CLSE

Newsletter

October 2022

CONVENORS' MESSAGE

Welcome to the CLSE Newsletter 2021-22. As you shall see, the Newsletter is primarily an outlet to further disseminate findings of the fascinating research presented at the CLSE year-long Research Workshop Series 2021-22.

The Newsletter also provides a platform for CLSE members to showcase their brilliant research and professional achievements.

The Newsletter serves as a collection of written reminiscences, too, of what we did collectively and individually to contribute to a rich, vibrant and healthy research environment, during the part of the dark Covid-19 era, when the CLSE online events brought us together.

In addition, the Newsletter is a little gift for all of us.

At the start of this exciting new academic year, looking forward, let's strengthen our collective effort, work more closely, more creatively and more productively, for more successful individual and collaborative research.

Best wishes,

Anqi & Sue
The CLSE Convenors

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The CLSE Research Workshop Series 2021-2022

Launched in 2019, CLSE aims to provide fora to showcase our cutting-edge research and exchange ideas in socio-legal studies between researchers at Northumbria Law School and academics in prestigious law schools and legal and criminal justice professionals in China. We look forward to developing collaborative research with our Chinese partners.

The CLSE Workshop Series 2021-22 (1)

Following successful regular research workshops in Semester 1, the CLSE carried on their research workshop series in Semester 2. Our colleagues Chris Newman, Georgios Antonopoulos, Ashley Lowerson and Tim Wilson from Northumbria, Sipei Liu from Jiangsu University Law School, Ce (Arthur) Qin from Shanghai University of Finance and Economic Law School and Jianda (Joe) Zhou from Zhejiang Police Colleges presented their specialist, cutting-edge research in the fields of space law, the law of the sea, organised crime, policing and China research.

The CLSE research workshop series (2021-2022) was concluded with an online networking event that aimed to strengthen connections among our members in Northumbria Law School, Northumbria University, our partner law schools and police colleges in China.

The CLSE Workshop Series 2021-22 (2)

The ACCCJ and CLSE Mini Conferences, July 2022

Over the Summer, the CLSE jointly organised a mini-conference series with the Association of Criminology and Criminal Justice in the United States (ACCCJ). The mini conferences were held on the 11th, 18th and 25th of July 2022. Our valuable members Georgios Papanicolaou, Tony Ward along with Charlotte Bilby and Seema Patel from Social Sciences presented their fascinating research in the areas of policing legitimacy, English and international human trafficking laws, and women in English prisons. Their presentations have filled some glaring gaps in the research and made important contributions to the research events. The mini-conference series also provided excellent networking opportunities and facilitated potential collaborative research.

ACCCJ & CLSE
2022 Summer Mini-Conferences

ACCCJ
華人社会犯罪学研究会

ACCCJ (http://acccj.org/): The Association of Chinese Criminology and Criminal Justice in the United States (ACCCJ) is a non-profit, non-political organization for scholarly and professional activities. The purpose of ACCCJ is to promote Chinese criminology and criminal justice research, teaching, and learning among academic communities in the United States, China, Taiwan, and the rest of the world.

CLSE Chinese Law, Society and Economy (northumbria.ac.uk): The Chinese Law, Society and Economy (CLSE) is a research outlet and a platform for China-related socio-legal research at Northumbria University, Newcastle-upon-Tyne, United Kingdom. The CLSE seeks broad international collaboration via research.

Northumbria University NEWCASTLE

Day 1 - 11 July (3pm BST/10am US EST/7am PST): Policing amid Challenges of the Pandemic

(Zoom Link: https://zoom.us/j/92024193415?pwd=Rjhsc3Rzem5taUlvellxdm0wdmd5UT09)

Chair: Dr. Bill Hebenton, University of Manchester

- *Covid controls in Greece: the role of the police in enforcing pandemic controls on young people*, by Georgios Papanicolaou
- *Risk and protective factors of Taiwanese police officers' psychological stress during the COVID-19 pandemic*, by Tzu-Ying Lo, Ivan Y. Sun, & Yuning Wu
- *Perceived COVID-19 impacts on auxiliary police in China*, by Yunan Chen, Ivan Sun, & Yuning Wu

Day 2 - 18 July (3pm BST/10am US EST/7am PST): Human Trafficking and Judicial Procedure

(Zoom Link: https://zoom.us/j/97233211738?pwd=eTlOSVlGTnk1QUxtOStTNjhWWi8wQT09)

Chair: Dr. Yue Zhuo, St. John's University

- *"The non-punishment principle" and conviction of victims of trafficking in the UK*, by Tony Ward
- *Human trafficking in China*, by Cynthia Zhang
- *How to ease tensions between judges and litigants? an inside out framework of organizational justice*, by Yao Ding
- *Perceived procedural justice ant protests: lessons from Taiwan*, by Shun-Yung Kevin Wang

Day 3 - 25 July (3pm BST/10am US EST/7am PST): Prison, Punishment, and Prisoners

(Zoom Link: https://zoom.us/j/92948043731?pwd=Z3BTcjNRcUNZNnNpM0hmSTduRTYvUT09)

Chair: Dr. Georgios Papanicolaou, Northumbria University

- *Community corrections: a China and USA comparison*, by Shanhe Jiang
- *Creative work with women in prison and on probation*, by Charlotte Bilby
- *The family support experience of South Asian women in prison in England*, by Seema Patel

Please continue to view submissions from Contributors to the CLSE Research Workshop Series...

Bad faith/non-use and trade marks, the approach in the UK/EU and China

Ann Ferguson, Northumbria Law School

There is a very vibrant IP industry in China which is important for UK businesses seeking to thrive in China. The UK Intellectual Property Office provides guidance and information on many areas of IP in China with opportunities in e.g., life sciences, technology, film, and software. However, there are challenges, one of which seems to be in relation to bad faith registration of trade marks. There have been a number of recent cases on the topic in the UK/EU and recent developments in China which are worth exploring.

In essence the definition of a trade mark, is a sign that is capable of distinguishing one entity's goods or services from those of others i.e. it can act as a badge of origin of the owner's products. A careful balance is needed to protect such a trade mark but not unfairly block competition.

S3(6) of the UK Trade Marks Act 1994 states that "[A] trade mark shall not be registered if or to the extent that the application is made in bad faith". This bad faith provision can be used to challenge an application by those seeking to register a mark that they know is already used by others. S32(3) states that "[T]he application shall state that the trade mark is being used, by the applicant or with his consent, in relation to those goods or services, or that he has a bona fide intention that it should be so used."

There is no statutory definition of bad faith, so reference to case law is needed.

Chocoladefabriken Lindt & Sprüngli AG v Franz Hauswirth GmbH, Case C-529/07, 12 March 2009 is the starting point of the consideration of what is bad faith under UK/EU law.

The court in this case ruled that account had to be taken of all the objective and subjective factors relevant to the particular case which were extant at the time the owner had filed its EUTM application, including any intention the applicant had to prevent third parties from continuing to use marks they had used in the past until now, and the extent of the reputation of the mark applied for. The ECJ confirmed that, although the applicant's intention at the relevant time was a subjective factor, it should be determined by reference to objective circumstances.

This reasoning was applied in T-795/17 (Carlos Moreira v EUIPO with Neymar da Silva Santos Junior) This case involved an attempt by an unconnected third party to register a trademark that was identical to the name of an internationally known footballer. Inter alia, the court found that the intention of the applicant, deduced objectively from the concrete circumstances of the case, was to free ride on the reputation of the name of that footballer in question, and to take financial advantage of that reputation.

I do not pretend to have detailed knowledge of the issue of bad faith registrations in China, but 'trademark squatters' seem to have historically been a significant issue. In essence pre-emptive registrations of foreign trade marks in China have occurred, making it then difficult for the foreign company, which has the established reputation in the marks and registrations elsewhere, to gain control of their mark in China. In November 2019 amendments to China's Trademark Law introduced Article 4 stating that "Any bad faith trade mark applications without intent to use shall be refused".

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This provision can be used by existing brand owners to challenge a registration and as a ground for invalidity by the China National Intellectual Property Association. In making a decision on bad faith, various factors can be taken into account including e.g. the established reputation of the mark and the background of the applicant. Therefore, the law in China appears to be developing similarly to UK/EU law and should ensure that an established mark is easier to protect in the Chinese jurisdiction to enable businesses to better benefit from the significant opportunities in China. This is a complex area and a full consideration of the law and pitfalls cannot be considered in this note but the changes are to be welcomed.

A final point to note is that within the UK and EU there have been several recent challenges to marks owned by established brands on the ground of their alleged bad faith registration of their marks. This brings to mind the balance mentioned above about protecting an established mark whilst allowing fair competition. An example is the consideration by the ECJ in the case of Sky Plc & Ors v SkyKick UK Ltd & Anr (Case C-371/18).

This case (initiated in the UK High Court) involved the Claimant alleging successfully that the Defendant was infringing its trade marks, with the Defendant unusually counter-claiming that certain of the Claimant's trade marks were invalid or partially invalid on the grounds of bad faith. The case is complex but in summary this argument rested on the extremely broad nature of the registrations without a genuine intention to use the marks across the breadth of the registrations.

Following a reference from the High Court, the ECJ stated:

"[A] trade mark application made without any intention to use the trade mark in relation to the goods and services covered by the registration constitutes bad faith…if the applicant for registration of that mark had the intention either of undermining, in a manner inconsistent with honest practices, the interests of third parties, or of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark."

Whilst the High Court found certain elements of invalidity of the Claimant's trade marks on this basis, this ruling was overturned by the Court of Appeal, which upheld the Claimant's registrations. Permission has recently been given (25 July 2022) for this case to be appealed to the Supreme Court. This issue is worth watching, in particular, as to what limitations may be placed on the established mark owner and whether these issues too will emerge in China.

Ann Ferguson,
Northumbria Law School

Was it something I ate? Challenging a positive test for Performance Enhancing Drugs: To what extent can Athletes avoid Sporting Sanctions by blaming Contaminated Food?

Tony Storey, Northumbria Law School

Introduction

Doping in most sports is governed by the World Anti-Doping Code, produced by the World Anti-Doping Agency (WADA). The Code is a broad-ranging document which is designed to harmonise and co-ordinate the international fight against doping in sport by setting out a standard set of anti-doping rule violations (ADRVs) and sanctions.

Responsibility for enforcement of the Code falls on national governing bodies (NGBs), International Sporting Federations (ISFs) and the various national anti-doping agencies, of which the United States Anti-doping Agency (USADA) is perhaps the most well-known. Collectively these are referred to as 'Anti-Doping Organizations' (ADOs). Ultimately, disputes involving doping allegations can reach the Court of Arbitration for Sport (CAS) in Switzerland. One of the ADRVs, Article 2.1 of the Code, involves the 'presence of a prohibited substance in an athlete's sample'.[1] Intention (either to ingest the substance or improve performance) is not a pre-requisite for liability, but if proof of intent can be established (or admitted) the typical sanction for a first-time breach of Article 2.1 is a four-year ban from sport; in other cases, it is two years. Once an ADRV has been established, that is not necessarily the end of the case. Article 10.5 of the Code provides that if an Athlete establishes that he or she bears 'No Fault or Negligence', then they face no period of ineligibility.

Article 3.1 of the Code places the burden of proving that an ADRV has occurred on the relevant ADO, with the standard of proof being 'comfortable satisfaction'. But where the Code places the burden of proof upon the Athlete (such as Article 10.5), the standard of proof is the balance of probability.

The focus of this Paper is cases involving a combination of Articles 2.1 and 10.5, whereby the Athlete was seeking to prove that they had inadvertently ingested a prohibited substance by eating contaminated food (almost invariably, meat). Each case depends on its own facts and in particular (i) in which country the food was eaten and (ii) whether or not the Athlete was able to identify the actual source of the meat by, for example, producing receipts from hotels, restaurants, etc. Generally speaking, CAS has taken a very strict line in such cases and held that, unless there is a tradition of the substance being used in agriculture in the country in question and that the Athlete can identify where and when the meat was consumed, the claim failed. However, there are exceptions, which have generated controversy.

Unsuccessful cases

In Contador,[2] CAS held that a cyclist from Spain could not invoke Article 10.5 after testing positive for clenbuterol. His claim that the substance entered his system after eating contaminated meat was dismissed as "very unlikely". This was because there was no tradition of using clenbuterol in meat-production in Spain.

[1] WADA determines whether a substance is prohibited or not, and publishes a list of such substances every January. Prohibited substances include anabolic agents (such as clenbuterol and zeranol) and steroids (such as boldenone, clostebol, drostanolone, nandrolone and trenbolone)

[2] CAS 2011/A/2384 and 2386. For commentary see Saul Fridman, 'Contador, Cows and Strict Liability' (2012) 1 Sports Law & Governance. Available at https://slgj.scholasticahq.com/article/6403-contador-cows-and-strict-liability

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A similar outcome was seen in Iannone,[3] involving an Italian motorcyclist who claimed that he had ingested drostanolone after eating meat in Malaysia. CAS rejected this, ruling that the athlete had failed to establish that contamination of meat by drostanolone in Malaysia was "an issue". He had also failed to provide any evidence to establish the type of meat that he had consumed, or the origin of it.

In Houlihan,[4] an American middle-distance runner was banned after testing positive for nandrolone. Her argument that the substance had entered her system after eating a burrito "from an authentic Mexican food truck" in Oregon was rejected. CAS ruled that her claim was "possible but improbable"; in other words, it fell short of the requisite standard of proof.

Similarly, in Wilson,[5] a Swiss sprinter's claim that the presence of trenbolone in his sample was caused by contaminated meat from a Jamaican restaurant in Las Vegas was rejected. CAS ruled that it was "so extremely unlikely as to be impossible" that beef was the source of the trenbolone, primarily because the restaurant provided evidence that it used organic beef that was not treated with any steroids.

Most recently, in Hernando Puerta,[6] CAS rejected a claim that boldenone had entered the system of a professional track cyclist after he had eaten meat at a barbecue in Antioquia, Colombia. He had only established that meat contamination was "a possibility", not a probability. Moreover, he had "failed to (i) sufficiently trace the origin of the meat or (ii) prove there [was] a systematic and significant boldenone meat contamination problem in Colombia".

Successful cases

Alberto Contador's Article 10.5 claim was rejected by CAS for lack of proof. However, in a series of cases involving the same substance (clenbuterol), USADA accepted that eating contaminated meat in China or Mexico was the most likely explanation because of the known use of that substance in agriculture in those countries. Hence, the Chinese MMA fighters Li[7] and Ning,[8] the Mexican MMA fighters Montano[9] and Moreno,[10] and the American track-and-field athlete Claye[11] (who had holidayed in Mexico) were all held to have acted without fault or negligence.

[3] CAS 2020/A/6978 and 7068,
[4] CAS 2021/O/7977,
[5] CAS OG 20/06 and 20/08
[6] CAS 2021/A/7628, [7] https://ufc.usada.org/li-jingliang-receives-no-fault-2/
[8] www.mmaweekly.com/usada-clears-ufcs-ning-guangyou-banned-substance-likely-from-contaminated-meat, [9] www.mmaweekly.com/augusto-montano-second-ufc-fighter-at-no-fault-in-anti-doping-case-due-to-tainted-meat, [10] www.lawinsport.com/news/item/ufc-athlete-brandon-moreno-accepts-finding-of-no-fault-for-anti-doping-policy-violation
[11] www.lawinsport.com/topics/item/u-s-track-field-athlete-william-claye-accepts-finding-of-no-fault-for-anti-doping-rule-violation

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That brings us to the more controversial cases. In Wilson,[12] USADA accepted that an American track athlete had ingested zeranol after eating contaminated meat in New York. Similarly, in Lawson,[13] CAS accepted that the presence of trenbolone in an American track-and-field athlete's sample was caused by contaminated meat from a restaurant in Arkansas. More recently, in Jamnicky,[14] CAS accepted that a Canadian triathlete had ingested clostebol after eating contaminated meat in either Australia or Canada. All three were able to invoke Article 10.5.

Wilson, Lawson and especially Jamnicky are contentious because they appear to depart from the strict line seen in Contador, Iannone and Houlihan. (It must be acknowledged that in Lawson, the athlete was at least able to provide evidence of his meal.) Jamnicky is particularly contentious because there was limited evidence of clostebol use in meat-production in Australia or Canada and the athlete was unable to provide evidence of where or when she had eaten the (allegedly) contaminated meat.

Resolving the conflict in the case law

In Jack,[15] CAS said that "highly experienced arbitrators were clearly influenced by the personal charisma of the appellants" in both Lawson and Jamnicky. This would at least explain those Athletes' success in their appeals, but it goes without saying that "personal charisma" is (or should be) irrelevant in doping cases. If the analysis in Jack is correct, it means that Lawson and Jamnicky were wrongly decided and should not be relied upon in future jurisprudence.

[12] https://olympics.nbcsports.com/2017/06/19/ajee-wilson-positive-drug-test/
[13] CAS 2019/A/6313. For commentary see Jonathan Taylor QC, Lawson v IAAF [2020] 3 ISLR 47
[14] CAS 2019/A/6443 and 6593
[15] CAS 2020/A/7579 and 7580

Tony Storey,
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Outsider-Insider Positionality in Empirical Socio-Legal Research: A Chinese case study

Anqi Shen, Northumbria Law School

In this paper, I discussed researcher positionality in an empirical study, examining women in policing in China. The research used qualitative interviewing as a method for data collection and analysis.

Qualitative research focuses on the subjective meaning and thus helps reflect on individual experiences and gain exploratory knowledge of women's life stories (Hesse-Biber, 2007). Interviewing, in particular, is commonly used in research into women in policing (e.g. Rabe-Hemp, 2009; Silvestri, 2003). However, academic interviewing is not without limitations, one of which is that the interview process is not often readily transparent.

Several reasons explain the lack of transparency in qualitative interviewing. One is insufficient attention due for reflexivity (Harries, 2016). Second, reflection on the impact of researchers' positioning on the research is a complex terrain (Miller, 2017). Furthermore, academic writers are typically constrained by the publishing space allowed for journal articles. Consequently, subtle issues, such as the researcher-researched relationships, the 'unsettling accounts of research practice' – details, dilemmas and complexities around what exactly occurred in the research process – and the potential or actual effects of those dynamics upon the results' – are frequently left out of the processes of writing and disseminating of research findings (Philips & Bell, 2017).

The lack of reflexivity may cast doubt on research validity and data accuracy. As regards qualitative interviewing, knowingly, an interview is a 'performance': interviewees may intentionally or unwittingly exercise 'expressive control' or 'impression management' (Goffman, 1959) and their accounts may be reconstructed. Without acknowledging the complexities in research interviewing by noting the unspoken information – for example, trivial but crucial pauses, repetitions, choice of language, tones, facial expressions or body movements – the credibility of interviewing data may be greatly weakened (Silverman, 2014). Biases may be created by researchers too, to which the researcher fails to pay attention may render the data obtained to be incomplete, inaccurate, or distorted. As a result, participants may be given 'their own voice' by the researcher whose representation of others is shaped by their own needs, desires, and academic or political agendas (see e.g. Crean, 2018).

This paper used an outsider-insider research project as a case study, to illustrate how researcher positionality – researchers' position vis-à-vis the researched, gender and other identities of researchers – impacts the research. In the article, I reflected on my own experience to explore: the benefits and challenges of outsider-insider research; the role gender plays in the research process; and how researcher's multiple identities and those of participants may influence research access, information gathering, data analysis and research outcomes. It also discusses how I overcame such difficulties.

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Outsider-insider research

In insider-outsider research, a researcher may have certain ascribed identities (gender, race, ethnicity, age, sexuality, social class) in common with the researched. Therefore, a researcher may be recognised as an 'insider' but does not apparently belong to the research group and is often considered an 'outsider' (e.g. Bhopal, 2010; Crean, 2018; Harries, 2016). An insider-outsider researcher may be one who is no longer a member of the research population but, as a former insider, has a shared background, knowledge, and experience with the researched (e.g. Young, 1991). In reality, outsiderness and insiderness are relative, fluid and ever-shifting (Berger, 2016; Bhopal, 2010). While 'insider-outsider' and 'outsider-insider' can be used interchangeably, I use 'outsider-insider' in my reflections in the article to emphasise that in the case study the researcher has been, but is no longer, an insider.

Reflections on the case study

The difficulties of negotiating positionality as an insider, outsider or insider-outsider in qualitative research are well acknowledged (e.g. Brown 2012). Existing research shows a wide continuum of identities (e.g., Bhopal, 2010; Harries, 2016), and researchers' political, social and cultural stances (e.g. Berger, 2013; Crean, 2018) impact positionality.

In the case study, I situated myself as an outsider-insider, as I was once a police officer in China, having a shared background with the research group and a shared gender with the female participants who were the focus of the research. At the same time, being an academic researcher of Chinese origin now affiliated with a 'foreign' institution and working outside China, I was apparently an outsider.

To reflect on the research process, my outsider-insider identity helped me to remove many barriers in the fieldwork, but this researcher status required me to frequently step back and evaluate my position in making judgements on data. Admittedly, insider-outsider and other identity boundaries can be blurry (Hayfield & Huxley, 2015). However, in the case study, there were temporal, spatial and notional spaces between the researcher and the researched, and there was little 'comparison', 'competition' (Berger, 2013) or 'peer pressure' (Young, 1991) in the researcher-researched relationships. The intellectual detachment has allowed me to capture routine occurrences that might be overlooked by an insider (Cohen, 1984) whilst I was also mindful of the danger of self-importance on my part, as an outsider researcher that would block me from hearing other voices (Cloke et al., 2000).

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Apart from outsider-insider positioning, reflecting on a study examining women's experiences in a gendered institution (Acker, 1992) through interviewing both female and male participants, I had an opportunity to explore how gender affects the research, for which several major points were highlighted in the article.

Through the case study, this article illustrated the importance of researcher reflexivity in knowledge production and made a case for transparent, rigorous, sensitised qualitative, feminist research.

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Professor Anqi Shen,

Northumbria Law School

Conception of the Basic Legal Framework of the South China Sea Energy Community

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The South China Sea is rich in oil and gas resources. For the development and utilization of marine energy, it is of great significance for China to claim its ownership for the region. This presentation focused on the South China Sea Energy Community (SCSEC) and sought to use the Conception of the Basic Legal Framework of the SCSEC as a model to make positive legal responses to the controversial issue.

1. Conception of the Basic Legal Framework of the South China Sea Energy Community

The starting point is that the South China Sea Energy Community should take the 'Declaration on the Conduct of Parties in the South China Sea' ('the Declaration', thereafter) as the legal basis. The Declaration was signed in 2002, of which the purpose is to promote peace, stability, economic development and prosperity in the South China Sea region. Its content involves the establishment of a mechanism of trust and cooperation among countries around the South China Sea, the peaceful settlement of territorial and jurisdictional disputes, self-restraint to avoid the complexity of the situation, encouraging other countries to respect the principles contained in the Declaration, and ultimately promote peace and stability in the South China Sea region.

2. The Design of the Model of Supranational Authority

The key to the success of the establishment of the South China Sea Energy Community is that the countries concerned can make a transfer of sovereignty over the exploitation of energy in the sea area and transfer this sovereignty to the South China Sea Energy Community. As a neutral organization, its power comes from all member countries, all of which enjoy equal status and voice. The organization is designed to fully consider the interests of all member states in developing practical measures, implement resolutions, and effectively resolve disputes and conflict interests among member states through internal consensus.

3. Legal Conception of Dispute Resolution Mechanism of the SCSEC

In the centralized exercise of its rights, the South China Sea Energy Community needs not only to create systematic regulations and legal mechanisms, but also to establish pertinent internal institutions to handle key issues, such as determining energy sea areas and the fair distribution of income from energy exploitation. At the same time, to ensure the implementation of the SCSEC's regulations, the supernational regulatory authority must also establish a dispute settlement institution and dispute settlement mechanisms. Dispute settlement mechanisms may include the basic concept of "peaceful settlement", systematically construct legal norms (for example, transparent cooperation between member states and filing the acts of states in the dispute areas in the form of annexes), and establish an investigation institution and develop investigative procedures.

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4. Decision-making procedures

Where a dispute occurs, the parties to such shall promptly exchange views on the dispute settlement through negotiation or other peaceful means. Any party to the dispute has the right to submit a request for consultation in writing to the other parties. The requested party shall reply within the specified time limit from the date of receipt of the request and shall start the consultation process from the date of receipt of the request to reach a solution satisfactory to all the parties.

5. Effectiveness of the dispute settlement mechanism

The final settlement of the dispute depends on the implementation of the award, recommendations or decisions agreed by the Parties, which are binding on all parties. The decision, report or recommendation of the High Commission for Dispute Resolution shall be binding on all parties to the dispute. The parties concerned shall implement in good faith, in accordance with the above-mentioned rulings, reports, recommendations or decisions.

Dr Sipei Liu, *Law School, Jiangsu University, China*

Introducing Artificial Intelligence into the Judicial Process: Practices and Trends in China

Ce (Arthur) Qin, School of Law, Shanghai University of Finance & Economics

In July 2015, the Supreme People's Court of China first proposed the concept of "smart court". The important feature of this smart court construction is that artificial intelligence and other emerging technologies are deeply applied to the field of adjudication, trying to use informatization and intelligence to improve adjudication capabilities. Typically, it relies on big data, the Internet, and cloud computing to establish various automatic or auxiliary intelligent systems in all aspects of court operation.

Although many courts have built various intelligent systems, the "Shanghai Intelligent Assisted Case Handling System for Criminal Cases" ("206 System" for short) is undoubtedly among the best. The system was launched on a pilot basis in May 2017, focusing on solving the problems of inconsistent application of evidence and irregular case-handling procedures in adjudication proceedings. Available data shows that as of December 2017, the system has provided evidence guidance for public security, procuratorial and judicial organs 15,653 times, found 405 evidence flaws, and has a total of more than 100,000 hits (Li Lin & Tian He, 2018).

In addition to the introduction of intelligent case-handling systems, specialized courts based on network technology have also begun to be established. On August 18, 2017, China's first Internet court "Hangzhou Internet Court" was officially inaugurated. On the same day, the court heard its first case - Liu Lianzi, the author of "The Legend of Zhen Huan in the Harem", v. NetEase for infringement of the right to spread the work online. Later, Internet courts in Beijing and Guangzhou were established one after another (Jing Hanchao, 2022).

For the daily operation of ordinary courts, the most innovative is the establishment of "mobile micro-courts". It is based on the WeChat platform, through which the plaintiff and the defendant do not have to go to the trial site and participate in the trial remotely. Therefore, it is also called "palm court" (Hu Changming, 2021).

From a functional point of view, the operation of artificial intelligence in the court is multi-faceted and penetrates the entire litigation process. For example, in the stage of filing a case, the parties can file a case online, pay the litigation fees online, and get electronic service of litigation documents. At the stage of allocating cases, the cases are automatically assigned to the judges handling the cases, which reduces human factors and makes the process reasonable, random and balanced. At the same time, the cases are effectively and uniformly registered. During the trial stage, the parties participate in online court hearings in different places through technology such as computers and smartphones, and the court will use the intelligent system of speech recognition technology to automatically generate court transcripts. When making judgments, judges refer to electronic and unified evidence standards through an automatic evidence checking system, and get similar case studies forwarded from intelligent systems, powered by big data and cloud computing.

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In China, introduction of artificial intelligence in court processes does not stem from a preference for new technologies, but rather has a practical basis. Some scholars have found that contemporary China is actually facing an explosive increase in the number of cases, but by contrast, the number of judges is insufficient. In this judicial dilemma, the use of technology to improve trial efficiency is a natural choice (Zhang Weiping, 2022). Other scholars have found that the introduction of artificial intelligence can facilitate the normalization of the judicial process and restrain judges from improperly exercising their discretion (Jinting Deng, 2019).

However, the introduction of artificial intelligence into the court process has also brought considerable controversy. Some scholars pointed out sharply, can intelligent justice or robot judges build social trust? Will artificial intelligence replace "human judges" to handle cases independently (Hu Changming, 2018)? Other scholars have argued that artificial intelligence judicial decision-making leads to some negative effects, such as weakening the independent status of judges in judicial activities. In scenarios that require the use of value judgments and the subjective discretion of human judges, automated algorithmic processes seem to be incompatible (Richard M. Re & Alicia Solow-Niederman, 2019). In addition, the issues of algorithmic bias and judicial transparency remain unresolved. Some judges also admitted that incorporating the utilization rate of intelligent systems into judges' performance evaluations has led to aggravation of judges' work pressure, which is not conducive to the quality of judges (Deng Heng, 2017).

At present, artificial intelligence in current Chinese judicial practice is only a "weak form" application, and there is no real AI judge. It is not yet possible for an intelligent system to make judicial decisions independently, but only to play an auxiliary role. However, in the face of the rapid development of science and technology, instead of opposing the entry of artificial intelligence into the judicial process, we should explore the ways in which artificial intelligence plays a role in the judicial field, so as to combine technology with law and ethics.

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Professor Ce (Arthur) Qin, *School of Law, Shanghai University of Finance & Economics*

Governing Fragmented Waters: Rethinking Dams Development

Diego Jara, IUCN Environmental Law Centre, International Union for Conservation of Nature

> "Dams have made an important and significant contribution to human development, and the benefits derived from them have been considerable. In too many cases an unacceptable and often unnecessary price has been paid to secure those benefits, especially in social and environmental terms, by people displaced, by communities downstream, by taxpayers and by the natural environment."
> (World Commission on Dams, 2000).

Throughout history, dams have played an important role in the economic development of nations and regions. Dams enable various activities including hydropower, irrigation, flood control, water storage and navigation. From all these activities, hydropower represents the main driver for the increasing development of large dams worldwide. This as a result of the need to provide electricity for globally growing industrial, residential and commercial purposes.

Hydropower, which accounts for 16% of the global share of electricity production, has the potential to secure a renewable source of energy for emerging economies and a solution for regions such as Sub-Saharan Africa where 759 million people still lack access to electricity (IEA 2022, IEA et al. 2021). This is reflected in the recent hydropower projects installed in China, Turkey, and Angola with a capacity superior to 400 MW (IHA, 2021). Despite the undeniable economic benefits from the development of hydropower dams, countries need to ponder the variety of environmental and social impacts that these installations might entail. A means to address these impacts is through the adoption of effective legal and institutional frameworks for dams which can ensure the protection of ecosystems and respect to human rights of displaced communities.

This adoption of legal and institutional frameworks for hydropower dams raises a variety of questions including: What exactly needs to be regulated? The river basin, the main course of the river or the hydropower dam itself? Questions also might arise regarding what legal mechanisms are to be used during the different stages of dam development from the planning, construction, monitoring and even decommission stages?

These are some of the different questions that law makers would need to consider before even planning a hydropower dam. In the absence of an adequate legal and institutional framework to regulate these installations, countries are encouraged to use tools such as environmental impact assessment, as well consultation processes with local communities on the approval of hydropower dam project that might have the potential to affect them.

These issues have already been identified and discussed in North America and Europe that have since the 1920s led the development of hydropower dams, until the 1970s when environmental and social costs of these infrastructures could not be further accepted (Moran et al. 2018). Now, while the developed world is starting to decommission large dams and transitioning into solar PV and wind, emerging economies experience a hydropower boom (Zarl et al. 2015). Major rivers including the Mekong, the Amazon and the Congo are being dammed to increase hydropower capacity, putting at risk freshwater ecosystems, aquatic biodiversity as well as local communities and indigenous peoples (Moran et al. 2018).

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These environmental, social, economic, political, and technical complexities potentially derived from hydropower dams, challenge existing legal and institutional frameworks at national, transboundary, and regional levels. The impact of large water infrastructure such as hydropower dams requires them to be regulated from various dimensions including human rights, investment, and environmental protection (Rieu-Clarke 2015). Moreover, considering the multiplicity of actors from States, to regional economic organisations, banks, insurance companies, environmental organizations and local communities, it is crucial that specific regulations can address the multiple needs, interests and priorities of these actors. To provide a mechanism to regulate the interactions of these different stakeholders, some approaches include the design of non-binding principles, standards and guidelines developed by organisations such as OECD and the International Hydropower Association, as well as recommendations from global dialogue processes such as the World Commission on Dams (Rieu-Clarke 2020).

In this complex scenario of legal instruments, standards, guidelines and recommendations, a question remains open. How should hydropower development be governed? Responses to this question need to include the different legal regimes, actors, geographical scales, and the different stages of development from the planning, construction, filling, operation and the decommission processes.

Finally, after having experienced the severe droughts affecting rivers such as the Rhine, the Danube, and the Yangtze, another question raises, what is the future of hydropower?

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Diego Jara, *IUCN Environmental Law Centre, International Union for Conservation of Nature*

Crime on the Dark Web is not untouchable but human rights must be protected from collateral damage: personal reflections on a Northumbria University research project virtual event about the reach of criminal law into the 'Dark Web' and legitimacy in cyberspace policing

Tim J Wilson, Northumbria Law School

An international research project into Dark Web policing* in which Northumbria Law School and Geography Department are the UK participants comes to an end in November 2022.

Reflecting on both the subject matter and research methodology, the UK PI and RIG member, Professor Tim J Wilson, comments on how covid-19 restrictions had created an opportunity to create a schedule that recognised the time constraints that normally make research engagement with criminal justice professionals difficult.

While I am grateful that the research project began with events at numerous locations in the Netherlands, Sweden and the UK involving sometimes our interdisciplinary team of researchers from four jurisdictions and sometimes only the UK team members with UK cyber investigators or specialists such as the Forensic Science Regulator, the advantages of virtual sessions were apparent during an online conference held on 14th January 2022 to discuss our emerging research findings.

The conference consisted of six hours of intense discussion. Viewpoints were cross-professional and interdisciplinary, involving colleagues with a variety of criminal justice backgrounds and from four Northumbria University departments. It was academically inclusive, with invited contributions from academics of all career stages at seven universities. The event was also international with presenters and contributors from five different countries.

The day was organised around four themes:

1. The Police Service as a reflection of society? led by Dr Derek Johnson (Geography Department), with interventions by a senior intelligence analyst member of the Association of Crime and Intelligence Analysts (UK), Dr Rick Muir, Police Foundation and Visiting Professor Northumbria University, Paige Keningale, Association of Crime and Intelligence Analysts (UK) and Surrey University, and Giles Herdale, Co-chair of the Independent Digital Ethics Panel for Policing (IDEPP) and RUSI Associate Fellow.

2. Gathering, interpreting and exchanging digital evidence led by Associate Professor Adam Jackson (Deputy Head of the Law School) and Associate Professor Gemma Davies (Law School), with interventions by Dr Sophie Carr (Head of the Applied Sciences Department) and Philip Anderson, (Computer and Information Sciences Department).

3. Managing or mitigating fragmentation within a harm prevention, justice and security continuum led by Professor Tim J Wilson (Law School), with interventions by Dr Elina van 't Zand, Leiden University, Peter Lloyd, Director, The Online Eye Ltd Professor Clair Gwinnet, Staffordshire University and Giles Herdale, Co-chair of the Independent Digital Ethics Panel for Policing (IDEPP) and RUSI Associate Fellow and a contribution by Professor Oliver Popov, Stockholm University

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4. Risks and tensions from improved digital investigative capabilities led by Professor Chrisje Brants (Law School), with interventions by Professor Paul de Hert, Tilburg University and Brussels Free University, Dr Ashley Savage, an independent consultant, Vienna, Professor Richard Hyde, Nottingham University, and Dr Elina van 't Zand, Leiden University.

Throughout my time with the University, I have always found it strongly supportive of interdisciplinary research, in this project, however, we were also able to assess innovative approaches to socio-legal empirical research. Thanks to close cooperation with the Geography Department, it was possible to use methodologies originally designed to maximise stakeholder participation in sustainable development projects. This has ensured that the project's outcomes are highly relevant to criminal justice professionals.
The event also provided hands-on experience, relevant to their post-doctorate careers for three Law School postgraduate research students. The research team were grateful for the range of technical and analytical tasks they undertook to make the event a success. In return, we hoped that working with such a diverse group of academics and contributors to empirical research provided a brief but intense insight into internationally funded empirical research.

To date, the research project has resulted in six peer-reviewed articles but it is anticipated that further publications will appear after the project formally ends. So, watch this space.

*Police Detectives on the TOR-network: A Study on Tensions Between Privacy and Crime-Fighting (PDTOR) < https://www.nordforsk.org/projects/police-detectives-tor-network-study-tensions-between-privacy-and-crime-fighting > receives financial support from NordForsk, the Economic and Social Sciences Research Council (ESRC) and the Netherlands Organisation for Scientific Research (NWO) (project no. 80512). The Northumbria University's project colleagues are affiliated to the Dutch Open University, the Amsterdam University of Applied Sciences (HvA), the NHL Stenden University of Applied Sciences, the Dutch Police Academy, the Politihøgskolen (Norwegian Police University College) and Stockholm University.

Professor Tim J Wilson,
Northumbria Law School

Two ‘wrongs’ don’t make it right: Comparing the interpretation of the M’Naghten Rules on the insanity defence in Australia, Canada and England

Tony Storey, Northumbria Law School

Introduction

The defence of insanity in English, Australian and Canadian law is based upon the M’Naghten Rules from 1843. Media and public outcry at the acquittal of Daniel M’Naghten on a charge of murder led to the creation of the rules by the judges who were then members of the House of Lords. The Rules provide for an insanity defence if the accused “was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong”.[1]

The focus of this paper is what is meant here by ‘wrong’. Does it mean wrong as in “contrary to the criminal law” or wrong as in “morally unacceptable”?

English law

In M’Naghten itself, the Law Lords said that if the accused knew that at the time of committing the actus reus of a crime that he “was acting contrary to law; by which expression we understand your lordships to mean the law of the land”, then he would not have the defence. This clearly suggested the accused would (only) have the defence if he did not realise that he was committing a crime. The Court of Criminal Appeal in Windle[2] confirmed this view of the word ‘wrong’. Lord Goddard CJ said:[3]

“The test must be whether it is contrary to law… [T]here is no doubt that in the M’Naghten Rules “wrong” means contrary to the law, and does not have some vague meaning which may vary according to the opinion of one man or of a number of people on the question of whether a particular act might or might not be justified.”

The position in English law, therefore, is that if the accused knew that his act was legally wrong, then he has no defence of insanity. This is the case even if he was suffering from delusions which caused him to believe that his act was morally right. In Johnson,[4] the Court of Appeal was invited to reconsider the decision in Windle. However, although the court acknowledged that the decision in Windle was “strict”, they felt unable to depart from it, believing that, if the law was to be changed, it should be done by Parliament. The situation in English law was restated more recently by the Divisional Court in Loake v CPS,[5] where Irwin LJ stated:[6]

“If a person does something knowing it is legally wrong but believing that it is nonetheless morally justified, he will not succeed on a plea of insanity… The second limb of the defence only arises where [the accused] cannot tell right from wrong to the extent of not knowing his conduct breaches the law.”

[1] (1843) 10 Cl. & F. 200
[2] [1952] 2 QB 826
[3] Ibid at 833
[4] [2007] EWCA Crim 1978
[5] [2017] EWHC 2855, [2018] 2 WLR 1159
[6] At [23] and [60]

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It is important to note that, although the position in English law has been described as "strict", acquittals do happen. In Grusza,[7] the accused was acquitted of murder by a jury at Cambridge Crown Court on grounds of insanity. He had killed his mother with a meat cleaver, decapitated the body with an axe and stored the body parts in a freezer. Following the verdict, the trial judge noted that "He believed he was Jesus Christ, and that God gave him instructions. One of his most compelling delusions was that his mother was the devil; he was told by God to kill her, and dismember her body, in order to destroy the devil. He was convinced she would resurrect if he poured holy water and blood upon her dismembered body parts." As Gruzsa expected his mother to be resurrected he did not know that he was committing murder; hence the not guilty verdict.

Australian Law

In the Australian common law states,[8] the insanity defence is based on M'Naghten, but the courts in those jurisdictions have taken a different view on the meaning of "wrong". In Stapleton,[9] the High Court of Australia also explicitly refused to follow Windle. That Court decided that morality, and not legality, was the concept behind the use of 'wrong':[10]

"There sometimes appears a reference to knowledge that the act committed was against the 'laws of God and man'. But the context leaves no doubt that this expression is referring to the canons of right and wrong and not to the criminal law."

This remains the law to this day in the Australian common law states. For example, in R v Pratt,[11] the New South Wales Supreme Court stated: "The question is whether [the accused] could be said to know... of the reasons which, to ordinary people, would make that act right or wrong" (emphasis added). More recently, in R v Zdravkovic,[12] the same court stated: "A person does not know what he was doing was wrong when he does not know that it is wrong according to ordinary standards of right and wrong adopted by reasonable persons". This jurisprudence has now been codified in New South Wales, in s 28 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020, which provides that a 'person is not criminally responsible for an offence if [they] did not know that the act was wrong (that is, the person could not reason with a moderate degree of sense and composure about whether the act, as perceived by reasonable people, was wrong)'.

Canadian Law

The position in Canadian law is essentially the same as Australian common law. In the leading case, R v Chaulk, [13]Lamer CJ for a majority of the Supreme Court said that:

"It is plain to me that the term 'wrong'... must mean more than simply legally wrong. A person may well be aware that an act is contrary to law but [be] incapable of knowing that the act is morally wrong in the circumstances according to the moral standards of society."

[7] www.bbc.co.uk/news/uk-england-cambridgeshire-59167408
[8] New South Wales, South Australia, Victoria
[9] (1952) 86 CLR 358
[10] Ibid at 369
[11] [2009] NSWSC 1108
[12] [2019] NSWSC 736
[13] [1990] 3 SCR 1303

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This was confirmed by the same court in R v Ratti, [14] in which Lamer CJ stated that the accused "should be found not guilty by reason of insanity if… he lacked the capacity to know that his act was morally wrong in the circumstances" (emphasis added) and again in R v Oommen,[15] wherein McLachlin J (as she then was) stated that "The issue is whether the accused possessed the capacity present in the ordinary person to know that the act in question was wrong having regard to the everyday standards of the ordinary person" (emphasis added).

This remains the position in Canadian law to this day. For example, in R v Minassian,[16] the Ontario Superior Court of Justice observed that: "The issue is whether the accused possessed the capacity to know that the act in question was morally wrong having regard to the everyday standards of the ordinary person".[17]

Reform proposals

The Law Commission of England and Wales recommended reform of the insanity defence in a discussion paper, Criminal Liability: Insanity and Automatism (July 2013).[18] On the subject of 'wrongfulness', the Law Commission argued that: "one aspect of capacity to conform to the law should be the capacity to understand the wrongfulness of the act or omission, and that wrongfulness should not be limited to illegality".[19] Adoption of this recommendation would address the misgivings of the Court of Appeal in Johnson and bring English law into line with Canada and the Australian common law states; it would therefore be a welcome development.

Latest developments

In March 2022, the Court of Appeal in England heard an appeal which once again raised the issue of the meaning of 'wrong' in the M'Naghten Rules. The court took the opportunity to reinterpret the law… but not in the liberal direction advocated by the Law Commission. Instead, the court has taken English law in the opposite direction. In R v Keal,[20]Lord Burnett CJ said:[21]

"In order to establish the defence of insanity within the M'Naghten Rules on the ground of not knowing the act was "wrong", the defendant must establish both that (a) he did not know that his act was unlawful (i.e. contrary to law) and (b) he did not know that his act was "morally" wrong (also expressed as wrong "by the standards of ordinary people"). In our judgment, "wrong" means both against the law and wrong by the standards of ordinary reasonable people."

This interpretation of the word is even more restrictive than that laid down in Windle and takes English law further away from that in Australia and Canada; it is a most *unwelcome* development.

[14] [1991] 1 SCR 68
[15] [1994] 2 SCR 507
[16] 2021 ONSC 1258
[17] Ibid at [58]
[18] www.lawcom.gov.uk/project/insanity-and-automatism/
[19] At [4.33]
[20] [2022] EWCA Crim 341; [2022] 4 WLR 41
[21] Ibid at [41]; emphasis in original

Tony Storey, *Northumbria Law School*

Member News and Publications

CLSE Teamwork Success

- Shen,A., Turner,S. & Antonopoulos, G.A. (2022) Driven to Death: A Chinese case study on the counterfeiting of automotive components. Asian Journal of Criminology 17(3) 311-329

Professor Michael Stockdale, *Northumbria Law School*

- Legal Advice Privilege: The legacy of Three Rivers (No. 5) and the challenge of providing consistent protection to all client types Stockdale, M., Mitchell, R. 1 Apr 2022, In: The International Journal of Evidence & Proof

Dr Yuxi Shang, *Law School, Shangdong Normal University*

Dr Shang was elected to be the Chair of the Legal Psychology Committee, Shangdong province, China in September 2022.

- Shang Y, Fu Y, Ma B, Wang L, Wang D. Psychometric Challenges in the Measurement of Constructs Underlying Criminal Responsibility in Children and Young Adults: A Cross-Sectional Study. Frontiers in Psychology, online first, 13 Dec. 2021. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8792403/

- Shang Y, Wu Z, Du X, et al. The psychology of the internet fraud victimization of older adults: A systematic review. Frontiers in Psychology, online first, 05 Sep 2022. https://europepmc.org/article/pmc/pmc9484557

Professor Chris Newman, *Northumbria Law School*

Chris Newman, Professor of Space Law and Policy, secured a spot on the Spacewatch Global 'Space Café' podcast and had a discussion with Markus Mooslechner on Criminality in Space (https://spacewatch.global/2022/09/the-space-cafe-podcast-063-christopher-newman-space-lawyer-extraordinaire/) which ties in with the article Prof. Newman is writing for the Journal of Criminal Law special edition.

In January 2022, in an article for 'The Conversation', Chris Newman and Nick Caplan, discuss the legal, cultural and environmental issues we will have to consider as space tourism comes closer to reality. With a wide variety of people now going to space, and the prospect in the coming years of humans establishing bases on the Moon and beyond, it raises an important question: what happens if someone dies in space?

Professor Tony Ward, *Northumbria Law School*

- Prosecution of Victims of Trafficking, Ward, T. 1 Jun 2022, In: The Journal of Criminal Law
- The Forensic Ethics of Scientific Communication, Ward, T. 28 Jan 2022, In: The Journal of Criminal Law

Professor Gita Gill, *Northumbria Law School*

Professor Gita Gill has joined a prestigious international network of scholars investigating global trends in climate change law and litigation. She was invited to partner with the Sabin Centre for Climate Change Law, as the Climate Change National Rapporteur for India. The invitation follows the publication of some of her recent research in The Environmental Law Review. It was considered innovative, relevant and of significant value to the Centre's aims.

To find out more, you can view the article here: https://www.northumbria.ac.uk/about-us/news-events/ news/high-quality-research-rewarded-with-prestigious- appointment/

Callum Thomson, *Northumbria Law School*

- Holt K and Thomson C (2022), 'Autoethnography: A Personal Reflection on the Family Bar in the North of England', The Journal of Social Welfare and Family Law – In Press
- Thomson C and Richardson K (2022), 'Wellbeing and Vicarious Trauma: Personal Reflections on Support for Students, Practitioners and Clinicians in Family Law', Palgrave MacMillan – In Press
- Speed A, Richardson K, Thomson C and Coapes L (2021), 'Covid-19 and the Family Courts: Key Practitioner Findings in Children Cases', The Journal of Social Welfare and Family Law, Vol 43(4)
- Speed A, Richardson K, Thomson C and Coapes L (2021), 'Covid-19 and the Family Courts: Key Practitioner Findings in Domestic Abuse Cases', Child and Family Law Quarterly, 2021 CFLQ 215
- Bengtsson L, Thomson C and A'Court B (2021), 'The Law in the Community Module at Northumbria University – Working in Partnership with Citizens Advice as an Effective Teaching Tool', International Journal of Clinical Legal Education, Vol 28. No. 1
- Wellbeing and vicarious trauma: personal reflections on support for students, practitioners and clinicians in family law, Thomson, C., Richardson, K. 9 Jun 2022, Wellbeing and Transitions in Law , London, Palgrave Macmillan

Dr Georgios Pananicolaou, *Northumbria Law School*

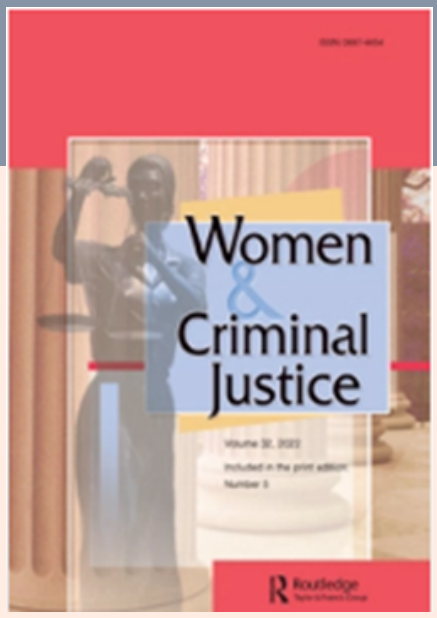
- Migration, trafficking and the Greek economy: A comment on 'the trafficker next-door', Papanicolaou, G., Antonopoulos, G. 19 Apr 2022, In: Anti-Trafficking Review
- Migrant smuggling and ICT: Research advances, prospects and challenges, Papanicolaou, G., Diba, P., Antonopoulos, G. 7 Dec 2021, Research Handbook on International Migration and Digital Technology, Cheltenham, Edward Elgar Η Ελλάδα ως εγκληματολογική πρόκληση: ένα ερευνητικό σχεδίασμα, Papanicolaou, G. 1 Jun 2021, In: Antigone: the question

Professor Anqi Shen, Northumbria Law School

In March 2022, Anqi Shen was invited, as a speaker and panelist, to participate in the UN Commission on the Status of Women (CSW) 66 Forum, a high-profile international forum, to discuss gender equality and empowering all women and girls – SDG 5 of the UN Sustainable Development Goals. Earlier, Prof. Shen was invited by History Department, Furman University, USA, to present her research on women in policing in China, as part of the Women, Gender, and Sexuality in World History Lecture Series.

- *Shen, A. & Schulz, D. M. "Trajectory of Women's Advancement in Policing: A comparative study between China and the United States" https://www.crimejusticejournal.com/article/view/2344 in International Journal for Crime, Justice and Social Democracy came out on 23 August 2022.*

- *Shen, A. "Women's Motivations for Becoming a Police Officer: A Chinese case study on women in policing" https://doi.org/10.1080/08974454.2022.2060898 in Women & Criminal Justice was published on 19 April 2022.*



Chinese Law, Society and Economy (CLSE) is a research outlet and a platform for China-related socio-legal research at Northumbria University.

Our research is by nature multidisciplinary and deliberately covers a wide range of issues in the areas of law, politics, society economics and culture. We also use China as a case study or a starting point to make comparison between China, the UK and other jurisdictions in the world, to engage in global debates. We welcome PGR students who are interested in studying these areas with us.
China is a vast country and a fast-reviving economy in the world. It now increasingly seeks to perform a leading role in the international community. Things happening in China – good or bad – attract global attention, and China-related studies are exciting. We feel that a platform, a forum and a home is needed here in Northumbria Law School and the Faculty of Business and Law, to research into China. CLSE was launched in July 2019 for this purpose. Our members are experts – academics and practitioners – and PGR researchers in the pertinent disciplines or are enthusiastic to carry out research in or in relation to Greater China and overseas Chinese communities. We seek broad international collaboration via research and are keen to make friends globally. We work hard to make CLSE a front runner and a leader of the fields of studies.

You can discover more information about CLSE and keep up to date with our events and research at: https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/law-research/chinese-law-society-and-economy/

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