslim women to provide testimony about their family situations in case it is misinterpreted. Equally, dwelling on the potential for misunderstanding by the legal process of the realities of Asian communities in Britain, Jasvinder Sanghera used the evidence of her own experiences and those of women and men she has encountered to highlight the failures of the legal process in the UK, and to point up the need for pressure on government and the institutions within the legal process to develop a better understanding of the realities facing a multi-cultural Britain. Nazir Afzal's summary of the nature of the problems from the perspective of a respected and successful practitioner was both informative and, as his contribution to the closing Round Table underlined, hopeful.

Complementing these presentations were papers from a number of academics. For example, a reflection on the experience of 'facing the judge' by Les Moran was complemented by the discussion on the current welter of legislation from Candida Harris, while Alistair Gillespie's presentation on the realities of the approaches by the authorities to areas such as cyber-sex was sobering. A fuller conference reflection, provided by one of the delegates, follows. However, we would like to express our gratitude to all the speakers at the conference for an important contribution and to assure our keynote speakers in particular that the issues they raised will not be forgotten by us at SOLON: we will continue to highlight them as much as possible. We are also very grateful to the Institute for Advanced Legal

Studies for hosting the *Experiencing the Law* series, and in particular to Belinda Crothers who did the practical organisation of so much of this conference,

The next *Experiencing the Law* conference will be in December 2008, also, at IALS, with the theme to be announced during the summer. Anyone interested in either of the two previous conferences, or in contributing to the up-coming conference should contact Judith Rowbotham Judith.Rowbotham@ntu.ac.uk, or use the SOLON email: solonpartnership@gmail.com

Judith Rowbotham, on behalf of the SOLON conference organising committee

Those interested in knowing more of the keynote speakers can utilise the following links.

Heather Harvey:

http://www.amnesty.org.uk/news_details.asp?NewsID=17302

For the text of an important speech given by her at the Iranian and Kurdish Women's Rights Organisation on 18 May 2007, see also:

http://www.ikwro.org.uk/index.php?option=com_content&task=view&id=156&Itemid=2

Jasvinder Sanghera and Karma Nirvana:

<http://www.karmanirvana.org.uk/>

Her autobiography, *Shameless*, is available through many websites including Amazon and is an informative and a moving 'read'.

Nazir Afzal

<http://pipl.com/directory/people/Nazir/Afzal>