REGISTRATION AND GENERAL INFORMATION

Registration

The registration desk is located to the left of the front entrance to the business school. It will be open from 10am on Wednesday 9th April; from 8:30am on Thursday 10th April; and from 9am on Friday 11th April. You should give your name to those manning the desk and collect your delegate pack and badge. Please keep your badge with you throughout the event in order to gain access to sessions and catering.

Luggage

Luggage can be stored in room 527 which will be manned at all times. If you require any assistance moving luggage to the room, do not hesitate to ask a student helper. Please be aware that luggage should not be left in this room overnight.

SLSA membership enquiries

If you wish to register for SLSA membership while attending the conference, there will be a dedicated desk located in the Atrium throughout the duration of the conference.

Twitter

Throughout the duration of the conference, there will be a live 'Twitter Wall' on display in the Atrium, the hashtag for this year's conference is #SLSA14. Please refer to the "2014 Streams and Themes Summary" page for details of the designated hashtag for each stream and theme.

There will also be screens in the Atrium displaying relevant information during the three day event.

Post-Graduate Poster Competition

A Post-Graduate Poster Competition is being held in the old library area just off the atrium throughout the first two days of the conference. Please take the opportunity to come and view the posters on display.

The competition will be judged after Session 5 on Thursday 10th April, from 15.30 to 16.15 by **Professor Rosemary Hunter**, **Professor Roger Cotterrell** and **Charlotte Bendall** and the prize awarded at the conference dinner.

Welcome Drinks Reception

There will be a drinks reception taking place in the newly completed "Riverside East" building directly after the plenary session on Wednesday 9th April.

Conference Dinner and Prize Giving

The SLSA Conference Dinner is taking place on Thursday 10 April from 7pm to 11.45pm at the Beach Ballroom, Beach Promenade, Aberdeen, AB24 5NR. The evening will begin with a Civic Drinks Reception, followed by a prize giving ceremony, meal and ceilidh.

Delegates should make their own way to the Beach Ballroom. There is the option of taking a free coach back to the City Centre at 11.45pm.

SLSA 2014 CONFERENCE PROGRAMME

Wednesday 9th April

10.00 Registration opens
12.30 – 13.30 Lunch in the Atrium (and Postgrad lunch event)
13.30 – 15.00 *Session One*
15.00 – 15.30 Refreshments
15.30 – 17.00 *Session Two*
17.15 – 18.30 Plenary panel session
- 17.15 Welcome from SLSA Chair
- 17.20 – 18.20 Plenary
- 18.20 – 18.25 Welcome from the Head of the Law School

18.30 – 20.30 Canapés and drinks reception in Riverside East

Thursday 10th April

08.30 Registration opens
09.00 – 10.30 *Session Three*
10.30 – 11.00 Refreshments
11.00 – 12.30 *Session Four*
12.30 – 14.00 Lunch in the Atrium (and AGM)
14.00 – 15.30 *Session Five*
15.30 – 16.15 Refreshments (and judging of the poster competition)
16.15 – 17.45 *Session Six*
19.00 – 24.00 Conference dinner and Ceilidh at the Beach Ballroom
- 19.00 - 19.30 Civic drinks reception (Principal replying to Provost around 19.15)
- 19.30 – 20.00 Prize-giving
- 20.00 Meal
- 21.45 – 23.45 Ceilidh and bar

Friday 11th April

09.00 Registration opens
10.00 – 11.30 *Session Seven*
11.30 – 12.00 Refreshments
12.00 – 13.30 *Session Eight*
13.30 – 14.30 Packed lunch and end of conference

2014 STREAMS AND THEMES SUMMARY

Stream	Hashtag	Convenors
Access to Environmental Justice	#SLSA14_EJ	Gita Gill & Susan Wolf
Administrative Justice	#SLSA14_AJ	Richard Kirkham
Art, Culture & Heritage	#SLSA14_AC	Charlotte Woodhead & Janet Ulph
Banking & Finance	#SLSA14_BF	Clare Chambers-Jones & Mary Young
Challenging Ownership	#SLSA14_CO	Penny English, Sarah Blandy & Francis King
Civil Procedure ADR	#SLSA14_CP	Masood Ahmed
Criminal Law & Criminal Justice	#SLSA14_CJ	Vanessa Bettinson & Ben Livings
EU Law	#SLSA14_EU	Ian Kilbey & Kathryn Wright
Family and Children Law & Policy	#SLSA14_FC	Anne Barlow & Annika Newnham
Gender, Sexuality & Law	#SLSA14_GS	Chris Ashford
Indigenous Rights & Minority Rights	#SLSA14_IR	Sarah Sargent
IT Law and Cyberspace	#SLSA14_IT	Mark O'Brien & Brian Simpson
Intellectual Property	#SLSA14_IP	Jasem Tarawneh
International Criminal Justice	#SLSA14_IC	Anna Marie Brennan
Intersectionality	#SLSA14_Int	Charlotte Skeet
Labour Law	#SLSA14_Lab	Sam Middlemiss & Michael Jefferson
Law and Literature	#SLSA14_Lit	Julia J. A. Shaw
Lawyers and Legal Professions	#SLSA14_LLP	Andy Boon
Legal Education	#SLSA14_LE	Fiona Cownie & Tony Bradney
Medical Law and Ethics	#SLSA14_ML	Glenys Williams
Mental Health and Mental Capacity Law	#SLSA14_MH	Peter Bartlett
Race, Religion and Human Rights	#SLSA14_RR	Alison Stuart
Renewable Energy & Sustainable Development	#SLSA14_RE	Jona Razzaque
Research Methodologies and Methods	#SLSA14_RM	Antonia Layard, Simon Halliday & Rosie Harding
Sentencing and Punishment	#SLSA14_SP	Gavin Dingwall
Sexual Offences and Offending	#SLSA14_SO	Phil Rumney
Sports Law	#SLSA14_SL	Ben Livings, Simon Boyes & John O'Leary

Theme	Hashtag	Convenors
Colonial Legalities	#SLSA14_CL	Carol Jones
Language, Power and the Law	#SLSA14_Lan	Sarah Craig & Jackie Gulland
Renewing Critique in Criminal Justice (panel)	#SLSA14_RC	Henrique Carvalho

RESEARCHER DEVELOPMENT SESSIONS

Getting Published (Session 2)

Presented by Phil Thomas

This interactive Workshop is aimed at supporting those postgraduates and teachers who wish to publish. Points covered will include:

- developing 'ideas'
- where do I start?
- what constitutes publishing
- selecting a prospective journal/publisher
- how is a refereed journal run
- what to expect from a journal editor and what does s/he expect from you.

Attendees are invited to come with questions and ideas in progress. Phil Thomas (Cardiff University) is the editor of the leading socio-legal journal, the *Journal of Law and Society*, and was the winner of the 2013 SLSA prize for contributions to the socio-legal community.

Getting Funded (Session 4)

Presented by Anne Barlow, Marian Duggan and Antonia Layard

This session will provide advice and answer questions on choosing the appropriate funding scheme(s) and what makes a successful funding application. Both large-scale and smaller grant schemes will be covered, including the SLSA's new PhD fieldwork grants. Attendees are invited to come with questions and ideas in progress.

Anne Barlow (University of Exeter) is the socio-legal studies member of the ESRC grants assessment panel and has held grants from the Joseph Rowntree Foundation, the Nuffield Foundation and the ESRC.

Marian Duggan (Sheffield Hallam University) is a member of the SLSA Research Grants Committee.

Antonia Layard (University of Bristol) is a member of the AHRC and ESRC Peer Review Colleges and of the SLSA Research Grants Committee, and holds and ESRC Fellowship.

Open Access (Session 6)

Presented by Rosemary Hunter and Ben Livings

Everything you wanted to know about open access publishing (but were too afraid to ask)! Open access has become a 'hot' issue in UK academia in the last two years. But while government and higher education funding bodies' policies have developed rapidly, many academics are not aware of how the policies affect them, or are confused by what it all means. The session will mark the launch of the SLSA's Guidance on Open Access. Topics to be covered will include:

- the political and economic context for open access debates
- the different forms of open access
- current and future open access mandates
- licensing issues
- journal open access policies
- making publishing decisions

Rosemary Hunter (University of Kent) is the Chair of the SLSA, a member of the Academic of Social Sciences Open Access Working Group, and editor of an online open access journal, *feminists@law*.

Ben Livings (University of New England) is a member of the SLSA's Open Access Working Group, and will also bring a non-UK perspective to the discussion.

PARALLEL SESSION SUMMARY

WEDNESDAY 9TH APRIL - **SESSION ONE** - 13:30 TO 15:00

Stream/Theme	Session Title	Chair	Room No.	Session No.
Administrative Justice	***Tribunals***	**Chair: Richard Kirkham**	**335q**	**1A**
Sally Richards - Legal Consciousness in the Refugee Review Tribunal of Australia, How Government Officials Think About Law				
Jessica Hambly - Asylum Advocates and Tribunal Adjudication: Complexifying the Workgroup				
Jamie Grace - Process and substance in a due regard for consultation: Proportionality and the impact of policy				
Labour Law		**Chair: Sam Middlemiss**	**440a**	**1B**
Carol Kilgannon - Does UK non-discrimination law protect men and women or the masculine and the feminine?				
Ljb Hayes - Zero-hour contracts as sex-based pay discrimination: a case to be made?				
William Linton - How the law thinks about employment discrimination - the form of direct discrimination				
Medical Law & Ethics		**Chair: Glenys Williams**	**210**	**1C**
Joanna Erdman - The place of reproduction (with emphasis on abortion)				
Michael Thomson - Objecting to conscience: re-evaluating section 4 Abortion Act 1967				
Ruth Fletcher - A troubled conscience: reflecting on the right to conscientious objection				
Sentencing & Punishment		**Chair: Gavin Dingwall**	**423**	**1D**
Natasa Mavronicola - Article 3 of the ECHR and Strasbourg's penological exploits				
Clare Dwyer - Devolving Youth Justice: Resisting the Punitive and Populist Agenda through the Rights Discourse?				
Meredith Rossner - Symbolic or Material Reparations? The dynamics of restorative justice and the role of punishment				
Criminal Law & Criminal Justice	***Procedural themes***	**Chair: Samantha Pegg**	**216**	**1E**
Sinead Ring - In search of the legitimacy of the criminal trial				
Abenaa Owusu-Bempah - Silence in Suspicious Circumstances				
Jen Hendry and Colin King - How Far Is Too Far? A Systems Perspective on Asset Forfeiture				
Family & Children Law & Policy	***Domestic Abuse***	**Chair: Anne Barlow**	**215**	**1F**
Ronagh McQuigg - Recent Case Law on Domestic Violence from the European Court of Human Rights: A Socio-Legal Perspective				
Brian Dempsey - Why hard-won feminist insights into the legal and social response to women who experience domestic abuse must be central to the developing interest in men's experience of domestic abuse				
Adrienne Barnett - 'More Trouble Than They're Worth' The trials and tribulations of fact-finding hearings in private law Children Act cases				
Mental Health & Mental Capacity		**Chair: Peter Bartlett**	**213/4**	**1G**
Kris Gledhill - Assessing Human Rights Compliance of Mental Health Law				
David Watson - Initial findings from an exploration of the motivation to become an Approved Mental Health Professional				
Mariana Oppermann - Trapped in Borderline legal incapacity: an Australian case study				
Challenging Ownership		**Chair: Francis King**	**519**	**1H**
Helen Carr - Property and Power: a case study of the statutory protections of lessees in England and Wales				
Antonia Layard - Governing the Local; the significance of property rights				
Dave Cowan, Helen Carr and Alison Wallace - Shared Ownership: Crisis Moments				

Gender, Sexuality & Law	**Chair: TBC**	**441b**	**1I**
David Davies - A Comparative Analysis of Combating Gender Stereotypes in Advertising and the Media in the EU			
Jamie-Lee Mooney - A Gendered Critique of Group Localised Grooming: Masculinity of Offending v. Femininity of Victimisation			
Nora Honkala - "She, of course holds no political opinions"- Gendering of Politics and Asylum Adjudication			

Intersectionality	**Chair: TBC**	**117/8**	**1J**
Marta Carneiro - Integrating intersectionality in anti-discrimination law. An EU perspective			
Maria Orchard - Exploring the Intersections of Maternity Protection in the United States			
Amal Ali - At the Intersect of Law, Religion and Gender: Is there a Cultural Divide in the Treatment of Women in Europe?			

Access to Environmental Justice	**Chair: Gita Gill & Susan Wolf**	**441c**	**1K**
Graeme Baxter - Rough justice? Information access and environmental justice relating to two controversial coastal developments in North East Scotland			
William Walton - Who will protect the ospreys? A personal reflection on the legal fight against the Aberdeen bypass			
Anna Grear - Climate injustice - Re-imagining the ontology, epistemology and ethics of 'legal hearing'			

Intellectual Property	**Chair: Jasem Tarawneh**	**335m**	**1L**
Thorsten Lauterbach - Owning jointly authored works – equal or unequal shares?			
Benjamin Farrand - EU Copyright Law: Political Salience, Expertise and the Legislative Process			
Sujitha Subramanian - Impact of the Emerging 'Network Agenda' in the Global Intellectual Property Legal Order			

Civil Procedure ADR	**Chair: Masood Ahmed**	**428**	**1M**
Debra Stevens - In the context of Divorce and family breakdown, are people continuing to solve problems using mediation?			
Anne Marie Blaney - The Normative Meaning of voluntary and mandatory mediation			
Tatiana Tkacukova - Meeting Communication Needs of Litigants in Person in Civil Proceedings			

WEDNESDAY 9TH APRIL - **SESSION TWO** - 15:30 TO 17:00

Administrative Justice	***Complaints and the Ombudsmen Sector***	**Chair: Richard Kirkham**	**335q**	**2A**
Richard Kirkham - Evolving standards in the complaints branch				
Nick O'Brien - The ombudsman and 'constitutional morality': An anglo-indian conversation				
Chris Gill - The influence of redress mechanisms				
Naomi Creutzfeldt - Dispute behaviour in public and private sectors in Europe: the role of ombudsmen				

Labour Law	**Chair: Sam Middlemiss**	**440a**	**2B**
Mark Butler - To consult or not to consult? The requirement of consultation under s.188 TULRCA following the USDAW litigation			
Andrew Young - Mental Health and Employment Law: Applying a systems theory analysis to understand and re-shape the legal framework			
Rosemarie Mcilwhan & and Martha Caddel - Internships – volunteer, worker, employee or something else?			

Legal Education	**Chairs: Anthony Bradney & Fiona Cownie**	**117/8**	**2C**
Alex Roy - Opportunities for legal education post education and training review			
Catherine Caine & Lida Pitsillidou - Student Law Reviews as a tool for enhancing student experience in the UK: Lessons to be learnt from the US			
~~Emma Piasecki - The Flipping Bar!~~			

Medical Law & Ethics	**Chair: Glenys Williams**	**210**	**2D**
Claire Lougarre - Measuring the scope of the right to health: What is appropriate healthcare and who can benefit from it?			
Caroline Jones & Jonathan Montgomery - A tale of two citadels: competing narratives in a case biography			
Ellie Lee & Jan MacVarnish - Law at the edge of clinical practice: the welfare clause and access to assisted reproduction in the UK			

Sentencing & Punishment	**Chair: Gavin Dingwall**	**423**	**2E**
Steven Cammiss - Mode of Trial for Low Value Dishonesty Offences: An Unwanted Fettering of Judicial Discretion?			
James Roffee - Ten Years of the Sexual Offences Act 2003: The new sentencing guidelines on sexual offences			

Criminal Law & Criminal Justice	**Criminal law and public interest**	**Chair: Vanessa Bettinson**	**216**	**2F**
Nicola Monaghan - Distinguishing legitimate juror misconduct from frivolous allegations – a call to protect Lord Judge's legacy				
David McArdle - "Worrying the Carcass of an Old Song": Prosecutors' and Judicial Perceptions of the Offensive Behaviour at Football etc. (Scotland) Act				

Family & Children Law & Policy	***Family & Equality***	**Chair: Annika Newnham**	**215**	**2G**
Anne Barlow - Delusions of equality in family law?				
Charlotte Bendall - Rethinking familial 'equality': a study of domestic division in same sex relationships				
Rosemary Auchmuty - The Myth that Marriage Protects				

Mental Health & Mental Capacity	**Chair: Alex Ruck Keene**	**213/4**	**2H**
Yi Huang - The legal capacity of mentally disabled people in the context of China's Mental Health Law			
Rosie Harding – The Rise (and Fall?) of Statutory Wills: Best interests, substituted decision making and the UN CRPD			
Amanda Keeling - Kuhnian Paradigm Shifts and the UN Convention on the Rights of People with Disabilities: Revolution or Evolution?			

Research Methodology & Methods	**Interviewer: Dave Cowan**	**125**	**2I**
A "Meet the Author" session with the winner of the Socio-Legal Book Prize, Emilie Cloatre.			

Challenging Ownership	**Chair: Penny English**	**519**	**2J**
Francis King - From Property 'Right' to Property 'Wrong'			
Tsachi Keren-Paz - Restitution from Bribers			
Jim Robinson - Land, Legal Orders and Legitimacy: UN-Habitat, Mediation Teams and Eastern Democratic Republic of Congo			
Jamie Murray - Land Law: Regulatory Modes of Complex People-Place Networks Between Ecology and Economics			

Gender, Sexuality & Law	**Chair: TBC**	**441b**	**2K**
Kate Cook - Believe Children Now			
M. Isabel Garrido Gómez - Legal Articulation on Women and Transnational Family			
Tânia Cristina Machado & Ana Maria Brandão - Sexual and reproductive rights in Portugal: The case of (co)adoption			

Access to Environmental Justice	**Chair: Gita Gill & Susan Wolf**	**441c**	**2L**
Susan Wolf - Access to Information-a precondition for access to justice?			
Larissa Boratti - Framing an environmental justice approach to urban-environmental decision-making			
Gita Gill - The national green tribunal of India: a case study in environmental justice			

Intellectual Property	**Chair: Jasem Tarawneh**	**335m**	**2M**
Nataliya Hitsevich - Article 5 (3) of the Brussels I Regulation and its applicability in the case of intellectual property rights infringement on the Internet			
Xiao Mu - The Well-Known Trademark Protection in China			

Civil Procedure ADR	**Chair: Masood Ahmed**	**428**	**2N**
Masood Ahmed - Non-Compliance and Relief from Sanctions			
Barbara Billingsley - Recent Reforms in Canadian Civil Procedure			
Miriam A Keane - Legal Costs: Understanding the Exercise of the Discretion to Depart From the Indemnity Rule			

Getting Published	**Chair: Phil Thomas**	**222**	**2O**
This interactive workshop will be led by editor of the JLS, SLSA stalwart and winner of the 2013 SLSA prize for contributions to the socio-legal community, Phil Thomas. The aim of the workshop is to introduce young, underpublished scholars to the how and why of research and publishing.			

THURSDAY 10TH APRIL - **SESSION THREE** - 09:00 TO 10:30

Administrative Justice	***The wider administrative justice system I***	**Chair: Richard Kirkham**	**335q**	**3A**
Mohsen Al Attar & Miriam Clouthier - Public Consultations – Bellwether to Administrative Justice?				
Richard Hyde & Ashley Savage - Whistleblowing, Regulators and Accountability				
Anne Daguerre - Access to social entitlements in the USA and the UK: between convergence and divergence				

Banking & Finance	***Financial Crisis and Risk***	**Chair: Clare Chambers-Jones & Mary Alice Young**	**421**	**3B**
Samet Caliskan - Constraining the Wrongdoing Directors from Undesirable Behaviour				
Stephen Copp & Alison Cronin - Off-Balance Sheet Finance and the 2008 Financial Crisis: The Case for Deterrence Evaluated				

International Criminal Justice: Theory Policy & Practice	**Chair: TBC**	**423**	**3C**
Cath Collins - Domestic Courts and 'Late Justice' for Mass Atrocities: Latin American Accountability Practice in the Post-Pinochet Era			
Khanyisela Moyo - Criminal Justice and Accountability for the "Gukurahundi Genocide" in Matabeleland, Zimbabwe			
Anthony Cullen - Increasing Compliance with International Humanitarian Law in Non-international Armed Conflict			

Labour Law	**Chair: Sam Middlemiss**	**440a**	**3D**
Keith Gompertz - The world of work through a Quaker prism: Parke v The Daily News Ltd revisited			
Ulf Thoene - Aspects of the welfare protective regime in Latin America over time			
Jennifer L.L. Gant - Proletarianisation, Labour Regulation and Socio-Economic Context in the EU: How did we get here, where are we going and why?			

Legal Education	**Chairs: Anthony Bradney & Fiona Cownie**	**117/8**	**3E**
Rosemarie Mcilwhan, Liz Hardie & Francine Ryan - Should online teaching have a place in undergraduate law curriculum?			
Louise Taylor - MOOCing the way to numerical literacy in law			
Joanna Erdman - Health and Human Rights Education as a Model of Social Change			

Medical Law & Ethics	**Chair: Glenys Williams**	**210**	**3F**
Tsachi Keren-Paz - Injuries from unforeseeable risks which advance medical knowledge – a restitution-based justification for strict liability			
Vishwas H. Devaiah - Reviewing the regulation of clinical trials in India in the context of the HPV Vaccine fiasco			
Debra Wilson - Rethinking circumcision: Right to religious freedom, or to bodily integrity?			
Camillia Kong - The social space of Reasons in Assessments of Mental Capacity			

Criminal Law & Criminal Justice	***Criminal law and emerging international themes***	**Chair: Ben Livings**	**216**	**3G**
Anna Brennan - The Emerging Crime of Transnational Terrorism: An Examination of how Domestic Criminal Law Influenced the Special Tribunal for Lebanon's Interlocutory Decision				
Surabhi Chopra - Young adults and national security laws in India				
Sean Columb - Beneath the Organ Trade: A Critical Analysis of the Organ Trafficking Discourse				

Family & Children Law & Policy	***Private Child Law***	**Chair: Anne Barlow**	**215**	**3H**
Joanna Miles, Steve McKay, Ira Ellman & Caroline Bryson - How much the state should require fathers to pay when families separate				
Maebh Harding & Annika Newnham - Shared parenting: research findings				
David Hill - The Habitual Residence of Children				

Mental Health & Mental Capacity	**Chair: Amanda Keeling**	**213/4**	**3I**
Eilionoir Flynn & Anna Arstein-Kerslake - Sexuality, Gender, and Disability: Capacity to Consent to Sex			
David Gibson - Doubting Capacity			
Helen Taylor - Almost seven years since enactment of the Mental Capacity Act 2005: the age of enlightenment in clinical practice?			

Research Methodology & Methods	***Mixing Methodologies: Innovations in socio-legal method***	**Chair: Antonia Layard & Rosie Harding**	**125**	**3J**
Azadeh Chalabi - Factorial Survey as a Context-Specific Method for Human Rights Fact-Finding				
Gayatri Patel - A Socio-Legal Investigation of the UN Universal Periodic Review Process: Bringing together theory and practice				
Mohd Hwaidi - Why and How Empirical Study in Commercial Law?				

Challenging Ownership	**Chair: Dave Cowan**	**519**	**3K**
Bronwen Morgan and Declan Kuch - The Sharing Economy and the Shift from Ownership to Access: Implications for Law, Political Economy and Identity			
Sarah Keenan - Technologies of Dispossession: The registration of land title and the production of subjects out-of-place			
Sjur Kristoffer Dyrkolbotn - 'Small-scale hydro-power is in our blood': On private ownership of waterfalls in Norway			

Gender, Sexuality & Law	**Chair: TBC**	**441b**	**3L**
Anna Carline - Enforcing Welfare? Evaluating the Use of Engagement and Support Orders in the Context of On-Street Prostitution			
Phil Rumney - Debating Rape			
Matthew Phillips & Gabriel Schembri - Prosecution for Reckless Transmission: Invisibility of the 'Other'			

Information Technology Law & Cyberspace	**Chair: Brian Simpson**	**441c**	**3M**
Kevin Brown & Martine Wade - The Privacy Implications of Google Glass: Exploring the Attitudes of Undergraduate Students			
Maria Helen Murphy - The Pendulum effect: Comparisons between the Snowden revelations and the Church Committee. What are the potential implications for Europe?			
Julia A. Shaw and Hillary J. Shaw - The politics and poetics of spaces and places: reimagining the structures of social control			

Art, Culture & Heritage	***Heritage places and the built environment***	**Chair: Charlotte Woodhead**	**335m**	**3N**
Davina Jakobi -The End of an Era? The Life and Times of 5 Pointz				
Andrea Ragusa - Policy and Legislation for Cultural Property in Italy The Foundation of the Ministry for Cultural and Environmental Heritage 1974-75				
Ruijie Du - New Orientation, Old Predicament: the Issue of Private Property Rights in the New Context of Hong Kong's Heritage Conservation				

Lawyers & Legal Professions	**Chair: TBC**	**220**	**3O**
Tatiana Tkacukova - Ethical Issues in Proceedings with Litigants in Person			
Alex Roy - Market challenges to regulating legal services			
Marie Burton - Place and the development of social welfare legal aid			

Civil Procedure ADR	**Chair: Masood Ahmed**	**428**	**3P**
A. K. C. Koo - Costs Sanctions for Unreasonable Refusal to Mediate: Lessons from England and Hong Kong			
Mohamed Salem Abou El Farag - The Rise of Mediation in Arab Countries: Will It Contribute to Trade Expediency?			
Jassim Al-Obaidli - Is the future of arbitration in Qatar threatened by the decision of the Court of Cassation?			

THURSDAY 10TH APRIL - **SESSION FOUR** - 11:00 TO 12:30

Administrative Justice	***Social Rights - Recent Developments I***	**Chair: TBC**	**335q**	**4A**
Kirsten Ketscher - Social tourism – Abuse of welfare benefits in EU?				
Sara Stendahl - Begging in the midst of EU-policy making: free movement, equal treatment, social investment, Roma integration and social rights?				
Paul Van Aerschot - The Relationship between the Social Benefit System and Immigration in Finland and Sweden				

Banking & Finance	***Corporate Governance and Social Responsibility***	**Chairs: Clare Chambers-Jones & Mary Alice Young**	**421**	**4B**
Renginee Pillay - Corporate Social Responsibility and Development in Context: The Case of Mauritius				
Putri Syaidatul Akma Mohd Adzmi - Using Black Letter Perspective to Compare Anglo-American and Malaysian Corporate Governance				
Credit, Capital and Compliance in the Modern Banking Environment				
Mohd Hwaidi - The Story of the English Strict Compliance Principle in Letter of Credit and its Consistency with the UCP				
~~Jay Cullen - Mortgage Markets, Credit Booms and Bank Capital~~ **[Moved to session 3B]**				

Indigenous & Minority Rights	***Indigenous Rights in a National Context***	**Chair: Sarah Sargent**	**440a**	**4C**
Azadeh Chalabi - Indigenous Rights in Australia's National Human Rights Action Plans				
Rodrigo Cespedes - Criminal and Environmental Justice for Chilean Indigenous People				
Signa Daum Shanks - Can Shared Land Use Be a Legal Right? Views from "Aboriginals" in Canada about how it Might be Proven				

International Criminal Justice: Theory Policy & Practice	**Chair: Anna Marie Brennan**	**423**	**4D**
Luke Moffett - Addressing Complex Identities within the International Criminal Court			
Therese O'Donnell - Greatest Responsibility, Lesser Responsibility, No Responsibility: Kony 2012 and Legal Concepts as Tools of Obfuscation			
Aisling O'Sullivan - The Struggle between Hegemonic and Counter-Hegemonic Positions in the ICJ's judgment in the Obligation to Prosecute or Extradite case			

Legal Education	**Chairs: Anthony Bradney & Fiona Cownie**	**117/8**	**4E**
Amy Barrow - The Role of Socio-Legal Education in Fostering Public Interested Lawyers in the Hong Kong Context			
Pedro Fortes - A brave new post-colonial world in legal education: a postcard from the global south			
Rachael Field - Harnessing the Law Curriculum to Promote Law Student Well-Being: Lessons from an Australian National Teaching Fellowship			

Criminal Law & Criminal Justice	***Criminal law and anti-social behaviour***	**Chair: Vanessa Bettinson**	**216**	**4F**
Marian Duggan & Vicky Heap - Exploring socio-legal responses to anti-social behaviour and hate crime				
Kevin Brown - The Introduction of the 'Community Trigger for Anti-Social Behaviour': Giving Victims a Voice or Providing False Hope?				

Family & Children Law & Policy	***Alternative Families***	**Chair: Maebh Harding**	**215**	**4G**
Lydia Bracken - When mater certa semper est is not always certain: Rethinking parentage in surrogacy				
Alan Brown - Constructions of Parenthood in 'Known Donor' Disputes				

Mental Health & Mental Capacity	**Chair: Elionoir Flynn**	**213/4**	**4H**
Piers Gooding - Supported Decision-Making and Mental Health Law - Questions of Praxis			
Beverley Clough - 'People Like That'- Context and Capabilities in Mental Health and Capacity Jurisprudence			
Jill Stavert - Autonomy, consent to treatment and substituted decision makers: the CRPD and Scottish Mental Health and Incapacity Law			

Research Methodology & Methods	***Challenges in the Field: Socio-legal research methods in practice***	**Chair: Antonia Layard & Rosie Harding**	**125**	**4I**
Adam Sales, Morag McDermont - Documenting legal consciousness in 'live' employment cases				
Sarah-Sophie Flemig - Mind the Gap to Close It – The Role of Socio-Legal Research in Bridging Legal and Public Policy Scholarship on the Legislative Process				
Jenny Harris & Samuel Kirwan - Re-Situating Legal Consciousness: methodological challenges and suggestions for innovation				

Challenging Ownership	**Chair: TBC**	**519**	**4J**
A "Meet the author" session with the joint winner of the Socio-Legal Article prize, Sarah Keenan.			

Gender, Sexuality & Law	**Chair: TBC**	**441b**	**4K**
Caroline Derry - Sexuality and feminist law reform in 1921: the AMSH, the age of consent and 'gross indecency between women'			
Danielle Tyson - Homicide Law Reform in Victoria, Australia: A Feminist Success Story or Manifest Failure?			
Alex Dymock - 'Sexpert' Witnesses: examining the politics of 'sex-pertise' in the criminal courts			

Information Technology Law & Cyberspace	**Chair: Mark O'Brien**	**441c**	**4L**
Ercilia García, Jordi López & Sheila Sánchez - Consumption of digital goods in cyberspace: Deconstructing Spanish regulation			
Claire Bessant - Should parents be able to take photos at a school play or at sports day? A critical analysis of current education authority guidance			
Brian Simpson - Memorialising the dead child in cyberspace and its implications for the rights of children			

Art, Culture & Heritage	***Restitution and Repatriation***	**Chair: Janet Ulph**	**335m**	**4M**
Charlotte Woodhead - The language of law but an equitable ethos - the Spoliation Advisory Panel as an equitable jurisdiction for the 21st Century?				
Sophie Vigneron - The deaccession of human remains in France				
Shea Esterling - Exploring the Limits of the Restitution of Cultural Property in the UN Declaration on the Rights of Indigenous Peoples				

Lawyers & Legal Professions	**Chair: TBC**	**220**	**4N**
Mary Seneviratne - The Legal Ombudsman - past, present and future			
Francesca Degl'Innocenti - The Paradox of the Italian Reform of The Legal Profession: Better Quality of the Service or Less Free Competition?			
Daniel Rahnavard - Class struggles at the Bar: last orders for the working class?			

Getting Funded	**Chair: Anne Barlow**	**222**	**4P**
This session will include the socio-legal studies member of the ESRC grants assessment panel, Anne Barlow, and a representative from the SLSA research grants committee, among others.			

Language, Power & the Law	***Looking at language, power and inequalities across legal processes***	**Chair: Jackie Gulland & Sarah Craig**	**210**	**4Q**
Steven Cammiss - Law Language and Power: Three interrelated themes on the construction of legal stories				
Tatiana Tkacukova - Powerful and Powerless Communication Styles of Litigants-in-Person				
Agnieszka Doll - 'Here, nobody is sick!' Experience, Text, and the Organization of Involuntary Psychiatric Admission in Poland				

Sexual Offences & Offending	**Chair: Phil Rumney**	**428**	**4R**
Margaret Fitzgerald O'Reilly & Susan Leahy - Reform of the Irish Rules Relating to Admissibility of Bad Character Evidence in Rape Trials			
Mark Smith, Steve Kirkwood & Clare Llewellyn - Gathering data on allegations of sexual abuse made against former disc jockey, Jimmy Savile			
Jamie-Lee Mooney - The Legal and Social Challenges posed by Misconceptions of Group Localised Grooming			

THURSDAY 10TH APRIL - **SESSION FIVE** - 14:00 TO 15:30

Administrative Justice	***Social Rights - Recent Developments II***	**Chair: TBC**	**335q**	**5A**
David Barrett - The Regulation of Socio-Economic Inequality in Great Britain				
Michael Adler - The Case for Constitutionalising the Right to a Social Minimum				
Grainne McKeever - Reviewing a model of socio-economic rights enforcement: ten years on				

Banking & Finance	***The Role of Law in the Global Monetary Market***	**Chairs: Clare Chambers-Jones & Mary Alice Young**	**421**	**5B**
Meysam Saidi - Islamic Banking Regulation				
Ngozi Okoye - The Central Bank of Nigeria (CBN) Competency Framework for the Nigerian Banking Industry: A Case of 'Near' Adequacy?				
Dania Thomas - Reconstructing the Legal Imagination: The Role of the Law in Sovereign Debt Markets				

Indigenous & Minority Rights	***Legal Principles and Provisions in Minority and Indigenous Rights***	**Chair: Sarah Sargent**	**440a**	**5C**
Lucia Payero - Catalan Self-Determination: A Legal Analysis				
Snusu Hirvonen-Kowal - Evaluating Cultural Genocide under International Law				

International Criminal Justice: Theory Policy & Practice	**Chair: Anna Marie Brennan**	**423**	**5D**
James MacLean - Is there more to a 'group' than meets the eye? Reconceptualising the 'crime of crimes' through a process-theoretical lens			
Sabine Hoehn - Justice, while she winks at crimes… Legitimacy, effectiveness and the non- confirmation of charges at the ICC			
Diana Sankey - International Criminal Justice and the Relevance of Developments in Neuroscience: Possible Implications and Challenges			

Legal Education	**Chairs: Anthony Bradney & Fiona Cownie**	**117/8**	**5E**
Malgorzata Margaret Carran, Karolina Czarnecka & Marlon Gray - Preparing law graduates for the future - the integration of an employability module into compulsory LLB curriculum			
Elizabeth Gillow & Catherine Edwards - Reasonable adjustments for postgraduate vocational students with disabilities			
Lucy Crompton & Catherine Edwards - A truly practical experience? The transactional day as an example of good practice on the Legal Practice Course			

Family & Children Law & Policy	***Courts and dispute resolution***	**Chair: Mavis Maclean**	**215**	**5F**
Kirsteen Mackay - The view from Scotland: why maintaining access to court is necessary in family actions				
Jane Mair & Fran Wasoff - Contract and consensus in family law: Scottish separation agreements				
Joanna Miles, Emma Hitchings & Hilary Woodward - Assembling the jigsaw puzzle: understanding financial settlement on divorce				

Criminal Law & Criminal Justice Mental Health & Mental Capacity	***Joint Session***	**Chair: TBC**	**213/4**	**5G**
Simon Barnes - Psychopaths and the insanity defence in English law: is a policy of exclusion justifiable?				
Miranda Bevan - The Law Commission's Unfitness to Plead Project				
John Rumbold - Capacity versus character, law versus medicine; competitive or complementary paradigms of criminal responsibility?				

Research Methodology & Methods	***Method-ology: developing a socio-legal theory of method?***	**Chair: Antonia Layard & Rosie Harding**	**125**	**5H**
Abi Dymond - Silently Shocking? Law, Language and Silence in the Taser Actor -Network				
Lars Branscheidt - Diagnosing of Social Psychological Theories in Legislation and Case Law				
Tom Tooth - Arresting developments: methodological reflections on the practicalities of police practitioner research				

Race, Religion & Human Rights	**Discussant: Khanyisela Moyo**	**519**	**5I**
A "Meet the Author" session with the winner of the Early Career Book Prize, Nevin T. Aitken			

Gender, Sexuality & Law	**Chair: TBC**	**441b**	**5J**
Tânia Cristina Machado - "They should find a man": Barriers to lesbian medically assisted motherhood in Portugal			

Sports Law	**Chair: Simon Boyes**	**441c**	**5K**
Jack Anderson - Crime and the Corruption of Sport			
John O'Leary & Teng-Guan Khoo - Will the Cream Always Rise to the Top? Examining Anti-Discrimination Policies in Sport			
Daniel Watters - Sentencing - The Real Issue in Sports Violence			

Art, Culture & Heritage	***Values, rights and dispute resolution***	**Chair: Janet Ulph**	**335m**	**5L**
Alessandro Chechi - When Cultural Heritage Matters in International Adjudication				
Current issues and future developments in Art, Culture and Heritage - discussion				

Lawyers & Legal Professions	**Chair: TBC**	**220**	**5M**
Nina Holvast - Judicial assistants/law clerks: merely assistants or professionals working alongside the judge? A study on first instance courts in the Netherlands			
Andrew Boon - Discipline and Regulation			
Richard Moorhead - Looking at the Ethical Consciousness of Lawyers			
Robert Cross - How Alternative are ABS?			

Language, Power & the Law	***Looking at language, power and inequalities across legal processes***	**Chair: Sarah Craig & Jackie Gulland**	**210**	**5N**
Jamie Grace - Narrative and power in criminal records: criminality information sharing and identity in the avoidance and apportionment of stigma				
Marcus Soanes & Robert McPeake - Does Labelling Complainants "Victims" Pervert the Course of Justice?				
Santiago Abel Amietta - Idioms of Participation: Language, Power and Knowledge in the Introduction of Laypersons in Criminal Trials in Argentina				

Sexual Offences & Offending	**Chair: Phil Rumney**	**428**	**5O**
James Roffee & Bhumika Sharma -The wrong target: The limited effect of changes to Indian legislation tackling sexual abuse			
Tanya Palmer - Hard Cases in Sexual Offences Law: Using 'freedom to negotiate' as a model for distinguishing sex from sexual violation			
Amber McAuley - Re-Evaluating Sexual Consent			

THURSDAY 10TH APRIL - **SESSION SIX** - 16:15 TO 17:45

Administrative Justice	***The Courts and Administrative Justice***	**Chair: Richard Kirkham**	**335q**	**6A**
Surabhi Chopra - Judicially reviewing the State's failure to prevent mass violence: what do evolving judicial remedies mean for government and for victims?				
Alan Paterson - Supreme Court dialogues with Parliament and the Executive				
T T Arvind & Lindsay Stirton - Doctrine and strategy in appellate adjudication				

Banking & Finance	***International Trade and Business***	**Chairs: Clare Chambers-Jones & Mary Alice Young**	**421**	**6B**
Nicholas Grier - The Success and Failure of Enlightened Shareholder Value as Seen in s.172(1) of the Companies Act 2006				
Mohd Hwaidi - International Trade Usage as a Communicative System				

EU Law	**Chair: Ian Kilbey**	**440a**	**6C**
Mariana Chaves - The nature of EU's harmonisation of national criminal law			
Richard Craven - The Turkey-EU relationship through the lens of public procurement law			
Nadine El-Enany - The Perils of Differentiated Integration in the Field of Asylum			

Legal Education	**Chairs: Anthony Bradney & Fiona Cownie**	**117/8**	**6D**
Mohsen Al Attar - Nurturing student autonomy – why legal education?			
Anthony Bradney - The Professional Ideal in Legal Work in Contemporary England			
Fiona Cownie - The UK's First Female Law Professor			

Criminal Law & Criminal Justice	***Criminal justice and the vulnerable***	**Chair: Samantha Pegg**	**216**	**6E**
Louise Taylor - Improving access to justice for vulnerable and intimidated victims: Analysing the impact of the EU victims directive				
Foteini Kyriakopoulou-Kollia - The Response of the Criminal Justice System to Intimate Partner Violence in England and Wales from a Feminist Perspective				
Glenys Williams - The anger and fear emotions in excusatory defences				

Family & Children Law & Policy	***Succession***	**Chair: Jo Miles**	**215**	**6F**
Kathryn O' Sullivan - Stepchildren and the Law of Succession in Ireland: Where should the balance lie?				
Rebecca Badejogbin & Vicki Lawal - Problems Associated with Testamentary Dispositions to Women and Children among the Rukuba People in Nigeria against developments in South Africa				

Mental Health & Mental Capacity	**Chair: Kris Gledhill**	**213/4**	**6G**
Leigh Roberts - Heart like a swinging brick: The construction of disability by social landlords in their control of antisocial behaviour			
Andrew Young - Mental Health Welfare and Employment Law			

Research Methodology & Methods	***Locating society in socio-legal methods***	**Chair: Antonia Layard & Rosie Harding**	**125**	**6H**
Dermot Feenan - Law and Society Research: Examining the Concept of Society				
Dave Cowan & Helen Carr - The social, the private and the #bedroomtax: Welfare in a time of austerity				
Antonia Layard & Rosie Harding - Roundtable discussion: Research Methods in Socio-Legal Studies				

Race, Religion & Human Rights	**Chair: Alison Stuart**	**519**	**6I**
Ilias Trispiotis - Religion in the Age of Austerity: A Social Inclusion Approach to European Human Rights Law			
Alison Stuart - Reasonable Accommodation for Religious and Other Beliefs: A Reasonable Concept or an Accommodation Too Far			
Eadaoin O'Brien - Disaster Response and Human Rights: A Human Rights Assessment of Disaster Victim Identification			

Colonial Legalities	**Chair: TBC**	**423**	**6J**
A "Meet the Author" session with the joint winner of the Socio-Legal Article Prize, Oishik Sircar.			

Gender, Sexuality & Law	**Chair: TBC**	**441b**	**6K**
Madhumanti Mukherjee - The 'Responsible Woman' and Patriarchy: is she really out of her mind?			
Esen Ezgi Tascioglu - Regulating Sex Work, Governing Transwomen in Turkey: An Analysis of Law's Power and Plurality			

Law & Literature	**Chair: Julia J. A. Shaw**	**441c**	**6L**
Robert Herian - "Feel your dark way as I lead you, father": (re)imagining equity with law using Sophocles' Theban Plays			
Janet McKnight -"The Maze": Finding the Value in Legal Fiction			
Kasey Mccall-Smith - Popular Music and Human Rights: If the world is speaking, is anyone listening?			

Art, Culture & Heritage	***Ethics and the Law***	**Chair: Charlotte Woodhead**	**335m**	**6M**
Janet Ulph - "Unpacking" codes of ethics				
Christa Roodt - Linking Art, Law and Business for a Secure Society				

Sexual Offences & Offending	**Chair: Phil Rumney**	**428**	**6N**
Phil Rumney - False allegations of rape: Learning from the past, or not learning at all?			
Elizabeth Lawson - The development of domestic law and policy relating to child sexual exploitation in a rapidly evolving technological world: an examination of the response in Scotland and Canada			
Gethin Rees and John Rumbold - 'His bizarre defence won the backing of an expert': Ambiguity in the media reporting of sexsomnia defences			

Open Access	**Chair: Rosemary Hunter**	**222**	**6M**
Everything you wanted to know about open access publishing (but were too afraid to ask)! The session will be led by SLSA Chair Rosemary Hunter, and will mark the launch of the SLSA's Guidance on Open Access.			

Language, Power & the Law	***Looking at language, power and inequalities across legal processes***	**Chair: Jackie Gulland & Sarah Craig**	**210**	**6N**
Lynsey Mitchell - The Power and Legitimacy of Legal Language in Framing War and Conflict				
James Ressel - Speech as "self-evident story": when not to listen				

FRIDAY 11TH APRIL - **SESSION SEVEN** - 10:00 TO 11:30

Administrative Justice	***The wider administrative justice system II***	**Chair: Chris Gill**	**335q**	**7A**
Edward Kirton-Darling - Decision making in the inquest system – framing the family				
Mervyn Martin & Maryam Shadman-Pajouh - Enforcing DSB decisions in the current system of the WTO DSU				
Salem Alsherhri - The right to trial within a reasonable time in English law in Criminal Matters				

Criminal Law & Criminal Justice	**Chair: TBC**	**216**	**7C**
Christopher Sargeant - The accountability of prison custody providers for deaths in prison custody: The impact of the Corporate Manslaughter and Corporate Homicide Act 2007			
Amanda Wilson - A Little Less Action, A Little More Conversation: Therapeutic Jurisprudence and Gender in Criminal Justice			

Family & Children Law & Policy	***Changing Family Justice***	**Chair: Jane Mair**	**215**	**7D**
Mavis Maclean - The changing shape of family advice: from professional -client relationships to the purchase of divorce services				
Leanne Smith - Chasing shadows: online information and advice about family law disputes				
Ann Potter, Kathryn Newton & Hugh McLaughlin - 'It's Good to Talk' – judicial allocation decision making and the Single Family Court				

Mental Health & Mental Capacity	**Chair: Piers Gooding**	**213/4**	**7E**
Peter Bartlett - Principles, Capacity and Best Interests in the Court of Protection			
~~Arun Chopra~~, Mohan Mudigonda, Peter Bartlett & Richard Morriss - A survey of Advance Planning in Bipolar Disorder and the barriers, drivers and ethico-legal considerations that are affecting the implementation of the Mental Capacity Act for people with Bipolar Disorder			
Mel A Martin - The Mental Capacity Act 2005 does not contain sufficient safeguards to protect the incapable patient			

Race, Religion & Human Rights	**Chair: Alison Stuart**	**519**	**7F**
Sylvie Bacquet - Religious Symbols and the Making of Modern Religious Identities			
Damla Ercan - The Tensions of Secularism, Religion and Freedom of Conscience: The Case of Turkey			
Sonya Fernandez - Forced marriage: A wrong for (criminal) law to right?			

Colonial Legalities	**Chair: TBC**	**423**	**7G**
~~Petra Mahy & Ian Ramsay - Legal Transplants and Adaptation in a Colonial Setting: Company Law in British Malaya~~			
Gearóid Ó Cuinn - Holy Land archaeology and international law – mapping a 'real world' clash of perspectives			

Gender, Sexuality & Law	**Chair: TBC**	**441b**	**7H**
Nuno Ferreira - The Public / Private Divide and the Horizontal Effect of Fundamental Rights in European Private Law: An Analysis of Sexuality-Related Case-Law			
Lois S Bibbings - Binding Husbands' Behaviour in Marriage: The case of the 'Clitheroe Romance'			
Tanya Palmer - Why Sex Matters			

Law & Literature	**Chair: Julia J. A. Shaw**	**441c**	**7I**
Sarah Sargent - Truth is Stranger than Fiction: Pigs in Heaven and Indian Child Welfare Act Redux			
Sheryl Hamilton - Violence and Legal Personhood in Rise of the Planet of the Apes			

FRIDAY 11TH APRIL - **SESSION EIGHT** - 12:00 TO 13:30

Family & Children Law & Policy	***Public Child Law***	**Chair: Leanne Smith**	**215**	**8A**
Vanessa Richardson - The test of harm in care proceedings: A psycho-social study				
Sara Ramshaw - Improvising child protection law				
Anne-Marie Blaney - Preference Utility Ethics and Child Protection Mediation				

Mental Health & Mental Capacity	**Chair: Peter Bartlett**	**213/4**	**8B**
Alex Ruck Keene - What can (and can't) the international protection of children teach us about the international protection of adults?			

Renewing Critique in Criminal Justice	***Panel discussion***	**Chair: TBC**	**440a**	**8C**
Alan Norrie - What kind of cause is the criminal law?				
Peter Ramsay - The problem of the vulnerable subject				
Craig Reeves - Renewing Psychoanalytical Critique				
Henrique Carvalho - The Modern Imaginary of Criminal Justice				

Colonial Legalities	**Chair: TBC**	**423**	**8D**
Chris Monaghan - The socio-legal legacy of the Chagos litigation			
Kyela Leakey - Judiciaries in newly independent Africa: an analysis of institutional design in the Independence Constitutions and beyond			

Renewable Energy & Sustainable Development	**Chair: TBC**	**216**	**8E**
Asma Hyder & Jere Behrman - Climatic Shocks and Child Human Capital: Evidence from Ethiopia			
Olivia Woolley - The UK's Offshore Wind Programme and Ecological Protection: is the UK's legal regime for offshore development capable of preventing harm to marine ecosystems?			

PRESENTER INFORMATION

Paper title; Author(s); Email contact; Organisation; Room number; and session number for each paper arranged by stream/theme.

Access to Environmental Justice - *Room 441c*		
Anna Grear GrearA1@cardiff.ac.uk Cardiff Law School	Climate injustice - Re-imagining the ontology, epistemology and ethics of 'legal hearing'	1K
Gita Gill gita.gill@northumbria.ac.uk Northumbria University	The national green tribunal of India: a case study in environmental justice	2L
Graeme Baxter g.baxter@rgu.ac.uk RGU	Rough justice? Information access and environmental justice relating to two controversial coastal developments in North East Scotland	1K
Larissa Boratti larissaboratti@hotmail.com UCL	Framing an environmental justice approach to urban-environmental decision-making	2L
Susan Wolf susan.wolf@northumbria.ac.uk Northumbria University	Access to Information-a precondition for access to justice?	2L
William Walton william.walton@northumbria.ac.uk Northumbria University	Who will protect the ospreys? A personal reflection on the legal fight against the Aberdeen bypass	1K
Administrative Justice – *Room 335Q*		
Alan Paterson prof.alan.paterson@strath.ac.uk Strathclyde University	Supreme Court dialogues with Parliament and the Executive	6A
Aleksandra Jordanoska a.jordanoska@qmul.ac.uk University of London	Administrative Justice in the Financial Services Industry: the Construction of Enforcement Outcomes	7A
Anne Daguerre a.daguerre@mdx.ac.uk Middlesex University	Access to social entitlements in the USA and the UK: between convergence and divergence	3A
Chris Gill cgill@qmu.ac.uk Queen Margaret University	The influence of redress mechanisms	2A
David Barrett david.a.barrett@bristol.ac.uk University of Bristol	The Regulation of Socio-Economic Inequality in Great Britain	5A
Edward Kirton-Darling ek263@kent.ac.uk University of Kent	Decision making in the inquest system – framing the family	7A
Grainne Mckeever G.mckeever@ulster.ac.uk University of Ulster	Reviewing a model of socio-economic rights enforcement: ten years on	5A
Jamie Grace j.grace@derby.ac.uk University of Derby	Process and substance in a due regard for consultation: Proportionality and the impact of policy	1A
Jessica Hambly jessica.hambly@bristol.ac.uk Bristol University	Asylum Advocates and Tribunal Adjudication: Complexifying the Workgroup	1A
Kirsten Ketscher kirsten.ketscher@jur.ku.dk University of Copenhagen	Social tourism – Abuse of welfare benefits in EU?	4A
Mervyn Martin m.martin@tees.ac.uk Teesside University Maryam Shadman-Pajouh M.ShadmanPajouh@tees.ac.uk Teesside University	Enforcing DSB decisions in the current system of the WTO DSU	7A
Michael Adler michael.adler@ed.ac.uk University of Edinburgh	The Case for Constitutionalising the Right to a Social Minimum	5A
Mohsen Al Attar m.alattar@qub.ac.uk Queen's University Belfast Miriam Clouthier miriam.clouthier@mail.mcgill.ca McGill University	Public Consultations – Bellwether to Administrative Justice?	3A
Naomi Creutzfeldt naomi.creutzfeldt@csls.ox.ac.uk University of Oxford	Dispute behaviour in public and private sectors in Europe: the role of ombudsmen	2A
Nick O'Brien nick.obrien@ntlworld.com Liverpool University	The ombudsman and 'constitutional morality': An anglo-indian conversation	2A
Paul Van Aerschot paul.vanaerschot@helsinki.fi University of Helsinki	The Relationship between the Social Benefit System and Immigration in Finland and Sweden	4A
Richard Hyde richard.hyde@nottingham.ac.uk Nottingham University Ashley Savage ashley.savage@northumbria.ac.uk Northumbria University	Whistleblowing, Regulators and Accountability	3A
Richard Kirkham r.m.kirkham@shef.ac.uk University of Sheffield	Evolving standards in the complaints branch	2A
Salem Alshehri salemlaw@hotmail.com University of Dundee	The right to trial within a reasonable time in English law in Criminal Matters	7A
Sally Richards s.richards@unsw.edu.au University of New South Wales	Legal Consciousness in the Refugee Review Tribunal of Australia, How Government Officials Think About Law	1A

Sara Stendahl sara.stendahl@law.gu.se Gothenburg University	Begging in the midst of EU-policy making: free movement, equal treatment, social investment, Roma integration and social rights?	4A
Surabhi Chopra surabhi.chopra@post.harvard.edu Chinese University of Hong Kong	Judicially reviewing the State's failure to prevent mass violence: what do evolving judicial remedies mean for government and for victims?	6A
T T Arvind t.t.arvind@newcastle.ac.uk University of Newcastle Lindsay Stirton l.stirton@sheffield.ac.uk University of Sheffield	Doctrine and strategy in appellate adjudication	6A
Art, Culture & Heritage – *Room 335m*		
Alessandro Chechi alessandro.chechi@eui.eu University of Geneva	When Cultural Heritage Matters in International Adjudication	5L
Andrea Ragusa ragusa3@unisi.it University of Siena	Policy and Legislation for Cultural Property in Italy The Foundation of the Ministry for Cultural and Environmental Heritage 1974-75	3N
Charlotte Woodhead c.c.woodhead@warwick.ac.uk Warwick Law School	The language of law but an equitable ethos - the Spoliation Advisory Panel as an equitable jurisdiction for the 21st Century?	4M
Christa Roodt Christa.Roodt@glasgow.ac.uk University of Glasgow	Linking Art, Law and Business for a Secure Society	6M
Davina Jakobi davinakuh@gmail.com University College London	The End of an Era? The Life and Times of 5 Pointz	3N
Janet Ulph jsulph@yahoo.ie University of Leicester	"Unpacking" codes of ethics	6M
~~Kalliopi Fouseki kalliopi.fouseki@ucl.ac.uk University College London~~ ~~Maria Shehade maria.shehade.09@ucl.ac.uk University College London~~	Towards a value-based approach to the settlement of cultural property disputes	5L
Ruijie Du ruijie.du@gmail.com The Chinese University of Hong Kong	New Orientation, Old Predicament: the Issue of Private Property Rights in the New Context of Hong Kong's Heritage Conservation	3N
Sean Farran sbcfarran@yahoo.com.au LSE	Towards Universal"isms": A study of values in representations of UNESCO cultural landscapes on Flickr	5L
Shea Esterling see@aber.ac.uk Aberystwyth University	Exploring the Limits of the Restitution of Cultural Property in the UN Declaration on the Rights of Indigenous Peoples	4M
Sophie Vigneron s.vigneron@kent.ac.uk Kent Law School	The deaccession of human remains in France	4M
Banking & Finance – *Room 421*		
Stephen Copp scopp@bournemouth.ac.uk Bournemouth University Alison Cronin acronin@bournemouth.ac.uk Bournemouth University	Off-Balance Sheet Finance and the 2008 Financial Crisis: The Case for Deterrence Evaluated	3B
Dania Thomas Dania.Thomas@glasgow.ac.uk Glasgow University	Reconstructing the Legal Imagination: The Role of the Law in Sovereign Debt Markets	5B
Jay Cullen jay.cullen@sheffield.ac.uk University of Sheffield	Mortgage Markets, Credit Booms and Bank Capital	4B
Meysam Saidi meysamsaidi@osgoode.yorku.ca Osgoode Hall Law School	Islamic Banking Regulation	5B
Mohd Hwaidi mohd.hwaidi2011@my.ntu.ac.uk Nottingham Trent University	The Story of the English Strict Compliance Principle in Letter of Credit and its Consistency with the UCP	4B
Mohd Hwaidi mohd.hwaidi2011@my.ntu.ac.uk Nottingham Trent University	International Trade Usage as a Communicative System	6B
Ngozi Okoye nokoye@lincoln.ac.uk University of Lincoln	The Central Bank of Nigeria (CBN) Competency Framework for the Nigerian Banking Industry: A Case of 'Near' Adequacy?	5B
Nicholas Grier n.grier@napier.ac.uk Edinburgh Napier University	The Success and Failure of Enlightened Shareholder Value as Seen in s.172(1) of the Companies Act 2006	6B
Putri Syaidatul Akma Mohd Adzmi putri.adzmi.10@ucl.ac.uk University College London	Using Black Letter Perspective to Compare Anglo-American and Malaysian Corporate Governance	4B
Renginee Pillay R.Pillay@surrey.ac.uk University of Surrey	Corporate Social Responsibility and Development in Context: The Case of Mauritius	4B
Samet Caliskan s.caliskan@newcastle.ac.uk Newcastle University Law School	Constraining the Wrongdoing Directors from Undesirable Behaviour	3B
Challenging Ownership – *Room 519*		
Alison Wallace alison.wallace@york.ac.uk Centre for Housing Policy Dave Cowan d.s.cowan@bristol.ac.uk University of Bristol Helen Carr h.p.carr@kent.ac.uk Kent Law School	Shared Ownership: Crisis Moments	1H
Antonia Layard a.layard@bham.ac.uk Bristol Law School	Governing the Local; the significance of property rights	1H

Bronwen Morgan B.Morgan@unsw.edu.au UNSW Australia Declan Kuch d.kuch@unsw.edu.au UNSW Australia	The Sharing Economy and the Shift from Ownership to Access: Implications for Law, Political Economy and Identity	3K
Francis King fking@essex.ac.uk University of Essex	From Property 'Right' to Property 'Wrong'	2J
Helen Carr h.p.carr@kent.ac.uk Kent Law School	Property and Power: a case study of the statutory protections of lessees in England and Wales	1H
Jamie Murray j.murray2@lancaster.ac.uk Lancaster University	Land Law: Regulatory Modes of Complex People-Place Networks Between Ecology and Economics	2J
Jim Robinson jim.robinson@bristol.ac.uk University of Bristol	Land, Legal Orders and Legitimacy: UN-Habitat, Mediation Teams and Eastern Democratic Republic of Congo	2J
Sarah Keenan keenansj@gmail.com SOAS	Technologies of Dispossession: The registration of land title and the production of subjects out-of-place	3K
Sjur Kristoffer Dyrkolbotn Sjur.Dyrkolbotn@ii.uib.no Durham University	'Small-scale hydro-power is in our blood': On private ownership of waterfalls in Norway	3K
Tsachi Keren-Paz t.keren-paz@keele.ac.uk Keele University, School of Law	Restitution from Bribers	2J
Civil Procedure ADR – *Room 428*		
A. K. C. Koo akckoo@hku.hk University of Hong Kong	Costs Sanctions for Unreasonable Refusal to Mediate: Lessons from England and Hong Kong	3P
Anne Marie Blaney annemarieblaney@gmail.com Solicitor	The Normative Meaning of voluntary and mandatory mediation	1M
Barbara Billingsley bab@ualberta.ca University of Alberta	Recent Reforms in Canadian Civil Procedure	2N
Debra Stevens ds964@york.ac.uk University of York	In the context of Divorce and family breakdown, are people continuing to solve problems using mediation?	1M
Jassim Al-Obaidli j.alobaidli@rgu.ac.uk Robert Gordon University	Is the future of arbitration in Qatar threatened by the decision of the Court of Cassation?	3P
Masood Ahmed masood.ahmed@le.ac.uk University of Leicester	Non-Compliance and Relief from Sanctions	2N
Miriam A Keane miriam.keane@cantab.net University College Dublin	Legal Costs: Understanding the Exercise of the Discretion to Depart From the Indemnity Rule	2N
Mohamed Salem Abou El Farag Mohamed.salem@qu.edu.qa Qatar University	The Rise of Mediation in Arab Countries: Will It Contribute to Trade Expediency?	3P
Tatiana Tkacukova tatiana.tkacukova@gmail.com Aston University	Meeting Communication Needs of Litigants in Person in Civil Proceedings	1M
Colonial Legalities – *Room 423*		
Chris Monaghan chris.monaghan@culc.coventry.ac.uk Coventry University	The socio-legal legacy of the Chagos litigation	8D
Gearóid Ó Cuinn g.ocuinn@lancaster.ac.uk Lancaster University	Holy Land archaeology and international law – mapping a 'real world' clash of perspectives	7G
Kyela Leakey kyela.leakey@glasgow.ac.uk University of Glasgow	Judiciaries in newly independent Africa: an analysis of institutional design in the Independence Constitutions and beyond	8D
Petra Mahy petra.mahy@csls.ox.ac.uk University of Oxford Ian Ramsay University of Melbourne	Legal Transplants and Adaptation in a Colonial Setting: Company Law in British Malaya	7G
Criminal Law & Criminal Justice – *Room 216*		
Abenaa Owusu-Bempah A.Owusu-Bempah@sussex.ac.uk University of Sussex	Silence in Suspicious Circumstances	1E
Amanda Wilson a.wilson@unsw.edu.au The University of New South Wales	A Little Less Action, A Little More Conversation: Therapeutic Jurisprudence and Gender in Criminal Justice	7C
Anna Brennan anna.brennan@umail.ucc.ie University College Cork	The Emerging Crime of Transnational Terrorism: An Examination of how Domestic Criminal Law Influenced the Special Tribunal for Lebanon's Interlocutory Decision	3G
Christopher Sargeant cws29@cam.ac.uk University of Cambridge	The accountability of prison custody providers for deaths in prison custody: The impact of the Corporate Manslaughter and Corporate Homicide Act 2007	7C
David McArdle dam4@stir.ac.uk Stirling University	"Worrying the Carcass of an Old Song": Prosecutors' and Judicial Perceptions of the Offensive Behaviour at Football etc. (Scotland) Act	2F
Foteini Kyriakopoulou-Kollia f.kyriakopoulou-kollia@ncl.ac.uk Newcastle University	The Response of the Criminal Justice System to Intimate Partner Violence in England and Wales from a Feminist Perspective	6E
Glenys Williams gnw@aber.ac.uk Aberystwyth University	The anger and fear emotions in excusatory defences	6E

Jen Hendry j.hendry@leeds.ac.uk University of Leeds Colin King colin.king@manchester.ac.uk University of Manchester	How Far Is Too Far? A Systems Perspective on Asset Forfeiture	1E
Kevin Brown Kevin.j.brown@ncl.ac.uk Newcastle Law School	The Introduction of the 'Community Trigger for Anti-Social Behaviour': Giving Victims a Voice or Providing False Hope?	4F
Louise Taylor louise.taylor@ntu.ac.uk Nottingham Trent University	Improving access to justice for vulnerable and intimidated victims: Analysing the impact of the EU victims directive	6E
Marian Duggan m.duggan@shu.ac.uk Sheffield Hallam University Vicky Heap v.heap@shu.ac.uk Sheffield Hallam University	Exploring socio-legal responses to anti-social behaviour and hate crime	4F
Miranda Bevan miranda.bevan@lawcommission.gsi.gov.uk Law Commission	The Law Commission's Unfitness to Plead Project	5G
Nicola Monaghan nicola.monaghan@culc.coventry.ac.uk Coventry University	Distinguishing legitimate juror misconduct from frivolous allegations – a call to protect Lord Judge's legacy	2F
Sean Columb scolumb01@qub.ac.uk Queen's University Belfast	Beneath the Organ Trade: A Critical Analysis of the Organ Trafficking Discourse	3G
Sinead Ring s.ring@kent.ac.uk University of Kent	In Search of the Legitimacy of the Criminal Trial	1E
Surabhi Chopra surabhi.chopra@post.harvard.edu Chinese University of Hong Kong	Young adults and national security laws in India	3G
EU Law – *Room 440a*		
Conor Healy conorhealy93@live.com University of Stirling Ron Healy ronhealyx@gmail.com	Legislative Conflict and Remedy	7B
Emma Roberts emma.roberts@bangor.ac.uk Bangor University	Seeking Justice in Cross-Border Personal Injury Claims in Europe Post-Rome II: An England and Wales Perspective	7B
Mariana Chaves mariana.chaves@durham.ac.uk Durham Law School	The nature of EU's harmonisation of national criminal law	6C
Nadine El-Enany N.El-Enany@bbk.ac.uk University of London	The Perils of Differentiated Integration in the Field of Asylum	7B
Richard Craven richard.craven@northumbria.ac.uk Northumbria University	The Turkey-EU relationship through the lens of public procurement law	6C
Family and Children Law & Policy – *Room 215*		
Adrienne Barnett Adrienne.Barnett@brunel.ac.uk Brunel University	'More Trouble Than They're Worth' The trials and tribulations of fact-finding hearings in private law Children Act cases	1F
Alan Brown alanbrown101@yahoo.co.uk University of Strathclyde	Constructions of Parenthood in 'Known Donor' Disputes	4G
Ann Potter A.Potter@mmu.ac.uk Manchester Metropolitan University Kathryn Newton K.J.Newton@mmu.ac.uk Hugh McLaughlin H.McLaughlin@mmu.ac.uk	'It's Good to Talk' – judicial allocation decision making and the Single Family Court	7D
Anne Barlow a.e.barlow@exeter.ac.uk University of Exeter	Delusions of equality in family law?	2G
Anne-Marie Blaney annemarieblaney@gmail.com Solicitor	Preference Utility Ethics and Child Protection Mediation	8A
Anthony Diala anthonydiala@yahoo.co.uk University of Cape Town	Dependants' best interest in customary law of succession	6F
Brian Dempsey b.dempsey@dundee.ac.uk University of Dundee	Why hard-won feminist insights into the legal and social response to women who experience domestic abuse must be central to the developing interest in men's experience of domestic abuse	1F
Charlotte Bendall clb212@bham.ac.uk University of Birmingham	Rethinking familial 'equality': a study of domestic division in same sex relationships	2G
David Hill d.j.hill@rgu.ac.uk Robert Gordon University	The Habitual Residence of Children	3H
Jane Mair Jane.Mair@glasgow.ac.uk University of Glasgow Fran Wasoff fran.wasoff@ed.ac.uk University of Edinburgh	Contract and consensus in family law: Scottish separation agreements	5F
Joanna Miles jkm33@cam.ac.uk University of Cambridge Emma Hitchings University of Bristol Hilary Woodward University of Cardiff	Assembling the jigsaw puzzle: understanding financial settlement on divorce	5F
Joanna Miles jkm33@cam.ac.uk University of Cambridge Steve McKay smckay@lincoln.ac.uk University of Lincoln Ira Ellman ira.ellman@asu.edu Arizona State University Caroline Bryson caroline.bryson@bpsr.co.uk Bryson Purdon Social Research	How much the state should require fathers to pay when families separate	3H
Kathryn O' Sullivan kathryn.osullivan@ul.ie University of Limerick	Stepchildren and the Law of Succession in Ireland: Where should the balance lie?	6F
Kirsteen Mackay kirsteen.mackay@ed.ac.uk University of Edinburgh	The view from Scotland: why maintaining access to court is necessary in family actions	5F

Leanne Smith smithlj@cardiff.ac.uk Cardiff University	Chasing shadows: online information and advice about family law disputes	7D
Lydia Bracken 107583311@umail.ucc.ie UCC	When mater certa semper est is not always certain: Rethinking parentage in surrogacy	4G
Maebh Harding maebh.harding@warwick.ac.uk University of Warwick Annika Newnham annika.newnham@port.ac.uk University of Portsmouth	Shared parenting: research findings	3H
Mavis Maclean J.Maclean@soton.ac.uk University of Southampton	The changing shape of family advice: from professional - client relationships to the purchase of divorce services	7D
Nwudego Chinwuba uchinwuba@unilag.edu.ng University of Lagos	Modern and technological validation of the african concept of woman to woman marriage: are there lessons to be learnt?	4G
Rebecca Badejogbin badejogbin_re@yahoo.com University of Cape Town Vicki Lawal lawalvk@yahoo.com University of Jos	Problems Associated with Testamentary Dispositions to Women and Children among the Rukuba People in Nigeria against developments in South Africa	6F
Ronagh McQuigg r.mcquigg@qub.ac.uk University Belfast	Recent Case Law on Domestic Violence from the European Court of Human Rights: A Socio-Legal Perspective	1F
Rosemary Auchmuty r.auchmuty@reading.ac.uk University of Reading	The Myth that Marriage Protects	2G
Sara Ramshaw s.ramshaw@qub.ac.uk Queen's University Belfast	Improvising child protection law	8A
Vanessa Richardson vanessa@vrrichardson.freeserve.co.uk Keele University	The test of harm in care proceedings: A psycho-social study	8A
Gender, Sexuality & Law – *441b*		
Alex Dymock a.c.dymock@pgr.reading.ac.uk University of Reading	'Sexpert' Witnesses: examining the politics of 'sex-pertise' in the criminal courts	4K
Anna Carline Anna.Carline@le.ac.uk University of Leicester	Enforcing Welfare? Evaluating the Use of Engagement and Support Orders in the Context of On-Street Prostitution	3L
Caroline Derry c.derry@londonmet.ac.uk London Metropolitan University	Sexuality and feminist law reform in 1921: the AMSH, the age of consent and 'gross indecency between women'	4K
Danielle Tyson Danielle.Tyson@monash.edu Monash University	Homicide Law Reform in Victoria, Australia: A Feminist Success Story or Manifest Failure?	4K
David Davies d.davies@sussex.ac.uk University of Sussex	A Comparative Analysis of Combating Gender Stereotypes in Advertising and the Media in the EU	1I
Esen Ezgi Tascioglu esenezgi@gmail.com University of Milan	Regulating Sex Work, Governing Transwomen in Turkey: An Analysis of Law's Power and Plurality	6K
Jamie-Lee Mooney j.saunt@lancaster.ac.uk Liverpool Law School	A Gendered Critique of Group Localised Grooming: Masculinity of Offending v. Femininity of Victimisation	1I
Kate Cook k.cook@mmu.ac.uk MMU	Believe Children Now	2K
Lois S Bibbings Lois.S.Bibbings@Bristol.ac.uk University of Bristol	Binding Husbands' Behaviour in Marriage: The case of the 'Clitheroe Romance'	7H
M. Isabel Garrido Gómez misabel.garrido@uah.es University of Alcalá	Legal Articulation on Women and Transnational Family	2K
Madhumanti Mukherjee mmukherjee@hotmail.co.uk	The 'Responsible Woman' and Patriarchy: is she really out of her mind?	6K
Matthew Phillips phillima@tcd.ie Gabriel Schembri Gabriel.schembri@cmft.nhs.uk Manchester Centre for Sexual Health	Prosecution for Reckless Transmission: Invisibility of the 'Other'	3L
Nora Honkala n.a.honkala@reading.ac.uk University of Reading	"She, of course holds no political opinions"- Gendering of Politics and Asylum Adjudication	1I
Nuno Ferreira Nuno.Ferreira@liverpool.ac.uk University of Liverpool	The Public / Private Divide and the Horizontal Effect of Fundamental Rights in European Private Law: An Analysis of Sexuality-Related Case-Law	7H
Phil Rumney phil.rumney@uwe.ac.uk UWE - Bristol	Debating Rape	3L
Tânia Cristina Machado taniacsmachado@gmail.com University of Minho	"They should find a man": Barriers to lesbian medically assisted motherhood in Portugal	5J
Tânia Cristina Machado taniacsmachado@gmail.com University of Minho Ana Maria Brandão anabrandao@ics.uminho.pt	Sexual and reproductive rights in Portugal: The case of (co)adoption	2K
Tanya Palmer Tanya.Palmer@bristol.ac.uk University of Sussex	Why Sex Matters	7H

Indigenous Rights & Minority Rights – *Room 440a*		
Azadeh Chalabi azadeh.chalabi.10@ucl.ac.uk UCL	Indigenous Rights in Australia's National Human Rights Action Plans	4C
Lucia Payero lucpayero@gmail.com University of Oviedo	Catalan Self-Determination: A Legal Analysis	5C
Rodrigo Cespedes rodcespedes@yahoo.com Lancaster University	Criminal and Environmental Justice for Chilean Indigenous People	4C
Signa Daum Shanks signa.daumshanks@usask.ca University of Saskatchewan	Can Shared Land Use Be a Legal Right? Views from "Aboriginals" in Canada about how it Might be Proven	4C
Snusu Hirvonen-Kowal hsnusu@hotmail.com University of Buckingham	Evaluating Cultural Genocide under International Law	5C
IT Law and Cyberspace – *Room 441c*		
Brian Simpson brian.simpson@une.edu.au University of New England	Memorialising the dead child in cyberspace and its implications for the rights of children	4L
Claire Bessant claire.bessant@northumbria.ac.uk Northumbria University	Should parents be able to take photos at a school play or at sports day? A critical analysis of current education authority guidance	4L
Ercilia García mariaercilia.garcia@urv.cat Universitat Rovira i Virgili Jordi López jordi.lopez@uab.es Universitat Autònoma de Barcelona Sheila Sánchez sheilasb1982@gmail.com Universitat Rovira i Virgili	Consumption of digital goods in cyberspace: Deconstructing Spanish regulation	4L
Julia J.A. Shaw jshaw@dmu.ac.uk De Montfort University Hillary J. Shaw hillshaw@aol.com London School of Commerce	The politics and poetics of spaces and places: reimagining the structures of social control	3M
Kevin Brown Kevin.j.brown@ncl.ac.uk Newcastle Law School Martine Wade martinewade@hotmail.co.uk Newcastle Law School	The Privacy Implications of Google Glass: Exploring the Attitudes of Undergraduate Students	3M
Maria Helen Murphy maria.murphy@nuim.ie National University of Ireland	The Pendulum effect: Comparisons between the Snowden revelations and the Church Committee. What are the potential implications for Europe?	3M
Intellectual Property – *Room 335m*		
Benjamin Farrand benjamin.farrand@strath.ac.uk University of Strathclyde	EU Copyright Law: Political Salience, Expertise and the Legislative Process	1L
Nataliya Hitsevich Nataliya.Hitsevich.1@city.ac.uk City University London	Article 5 (3) of the Brussels I Regulation and its applicability in the case of intellectual property rights infringement on the Internet	2M
Sujitha Subramanian sujitha.subramanian@bristol.ac.uk University of Bristol	Impact of the Emerging 'Network Agenda' in the Global Intellectual Property Legal Order	1L
Thorsten Lauterbach t.lauterbach@rgu.ac.uk Robert Gordon University	Owning jointly authored works – equal or unequal shares?	1L
Xiao Mu xiao.mu@postgrad.manchester.ac.uk University of Manchester	The Well-Known Trademark Protection in China	2M
International Criminal Justice – *Room 423*		
Aisling O'Sullivan A.O-Sullivan@sussex.ac.uk Sussex Law School	The Struggle between Hegemonic and Counter-Hegemonic Positions in the ICJ's judgment in the Obligation to Prosecute or Extradite case	4D
Anthony Cullen cullen76@gmail.com Middlesex University	Increasing Compliance with International Humanitarian Law in Non-international Armed Conflict	3C
Cath Collins c.collins@ulster.ac.uk University of Ulster	Domestic Courts and 'Late Justice' for Mass Atrocities: Latin American Accountability Practice in the Post-Pinochet Era	3C
Diana Sankey diana.sankey@durham.ac.uk Durham Law School	International Criminal Justice and the Relevance of Developments in Neuroscience: Possible Implications and Challenges	5D
James Maclean J.Maclean@soton.ac.uk University of Southampton	Is there more to a 'group' than meets the eye? Reconceptualising the 'crime of crimes' through a process-theoretical lens	5D
Khanyisela Moyo k.moyo@ulster.ac.uk University of Ulster	Criminal Justice and Accountability for the "Gukurahundi Genocide" in Matabeleland, Zimbabwe	3C
Luke Moffett l.moffett@qub.ac.uk Queen's University Belfast	Addressing Complex Identities within the International Criminal Court	4D
Sabine Hoehn sabine.hoehn@glasgow.ac.uk University of Glasgow	Justice, while she winks at crimes… Legitimacy, effectiveness and the non- confirmation of charges at the ICC	5D

Therese Odonnell therese.odonnell@strath.ac.uk University of Strathclyde	Greatest Responsibility, Lesser Responsibility, No Responsibility: Kony 2012 and Legal Concepts as Tools of Obfuscation	4D
Intersectionality – *Room 117/8*		
Amal Ali aali9@sheffield.ac.uk University of Sheffield	At the Intersect of Law, Religion and Gender: Is there a Cultural Divide in the Treatment of Women in Europe?	1J
Maria Orchard maria.orchard@bristol.ac.uk University of Bristol	Exploring the Intersections of Maternity Protection in the United States	1J
Marta Carneiro martalcarneiro@gmail.com University of Copenhagen	Integrating intersectionality in anti-discrimination law. An EU perspective	1J
Labour Law – *440a*		
Andrew Young a.p.young@durham.ac.uk Durham University	Mental Health and Employment Law: Applying a systems theory analysis to understand and re-shape the legal framework	2B
Carol Kilgannon carol.kilgannon@winchester.ac.uk University of Winchester	Does UK non-discrimination law protect men and women or the masculine and the feminine?	1B
Jennifer L.L. Gant jennyllgant@gmail.com Nottingham Trent University	Proletarianisation, Labour Regulation and Socio-Economic Context in the EU: How did we get here, where are we going and why?	3D
Keith Gompertz k.gompertz@coventry.ac.uk Coventry University	The world of work through a Quaker prism: Parke v The Daily News Ltd revisited	3D
Ljb Hayes HayesL@cardiff.ac.uk Cardiff Law School	Zero-hour contracts as sex-based pay discrimination: a case to be made?	1B
Mark Butler m.butler1@lancaster.ac.uk Lancaster University	To consult or not to consult? The requirement of consultation under s.188 TULRCA following the USDAW litigation	2B
Rosemarie Mcilwhan rosemarie.mcilwhan@open.ac.uk Martha Caddell martha.caddell@open.ac.uk The Open University	Internships – volunteer, worker, employee or something else?	2B
Ulf Thoene ulfthoene@gmail.com Universidad de la Sabana	Aspects of the welfare protective regime in Latin America over time	3D
William Linton w.linton@qmul.ac.uk University of London	How the law thinks about employment discrimination - the form of direct discrimination	1B
Language, Power and the Law – *Room 210*		
Agnieszka Doll zajacz@uvic.ca University of Victoria	'Here, nobody is sick!' Experience, Text, and the Organization of Involuntary Psychiatric Admission in Poland	4Q
James Ressel james.ressel@northampton.ac.uk University of Northampton	Speech as "self-evident story": when not to listen	6N
Jamie Grace j.grace@derby.ac.uk University of Derby	Narrative and power in criminal records: criminality information sharing and identity in the avoidance and apportionment of stigma	5N
Lynsey Mitchell lynsey.mitchell100@strath.ac.uk University of Strathclyde	The Power and Legitimacy of Legal Language in Framing War and Conflict	6N
Marcus Soanes m.soanes@city.ac.uk City University London Robert McPeake R.J.McPeake@city.ac.uk	Does Labelling Complainants "Victims" Pervert the Course of Justice?	5N
Santiago Abel Amietta santiago.amietta@manchester.ac.uk University of Manchester	Idioms of Participation: Language, Power and Knowledge in the Introduction of Laypersons in Criminal Trials in Argentina	5N
Simon Parker simon.parker@york.ac.uk University of York Ronan Toal ronant@gclaw.co.uk Garden Court Chambers	Country guidance and international protection: Law, geography and the enclosure of jurisprudential knowledge	6N
Steven Cammiss sc293@le.ac.uk University of Leicester	Law Language and Power: Three interrelated themes on the construction of legal stories	4Q
Tatiana Tkacukova tatiana.tkacukova@gmail.com Aston University	Powerful and Powerless Communication Styles of Litigants-in-Person	4Q
Law and Literature – *Room 441c*		
~~Eric Heinze e.heinze@qmul.ac.uk University of London~~	Sovereign Legitimacy in Shakespeare's English History Plays	6L
~~Eric Heinze e.heinze@qmul.ac.uk University of London~~	Empire, Nation, Liberation, Oppression: Multiculturalism and Nationalism in Shakespeare's Cymbeline	6L
Janet McKnight janetrmcknight@gmail.com University of Kent	"The Maze": Finding the Value in Legal Fiction	7I
Kasey Mccall-Smith kasey.mccall-smith@ed.ac.uk University of Edinburgh	Popular Music and Human Rights: If the world is speaking, is anyone listening?	7I

Robert Herian robert.herian@open.ac.uk The Open University	"Feel your dark way as I lead you, father": (re)imagining equity with law using Sophocles' Theban Plays	6L
Sarah Sargent sarah.sargent@buckingham.ac.uk University of Buckingham	Truth is Stranger than Fiction: Pigs in Heaven and Indian Child Welfare Act Redux	8F
Sheryl Hamilton sheryl.hamilton@carleton.ca Carleton University	Violence and Legal Personhood in Rise of the Planet of the Apes	8F
Lawyers and Legal Professions - *Room 220*		
Alex Roy Alex.Roy@legalservicesboard.org.uk Legal Services Board	Market challenges to regulating legal services	3O
Andrew Boon Andy.Boon.1@city.ac.uk City University London	Discipline and Regulation	5M
Daniel Rahnavard d.rahnavard@mmu.ac.uk Manchester Metropolitan University	Class struggles at the Bar: last orders for the working class?	4N
Francesca Degl'Innocenti francesca.deglinnocenti@unifi.it University of Florence	The Paradox of the Italian Reform of The Legal Profession: Better Quality of the Service or Less Free Competition?	4N
Marie Burton M.P.Burton@lse.ac.uk London School of Economics	Place and the development of social welfare legal aid	3O
Mary Seneviratne mary.seneviratne@ntu.ac.uk Nottingham Trent University	The Legal Ombudsman - past, present and future	4N
Nina Holvast n.l.holvast@uva.nl University of Amsterdam	Judicial assistants/law clerks: merely assistants or professionals working alongside the judge? A study on first instance courts in the Netherlands	5M
Richard Moorhead richard.l.moorhead@gmail.com UCL Laws	Looking at the Ethical Consciousness of Lawyers	5M
Robert Cross robert.cross@legalservicesboard.org.uk Legal Services Board	How Alternative are ABS?	5M
Tatiana Tkacukova tatiana.tkacukova@gmail.com Aston University	Ethical Issues in Proceedings with Litigants in Person	3O
Legal Education – *Room 117/8*		
Alex Roy Alex.Roy@legalservicesboard.org.uk Legal Services Board	Opportunities for legal education post education and training review	2C
Amy Barrow amybarrow@cuhk.edu.hk Chinese University of Hong Kong	The Role of Socio-Legal Education in Fostering Public Interested Lawyers in the Hong Kong Context	4E
Anthony Bradney a.bradney@keele.ac.uk Keele University	The Professional Ideal in Legal Work in Contemporary England	6D
Catherine Caine c.a.caine@newcastle.ac.uk Newcastle University Lida Pitsillidou l.pitsillidou@newcastle.ac.uk Newcastle University	Student Law Reviews as a tool for enhancing student experience in the UK: Lessons to be learnt from the US	2C
Elizabeth Gillow e.a.gillow@staffs.ac.uk Staffordshire University Catherine Edwards c.edwards@staffs.ac.uk	Reasonable adjustments for postgraduate vocational students with disabilities	5E
Emma Piasecki emma.piasecki@northumbria.ac.uk Northumbria University	The Flipping Bar!	2C
Fiona Cownie F.Cownie@keele.ac.uk SLSA	The UK's First Female Law Professor	6D
Joanna Erdman joanna.erdman@dal.ca Dalhousie University	Health and Human Rights Education as a Model of Social Change	3E
Louise Taylor louise.taylor@ntu.ac.uk Nottingham Trent University	MOOCing the way to numerical literacy in law	3E
Lucy Crompton lucy.crompton@staffs.ac.uk Staffordshire University Catherine Edwards c.edwards@staffs.ac.uk Staffordshire University	A truly practical experience? The transactional day as an example of good practice on the Legal Practice Course	5E
Malgorzata Margaret Carran Margaret.Carran.1@city.ac.uk Laura Hooke Laura.Hooke.1@city.ac.uk Marlon Gray M.A.Gray@city.ac.uk City University London	Preparing law graduates for the future - the integration of an employability module into compulsory LLB curriculum	5E
Mohsen Al Attar m.alattar@qub.ac.uk Queen's University Belfast	Nurturing student autonomy – why legal education?	6D
Pedro Fortes pfortes@alumni.stanford.edu FGV Law School	A brave new post-colonial world in legal education: a postcard from the global south	4E
Rachael Field r.field@qut.edu.au Queensland University of Technology	Harnessing the Law Curriculum to Promote Law Student Well-Being: Lessons from an Australian National Teaching Fellowship	4E
Rosemarie Mcilwhan rosemarie.mcilwhan@open.ac.uk Liz Hardie Liz.Hardie@open.ac.uk Francine Ryan F.M.Ryan@open.ac.uk The Open University	Should online teaching have a place in undergraduate law curriculum?	3E
Medical Law and Ethics - *Room 210*		
Camillia Kong camillia.kong@ethox.ox.ac.uk University of Oxford	The social space of Reasons in Assessments of Mental Capacity	3F
Caroline Jones Caroline.Jones@soton.ac.uk University of Southampton Jonathan Montgomery Jonathan.Montgomery@ucl.ac.uk University College London	A tale of two citadels: competing narratives in a case biography	2D

Claire Lougarre claire.lougarre.11@ucl.ac.uk University College London	Measuring the scope of the right to health: What is appropriate healthcare and who can benefit from it?	2D
Debra Wilson debra.wilson@canterbury.ac.nz University of Canterbury	Rethinking circumcision: Right to religious freedom, or to bodily integrity?	3F
Joanna Erdman joanna.erdman@dal.ca Dalhousie University	The place of reproduction (with emphasis on abortion)	1C
Michael Thomson m.a.thomson@leeds.ac.uk University of Leeds	Objecting to conscience: re-evaluating section 4 Abortion Act 1967	1C
Ruth Fletcher r.fletcher@qmul.ac.uk Queen Mary University of London	A troubled conscience: reflecting on the right to conscientious objection	1C
Ellie Lee e.j.lee@kent.ac.uk Jan MacVarish j.m.macvarish@kent.ac.uk	Law at the edge of clinical practice: the welfare clause and access to assisted reproduction in the UK	2D
Tsachi Keren-Paz t.keren-paz@keele.ac.uk Keele University	Injuries from unforeseeable risks which advance medical knowledge – a restitution-based justification for strict liability	3F
Vishwas H Devaiah vhdevaiah@jgu.edu.in O.P. Jindal Global University	Reviewing the regulation of clinical trials in India in the context of the HPV Vaccine fiasco	3F
Mental Health and Mental Capacity Law – Room 213/4		
Alex Ruck Keene aruckkeene@gmail.com Institute of Advanced Legal Studies	What can (and can't) the international protection of children teach us about the international protection of adults?	8B
Amanda Keeling llxak31@nottingham.ac.uk University of Nottingham	Kuhnian Paradigm Shifts and the UN Convention on the Rights of People with Disabilities: Revolution or Evolution?	2H
Andrew Young a.p.young@durham.ac.uk Durham University	Mental Health Welfare and Employment Law	6G
Arun Chopra arun.chopra@nottingham.ac.uk Nottinghamshire NHS Trust Mohan Mudigonda mohan.mudigonda@gmail.com Care Quality Commission Peter Bartlett peter.bartlett@nottingham.ac.uk University of Nottingham Richard Morriss richard.morriss@nottingham.ac.uk Nottingham University	A survey of Advance Planning in Bipolar Disorder and the barriers, drivers and ethico-legal considerations that are affecting the implementation of the Mental Capacity Act for people with Bipolar Disorder	7E
Beverley Clough beverley.clough@manchester.ac.uk University of Manchester	'People Like That'- Context and Capabilities in Mental Health and Capacity Jurisprudence	4H
David Gibson david.gibson-3@postgrad.manchester.ac.uk University of Manchester	Doubting Capacity	3I
David Watson dw1@brighton.ac.uk University of Brighton	Initial findings from an exploration of the motivation to become an Approved Mental Health Professional	1G
Eilionoir Flynn eilionoir.flynn@nuigalway.ie NUI Galway Anna Arstein-Kerslake anna.arsteinkerslake@nuigalway.ie NUI Galway	Sexuality, Gender, and Disability: Capacity to Consent to Sex	3I
Helen Taylor h.taylor@worc.ac.uk University of Worcester	Almost seven years since enactment of the Mental Capacity Act 2005: the age of enlightenment in clinical practice?	3I
Jill Stavert j.stavert@napier.ac.uk Edinburgh Napier University	Autonomy, consent to treatment and substituted decision makers: the CRPD and Scottish Mental Health and Incapacity Law	4H
John Rumbold j.rumbold@keele.ac.uk Keele University	Capacity versus character, law versus medicine; competitive or complementary paradigms of criminal responsibility?	5G
Kris Gledhill k.gledhill@auckland.ac.nz University of Auckland	Assessing Human Rights Compliance of Mental Health Law	1G
Leigh Roberts L.E.Roberts@ljmu.ac.uk Liverpool JMU/York Law School	Heart like a swinging brick: The construction of disability by social landlords in their control of antisocial behaviour	6G
Mariana Oppermann m_oppermann@hotmail.com Australian National University	Trapped in Borderline legal incapacity: an Australian case study	1G
Mel A Martin melmartinmel14@gmail.com NHS	The Mental Capacity Act 2005 does not contain sufficient safeguards to protect the incapable patient	7E
Neil Allen neil.allen@manchester.ac.uk University of Manchester	Restricting movement or depriving liberty? The Supreme Court has spoken	8B
Peter Bartlett peter.bartlett@nottingham.ac.uk University of Nottingham	Principles, Capacity and Best Interests in the Court of Protection	7E

Piers Gooding piers.gooding@gmail.com Monash University	Supported Decision-Making and Mental Health Law - Questions of Praxis	4H
Rosie Harding r.j.harding@bham.ac.uk University of Birmingham	The Rise (and Fall?) of Statutory Wills: Best interests, substituted decision making and the UN CRPD	2H
Simon Barnes simonbarnes3@aol.co.uk University of Manchester	Psychopaths and the insanity defence in English law: is a policy of exclusion justifiable?	5G
Yi Huang hippo.yi@yahoo.com University of Leeds	The legal capacity of mentally disabled people in the context of China's Mental Health Law	2H
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Alison Stuart a.stuart@rgu.ac.uk Robert Gordon University	Reasonable Accommodation for Religious and Other Beliefs: A Reasonable Concept or an Accommodation Too Far	6I
Damla Ercan damla974@gmail.com Middle East Technical University (METU)	The Tensions of Secularism, Religion and Freedom of Conscience: The Case of Turkey	7F
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Ilias Trispiotis i.trispiotis@ucl.ac.uk University College London	Religion in the Age of Austerity: A Social Inclusion Approach to European Human Rights Law	6I
Sonya Fernandez sonya.fernandez@culc.coventry.ac.uk Coventry University	Forced marriage: A wrong for (criminal) law to right?	7F
Sylvie Bacquet S.Bacquet01@wmin.ac.uk University of Westminster	Religious Symbols and the Making of Modern Religious Identities	7F
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Asma Hyder baloch.asma@gmail.com Karachi School for Business and Leadership Jere Behrman jbehrman@econ.upenn.edu University of Pennsylvania	Climatic Shocks and Child Human Capital: Evidence from Ethiopia	8E
Olivia Woolley olivia.woolley@abdn.ac.uk University of Aberdeen	The UK's Offshore Wind Programme and Ecological Protection: is the UK's legal regime for offshore development capable of preventing harm to marine ecosystems?	8E
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Abi Dymond ad426@exeter.ac.uk University of Exeter	Silently Shocking? Law, Language and Silence in the Taser Actor -Network	5H
Adam Sales adam.sales@bristol.ac.uk University of Bristol Morag McDermont morag.mcdermont@bristol.ac.uk University of Bristol	Documenting legal consciousness in 'live' employment cases	4I
Azadeh Chalabi azadeh.chalabi.10@ucl.ac.uk UCL	Factorial Survey as a Context-Specific Method for Human Rights Fact-Finding	3J
Dave Cowan d.s.cowan@bristol.ac.uk University of Bristol Helen Carr h.p.carr@kent.ac.uk University of Kent	The social, the private and the #bedroomtax: Welfare in a time of austerity	6H
Dermot Feenan dermot.feenan@port.ac.uk University of Portsmouth	Law and Society Research: Examining the Concept of Society	6H
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Jenny Harris j.harris@bristol.ac.uk University of Bristol Samuel Kirwan samuel.kirwan@bristol.ac.uk University of Bristol	Re-Situating Legal Consciousness: methodological challenges and suggestions for innovation	4I
Lars Branscheidt lars.branscheidt@web.de Ludwig-Maximilians-University Munich	Diagnosing of Social Psychological Theories in Legislation and Case Law	5H
Mohd Hwaidi mohd.hwaidi2011@my.ntu.ac.uk Nottingham Trent University	Why and How Empirical Study in Commercial Law?	3J
Sarah-Sophie Flemig sarah.flemig@mail.utoronto.ca University of Toronto	Mind the Gap to Close It – The Role of Socio-Legal Research in Bridging Legal and Public Policy Scholarship on the Legislative Process	4I
Tom Tooth tom.tooth@bristol.ac.uk University of Bristol	Arresting developments: methodological reflections on the practicalities of police practitioner research	5H
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Clare Dwyer c.dwyer@qub.ac.uk Queen's University Belfast	Devolving Youth Justice: Resisting the Punitive and Populist Agenda through the Rights Discourse?	1D
James Roffee james.roffee@monash.edu Monash University	Ten Years of the Sexual Offences Act 2003: The new sentencing guidelines on sexual offences	2E

Meredith Rossner m.rossner@lse.ac.uk London School of Economics	Symbolic or Material Reparations? The dynamics of restorative justice and the role of punishment	1D
Natasa Mavronicola n.mavronicola@qub.ac.uk Queen's University Belfast	Article 3 of the ECHR and Strasbourg's penological exploits	1D
Steven Cammiss sc293@le.ac.uk University of Leicester	Mode of Trial for Low Value Dishonesty Offences: An Unwanted Fettering of Judicial Discretion?	2E
Sexual Offences and Offending – *Room 428*		
Amber McAuley aymcauley@uclan.ac.uk University of Central Lancashire	Re-Evaluating Sexual Consent	5O
Elizabeth Lawson lawson-1@hotmail.co.uk Robert Gordon University Rebecca Wallace beckymairi@aol.com Robert Gordon University	The development of domestic law and policy relating to child sexual exploitation in a rapidly evolving technological world: an examination of the response in Scotland and Canada	6N
Gethin Rees g.rees@soton.ac.uk University of Southampton John Rumbold j.rumbold@keele.ac.uk Keele University	'His bizarre defence won the backing of an expert': Ambiguity in the media reporting of sexsomnia defences	6N
James Roffee james.roffee@monash.edu Monash University Bhumika Sharma llhpse_law@rediffmail.com LR Institute of Law	The wrong target: The limited effect of changes to Indian legislation tackling sexual abuse	5O
Jamie-Lee Mooney j.saunt@lancaster.ac.uk Liverpool Law School	The Legal and Social Challenges posed by Misconceptions of Group Localised Grooming	4R
Margaret Fitzgerald O'Reilly margaret.fitzgerald@ul.ie University of Limerick Susan Leahy susan.leahy@ul.ie University of Limerick	Reform of the Irish Rules Relating to Admissibility of Bad Character Evidence in Rape Trials	4R
Mark Smith mark.smith@ed.ac.uk University of Edinburgh Steve Kirkwood s.kirkwood@ed.ac.uk University of Edinburgh Clare Llewellyn s1053147@sms.ed.ac.uk University of Edinburgh	Steve Kirkwood & Clare Llewellyn - Gathering data on allegations of sexual abuse made against former disc jockey, Jimmy Savile	4R
Phil Rumney Phil.Rumney@uwe.ac.uk UWE Bristol	False allegations of rape: Learning from the past, or not learning at all?	6N
Tanya Palmer Tanya.Palmer@bristol.ac.uk University of Sussex	Hard Cases in Sexual Offences Law: Using 'freedom to negotiate' as a model for distinguishing sex from sexual violation	5O
Sports Law - *Room 441c*		
Daniel Watters dwatters04@qub.ac.uk Queen's University Belfast	Sentencing - The Real Issue in Sports Violence	5K
Jack Anderson jack.anderson@qub.ac.uk Queen's University Belfast	Crime and the Corruption of Sport	5K
John O'Leary john.oleary@anglia.ac.uk Anglia Ruskin University Teng-Guan Khoo ten-guan.khoo@anglia.ac.uk Anglia Ruskin University	Will the Cream Always Rise to the Top? Examining Anti-Discrimination Policies in Sport	5K
Simon Gardiner s.gardiner@leedsmet.ac.uk Leeds Met. University	Alternative mechanisms for engaging with 'on-field' racism in sport	5K

ABSTRACTS

All accepted submissions for SLSA 2014 listed alphabetically by first name.

A. K. C. Koo	Costs Sanctions for Unreasonable Refusal to Mediate: Lessons from England and Hong Kong	3P

Abstract: As Lord Justice Jackson acknowledged in the Preliminary Report on Costs chapter 4 para 2.4, mediation is now an invaluable supplement to, rather than a substitute for, court adjudication in the English civil justice system. Judges can use a variety of methods to encourage and facilitate disputants and their legal representatives to engage in the process. In exercising the duty of active case management, they may educate the parties on mediation and its perceived benefits, make directions for mediation arrangements, grant stay of legal proceedings, criticise uncooperative conduct publicly and even exert legitimate coercion. But the court stops short of making mediation mandatory. The threat of costs sanctions for unreasonable refusal to mediate puts some teeth in a system where judges do not compel the use of alternative dispute resolution processes in appropriate cases. As litigation expenses are unpredictable and may well exceed the value of the subject matter in dispute in the civil courts, both litigants and judges took the potential for adverse costs consequences seriously. This paper will examine the development of case law on costs sanctions for unreasonable refusal to mediate from Dunnett v Railtrack Plc [2002] EWCA Civ 303; [2002] 2 All E. R. 850 to Halsey v Milton Keynes General NHS Trust [2004] EWCA Civ 576; [2004] 4 All E. R. 920 and PGF II SA v OMFS Company 1 Limited [2013] EWCA Civ 1288, compare it with the approach of Hong Kong courts which follows the English procedural rules on costs but has not endorsed the Halsey guidelines, and argue that a principled approach is better than a non-exhaustive list of relevant factors with an infinite scope of extension.

Abenaa Owusu-Bempah	Silence in Suspicious Circumstances	1E

Abstract: It has been almost twenty years since ss.34 to 39 of the Criminal Justice and Public Order Act 1994 (CJPOA) qualified the right to silence by allowing adverse inferences to be drawn from silence. During this time, these provisions have been scrutinised by academics, the appellate courts and the European Court of Human Rights. They have been praised for 'bringing the law back into line with common sense' and criticised for taking insufficient account of procedural safeguards. However, the focus of this scrutiny has tended to be on ss.34 and 35 of the CJPOA. Sections 36 and 37, on the other hand, have been largely overlooked. Section 36 permits inferences of guilt to be drawn from an arrested person's failure to account for suspicious objects, substances and marks. Section 37 permits inferences of guilt to be drawn from an arrested person's failure to account for his suspicious presence at a particular place around the time that an offence was committed. This paper is the first to clarify the significance of ss.36 and 37. It is argued that the broad applicability of the provisions has increased the evidential significance of silence, such that it is difficult for accused persons, faced with certain suspicious circumstances, to avoid the possibility of adverse inferences being drawn against them. In consequence, ss.36 and 37 have a detrimental effect on the rationales behind the right to silence, including protection against wrongful conviction and abuse of power. The paper concludes with suggestions to improve the operation of ss.36 and 37, so as to limit their detrimental effect on the right to silence and the accused's freedom to choose whether, and how, to respond to police questioning.

Abi Dymond	Silently Shocking? Law, Language and Silence in the Taser Actor –Network	5H

Abstract: This paper, based on ESRC funded empirical doctoral research, uses a unique blend of actornetwork theory (ANT) and participatory action research to investigate the absences, silences and silencing mechanisms in the legal processes around the use of the less-lethal policing technology Taser in the UK and the USA. It is argued that the particular configurations of law, language and silence within the legal processes surrounding Taser have particular distributional and ethical consequences. In particular, they act to create particular inequalities and vulnerabilities for certain groups, including the extent to which their accounts tend to be approved and accepted. Yet at the same time analysis of these inequalities—and of the silencing processes used—can point to new ways of conceptualising the winners and losers within a given socio-legal network, and to ways of renegotiating this network. In tackling these issues, the research also speaks to larger issues around the governance of police use of force and policing technology , and around the value of actor-network theory for socio-legal research more broadly.

Adam Sales & Morag McDermont	Documenting legal consciousness in 'live' employment cases	4I

Abstract: This paper discusses the methodological aims, methods, and ethical problems arising out of a study that explores the shaping of legal consciousness in people who attend Citizens Advice Bureaux (CAB) to resolve an employment dispute. It follows a tradition of legal consciousness scholarship that investigates everyday perceptions of legality in relation to institutions, in this case focussing upon advice agencies as a new site of legal consciousness.

Methodologically, the research sought to explore how, through the bureau specific organisation of the CAB, advisers act as translators of clients' day to day experiences into legal matters, supporting and enabling them to varying degrees to understand and act upon the legal aspects of their dispute. As such, we explored the organisational and interpersonal characteristics of employment advice in each participating bureau. To examine client's experiences of the legal processes involved in their employment dispute, we followed them along the way – documenting their cases, 'live' and longitudinally over time, sometimes to the hearing and beyond.

Such pathways of 'law in action' required the development and application of an innovative qualitative mixed methods approach, within which the narratives of participants' experiences and in situ practices were prioritised. The methods included observation of CAB advice appointments, CAB office work and Employment Tribunal hearings, regular conversational contact with CAB clients, interviews with both CAB clients and CAB workers, and CAB client diaries. These methods have been reviewed and iteratively developed through application in the field, in response to the changing contexts and demands of the fieldwork. The paper will discuss lessons learnt from the challenges of using an innovative methodological approach, in particular emerging ethical issues pertinent to the undertaking of 'live' socio-legal research.

Adrienne Barnett	'More Trouble Than They're Worth' - The trials and tribulations of fact-finding hearings in private law Children Act cases	1F

Abstract: Preliminary fact-finding hearings to determine disputed allegations of domestic violence were introduced into private law Children Act proceedings by the Court of Appeal in the landmark conjoined appeals of Re L, V, M, H (2000), because of concern that allegations were being filtered out of proceedings by the lower courts minimising or ignoring domestic violence. Subsequent research revealed that the 'Re L' guidelines were pervasively ignored by courts and professionals. As a consequence, the President of the Family Division issued a Practice Direction in May 2008 which, inter alia, reinforces the importance of the fact-finding exercise.

This paper examines the way in which professionals and judicial officers perceive and respond to fact-finding hearings, and what the consequences of this are for women involved in contact cases, by drawing on semi-structured interviews with professionals and a review of relevant reported cases undertaken for the author's recent PhD study.

It was found that fact-finding hearings are usually restricted to cases involving 'incidents' of recent, very severe physical violence because most courts and professionals apply a narrow, incident-based approach to determining the relevance of domestic violence to contact, which is reinforced by the strong belief of nearly all professionals in the benefits of contact. While many professionals saw some value in fact-finding hearings, others considered them to be 'more trouble than they're worth' because courts inevitably end up ordering contact, and some saw them as an unnecessary

impediment to the ulate goal of achieving contact, and a further tool in the armoury of 'vengeful' mothers. The burden on women to 'prove' their allegations is compounded by the extent to which dominant familial subjectivities of 'implacably hostile mothers' and 'safe family men' resonate with judges and professionals.

Agnieszka Doll	Here, nobody is sick!' Experience, Text, and the Organization of Involuntary Psychiatric Admission in Poland	4Q

Abstract: This presentation is based on preliminary findings from my doctoral research into the organization of emergency involuntary admissions to psychiatric facilities in Poland. Conducted as an institutional ethnography and a socio-legal inquiry, this research aims to illuminate how various texts organize the legal procedure of admission during which interchanges between various professional and ideological discourses occur converting person's actual experiences into institutionally recognizable facts. Institutional ethnographers argue that texts are instances of power and '[m]uch of the ideological work of the system is buried in the text.' (Pence, 2001) Thus in my presentation, I will demonstrate how texts organize both what is known about people and what is done to them during the admission proceedings. Specifically, I will focus on the presenting how the involuntary admission case files are complied and what information get included and what is excluded and why. In the concluding part, I will suggest that the textually organized authoritative knowledge that erases people experiences is supported by the features of psychiatric and courts systems and their broader goals.

Pence, E. (2001). Safety for Battered Women in a Textually Mediated Legal System. Studies in Cultures, Organizations and Societies, 7(2), 199-299.

Aisling O'Sullivan	The Struggle between Hegemonic and Counter-Hegemonic Positions in the ICJ's judgment in the Obligation to Prosecute or Extradite case	4D

Abstract: The debate which envelopes the principle of universal jurisdiction draws out a "dark side" of the international criminal law project because the commitment by the international community to individual criminal accountability as "universal" has not produced its corollary—the "court of humanity" that will never adjourn. As a principle, universal jurisdiction is considered as an essential complementary mechanism for accountability, ensuring against jurisdictional lacuna and appealing to the sensibility of a complete legal system or functional whole. At the same time, there is a significant emphasis on avoiding the principle's 'manipulation for political ends', its rarity in practice and the need for accordance with recognized rules of international law. Therefore, the debate on universal jurisdiction swings between the competing projects of "preventing impunity" and of "avoiding abuse of jurisdiction". Using Martti Koskenniemi's work as a foil, this research draws out, from within the legal judgments, the linguistic indeterminacy of the opposing legal arguments and the institutional biases that underpin the legal outcomes, that is, the descending (more normative, less concrete) and ascending (more concrete, less normative) patterns of argument and the inevitable move to political decision through the weighing the interests or the principle of reasonableness.

From this approach, it is argued that the legal debate on universal jurisdiction is best read as a movement of hegemonic and counter-hegemonic positions wherein these competing projects, characterized as moralist and formalist approaches, struggle for hegemony. The moralist approach challenges what it perceives as the injustice of impunity while the formalist approach challenges what it believes is the injustice of politically motivated or show trials. These irreconcilable visions underpin the oppositions regarding the content of universal jurisdiction and its inter-dependency with immunity. Thus, the Pinochet III, the Arrest Warrant, the Guatemalan Generals and the Obligation to Prosecute or Extradite judgments are a hegemonic and counter-hegemonic movement back and forth between these competing approaches (moralist and formalist). The hegemony at any historical moment has been dependent on institutional biases within international criminal law (preventing impunity) and the traditional "centre" of public international law (international stability). With this frame in mind, this paper will focus on the ICJ's judgment in the Obligation to Prosecute or Extradite case (2012) and will demonstrate how, in terms of overall approach, Pinochet III resonated in Court's judgment as it primarily adopted a moralist approach yet to avoid appearing too normative, leaned towards a formalist approach on certain issues.

Alan Brown	Constructions of Parenthood in 'Known Donor' Disputes	4G

Abstract: This paper will examine how parenthood is constucted by the courts in disputes between lesbian couples and known sperm donors. Focus will be placed on the role of language used in these court decisions. Specifically considering how the various parties in these disputes are described, generally using the terms 'mothers', 'parents' and 'biological fathers', and how this language reflects and supports the traditional heterosexual 'nuclear family' model.

The paper will further consider the possible impact on these disputes of the Human Fertilisation and Embryology Act 2008. This legislation altered the legal regime in this context, resulting in both members of the lesbian couple being deemed 'legal parents' at birth, rather than the donor having legal parenthood. Notably, the language of this legislation also makes the terminological distinction between 'the mother' and the 'parent' within the lesbian couple.

It will be suggested that the gender-neutral language of 'parent' used to describe one member of the lesbian couple, in both the court decision and the legislation, results in that role not being afforded the same weight or consideration as the gendered roles of 'mother' and 'father' and therefore can seem to diminish the importance of this parenting role.

The paper will conclude by considering the post 2008 Act case of S and D and E [2013] [2013] 1 FLR 1334, in particular how the language used in that case seems to reflect the language used in the pre 2008 Act decisions. Therefore this dispute is also framed within the boundaries of the heteronormative, nuclear family model, in spite of the changes in legal parenthood brought about by the 2008 Act.

Alan Paterson	Supreme Court dialogues with Parliament and the Executive	6A

Abstract: This paper examines the dialogues between the three main branches of government in the UK, The Judiciary, Parliament and the Executive. It will focus in particular on the dialogues which the Supreme Court engages in with the other two branches - and which dialogues it does not engage in. In relation to Parliament it will touch on parliamentary sovereignty, judicial law-making and problems of accountability. In relation to the Executive it will discuss the success rate of Government cases in the Supreme Court and the delicate topic of Government attempts to engage with the Court.

Aleksandra Jordanoska	Administrative Justice in the Financial Services Industry: the Construction of Enforcement Outcomes	7A

Abstract: Research into administrative agencies has shown that the formal legal process is a means of 'last resort' (Hawkins, 2002) in the majority of regulatory interactions. Most regulator-regulated interactions in cases of perceived non-compliance thus consist of informal persuasions, negotiations, and bargaining that exclude the initiation of a contentious legal process.

This paper focuses on the contentious side of administrative justice interactions to argue that regulatory negotiations continue well after the regulator has decided to commence formal enforcement proceedings (administrative or criminal investigations and/or a sanctioning procedure) against a non-complier.

The study uses the case of the UK financial services industry and its financial conduct regulator - the Financial Conduct Authority (FCA). Data is drawn from observations of contentious administrative proceedings; analysis of formal enforcement decisions and interviews with regulators, defence lawyers, regulatory offenders, and compliance officers to examine the regulatory interactions at the following points in the legal process:

1) Referrals to enforcement proceedings and subsequent formal investigative practices 'on the ground'. Special consideration is given to the role of corporate self-policing and self-reporting in shaping the enforcement docket and investigation priorities.

2) Negotiations over the final and publically available enforcement decisions on penalties, with a specific focus on the role of lawyers in this

process.

Alessandro Chechi	When Cultural Heritage Matters in International Adjudication	5L

Abstract: In November 2013, the International Court of Justice (ICJ) adopted an Interpretation of Judgment in the case of the Temple of Preah Vihear (Cambodia v. Thailand). The ICJ decided that 'Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear … and that … Thailand was under an obligation to withdraw from that territory the Thai military or police forces, or other guards or keepers, that were stationed there'. Furthermore, the ICJ emphasised that, in view of the inscription of the Temple on the list set up under the World Heritage Convention (WHC), 'Cambodia and Thailand must co-operate between themselves and with the international community in the protection of the site as a world heritage' and as space of 'religious and cultural significance for the peoples of the region'.
These findings trigger some important questions: what are, if any, the limits of State sovereignty over world heritage sites? Is it possible to reconcile the exercise of States' powers with the realization of such global goal such as cultural heritage protection? And also, can the Committee on Economic, Social and Cultural Rights (CESCR) become the proper venue for the resolution of disputes concerning the rights of people that have a spiritual and cultural attachment to world heritage sites? These questions will be addressed by looking at the decisions adopted by the ICJ in the Temple of Preah Vihear case and at the powers of the CESCR under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which entered into force on 5 May 2013.

Alex Dymock	'Sexpert' Witnesses: examining the politics of 'sex-pertise' in the criminal courts	4K

Abstract: The extent of the reach of the criminal law with respect to perverse sexuality in the twentieth and twenty-first century has often been governed by the 'abnormality' of acts involved, owing an inheritance to new technologies of power which produce and regulate sexuality. As Foucault identifies in The History of Sexuality (volume 1), these technologies owe a particular inheritance to the encroachment of the 'psy' disciplines on sexual 'truths', and their reification as authoritative evidence in the criminal courts. The text that has been particularly key to medical and psychiatric professionals as to the status and aetiology of paraphilias as 'abnormal' over the past half-century is the American Psychiatric Association's Diagnostic Statistical Manual (DSM). However, the upcoming publication of the new DSM-5, particularly new criteria outlined by the paraphilias task force, has been met with more hostility and scepticism than ever before. Indeed, a 2011 article in the Psychiatric Times pointed out that 67% of the manual's taskforce had direct links to the pharmaceutical industry, while an open letter penned to the director of the paraphilias taskforce expressed extreme concern that the basis upon which the new criteria were constructed lacked any empirical support. Twenty-five years ago, Carol Smart wrote that judges have a tendency to combine the truth claims offered up by the 'psy' disciplines with the truth claims demanded by law in order to translate scientific knowledge into legal relevances. In cases of rape, for example, feminist scholarship has for some time highlighted and criticised the tendency of the courts to pathologise and exceptionalise male sexual violence. But if the grip of the 'psy' disciplines' claims to the truth of sexuality is loosening, what is taking their place? This paper investigates the taxonomies of sexual knowledge being 'let loose' in evidence in the contemporary criminal trial through two case studies.

Alex Roy	Market challenges to regulating legal services	3O

Abstract: 2013 has seen major changes in the delivery of legal services as Alternative Business Structures finally became a reality for the market. But perhaps even bigger challenges for the traditional legal profession are only just appearing on the horizon. In December 2013 the LSB approved the application of the Institute of Chartered Accountants of England and Wales (ICAEW) to become a regulator of probate activities. More activities are likely to follow as accountants finally enter the legal market. The changes in the market will undoubtedly require significant changes from traditional legal services businesses, but also from regulators. Recent research from the Regulatory Policy Institute for the Legal Services Board highlighted the challenge for regulators to seek to balance the desire for continued excellence with the broader regulatory requirement to achieve greater access to justice. A significant rebalance in priorities allowing freer entry to the market, better value for money and more innovation seems necessary. But how to balance this against the need to maintain the ethical and professional standards of the legal profession? This paper will explore the challenges for regulators in taking a wider perspective on risk and modernising the regulation of lawyers.

Alex Roy	Opportunities for legal education post education and training review	2C

Abstract: Since the 2007 Legal Services Act the legal services market has been subjected to a significant period of disruptive change, both to its regulation and the delivery of services. Following questions raised by the David Edmonds over the continued suitability of education and training requirements for regulation the Solicitors Regulation Authority, Bar Standards Board and Institute of Legal Executives Professional Standards commissioned researchers in what subsequently became known the Legal Education and Training Review (LETR). The report was published in 2013 setting out a range of recommendations for regulators on reforming legal education and training. The changes envisaged reposition education and training as one of many regulatory tools available to regulators, with its primary regulatory purpose as addressing specific identified regulatory risks. The Legal Services Board has subsequently published guidance outlining our expectations from regulators seeking to change their approach to regulation through education and training. We expect to see the development of greater flexibility for those offering to education and training and for those entering the legal profession. This paper explores the likely challenges in the coming years.

Alex Ruck Keene	What can (and can't) the international protection of children teach us about the international protection of adults?	8B

Abstract: An ageing and an increasingly mobile global population is driving further up the agenda the need for effective mechanisms to secure the cross-border protection of adults who are, for whatever reason, unable to secure their own interests. Over the past half-century, a substantial body of international and regional treaties have been concluded to bring about the better international protection of children. The equivalent mechanisms in respect of incapacitated adults are far fewer.
On 1 January 2009, however, the 2000 Hague Convention on the International Protection of Adults came into force. The Convention was drafted expressly so as to act as a counterpart to conventions directed to the protection of children under the auspices of the Hague Conference on Private International Law, and translates the formal mechanisms of those conventions into the adult arena. But do concepts of cross-border protection developed in relation to children sit comfortably with the approach to be adopted to adults, especially those who were able at some earlier point in their lives have been able to take their own decisions? And how do concepts such as habitual residence – well-defined in relation to children – apply in the case of adults? In short - does (and should) the Convention treat vulnerable adults like big children?
This paper draws upon the author's extensive experience of appearing in cross-border cases and upon research undertaken at the Institute of Advanced Legal Studies for purposes of a forthcoming book on the international protection of adults. I will argue that the Convention can be interpreted so as to secure the appropriate balance between protection and autonomy regarding both the person and property of adults, but only if we are very clear as to what can be taken from the international frameworks developed in relation to children and what must be confined to those treaties. The paper therefore offers a contribution to the better understanding and operation of an as yet little-known but vitally important treaty which has the potential to bring about real change in both the procedural mechanisms for and the substantive domestic laws governing the protection of vulnerable adults.

Alison Stuart	Reasonable Accommodation for Religious and Other Beliefs: A Reasonable Concept or an Accommodation Too Far	6I

Abstract: Since the European Court of Human Right's decision in Eweida v.UK [2013] IRLR 231, the debate on whether there should be a concept of reasonable adjustments, in relation to the right to freedom of religion, has gained momentum. This paper will explore the extent to which there is

and should be a duty of reasonable accommodation in relation to religious and other beliefs within the UK. It will elucidate what the concept means and analyse current domestic, regional and international law to determine whether such a concept is currently developing in the worldwide arena, the extent to which it would be a positive development within the UK and what impact the introduction of the concept would have on employers and service providers. Integral to this discussion will be the assertion that the right to freedom of religion is a substantive human right and, as such, needs to be understood and disentangled from non discrimination on the grounds of religious or belief and the law in relation to equality, in general.

Amal Ali	**At the Intersect of Law, Religion and Gender: Is there a Cultural Divide in the Treatment of Women in Europe?**	**1J**

Abstract: This research paper considers the representation of women, their right to manifest their religious belief and inclusion in policy in the European Court of Human Rights (ECtHR). It will consider whether this institution represents women in a 'gendered' way within their discourses on religious freedom and gender equality. Drawing from intersectional theory, which argues that identity politics often replicate the exclusion of other groups; this paper will use intersectionality to identify shared assumptions and understandings of 'gender' which may continue to reassert traditional perceptions of women and religion. The paper will draw from the jurisprudence of the ECtHR to highlight that the Court's current "one size fits all" approach to gender equality is based on an incorrect assumption of sameness and leads to the multiple and intersectional discrimination of women with religious beliefs. Using a thematic framework derived from feminist critiques of political, cultural and religious thought within intersectionality, this paper will identify if the ECtHR has integrated underlying assumptions and representations of religious women into their discourse in a way which undermines its current gender equality jurisprudence.

Amanda Keeling	**Kuhnian Paradigm Shifts and the UN Convention on the Rights of People with Disabilities: Revolution or Evolution?**	**2H**

Abstract: The UN Convention on the Rights of People with Disabilities (CRPD) is frequently referred to as a 'paradigm shift' in our understanding of the human rights of disabled people. The reference to the 'paradigm shift' in academic analysis of the CRPD is used to emphasise the move to a 'social model' understanding of disability that is inherent within the Convention. This 'shift' is frequently used to explain Article 12, and the changes it requires of us with regards to the law on mental capacity, in particular the move to supported, rather than substituted, decision-making. The phrase 'paradigm shift' originates in the work of Thomas Kuhn, who was exploring something very specific in the structure of scientific revolutions, and the move from one framework to another. In contrast, the phrase is deployed in work on the CRPD without reference to Kuhn's work, nor with any real explanation or analysis as to whether it is a 'paradigm shift' in the way Kuhn defined the concept. This paper is an exploration of the Kuhnian paradigm shift, and an analysis of whether the CRPD, and Article 12 in particular, aligns with his definition and can be considered a 'revolution' in thought, or simply modifications of an existing framework.

Amanda Wilson	**A Little Less Action, A Little More Conversation: Therapeutic Jurisprudence and Gender in Criminal Justice**	**7C**

Abstract**:** In the criminal justice context, therapeutic jurisprudence has provided a conceptual framework for several justice innovations that present as alternatives to the conventional adversarial mode of justice. The most prolific of these alternatives has been problem-solving courts – such as drug courts, domestic violence courts and others – which seek to address the underlying causes of an offender's criminal behaviour. Drug courts, in particular, have been adopted by many criminal justice systems on a considerable scale and their numbers continue to gain strength. It has long been recognised that women offenders are marginalised in the criminal justice system. In spite of this, little attention has been paid to how gender plays out in therapeutic jurisprudence in criminal justice contexts. Proponents of therapeutic jurisprudence make particular claims – such as those about promoting well-being and an ethic of care – that might appear to make it a good fit for women offenders. Since criminalised women often have compounded drug and mental health issues it could be that drug courts, as a vehicle for therapeutic jurisprudence, might be very promising for women, but this remains under researched. This paper reports on findings from a larger comparative study of Canadian and Australian drug courts. Drawing on observational data from two Canadian and two Australian case studies, it explores how drug courts are both gendered and gendering and how women variously resist, negotiate and conform to constructions of gender placed on them. It concludes by considering the implications of these findings for therapeutic jurisprudence.

Amber McAuley	**Re-Evaluating Sexual Consent**	**5O**

Abstract: Recent literature has highlighted the need for researchers to probe further into the ways that people demonstration (or do not demonstrate) their willingness to participate in sexual activity, and how they interpret the willingness of their partner. Within the literature, there is also a lack of understanding of how sexual consent may change in its contextualized environment. This paper sets out to analyse some of the concerns that enshroud sexual consent. It will argue that there is a need for researchers to address how consent communication is understood and how it is impacted by its conceptualized environment. There is very limited UK research that focuses explicitly on how a student population interprets sexual consent. It is especially topical to do so when there is an emergent disquiet about the impacts of alcohol, pornography and sexualised popular culture on young people's sexual and social landscapes. This research concentrates on the interpersonal communication of consent, how peoples' comprehension of consent is impacted by dominant hetronormative discourses and also on the impact of the context that the sexual activity occurs in. The study will help inform policy makers and educators about 'consensual' and therefore 'non-consensual' sexual activities. In doing so it will increase awareness of the issues that surround consent, to develop better training and policing practices, to drive innovation, improvement and reform, and to aid in the investigation, detection and management of sexual offences.

Amy Barrow	**The Role of Socio-Legal Education in Fostering Public Interested Lawyers in the Hong Kong Context**	**4E**

Abstract: This paper will explore the integration of socio-legal studies into the undergraduate curriculum by critically examining the Faculty of Law's flagship course, The Individual, the Community and the Law (ICL) at The Chinese University of Hong Kong (CUHK) including the course's role in fostering public interested lawyers. The doctrinal bias of the undergraduate law curriculum makes the integration of socio-legal studies and empirical research methods particularly challenging.

In the Hong Kong context, given the special administrative region's post-colonial legacy and uncertain political and legal future, socio-legal studies potentially play an instrumental role in fostering public interested lawyers. Many will be familiar with Hong Kong's neon skyline which firmly asserts its status as a global financial centre. Hong Kong's economic success belies a significant wealth gap, with more than 1.3 million Hong Kongers living below the poverty line as well as a significant number of vulnerable social groups including migrant workers, refugees and asylum seekers.

Within ICL, students work in groups to design and implement empirical research projects on a broad range of social problems including, for example, 'identity' in Hong Kong and the implications of recent national education proposals; and housing rights and the status of cage home-dwellers. Without law as the familiar starting point, the course quite literally turns the 'world of law' as students know it on its head. Starting from the social problem, students are introduced to qualitative and quantitative research methods as well as research ethics before undertaking fieldwork with multiple stakeholders across policy, NGO and other circles.

Though this paper focuses on the Hong Kong context, the author hopes to add to comparative pedagogical discourses on how socio-legal studies can be effectively integrated into the undergraduate curriculum to foster students' understanding and awareness of the intersections between law and society as well as public interest law.

Andrea Ragusa	Policy and Legislation for Cultural Property in Italy The Foundation of the Ministry for Cultural and Environmental Heritage 1974-75	3N

Abstract: This paper examines the establishment of the Italian Ministry for Cultural and Environmental Heritage in 1974-75. This foundation concludes the lengthy process of maturation of a sensibility of cultural and environmental safeguarding in Italy. Having begun in the late 19th and early 20th century, this awareness saw significant acceleration in the post WWII era, particularly in the 1960s and 1970s. In these years, in connection to the phenomena of economic development and structural transformation of the Italian landscape, there was a growing recognition of the importance of protecting the territory and cultural heritage therein conserved from environmental risks and threats from human intervention.

The paper consists of two parts. The first reconstructs the evolution of the concept of cultural heritage in the post-war era, above all through the results of the Hague Convention in 1954 and the Franceschini Parliamentary Commission in 1964-66. The second part examines the foundation of the aforementioned Italian ministry as a point of arrival in the debate, observing how the ministry was structured, which functions it acquired, and reflecting on the nature of this entity designated to manage heritage in Italy, aiming ultimately to evaluate what type of configuration was given to this sector of public policy.

Andrew Boon	Discipline and Regulation: Trends in the Disciplinary Regulation of the Lawyers in England and Wales	5M

Abstract: This paper reviews empirical research into the disciplinary processes of the legal profession in England and Wales. It includes analysis of long-terms trends in the use of disciplinary sanctions. This will be juxtaposed with examination of a year of disciplinary tribunal data for both barristers and solicitors and interviews with key players in disciplinary processes. The implications of the adoption of Outcomes Focused Regulation by the legal profession will be considered. The presentation will conclude with speculation regarding the future role and function of conventional disciplinary processes.

Andrew Young	Mental Health and Employment Law: Applying a systems theory analysis to understand and re-shape the legal framework	2B

Abstract: One in four people is said to have a mental illness and it is listed by the World Health organisation as the major health concern worldwide for the 21st Century. The legal regulations pertaining to mental health at work are a varied patchwork, ranging from negligence, health & safety law, anti-discrimination laws and the contract of employment itself and together they lack harmony on this matter. This paper intends to draw upon systems theory, in particular the work of Niklas Luhmann to describe why the various legal regulations have failed to mesh together and indicate how this analysis can inform potential reforms. In particular, it is argued that the concept of reasonable adjustments, currently a feature of the Equality Act 2010, put in the context of health and safety law offers the soundest route forward to address mental health in the employment context.

Andrew Young	Mental Health Welfare and Employment Law	6G

Abstract: The World Health Organisation has listed mental illness as the leading health concern worldwide for the 21st Century. In the world of work, mental illness poses a dilemma that employers, healthcare systems, legal regulations and other services have failed to get a grip of. A pressing need to improve how mental health is confronted in the workplace is required, and without tackling this it would seem the more longstanding problem of high rates of unemployment amongst people with a mental illness is unlikely to be improved, sustainably at least. Traditional legal approaches pertaining to mental health in the workplace have centered around anti-stigmatisation policies and the 'harm principle'. This paper questions whether the prevention of harm is a normatively justifiable ceiling upon legal framework's ambitions and suggests a focus on well-being would provide a sounder conceptual footing.

Ann Potter, Kathryn Newton & Hugh McLaughlin	'It's Good to Talk' – judicial allocation decision making and the Single Family Court	7D

Abstract: The Single Family Court will bring together the different levels of the judiciary dealing with care and supervision proceedings into one system, and in many cases into one building.

The Greater Manchester Gatekeeping and Allocation Pilot ran between April 2012 and July 2013 and was evaluated by the authors. All care proceedings work in Greater Manchester is centralised and all the magistrates, legal advisers and judges are located in the one court centre, a model which reflects some of the features of the forthcoming Single Family Court.

The judiciary and family proceedings court legal advisers who were interviewed for the evaluation consistently expressed that the joint allocation meetings were contributing positively to an improved understanding between the different tiers of court and across the range of work that the legal advisers and judiciary were involved in. In addition, judges and legal advisers described a developing and shared understanding of the appropriate application of allocation criteria to specific issues in cases, drawing on their respective experience in the different tiers of court. Solicitors acting for the local authorities, parents and children and Cafcass representatives who were surveyed all reported an increased confidence in the joint allocation decision-making process.

A key finding in the evaluation, although not one articulated in the evaluation objectives, was the emergent opportunities and challenges in relation to potentially improved communication and learning across and between levels of the judiciary when they are involved in joint allocation decision making. This talk will discuss these findings in the context of judicial decision making as a social process (Paterson 2013), and with reference to potential areas for learning and development (and further research) as the Single Family Court is implemented.

Anna Brennan	The Emerging Crime of Transnational Terrorism: An Examination of how Domestic Criminal Law Influenced the Special Tribunal for Lebanon's Interlocutory Decision	3G

Abstract: On the 14th of February 2005, the former Prime Minister of Lebanon, Rafiq Hariri, along with 21 civilians were killed when a vehicle containing explosives was blown up in close proximity to his motorcade. In the aftermath of the bombing, the United Nations and the government of Lebanon negotiated an agreement to establish the STL to prosecute the individuals alleged to have been responsible for the act. The first case to come before the Appeals Chamber was submitted by the Pre-Trial Chamber in January 2011. The submission contained fifteen legal questions which the Appeals Chamber was requested to answer in a factual vacuum to guarantee that indictments would be established on well-founded grounds. Thirty days after the submission was lodged, the Appeals Chamber delivered a unanimous decision that a customary crime of terrorism exists in non-armed conflict situations.

In this paper, the Appeals Chamber attempt to infer a customary crime of transnational terrorism from domestic criminal law will be examined. After an examination of the laws of thirty-seven states the Appeals Chamber determined that national laws "consistently define terrorism in similar, if not identical terms to those used in international instruments." However, an in-depth analysis of the national laws examined by the Appeals Chamber lays bare the incomplete nature of the analysis conducted by the Appeals Chamber and also how the STL incorporated national law into its reasoning.

First of all, the Appeals Chamber does not make a distinction between national laws that address domestic terrorism and national laws that address transnational terrorism. Only national laws concerning transnational terrorism should have been taken into account by the Appeals Chamber. National laws which only address domestic terrorism cannot be relied upon as evidence of a general consensus to prohibit international terrorism. Essentially, no reliance can be placed on definitions of terrorism that do not include a transnational element. Only eleven of the thirty-

seven examples of national laws analysed by the Appeals Chamber contained a definition of transnational terrorism. The second criticism of the Appeals Chamber's approach to national laws is that it relied on domestic definitions of terrorism adopted for both criminal purposes and non-criminal purposes, when only the former should have been taken into consideration. States use different definitions of terrorism in civil, administrative and criminal law. These definitions are inherently inconsistent with each other and do not support the conclusion that state practice is unanimously consistent on the definition of terrorism. Thirdly, the Appeals Chamber relied on a number of national laws that breach international human rights law for "being too vague to satisfy the principle of legality and freedom from retroactive criminal punishment." Many of the definitions violate the International Covenant on Civil and Political Rights 1996. As a result, "the Appeal Chamber's punitive impulse to enlarge criminal liability for terrorism appears to overshadow its concern for human-rights considerations." By classifying the unlawful definitions of some states as reflective of a universal comprehensive definition the Appeals Chamber is in fact encouraging and providing legitimacy to states to convict their political opponents of terrorist offences.

This paper will consider why the Appeals Chamber's heavy relied on national laws in reaching its conclusion that there is a customary crime of transnational terrorism. This will involve an evaluation of why the Appeals Chamber analysed the legislation of some states to the inclusion of others. Indeed, it could be said that the judiciary cherry-picked particular national laws in order to mould the interlocutory decision to their particular viewpoint. This paper will therefore consider the extra-legal factors which influenced the judiciary in their interpretation of national law.

Anna Carline	**Enforcing Welfare? Evaluating the Use of Engagement and Support Orders in the Context of On-Street Prostitution**	**3L**

Abstract: The exiting of prostitution is a pivotal element of the UK's prostitution policy. The previous government introduced Engagement and Support Orders (hereafter ESOs) in the Policing and Crime Act 2009 for those convicted of soliciting in public place. As opposed to a fine, offenders can now be required to attend three meetings, in order to address their behaviour and enable exiting. Whilst hailed by those responsible for the new measures and its supporters as signalling a 'renewed welfarism', other commentators have been more critical. Concerns have been raised regarding the increased social control of the most vulnerable members of society through 'forced welfarism', a return to Victorian 'moral authoritarianism', and the ongoing criminalisation of those who are involved in sex work.

There has, however, hitherto been no empirical evaluation of such measures to support either perspective. To this end, with funding from the British Academy, we engaged in a pilot study seeking views from practitioners and recipients, in order to evaluate and explore perspectives on the impact and efficacy of ESOs, along with opinions on best practice. This paper will highlight some of the key findings.

Anna Grear	**Climate injustice - Re-imagining the ontology, epistemology and ethics of 'legal hearing'**	**1K**

Abstract: Climate injustice feeds off exclusion and reveals a distinctive set of patterns consistent with longstanding critiques of legal subjectivity and entanglements of oppression resulting from the operation of corporate industrial capitalism on the bodies of non-dominant humans, animals, ecosystems and the 'body' of the earth itself. In short, the constitution of legal subjectivity has a profound with the fundamental commitments fuelling climate injustice and ecological destruction alike.

An important way to address patterns of juridical exclusion might be to allow the ontological, epistemic and ethical significance of marginalized and excluded subjectivities better to inform notions of juridical agency. It is possible that a radical diversification of advocacy and legal process practices can offer a way of ensuring 'access to justice' to a far wider range of human (and potentially non-human) beneficiaries. This paper briefly visits the notion of aligning a lively ontology with re-imagined epistemic processes in law. Drawing on the work of Lorraine Code, the paper argues that it is possible to imagine a renewing juridical epistemic responsiveness to diverse constituencies of human and non-human ecological subjects – a move promising a far reaching transformation of the idea of ecological justice and highly relevant for climate justice issues.

Anne Barlow	**Delusions of equality in family law?**	**2G**

Abstract: Developments in Family Law in the 21st century can be seen to have embraced the notion of equality in attempts to modernise regulation in line with the changing social landscape. Whilst feminist arguments for equality in the public sphere of work were fought for and finally accepted during the late 20th century, transforming the role and treatment of women in the workplace, within the private sphere of the family, the gendered stereo-typical roles governing the family business of caring have been addressed less directly and have lingered longer. Although there are some encouraging signs of change, such stereo-types around caring remain normative. Nevertheless, new assumptions about the validity of a superficially attractive equality discourse have taken hold in family regulation and are gaining ground, it will be argued, without any real consideration of their appropriateness for and substantive impact on family and society in a broader context. Drawing on examples of financial provision, shared parenting and the regulation of same-sex couples, this paper will scrutinise the understandable attraction to equality in the sphere of family regulation to consider the dangers inherent in the pursuit of simplistic regulatory equality in an historically patriarchal family law context.

Anne Daguerre	**Access to social entitlements in the USA and the UK: between convergence and divergence**	**3A**

Abstract: Based on the analysis of legislative documents as well as on a series of interviews with key policy makers in the USA and the UK, this contribution compares and contrasts the policy-making processes in relation to welfare reform and administrative justice in both countries in recent years, with a particular focus on the actions taken by the Obama administration on the one hand and the Conservative-led government coalition, on the other.

In both countries access to legal aid for welfare benefits claimants has been constrained. In the US, since 1996, Legal Service Corporations attorneys are prohibited from bringing a class action lawsuit that could result in amending welfare law. In the UK, since April 2013, legal aid is no longer available for welfare benefits claimants except in very limited circumstances. Moreover, the right to appeal has been circumscribed since welfare claimants are no longer able to appeal Department for Work and Pensions (DWP) decisions and will have to wait for a mandatory reconsideration before they can lodge an appeal. By contrast, although the Obama Administration has not reversed the restrictions on legal aid, funding for legal services has increased. Moreover, the Obama administration has been more aggressive than the Bush administration in ensuring the implementation of existing federal law as well as broadening access to Food Stamps, one of the main elements of the social safety net.

This proposed article is divided into four sections. First, it retraces the history and traditions governing the role of litigation and legal aid in terms of access to social entitlements, with a particular focus on means-tested benefits such as Job Seeker Allowance and Incapacity Benefits in the UK and Temporary Assistance for Needy Families and Food Stamps in the US. It also shows that the access to welfare rights through litigation, which had been a key component of the Great Society in the USA, has been constantly undermined since the Reagan era. There was no such equivalent tradition in the UK where the role of the courts was more strictly circumscribed due to the doctrine of Parliament sovereignty. Second, the contribution scrutinises the actions - and inaction - of the Obama administration in relation to enforcement of existing social rights. It also briefly analyses the Richard C case involving a successful class action against the New York State Office of Temporary and Disability Assistance. Third, it analyses the Conservative-led government policies in terms of restrictions to social entitlements, with a focus on mandatory reconsideration before lodging an appeal. It also provides a brief analysis of the Reilly vs. Secretary of State ongoing litigation regarding the implementation of benefit sanctions. Fourth, it concludes by comparing the political agendas of the US administration and the UK government and how it impacts the definition of social rights in both countries.

Anne Marie Blaney	**The Normative Meaning of 'Voluntary' and 'Mandatory' Mediation**	**1M**

Abstract: This paper is focused on an analysis of the normative meaning of 'voluntary' and 'mandatory' mediation systems. The analysis is extracted from research that forms part of a completed thesis for the author's MA in Ethics. The author is an experienced Solicitor and accredited Mediator and Arbitrator who practises in Ireland. She holds an LLM in European Law (Utrecht) and an MA in Ethics (DCU/Mater Dei).
The analysis applies ethics to policy development in the field of mediation to assist policy makers to understand the type of mediation model they wish to adopt. The concepts of 'voluntary' and 'mandatory' mediation have emerged as common terms and this analysis seeks to look behind the words to discover their normative meaning. The question arises as to the extent to which mandated attendance at mediation can be considered to interfere with the voluntary nature of mediation. Codes of Ethics adopted by membership bodies and most definitions of Mediation describe mediation as 'voluntary'.
This paper therefore analyses the true nature and meaning of 'voluntary' and 'mandatory' mediation processes.

Anne-Marie Blaney	**Preference Utility Ethics and Child Protection Mediation**	**8A**

Abstract: This paper is the result of completed research for the author's MA in Ethics. The author is an experienced Family and Child Law Solicitor with particular interest in child protection and mediation. She is an accredited Mediator and holds an LLM in European Law (Utrecht) and an MA in Ethics (DCU/Mater Dei).
The paper combines ethics and child law. It applies preference utilitarianism to a child protection case to determine the most satisfactory mediation policy approach. Child protection mediation is well integrated in some American States since the 1980s. Many States in America and other jurisdictions have well embedded court annexed mediation systems. The nature of Irish child care court proceedings is '… forensic and one dimensional, focusing excessively on investigating and obtaining evidence for adversarial and legalistic court proceedings rather than genuinely supporting children and families where children's welfare is at risk.' [C.O'Mahony, C. Shore, K. Burns, and A. Parkes, 'Child Care Proceedings in the District Court: What Do We Really Know?', Irish Journal of Family Law, 15 (2),(2012),1-14. (p.3).] One new approach is a draft practice case management direction for child care proceedings issued by Dolphin House District Court in Dublin. It expresses a new intention to ensure parties in child care cases are on equal footing, that vulnerabilities are accommodated and that the court, having considered representations, may consider and recommend forms of ADR including mediation as may be helpful to resolve or reduce the issues in dispute between the parties.
The paper outlines Utility theory and a form of preference utility developed by Peter Singer. The experience of stakeholders in mediated child protection cases has been extracted from a literature review from 2008 to date. The application of preference utility theory enables a measurement in terms of benefit or concern for each individual or stakeholder within a court referred child protection mediation. The benefits or concerns are analysed, in the case of a mediation referral, and a preference satisfaction table created. By this method, the experience of each stakeholder has a value in determining best policy.

Anthony Bradney	**The Professional Ideal in Legal Work in Contemporary England**	**6D**

Abstract: Discussion of the notion of professionalism has frequently focussed on arguments such as those that see professionalism as an attempt at market control. Seen in terms like this the concept of professionalism itself might then be seen as being mere rhetoric. In the first section of the paper I will argue that in fact the term professionalism refers to an idea that can be more than rhetoric. I will look at what the notion of professionalism might mean in terms of attitudes towards work. I will further argue that this is connected with attitudes towards the much broader question of how to live a good life. Finally I will argue that professionalism, both in terms of attitudes to work and how to live, is illustrative of a broader phenomenon that encompasses arenas far-removed from what we would see as the domain of professionals.
In the second section of the paper I will ask how far is it possible to live a professional life if one is involved in legal work in contemporary England. Legal work in modern times involves an ever widening range of modes of work. I will look at two examples, the lives of solicitors and the lives of legal academics. Historically in both cases the claim has been made that these are areas of professional activity. I will ask how far that can be said to be the case today.

Anthony Cullen	**Increasing Compliance with International Humanitarian Law in Non-international Armed Conflict**	**3C**

Abstract: International humanitarian law was initially developed to govern relations between states in the conduct of war. When the Geneva Conventions were drafted in 1949, the primary concern of those involved was in the regulation of inter-state warfare. However, since the adoption of the Conventions the majority of armed conflicts have been non-international in character. This has presented significant challenges in the implementation of the international humanitarian law and the protection of victims in these situations.
This paper will explore the role of supra-national institutions in furthering compliance with international humanitarian law in situations of non-international armed conflict. In doing so, it will focus on the practice of treaty and Charter-based bodies and other institutions that encourage respect for international humanitarian standards by calling on parties engaged in hostilities to adhere to the law of armed conflict. In considering the impact of such bodies on the implementation of international humanitarian law, the efficacy of existing machinery will be discussed together with the need for a new mechanism to strengthen compliance.

Anthony Diala	**Dependants' best interest in customary law of succession**	**6F**

Abstract: Pre-colonial succession and inheritance rules in sub-Saharan Africa stemmed from the agrarian foundations and corporate-based nature of families. Other than preserving bloodlines, these rules aimed at providing material support to deceased persons' dependants. This 'inheritance-with-responsibilities' principle formed the essence of the customary law of male primogeniture. However, socio-economic changes are robbing this rule of heirs' responsibilities, thereby causing hardship to females and young male children. In the absence of law reforms to align customary law with changing social realities, this article offers a best interest of dependants' principle for customary law succession and inheritance in Nigeria.

Antonia Layard	**Governing the Local: The significance of property rights**	**1H**

Abstract: The rhetoric of the Government's localism agenda is well known, as increasingly are its critiques (Clarke and Cochrane, 2012; Featherstone et al, 2012). While the programme has been legally implemented through the Localism Act 2011, particularly in terms of neighbourhood planning and the introduction of three "community rights" (to bid, to build or to challenge); localism is also implemented through, and facilitated by, a wide range of other regulatory regimes. These include licensing schemes, highways authorisations, the work undertaken within police beats, local health and education provision. There are many ways to govern "the local" and, consequently, many legally, co-produced, local sites of governance.
A further set of mechanisms which govern the local are the exercise of property rights. This is particularly evident in any analysis of the conventional elision between "the local" and place, given the expressed political desire to give local residents the ability to "shape their place" (Pickles, 2011; Lyons 2007) as well as "greater choice than ever before … to decide the look and feel of the places that they love" (Cameron, 2011). For, as property lawyers know well, in legal terms, there is no clear conception of place, instead property rights, in conjunction with planning, highways and compulsory purchase rules, are used to build new housing developments, regenerate shopping centres or manage public spaces or parks. Within these "place-shaping initiatives", the rights of property owners, whether local or not, can be powerful drivers of change.
Drawing on research from a project on Localism, Law and Governance, funded by the ESRC, this paper addresses the significance of property rights in place-shaping and localist exercises. It asks how property rights can inhibit and facilitate local(ist) governance, exploring how property governs places both explicitly and implicitly. In particular, the paper outlines three types of property – private, corporate private and public – to explore

how different ontologies of property (Davies 2008; Benson, 2012), can provide opportunities for, but also restrict, local governance.

Arun Chopra, Mohan Mudigonda, Peter Bartlett & Richard Morriss	A survey of Advance Planning in Bipolar Disorder and the barriers, drivers and ethico-legal considerations that are affecting the implementation of the Mental Capacity Act for people with Bipolar Disorder	7E

Abstract: The Mental Capacity Act is an enabling piece of legislation implemented in England and Wales in October 2007 that makes provision for people to prepare for periods of time when they might lose capacity. Bipolar Disorder is a common illness (prevalence 1-2% of the population) characterised by a relapsing-remitting picture and during severe episodes of the illness people may lose capacity. This is the first study aiming to provide a national picture of the extent to which the Act is enabling people with Bipolar Disorder to prepare for periods when they may lack capacity.

The PARADES (Psychoeducation, Anxiety, Relapse, Advance Decision Evaluation and Suicidality) Study is a National Institute for Health Research (NIHR) funded research programme based at Lancaster, Manchester and Nottingham Universities looking at various aspects of the care and treatment of people with bipolar disorder. One aspect of this programme, the Advance Decision Evaluation (ADE), is specifically exploring the impact that the Mental Capacity Act is having on this group and how advance planning under the Mental Capacity Act might be influenced through specific information and training on the use of the Mental Capacity Act in relation to bipolar disorder.

The work has two components: firstly, understanding the level of use and the barriers and drivers to the use of the Act's provisions from the perspective of service users and; secondly, understanding the level and nature of training and the barriers and drivers to using the Act's provisions for advance planning with their patients from the perspective of psychiatrists working with people with Bipolar Disorder in both community and inpatient settings.

We developed a large sample frame (550 people with self reported clinician diagnosed Bipolar Disorder) to determine the extent to which people with Bipolar Disorder are making use of Advance Planning tools in the light of the Mental capacity Act and through qualitative interviews with 19 service users, the barriers and drivers that influence this.

Through survey analysis we describe a poor uptake of Advance Decisions to Refuse Treatments(10%), Advance Statements (11%), and Lasting Powers of Attorney (4%).We do not find any associations that determine which demographic groups are more likely to make use of these . The drivers for advance planning that emerged were being asked to complete one, prior experiences of planning for change, strong preferences against certain treatments and an attempt to maintain continuity of care plans if meeting new teams/doctors. We identify the main barriers to the use of these provisions as a lack of awareness of their existence and a lack of practical procedures to implement these in practice.

Similarly, we developed a large database of psychiatrists (n= 650) at various levels of training, working in different areas of the country. This allowed us to develop and understanding of the current levels of awareness of the provisions of the Act, the amount of training that professionals had received and how effective or ineffective the Government's implementation plan was for this group. We found a mixed picture, with very good levels of awareness about the Act but a lack of understanding about the interactions between this Act and the Mental Health Act. Qualitative interviews with this group resulted in four emergent themes. Three themes related to barriers to the use of the Act and these were: A lack of awareness; competing priorities for time; and perceived conflict between the Mental Health Act and the Mental Capacity Act. A fourth theme emerged that identified the Middle Class as the major beneficiaries of the Act. In the course of this work, we also developed an understanding of the ethico-legal considerations that appear to underlie some of the decisions that psychiatrists are making with regards to the Advance Plans of patients with Bipolar Disorder, such as the notion of the 'true self' for people with mood disorders and the perceived validity of the Advance Decision , the complexities of the interface between the MHA and the MCA and the practical issues of service capacity and resource pressures that are impacting on an ideal practice. In conclusion, we found that currently this potentially enabling piece of legislation has made little difference to the lives of the vast majority of people with bipolar disorder. We make recommendations that address the barriers to implementation.

Asma Hyder & Jere Behrman	Climatic Shocks and Child Human Capital: Evidence from Ethiopia	8E

Abstract: In recent years considerable attention has been given to investigation of causes and effects of various dimensions of climatic shocks. Droughts, floods, storms and other events have potentials to disrupt people's lives, leading to losses of income, assets and opportunities. Periodic shocks such as droughts and heavy rains can add immediate crises to chronic difficulties linked to high poverty levels and dependence on rain-fed agriculture. As a result, particularly children and women, especially those with poor nutritional status, are at higher risk of death and disease when negative climatic shocks occur. Children are highly vulnerable to disasters, in part because of their particular stage of physiological and social development (Seballos et al. (2011)). Investments in children's human capital can take different forms, including investment in biological human capital (for example, health and nutritional status) and intellectual human capital (schooling and cognitive skills) (Behrman et al. 2008, Cengage 2005) – all of which may be affected by climatic shocks.

We examine the impact of four different climatic shocks as perceived my households and community representatives on child learning and health outcomes in Ethiopia; one of the poorest countries in Sub-Saharan Africa (SSA). Two waves of household panel data for years 2006 and 2009 are used and data is collected from both urban and rural areas of Ethiopia. Both individually- reported and community-level shocks (reported by community representatives) are investigated. A priori the impact of negative shocks on schooling may be negative (if income effects dominate) or positive (if price effects dominate). Also the effects may be larger for measures of idiosyncratic shocks (if there is considerable within-community variation in experiencing shocks) or for aggregate shocks (if community support networks buffer better idiosyncratic than aggregate shocks). For child learning outcomes we use enrollment, Peabody Picture Vocabulary and math test scores and for health outcomes we use body mass index (BMI) Z-scores and height-for-age (HFA) Z scores.

Azadeh Chalabi	Factorial Survey as a Context-Specific Method for Human Rights Fact-Finding	3J

Abstract: This paper suggests the 'Sequential Mixed Methods' design as a suitable method for human rights fact-finding. This strategy of inquiry uses a context-specific theoretical lens as an overarching perspective and also enables investigators to elaborate on or expand on the findings of one method with another method. The main focus of this paper is on the 'Factorial Survey Method' (pioneered by Rossi) which can be employed significantly in the second phase of the sequential mixed methods design. It is intended to show that how the factorial survey as a context-specific analysis can be used in international human rights fact-finding. Whereas factorial survey is normally used for analyzing human judgment, it can be employed for discovering the 'facts' and even unearthing deep causes of a social problem like human rights abuse. The main components of factorial surveys are vignettes. Vignettes represent different combinations of 'levels' (values and/or categories) of various 'dimensions' (variables), which are included on account of their presumed relevance as determinants of the situation concerned. The selection of dimensions for the vignettes ought to be guided by prior context-dependent theory and pre-collected data (in the first phase). Participants were asked to rate the vignettes on a scale depending on the research problem. Then, by using an inductive coding system, the answers will be recorded, transcribed and quantitatively and qualitatively analyzed. At the end of the day, the 'fact pattern' of a given situation will be uncovered. The vignette characteristics, vignette sampling, respondent sampling, and rating task shall be discussed in this paper and different examples will be provided.

Azadeh Chalabi	Indigenous Rights in Australia's National Human Rights Action Plans	4C

Abstract: Despite the fact that Australia has a positive record in human rights, violations of indigenous rights continue to blight Australia's human rights record. This paper examines the effectiveness of Australia's National Human Rights Action Plans (NHRAP) for implementing indigenous

rights. Findings in this paper are based on both an online survey and a documentary secondary analysis. In April-July 2013, a survey was conducted by the author on the effectiveness of NHRAPs in Australia and administered online. Respondents were identified purposefully from UN experts, international independent consultants, academics, human rights NGOs and Australian States commissioners who were quite familiar with developing and/or implementing Australia's NHRAPs. Overall, 33 completed responses were collected; 30.3% from non-governmental organization, 15.2% from governmental organization, 45.5% from academic organization, 3% from independent consultant and 6.1 % from "other". As part of this survey which will be presented in this paper, respondents were queried about the effectiveness of different Australia's NHRAPs for implementing indigenous rights in Australia and the model of planning on which Australia's NHRAPs are based. As will be reported in details, the majority of survey respondents believed that Australia's NHRAPs have been hardly effective for implementing indigenous rights. Furthermore, the documentary secondary analysis shows that different measures identified in the Australia's NHRAPs for realizing indigenous rights suffer from an "inconsistency" and a "particularistic orientation". Whereas indigenous communities face a wide range of discrimination, they are asked to bargain for basic rights to which generally other Australians are entitled without any conditions. These "ineffectiveness" and "inconsistency" are at least partly rooted in the model of planning on which these plans are based. As both the survey and the documentary analysis clearly indicate all the Australia's NHRAPs were developed on the basis of a "Traditional Model of Planning." As will be discussed in this paper, the traditional model of planning, as a top-down State-sponsored model, is an imperfect match for implementing indigenous rights in Australia.

Barbara Billingsley	**Recent Reforms in Canadian Civil Procedure**	**2N**

Abstract: As in the United Kingdom, over the past few decades there has been considerable consternation in Canada about the excessive delay and cost involved in civil litigation. Largely as a result of these concerns, significant revisions have recently been made to the rules of civil procedure (the "Rules of Court") in several Canadian provinces. In Canada, civil procedure falls primarily under the jurisdiction of the provinces rather than the federal government, and, since 2009, five of Canada's ten provinces have implemented large scale reforms to their Rules of Court. While focusing on similar problems, however, these reform efforts were conducted independently of one another. Each province developed its own mechanisms for reform and made its own determinations about how its Rules of Court should be changed to best meet the challenges of modern day litigation. This paper seeks to determine the extent to which these independent reform efforts reflect common contemporary solutions for minimizing litigation delay and cost via the Rules of Court. To this end, the paper compares the reform methodology utilized and the substantive changes adopted in each of the five jurisdictions. In particular, the paper focuses on the extent to which the reforms significantly impact selected litigation issues especially relevant to cost and delay, including: the timing of mandatory litigation steps, the addition of parties, the scope of pre-trial disclosure, and compulsory pre-trial settlement efforts. Because these issues are universal aspects of the civil litigation process, this paper's discussion of Canada's recent experiences with Rules of Court reform is relevant to an international audience.

Benjamin Farrand	**EU Copyright Law: Political Salience, Expertise and the Legislative Process**	**1L**

Abstract: In this paper, I intend to adopt an interdisciplinary approach that combines legal analysis with political theory to explore the development of copyright law in the EU. In general, legal academics studying the legal initiatives in the field of EU copyright law harmonization have referred to the role of 'lobbyists' in determining EU institutional policies. However, this body of research has not looked into these lobbying processes in particular depth. Furthermore, studies on intellectual property reform, such as the UK-based Hargreaves Review, talk about 'lobbynomics' and the need for 'objective evidence' in copyright policy. However, it is submitted that asking why lobbyists are able to influence copyright legislation is the wrong question. After all, lobbying covers not only attempts by large corporations to influence legislation, but also attempts by civil society organisations, individuals and academics. Instead, a more useful question in this field is 'why are some actors more successful than others in having their preferred policy outcomes taken into account?' As this paper will demonstrate, success in 'lobbying' for changes in copyright law is the result of complex network relationships, perceptions of industry expertise, and the comparatively low political importance of copyright reform to European citizens. By presenting a number of case studies, including the implementation of the Information Society Directive in 2001, the Enforcement Directive in 2004 and the Term Extension Directive in 2011, it shall be demonstrated that an active entertainment industry was more able to influence legislation than academics or user rights organisations due to a combination of expert knowledge and low media attention. However, this paper will also show that the entertainment industry is less able to influence the development of copyright law when media attention and political salience are high, as in the case of the European Parliament rejection of the Anti-Counterfeiting Trade Agreement.

Beverley Clough	**'People Like That'- Context and Capabilities in Mental Health and Capacity Jurisprudence**	**4H**

Abstract: How the state responds to vulnerable populations is an issue of increasing importance. The relationships that the law and other institutions can establish and structure are central to this. Exposing and exploring these relationships, and the nature of them, leads to a deeper understanding of how legal responses in the context of mental health and capacity law can impact upon the lived experience of cognitive impairment. Through critical analysis of the law's traditional response to cognitive impairments in this context, it will be argued that a medicalised model of disability has been predominant, and still permeates jurisprudence in this area. A recent clear illustration of this will be discussed- namely the 'relevant comparator' test which has emerged in the Deprivation of Liberty Safeguards jurisprudence. Instead, it will be suggested that insights from the social model and relational understandings of rights can highlight the ways in which wider contextual factors and structural relations impact upon the experience of cognitive impairment. If the illusion that the state and society has no role to play in the adverse experiences of disability is challenged, the ways in which these can be responded to become an urgent concern. Moreover, an understanding of the various dimensions of cognitive impairment can help to elucidate how the law can respond more effectively in order to facilitate the enjoyment of purported rights and values. In light of this, it will further be suggested that the lingering precedence given to a narrow, medical view of cognitive impairment is outmoded given the more richly textured understanding of cognitive impairments which has recently emerged. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) has harnessed the insights from the social model of disability and the capabilities approach to justice, and will be presented as the legal articulation of such concerns. This paper seeks to build upon these understandings of disability and social justice and argue for the need for a more responsive state and judiciary in addressing the concerns highlighted by the UNCRPD and embedding these into judicial discourse.

Brian Dempsey	**Why hard-won feminist insights into the legal and social response to women who experience domestic abuse must be central to the developing interest in men's experience of domestic abuse**	**1F**

Abstract: Why hard-won feminist insights into the legal and social response to women who experience domestic abuse must be central to the developing interest in men's experience of domestic abuse.

The engagement of socio-legal scholars with understanding and addressing the issue of responses to domestic abuse against women in mixed-sex relationships has been, and remains, a productive and vibrant field, albeit that some areas, eg the intersections with class, disability and other characteristic remains under explored.

What this paper will do is bring together the lessons from feminist academic and policy research (in particular the work of Marianne Hester and Catherine Donovan on domestic abuse in same-sex relationships, R. W. Connell's analysis of "hegemonic masculinity" and the research/policy work of Women's Aid) with the growing body of research into men's experience of domestic abuse (for example the work of Denise Hines and Emily Douglas primarily on men in mixed-sex relationships and the research/policy work of the Dyn Project, Respect and AMIS). It is argued that this

produces conclusions that support the proposition that the engagement with, and adoption of, many of the methodological and theoretical insights of feminist researchers will be crucial to developing an appropriate understanding of men's experience of domestic abuse, whether in mixed-sex or same-sex relationships.

Brian Simpson	'Memorialising the dead child in cyberspace and its implications for the rights of children'	4L

Abstract: There has been some recent concern with the manner in which dead children are now memorialised in cyberspace by way of continuing Facebook profiles of the deceased child, or through online memorial sites. Such examinations tend to focus on what might be described as 'traditional' legal concerns that connect with such issues as protocols for remembering the dead child, privacy and archival matters related to the digital footprint of the dead, and the risks of attracting abusive postings. But memorialising the dead is as much about the living and their needs as it is with the dead. Public memory is often 'activated by concerns, issues, or anxieties of the present.'(Dickinson, et al ,2010: 6). It appears that what is often ignored when analysing online memorials for dead children is how they reveal societal attitudes towards children and childhood more generally. Often such memorial sites portray children in highly romanticised ways, or alternatively in ways that construct childhood as problematic and threatening. In this way such online memorials reveal insights into current constructions of childhood that reinforce views of childhood which often have significant implications for how children and their legal rights are perceived. Thus remembering the dead child might be understood as constructing the present child, with important implications for how we accept (or reject) various notions of children's rights. This paper explores such online memorials and these implications.

Reference: G. Dickinson, C. Blair and B.L. Ott Places of Public Memory: The Rhetoric of Museums and Memorials (University of Alabama Press, 2010).

Bronwen Morgan & Declan Kuch	The Sharing Economy and the Shift from Ownership to Access: Implications for Law, Political Economy and Identity	3K

Abstract: Over the past 18 months, the notion of a 'sharing economy' has increasingly captured the public imagination, featuring in cover stories from Forbes to the Economist. The sharing economy is frequently associated with technology platforms that enable large numbers of people, often strangers, to share household goods, space in their home, cars, gardens and so on. But broader interpretations, as for example from the US 'sharing economy' lawyer Janelle Orsi, extend to co-housing initiatives, alternative currencies, community energy and community-based agriculture. Both interpretations of the sharing economy centre on the notion that there is a cultural, economic and legal shift occurring which places 'access' rather than 'ownership' at the heart of property relations. This shift is linked to ambitious claims that the sharing economy can forge sustainable and resilient trajectories into the future.

Our paper will present the early findings of a four year research project that is exploring case studies in community food, community energy, co-working, car-sharing and reuse/recycle initiatives from a comparative UK/Australian perspective. We will interrogate the contested political implications of the sharing economy and illustrate how the shift from access to ownership plays out in four different legally constituted arenas: formal organisational entity choice, harm prevention, the blurred line between gift and contract, and plural conceptions of shared infrastructure. We will conclude that the political implications of the sharing economy depend in important ways on the specificities of creative legal strategies that blur public and private law in new ways.

Camillia Kong	The Social Space of Reasons in Assessments of Mental Capacity	3F

Abstract: Most medico-legal assessments of mental capacity hinge on a person's ability to 'use and weigh' information. Implicit to this pillar of the functional test is a model of reasoning, which examines an individual's ability to reason in a formally consistent manner. The assessor's focus is therefore on the structure rather than content of one's reasons and beliefs. This paper argues that the procedural model of reasoning endorsed in clinical and legal tests of mental capacity is increasingly recognised as deficient, both in practice and theory, mainly because its normative conditions ignore how social and dialogical contexts can help or obstruct a person's reasoning capacity. From a practitioner's perspective, the individualistic and introspective focus of the procedural model is fundamentally at odds with the unique relational and supportive conditions necessary to enable impaired individuals to exercise choice. The procedural model is of little help for those capacity adjudications having to distinguish when support melds into coercive force, given that its minimal standards can be met even in oppressive and abusive relational contexts (A Local Authority v A & Anor [2010]). Judgements of capacity based on a patient's relational environment consequently appear arbitrary and unprincipled.

I approach this practical problem through two interconnected strategies: I critique the theoretical presuppositions of the procedural model and examine specific legal cases of capacity in light of this theoretical challenge. Applying Robert Brandom's work, I suggest that the space of reasons is inherently social and functions in a circular manner: it provides a normative stamp of approval for certain beliefs and claims; conversely, it influences the process of developing and articulating reasons. I apply this analysis of Brandom to cases of refusal of treatment on religious grounds (such as Malette v Shulman [1990], Re L (medical treatment: Gillick competency) [1999]) as well as Re SB [2013]. I further suggest that once we accept the social nature of the space of reasons, we cannot be convinced by the procedural model's espousal of value neutrality. The paper subsequently forwards an argument in favour of what Charles Taylor calls articulatory-disclosive reasoning to supplement the procedural model in capacity assessments. An appeal to this alternative model of reasoning in capacity adjudications can overcome the shortcomings of the procedural model, mainly through its provision of crucial evaluative tools which help determine how the normative quality and character of the social space of reasons (or discursive and interpersonal attitudes) impact positively or negatively on an individual's cognitive and emotional decisional abilities (Loughlin v Singh & Ors [2013], A Local Authority v WMA & Ors [2013], A Local Authority v DL & Ors [2011]). My criticism of procedural models commitment to value neutrality will be of particular analytical and normative significance to capacity adjudications involving assessments of a patient's relationships and the court's use of inherent jurisdiction.

Carol Kilgannon	Does UK non-discrimination law protect men and women or the masculine and the feminine?	1B

Abstract: I propose to give an overview of the current UK legal framework surrounding gender presentation in the workplace and the extent to which the law protects an individual who may present themselves outside of the conventional gender norm. Inherent in this discussion is the question of the extent to which we as individuals have real freedom to present ourselves visually in ways which are compatible with our own ideas of our gender identity and how we might wish to self-represent. This overview will consider this interesting question from an employment perspective where such issues are often most contested.

The interpretation of the levels of protection available in the UK (as decided through case law) is, it will be contested, still reliant on gender norms. This is true even where protection is sought for discrimination on the basis of sexual orientation. There is an inherent conservatism in the interpretation of this protection which, it will be argued, is prescriptive and non-progressive.

The issue of cross-dressing individuals and transgender individuals will be highlighted. Although unrelated in nature, the legal protections afforded can be related because of third party perceptions. Visual self-representation, while key to the individual, can create issues in real life. The "progressiveness" of the law on this issue is questionable.

At the heart of this discussion lie tensions between: progressive rules and conservative standards; concepts of equality and of protection against discrimination and finally, institutional frameworks and real needs. These tensions, it will be argued, must be openly acknowledged in order for true progress to be achieved.

Caroline Derry	Sexuality and feminist law reform in 1921: the AMSH, the age of consent and 'gross indecency between women'	4K

Abstract: In the early twentieth century, the Association for Moral and Social Hygiene co-ordinated a large network of organisations to campaign for changes to the law on sexual offences. In particular, this alliance sought to strengthen age of consent legislation for the protection of young girls. The Criminal Law Amendment Bill 1921 would have raised the age of consent for indecent assault, and removed significant weaknesses in the existing legislation which made prosecution for age of consent offences difficult.

The AMSH was arguably well-prepared for its leading role. It had been founded in the 1860s to oppose the Contagious Diseases Acts which allowed forcible examination and treatment of prostitutes (but not their clients) for sexually-transmitted infections. Thereafter, it campaigned around the legal regulation of female sexuality, notably in opposing state regulation of prostitution and promoting laws to protect girls from sexual exploitation.

However, the organisation faced a new challenge when an amendment to the 1921 Bill was introduced to create an offence of "gross indecency between females". That offence, if enacted, would have made all sexual activity between women criminal. The amendment was a 'spoiling amendment', designed to directly attack the Bill and those feminist organisations supporting it.

This amendment not only led to the Bill's failure but posed great difficulties for the AMSH and others in formulating a response. After all, lesbianism was considered publicly unspeakable, as the parliamentary debates themselves made clear. The very knowledge of what it was could be considered as evidence of lack of purity. What response could respectable women therefore make? At the same time, the members of the AMSH were not necessarily unaware of the subject nor personally untouched by it. This paper will explore the ways in which the Bill's supporters, particularly the AMSH, responded to the amendment.

Caroline Jones and Jonathan Montgomery	A Tale of Two Citadels: competing narratives in a case biography'	2D

Abstract: This paper considers how clashes of social values in litigation over NHS funding decisions manifest themselves in the 'biography' of a case. It argues that the issues in AC v Berkshire West PCT [2010] EWHC 1162 (Admin) and (on appeal) [2011] EWCA Civ 247 can be seen in terms of two competing narratives; one about discrimination and transgender individuals, the other concerning bureaucratic rationality and prioritisation processes. Each narrative can be conceptualised as a siege on a well defended citadel. The first seeks to break down the barriers excluding transgendered people from full recognition in English law and society. The second tries to wrestle resource allocation from professional and managerial discretion into rights-based scrutiny.

These competing narratives appear in the selection of legal teams, the overlapping but distinct networks in which cases are connected, and interpretive judgments by lawyers in and out of court. Choice between narratives provides significant framing effects for the assessment of social values, a feature that may be normal rather than unusual in contested legal cases.

Cath Collins	Domestic Courts and 'Late Justice' for Mass Atrocities: Latin American Accountability Practice in the Post-Pinochet Era	3C

Abstract: The recent proliferation of domestic-level criminal and civil trials for past atrocities in Latin America represents a remarkable turnaround for a continent where blanket amnesty for state terror has more generally been the rule. A decade and a half after the 'Pinochet precedent' supposedly revolutionised international criminal law, these changes also makes Latin America in practice the region most actively engaged in enforcement of the presumption of accountability for violations of non-derogable norms that the UN has recently explicitly embraced.

The role of the Inter-American regional human rights system in this development is significant, yet it is also notable that domestic jurisdictions, often emerging from periods of substantial judicial reform, have been both the locus and engine of change. These developments offer rich opportunities for comparing and contrasting the costs, benefits, likely impact and potential pitfalls of accountability versus amnesty and of national and regional, as opposed to hybrid or international, trial venues. Based on a linked network of regional mapping projects in Chile, Argentina, Peru and Uruguay, and drawing on the work of colleagues engaged with the Rios Montt genocide trial in Guatemala, this paper introduces a panel which will offer unique empirical and theoretical insight into a major new development in criminal practice over internationally-defined human rights crimes.

Catherine Caine & Lida Pitsillidou	Student Law Reviews as a tool for enhancing student experience in the UK: Lessons to be learnt from the US	2C

Abstract: Student-run Law Reviews have played a pivotal role in law schools in North America for over a century; however their success has been far from infectious in the United Kingdom. From various observations, student-run law reviews can provide many benefits for the students involved, as well as to their respective Universities. In addition to the recognised benefits of student engagement, and insight into editing skills, a law review can provide other avenues for wider academic and student engagement, such as blog writing, and educational seminars.

This paper will explore the historical origins of the American student-run law review, and the potential that it has for Universities in the United Kingdom. The benefits and pitfalls of starting a student-run law review will be discussed, with specific reference to the experiences encountered in establishing the North East Law Review at Newcastle University. From these experiences, the paper will provide an outline of what is required to start up a student-run law review in the UK including editorial board structuring and creation of a style guide. In conclusion, the paper will argue that Law Reviews are a worthwhile venture for both students and Universities in the UK.

Charlotte Bendall	Rethinking familial 'equality': a study of domestic division in same sex relationships	2G

Abstract: Whilst it has been suggested that heterosexual couples often resort to gender stereotypes in deciding who does what within the home, these same stereotypes relating to gender difference are inapplicable to the same sex scenario. As a result, same sex couples carry the potential to conduct their domestic lives in a more fair and balanced manner than those within different sex relationships. To date, however, very little data has been available as to the way that such tasks are being carried out within same sex households in the modern day. This paper reports the findings of a recently conducted survey that investigated the division of household labour and care within such cohabiting relationships.

Of the 301 responses received, a higher proportion answered that they and their partner divide childcare equally than has previously been found in relation to different sex relationships. Similarly, a greater proportion considered that domestic tasks such as cooking, cleaning, washing, ironing, and grocery shopping are shared between the two of them. With regard to such tasks, it is notable that the respondents' gender appears not to have particularly impacted the division of labour within their households. Neither does their social class, gross household income, or the presence or absence of children, factors frequently cited as reasons for heterosexual partners adopting traditional gender roles. Perhaps even more interestingly, despite there having been a relatively large number of participants who were in relationships where both partners were working full-time, the apportionment of tasks seems predominantly not to have been influenced by similarity or difference in their occupational statuses. I will be arguing that such findings lead us to question both what we commonly consider to be 'truths' relating to the organisation of intimate relationships, and what we conceive of as being the 'correct' way of conducting family life.

Charlotte Woodhead	The language of law but an equitable ethos - the Spoliation Advisory Panel as an equitable jurisdiction for the 21st Century?	4M

Abstract: In 2000 the Spoliation Advisory Panel was established to make determinations about difficult questions about title to cultural objects of which their owners were dispossessed during the Nazi Era.

Like the early courts of chancery that provided a means of hearing disputes which could not be heard by the courts of common law, the Spoliation Advisory Panel provides a forum for the resolution of disputes which would not otherwise be resolved by English courts. Clear parallels can be drawn between the notion of equity and the Panel's paramount purpose of achieving a just and fair solution for the parties. Equity therefore provides a lens through which to analyse the Panel as a dispute resolution process in England.

For all the emphasis on the just and fair resolution of claims outside legal strictures, legal terminology nevertheless permeates the Panel's decisions and suggestions have been put forward that legal concepts can aid the Panel's deliberations (Palmer 2007).

This paper will first consider the nature of the Panel as a substitute rather than alternative claims procedure. Secondly the formalised nature of the Panel will be analysed in the context of the Panel's wide use of legal language rather than language relating to justice and fairness. Finally the paper will address the substantive issues dealt with by the Panel and how these mirror equitable notions. To this end, it will be considered how far the Panel's work can be informed by the experience of equity in the law of England.

Chris Gill	**The influence of redress mechanisms**	**2A**

Abstract: This paper reports the initial findings of empirical research seeking to understand the influence of redress mechanisms (courts, tribunals and ombudsmen) on the policies and practices of administrators working in local authority education departments. How do administrators perceive redress mechanisms? How do they respond to their decisions? To what extent are these decisions perceived as opportunities for learning and improvement? The paper will address these questions by drawing on data collected as part of a qualitative interview study involving six local authorities in England. The paper adds to the existing literature on the influence of redress mechanisms in three ways: it examines the influence of several redress mechanisms in comparative perspective (including ombudsmen and tribunals, which have previously been subject to little attention); it examines the influence of redress mechanisms over an area of administrative practice that has previously not been subject to study; and it seeks to build on and refine existing theoretical understandings of how redress mechanisms influence the administrative process.

Chris Monaghan	**'The socio-legal legacy of the Chagos litigation'**	**8D**

Abstract: The imperial legacy of the British Empire continues to impact on the lives of the colonial subject. Britain still possesses remnants of Empire and decisions made by the metropole continue to impact upon the lives of the colonial subject. Whilst the majority of the inhabitants of British Overseas Territories such as the Falklands and Gibraltar support British rule, the 'inhabitants' of the British Indian Ocean Territory have seen their rights overridden by the needs of the metropole. This has resulted in the entire population being forcibly exiled from their homeland and prevented from returning home. The removal of the islands was necessitated by the United States' request to construct an airbase on the largest island, Diego Garcia. For over thirty years, litigation has taken place to determine the rights of the exiled islanders, most prominently in the House of Lords and the European Court of Human Rights. The islands that comprise the British Indian Ocean Territory are sought by Mauritius, pursuant to an agreement with the British government in the 1960s.

This paper will address the legal and political background to the Chagos litigation and will then seek to explore its social-legal legacy. The treatment of the Chagos Islanders is evidence of the colonial attitude of the 1960s and 1970s, and the continual exclusion of the islanders arguably amounts to an unwelcome legacy of this period. It is ironic that at a time of increased public awareness of the horrors and excesses and colonial rule, most notably with the suppression of the Mau Mau in Kenya, that the Chagossians are still excluded from their homeland and viewed as a threat to the Anglo-American special relationship.

Finally, this paper will look at the eventual outcome of the Chagos island litigation and determine whether lessons could be learnt in the understanding and appreciation of the treatment of those persons whose homeland has yet to receive independence.

Christa Roodt	**Linking Art, Law and Business for a Secure Society**	**6M**

Abstract: In the cross-border trade of objects of cultural, historical, ethnological and artistic value, many buyers fall short of the highest standards of due diligence. These standards differ across jurisdictions. Compliance with minimum standards of ethical acquisition and collection poses an enormous challenge. In multi-inclusive approaches in cultural education that include law as a cornerstone, closer investigation of various legal and non-legal factors are in order. These include (a) the facts pertaining to the ownership history in respect of a cultural object or work of art and how they can be proved; (b) the problematic behaviours and standards in the market that require modification; (c) the rules that are designed to direct and govern those behaviours; (d) the ethics that apply in respect of the acquisition of pieces lacking a discoverable or complete secure chain leading back in time to the date of manufacture, production or excavation; (e) the main obstacles to restitution inherent in the law; and (f) remedies for non-compliance with acceptable standards of behaviour. With regard to (a), there is an interesting interplay between 'law' and 'facts' in terms of what adjudicating bodies regard to be 'law'. Even 'foreign law' does not automatically qualify to be treated as 'law' and may need to be proven as fact in civil proceedings. Certain obstacles to restitution inhere in the law itself, and may therefore escape attention altogether, or worse, serve as a sure justification for non-restitution. Provenance research adds to a more secure society. Finding the facts can be the 'higher law' that indicates whether restitution is appropriate or not. In the face of glaring gaps in the higher law or where a provenance is undiscoverable, the legal requirements for the transmission of ownership deserve to have less scope. This paper will analyse the factors in art business that threaten the economic security of society from the standpoint of how they amplify the synergy between, on the one hand, what the law permits in particular jurisdictions, and on the other hand, the aims of traffickers seeking to capitalize on what the law permits.

Christopher Sargeant	**The accountability of prison custody providers for deaths in prison custody: The impact of the Corporate Manslaughter and Corporate Homicide Act 2007**	**7C**

Abstract: This paper considers the impact of the introduction of a statutory offence of corporate manslaughter by the Corporate Manslaughter and Corporate Homicide Act 2007 on prison custody providers operating in England and Wales. Whilst providers could previously be convicted for 'corporate' gross negligence manslaughter through the doctrine of identification in as far as crown immunity did not prevent this, they are guilty of the new offence if they cause the death of an individual to whom they owe a relevant duty of care, through a gross breach of that duty and a substantial cause of the breach is the way in which their senior managers have run or organised the organisation's activities.

Notwithstanding its initial notoriety, given that a purpose of the Act was to ensure deaths in prison custody are 'properly investigated and the relevant bodies held accountable before the courts', it is argued that its impact has been negligible. Far from ensuring that prison custody providers responsible for loss of life can be 'held accountable in law', no provider has yet been convicted under the Act. Similarly, whilst the Act was portrayed as 'a catalyst and driver [for] reducing deaths in custody', analysis indicates that the number of such deaths is unchanged, with little evidence of amendments by providers to their safety policies, procedures or practices as a result.

Against this background, this paper argues that the explanation for this lack of impact appears to be three-fold. Firstly, by simply introducing a new criminal offence, the Act only affects a single piece of the accountability jigsaw in this area, a piece which is in any event known to be ineffective at changing organisational behaviour. Secondly, the new offence is defined restrictively, such that deaths in prison custody will frequently fall outside its remit. Finally, the investigation, prosecution and sentencing of the offence in other contexts have thus far been largely restricted and are therefore unlikely to convince prison custody providers they face a real risk of conviction or serious sanction under the Act themselves.

Claire Bessant	**Should parents be able to take photos at a school play or at sports day? A critical analysis of current education authority guidance**	**4L**

Abstract: In December 2013 freedom of information requests were sent to education authorities across England, Scotland and Wales, to clarify what guidance they provided to schools in relation to parents taking photographs at school events. Responses indicate that the extent and quality of guidance varies substantially. Many authorities simply refer schools to the Information Commissioner's 2010 Data Protection Good Practice Note on Taking Photographs in Schools. This guidance states that where a parent takes a photograph of their child at a school play or sports day such photos are 'for personal use and the Data Protection Act does not apply.'

The assumption, articulated in the ICO guidance, is that when a parent takes a photograph of their child at a school event it will 'be put in the family photo album'. OFCOM's 2013 Adults Media Use and Attitudes Report reveals, however, that 2 in 3 adult internet users have their own social network profile and that in 2012 between 2 and 3 out of 10 of those adults with a social networking profile were sharing photographs. The assumption must now surely be that some parents may wish to share photographs taken at school events, using social media. Accordingly, all schools and education authorities now need to look beyond the ICO good practice note and reflect upon the application of the DPA where photographs are shared using social media. Consideration needs, in any event, also to be given to the wider privacy implications of parents taking and sharing photographs of school events, photographs which may also capture image of their children's peers.

This paper will accordingly begin by considering the wider privacy issues and reviewing the relevant law. It will then outline the findings of the empirical research, and drawing upon existing guidance offer suggestions as to what form guidance might take.

Claire Lougarre	**Measuring the scope of the right to health: what is appropriate healthcare and who can benefit from it**	**2D**

Abstract: Whilst the human right to health creates obligations upon states and not physicians, it remains inherently connected to medical law since it regulates the provision of healthcare and protects the rights of (potential) patients. The issues it raises are thus complex and cannot be solely resolved through the prism of human rights law. Little research, nevertheless, clarifies what the right to health means. It is yet essential to define its legal content as this could potentially improve its realisation among key actors (states, judges, medical personnel, individuals, NGOs, etc.).

This paper will focus on right-holders and will thus explore the scope of the right to health. What is appropriate healthcare, and who can benefit from it? Such questions set light on the inter-disciplinary aspect of human rights law and on the need to integrate various types of expertise, i.e. medical expertise in the case of the right to health. This research will be conducted by comparing the interpretation of the Committee on Economic, Social and Cultural Rights (United Nations) with that of the European Committee on Social Rights (Council of Europe). Such methodology will highlight the 'best practices' of each framework, regarding the scope of the right to health, and will enable a discussion on the compatibility between universal and regional standards. Firstly, this paper will analyse the definition of health in human rights law and how appropriate healthcare is interpreted in the European and the UN Committees. Secondly, it will explore the universal health protection granted by the UN Committee and compare it with the distinction operated by the European Committee between European and non-European individuals.

Clare Dwyer	**Devolving Youth Justice: Resisting the Punitive and Populist Agenda through the Rights Discourse?**	**1D**

Abstract: This paper seeks to provide an examination of the extent and impact of policy transfer and devolution on youth justice in Northern Ireland. Through an analysis of the 'risk prevention paradigm' which has seen a general trend towards punitive, restrictive and responsibilising responses to children and young people in conflict with the law, or those deemed 'at risk of offending', this paper will examine local systems and practices to assess the impacts of these trends and changes, how they play themselves out and what impact the local and national contexts and philosophies on youth justice have within a devolved administration. One of the key aims of this paper is to detail local policies and policy debates relating to youth justice post-devolution so as to uncover what is specific to a place, why divergence emerges and may be necessary, as well as areas of convergence. Looking through the lens of 'rights' and 'responsibility' discourses, that is, the significance of protection of society/the public, prevention of offending and the rights of victims, this paper shall assess the extent and influence of populist and punitiveness arguments. By also drawing on some of the key literature on indicators of increased punitiveness and crime control and potential protections against these, this paper provides a detailed critical examination policy discussion on youth justice in Northern Ireland, in particular the minimum age of criminal responsibility.

Conor Healy and Ron Healy	**Legislative Conflict and Remedy**	**7B**

Abstract: In an increasingly globalised world, it is necessary to understand the effect this has on national legislation. This paper looks at the relationship between the EU and the UK, addressing the issue of conflicting legislation in the first instance.

The paper analyses the issues surrounding EU Human Rights legislation and their application and development in the UK; the conflict that this generates with UK traditional law, and how this issue is being dealt with. This is used as an example throughout the paper to detail the impact of the EU on UK law, even with stiff opposition, and is demonstrative of a much more wide-ranging issue that now strains the EU-UK relationship.

The paper attempts to understand how legislative conflicts arise in the first place; how they develop, and how they can be resolved without either party necessarily having to concede ground to remedy the conflict, using the conflict between the EU 'right to a private life' and the UK 'right to freedom of expression' as an example.

Damla Ercan	**The Tensions of Secularism, Religion and Freedom of Conscience: The Case of Turkey**	**7F**

Abstract: The relationship between state and religion in Turkey is a broadly elaborated matter of analysis which is usually discussed within the contexts of democracy, human rights (referring to freedom of conscience) and secularism. Up to the present, even though there are certain variations, it was agreed that Turkey had adopted rigid secularism due to the priority given to state neutrality over freedom of conscience and the former controversial policies aiming at the expulsion of religious signs out of the public sphere. However, in last ten years, with the regulations promulgated, the distinctive sensitivity of rigid secularism on the neutrality of state and universality of public sphere began to erode. Although Turkey is still 'laique' according to Article 2 to of its constitution, the legal changes in recent years indicates a shift from rigid secularism (laicite) towards flexible secularism. This research aims to analyze Turkish case in terms of the recent legal regulations by referring to the two models of secularism in a socio-political perspective and to discuss that to what extent freedom of conscience can be protected under current regulations.

Dania Thomas	**Reconstructing the legal imagination: the role of law in sovereign debt markets**	**5B**

Abstract: In a set of recent cases, the Second Circuit Court (New York) has affirmed, as precedent, a market-contested construction of a boilerplate provision. In addition, the courts have also affirmed an innovative equitable remedy. The sole aim of this being to enforce Argentina's (a defaulting, sovereign debtor) repayment obligation to its holdout creditors even at the cost of it defaulting on existing obligations to exchange bondholders. In its role as the enforcer of individual contractual obligations, the innovations reveal how the courts imagine the sovereign debt market. Recent empirical work however reveals that market actors contest the judicial construction. This paper views the contested constructions as evidence of a political dispute over the legitimacy of incipient market entitlements within a framework of private law governance. It concludes by delineating a role for the law in legitimizing market entitlements and commitment mechanisms that are relied on to generate the public goods that have so far sustained the practice of sovereign lending.

Sovereign debt markets are self-regulating. The market has resisted an ordered framework to resolve the problem of sovereign insolvency and crisis in a context where sovereigns have unlimited liability and bond contracts are typically unenforceable. The resolution of sovereign debt crisis has evolved as a needs based framework that manages to avoid default and ensure debtors in distress have access to primary market access and high returns in the long term for creditors. This needs based framework is welfare- enhancing for debtors and creditors and generates market

entitlements within the contractual matrix itself. The danger is that enforcement can have the opposite effect and delay workouts as it overlooks this needs based framework to prefer an imagined uni-dimensional contractual relationship that can be enforced.
The recent dispute must therefore be seen as a political (rather than a legal) dispute over the legitimacy of incipient market entitlements. The decisions of the US courts are attempts to counter a possible market legitimization of Argentina's refusal to repay its holdout creditors as long as it commits to keep the entitlements of its exchange bondholders current.

Daniel Rahnavard	'Class struggles at the Bar: last orders for the working class?'	4N

Abstract: The Bar is one of the highest status professions in class schemata (Bottero, 2005). The Barristers profession is steeped in historical traditions and is one of the oldest professions in England and Wales. The profession is desirable and attractive to ambitious would – be graduates of all backgrounds. Under constant scrutiny, the profession endeavoured to provide both a fair and equal entry (and progression) route with the Bar Council commissioning research to lessen perceived barriers. However, the majority of this research has concerned the entry and progression of ethnic minorities and females. There can be little doubt that the Bar has become more accessible for women and ethnic minorities.
Despite this, one area that continues to be neglected and under researched is the issue of class as an initial barrier to entry and progression therein. The Bar is perceived as largely being the preserve of those from "socially, financially, and educationally privileged backgrounds" (Neuberger, 2007; 16).This paper will consider that belonging to the 'working – class' can act as an initial barrier to entry to the bar. It will also suggest that perception of the Bar and its ethos prevents some working – class graduates from pursuing this career path. This paper goes on to argue that those from the working – class, because they do not fit the perception, will be discouraged from applying to the bar. It is suggested that in order for there to be a reduction in discriminatory barriers faced by the working-class attempting to enter the Barrister's profession there must be a change in the deeply entrenched attitudes of chambers and recruitment strategies.

Daniel Watters	Sentencing - The Real Issue in Sports Violence	5K

Abstract: One of the main issues that arise when considering the criminal law and its role in relation to field sports and participation in such sports has traditionally been consent and its application to violent/over-aggressive challenges. This paper will argue that in fact the real issue for the criminal law in respect to violence and sport is sentencing and it always has been the main issue.
In the majority of the reported cases, the issue of consent rarely arises and the majority of appeals have concerned sentencing as opposed to consent. A major problem with sentencing has been the issue of consistency or lack of it. An apparent inconsistency in sentencing for such behaviour, it is suggested by this paper, has occurred because of a lack of awareness on behalf of the courts or the prosecution of the relevant case law.
Three remarkably similar cases came before the Court of Appeal in a 12 month period in 1989/1990 and resulted in three different sentences without clear reasoning to distinguish one from the other. At the turn of the century, 4 cases with very similar facts came before the Court of Appeal and again resulted in differing sentence lengths for very similar set of facts and offences.
For the best part of 40 years, there has been a tendency to reduce the sentence on appeal for cases of assault committed during football and rugby matches. It would appear that the courts, contrary to all their statements to the effect that there is no difference for assault on the field of play and assault in the street, bring the playing of sport into account when reducing the sentence.
This paper will analyse the sentencing records of the courts over the last 40 years regarding criminal assaults on the field of play and identify the patterns, if any and the lack of consistency when it comes to sentencing for on-field sports related violence.

Danielle Tyson	Homicide Law Reform in Victoria, Australia: A Feminist Success Story or Manifest Failure?	4K

Abstract: Over the past decade, defences to homicide have been a focus of much academic debate, parliamentary review and the subject of various law reform commission reports. Such activity has primarily evolved from concerns about the way in which legal categories have failed to take account of the social context of homicide, particularly the gendered nature of the availability of defences. The outcomes of such reviews have varied considerably across jurisdictions. In the Australian state of Victoria, a comprehensive package of reforms were implemented through the Crimes (Homicide) Act 2005 (Vic), which abolished the controversial partial defence of provocation and introduced a new offence of defensive homicide to better recognise the situations in which women kill to protect themselves from harm or death in the context of ongoing family violence, particularly in cases where they may be unable to successfully raise self-defence. The Victorian reforms have been held up as among the most radical feminist-inspired reforms to remediate gender imbalances in legal responses (Forrell 2006; Ramsey 2010). This paper discusses the findings of an ongoing study of cases of intimate partner homicide in the eight years since the Victorian reforms were implemented, which suggest that the potential for the reforms to improve outcomes for woman defendants has not been realised. This discussion is situated in the context of recent debates about the merits of the Victorian Department of Justice's (DOJ) proposal that defensive homicide be abolished and no partial defence be introduced (DOJ 2013), a change that this paper argues could potentially disadvantage women defendants further. The paper concludes that while the success of feminist reform efforts can never be guaranteed, it is important that any further consideration of legislative reform in Victoria be underpinned by a sound empirical evidence base. It is equally essential that we continue to find ways of changing the approach and culture(s) of the legal profession – prosecution services, the judiciary, legal counsel, juries – to improve women's experiences of justice.

Dave Cowan and Helen Carr	The social, the private and the #bedroomtax: Welfare in a time of austerity	6H

Abstract: In this paper, we develop an argument about the significance of "new" social media technologies as sites of resistance and research tools. In particular, we are concerned with the uses of twitter as a site of resistance to the bedroom tax - the reduction in eligible amounts of housing benefit where a tenant in "social" housing underoccupies accommodation - and its labelling. The paper develops an argument about the logic of this aspect of welfare reform and the (ab)uses of fairness. The heart of the paper, though, concerns the tactics and strategies used on twitter by Grant Shapps (who coined the label "under-occupation subsidy" which is now used by the Coalition in preference to the label "bedroom tax") and two high profile opponents to the bedroom tax. We argue that, in this context, twitter has been a far more obtrusive and useful tool in everyday life than the more high profile, but so far unsuccessful, judicial reviews. Our paper contributes to the ongoing dialogue around the meanings and identities of the social.

Dave Cowan, Helen Carr and Alison Wallace	Shared Ownership: Crisis Moments	1H

Abstract: This paper reports on the preliminary phases of a project concerning "shared ownership" in England, a politically popular vehicle for extending home ownership to more marginal populations. In essence, a buyer pays capital up front representing a proportionate share of the market value; they obtain a full repairing lease; they pay rent on the proportionate share which the seller (usually a social housing provider) retains; the buyer an purchase further shares in the property up to 100% in most dwellings. As a product, it is much loved by social housing providers, but lenders and others, including academic lawyers, have expressed concerns.
The project, which is funded by the Leverhulme Trust, draws on legal consciousness and actor-network theory as ways of seeing shared ownership through the eyes and lives of the human and non-human mediators and intermediaries.
One question is the extent to which buyers view themselves and are constructed as owners or renters, in various literatures (academic, policy, PR, marketing literature etc). A particularly good example of this was the change in name for the "product" to "HomeBuy" by New Labour. Secondly,

the project follows the leases themselves – which have prescribed model terms – through their history shapes and translates the relationship between the various actants. Thirdly, crisis emerges from the narratives told by our interviewees about various moments in time, some of which result in change and some of which are largely ignored; an example of the former has been the care to maintain the model leases in a form suitable for, and to give comfort to, lenders; and example of the latter is the cause celebre of the legal community, Midland Heart v Richardson, which became a passive intermediary.

David Barrett	The Regulation of Socio-Economic Inequality in Great Britain	5A

Abstract: Since the introduction of the Race Relations Act in 1965 equality law has made huge strides towards achieving equality in Great Britain. However, one persistent, systemic and wide-ranging form of inequality, socio-economic inequality, has been more or less completely excluded from the coverage of equality law. This is because, traditionally, measures to address socio-economic inequality have either been regarded as undesirable or a matter for policy and not law. This paper aims to challenge these assertions.

Firstly, critics of measures to address socio-economic inequality argue that they constitute unjustified restrictions on individual freedom (Hayek) or wealth maximization (Posner). They advocate markets that are as free and unfettered as possible so that rational actors can satisfy their freely formed preferences as only in this way will societal wealth be maximized. However, these approaches can be criticised for utilising a negative concept of freedom, assuming that the losses under a market system are random and that people always act rationally (i.e. act selfishly to satisfy their freely formed preferences). As a result the argument that socio-economic inequality is not an area that can be addressed by the state can be rebutted.

Secondly, arguments that socio-economic inequality should be dealt with by policy only and that it is unsuitable for legal regulation can also be challenged. A plethora of policy measures have been adopted with the stated aim of improving aspects of socio-economic inequality (e.g. social mobility, poverty etc) over the previous decades and yet there has been no detectable improvement in Britain. As a result it will be argued that equality law could be utilised to regulate this area.

However, just because socio-economic inequality could be regulated by law, does not mean that it should. There needs to be a clear rationale for regulation. By viewing equality law as a form of regulation it is possible to utilise the regulatory literature to arrive at four possible rationales: to maximize efficiency and consumer choice; to protect human rights; to support social solidarity; and to advance participation and deliberation. These will be discussed and their relation to socio-economic inequality explored with the aim of seeking the best possible rationale for legal regulation.

David Davies	A Comparative Analysis of Combating Gender Stereotypes in Advertising and the Media in the EU	1I

Abstract: As online personalized advertising becomes more ubiquitous in daily life, the question is how to regulate discriminatory forms of advertising that are based on gender stereotypes. Often, governments, legislators and regulators struggle to keep up to speed with the rapidly changing technology and forms of advertisement. Thus far, legal scholars (Cook and Cusack: 2010) have only considered international legal instruments that are yet to be realized at state level. However, this research concentrates on the European Union's competence to challenge gender discrimination in the private sphere by tackling gender stereotypes in advertising. Through a comparative analysis of member states (Spain, Sweden and Denmark), this research will investigate and evaluate which models have the potential at EU level. This research employs a feminist theoretical framework with social constructionist and interactionist theory (Butler: 1990, Goffman 1976) providing the foundation for the research 'problem' and a comparative review to offer the solution. Self-regulation and national legislation are too weak in tackling gender stereotypes and an EU-wide code of conduct is achievable due to advertisings link to the single market. This project hopes to bridge the gap between what is acknowledged in feminist theory and what is yet to be substantiated in law.

David Gibson	Doubting Capacity	3I

Abstract: The Mental Capacity Act 2005 (MCA) placed on a statutory footing a functional definition of capacity. Therein capacity relates to one's ability to make a decision at a specific time, in contrast to approaches based on status or outcome. However, the MCA in principle holds that persons are assumed to have capacity and that the capacity of a decision is distinct from merely the wisdom of the decision. This attempted fusion of different conceptions of capacity leads to conceptual and practical difficulties. This paper considers two cases concerning anorexia nervosa before the Court of Protection and suggests that the doubting of capacity and the assessment of capacity can only ever be outcome based, reflecting a judgement on the wisdom of decision. I argue that the laudable attempts to place capacity determinations on an objective footing commits health care professionals to professional uncertainty. In arguing that capacity determinations are outcome based, the paper contributes to the call for greater transparency and accountability in the use of capacity legislation.

David Hill	The Habitual Residence of Children	3H

Abstract: The determination of an individual's habitual residence is intended to be a question of fact, free from the artificial legal rules which have come to characterise the ascription of domicile. Decades of judicial consideration have, however, led to a dilution of this purely factual nature with the consequence that habitual residence is now more accurately considered to be a mixed question of both fact and law. Nowhere is this entrenchment on the factual nature of the concept more apparent than in relation to children, where the identification of a child's habitual has been influenced by both a focus on the intentions of the parent(s) and the policy considerations of the context in which the question is raised. Most obviously, the determination of habitual residence under the 1980 Hague Child Abduction Convention has seen the concept become increasingly strained in order to ensure the child in question comes within the ambit of the Convention.

This is the general background in which the Supreme Court recently handed down two key judgments in the cases of A v A (Children: Habitual Residence) [2013] UKSC 60, [2013] 3 FCR 559 and Re LC (Children) (International Abduction: Child's Objections to Return) [2014] UKSC 1, [2014] 2 WLR 124, both of which are rich in detail with regard to habitual residence and mark a critical juncture in the development of the concept. This paper will analyse the key issues raised in these two judgments, particularly the wish of the Supreme Court that the determination of a child's habitual residence be realigned with its factual origins and a greater focus be placed on the situation of the child rather than its parents, and will consider how the concept of habitual residence is likely to develop in the future.

David Mcardle	"Worrying the Carcass of an Old Song": Prosecutors' and Judicial Perceptions of the Offensive Behaviour at Football etc. (Scotland) Act	2F

Abstract: In November 2013 the authors helped review the operation of the Offensive Behaviour at Football and Threatening Communication (Scotland) Act 2012, which was commissioned in accordance with an undertaking the Government had given to the Scottish Parliament during its rather hasty passage through Holyrood. The review included interviews with senior Procurators Fiscal (prosecutors) and with Sheriffs across Scotland who have been involved in cases heard under it. We also analysed the court judgments concerning the Act to date, particularly Dingwall v Cairns [2013] HCJAC 73 which was the Appeal Court's first opportunity to consider the new law – and in particular with considering whether it creates new offences or simply consolidates existing ones, automatically criminalises 'sectarian' songs or epithets and introduces hate speech into Scots law. This paper will discuss that interview data, particularly the prosecutors' and Sheriffs' perceptions of the Act and its operation, and the extent to which they accord with, or are contradicted by, the views expressed by the Appeal Court in Cairns, and by the government during the course of the Parliamentary debates.

David Watson	Initial findings from an exploration of the motivation to become an Approved Mental Health Professional	1G

Abstract: This study is a small-scale qualitative inquiry in to the motivation to become an Approved Mental Health Professional (AMHP). AMHPs, together with doctors approved under s12 (2) MHA 1983, assess individuals for either compulsory assessment or treatment in hospital under the Mental Health Act. The AMHP role is only open to those who have undertaken specialist training, usually sponsored by a local authority. It is the AMHP who has final responsibility for the application (i.e. decision) to admit an individual compulsorily and to take and convey the individual to a psychiatric hospital. Semi-structured interviews were carried out with twelve AMHP from local authorities across the South and South-East of England. Ten of the respondents were from a social work background, with the other two being mental health nurses. The respondents were all operating as AMHP as part of a rota system, as opposed to being full-time in the role. The initial findings of the study suggest that individual's motives for undertaking the role are complex. Respondents identified career progression and professional development as significant and were also attracted by what they perceived to be the status and exclusivity of the role. A key theme that emerged was the AMHP as a protector of vulnerable individuals in mental distress, sometimes involving situations of personal risk to the AMHP. Social work respondents also suggested that they valued the nature of the Mental Health Act assessment as a contained piece of work, with a clear beginning and end, where they had a high degree of discretion with regard to the outcome, as opposed to their less well defined day-to-day work which they felt they had little control over. Only one respondent referred to the AMHP role potentially having a relationship with maintaining social order and feeling some ambivalence towards this. Implications from this initial analysis of the findings are that AMHP are motivated by more than status and career development alone, and have a sense of personal reward related to exercising their professional skills and authority to resolve a crisis situation.

Davina Jakobi	The End of an Era? The Life and Times of 5 Pointz	3N

Abstract: The tradition and significance of graffiti is an area that is often overlooked in the heritage sector. However, for the past forty years, graffiti has been a common sight, especially in urban locations, and has developed into a sophisticated form of art. New York City especially, has not only witnessed the beginnings, but the remarkable development of this stylised and public form of art.

Since 1993, the owner of a large decommissioned factory in Queens, New York City has provided a legal space for graffiti, allowing a local graffiti artist to take over the lease of the building in 2002. Since then, 5 Pointz has provided a structured space for graffiti artists to paint and display unique pieces of artwork. Viewable from the elevated 7 train line, the colourful repurposed building was a familiar sight for locals, commuters, as well as tourists. Not only did 5 Pointz become an internationally recognised landmark, but it created a sense of community for local graffiti artists and enthusiasts as well.

However, in 2013, after a lengthy legal battle, 5 Pointz was closed and subsequently whitewashed. Now the community that has grown around the establishment, as well as the broader community who has enjoyed the site from afar, have lost an iconic landmark, which will be torn down to make way for residential buildings. In the days leading up to the whitewash, interested members of the 5 Pointz community had tried to invoke the Visual Artists Rights Act of 1990 (VARA), a little-known act that protects certain rights of the artist. But what does the failure of this injunction and the future demolition of 5 Pointz imply for the future of street art in New York City?

Using 5 Pointz as a lens for this particular discussion, this presentation will not only discuss the significance and community created by this legal space over the past decade, but the legal battle of the artists to save their unique creations. It will provide an introduction into the rise of graffiti and street art in New York City as well as the conspicuous shift of this art movement from the streets to the gallery space. While it has attracted many opinions both for and against, there can be no doubt that this popular art form is here to stay.

Debra Wilson	Rethinking Circumcision: Right to Religious Freedom, or to Bodily Integrity?	3F

Abstract: In May 2012 a court in Cologne, Germany, found a doctor guilty of causing grievous bodily harm for performing a circumcision on a four year old Muslim boy, despite having obtained the consent of the mother. The case ignited a debate on circumcision which is on-going. In October 2013 the Council of Europe passed a resolution against the non-medical circumcision of boys on the basis that it violates a child's right to physical integrity. The following month, an Israeli court fined a woman $US140 per day that she refused to circumcise her son. In December, a US rabbi was sued for causing damage to a boy after severing his penis during a botched circumcision, and a new motion protecting religious freedom and the right to circumcise was introduced into the Council of Europe.

This paper will argue that the approach taken in the October Council of Europe Resolution is the appropriate one. The assumption that a parent can consent to circumcision on behalf of a child has not been appropriately reconsidered following increasing recognition of the rights of the child reflected in UNCROC, and is inconsistent with both legislative approaches to female circumcision and judicial approaches to parental refusal of consent to medical treatment on religious grounds. A parent's right to consent on behalf of a child ought to be exercised for the benefit of the child, and not for the benefit of the parent's religious beliefs. In the majority of circumcision cases the potential health benefits are minimal, and are outweighed by the potential risks of amputation, herpes, and even death. The debate on circumcision needs to be reframed in light of a consideration of the best interests of the child test.

Debra Stevens	In the context of divorce and family breakdown, are people continuing to solve problems using mediation?	1M

Abstract: The Legal Aid Punishment and Sentencing of Offenders Act was implemented in April 2013. This paper will set out the effect this has had upon family proceedings and particularly family mediation since then. It will pose a set of questions as to the impact these changes have had and my research that aims to test the theories at stake.

Historically Legal Aid was available in family cases to ensure access to justice. However, Legal Aid for mediation is a relatively new concept which has only been available since 1996. Through the endeavours of trained and skilled mediators and the Legal Aid Funding code referral system, it appeared to gain popularity with people experiencing family breakdown as a means of solving problems over the 17 year period to April 2013. However, following the removal of Legal Aid for legal advice in April 2013 the evidence to date indicates that this may never have been the case and that those who attended mediation did so purely to obtain funding for litigation.

As well as considering mediation as one of the principal means of alternative forms of dispute resolution, the paper will explore the likely effect of many litigants being unable to access even basic legal advice, and the impact that this has had to date on the mediation process. It will consider what alternatives are being offered to assist those without legal funding.

The paper will also look at aspects of my research which centres around the extent that information and communication technologies such as websites, facebook, YouTube and Twitter may be being used as a self-help mechanism for solving problems in this context and how the data collected from these information and communication technologies themselves, can be used to gain greater insight and understanding of how people are solving their problems without the assistance of lawyers and legal advice.

Dermot Feenan	Law and Society Research: Examining the Concept of Society	6H

Abstract: This paper examines the problematic of what is understood as 'society' in law and society research, with implications for its research methodologies and methods. The paper seeks to develop a range of arguments, including: that the concept 'society' is frequently used inexactly in law and society research; that, partly in consequence of this inexactness, various incoherent and different ideas of society are deployed in such research, and; that 'society' is sometimes used, without apparent deliberation about its ideological or normative implications, to convey a preferred political or social background state of affairs. These arguments pose challenges to law and society research, including to its nature and

scope, its methodologies, and in the design of its methods, including doctrinal analysis.

Diana Sankey	International Criminal Justice and the Relevance of Developments in Neuroscience: Possible Implications and Challenges	5D

Abstract: Recent developments in brain research, made possible by new technologies, have begun to open up a discourse on the potential implications of neuroscience for domestic criminal justice. While there remains considerable debate within this discourse, there is an increasing recognition of the possibilities of neuroscientific evidence entering the courtroom and of questions being raised about current approaches to criminal justice. Drawing on these debates, the paper asks whether similar issues might also begin to emerge in international criminal justice and if international lawyers need to pay attention to developments in neuroscience? Although skeptical of many of the claims made, the paper suggests that some of the research may be of relevance to international law. While the paper is clearly limited in scope, opening up these issues may be important in spurring further research and in rethinking some of assumptions of international criminal justice.

The paper focuses on two main areas in which neuroscience may begin to have implications for international criminal justice and for current retributivist approaches. The first concerns the ways in which we conceive of individual criminal responsibility and the second involves issues of psychological harm and the impact of justice systems on witnesses and survivors. While highlighting the dangers of deterministic approaches that have tended to over-claim the significance of existing brain research and also acknowledging the differences between domestic and international criminal justice approaches, the paper argues that debates around neuroscience should not be simply dismissed. Developments in neuroscience may begin to challenge some of the ways we think about responsibility, particularly in relation to brain lesions and how current defences of diminished responsibility are used and interpreted. Such approaches may therefore begin to challenge the appropriateness of retributivist approaches in all cases, particularly those involving lower-level defendants.

Similarly, while there is a need to avoid over-claiming, it may be that neuroscience can also add to existing discourse on the limitations of retributivist justice approaches in terms of the impact on witnesses and survivors. The paper suggests that current recognition of psychological trauma remains largely rudimentary in international criminal justice. While there has been recognition of some mental harms in the definitions of offences, and increased concern for the impact of the trial process on witnesses and survivors, understandings of psychological harm remain relatively simplistic. The paper begins to explore whether developments in neuroscience may influence some of the ways in which psychological trauma is understood, particularly in terms of the interrelationships between physical, mental and social harm, and whether this may have future implications for international criminal justice.

Eadaoin O'Brien	Disaster Response and Human Rights: A Human Rights Assessment of Disaster Victim Identification	6I

Abstract: The prevalence of major emergencies, crises and disasters have increased over recent decades (World Health Organization, 2007) and are events which occur across high, middle and low income countries. Mass disasters occur as a result of natural events, human error and due to criminal activity, including terrorist acts. Recent disasters, such as the Mount Sinaburg eruption on the Indonesian island of Sumatra in February 2014, the helicopter crash at the Clutha Vaults in Glasgow in November 2013, and Typhoon Haiyan in the Philippines in November 2013, exemplify the tragic loss of life associated with such events.

International best practice guidelines, promulgated by Interpol, advocate for the identification of human remains from mass fatality incidents utilising a process known as disaster victim identification (DVI). DVI entails a systematic and methodological approach by which the bodies and human remains from mass fatality incidents are positively identified. The modus operandi of DVI thus requires a multidisciplinary and multi-agency response.

The research on which this paper draws identifies a number of human rights issues inherent in DVI, which have to date received little attention. The paper will thus draw out the human rights aspect of the identification process and examine how the Human Rights Act (HRA) might be applied to the work of the UK DVI team, in both a national and international context. Issues explored include post-mortem privacy and the applicability of Article 8 of the HRA to DVI; the implications of Girard v France (ECtHR, 2011, which recognises the right to bury one's relatives, as a right under Article 8 of the Convention) for the handling and retention of human tissue samples and the transport and repatriation of the deceased; and whether there is a basis under international human rights law for the claim that victims have a right to identity after their death (Interpol Resolution AGN/65/RES/13, 1996) or whether this concept of should more correctly be framed as a right to be identified after death.

Edward Kirton-Darling	Decision making in the inquest system – framing the family	7A

Abstract: Political, judicial and administrative discussion of the contemporary inquest increasingly emphasises an explicitly central place for the family of the deceased. Legislative changes enacted in 2009 and brought into force in July 2013 broaden the scope of who is classed as family, while Rules and Regulations hurriedly brought into force at the same time create new rights for bereaved individuals in relation to the investigation and inquest hearing.

Despite this further codification, Coroners and their officers, typically former or serving police officers, exercise discretion in relation to the place of the family in the inquest in two key ways: in determining who the bereaved is (and thereby who is properly termed 'family'), and in relation to the role of the family in the investigation. This includes the formal, informal and sometimes instinctive decisions made in relation to what information family receives, and what part they can or should play.

This paper will draw on the naturalistic system-focussed work of Keith Hawkins to provide an initial exploratory analysis of interviews conducted with Coroners and Coroners Officers between November 2013 and March 2014. The focus will be on these decisions as interpretative practices, and in an endeavour to indentify the reflexive action of framing and fact finding used by decision makers to create and sustain the place of the family in the inquest. Building on these observations, the paper will seek to contextualise and critically explore the claim of centrality for the family in the inquest.

Eilionoir Flynn & Anna Arstein-Kerslake	Sexuality, Gender, and Disability: Capacity to Consent to Sex	3I

Abstract: This paper examines at the notion of 'capacity to consent to sex' and asks whether the dichotomy of capacity and incapacity is adequately rights-protective in the context of consent to sex. It examines the evolution of legal norms on consent to sex, from historical perspectives up to newly developed human rights norms regarding the right to legal capacity – such as Article 12 of the Convention on the Rights of Persons with Disabilities. It questions whether the state should ever have the power to determine that a given individual does not have the legal ability to consent to sex. However, it acknowledges the reality that some individuals, due to cognitive or communicative impairments, may not be able to give consent to sex in a particular situation.

Drawing on feminist theories of consent, this article proposes that instead of attempting to examine possible deficiencies in the individual, or providing separate legal standards for consent to sex for people with disabilities, the law should examine the actual interaction between the two individuals in order to determine whether there was agreement between the parties. In order for this new agreement model to be effective, it must be accompanied by strong judicial training to address the social stigma surrounding disability and pervasive gender norms. In the absence of this, when assessing the existence of agreement, judges may turn to prejudicial notions such as the clothing of the survivor or may identify a person with disability as inherently vulnerable in their interactions with others. The challenge for rape law reform is creating laws that criminalize sexually abusive behavior but also respect an individual's right to be recognized as a decision-maker with legal personhood and agency.

Elizabeth Gillow and Catherine Edwards	Reasonable adjustments for postgraduate vocational students with disabilities	5E

Abstract: My proposal is to showcase four or five students we have had on the Legal Practice Course (with their permission) who have disabilities and for whom we have made adjustments with regard to their teaching and assessment methods. The students involved have a variety of disabilities including almost total blindness, severe hearing loss, two students with severe speech impediments and a wheelchair user (who also has a speech impediment).

Adjustments have been made in the way we have presented our teaching and our materials and of course in the way that written assessments have been carried out. Adjustments have also had to be made in relation to skills assessments such as advocacy and interviewing. I would like to demonstrate that our adjustments must by law be "reasonable" but that the students do still have to reach a particular standard in order to comply with the Solicitors Regulation Authority.

Generally I want to show how we as a university (and specifically in the Law School) have overcome the potential difficulties for our disabled students by adjusting our teaching and assessment methods at the same time as complying with the requirements of our professional body. By being ready to make reasonable adjustments – but not unreasonable ones – we are fulfilling our duties in relation to legislation and the regulations of our professional body.

We do this with the support of the University's Student Enabling Centre which allows academic staff to gain a full picture of what they need to do to support the student on their programme of study. Interim support agreements are drawn up by disabled student advisors within the Student Enabling Centre. In addition, the University will also loan equipment (laptops, digital recorders etc) to disabled students who need them but have no disabled student allowance in place.

Elizabeth Lawson & Rebecca Wallace	The development of domestic law and policy relating to child sexual exploitation in a rapidly evolving technological world: an examination of the response in Scotland and Canada	6N

Abstract: Domestic law relating to child sexual exploitation via new technologies is formed under the umbrella of an international legal framework. This framework emanates from a hodgepodge made up of the UN, the EU and the Council of Europe along with the three World Congresses. The most comprehensive instrument relating to the rights of children is the United Nations Convention on the Rights of the Child along with it's Optional Protocol's. Some of these intruments are aspirational whilst others are regulatory. Both Scotland and Canada are at the forefront of acting to protect children from sexual exploitation but are also subject to differing influences.The competence of the resulting domestic legislation is best measured by the number and outcomes of prosecutions. This paper will address the way in which Scotland and Canada have reacted to the rapidly changing face of child sexual exploitation via vew technologies and the way in which this has been interpreted into domestic law and will also look at the outcomes in court in both Scotland and Canada.

Ellie Lee and Jan MacVarish	Law at the edge of clinical practice: The welfare clause and access to assisted reproduction in the UK	2D

Abstract: Under the Human Fertilisation and Embryology Act (1990, as amended), clinicians have an obligation to consider the welfare of the child to be born before they accept any patient for regulated infertility treatment services. In 2008, the requirement that this welfare assessment must include consideration of the future child's 'need for a father' was deleted, to be replaced by the obligation to consider that child's need for 'supportive parenting'. This paper reports on interviews with around 60 clinic staff regarding the impact of this change on their practice. It contrasts staff's views on the significance of the change, with those expressed in Parliament, where the amendment was hotly and lengthily debated. The interview data also suggests a bifurcation in attitudes to single women and lesbian couples seeking treatment and the growing significance of counselling in this area of reproductive medicine.

Emma Piasecki	The Flipping Bar!	2C

Abstract: This paper will consider whether we can encourage deeper engagement of students with flipped learning resources. Flipping is an approach that inverts the traditional way of teaching by delivering content outside the classroom. Knowledge transmission takes place via a vehicle other than the traditional lecture, for example by webcasts, in advance of face-to-face contact time leaving contact time open for discussion, evaluation and the more tricky concepts such as problem solving and practical application of knowledge.

The concept of flipping will be considered in relation to professional law programmes and the Bar Professional Training Course (BPTC) in particular. The BPTC is a practice based course which focuses heavily upon the five core skills of a barrister – advocacy, conferencing, drafting, opinion writing and the resolution of disputes out of court – and is therefore practical, active and relies almost completely on the engagement and participation of the students. This can be in stark contrast to parts of the teaching of the three core knowledge areas which are heavily reliant upon knowledge transfer and for which lectures remain popular. In many contexts the value of the traditional lecture as a vehicle for imparting information which is received, absorbed, understood and retained is questionable. On the BPTC those concerns are compounded by the conflict with the learning undertaken in all other areas.

The question is how we ensure effective transmission of often complex information and simultaneously maximise the benefit of all face-to-face contact time ensuring the students benefit from the lecturer's experience and expertise in higher level activities in the knowledge areas as well as in the skills areas. Should we flip the lectures? Do you flip your lectures? Can you help me to effectively flip mine???

Emma Roberts	Seeking Justice in Cross-Border Personal Injury Claims in Europe Post-Rome II: An England and Wales Perspective	7B

Abstract: This paper considers the impact of the European Union's Rome II Regulation upon personal injury litigation for claimants injured abroad. The Regulation harmonises the conflict of law rules for non-contractual obligations and has universal applicability. It is submitted that the rigidity of the measure, and the broad scope of matters made subject to the applicable law, presages unjust outcomes to claimants from England and Wales. This potential for injustice is primarily borne out of the diversity in compensation systems and the awards granted across Europe. As such, it is submitted that this area of law calls for reform so that such victims may receive damages which reflect their actual losses and rehabilitative needs. The speaker reviews some aspects of unification that has already taken place across Europe in related areas, before considering the prospect of substantive harmonisation of tort law in general, and the more specific standardisation of assessment methods and awards.

Ercilia García, Jordi López & Sheila Sánchez	Consumption of digital goods in cyberspace: Deconstructing Spanish regulation	4L

Abstract: The digital age has transformed the leisure experiences and the way we access and consume cultural goods. The creation, exploitation and consumption of intangible goods need to be regulated in a way that takes into account of the peculiarities of cyberspace. These facts imply new challenges on how to balance the conflicting rights in the information and technology age. Despite this context, Spain has chosen strengthen the protection of copyright holders through traditional regulation that aims to adjust consumption and exploitation of digital content. The changes to the legal framework are widely questioned for both legal aspects and for failing to recognise how Internet architecture can be used to avoid its consequences. We assumed a critical approach to analysing enactment context, its content and the positions of the conflicting parties. This perspective reveals it to be a formal legal solution that fails to provide a suitable response to either the complexity of the phenomenon or the different rights and interests involved. Besides it shows a disregard for digital leisure practices based on the freedom of creation, transformation and consumption that the Internet technology offers to users. Finally, we reveal how this regulation is, in fact, an instrument of control that benefits entertainment multinationals but the technology is more efficient regulation for spaces and practices of digital leisure.

Eric Heinze	Empire, Nation, Liberation, Oppression: Multiculturalism and Nationalism in Shakespeare's Cymbeline	6L

Abstract: The discourses of the conquering empire and the vassal nation are varied, and often internally contradictory. The empire may represent openness and diversity, or militarist brutality. The underling nation may represent autonomy and self-determination, or narrow parochialism. Those discourses spawn more general ideologies of liberation ('the empire liberates the nation'; 'the nation must be liberated from the empire') and corresponding ideologies of oppression ('the empire oppresses the nation from above'; 'the empire prevents oppression by dominant national groups of subordinate national groups'). Such concepts are central to Shakespeare's Cymbeline. Rome had defeated Britain under Julius Caesar, extending pax romana far and wide. Under Augustus, Britain's King Cymbeline now contemplates a national rebellion. (Parallels to the reign of James I are apparent, where Britain is embarking upon its ascent to empire, its pax britannica, in the face of Welsh, Scottish or Irish resistance.) Several viewpoints emerge: cosmopolitan empire, oppressive empire, cosmopolitan nation, oppressive nation.

Eric Heinze	**Sovereign Legitimacy in Shakespeare's English History Plays**	**6L**

Abstract: Early modernity places Western political thought on a path increasingly concerned with ascertaining the legitimacy of national sovereignty, as later exemplified in Bodin, Hobbes or Locke. With Shakespeare, we witness a counterpoint literary tradition, serving not to systematise, but to problematise the norms applied to assert the legitimacy with which control over law and government is exercised. Two archetypal categories define sovereign legitimacy in Shakespeare, which I identify as right claims and duty claims. Both are subject to qualifications, which can be described as immanence and evidence. Hence four claims to legitimacy, each constantly defining itself in contrast to the others: immanent right, immanent duty, evident right, and evident duty. The two categories of immanent legitimacy draw upon a fixed cosmic order, with only contingent reliance on political reality. The two categories of evident legitimacy arise, inversely, from political reality, with only contingent reliance on that cosmic order. Richard II assumes legitimacy on an assumption of divine right, which translates as sovereignty by immanent right. Henry VI, by contrast, assumes legitimacy through that selfsame lineal immanence, yet manifesting, in opposition to Richard II, as divine or immanent duty. Having violated divine-lineal right, Henry IV and Henry V assume legitimacy through evident duty, i.e., through the constant imperative of proving valid title to sovereignty through performance. Richard III relies on the grossest evidence, brute force, and only as a matter of right, not duty.

Esen Ezgi Tascioglu	**Regulating Sex Work, Governing Transwomen in Turkey: An Analysis of Law's Power and Plurality**	**6K**

Abstract: In their daily lives, transwomen of Turkey often find themselves negotiating and contesting various forms of legal authority and violence, which target them selectively through their trans identities and bodily performances. Based on an analysis of their life story narratives and close reading of legal texts, in this paper I examine the interaction of social and legal dynamics in the lives of transwomen who are/were sex workers in order to provide an account of the power of the law in the constitution of the unequal ground on which their lives unfold in Turkey.

When analysed from below, it becomes clear that a growing web of laws and juridical and policing conventions are put into practice by a variety of legal and quasi-legal authorities with regards to transwomen's sex work practices. Thus instead of focusing on one particular instance of their relation to the law, my analysis directs attention to the various forms of legal power that target them in specific times and places. I show how the law, through its workings at different legal orders on the ground, aids to the normalization of particular forms of practices and identities, and thus partakes in the constitution of particular subjectivities and in their inclusion in or exclusion from particular spaces and temporalities. Finally, this analysis puts forward the need to conceptualize the power of law in its plurality against unitary understandings, and invites for a re-thinking of its relation to the (re)production of inequalities and its potential to overcome these inequalities.

Fiona Cownie	**The UK's First Female Law Professor**	**6D**

Abstract: This paper focuses on the legal biography of the UK's first female law professor, Claire Palley, who took up her Chair at Queen's University Belfast in 1970. In so doing, it explores the methods of enquiry which have been used to uncover information, not only about the biographical subject, but also about the social and political context in which she took up her post, and in particular the developments in higher education and in the emancipation of women which were taking place at the time.

Foteini Kyriakopoulou-Kollia	**The Response of the Criminal Justice System to Intimate Partner Violence in England and Wales from a Feminist Perspective**	**6E**

Abstract: Intimate partners' violence has been a serious social problem through the centuries, especially for women since they are the majority of victims experiencing this crime. Due to the failure of the English legal system in the past to protect women adequately, women have often hesitated from seeking the criminal justice system's support in stopping their intimate partners from victimizing them. For this reason, England and Wales have made serious efforts in the last decades to reform their domestic violence laws and the criminal justice system.

The purpose of this paper is to examine from a feminist perspective the criminal justice system in England and Wales on intimate partners' violence against women. The legal literature has an extensive research on the domestic violence laws and the criminal justice's treatment on women who have been victimised by their intimate partners; however, the current research has identified relevant gaps in the literature regarding the changes that could be made to improve these women's experiences. The purpose of this paper is to critically examine, from a feminist perspective, the current criminal laws and policies that regulate domestic violence. This examination occurs from a feminist criminological perspective since the developed feminist theories are a valuable tool for ensuring that the equality and difference of women are respected by the criminal justice. This approach contributes significantly to the literature by providing suggestions on how the English criminal justice could be further improved in the prevention of domestic violence committed against women.

Hence, the aim of this paper is to critically evaluate the response of the criminal justice on domestic violence. This critique could also benefit the international community by indicating the efficient and deficient criminal laws and policies that could be adopted and avoided for the better protection of women from domestic violence.

Francesca Degl'Innocenti	**The Paradox of the Italian Reform of The Legal Profession: Better Quality of the Service or Less Free Competition?**	**4N**

Abstract: The reforms on the liberal and "regulated professions" introduced recently in Italy (l. n. 148/2011, put into effect through d.P.R. n. 137/2012) and, in particular, the law on the legal profession (l. n. 247/2012) are going to play a key role in the entire society because of the impact that these professions have on the competitiveness of businesses, the opportunity for individuals to access justice to protect their rights and interests and for the social-economic situation. Beginning with an in-depth analysis of the main principles of the laws, this paper aims, first of all, to evaluate the new laws' compatibility with the principles established by the European directives. In order to guarantee high quality of professional services and to ensure highly qualified assistance to clients, the Italian legislation has introduced new rules with respect to training, education and quality standards of legal profession. This paper takes these aspects in consideration to evaluate the ways through which the reform of the legal profession influences access to the profession, also in terms of employment. This paper therefore attempts to verify whether these new standards can really guarantee a better quality of the service offered by the professionals to protect the rights of the citizens or whether they just introduce restrictions on the access to the profession, as opposed to the principle of free competition.

Francis King	**From Property 'Right' to Property 'Wrong'**	**2J**

Abstract: 'From Property Right to Property Wrong': A Theoretical Argument for Private Nuisance

As property lawyers, we often focus on the search for enforceable property 'rights' in any land-related dispute, applying the Hohfeldian 'bundle of

rights' theory in a practical fashion. Gray and Gray, however, proffer three available models of property theory; property as right, property as responsibility and property as fact (or reality).

This paper seeks to explore the interplay of these dominant principles in property law discourse, before focusing on the third; property as reality. This paper seeks to argue that the position of the resource or 'thing' should be the primary focus or precursor in any property discourse and will draw upon the work of Margaret Radin and Lorna Fox O'Mahony, in order to identify with the 'empirical realities of life'.

This paper will conclude that protection of the 'thing' is most visible not in property law itself, but in the 'property torts' that protect against wrong or harm done to the land and/or its occupants. The provision of a common law protection against such wrong-doing evidences a realm of law that identifies with the reality or 'thingness' of the land: Nuisance defined in this way does not necessarily protect solely the property right, nor enforce pure responsibility against other property owners, but can be seen to uphold the utility or pleasure of the thing itself; the land.

Gayatri Patel	**A Socio-Legal Investigation of the UN Universal Periodic Review Process: Bringing together theory and practice**	**3J**

Abstract: The Universal Periodic Review Process (UPR) is a new and innovative human rights monitoring mechanism at the United Nations. It is a unique peer review process whereby each member state is given the opportunity to engage in an interactive dialogue to assess the human rights obligations of the state under review. This dialogue is summarised in a Final Outcome Report, which is adopted at the conclusion of each state reviewed in the UPR process. Focusing on these reports, I employ a socio-legal method of investigation to explore whether, and to what extent, references are made to cultural values in the dialogue undertaken between member states during the review of a state's human rights records in the UPR process. More specifically, the research question that guides this investigation is whether, and to what extent, a degree of cultural relativity is exercised during the review of member states in the UPR process.

The central aim of this paper is to present the research design of this investigation and to explain the reasons behind the methodological choices I made during the research process. I aim to provide a reasoned account of the research methods and methodology I employed to extract the raw material from the United Nations UPR reports to answer the theoretically informed research question of this study. This paper is divided into two parts. In the first part, I explain why the method of documentary analysis was best suited to answer the research question of this study. Moreover, I explain how I tackled some the issues that had arisen when I undertook an evaluation of the quality of the documents that I intended to analyse.

In the second part of this paper, I discuss how and why I employed the method of Qualitative Content Analysis (QCA) to systematically confine and analyse the UPR reports to meet the aims of this investigation. I discuss how I used the QCA strategy to devise a set of coding frameworks to extract the relevant data from the UPR reports, which can be further analysed to address the research question. With the help of Computer Assisted Qualitative Data Analysis (CAQDAS) software, I explain how I analysed and coded the data from the reports to answer the research question of this study. In this way, I aim to demonstrate how the research process for this investigation was undertaken in a scientific and theoretically informed manner.

Gearóid Ó Cuinn	**Holy Land archaeology and international law – mapping a 'real world' clash of perspectives**	**7G**

Abstract: This paper compares two modes of ordering relevant to occupied Palestinian territory: the "Holy Land" tourism itinerary developed for international visitors and the template for regulating an occupying power envisaged in international humanitarian law. From a sociological perspective each is mobilised and manifested through different material actors and activities. From the nineteenth century a lucrative heritage tourism industry pioneer by British actors emerged around historical Palestine, also known as the "Holy Land", which continues to this day. In recent decades the experience of the tourist has been transformed by civil development and political realities on the ground. A significant portion of this region, including the Old City of Jerusalem, remains under Israeli control since the conquest of the West Bank and Gaza in 1967.

Despite some significant disruptions tourism has continued in and around the fault-lines of military occupation and conflict. This paper introduces the colonial path dependencies inherited by the modern day tourism industry and how it has actively shaped practices in occupied Palestinian territory. Beginning with the first Thomas Cook tours in mid-19th century the evolution of Biblical tourism is examined. This mainstream touristic landscape is contrasted with the template provided for in international humanitarian law, applicable whenever territory comes under the effective control of hostile foreign armed forces. This historical approach and the deployment of international law throws into questions the assumptions embedded in this lucrative industry and sheds light on the implications for modern-day Palestinians.

Gethin Rees & John Rumbold	**'His bizarre defence won the backing of an expert': Ambiguity in the media reporting of sexsomnia defences**	**6N**

Abstract: The media reporting of crime and its prosecution provides a snapshot to the socio-legal scholar of the range of popular opinions circulating about criminal justice matters. Media representations, e.g. news reports, do not only report to the public newsworthy instances of crime, but also help shape cultural narratives towards particular social problems. As a result it is likely that jurors who have consumed such media reporting would hold a particular attitude about some criminal justice issue. One issue that has received much media attention within the last decade is the use of the 'sexsomnia defence' in rape and sexual assault cases. Sexsomnia, a parasomnia, closely linked to sleepwalking, results in persons engaging in sexual activities, often with a bed-partner. Since 2005 33 cases have been reported in the news media where sexsomnia has been used as a defence. Collecting over 200 newspaper reports, we have used Framework analysis to explore the cultural attitudes towards the defence as well as the offenders, victims and experts involved in the cases.

The overriding theme that permeates the reporting of the sexsomnia defence is ambiguity; torn between traditional media representations of the insane defence, the sexual assault victim and the medical practitioner, the media (and in particular the Right-wing media) are at the same time both disbelieving yet empathetic to the offender, victim-blaming but supportive to the survivor of the assault, and deferent to the expert medical narratives but mocking of the tests they employ. Overall we find such an ambiguity to be the result of the sexsomnia defence fitting with a nexus of cultural narratives and as a result the 'trial by media' in relation to sexsomnia finds justice for no party.

Gita Gill	**The National Green Tribunal of India: A case study in Environmental Justice**	**2L**

Abstract: Access to environmental justice is a key component to ensure just and equitable outcomes for sustainable development. The Aarhus Convention commits signatories to ensuring that access to justice in environmental disputes is both real and affordable. The Johannesburg Statement of Principles affirms the role of law, properly enforced at all levels, to achieve sustainable development.

The paper focuses on the recently established National Green Tribunal [NGT] as one element of a reformist approach to environmental governance. In seeking a balanced judicial forum that advances a singular green jurisprudence, the Parliament of India enacted the National Green Tribunal Act 2010.

The Tribunal aims to adjudicate environmental protection and forest conservation cases in an effective and expeditious manner. This includes enforcement of any legal right relating to the environment together with available relief and compensation for damages to persons and property. In particular, 'standing' has been given a wide interpretation that allows 'any aggrieved person' access to NGT. In addition, judgments are time bound i.e. within six months.

India has joined a handful of forward looking countries including Australia and New Zealand in having a dedicated green court. In the UK, the need and possible establishment of an institution like NGT is being actively considered now. The UK Ministry of Justice in 2013 published Judicial Review: Proposals for Further Reforms [https://consult.justice.gov.uk/digital-communications/judicial-review].The most significant issue, from an environmental law perspective, is to create a Specialist Planning Chamber as a part of the Upper Tribunal consisting of only expert judges using

streamlined processes for 'fast track' justice.
NGT's potential is being realised in terms of type and volume of cases being heard. The 'multi-faceted and multi-skilled' NGT with a wide jurisdiction is earning the reputation of being a 'fast-track court'. It aims to strike a balance between environment and development. This positive initiative must be seen within the broader context of balancing competing values of environment protection and sustainability on one hand and resource driven growth on the other.

Glenys Williams	The anger and fear emotions in excusatory defences	6E

Abstract: At first glance, it may be thought that the criminal law takes account of two specific emotions, namely anger and/or fear, in three of its defences: self-defence (a full defence to murder); loss of control (a partial defence); and duress (not a defence to murder). However, an analysis of duress and loss of control will demonstrate firstly, that, although fear is key to the accessibility of the duress defence, as noted by Berger, it forms no part of its rationale. Secondly, that although fear of serious violence is now a triggering factor in loss of control (formerly provocation), priority is still, as it always has been, given to the anger emotion.
Why is fear not given the same priority as anger? Why is anger "worthy of protection" (asks Nourse), while fear is not? This is not to assume that anger is an inappropriate emotion; on the contrary, in the right circumstances, anger can be both the normal and appropriate (albeit the reaction to it may not be). However, if anything, fear seems to be a more acceptable emotion than anger. Indeed, it has been quite rightly argued by Spain, that "[f]ear is as morally excusable if not more so than acting in anger" and by Allen that if to kill because of fear is not excusable under a plea of duress, to kill because of anger would appear to be even less excusable."
Following a brief examination of (i) the key features of emotions, of anger and of fear, and (ii) the primacy given to the anger emotion, it will be argued that the fear emotion should specifically form the basis of the duress defence.

Graeme Baxter	Rough justice? Information access and environmental justice relating to two controversial coastal developments in North East Scotland	1K

Abstract: The 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters recognised that: 'improved access to information and public participation in decision-making enhance the quality and the implementation of decisions, contribute to public awareness of environmental issues, give the public the opportunity to express its concerns and enable public authorities to take due account of such concerns' (United Nations Economic Commission for Europe, 1998, p.2).
The Aarhus Convention paved the way for European Directive 2003/4/EC on public access to environmental information, which, in Scotland, is implemented through the Environmental Information (Scotland) Regulations 2004 (EIR). These regulations came into force on 1 January 2005, on the same day as Scotland introduced its new freedom of information legislation — the Freedom of Information (Scotland) Act 2002 (FOISA) — which gives people the basic right to see information held by Scottish public authorities.
This proposed paper will explore the relationship between information access and environmental justice through an historical comparison of two controversial coastal developments in North East Scotland: the construction of a gas terminal by the British Gas Council and Total in the 1970s, and the current development of 'the world's greatest golf course' by the American property tycoon Donald Trump. Both projects have had potential or actual impacts on Sites of Special Scientific Interest (SSSI), but, separated by forty years, they have taken place during periods when public access to information and citizens' influence on major planning decisions have been significantly different, at least theoretically.
The gas terminal application was made at a time when there was little history of public participation in planning processes in Scotland, when environmental impact procedures were not yet widely accepted, and when official secrecy was still the norm. The developers initially sought planning permission from Aberdeen County Council based on the 'sketchiest of information' (Dunnet, 1974, p.14). Consequently, a group created to oppose the terminal being built on its proposed location — the North-east Environmental Liaison Group — came to play a crucial role in disseminating information on the potential environmental impact of the development to the planning authorities and to the public at large. Indeed, the County Council subsequently invited the group to adopt a semi-official advisory role and take part in a series of meetings with the developers.
In contrast, the Trump development has taken place at a time when public input into major planning decisions is now taken for granted, and when environmental assessments are a key element of large development proposals. Trump's application to Aberdeenshire Council was accompanied by a lengthy environmental impact assessment which acknowledged that his golf course would result in 'significant adverse changes' to the SSSI, but which promised various 'mitigation measures' to 'maintain and enhance as much natural interest as possible' (see the non-technical summary at Ironside Farrar, 2007). The Trump development, first announced in March 2006, has also taken place under Scotland's new freedom of information regime, and EIR and FOISA requests relating to the resort have certainly become a regular occurrence throughout the last eight years.
With these points in mind, in comparing these two coastal developments the proposed paper will explore whether or not the concept of environmental justice is now more readily attainable in this current era of supposed openness and transparency, than in the more secretive 1970s.
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Grainne Mckeever	Reviewing a model of socio-economic rights enforcement: ten years on	5A

Abstract: In 2004 the UK Parliament's Joint Committee on Human Rights cited a proposed approach to socio-economic rights enforcement – which comprised a programmatic approach to policy combined with judicial enforcement – as a potential model for the "mainstreaming of economic, social and cultural rights in policy development". The model offered either minimal or substantive judicial enforcement of socio-economic rights – the minimal model providing due process protections relating to alleged rights violations, and the substantive model providing defined socio-economic rights protected through constitutional or legislative means – while the programmatic model proposed the utilisation of measurement indices of socio-economic rights deprivations through an equalities framework originally embedded in the Northern Ireland Act 1998. The model, while intended to be applicable in multiple jurisdictions, was figuratively located in Northern Ireland and was aspirational, encouraged by the substantive focus on rights protections in Northern Ireland following the Belfast/Good Friday Agreement of 1998.
Ten years later, this paper seeks to review the progress made on rights protection under this combined model, taking account of the broader acceptance of the justiciability of socio-economic rights following the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the creation of a similar framework for rights protection in Britain under the Equality Act 2010 as was originally provided under the Northern Ireland Act 1998. The paper reviews in particular the approach to the public sector duty to give due regard to the protection of rights in light of criticism that this has become a 'tick-box' exercise, and in the context of the judicial response in Northern Ireland and Britain to allegations that the duty has been breached. The paper gives an assessment of the judicial, political and cultural obstacles to realising the

protection of socio-economic rights under the combined judicial and programmatic model and thus to achieving the aspirational objective outlined in 2004 model.

Helen Carr	Property and Power: a case study of the statutory protections of lessees in England and Wales	1H

Abstract: It used to be all so simple. Freeholders were exploitative and money grabbing, and lessees vulnerable to their demands. Socially minded politicians, perhaps also swayed by electoral concerns, intervened from the mid 1980s to protect lessees. It was a gradual process, albeit with notable advances made during New Labour's government. Lessees' rights to be consulted about works were considerably enhanced, and they can now take over the management of the property, and collectively acquire the freehold. The consequence, one might have thought, would be that power differentials would have evened out and lessees more content with their tenure.

This paper suggests however that the cumulative consequences of the reforms, together with other changes such as the deregulation of private renting and of mortgage finance, are much more complex. The sort of cases that come before the FTT include situations where a disgruntled lessee is a member of the very management company that he or she is taking to court. Perhaps the lessee wants costs or refunds of money, but the management company has no assets. The story of vulnerable lessees seems even more outmoded in those circumstances where the lessee is actually a buy to let landlord with a commercial interest in keeping outgoings low and limited interest in the quality of life at the property.

At the same time something else is going on. The courts have reverted to a more property rights focus, and perhaps a minimalist approach to statutory rights. This is illustrated by the decision of the Supreme Court in Daejan v Benson [2013] UKSC 14 and the insistence on formalities in RTM cases. Rather than vulnerable the decisions suggest that the judges see lessees as asset holders able to negotiate freely and the role of law as a traditional one, to protect unnecessary incursions into the rights of land owners.

The paper argues that the case study demonstrates that a more nuanced approach to the relationship between power and property is required and that the statutory scheme and judicial interpretation need to become more responsive to complexity in leasehold relationships.

Helen Taylor	Almost seven years since enactment of the Mental Capacity Act 2005: the age of enlightenment in clinical practice?	3I

Abstract: Background: Since its enactment in April 2007, the Mental Capacity Act 2005 (MCA) has provided a statutory framework for supporting the autonomy of adults who either lack, or have impaired decision making capacity. Evidence suggests that prior to this, healthcare professionals lacked understanding of the common law principles of consent to treatment (1). Confusion was particularly prevalent in circumstances where there was cause to question a patient's capacity to consent to treatment (2), and research conducted in the early years of the new millennium found that patients were not always involved in decisions relating to their care, especially if they exhibited evidence of cognitive impairment (3) (4). Since 2005, millions of pounds have been spent educating healthcare professionals on key principles of the MCA. Despite this, practitioners continue to demonstrate a lack of understanding of the specific practical implications of the legislation. However, there is no clear evidence to suggest that this correlates with a general lack of awareness and application of the law relating to consent per se. In all bar exceptional circumstances practitioners must comply with a compelling ethical, common law and statutory obligation to uphold a patient's right to autonomy, and may incur both civil and criminal liability should they fail to do so. Given this imperative, and evidence of on-going confusion, there is a need to explore how practitioners apply the contemporary legal framework in practise, and particularly where there is cause to question the patient's decision making capacity.

Method: Questionnaires were distributed to a sample student nurses and qualified healthcare practitioners studying at a University in the English Midlands. 267 respondents were presented with a range of clinical vignettes and asked to answer 20 questions examining understanding and application of the law relating to consent. 17 questions considered situations where capacity to consent could be questioned, and of these 7 specifically considered issues arising in the care of an adult diagnosed with dementia. Statistical analysis were performed using SPSS (version 21).

Findings: The majority of respondents were pre-registration student nurses (79.6%; n = 211), with the majority of the remainder (11.3%; n = 30) reporting that they were qualified practitioners of health and social care. All respondents were students at the university, with 48.9% (n =130) reporting they were in the third year and final year of pre-registration study. Despite 46% (n = 97) of respondents reporting that they had "no knowledge of the law", they demonstrated a good general understanding of the need to obtain a patient's informed consent before delivering treatment, with 85.8% (n = 229) correctly identifying that a nurse may not deceive a patient as to the purpose of a blood test. The majority also correctly answered questions relating to the application of a Lasting Power of Attorney (88.4%; n = 236) and an Advance Directive (88.0%; n = 235), but were less knowledgeable in the combined application of these, with 38.2% (n = 102) getting this question incorrect. Respondents demonstrated a lack of understanding of the law relating to the daily personal care of a patient in the terminal stages of dementia. For example, 43.1% (n = 115) of respondents incorrectly stated that they must first obtain consent from the patient before attending to an episode of faecal incontinence.There was no significant difference in the knowledge scores for categories of registered and student practitioners, or between respondents on the basis of their reported knowledge of the law. The overall mean score was 14.17; S.D. 2.858 (maximum score 20).

Conclusion: Both student and registered practitioners demonstrated a good general understanding of the practical implications of general legal requirements in relation to consent, and some key principles of the MCA. This suggests that even if practitioners are not be able to correctly identify the relevant legal provision, they may have sufficient awareness of the law to apply the principles in practice. However, some deficits in knowledge were apparent, and given the proportion of those already qualified and those who were in their final year of study, there are profound implications for patients, practitioners, educators, legislators, professional regulators and policy makers. Further investigation involving a wider range of clinical groups is warranted.

1 E. Jackson, and J. Warner `How much do doctors know about consent and capacity?` (2002) Journal of the Royal Society of Medicine 95, 601-603

2 K. Evans, J. Warner, E. Jackson `How much do emergency healthcare workers know about capacity and consent?` (2007) Emergency Medicine 24, 391 – 393

3 Helen Taylor, Assessing the nursing and care needs of older adults (Oxford: Radcliffe Publishing Ltd, 2005)

4 Helen Taylor, The Nursing Assessment of Older Adults (PhD Thesis Unpub. University College Worcester, 2005)

Ilias Trispiotis	Religion in the Age of Austerity: A Social Inclusion Approach to European Human Rights Law	6I

Abstract: My paper aims to explore religious freedom through the lens of equality theories. I will argue that this analysis is particularly important in the age of austerity. Europe is in the midst of a complex social crisis, which becomes deeper due to the economic recession. Populist politics are in vogue, while traditionally liberal countries experience the rise of far-right xenophobic parties. Meanwhile, attacking religious minorities and challenging political values, such as religious pluralism and toleration, has even captured parts of the liberal audience.

How to secure equal protection for everyone's freedom of religion? Contemporary normative questions about which religious practices should fall within the protective scope of the right, or about whether religious exemptions from neutral laws and policies should always be accommodated have been addressed by human rights theory mainly through the lens of religion. Recent contributions of important political theorists (e.g. C. Laborde) and legal philosophers (e.g. R. Dworkin) corroborate the assumption that liberal egalitarianism has mainly focused on religious freedom (including its definition), while leaving the idea of religious equality largely unexplored. On that account, I wish to test the following hypothesis in my paper. That is, the right interpretation of the purpose and scope of religious equality will help us demarcate the right to freedom of religion, at least (though not solely) when religion seems in tension with the principle of equal treatment. The most typical instances of that tension involve cases of religious exemptions from neutral laws (e.g. refusing to provide services based on religious freedom).

It is therefore crucial to decide which conception of equality should inform laws protecting against religious discrimination. In my paper, I will argue that the three most popular theories of equality (equality as consistency, equality of results and equality of opportunities) do not fit the purpose or actual implementation of religious anti-discrimination legislation. For that reason I shall argue that it is actually an asymmetrical, multi-dimensional conception of equality that underlies the best interpretation of religious discrimination legislation. Crucially, this conception of equality moves beyond mere consistency of treatment and is sensitive to phenomena such as social disadvantage and marginalisation of certain religious minorities. Ultimately, the purpose of testing our philosophical understanding of religious discrimination is not only to secure sufficient protection for the individual right to freedom of religion, but also to achieve social inclusion of religious minorities. In the age of austerity this is a difficult task for European human rights mechanisms, yet it is profoundly symbolic and perhaps more important than ever.

Jack Anderson	**Crime and the Corruption of Sport**	**5K**

Abstract: This paper seeks to highlighted weaknesses in sport's (and particularly football's) governance structures which make it attractive to exploitation by criminal syndicates. The paper considers the manner in which sport may and is being used as a conduit for money laundering and associated criminality and including the trafficking of drugs (performance and image enhancing substances), people (so called soccer slaves) and corruption (bribery and conspiracy to defraud as defined in criminal statute). The identified structural vulnerabilities include: private equity investment in or sponsorship of (football) clubs; third party ownership of the players' economic rights; unregulated agents manipulating the transfer market; and tax evasion by way of the exploitation of players' image. The issue of sports betting and the manipulation of matches for gambling profit is also discussed as is sport's attractiveness to criminals for what might be described as "image laundering".

Many of the above vulnerabilities were identified in a seminal report by the Financial Action Task Force in 2009. This paper assesses what has been done since by sport to address these matters. The paper argues that there is a need to place such "sporting" matters within the discourse on transnational economic crime. This will, it is suggested, help sport better deal with these multi-faceted integrity threats by allowing it to, for instance, access the research, resources and the expertise that exists elsewhere in international and supranational agencies. Crucially, by properly describing the above vulnerabilities as being characteristic of the opportunism of transnational organised crime syndicates, this might also help explain at a national level how the integrity threat to sport is not just something that narrowly concerns the insularity or specificity of sport but is one that necessitates wider societal concern and deeper investigative resourcing.

James Maclean	**Is there more to a 'group' than meets the eye? Reconceptualising the 'crime of crimes' through a process-theoretical lens**	**5D**

Abstract: 'Groups' have increasingly become the focus of international law; not least, of international criminal law. The intent to destroy a protected group, a central aspect of the crime of genocide as defined by the Genocide Convention marks it out and sets it apart from other, more conventional, crimes. Genocide alone requires that the specific intent to destroy a group, in whole or in part, be proved. So there is clearly something especially wrong with aiming at the destruction of a group, something that has the effect of transforming otherwise wrongful acts, such as killing, torturing, and raping, into even more heinous ones. Why? What is it about this notion of a group that makes destroying such a group so conceptually different from destroying its individual members? Is there more to a group than meets the eye?

Process metaphysics contends that reality is understood properly only when it is perceived as dynamic, and not static; that is, in terms of process all the way down. A philosophy of process represents an attempt to explicate the nature of reality as developmental that stresses the fundamental inter-relatedness of all entities, emphasizing becoming rather than sheer existence or being. Here, reality is understood as formed of experiential events, not enduring substances or 'things'; the world, as we know it, is the result of a selective process whereby many past events are integrated in the events of the present, and in turn are taken up by future events, a sequence of integrations at every level and moment of existence.

In his presentation of process philosophy as 'a philosophy of organism', Alfred North Whitehead uses the term 'societies' to represent the ways in which entities of any kind gather together successfully to cohere and endure and constitute some kind of unity The term social refers to the means and the mode in which such endurance is gained and 'draw[s] attention to this lowly form of society to dispel the notion that social life is a peculiarity of the higher organisms'. In this way, Whitehead demonstrates how any discussions on the social (at the human level) can only be initiated after accounting for those wider notions of society and the social that characterise all existance. For Whitehead, it is always 'societies', as such, that we study. In contemporary thinking, we find an increasing processual awareness of organisations, institutions and other bodies as 'loose and active assemblages of organisings', as ever-moving groupings of dynamic acts rather than static structures. Such an understanding, it is claimed, can help to foster a more constructive consideration of organisations than has been possible on the basis of ideas derived from the mechanistic and rationalist assumptions of Newtonian thought.

In this paper, I draw upon the conceptual categories of 'process' thought (Whitehead, Bergson, Deleuze, Stengers), to provide not only an exciting reconceptualization of the notion of groups but also, a fortiori a more complete understanding of what it is that makes genocide unique.

James Ressel	**Speech as "self-evident story": when not to listen**	**6N**

Abstract: In this paper I want to consider the possibility that Scheppele's realist argument of exclusion of those whose stories are not accepted in the adjudication process as not only amounting to a type of negative legal-fact creation and by implication generative of some sort of alternative legal-subjectivity, but in accepting the generation of legal-fact based on procedural rules/laws of the judicial system, the transformative possibility of law is minimised. Accordingly, it seems that such an argument percolates the injustice of existing power structures into the subject. I suspect that Scheppele intended quite an opposite effect.

On the other hand we may agree with Eric Heinze "that law must express fundamental moral values". It could be suggested that in the context of the laws relating to free speech , and in a sense freedom of speech is perhaps the ultimate 'self-believed story', that Scheppele's argument in melting the distinction between 'fact' and 'opinion', which is a key distinction in the judicial consideration of the limits on free speech, weakens the transformative and liberating possibilities of law and leads to an internalisation of unjust power distribution.

Heinze, Eric (2006) ,Viewpoint Absolutism and Hate Speech' MLR 69(4) 543-582

James Roffee and Bhumika Sharma	**The wrong target: The limited effect of changes to Indian legislation tackling sexual abuse**	**5O**

Abstract: Social and news media have presented cases of serious sexual assault in India with increasing regularity. The increased interest in successfully tackling sexual abuse has resulted in increased scrutiny of the Indian Penal Code of 1860 and a large number of calls for new legislation. This paper responds to the growing calls for changes to legislation concerning sexual offences in India. It highlights problems with the attempted changes to legislation concerning familial sexual abuse as well as the ability of existing laws to handle much of the unwanted sexual activity, including the reiteration of dominant stereotypes.

This research indicates that alterations to and strengthening of legislation, is insufficient for successful change to the provision of remedies for sexual offences in the Indian context. Societal assumptions, in relation to the role of women and the sanctity of the family, have resulted in judges making decisions that are easily dismissed as perverse, even though they have cultural resonance. Changes to legislation alone, are likely to have little impact if women are seen as precipitating the offences, or shaming and destroying their family unit, when seeking legal redress.

James Roffee	**Ten Years of the Sexual Offences Act 2003: The new sentencing guidelines on sexual offences**	**2E**

Abstract: The Sentencing Council recently consulted widely before producing new sentencing guidelines on sexual offences. The guidelines entered

into force on the ten-year anniversary of the commencement of prosecutions under the Sexual Offences Act 2003. This paper will focus on the guidelines for s.64/65 offences of 'Sex with an adult relative' which the replaced the former offences of incest.
The research highlights a number of areas of success, as well as potential concerns, with the new guidance, and details problems with the current use of the s.64/65 offences. The inclusion of the offences within the list of specified offences for section 226 CJA 2003 (extended sentences for certain violent and sexual offences) is also explored. A number of the challenges faced in sentencing offenders for consensual familial sexual activity offences are considered, and empirical data on dispositions for the offences are interrogated.

Jamie Grace	**Narrative and power in criminal records: criminality information sharing and identity in the avoidance and apportionment of stigma**	**5N**

Abstract: The stories and narratives brought by claimants before the courts in judicial review cases can often, if not nearly always, be characterised as 'counter-hegemonic' tales, due to the nature of judicial review itself, and to borrow a concept from Scheppele.
Sometimes the courts must address and respond to the narratives put forward by the most extremely disagreeable offenders within the auspices of the criminal justice system: child sex offenders, rapists, domestic violence perpetrators, and child abusers, etc – who are seeking to control the way their criminality information' is shared across 'public protection networks' in a narrative that severely stigmatises them. These narratives of the risky are couched in the language of rights to privacy and for respect for private life, the value of rehabilitation, or in extreme cases, in the language of fear of vigilantism. Sometimes these narratives encapsulate the views of those who are (un)officially 'suspected' of these kinds of stigmatising criminality, rather than only those who are convicted of such serious crimes.
This paper will address the way that the Child Sex Offender Disclosure Scheme and the Domestic Violence Disclosure Scheme are ways for the potential victims of such 'risky' individuals to enter the narrative circle and take part in the sharing of the stigmatising criminality information concerned, while reforms to the construction of the part-narratives set out by some Enhanced Criminal Record Certificates, and reform to the process of challenging those part-narratives, will constitute the counterpoint to the first element of the paper.

Jamie Grace	**Process and substance in a due regard for consultation: Proportionality and the impact of policy**	**1A**

Abstract: Tom Hickman has recently charted the development of public sector equality duties in administrative law, in the journal Public Law, and necessarily this has involved a systematic survey of the notion of consultation in the case law on the issue of 'due regard' for those equality duties. To build on Hickman's analysis, this paper will begin by examining statutory duties to consult on public bodies, other than that in S.149 of the Equality Act 2010, and by highlighting the difficulty for the courts in calibrating the correct 'granularity' of review in assessing steps taken to meet those consultation duties.
This granularity of review is crucial, as without the correct approach to this exercise, the High Court, for example, will fail to have the necessary or appropriate appreciation of the impact of a (proposed) policy on a particular claimant, where that claimant may also benefit from the 'important procedural component' of proportionality review under Article 8 of the ECHR, to draw upon an expression by Lord Munby.
Maurice Kay LJ has identified that proportionality is the 'real Article 8 battleground' in the case law, and duties placed upon public bodies to consult, that stem from a procedural component of Article 8-driven proportionality review, will further complicate the conflict between public policy proposals and statutory obligations to consult those placed a detriment in the plans of public bodies.
As a counterpoint to this argument, this paper will re-address the overview given by Prof. David Mead in Public Law of the way that to many judges the notion that 'outcomes are all' – and the necessary marginalisation of individual consultation rights under Articles of the ECHR outlining qualified rights – is 'set in stone' by a 'triptych' of House of Lords decisions in Begum, Nasseri and Miss Behavin' Ltd. In doing so, this paper will address the nature of Article 8 ECHR rights, and the way that in certain contexts this particular Article of the ECHR allows for the courts to afford a strong weighting toward a 'procedural component' of the right to respect for private life – something already explored by the author in a piece written with Dr. Mark Taylor for the Medical Law Review, but perhaps not yet fully developed as a detailed argument. This is the opportunity for that development and the greater exploration required of these issues.

Jamie Murray	**Land Laws: Regulatory Models of Complex People-Place Networks Between Ecology and Economics**	**2J**

Abstract: This paper introduces and draws out some of the features of property law theory recently produced in Australian Law Schools. Principally, Nicole Graham's Lawscape (2011) and Peter Burdon's edited collection Exploring Wild Law (2013) both put forward an ambitious and radical reconceptualisation of land, ownership of land, and land law. Both share a preliminary critique of existing property law theory and dominant models of ownership of land, followed by projects of creation of alternative property law theory and models of quasi-ownership of land. In both the driving force for the radical reconceptualisation of land, ownership of land, and land law are insights from the ecological sciences and awareness of the implication of dominant models of ownership of land in contemporary local and global ecological crisis. The critique in both is the complete rejection of the property law theory tradition focused on the abstraction of property law rights (finding its most recent high statement in Kevin Gray's essay Property in Thin Air), as well as the rejection of the model of ownership of land as exclusive and alienable abstract rights of resource depletion. In both the reconceptualisation of land, ownership of land, and land law proceed in terms of a materiality of land, the specifics of place, the knowledge and understanding of place, affectual people-place relationships, and overarching framework of ecology and Earth systems. Both take considerable steps to work through the vast implications from ecology for our understandings of land, ownership of land, and land law, and both centre around the key ecological insight that 'everything is connected' that informs the focus of ecology on networks of relations, a nature-culture continuum of organisation, and complex evolving Earth systems. In Graham the reconceptualisation of land, ownership of land, and land law is as regulatory models of specific people place relationships grounded in relations of intimate knowledge and affect in mixed people-Earth networks. In Burdon, and in the contributions to Exploring Wild Law more generally, the reconceptualisation of land, ownership of land, and land law is materialist and ecologically informed as Graham, but proceeds further by converging the reconceptualisation on the ideas of Earth rights and Earth Jurisprudence ('Wild Law'). Together both Graham and Burdon suggest a framework for thinking about land law and the ownership of land as regulatory models and complex mixed people-place network assemblages evolving between ecology and economics.

Jamie-Lee Mooney	**A Gendered Critique of Group Localised Grooming: Masculinity of Offending v. Femininity of Victimisation**	**1I**

Abstract: Group Localised Grooming (GLG) has recently attracted a great deal of media and social attention following the recent high profile cases of adolescent girls who have been sexually exploited and victimised by street gangs. Understanding how a group of child individuals may target potential victim(s) and build a relationship of trust, thus enabling the maintenance of a exploitative relationship with the adolescent over a period of time, is vital to understanding the essence of the phenomenon.
This paper aims to explore the gendered issues raised by GLG cases in relation the offending and victimisation process within multiple perpetrator sexual offending against children (MPSOAC). It will be argued that MPSOAC can serve to reinforce norms of appropriate masculinity, create feelings of power, status and belonging that can lead to 'diffusion of responsibility', to the extent that 'the role of the child may become little more than an object within the group's 'collective performance of masculinity'. Attention needs to be given not only to endeavouring to understand more about this harmful phenomenon, but also to ensuring that the societal, legal and media responses to victims does not exacerbate their vulnerability.
Despite research into this area being somewhat in its infancy, this paper will also argue that it is in fact a combination of particular characteristics of GLG process in relation to how gender and sexuality norms can be exploited within the victimisation process that creates a successful opportunity to offenders by exacerbating vulnerability arsing from gendered norms. Not only this allows the abuse to remain hidden crime by

silencing victims but could also lead to the 'victim' being deemed as 'complicit' or 'deviant'. As a result this may discourage or even discredit the disclosure made by a victim. Ultimately, this could inadvertently underplay or even increase the potential risk of harm to children.

Jamie-Lee Mooney	The Legal and Social Challenges posed by Misconceptions of Group Localised Grooming	4R

Abstract: Group localised grooming (GLG) has recently attracted much media attention and inquiries by the Office of the Children's Commissioner and a parliamentary select committee were launched in 2011 and 2012, following the convictions of numerous perpetrators in high profile cases involving groups targeting, grooming, sexually abusing and exploiting adolescents. The ability to effectively tackle GLG is hampered by misconceptions regarding which adolescents are (most) vulnerable, the existence of damaging constructions of 'imperfect' victims and the difficulties of finding an appropriate criminal offence to best capture this behaviour.

The analysis will first examine the vulnerabilities of the victims with a view to establishing how it is vital to refer to the 'apparent' willingness of adolescents to engage in sexual activity as acquiescence, rather than consent. Misconceptions about the impact of grooming on a victim and the way in which grooming impedes free will could lead victims to be portrayed as 'complicit' or 'consenting' parties to abuse. This could discourage or discredit disclosure, jeopardising the prospects of proactive criminal or child protection intervention.

Secondly, turning to the criminal law, despite the offence of meeting or arranging to meet a child following grooming under section 15 of the Sexual Offences Act 2003 being designed to enable intervention at an early stage in the abuse process, elements of the offence are difficult to establish in the context of GLG. Consequently the offence is of little use and is it vital to assess if other existing offences appropriately capture GLG, and more importantly, if they can do so prior to any consequent abuse and exploitation. Finally in the concluding section, consideration will be given to steps that could be taken to enable society and law to tackle GLG more effectively.

Jane Mair and Fran Wasoff	Contract and consensus in family law: Scottish separation agreements	5F

Abstract: Contractualisation is a key theme in many contemporary family law systems and Scotland seems to fit well within this trend towards increased private autonomy and private ordering. Our recent study of privately negotiated separation agreements indicated a significant increase in their use since the early 1990s (Mair, Wasoff and Mackay, All Settled?, 2013).

Scots law has a long history of the use of private settlement as a means of regulating the breakdown of adult family relationship and this continues in the contemporary widespread use of separation agreements. The well-established format of a Minute of Agreement provides a flexible format and a system of registration offers an easy means of enforcement. These separation agreements are a good example of a trend in Scotland towards what might be described as the "consensualisation" – if not always contractualisation – of family law.

Although an outwardly simple format, the content of minutes of agreement often comprises a relatively complex range of provisions which reflect consensus but do not always give rise to contractual effect. Provisions relating to property sharing and financial provision, for example, are contractual in nature and open to very limited potential review, whereas terms in respect of post-separation parenting are always subject to the supervisory jurisdiction of the courts.

The extent to which there is a distinction between agreements and contracts, between consensus and contract, has not been fully explored in Scots law or family practice. This paper will begin to consider the drive to consensus reflected in these agreements and their place within the broader sphere of family law or family governance (Swennen, "Family (Self-)Governance at the Boundaries of a Privatized Family Law" (2011)).

Janet McKnight	"The Maze": Finding the Value in Legal Fiction	7I

Abstract: The paper to be presented is a piece of legal fiction shortlisted for the New York Law Journal Fiction Writing Contest in 2008, and subsequently published online. My presentation will be an experiment in 'law and literature in context', using my short story entitled "The Maze" to illustrate the process of legal fiction writing and its importance for legal scholars and practitioners alike. I will first describe the makings of the work; while still a law student, I drew upon my interest in international human rights in exploring the curriculum of a Law and Literature Seminar at Tulane University in New Orleans. I will argue the value of such coursework in legal education by explaining how literary artists Camus, Kafka, Faulkner, and others, shed a unique light on common legal themes of positivism and utilitarianism, as well as socio-legal issues of racism, classism, and power. The seminar's professor Edward Sherman (an alternative dispute resolution specialist with a love of fiction) stressed the importance of discovering how all areas of law are both reflected in and affected by literature. I will then speak to the positive consequences for practitioners who endeavour to write and to imagine legal fiction. Inspired by Alan Paton's novel Ah, But Your Land is Beautiful, and his storyline of athletics boycotting as a means of anti-apartheid protest in South Africa, "The Maze" similarly explores the intersection of sports heroes, social histories of oppression, and legal transitions in a fictional country at the beginnings of a civil war. I will highlight specific passages of my piece to illustrate how fiction reflects insights into real-world legal systems and conflicts, how stories can question the redemptive qualities of justice, and how imagined narratives help us to perceive and to appreciate the tensions between legality and morality.

Janet Ulph	"Unpacking" codes of ethics	6M

Abstract: This paper focuses upon the codes of ethics which apply to the museum sector. These codes are intended to provide a series of principles which will guide museum professionals and assist them 'to navigate through contested moral territory' (Besterman: 2006). One might have expected these codes to be solely preoccupied with professional ethics. However, this is not the case.

This paper disentangles the legal principles from the ethical guidance relating to museum collections provided by the UK's Museums Association. It questions whether the code has become too 'legal' in character in relation to issues such as acquisitions. It discusses whether ethical principles should be given greater prominence and, if so, how these principles should be developed. The paper concludes by considering whether legal principles within the codes are an advantage or whether, if ethical principles were given greater emphasis, this would lead to greater harmony between the Museum Association's code and the international equivalent produced by the International Council of Museums (ICOM).

Jassim Al-Obaidli	Is the future of arbitration in Qatar threatened by the decision of the Court of Cassation?	3P

Abstract: This paper examines a recent decision of the Qatari Court of Cassation which it is suggested is based on a misunderstanding and misinterpretation of the law. In this case the Court set aside an arbitral award because it confused the nature of an arbitral award with a judgment of court and insisted that the award be issued in the name of His Highness the Emir. This has led to a ruling being issued which may disrupt every arbitral award made in the State of Qatar. This paper examines the confusion which resulted in the decision and the impact of the ruling which may cause the collapse of the entire system of arbitration in Qatar.

Jay Cullen	Mortgage Markets, Credit Booms and Bank Capital	4B

Abstract: The global financial crisis revealed, amongst other things, the scale of bank lending which had underpinned the rise in real estate values in both the US and UK between 2000 and 2006. The volume of bank lending which supported these house price rises was unprecedented; moreover, as witnessed in financial markets in 2008-2010, so were the consequences. Once real estate values began to drop, the number of defaults on mortgage payments inflicted huge losses on most banks, especially those which had engaged in the securitisation of mortgage debt.

One would have expected these lessons to have provided a most chastening experience to banks, central bankers and bank regulators, and incentivised more prudential lending by banks for real estate purchases. In contrast, at least in the UK, the government has decided to explicitly support lending for the purchase of new and existing housing stock through taxpayer funded guarantee schemes, ostensibly to 'kickstart' the market, thus allowing banks to extend further credit.

This paper offers a critical appraisal of these measures; in particular, it analyses the pre-2006 mortgage and credit boom from the perspectives of two highly developed economic theories - Modern Monetary Theory and the Financial Instability Hypothesis - which suggest that misconceptions about the nature of bank lending mean that mortgage markets (amongst others) are sources of perennial boom and bust cycles, which may inflict severe damage on banks and thereby the wider economy. It will incorporate into this critique a discussion of recent changes to bank capital adequacy rules which neither provide banks with incentives to restrict lending into property markets, nor provide regulators with tools to prevent damaging accumulations of credit within the financial system. Finally, it will offer some constructive solutions toward the issues of regulating the housing market on this basis.

Jen Hendry and Colin King	How Far Is Too Far? A Systems Perspective on Asset Forfeiture	1E

Abstract: Non-conviction-based (NCB) asset forfeiture is a relatively recent addition to law enforcement's armoury in the fight against organised crime. It allows for criminal assets to be forfeited to the State even in the absence of criminal conviction, the stated objective being to undermine the profit incentive of criminal activity. Until now, NCB asset forfeiture has principally been critiqued from a criminological point of view, specifically concerning the Packer models and the civil / criminal dichotomy – aside from this, however, it remains rather underdeveloped theoretically. This paper addresses this lack of legal theoretical engagement with NCB asset forfeiture by providing an initial contribution from systems-theoretical perspective. This contribution makes use of systems theory's unique insights to critique the perceived 'failure of law' that gave rise to the NCB approach, and challenges the legitimacy of that approach in terms of procedural rights.

Jennifer L.L. Gant	Proletarianisation, Labour Regulation and Socio-Economic Context in the EU: How did we get here, where are we going and why?	3D

Abstract: Labour regulation is a complex and ever changing area of the law fed by social and economic policy, politics, external and internal pressures, and cultural influences. In isolation, labour regulation is particular to the country in which it is found. However, in a world growing smaller due to the evolution of an international marketplace through globalisation, the differences in labour regulation between jurisdictions can become an issue in cross border business transactions and may even affect a multi-national company's choice of investment. The flexibility or inflexibility of labour regulation will affect the attractiveness of a jurisdiction, as evidenced by the outsourcing of labour intensive sectors of many corporations to developing countries which lack the expense of protective labour regulation and minimum wage requirements.

In order to even attempt an alignment of labour systems in the EU, which of itself is a potentially unrealistic suggestion, at least in the current political climate, an understanding of the fundamental values which have influenced a country's approach labour law is vital. Any EU level coordination would require diplomacy and compromise, a full knowledge and understanding of the elements of the systems being the most important tool to guide any such process. To this end, an analysis of the historical context of labour regulation and the working classes will reveal much about the fundamental values upon which labour systems are based and any important differences existing between these values. A typically top down technical analysis would only expose a positivist view of the law, isolated from its constituent parts without which it would not exist in its current form. This unique methodology could then be relied upon as a means finding a path to greater coordination by attempting to align systemic values.

This paper does not set out to solve the coordination issues or to press for harmonisation. It aims to explore the origin of the differences between the legal systems to see if there is some way that social, political and historical obstacles can be overcome in order to draw the labour law systems of member states into closer alignment. Using the historic-comparative methodology described above, the proletarianisation of labour which has occurred through industrialisation and following the French Revolution within the UK and France in particular will be examined. The emergence of labour regulation will then be discussed within its socio-cultural, economic and historical context. It is envisaged that an EU with more closely aligned legal systems would improve the effectiveness of cross border commercial enterprises and decrease what opportunities for social dumping may remain.

Jenny Harris and Samuel Kirwan	Re-Situating Legal Consciousness: methodological challenges and suggestions for innovation	4I

Abstract: This paper explores some of the methodological challenges that have arisen as part of a critical approach to 'legal consciousness' studies adopted by the 'New Sites of Legal Consciousness' research programme. Having situated contemporary legal consciousness scholarship within socio-legal studies (McCann, 2006; Cowan, 2004), the paper describes the problems with; first, the 'discourse analysis' approach that has dominated the methodologies of legal consciousness studies; second, the tendency to fix subjects within static typologies; and third, the exclusive focus often awarded to issues of individual subjectivity and meaning.

Drawing on ongoing research into the work of Citizens Advice Bureaux, the second half of the paper describes how the researchers are seeking alternative research practices to explore legal understanding and practice as contingent, confused and always in development. Drawing on a pilot study conducted with young homeless people, the paper will explore the usefulness of visual methodologies in allowing for the incorporation of the voices and experiences of participants, before discussing also how reflexive, material and observation oriented methodologies might similarly draw out the extra-discursive dimensions of legal experience. Drawing on Ewick and Silbey (1998), the researchers will discuss how these approaches can facilitate an exploration of the dual function of unequally distributed meanings and resources in shaping people's decisions and associated understandings. In doing so, this project seeks to move beyond concerns of individual psychology, towards a focus on the dialectal relationship shared between group orientations and wider social structures. The paper finishes by arguing that the study of legal consciousness, conceived to be in decline (Silbey, 2005), might be re-energised as a result of such methodological creativity.

Jessica Hambly	Asylum Advocates and Tribunal Adjudication: Complexifying the Workgroup	1A

Abstract: This paper presents the preliminary findings from the author's PhD thesis; a socio-legal inquiry into what happens during the process of decision-making in UK asylum appeals. Findings are based on interviews with asylum advocates and observations at the First Tier Tribunal (Asylum and Immigration Chamber). This study focuses on two hearing centres at opposite ends of the 'success rate spectrum'; with one centre allowing less that 20% appeals and the other allowing over 40%.

The paper considers the role of advocacy and interrogates the essential determinants of a successful appeal outcome from the advocates' perspectives. Furthermore, it explores the idea of workgroups and court cultures to explain why appeal success rates vary so much across hearing centres. Thus it focuses in particular on the identities of those involved in the decision-making process and relationships between participants.

In presenting the views of those who frequently partake in the asylum decision-making process, this paper seeks to give an insiders' perspective on how credibility assessment is performed, the impact of the political climate on judgment, and the possibilities for future reform of asylum appeals.

Jill Stavert	Autonomy, consent to treatment and substituted decision makers: the CRPD and Scottish Mental Health and Incapacity Law	4H

Abstract: The Mental Health (Care and Treatment) (Scotland) Act 2003 and Adults with Incapacity (Scotland) Act 2000 have been generally regarded as being examples of good practice, particularly from a care, treatment and human rights perspective. This has been reinforced by the requirements of the Human Rights 1998 (ss 2, 3 and 6) and Scotland Act 1998 (ss. 29(2)(d) and 57) which require devolved legislation, its implementation and interpretation to be European Convention on Human Rights (ECHR) compatible.

However, even where, unlike ECHR rights, the UK's international human rights standards are not reflected in our domestic legal order, the UK

(including Scotland) is still required to observe these under international law. The European Court of Human Rights, whose rulings must be followed in the UK, must also take account of such international standards. To this end, the UN Convention on the Rights of Persons with Disabilities (CRPD) amalgamates and defines more clearly rights and responsibilities as they relate to individuals with mental health and incapacity issues.

The CRPD represents a shift away from the traditional paternalistic medical approach to disability towards a social, facilitating, model. Indeed, at present, the full meaning of article 12 CRPD (equal recognition before the law) is being considered in light of radical interpretations of the Convention by several bodies and individuals, for example, the EU Agency for Fundamental Rights and the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment, and, indeed, the UN Committee on the Rights of Persons with Disabilities itself. In essence, this interpretation advocates that legal capacity must not be removed on the basis of disability, strongly promotes supported (not substituted) decision making (and the removal, therefore, of guardianship) and the abolition of laws providing for the compulsory treatment for mental disorder.

This paper will therefore consider the extent to which Scottish mental health and incapacity legislation reflect CRPD standards with particular reference to its article 12.

Jim Robinson	Land, Legal Orders and Legitimacy: UN-Habitat, Mediation Teams and Eastern Democratic Republic of Congo	2J

Abstract: With a particular focus on eastern Democratic Republic of Congo (DRC), this paper explores UN-Habitat's land-dispute resolution programme and its engagement with considerations of legal pluralism and the emergence of hybrid legal orders.

Operating at the interface between numerous local, national and international actors and interests, it is argued that the programme has evolved as dynamic and informal local experiences meet, inform and are informed by national and international legal and policy perspectives. Policy is not a linear process.

The DRC case is indicative of the complexity of housing, land and property (HLP) issues, especially in humanitarian contexts, that necessitate a pragmatic approach shifting away from 'Rule of Law-focussed' programmes in which the centrality of formal state law is non-negotiable. Instead, the complex interaction, blending and mixing of legal orders (local, national, global) gives rise to what Boaventura de Sousa Santos describes as 'legal hybrids'. In such situations, the sources of law(s) are numerous and contested, and the relationship between legitimacy, authority, power and shared values becomes of significant importance.

The DRC experience will be situated in the wider context of UN-Habitat's on-going land-dispute experience in Liberia, Somalia and Sudan.

Joanna Erdman	Health and Human Rights Education as a Model of Social Change	3E

Abstract: Over the last two decades, we have seen a mounting interest and unprecedented expansion in health and human rights teaching in professional schools worldwide. Human rights education took stride in the 1970s, sometimes in response to failed legalistic approaches, and often promoted as a way to institutionalize human rights norms and to thereby build broad support for them. Its later expansion into higher education was seen as an especially promising indicator of this process. Yet it is difficult to speak of legal education as a means of social change without raising the specter of the law and development movement. This movement of the same era focused on legal education reform to facilitate economic development. The movement was premised on the belief that if you could change legal education, you could influence modes of adjudication and methods of lawyering, and ultimately change systems, institutions and the culture of law. Essentially the goal was to turn legal professionals into social engineers. Within a decade, however, the movement was declared, heavily criticized and its support withdrawn, though many consider this judgment was perhaps premature.

Given this complicated legacy of legal education reform, I was intrigued by the invitation to write this baseline assessment of the theory and practice of human rights in health professional education (medicine, nursing, and public health). The assessment is based on a literature review that combines the insights of two distinct fields: education theory and practice and health professional education. It is written in the fashion of a state of the art account, reflecting on documented experience and conceptual work in the field. The objective of the article is to read against this baseline a portfolio of work of the Open Society Foundations' Public Health Program. This work consists of funding and technical assistance for the development and teaching of health professional courses on law, human rights and patient care in eight countries of Eastern Europe and Central Asia. This portfolio of work is exciting because it targets not the profession that makes, argues and enforces law, but the profession that makes law meaningful in everyday patient care. That is, part of the value of the project is that it decenters legal education from formal legal actors, institutions and systems.

I structured the assessment around the objectives of this portfolio of work targeting health professional education. What was it trying to achieve? Is there something more than hopeful speculation that formal education in human rights can overcome ingrained attitudes and practice to positively impact the experience, of especially socially marginalized groups in patient care. What is the theory of education and social change driving the project? The paper is framed around three distinct objectives of human rights education, knowledge, culture and change, and assesses this portfolio of work in human rights and health professional education against these objectives.

Joanna Erdman	The Place of Reproduction	1C

Abstract: This paper examines the role of place in the regulation of reproduction, with a specific emphasis on abortion. Medical abortion, or the use of medicines to terminate early pregnancy, promised an opportunity to expand the availability and access to services. The promise was premised on the method being available earlier in pregnancy, and through a more diverse set of providers in a broader range of facilities. Yet in many countries, medical abortion was made subject to regulation designed for surgical services. In-facility restrictions in particular, that the drug be administered in hospital, were legally challenged in the U.K. and New Zealand. In these challenges emphasis was placed on the lack of medical need for the restriction. Yet a wider and historical review of place-based regulation in abortion care reveals claims of clinical safety as often specious. Building off recent interrogations of place-based regulation in medical abortion, this paper explores the implicit and many regulative qualities of place in reproduction. Through early suspicions of lying-in homes, to fortressed abortion clinics, and into communities of self-use, the paper considers how the physical, social and cultural dimensions of place feature in the regulation of abortion, both to restrictive and permissive ends.

Joanna Miles, Emma Hitchings & Hilary Woodward	Assembling the jigsaw puzzle: understanding financial settlement on divorce	5F

Abstract: This paper explores the key initial findings from a study of financial settlement on divorce, based on a survey of nearly 400 court files in concluded financial remedy cases from four courts in different areas of England and interviews with 32 family justice professionals – solicitors and mediators – practising in those four regions, exploring their experience of handling these types of cases pre-LASPO. We set out to explore the "how", "when" and "why" of financial settlement on divorce, in both cases concluded by a consent order and those concluded following contested proceedings, whether via consent order or adjudication. In examining "how" and "why" settlement does (or does not) occur, whether out of court or following the initiation of court proceedings, we examine what factors help, delay or entirely prevent settlement.

Joanna Miles, Steve McKay, Ira Ellman & Caroline Bryson	How much the state should require fathers to pay when families separate	3H

Abstract: This paper reports the findings from a British Social Attitudes survey on child maintenance, which used a methodology developed in the US by Ellman and colleagues with members of the public awaiting jury service. We asked respondents to state in £ the maintenance payment that they would require in each of a series of cases that varied systematically in parental incomes and family circumstances. Their answers revealed a

broad consensus across the population about certain principles for setting support amounts: they should be higher when the mother's income is lower, and at lower maternal incomes should increase more rapidly as the father's income rises. The British public also believe that higher income fathers should pay a larger percentage of their income for child maintenance than lower income fathers. These findings suggest that the British public's views about appropriate levels of child maintenance are governed by principles at odds with those underpinning the current statutory maintenance formula. The respondents' answers to additional attitude questions also suggest the British public believe that fathers should be required to pay child maintenance, a view in tension with the current government's move towards "family based arrangements".

John O'Leary and Teng-Guan Khoo	Will the Cream Always Rise to the Top? Examining Anti-Discrimination Policies in Sport	5K

Abstract: As part of the political process aimed at counteracting disadvantage within society, most nations adopt laws aimed at challenging and overcoming race discrimination. National sports governing bodies are subject to those rules, and need to promote equal participation and opportunity within their sports (state coercion might range from banning the organisation to a withdrawal of funding). At the representative level however there is a divergence in approach between those nations that seek to impose those laws on representative team selection and those that insist that, whatever the laws of the nation, elite selection must be governed by principles of sporting excellence. The labels given to these policies may vary but they are usually described as being either an example of affirmative action or of equal opportunity. This paper examines the relationship between affirmative action and equal opportunity policies by a critique of the approaches of South Africa, Malaysia, the United States and the UK toward national team selection. It reveals that rather than being two distinct concepts, affirmative action and equal opportunities are part of the same legal continuum. As such, this paper compares and contrasts the different approaches to compliance with national laws and their impact on elite sporting competition.

John Rumbold	Capacity versus character, law versus medicine; competitive or complementary paradigms of criminal responsibility?	5G

Abstract: Legal excuses can be justified by two major models for criminal liability – the capacity and character models. These models share much common ground, but currently the capacity model has greater currency. There is some evidence that physicians instinctively favour the character model, and this paper explores the basis for that and the reasons why the character model deserves more credence. It is a moral intuition that where the agent would not act a particular way "but for" a medical condition their culpability is reduced or even absent. Additionally, efforts at concealment do not necessarily denote responsibility. Kingston is also discussed; another example which many jurists believe is wrongly decided. Kingston is problematic for either the capacity or character model. Are these examples of the psycho-legal error of Morse, are they decided purely on policy grounds, or can they point the way to a more humane understanding of criminal liability?

Julia J.A. Shaw & Hillary J. Shaw	The politics and poetics of spaces and places: reimagining the structures of social control	3M

Abstract: At a human level, rational thought processes restrain ideas which are by nature unruly and require control; similarly, the influence of ICT has proliferated to the point where these technologies also need to be restrained and diluted into the real world in real time. As transcendent technologies, they exist beyond the divergent equivalence of human categories of difference such as race, gender, class, as well as operating outside traditional binary oppositions such as good /bad, love/hate, rational/irrational. In this current climate of endless technological transformation, it is clear that any further innovations cannot be left to market forces without first considering the development of an appropriate monitoring mechanism. Since this unfettered realm of hardware and software codes offers limitless possibilities, it is suggested that only constitutional principles (having evolved organically through centuries of human experience) are capable of applying a measure of restraint to the unruly nature of the these new technologies. Such principles would, ideally, have moral legitimacy and contain an ethical core which would assume the human capacity of legislative reason in the promotion of fair and just rules of conduct.

If rational competence is the key to determining an appropriate form and level of intervention, then the question of ethical control requires a philosophical solution. Although the presuppositions and foundations which characterise this approach have been subjected to a great deal of scepticism in recent times, such a response is properly directed when it seeks an appropriately practical application. This paper suggests, as a necessary preliminary stage, a thorough explication of the nature, scope and influence of ICT; paying particular attention to the growth of surveillance technology used against ordinary citizens (as evidenced by the recent NSA controversy) together with the expansion of regulatory state powers. Such incursions on individual autonomy and human rights according to the logic of instrumental rationality continue to pose a significant threat, in addition to the increasing tendency for normalising and idealising forms of technology to reshape our social and legal identities in the ever-changing posthuman landscape.

Kalliopi Fouseki & Maria Shehade	Towards a value-based approach to the settlement of cultural property disputes	5L

Abstract: This paper aims to examine the role of heritage values during the negotiation process for the resolution of a dispute related to the ownership of a cultural object and will explore the degree to which the different values and interests of the involved parties affect or drive the negotiation process. By drawing on theories of 'heritage values' that have rapidly evolved since the 1970s within the field of heritage studies and heritage management the paper will argue that such theories can provide a useful framework for understanding the defining values that drive the forces during the process and whether these values create imbalances of power between the parties or create common ground for the easier settlement of the dispute.

In particular, the paper will argue that the value-led approach of heritage management, which emphasises the importance of assessing the different values and interests of the involved parties, is an intrinsic part of an integrative negotiation process which focuses on parties' interests. Thus, tools provided by the heritage management theory, such as value assessment, can prove to be extremely useful in a negotiation process. The adoption of this approach will also facilitate the better understanding of the differences of the involved parties, which can lead to a more effective management and resolution of conflicts and tensions between the parties.

The paper will use the example of a cultural property dispute between Italy and the Getty regarding a cult statue of a goddess and other objects, which was resolved in 2007 after negotiations between the two parties. Through the analysis of this case study, the values that drove and shaped the evolution of the dispute and its final settlement will be mapped.

Kasey Mccall-Smith	Popular Music and Human Rights: If the world is speaking, is anyone listening?	7I

Abstract: If music is indeed the 'universal language', what does it tell us about universal rights? The international human rights project is founded upon the principle of universality of rights and the common plight of human beings. Since the inception of the modern international human rights movement, arguably dated from the 1948 Universal Declaration on Human Rights, the United Nations has, through a range of mechanisms, advocated the interdependence and indivisibility of human rights. Within these interrelated rights, however, certain rights have played centre stage in response to global crises and world events. In light of priorities of global rights, how has popular music responded or led the call for change?

Historically music has been the outlet for people and their troubles. For time immemorial it has been used as an avenue to voice prevalent community struggles as well as those struggles faced in solitude, but has the international community been listening? This paper seeks to explore the link, or lack thereof, between the international human rights agenda and popular music over the past six decades. It is not difficult to recall popular songs about overcoming oppression (Bob Marley), alleviating poverty (Tracy Chapman), eradicating hunger (USA for Africa) and, more recently, the raft of pop music focused on championing gay rights. This research will plot the primary rights on the international agenda and assess

them in relation to rights themes prevailing in popular music. This paper is the initial output of larger project that proposes to create an anthology on the subject of human rights in music.

Kate Cook	Believe Children Now	2K

Abstract: This paper considers the impact of recent cases on child sexual abuse to our understanding of the social and legal constructions of this topic. Reviewing cases such as that of Stuart Hall and Ian Watkins, the work investigates the range of abuse, the commonalities between these cases and others that are still being investigated (in particular the crimes of Jimmy Savile).

These cases are considered in the context of the radical feminist understanding of crimes of sexual violence. This theoretical framework is closely linked to the work of the rape crisis movement, which continues to offer free and independent support to survivors of child sexual abuse. Insights from these high-profile cases and from work with survivors leads to suggestions for policy and law. Centrally, it is argued that society needs to move towards a more respectful belief in the word of children in general and young girls, in particular.

The work forms part of the author's ongoing work in the area of sexual violence experienced by women and children.

Kathryn O' Sullivan	Stepchildren and the Law of Succession in Ireland: Where should the balance lie?	6F

Abstract: In light of the changing face of Irish society and the emergence of mixed or blended families, it is clear that the ramifications of succession law for stepchildren are undoubtedly of great practical significance. In circumstances where the deceased's children are not common to both spouses, the deceased's surviving spouse may not have had a parental relationship with, or felt any obligation towards, the deceased's children and may, therefore, be considered a less reliable 'conduit'. The situation is exacerbated by the fact that section 117 of the Succession Act 1965, which allows a child to apply to the court for 'proper provision' where the court is of opinion that the testator has failed in his or her moral duty to make such provision for them, restricts the application of the provision to 'children of the testator'. Although this does include adopted and non-marital children, there is no legal requirement to make provision for stepchildren. Moreover, stepchildren are not entitled to a share of the intestate estate of a stepparent. This paper seeks to assess whether and to what extent succession provisions ought to give stepchildren rights in the estate, testate or intestate, of a deceased stepparent. To this end, it considers different views and approaches taken in a number of multiple-marriage societies across the common law world.

Keith Gompertz	The world of work through a Quaker prism: Parke v The Daily News Ltd revisited(1)	3D

Abstract: Corporate philanthropy towards the work-force can often occupy opposite ends of a spectrum. However, family-owned businesses seemingly have often had a more driven response to this aspect of corporate activity and they are perceived as occupying the more socially responsible end of that spectrum. This seems to be especially true of those family businesses driven by a particular ethos- Quakerism being a notable example. Many successful companies were owned and run by Quaker families; Cadbury, Fry and Rowntree readily come to mind. Why did the Cadbury family feel the need then, to also own a national daily newspaper and a London evening paper? Parke v The Daily News Ltd provides an excellent prism, so to speak, through which to re-visit the ethos of the Quaker-following Cadbury family, both through its ownership of a newspaper, that newspaper's stand against Imperialism on the one hand, and for Liberalism on the other; and the families' response when closure of that newspaper had to be considered.

Parke provides us with an opportunity not only to glimpse at a world prior to the Redundancy Payments Act 1965, but also to see corporate governance in a different light as exemplified by one families' view of how its ownership and shareholding power in a daily newspaper should be exercised in terms of corporate philanthropy and social responsibility. This paper also aims to examine what happens when work-force-aimed corporate philanthropy comes hard-up against a determined shareholder. (1) [1962] Ch. 927

Kevin Brown & Martine Wade	The Privacy Implications of Google Glass: Exploring the Attitudes of Undergraduate Students	3M

Abstract: In 2013, Google began trialling with selected members of the public 'Google Glass', a wearable computer built into spectacle frames. Functions include permitting the wearer to take photographs or videos, send and receive messages or emails, obtain directions, and real-time translation. The use of Google Glass and similar devices has the potential to transform how we interact with computers and one another. This paper focuses on the privacy and ethical concerns raised by this technology. It explores the subject through the opinions of undergraduate students who will soon be not only potential wearers but also third parties who will find themselves unwittingly or not in the gaze of these devices. The preliminary results from the focus groups and questionnaires identify a curiosity mixed with apprehension that if the devices become ubiquitous privacy as we know it may cease to be.

Kevin Brown	The Introduction of the 'Community Trigger for Anti-Social Behaviour': Giving Victims a Voice or Providing False Hope?	4F

Abstract: The Anti-Social Behaviour, Crime and Policing Bill will among other things reform the legal framework in England and Wales for tackling anti-social behaviour (ASB). One of the key provisions is the introduction of a right for victims of such behaviour to request a review of their case if they feel that the response from local agencies has been inadequate. The government has labelled this right the 'Community Trigger'. This paper first explores the context behind this reform which has included evidence of a systematic failure among agencies to recognise the potential impact of ASB, coupled with a lack of legal remedies for victims who are dissatisfied with the handling of their case. The paper then examines the provisions and how they are likely to operate in practice. It argues that whilst there is a risk that the trigger may operate to falsely raise the hopes of victims, it has the potential to provide an effective mechanism for holding agencies to account. Furthermore, if successful the trigger may have wider application for victims of other categories of crime.

Khanyisela Moyo	Criminal Justice and Accountability for the "Gukurahundi Genocide" in Matabeleland, Zimbabwe	3C

Abstract: This is a theoretical framing paper which explores domestic, international and universal justice options for dealing with the Gukurahundi genocide which occurred against the Ndebele of Zimbabwe between 1982 and 1987. It is well documented that approximately 20,000 unarmed civilians were killed by a North Korean trained Fifth Brigade as part of the state's attempt to quash dissent. Twenty six years after this " genocide", there has been no justice for the victims, largely because of amnesties which were granted in the aftermath of the genocide, reluctance to accept that Gukurahundi was a genocide and the fact that the alleged perpetrators are in power in Zimbabwe. Against this background, the paper starts by explaining the legal basis for framing the Gukurahundi massacres as genocide. It then uses "late justice" comparative case studies to discuss the inter-play between domestic and international criminal justice options. Also, the paper discusses prospects for universal jurisdiction if domestic justice is not possible. Further the paper discusses the jurisdictional hurdles of the International Criminal Court (ICC) as well as the contemporary politics of Africa and the ICC as way of highlighting the inadequacies of international criminal justice.

Kirsteen Mackay	The view from Scotland: why maintaining access to court is necessary in family actions	5F

Abstract: Although both the Scottish jurisdiction and that of England and Wales have faced drastic cuts to their legal aid budgets, the changes to the family justice systems have differed dramatically. In England and Wales, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) has meant that in family actions it is now not possible for an individual to obtain legal aid for advice from lawyers or representation in a court of law, unless theirs is either determined to be an 'exceptional' case or they can provide specified, recent, evidence of domestic or child abuse.

In Scotland however, legal aid continues to be available to all of the 70% of the population who qualify on income grounds, should they feel they need to raise a court action in respect of financial provision or over residence or contact with children. While family mediation is available in

Scotland for those who wish to use this resource, this is seen as complementary to the court system but is not considered a complete alternative to the work of the courts.

This paper outlines the different responses to family justice reform in the two jurisdictions before considering the likely ramifications of the removal of legal aid for family actions on those cases where domestic or child abuse has occurred, but the documentary evidence in support of this as required under LASPO, is not available. Recent court-based research in Scotland reveals a significant number of cases may fall into this category as it is often investigations undertaken as part of the court process that result in evidence of abusive behaviour coming to light, as well providing evidence of the impact of that behaviour on the children whose futures are being decided and whose welfare should be the paramount consideration on both sides of the border.

Kirsten Ketscher	Social tourism – Abuse of welfare benefits in EU?	4A

Abstract: Free movement for workers in the European Union has as a side effect generated the concept of 'social tourism' or 'benefit tourism'. The core of this concept is partly based on the risk from foreign union citizens abusing free movement to get welfare benefits in stead of taking a regular job. Partly the concept is based on the traditional idea of sovereign states' right to favor own citizens and consequently discriminate other union citizens because of nationality and their lack of attachment to the national member state in question. Member states have tried variations over the theme of residence demands or other kinds of criteria (e.g. tax payment) as conditions for foreign workers obtaining the same social security rights or social advantages for themselves and their families as national citizens.

The aim of this paper is to pinpoint this concept as a figure in EU legal sources (Treaty, EU-charter, social security reg. 883/04, social advantages reg. 492/2011 ,residence directive 2004/38). Recent legal practice from the Luxembourg court (incl. general advocate opinions) will be analysed and assessed by contrasting the legal argumentation of the Court with arguments from reluctant union member states.

Kris Gledhill	Assessing Human Rights Compliance of Mental Health Law	1G

Abstract: A question that might arise is how compliant with human rights standards is the mental health law of a particular country. For example, there may be a reform process ongoing and the search is made for an exemplar. I am working on the question in the context of seeking to explain the factors behind the much greater range of challenges based on human rights points to the mental health law in England and Wales when compared to the experience in New Zealand; a sub-part of this is whether the legislation in New Zealand is simply "better" from the prospect of human rights compliance (and so less open to challenge).

This raises the question of an auditing tool to provide an assessment of this which has some objectivity. This is consistent with developments in many areas – include in mental health risk assessment - that seek to supplement (or even replace) more subjective judgment with elements that can assist in a more neutral or objective assessment.

This paper outlines the structure of the idea, the existing documents that are available (such as (i) the World Health Organisation Resource Book on Mental Health, Human Rights and Legislation, which has been used by Kelly in a comparison of the Irish and English schemes (Kelly B.D., "Mental health legislation and human rights in England, Wales and the Republic of Ireland", International Journal of Law and Psychiatry, 2011, 34, 439-454); (ii) the UN Mental Health Principles (GA Res 46/119 of 17 December 1991); and (iii) principles established in the case law of the European Court of Human Rights), and presents some ideas for the methodology that might be used to conduct an audit involving such a tool.

Kyela Leakey	Judiciaries in newly independent Africa: an analysis of institutional design in the Independence Constitutions and beyond	8D

Abstract: This paper is about the context of, and background to, the legal and constitutional framework of judiciaries in newly independent Commonwealth nations in Africa. Independence constitutions placed the Chief Justice at the apex of the organization - as head of the judiciary with broad discretionary administrative powers. This paper considers the development of the 'common-law model' of judiciaries in Africa using an analysis of the documents relating to constitutional assemblies and conventions that took place prior to the adoption of independence constitutions, as well as the independence constitutions themselves. It then goes on to explore whether this model has endured in Commonwealth Africa, and if so, what impact it has had on the development of the role of the Chief Justice, and on the constitutional status and role of African judiciaries since independence in a selection of case studies.

Larissa Boratti	Framing an environmental justice approach to urban-environmental decision-making	2L

Abstract: The research focuses on and contributes towards developing a theoretical framework of environmental risk management in the context of urban-environmental decision-making in Brazil. It does so by integrating risk management and environmental and social justice as key elements of law and policy. Particularly, the purpose of this paper is to present one of the bodies of literature which helps to build up this framework: environmental justice. It is argued that the environmental justice concept might be framed as an analytical tool and policy principle, useful for diagnosing and addressing inequalities, in particular the unequal territorial and population distribution of environmental risks in cities, as well as for questioning the capacity of institutions to formulate regulatory mechanisms. To this end, the paper examines the activist, political grassroots origins of the environmental justice concept and investigates how authorities have embraced it in terms of policy and legal developments. Firstly, it examines the environmental justice movement in the US, tracing how the interaction between environmental concern and social struggles claims was integrated into mainstream environmental policy. Secondly, it analyses the progress of the issue in the UK, with particular interest in two aspects: the incorporation of the concept as policy principle into the sustainable development framework, and the emphasis on procedural justice guarantees. Thirdly, it draws on the historical conditions that gave birth to the environmental justice movement in Brazil, in order to provide a foundation for an analysis of a localized meaning of environmental justice. It concludes by outlining a concept of urban-environmental justice as normative guidance for decision-making and legal process.

Lars Branscheidt	Diagnosing of Social Psychological Theories in Legislation and Case Law	5H

Abstract: From jurisprudential perspective it is plausible to suppose that law is accepted by human beings if it respects social principles. To cite legal theorist Jellinek: there are "social psychological powers". Until now social psychology has not explored particular legal norms yet. Law & Psychology mostly focuses on investigations in the law environment but not of the law itself. Keeping in mind that the generally accepted way of dealing with law is interpreting and not experimenting like in social psychology, legal scholars agree that psychology can contribute to law if it helps to interpret legislation and case law. In this conference paper a scientific approach for re-interpreting of legal norms by using social psychological theories and experimental results is introduced. This approach can be seen as a method of theory application. Whereas current methodology in social sciences focuses on theory testing and theory development, there is no detailed method of theory application in practice. The approach itself is comparable to medicine. The medical doctor does not experiment; he diagnoses diseases by finding symptoms. Here social psychological theories are diagnosed by findings characteristics of these theories. This method of theory application is based on the structuralistic theory concept, a well-known philosophy of science, and Peirce's explanatory hypothesis. By applying this method to labour law (German Protection Dismissal Act, German Participation Act) a proof of concept is provided. Identified theories are Organisational Justice, Control, Attribution, Self Awareness, Cooperation and Competition as well as Cognitive Dissonance and Self Perception. The presented method might be useful for other areas of application, too.

Leanne Smith	Chasing shadows: online information and advice about family law disputes	7D

Abstract: Online information and advice relevant to the resolution of family disputes has been available in a variety of forms and from a variety of sources for some time. In the UK, its potential significance is increasing due to factors including a proliferation of relevant websites, increasing internet use and measures aimed at delegalising family dispute resolution. In spite of this, we have little evidence about the range, quality or use of online information. Without such evidence, we cannot know what information is influencing family dispute resolution or whether reliance on misleading or inaccurate information is leading to decision-making that is unfair, or even detrimental to children; the 'shadow of the law' which once influenced much post-separation decision-making is becoming increasingly elusive. Furthermore, neither the potential nor the limitations of the Internet as a tool for the resolution of private family law disputes are properly understood at present and this is an obstacle to the future development of effective and accessible resources. This paper draws on a small survey of websites relevant to family dispute resolution to illustrate a pressing need for research and development in this area.

Leigh Roberts	**Heart like a swinging brick: The construction of disability by social landlords in their control of antisocial behaviour**	**6G**

Abstract: Under the Medical Model of Disability, disabled people are defined by their illness or medical condition and viewed as a problem to be cured or cared for. Under the Social Model of Disability, problems are caused by the environment, policies, legislation, practices and attitudes leading to a complex form of institutional discrimination. Social landlords are subject to fundamentally conflicted laws and policies: controlling antisocial behaviour while at the same time facilitating the Social Model of Disability by providing housing and social inclusion for mentally disabled people who may perpetrate antisocial behaviour (or be responsible for the antisocial behaviour of others). The Equality Act 2010 aims to facilitate the Social Model of Disability by removing barriers to disability equality. In particular, it provides defences to antisocial behaviour proceedings. A small scale empirical study of four social landlords in the North of England using qualitative methods was undertaken to explore how social landlords use antisocial behaviour controls against their mentally disabled occupants. Transcripts of interviews and focus groups were analysed using thematic (discourse) analysis. The paper will examine initial findings to date.

Ljb Hayes	**Zero-hour contracts as sex-based pay discrimination: a case to be made?**	**1B**

Abstract: Data gathered in interviews with care workers suggests that zero-hours contracts operate on the basis of sex-based assumptions about women's place in the labour market. It would appear that the contractual terms which are fundamental to zero-hours arrangements are those that produce the sex-based pay experienced by these workers. However, the law is not conducive to an assessment of sex-based pay discrimination under zero-hours arrangements. The paper suggests that the bridge between equal pay law and anti-discrimination law introduced by s71 Equality Act 2010 might offer some potential to establish fresh arguments.

Zero-hours contracts are a distinctive, and controversial, feature of the contemporary British labour market. There is no clear legal definition of 'zero-hours contracts' but the phrase describes a form of employment in which workers are engaged on terms that are so flexible as to deny the security of a minimum number of hours of paid work. Workers in the retail, catering and care sectors are those most likely to be employed on zero-hours contracts and they are predominantly female. In response to public concerns about income insecurity, the UK government has launched a consultation on zero-hours contracts in which the gendered aspects of their application and impact is overlooked. Nevertheless, the evidence suggests that zero-hours contracts are highly significant to large numbers of women in sex-segregated, sex-typed and low waged work.

There are a wide range of issues, aside from the issue of sex-based pay, which call into question the adequacy of current legal protections for workers engaged on zero-hours contracts (particularly in relation to young, black and migrant workers). However, the gendered aspect of zero-hours contracts may in part result from legislative intervention to temper sex-based pay in other forms. The National Minimum Wage Act 1998, Part-time workers Regulations 2000, TUPE Regulations 2006 relating to service transfers, and the Temporary Agency Workers Regulations 2010 each contain provisions which are framed in ways that, albeit inadvertently, increase the attractiveness of zero-hours contracts to employers who wish to pay women lower wages. This is one potential explanation for why zero-hours contracts have become a route through which women may receive sex-based pay without an obvious route for legal remedy.

In conclusion, the paper argues that the use of zero-hours contracts should be subject to review as a potential vehicle for sex-based pay detriment. The scope of s71 Equality Act 2010 has not yet been legally tested. However, that bridge which it provides between equal pay law and anti-discrimination law is potentially significant. With imaginative application, it may be possible to subject zero-hours contracts to legal scrutiny on grounds of sex-based contractual pay discrimination.

Lois S Bibbings	**Binding Husbands' Behaviour in Marriage: The case of the 'Clitheroe Romance'**	**7H**

Abstract: 2 Rover Street, Blackburn became the focus of national attention for a few weeks in spring 1891, following the abduction and subsequent imprisonment of Emily Jackson by her husband, Edmund. Having been forcibly seized as she emerged from Clitheroe Church, she was held under what were described as siege conditions, whilst her siblings strived to bring about her release. Their strategies included causing criminal charges to be brought against Edmund, along with making an application for a writ of habeas corpus on their sister's behalf. It was the latter course which they pursued most actively - hoping that by this means they might successfully challenge a spouse's right to enforce conjugality through captivity. Within days the case had been heard by both the High Court and the Court of Appeal, with the judges taking completely opposite views of the matter. As a result of the appellate ruling, on the twelfth day of her captivity Emily's freedom was restored.

As the Home Secretary of the time noted, the decision in R v Jackson [1891–4] All ER Rep 61; [1891] 1 QB 671; 60 LJQB 346; 64 LT 679; 55 JP 246; 7 TLR 382 was by no means revolutionary; it merely restated what had long been held to be the law. It was, however, an important case – not least to Emily, her two sisters and brother-in-law.

This paper casts the litigation, along with reactions to it, as one of a series of skirmishes over the proper role of men in marriage and, in more general terms, as forming a part of late nineteenth century attempts to legally bind men to better, more English, more civilised and more modern modes of behaviour.

Louise Taylor	**Improving access to justice for vulnerable and intimidated victims: Analysing the impact of the EU victims directive**	**6E**

Abstract: Due to the bipartisan nature of the adversarial system of justice in the UK, crime victims are not recognised as parties to proceedings with the result that they are not provided with rights by virtue of any special party status. Instead what has developed in this jurisdiction is a range of service standards which seek to improve the treatment of victims within the criminal justice system whilst simultaneously denying victims any legally enforceable rights to ensure that such standards are met. The current emanation of these service standards are found in the recently revised Code of Practice for Victims of Crime (the Code) which was issued by the Ministry of Justice in October 2013.

This paper will begin by giving an overview of the revised Code with a particular focus upon those parts of the Code relating to vulnerable and intimidated victims, and to those parts outlining the complaints procedures available to victims who are dissatisfied with the level of service received.

The paper will then consider the extent to which the revised Code is likely to satisfy the requirements relating to vulnerable and intimidated victims under Articles 22-24 of the new EU Victims Directive (2012/29/EU). This analysis will include a consideration of the treatment that vulnerable and intimidated victims receive in practice and the likely impact of locally commissioned victims services by Police and Crime Commissioners. Any potential shortfalls in service provision to vulnerable and intimidated victims will be highlighted.

The paper will close by emphasising the potential for the Directive to improve access to justice for vulnerable and intimidated victims, not simply by requiring that member states meet the requirements under Articles 22-24, but also by providing the mechanism by which dissatisfied victims

can competently raise an action for judicial review of an agency's breach of the Code; in effect providing victims with an avenue to legally enforce the service standards under the Code in a way that the Code itself does not envisage.

Louise Taylor	MOOCing the way to numerical literacy in law	3E

Abstract: Legal practitioners often declare that they are innumerate (Obama 2011). Whilst this may be the case for some, for others the development of negative attitudes about maths, and about their own numerical literacy, is intrinsically linked to high levels of maths anxiety (Ashcraft 2002: 181). Furthermore, research indicates that those suffering from maths anxiety may perform less well when tackling numerical tasks, not as a result of a true lack of numerical literacy, but rather as a result of the maths anxiety itself (Lyons and Beilock 2012: 2109).

The main coping mechanism for people suffering from maths anxiety is maths avoidance (Buckley 2013). It is therefore unsurprising that the legal profession, with its focus on language literacy, attracts maths anxious individuals who recognise the profession as somewhere to demonstrate intellectual prowess whilst engaging in maths avoidance strategies.

The QLD is required to include an opportunity for students to demonstrate numeracy (QAA 2007: 8.2) but the evidence indicates that this is only nominally observed by law schools (Taylor 2013). Against such a backdrop LETR's identification of commercial awareness (incorporating numeracy) as an area of deficiency in legal professional knowledge is unsurprising (LETR 2013: 2.74-5). Of greater concern is the finding from Rowell and Bregant's study which indicates that the level of numerical literacy of the practitioner can have an effect on the reasoning processes undertaken when that practitioner makes certain legal decisions (2013: 41). Worryingly this suggests that the capacity of a practitioner to competently represent their clients may be impacted by their level of numerical literacy (Milot 2013: 788).

This paper will outline the problems faced by the profession, and by those using the services of legal professionals, of allowing law students to engage in maths avoidance strategies during their degree studies. It will then contend that those entering the legal profession need to be equipped to deal comfortably and competently with numbers in order to make reasoned legal decisions in the interests of their clients.

The paper will go on to suggest an innovative approach to addressing innumeracy and maths anxiety amongst law students by giving an overview of a MOOC that has been developed to tackle these issues by incorporating maths tuition and cognitive behavioural therapy sessions.

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Lucia Payero	Catalan Self-Determination: A Legal Analysis	5C

Abstract: Is Catalonia entitled to self-determination? This question can be answered either in a moral or in a legal sense. This paper adopts the second perspective: it focuses on the international and/or domestic recognition of a right to self-determination allocated to nations within liberal-democratic states. Due to the topicality of Catalan self-determination, I will take the Catalan case as my point of reference.

The paper will be arranged in three parts. First, United Nations' documents on self-determination will be analysed, trying to assess the real scope of the international regulation of this right. Second, the Spanish legal framework will be examined, particularly the Constitution of 1978. Third, as the Spanish Constitution forbids self-determination of peripheral nations, options available for Catalan nationalists to reverse that situation will be evaluated.

Lucy Crompton & Catherine Edwards	A truly practical experience? The transactional day as an example of good practice on the Legal Practice Course	5E

Abstract: With the advent of the Legal Education Training Review putting the focus firmly upon vocational work based learning, it is timely to discuss the extent to which the Legal Practice Course (LPC) is truly transactional. We shall discuss this in the context of the core subject of Property Law and Practice (PLP).

Many students struggle with the esoteric nature of land law and dread PLP on the LPC. A criticism that is often levelled at the LPC is that classroom teaching and learning does not prepare students adequately for practice. The authors were very conscious of this when redesigning the Property Law & Practice Course at Staffordshire University. The course is now immensely practical and heavily transaction based.

A central case study runs through the course, with students performing practical tasks, advising the clients and building up realistic case files on the sale and purchase as the transactions progress. This is an approach adopted by many providers but we have found it is much more effective if followed by detailed consolidation. We achieve this by devoting an entire day to a 'transactional day'. Students work in small groups of 2-3 with half acting for buyer and half acting for seller on a registered freehold transaction. Liaising with their designated opposite numbers, students run the whole transaction from start to finish, negotiating amendments to documents and corresponding with their counterparts from pre contract all the way to post completion tasks. Tutors are available throughout the day to offer guidance but also to act as clients, local authorities, the Land Registry, lenders, etc.

In particular we feel that the interactive nature of day allows us to test not just student understanding but their ability to relate to a client using appropriate language and tact. This brings the subject to life and consequently aids student understanding of PLP. For example an issue regarding the death of a joint owner is an important lesson in client care, tact and behaviour to many students and a source of huge fun to tutors roleplaying the role.

Student feedback on our PLP course is consistently excellent and we have seen an increase in our pass rate since redesigning the course. PLP is rated highly by the students for interest and engagement which is very gratifying for a subject that is traditionally viewed as the bête noire of the LPC.

The paper will explain the approach in more detail, especially the workings of the transactional day, and also attempt to glean from student feedback what they find most useful about this approach and how it can be improved in future.

Luke Moffett	Addressing complex identities within the International Criminal Court	4D

Abstract: The International Criminal Court was established in 1998 to combat impunity by prosecuting and punishing those most responsible for international crimes. Although there has been much debate about the Court's role in relation to domestic transitional justice processes with issues of peace versus justice in situations such as Uganda, there is a more entrenched problem of using criminal justice to tackle international crimes and the complex identities of perpetrators and victims that can arise. This is apparent in the Ugandan situation and the first conviction of Thomas Lubanga, which raised the profile of the use of children in armed conflict. However, issues of recognition, responsibility and agency of child soldiers as victim becomes more complicated when such individuals become adults and commanders within armed groups, or whether the victims of child soldiers can be recognised as victims before the Court. Moreover the individualisation of responsibility for international crimes by prosecuting commanders or heads of state, fails to reflect the reality that such crimes are collectively committed by groups and at times facilitated by the state. This can leave a gray zone between those found to be responsible and those recognised as victims, with an accountability gap of other individuals involved in the commission of such crimes. While some of these individuals may be forced to commit such crimes or victimised themselves, this paper explores mitigating factors in their criminal responsibility within the legal framework of the ICC. An added dimension within the ICC when it comes to these complex identities of victims and perpetrators is the provisions on reparations, which straddles issues of victim recognition and responsibility of perpetrators. Accordingly this paper examines the flexibility of 'justice' by the ICC and corresponding complementarity by state parties in dealing with these complex identities and issues of acknowledgement, responsibility and agency.

Lydia Bracken	**When mater certa semper est is not always certain: Rethinking parentage in surrogacy**	**4G**

Abstract: In the past, it was perhaps prudent to apply the presumption of mater certa simper est, that is "motherhood is always certain", to allocate motherhood given that there were few births to which it would not apply. Nowadays, however, the advancement of artificial reproductive technologies has meant that, in some cases, the woman who gives birth to a child will not always be the genetic mother. In this context, it is disappointing that the mater certa simper est presumption still applies under the Human Fertilisation and Embryology Acts 1990 and 2008, such that where a surrogate mother gives birth, she will automatically be deemed to be the legal mother regardless of genetic truth. A parental order can be sought by the commissioning parents so as to reassign parentage following the birth but this order cannot be made for the first six weeks following the birth. As such, during this time, the surrogate mother will remain the child's legal mother.

This paper will argue that the presumption that motherhood is always certain does not reflect the reality of many births and so it should be abandoned. Rather, it will be submitted that the intention of the parties should be used to determine parentage in surrogacy. In this regard, the South African system which employs an intention-based model of parentage in cases of surrogacy will be assessed as will recent Irish jurisprudence which established that the presumption of mater certa simper est was a rebuttable one and so only the genetic mother was to be regarded as the legal mother. Ultimately, it will be submitted that the presumption has no place in modern legal system given that it is clear that nowadays motherhood is not always certain.

Lynsey Mitchell	**The Power and Legitimacy of Legal Language in Framing War and Conflict**	**6N**

Abstract: There is a current tendency in the west to depict the wars in Afghanistan and Iraq as 'just wars'. This trend operates by invoking themes and tropes that are familiar from World War II in which the allies fought against tyranny, evil and dictatorship and also World War I, which for many was the ultimate 'just war'.

This need to depict war and conflict as 'just' or benevolent speaks to an awareness of the need to sell wars to the electorate. Therefore politicians seek to frame these wars within tropes of benevolence and duty and justify them further by invoking legalistic language. The 'just war' has always been attractive because it appeals to a sense of morality or justice. However the original ideology was abandoned as a legal norm because it was seem to be an entirely subjective and emotive construction. Therefore, the return of the 'just war' paradigm is problematic because it continues to be a self-justifying concept and also because it obscures other, more complex narratives and realities that would frame war very differently.

This paper seeks therefore to examine how recourse to legalistic language and legal ideologies such as 'just war' bestows legitimacy on powerful states who frame their use of force within this narrative. This paper highlights the danger in obscuring other narratives and realities and questions why legalistic language is so attractive to powerful states. It will also consider the current trend to cloak armed conflicts in humanitarian or anti-terrorism rhetoric and argues that these are a modern incarnation of 'just war' theory. It will conclude that the outcome of utilising such language is to co-opt narratives of humanitarianism to justify war, in effect allowing some powerful states to circumvent the international prohibitions on war.

M. Isabel Garrido Gómez	**Legal Articulation on Women and Transnational Family**	**2K**

Abstract: Women´s rights and family questions are currently undergoing changes in that underlying values have been inverted. Major differences can however be observed and different models prevail in the transnational context. There are four separate options, in fact, according to whether one adopts a view based on liberalism/authoritarianism or on egalitarianism/non-egalitarianism: the absolute nuclear family, the egalitarian nuclear family, the birth family and the community family. Women´s rights can be said to revolve around these principles. This essay therefore examines equality with regard to drafting legislation in the light of both dimensions and considers the current tendency to specify the rights of the family. The essay concludes with an analysis of some of those rights and setting out the cultural and ideological, political and economic issues that necessarily serve to question the subject of this study.

The subject of transnational family crops up again and again whenever the desire to examine realities that have undergone profound change arises. The family unit has effectively changed in modern times and can be constituted and structured in a variety of ways. Movements that have in some way affected that process of change have sprung up in this regard right across Europe, albeit at different times. Reference is made to a menu of variations on family life, from which to choose the desired variation. Families range from matrimony, with or without children, common law couples, single parent families, reconstituted families, etc. There are also para-style families and homes that are not family-based.

The predominant structure within the European Union, furthermore, despite the manner in which domestic structures are evolving, is the family home. These variations on family units however differ according to the different areas. The proven extent of that diversity provides a mirror image of the overriding values so important in family structures, with economic, cultural, technological, employment, town planning and social changes having a particularly strong effect but these transnational structures affect to the woman.

Clearly, along the lines of these observations, Europe came into being as a separate entity arising out of historical-cultural factors poured into a diverse anthropological mix and in addition to this there is the desire to introduce different family models as appropriate to the implosion of immigrant settlers who embody quite different ethical values. Judicial and political protective mechanisms have come about as a result of the right of such people to autonomy and personal freedom. Nevertheless, and pursuant to the line of reasoning used here, there is a need to establish boundaries based on dignity as a pillar of judicial order, to link justice, society and human rights together and to design Law that will enable families to realise their full potential.

Madhumanti Mukherjee	**The 'Responsible Woman' and Patriarchy: is she really out of her mind?**	**6K**

Abstract: In this paper I explore the concept of 'responsibility' in relation to women's personhood in Western and postcolonial law and philosophy. Responsibility and the related notions of autonomy, agency and rationality are fundamentals of the Western legal and philosophical systems. But at the same time, women have long been depicted as irrational, heteronomous (non-autonomous), perpetually victimised beings. Even in feminist

theory and politics, the agency/victimhood debate is still contentious. In legal personality, the idea of responsibility is fundamental. An entity who is not able to take responsibility for its actions is rarely accorded full legal personhood, and hence by extension complete legal rights. The notions of rights and responsibilities are deeply connected.

In this paper I want to explore the notion of the 'responsible woman' in relation to their role in the maintenance and perpetuation of patriarchal structures of the society. Women consistently play an important role in supporting, perpetuating and maintaining patriarchal power imbalances. They take part in imposing patriarchal controls, causing patriarchal harms and maintaining patriarchal exploitation of other women. There have been debates within feminism as to whether such women are to be defined as suffering from a false consciousness; in other words, are they 'victims' of patriarchy who does not know what is good for them? Or are they autonomous agents who have chosen to support patriarchy? Are they agents or victims? Can they be both?

The problem of saying that a woman who is instrumental in the 'genital cutting' of her daughter, the woman who kills her daughter to preserve family honour, the woman who helps a man to abuse her own child, or the woman who campaigns for a misogynistic political party are all 'out of their minds' is that anyway this is what patriarchal theories have been trying to prove for a long time – that women are irrational, stupid and unreliable as sources of knowledge. That they cannot take decisions that are 'good' for them, and hence need law's guidance or male guidance. For example, the marital exemption to rape. She is constructed as the one who does not know when to not say 'no,' therefore her 'no' is overriden by the laws voice which says 'yes' for her.

It is not good enough for feminism to echo this patriarchal strategy of silencing certain kinds of voices. My paper will argue that the best strategy is to take responsibility for all the decisions that women have made, all the paths they have walked down, every way they have looked as individuals and as groups to bring patriarchy to its current form. The women who perpetuate and maintain patriarchy is so many different and complex ways are not out of their minds; their decisions may be problematic and self-defeating, but they have taken them and are ready to take responsibility for them. In the long run, only that which we understand to be our doing can be changed by us. We cannot change things that we have not made in the first place.

To summarise then, this paper theorises that responsibility is an essential part of legal and moral personhood, and the best way feminists can ensure women are constructed in legal and political discourses as autonomous agents and not just objectified irrational victims in need for 'salvation', is to take our share of responsibility for the patriarchal social system to participate in building, sustaining and perpetuating.

Maebh Harding and Annika Newnham	**Shared parenting: research findings**	**3H**

Abstract: This paper presents findings from an empirical study, funded by the Nuffield Foundation. The research examined 197 'section 8' cases from five different County Court areas in which final orders were made in 2011. The study looks at shared parenting in its broadest sense; involvement by both parents. The paper will examine the type of involvement sought by applicants and the typical problem solving processes which were used by the courts to build trust between the parties and come to a practical solution for parents and children. The paper will analyse the final outcomes for parties in these disputes. The typical time sharing patterns used to facilitate involvement by both parents will be examined, as well as, the factors such as domestic violence or child safety concerns which lead the court to exclude all involvement by one parent.

The paper will consider the potential effect of the 'parental involvement' presumption under the proposed Children and Families Bill.

Malgorzata Margaret Carran, Laura Hooke & Marlon Gray	**Preparing law graduates for the future - the integration of an employability module into compulsory LLB curriculum**	**5E**

Abstract: The significant increase in the number of law graduates from a variety of backgrounds coupled with the limited demand for legal professionals necessitates law degrees to equip students not only for the skills required for the legal sector but also for other alternative professional careers. A strong academic qualification currently constitutes a mere pre-requisite for a successful job application. Current employers expect self-aware applicants who demonstrate the flexibility and resourcefulness needed for the continually changing global market.

In order to bridge the gap between the protective educational environment and the demands of professional life we have developed and introduced into the core LLB curriculum the Graduate Market and Employability module. It draws from the combination of traditional career frameworks and student-centred pedagogical approach and aims to reach out to all students including those who are in need of career support but who are least likely to seek it out unless prompted by formal requirements. The innovative format of lectures and online self-directed units forces students to engage in self-reflection and empowers them to manage their own careers.

This paper discusses the content of the module, how it was developed and its effectiveness in encouraging students' engagement in career activities. Further, it presents thematic analysis of the findings from the qualitative focus groups carried out with our LLB students that aimed to discover what impact the module had on students' behaviour, perceptions and their own career management planning and how it influenced their attitudes towards and satisfaction with their overall programme.

Marcus Soanes and Robert McPeake	**Does Labelling Complainants "Victims" Pervert the Course of Justice?**	**5N**

Abstract: The discussion will draw conclusions on whether labels of victimhood in pre-verdict criminal litigation endanger the course of justice and if so to what extent.

The late 20th century witnessed a growing concern for the wellbeing of complainants and witnesses in the criminal justice system. It was acknowledged that they deserved better treatment by investigators, courts and lawyers. One outcome was that alleged victims of crime and then witnesses in general were offered support through the courts' services. Such practical help was accompanied and sometimes preceded by political rhetoric that popularised an analogy between victimhood and the making of a complaint to the police. There followed a rapid re-lexicalisation of those who were alleging crime now as victims of crime before and at the trial of those indicted with those alleged crimes. This process was itself supported and furthered by legal frameworks that sort to rebalance, as it was seen, the unfairness encountered by complainants of crime against the unfair advantages of defendants/criminals.

This paper will chart these linguistic and ideological developments and set them within the context of the adversarial criminal trial in England and Wales. In particular it will analyse the impact of these processes of relabeling to understand better how central concepts of the criminal trial including the defendant's right to confront his accusers are being changed in subtle but nonetheless significant linguistic and other ways.

The language and rhetoric of stakeholders in the criminal justice systems such as the police, Crown Prosecution Service and the Judicial College as well as ancillary services that are dedicated to supporting the victims of crime will be explored, and the likely impact of the use of victim and its synonyms on finders of facts – especially jurors – within the contexts of the role of preconceptions and stereotypes and storytelling in criminal trials.

Margaret Fitzgerald O'Reilly & Susan Leahy	**Reform of the Irish Rules Relating to Admissibility of Bad Character Evidence in Rape Trials**	**4R**

Abstract: The admission of bad character evidence of the defendant in rape trials is a complicated and controversial one. In rape trials there is often a tendency to admit evidence of a complainant's sexual experience (and increasingly evidence of mental illness or troubled past in the form of counselling or social welfare records) in order to impugn her credibility. This is an oft-criticised aspect of these trials due to the ambiguous relevance of such evidence and also because it can make the victim feel as though they are the ones on trial. In order to remedy this perceived injustice it may be necessary to ensure that there is a means of deterring the defence from seeking to adduce such evidence. One possible

deterrent is to create a nexus between the introduction of such evidence and the introduction of bad character evidence of the accused. In Ireland at present the rule governing admissibility of bad character evidence generally is one of exclusion, given the highly prejudicial nature of such evidence. There are exceptions to this general rule, both when such evidence is sought to be admitted in chief examination and under cross-examination. This paper seeks to focus primarily upon the law governing cross-examination (under the Criminal Justice Evidence Act 1924) and possible reform thereof.

First the authors will highlight some of the problems inherent in admission of complainant's sexual experience in rape trials. This will be followed by an examination of the current rules governing admission of the defendant's bad character under cross-examination. In order to ascertain avenues for reform in Ireland the authors will undertake an examination of the rules governing this area in Scotland (under the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002) and in England (under the Criminal Justice Act 2003). The Scottish regime could be a particularly useful resource in assessing how best to reform the rules in this area to ensure that genuinely relevant character evidence is admissible in rape trials. The Scottish regime is specifically tailored to deter the use of sexual experience evidence and seeks to discourage the use of this evidence by providing that where it is introduced, this permits disclosure of any previous convictions which the accused has for sexual offences. The paper will conclude by considering the benefits of adopting similar reform in this area of the law in the Republic of Ireland

Maria Helen Murphy	**The Pendulum effect: Comparisons between the Snowden revelations and the Church Committee. What are the potential implications for Europe?**	**3M**

Abstract: Following the exposure of the National Security Agency's mass surveillance practices by Eric Snowden, the world has, once again, been questioning government surveillance activities. At the centre of this debate has been the controversial right of privacy.

It has been noted that popular opinion concerning the right to privacy tends to operate on a pendulum. At times, the media portrays privacy as an individualistic right, serving at the behest of criminals, terrorists, and extreme liberals. Every so often, however, an event occurs that starkly reminds the public of the value of privacy. Public opinion drives debate and this debate often leads to legal reform. The Church Committee, formed in response to the Watergate affair, is the classic example of the effect the exposure of abuse can have on the regulation of privacy. Over time, such legislative gains have a tendency to erode. In addition, extreme events, such as the terrorist attacks of 9/11, can cause the pendulum to swing back to the opposite position.

It follows that the key question for 2014 is whether the "Snowden effect" will lead to significant and lasting reform of surveillance laws and practices. In the US, the picture remains uncertain. In the aftermath of the Snowden revelations, we have seen both pro-privacy and anti-privacy court decisions. The public statement of President Obama is also open to interpretation. It appears possible, however, that a shift has occurred in the perception of privacy among legislators and the public.

This paper seeks to consider the transatlantic impact of the NSA revelations. Particularly, this paper analyses whether the proposed reforms by the Review Group on Intelligence and Communications Technology have pertinence for the regulation of surveillance in Europe.

Maria Orchard	**Exploring the Intersections of Maternity Protection in the United States**	**1J**

Abstract: Both Sweden and Canada have implemented paid family leave policies, which vary in their generosity, but the United States remains an outlier, bound by a sense of individualism. The US considers itself a leader in the promotion of human rights, yet is notorious for its double standards. It is the only industrialized nation on earth without mandated paid maternity leave, and this is just one way in which it continues to marginalize women. This paper will focus on the inadequacy of US law with regard to maternity protection, while also identifying instances where Swedish and Canadian social policy and equality rights are lacking. It will be presented from an intersectional perspective so as to reveal the inequalities of current US policy that fails to acknowledge the various social locations of individuals. In addition to intersectionality theory, it will consider welfare regimes, individualism versus collective responsibility, the status of socio-economic rights, the labour market, gender neutrality and equality norms – all to provide insight into how governments view and address women's rights. Part 1 will explain the different welfare regimes to which each country belongs: liberal, social democratic and the emerging 'social liberal'. Part 2 will lay out the relevant international human rights instruments that address socio-economic rights and intersectionality. Part 3 will describe the structure of maternity, paternity and parental protections in Sweden, Canada and the US. Lastly, Part 4 will explore why US social policy varies so greatly from that of Sweden and Canada, and how differences in law and perspective have resulted in non-recognition of the right to maternity protection. The ultimate goal is not to suggest an absolute solution, but to broaden perspectives and consider the various dimensions and hindrances of the right.

Marian Duggan and Vicky Heap	**Exploring socio-legal responses to anti-social behaviour and hate crime**	**4F**

Abstract: Anti-social behaviour (ASB) and hate crime share a number of connections: both are relatively recent socio-legal notions, both are underpinned by their subjective nature and both have laid the foundational concepts for reimagining the 'victim' in the criminal justice system.

Since the Coalition came to power in 2010, victims of crime and ASB have been promoted to the forefront of criminal justice policy developments. The status of victims has been elevated, but in a prescriptive manner that determines the most appropriate course of action. However, the 'appropriateness' of this action can be called into question as to whether it serves the victim's needs, or if instead it is predicated on the wishes of the authorities.

This paper discusses socio-legal responses to ASB and hate crime, situating these within a victimological framework of analysis in order to exemplify the changing political status of victims in contemporary rhetoric regarding criminal justice.

Mariana Chaves	**The nature of EU's harmonisation of national criminal law**	**6C**

Abstract: The competence of the European Union to harmonise substantive national criminal law was for many years limited and controversial. The Treaty of Lisbon has changed this and has recognised a broader competence for the EU to seek the harmonisation of criminal law. Being criminal law an area of particular legal, cultural and political sensitivity, it is timely and important to examine the distinctive features of EU's harmonisation of national criminal law. This paper seeks to analyse exactly that. In particular, it asks what is the focus of EU's harmonisation of national criminal law and what type of influence does it have on national legal orders.

The paper has a twofold argument. First, it argues that EU's harmonisation of national substantive criminal law focuses on a particular type of criminality - 'Euro-crime'- crime characteristic of contemporary societies in which things became more volatile - from the movement of people between continents and within Europe itself, to the movement of money through financial systems across the world or the flow of information on the Internet. These developments and common challenges created complexities and common perceived threats that the EU sought to criminalise. It is suggested that Euro-crime has two dominant features: first, the nature of the goods protected. The criminalisation of these behaviours tends to protect public goods or goods related to collective institutions or collective interests, such as the stability of the political and financial systems, the security of the institutional framework of the European Union or the efficacy of its policies. A second defining feature of Euro-crimes is its distinctive structure. They appear as complex offences in a twofold manner: they often involve the use of some sort of infrastructure in a broad sense such as the use of means of transport, technology or the use of support materials. Furthermore, Euro-offences also tend to require a certain degree of organisation or at least of a certain collective action, if they are to be effective.

Secondly, the paper suggests that although harmonisation focuses on a particular type of criminality only and although it was envisaged as minimal, measures adopted are potentially bringing about a more severe penality across the European Union. This is taking place by increasing levels of formal criminalisation in Member States, by requiring States to introduce new crimes or to extend the scope of pre-existing offences, and

by requiring them to extend liability to legal persons as well as establish minimum maximum punishment. Furthermore, this minimum harmonisation places more pressure on more lenient States as these are more likely to have to amend their national provisions in order to meet the EU standard.

Mariana Oppermann	Trapped in Borderline legal incapacity: an Australian case study	1G

Abstract: The label of Borderline Personality Disorder carries with it particularly damaging presumptions of both manipulative neediness and of recurrent inability to perceive and act upon one's own 'best interest'. These presumptions, combined with high rates of self-harm and suicidality, frequently lead to the involuntary provision and the involuntary denial of treatment and support.

This paper brings together quotes from Mental Health Tribunal proceedings, from medical records, from a complaint to the Human Rights Commission and from a young woman herself to explore the role played by law during her experience of acute mental illness in Australia. By closely analysing this material, I look behind the reified 'facts' that become the subject of the occasional appeal, at the mundane reality of Law's incapacity to provide its promised protection.

I trace the manner in which risk, capacity and appropriate care become points of contention that frequently involve direct and indirect legal intervention, but at the same time the manner in which the Borderline diagnosis itself discredits those (predominantly women) given the label. The attempts by these vulnerable individuals to protect their needs, preferences and rights are often disregarded as symptomatic of a pathology that must be treated by clinicians, rather than protected by Courts.

Marie Burton	Place and the development of social welfare legal aid	3O

Abstract: We are currently entering a new phase of social welfare legal aid provision, involving the shift from face-to-face to telephone advice for many legal aid clients. The increasing use of remote forms of communication gives rise to questions about the role of the site of encounter between lawyer and client in relation to legal aid service delivery. In this paper I propose to explore how place has influenced the development of publicly-funded social welfare law advice provision and how it may affect the nature of legal aid service delivery in the future.

The impact of place is an issue rarely considered in accounts of the development of social welfare law. However, once events are viewed from the perspective of place, its influence can be clearly seen. During the 1960s, despite legal aid being available for social welfare law matters, levels of take up remained low. For reasons related to maintaining their professional standing, the traditional lawyer's office remained physically remote from and socially hostile to low income clients. It was not until the 1970s, when the alternative justice movement, as exemplified by law centres, took their services into disadvantaged communities, that the level of social welfare legal advice funded by legal aid increased (Smith, 1997). It was therefore through subversions to traditional notions of the appropriate place and space of legal business that law centres were able to provide more meaningful and effective legal aid services to disadvantaged clients. The recent shift from face-to-face services to telephone advice provision represents the next stage in the story of place and social welfare legal aid. It could be argued that the convenience of allowing clients to contact legal aid services from their homes is another disruption to traditional models of service delivery, which improves access to legal services for social welfare clients. Yet, physical proximity and local situatedness seem to have been part of the reason why law centres were successful in reaching this client group in the 1970s. This presentation will explore how place has been relevant to the development of social welfare law in the past, with a view to suggesting how place, in the form of remote services, may continue to be relevant in the future.

Mark Butler	To consult or not to consult? The requirement of consultation under s.188 TULRCA following the USDAW litigation	2B

Abstract: The High Street has been hit with a number of high profile companies entering administration as a result of the tough economic times they face, including Woolworths and Ethel Austin, the subject of the recent case of USDAW v Ethel Austin Ltd (in administration) and another before the Employment Appeal Tribunal and the Court of Appeal. Inevitably, when a company enters administration redundancies generally follow, with quite significant numbers in some circumstances, this reaching some 27,000 workers on the demise of Woolworths alone.

When collective redundancies are on the horizon the Collective Redundancies Directive (Dir 98/59/EC) provides certain information and consultation rights for the workforce if they satisfy quantitative thresholds; however, implementation of the right into UK law is questionable, with USDAW raising questions as to whether the UK's approach under s.188 of the Trade Union Labour Relations (Consolidation) Act 1992, which precluded claims for protective awards for failure to provide the required consultation from workers who were employed at stores employing less than 20 workers, the threshold in the legislation for such rights, given that it calculated numbers of workers by reference to individual stores rather than across the enterprise as a whole.

Before the EAT three European principles were raised with a view to concluding that a more favourable right derived from the Directive should be applied in the UK, and provide compensation for those workers that were working at stores with less than 20 workers by aggregating the entire workforce to satisfy the threshold:

1. Indirect effect, or the requirement of harmonious interpretation;
2. Vertical direct effect of the Directive against the State, since the Secretary of State had become a party to proceedings; and
3. Horizontal direct effect of the principle as contained within the Charter of Fundamental Rights.

The EAT provided its views on each of these European principles during the substantive hearing; however, following an appeal to the Court of Appeal it was decided that a reference under Article 267 of the Treaty on the Functioning of the European Union is to be made. This paper seeks to analyse these issues with a view to predicting the approach that the Court of Justice is likely to adopt in these circumstances, along with the implications that this may have for the UK approach to collective redundancies.

Mark Smith, Steve Kirkwood & Clare Llewellyn	Gathering data on allegations of sexual abuse made against former disc jockey, Jimmy Savile	4R

Abstract: The highest profile sex abuse scandal in recent years is that revolving around the former DJ, Jimmy Savile. It has repercussions for individuals prosecuted in the wake of the case but its fallout has also reverberated among major societal institutions such as the BBC. The reaction to Savile has seen a significant shift in criminal justice policy and practice. The Yewtree Report into the case, conducted by the Metropolitan Police and the English Crown Prosecution Service, concluded that Savile was a predatory paedophile, a judgment reached without due process of law. It rests on the veracity of the accounts of those who claim to have been abused, yet historical accounts of abuse raise a host of evidential and wider epistemological issues. The initial allegations made against Savile emanate from a residential school in the South of England. When the story broke, another former resident of the same school contacted researchers at the University of Edinburgh. She claimed to have copious information contained within blogs, comments on these and e-mails to dispute the public version of the Savile case. Researchers at the Universities of Edinburgh and Oxford were awarded ESRC funding to collate this digital material and to augment it with qualitative interviews of former residents and staff members of the residential school. The purpose of the research is to collect and archive these accounts, and subject them to careful analysis both in the light of the original abuse claims and in the wider context of public and media responses to the Savile case. The project began in December 2013. This paper will report on the origins of the story, ethical and methodological issues thrown up by it and early findings.

Marta Carneiro	Integrating intersectionality in anti-discrimination law. An EU perspective	1J

Abstract: Advanced understandings of identity were made possible by notions developed under intersectionality. This produced unique achievements in scholarship dealing with equality and discrimination within different fields by exposing traditional narratives as dominant and

therefore non-exclusive. However, developments have often been accompanied by a certain disenchantment with law and law's role and ability to make a difference in that context and this has naturally slowed down attempts to venture into its potential. Taking an EU perspective, I measure the current EU anti-discrimination legal framework against the particular concerns underpinning intersectionality. Building on intersectionality as a theoretical framework, current legal structures will be analysed and scrutinized to test conceptual compatibility with and ability to accommodate intersectional concerns. In this endeavour, how to read intersectionality through the aims of anti-discrimination law and how to construct specific concepts developed under EU anti-discrimination law in the light of intersectionality will be explored. By doing this, I aim to contribute to launch a more targeted platform to gauge the extent to which an integrated approach is possible that is able to bring anti-discrimination law closer to "real peoples' real experiences" of (intersectional) discrimination.

Mary Seneviratne	**The Legal Ombudsman - past, present and future**	**4N**

Abstract: The office of the Legal Ombudsman was established in 2010, as a result of the Legal Services Act 2007. The office replaced both the Legal Services Ombudsman and the existing complaints mechanisms of the legal professional bodies. However, the environment in which the legal profession operates is changing rapidly, at a time which also sees changes to alternative dispute resolution mechanisms. Both of these changes have implications for the Legal Ombudsman. This paper looks at the reasons for establishing the Legal Ombudsman, evaluates its work, and assesses what the future holds for complaints against the legal profession

Masood Ahmed	**Re-addressing judicial approaches towards non-compliance and relief from sanctions**	**2N**

Abstract: During his extensive and thorough investigations into costs in English civil litigation, Sir Rupert Jackson identified the failure of parties to comply with process requirements during the litigation process as a contributing factor to the increase in disproportionate costs. The failure of the parties to comply with process requirements included a failure to abide by court orders, court rules and deadlines. This had the delirious effect of causing unnecessary delay and substantially increased costs through satellite litigation. As a consequence, a culture of default had been created and this was exacerbated by a distinct reluctance on behalf of the judiciary to enforce compliance. If the court did exercise a sanction, such as striking out the defaulting party's statement of case, the court would be too easily persuaded under the pre-Jackson CPR r3.9 to provide the defaulting party with relief from sanctions.

To remedy these problems, Sir Rupert and senior members of the judiciary spoke of the need for a change in philosophy and practical approach to non-compliance with process requirements and relief from sanctions to that which existed previously. This change would mean a tougher and less forgiving approach by the courts towards non-compliance. As a consequence, a new r3.9 was introduced in April 2013. The rule now requires the court to have regard to the amended overriding objective and to have consideration of the issues of proportionality of costs and rule compliance when faced with an application for relief from sanctions.

A body of jurisprudence has rapidly developed around r3.9 since its introduction. An analysis of the jurisprudence (which is reinforced by extra-judicial rhetoric) demonstrates a huge philosophical shift in placing greater weight on the need to achieve procedural justice rather than adopting an approach which seeks to have regard to both procedural and substantive justice.

This paper will seek to argue that, although a cultural change towards non-compliance with process requirements and relief from sanctions (Civil Procedure Rule 3.9) was long overdue, the new philosophical basis which now underpins r3.9 has created a substantial imbalance in judicial approaches to r3.9 and non-compliance. It is submitted that this change in philosophy has and will continue to create a number of adverse consequences within the civil justice system, in particular in cases involving litigants-in-person. The author will argue in favour of a change in theoretical approach towards the interpretation and application of r3.9 and the amended Overriding Objective (Rule 1.1(1)).

Matthew Phillips & Gabriel Schembri	**Prosecution for Reckless Transmission: Invisibility of the 'Other'**	**3L**

Abstract: In the UK, individuals who transmit HIV to sexual partners may successfully be prosecuted and imprisoned. This is the case when HIV has been transmitted unintentionally, which is deemed as reckless if an individual has not taken enough precaution to prevent transmission taking place and their sexual partner is unaware of their HIV status. Although the law differs between England, Wales and Scotland, the outcome is the same. This places individuals with HIV under a threat that is simply not present for other individuals, as well as giving them additional responsibilities. We conducted a grounded theory study at our outpatient HIV centre to analyse what patients understood about the law and its application to HIV. We found a broad spectrum of knowledge, which ranged from an accurate description of circumstances in which the law might intervene, to very inaccurate knowledge about types of sentencing and permissible sexual behaviours. We analysed these, and were able to form a framework in which to assess individuals' knowledge in order to be able to provide further information. However, we were deeply surprised by the absence of the 'Other' - throughout the data collected, there was no mention of the other party in a sexual encounter. The study participants discussed responsibility both legal and moral, described a need for information sharing, but did not ascribe any of these tasks to the 'Other', i.e. in our sample there was no framing of a need for shared responsibility between sexual act participants. This was very interesting as some of the participants had mentioned discrimination and rights, and yet did not extend this to include sexual partners. This finding is in keeping with the legal stance on responsibility for preventing transmission, which lies firmly at the door of the person with HIV. In this paper, we explore reasons why this may be the case.

Mavis Maclean	**The changing shape of family advice: from professional -client relationships to the purchase of divorce services**	**7D**

Abstract: This paper draws on preliminary findings from a study of the Changing Delivery of Family Justice. In earlier research on the financial outcomes of divorce and the work of family solicitors we observed broadly based support through this difficult transition with solicitors as the primary source of advice in negotiating with their clients to reach a position acceptable to the courts , though settlement was the key aim. Our current work is revealing a move away from " the full legal" to consumer market choice ,with a bewildering array of divorce services developing in response to both deregulation and austerity. These range from webbased document handling, low cost packages for non adversarial divorce, through to firms handling big money cases offering collaborative law, forensic accountancy and the more creative offers of holistic non adverarial family law. The majority include mediation.

This paper looks at how these developments sit alongside governmetn promotion of mediation as the key intervention for divorcing couples, and asks whether it may be instead becoming one of the growing range of services on offer. If so will the enthusiasm of lawyers for adding mediation to their services lead them to work more often in parallel to or outside the law? Does this matter? Does an acceptable outcome differ from a just outcome?

Mel A Martin	**The Mental Capacity Act 2005 does not contain sufficient safeguards to protect the incapable patient**	**7E**

Abstract: The Mental Capacity Act 2005 is the main piece of legislation protecting the rights of those who lack capacity. The starting point for determining capacity can be found within the Mental Capacity s1 (2), which states that a person is presumed to have capacity from the outset.

This paper suggests that within the Mental Capacity Act 2005, the test of capacity is highly problematic. It will be show that the threshold is unachievable for the vast number of people with limited capacity.

The author argues that the MCA 2005 should reflect the evolving nature of mental illness as the test is trying to balance civil liberties, the power of the medical profession and criminal responsibility.

Furthermore, this has resulted in a system where there is paternalism, which makes it difficult in finding a true balance of autonomy and

ascertaining capacity.
This paper suggests that the current framework does not seem to be finding an appropriate balance for the mentally incapacitated, which in truth shows a reconsideration of the balance, is necessary.

Meredith Rossner	Symbolic or Material Reparations? The dynamics of restorative justice and the role of punishment	1D

Abstract: Restorative justice conferences can function as social democratic rituals of inclusion, bringing offenders, victims and communities together for a common purpose to hold offenders accountable and provide reparations to victims. On the other hand, critics warm they can disempower participants and act as punitive rituals of degradation. Based on findings from an in-depth study of restorative justice conferencing for adults in Australia, this paper explores the sometimes-uncomfortable relationship between such reconciliatory rituals and punitive ideologies, highlighting some of the tensions between symbolic and material reparations that arise when restorative justice is integrated within the sentencing process. It concludes by reflecting on the role of such justice innovations when they are located against a backdrop of contemporary justice institutions and court practices.

Mervyn Martin & Maryam Shadman-Pajouh	Enforcing DSB decisions in the current system of the WTO DSU	7A

Abstract: Any discussion on enforcement of World Trade Organisation (WTO) Dispute Settlement Body (DSB) decisions will require consideration of two separate but related issues which are integral to the WTO as a binding agreement and the WTO as a body of membership. The first relates to the overarching objective of the Marrakesh Agreement Establishing the World Trade Organisation (WTO Agreement), and the second, how the Dispute Settlement Understanding (DSU) as a mechanism serves the entire membership, to appreciate the perspective within which the Dispute Settlement Understanding (DSU) should operate in fulfilling the overarching objectives of the WTO Agreement.
Amongst the main objectives of the WTO Agreement is to ensure that developing and least developed countries (LDCs) are able enhance development through better participation in international trade activity, including dispute settlement as it forms part of the multilateral trading system, and that such arrangements should be mutually advantageous. Such mutuality would then, in the light of prevailing imbalances require a system that encourages and facilitates the participation of these members.
This paper will briefly examine the DSU process and the innovations introduced by it into the multilateral trading system to appreciate the weakness under the GATT system as well as the objectives and perspectives that the WTO DSU meant to achieve. It will examine the issue of the lack of enforcement capabilities especially for developing countries that is inherent within the DSU. The main problem that developing countries have regarding enforcement is the lack of compliance inducement in the WTO and how the alternative of retaliation cannot meet its intended purpose for developing countries. The paper also examines a much overlooked weakness in the DSU, especially in the light of what is termed as a more "rule based" approach to international trade relations, which is the ambiguity within DSB decisions on what bringing a measure found to be inconsistent with WTO obligations into conformity will entail. The paper will offer suggestions to overcome these shortcomings and will conclude that without rectification of the matters relating to sufficient compliance inducement and clarity on the meaning of conformity, the DSU will continue to fail in achieving its full potential for addressing the objectives of the WTO Agreement and integration and participation of all segments of its membership.

Meysam Saidi	Islamic banking regulation	5B

Abstract: While the specific externalities and required regulatory measures in relation to Islamic banking are fairly based on a mixture of myths and realities, the business is growing fast across the world. Unofficial data indicate that the Islamic Finance market is growing with annual rate of 15% and it has reached 1.3 $ trillion size. This trend is associated with inherent systematic connection of Islamic Banks to other entities and different sectors of economies. Islamic banking has been subject to favorable policies in major economies, most notably the UK. This trend highlights the need for identification of distinct risk features of Islamic banking and crafting customized regulatory measures.
Market analysis and evidenced reports have indicated that "the Islamic banks have been less adversely affected than the major international banks by the financial crisis, making them more attractive to investors". However, similar to the experience of the conventional banking, it can be only a matter of time for Islamic banks to face failures that can be specific to the nature of their business. Using the experience of conventional banking regulation and identifying those peculiarities of Islamic banking that need customized regulatory approach can aid to prevent possible future failures. Frank Knight has stated that "We perceive the world before we react to it, and we react not to what we perceive, but always to what we infer". The debate over congruent Islamic banking regulations might not be an exception to Frank Knight's statement but I will try to base my discussion on concrete empirical evidences. This paper first analyzes both theoretical and actual features of Islamic banking in order to ascertain its peculiarities in terms of market stability and customer protection. Islamic financial transactions structured under both market dynamics and Islamic rules have their own externalities that should be addressed by customized regulations. Some empirical evidences contradict many stereotypes against and in favor of Islamic banking. Real world peculiarities of Islamic banking, accordingly, need to be addressed by customized regulatory measures.

Michael Adler	The case for constitutionalising the right to a social minimum	5A

Abstract: Whether or not to give constitutional protection to social rights is an important and topical question. In arguing that they should be, the paper takes as its starting point the capability approach to basic Nussbauneeds developed by Amartya Sen and Martha Nussbaum. It makes a distinction between social rights as human rights and social rights as citizenship rights, and argues that, while the former require constitutional protection, the latter do not and are appropriately a matter for democratically-accountable legislatures to determine. It then considers the arguments in a recent book by Jeff King, in which King argues that constitutionalising social rights and giving judges the power to adjudicate disputes between citizens and the state over the interpretation of these constitutional provisions, providing they show an appropriate degree of judicial restraint in exercising these powers, is a good way of protecting the social rights of vulnerable people. Against this background, the paper examines and evaluates five landmark cases involving social rights that have been considered by constitutional courts Germany and in South Africa. It concludes that these cases provide strong evidential support for Jeff King's position and briefly assesses the implications of these cases for protecting the right to a social minimum in the UK.

Michael Thomson	Objecting to conscience: re-evaluating section 4	1C

Abstract: In a recent paper I explored the role of the medical profession's boundary-work in shaping English abortion law. Mapping nineteenth- and twentieth-century medical campaigns to change the law regulating abortion, I argued that such campaigns were motivated – in part – by the desire for occupational closure and advancement. As elsewhere, this 'professionalisation project' relied upon claims to special knowledge and ethicality that were not necessarily evidenced in practice. In this paper, and in response to Doogan and Wood v Greater Glasgow and Clyde Health Board [2013] CSIH 36, I revisit this framework to analyse the Abortion Act 1967 and particularly section 4, the conscientious objection provision relied upon in the case.
Addressing the Act as a whole, I argue that it was significantly shaped by a successful campaign designed to save the profession from encroachment on its professional jurisdiction by both patients and the legislature. More specifically, in responding to Doogan and Wood, I argue that we should be mindful of the fact that Section 4 provided a key means whereby the profession avoided routinization, maintained and

promoted the notion of its ethical practice, and helped to extend the medical profession's (politically useful) narrative of abortion as morally ambiguous.

Miranda Bevan	The Law Commission's Unfitness to Plead Project	5G

Abstract: The law on unfitness to plead addresses how the criminal courts decide whether or not an accused is able to undergo the trial process and, if not, the procedure that should be used to deal with that accused. The Judiciary, legal practitioners, clinicians, academics and interest groups have all identified problems with the law in this area. Particular concerns relate to: the inadequacy of the Pritchard Test currently used to assess the capacity of the accused, the narrow focus of the procedure for deciding whether an accused 'did the act or made the omission' which is the subject of the charge, and the limited range of disposals available to the court at the conclusion of the process. We advanced provisional proposals for reform of this area of law in our Consultation Paper No. 197, published 18 October 2010. In light of the responses to the Consultation Paper, summarised in our Analysis of Responses published 10 April 2013, we are in the process of refining those recommendations with a view to completing our report with recommendations for legislative amendment by early 2015. This paper reflects on our provisional proposals in light of the observations of consultees and the changed landscape of the criminal justice system 3 years on from the original consultation paper.
Link: the Law Commission's Consultation Paper No. 197 and the Analysis of responses can be accessed at our website www.lawcom.gov.uk

Miriam A Keane	Legal Costs: Understanding the Exercise of the Discretion to Depart From the Indemnity Rule	2N

Abstract: Legal costs can be described as a flashpoint for the tensions inherent in the lawyer-client relationship. In England, the Civil Procedure Rules (CPR) provide a general indemnity rule on costs, while simultaneously retaining a measure of flexibility by permitting the court to make 'a different order' where appropriate. The operation of this discretion on costs provides the focal point for the paper. Through a comparative study of the English and Irish jurisprudence, the paper examines how the discretion on costs has been exercised and identifies the circumstances which trigger a departure from the rule. The paper examines the legal principles which underpin the exercise of the discretion. The paper argues that, in reaching a determination on costs, the court is influenced by a range of factors which extend far beyond those expressly listed in the CPR. The paper concludes that in order to avoid an adverse ruling on costs, litigants must act 'reasonably', both in their pre-trial dealings and during the course of the litigation. It further argues that the presence of an additional, unique/special factor in the litigation may also serve as a trigger for a departure from the indemnity rule.

Mohamed Salem Abou El Farag	The Rise of Mediation in Arab Countries: Will It Contribute to Trade Expediency?	3P

Abstract: Arbitration has, alongside litigation, long been used in Arab Countries as a means to settle trade disputes. Most of those countries have even issued special laws governing all issues concerning arbitration. In contrast, Mediation has rarely been used. The practice has therefore not enjoyed the same level of legal oversight. The last three years have nevertheless seen an upsurge in interest in Mediation in this part of the globe. This is partly evidenced by the emergence of two different draft laws in Egypt and Qatar about Mediation as an alternative means of settling commercial disputes. The Egyptian draft law is very extensive and detailed. It deals with contractual Mediation both before and after the submission of lawsuits to courts, as well as court-based Mediation. The draft law of Qatar is very brief by comparison. The drafters of both laws depended heavily on the UNCITRAL Model Law on International Commercial Conciliation of 2002.
This paper will discuss the reasons behind the rise of Mediation in Arab countries, particularly in Egypt and Qatar. It seeks to firstly demonstrate that ADR is already found in sharia law and that Mediation is therefore a practice which is Islamically-approved. It will then highlight the distinguishing factors of Mediation vis-à-vis other ADR methods. From there, a detailed overview of the two draft laws concerning Mediation in Egypt and Qatar will be provided, with particular attention given to the provisions concerning confidentiality. Through these, the paper seeks to analyse whether Mediation will lead to trade expediency in the Arab world.

Mohd Hwaidi	International Trade Usage as a Communicative System	6B

Abstract: International trade usage has been identified as the classic example of the new lex mercatoria or transitional commercial law in our globalised age. Indeed the very importance of the usage is partially derived from the impossibility of any over-arching rule of recognition being applicable. The paper therefore endeavors to analyse the functional nature of international trade usage in order to understand its relationship with National laws. The paper adopts Luhmann's theory "law as a social system" on understanding the nature, and particularly the responses, of National laws. Such theory is adapted on international trade usage culminating to propose that international trade usage is a "communicative system" which is normative within the transnational commercial transactions. The actors of such transactions perceive the norms of the system as binding or standards that are respected in the international community. But most of the international trade usage norms are not treated, by express means, as having the force of law under National laws. Such norms are regarded, from the perception of most National laws, as matters of fact "de facto" that need to be proved by expert evidence – if they are not incorporated by the contractual parties - in order to be effective in litigations. It is, however, argued in the paper that some norms of the international trade usage have the force of law under National laws, they are normative as a de facto and as a de juris: we call them unchangeable trade usage. The failure to conceptually distinguish between different categories of international trade usage throws uncertainties in the investigation of the nature of transnational commercial law. It is also argued that the power of the code of acclamation in the system of international trade usage is manifested under National laws, particularly English Common law, as a transnational commercial norm which might lead to judgements that are in alignment with it.

Mohd Hwaidi	The story of the English strict compliance principle in letters of credit and its consistency with the UCP	4B

Abstract: Letters of credit are recognised as documentary letters of credit—or documentary credits—due to the concept of documentary compliance, which is known as strict compliance under Common law systems and many Civil law systems. It is said that documentary credits are meant to be cash for sellers, even though the cash is conditional on a conforming presentation. Commercially, they are meant to minimise the risk of any evasion of performance by both parties: buyers as to the payment of the price, and sellers as to the delivery. The latter risk is minimised by the enforceability of the concept of compliance pursuant to which sellers or banks are not entitled for payment or indemnity unless they present documents that are in conformity to what is required in the credit. Unsurprisingly, given the elastic nature of the concept of "strict compliance" there is a furious debate as to how the strictness the compliance is and must be. This article endeavoured to answer this peculiar question by applying the art of jurisprudence on the principle of strict compliance under English Common law. In the course of doing so the article reveals and analyses the functional scope of "strict compliance" under English law. It also evaluates the coherence and the inconsistency of strict compliance between English law and the Uniform Customs and Practice for Documentary Credits.
The article was published in the Journal of International Banking Law and Regulation

Mohd Hwaidi	Why and How Empirical Study in Commercial Law?	3J

Abstract: The essentiality of empirical study in commercial law is driven by pragmatic needs to clarify the status of trade usage, which is one of the cornerstones of commercial law, for potential litigants. The usage as proved by expert evidence might in many cases be a fiction that mainly aims to assist the speed of litigation and to settle solutions as a respond to the social pressure that justice demands swift resolution. Designing inductive qualitative empirical study would response to the need for a clarification as to the status of concurrent trade usage. It would also provide insight to the legal doctrines under legal orders. The paper analyses how the samples must be selected for the empirical study in commercial law in that the sample is made up of the same kinds of participants in the same proportions as the population. This fertilises the ground for a claim of

representation: the sample represents a particular market in a geographical area. In turn we might identify a case as a typical one, by analysing its variable and stabilised conditions, that is applicable to many other cases "translatability". Finally, the paper evaluates the potential difficulties in conducting elite interviews, as being the most plausible method for empirical study in commercial law. The first dilemma is the "applicability", unlike expert evidence before courts, of the collected data in litigations before courts, tribunals or even before arbitral boards. Publications and co-operation with governmental bodies might enhance the influence of the collected data in litigations. The problem of subjectivity in that the data represent the researcher and the respondent interpretative opinions rather than descriptions of events or even descriptions of shared criteria. The distinction on the application of Hart and Dworkin approaches as to the doctrinal analysis is the first step to reduce the effects of subjectivity. Still, the adoption of the epistemological positivism in social science is the other stage to tackle the power of subjectivity. The researcher must be aware that he might lack power relative to the interviewed elites. Such a challenge needs to be tackled by pragmatic elastic ways, as illustrated in the paper, depends on the culture of the participant. Given the technicality commercial law, the researcher needs to be aware that the respondent might become a performer of a "front stage" and a "back stage.

Mohsen Al Attar and Miriam Clouthier	**Public Consultations – Bellwether to Administrative Justice?**	**3A**

Abstract: Transnational governance, the new normal in the neo-liberal capitalist era, has enabled an upward transfer of national authority to supranational bodies. Nowhere is this more evident than in trade law. For instance, standard Canadian trade practice now involves vesting foreign private entities with the right to challenge the legality of domestic laws that conflict with trade terms. Supranational bodies far removed from the Canadian polity adjudicate these challenges. Importantly, they operate covertly, censoring the identities of the adjudicators and the deliberations that produce their rulings. This redistribution of political power is reshaping the Canadian constitutional matrix, disabling Parliament to the advantage of the executive and disenfranchising the public to the advantage of corporate actors. Democracy and equality, transparency and accountability appear as important casualties of this restructuring.

A consultative framework – committee hearings – was developed in Canadian trade law to rectify these counter-democratic trends. To date, opinion has been largely unfavourable, with a majority of Canadians expressing scepticism toward the hearings' influence. In this article, we problematize these hearings – and public consultations more broadly – in order to assess their effectiveness as a response to the corrosion of constitutional government. First, we consider whether procedural safeguards such as a report back, in which evidence is provided on action taken following the hearings, would help mollify citizen distrust. Second, we examine the conceptual validity of a consultative process that is predicated on an authoritarian decision-making structure. Consultative processes are participatory. However, without truly apportioning decision-making power or creating an effective mechanism for the redress of grievances, it is difficult to see how consultations advance either democratic of administrative justice.

Mohsen Al Attar	**Nurturing student autonomy – why legal education?**	**6D**

Abstract: A survey of contemporary scholarship on proposed reforms to legal education seems to suggest there is little consensus among stakeholders on the future of the activity. Just as the dominant model – legal education as professional pursuit in service of market prerogatives – picks up steam, its trendy nemesis – legal education as bulwark of liberal humanism – tugs on its coattails, the sounds of clanging pots reminding us that not all are convinced (they would say subdued). In the following essay, I put forward a comparative examination of the two leading frameworks – material and moral – and argue that, in fact, they are more congruent than quarrelsome, with each seeking to condition students in the objectivity of their respective positions. For my part, I propose an alternate approach – a meditative or autonomy-based model of legal education – that seeks to aid students in the discovery of an authentic self.

Nadine El-Enany	**The Perils of Differentiated Integration in the Field of Asylum**	**7B**

Abstract: This paper examines the level of differentiated integration and its consequences in relation to asylum matters in the EU, focusing in particular on the position of the UK. It identifies a distinction between 'formal differentiation' and 'informal flexibility'. The former category includes the official agreements concluded with the UK, Ireland and Denmark allowing for those countries to participate or not participate in asylum measures to pre-determined degrees. Informal flexibility, on the other hand, results from uneven/mal-implementation, which is to some extent tolerated by the EU institutions. The paper argues that at the heart of a harmonisation project is the necessity for the limitation of the discretion of participating Member States to legislate differently in a specific area, and this is particularly important with regard to the EU's asylum project because of the persistence of Dublin's 'one chance of asylum' rule. Asylum is a field which directly affects the lives of vulnerable individuals and thus it is questionable whether on the one hand, the UK should be permitted to cherry-pick in a highly selective manner, participating in the Dublin system, but refusing to be bound by the legally enforceable minimum standards legislation which is the Dublin system's only justificatory premise. On the other hand, the widespread levels of uneven implementation across the EU amongst Member States which have signed up to the measures constitute an unacceptable level of informal flexibility, putting in jeopardy the protection of asylum seekers. From a European perspective, this tension puts a question mark over the extent to which the project of harmonisation of asylum systems can sustain both the existing formal differentiation arrangements and informal flexibility. Its tolerance of cherry-picking, along with the EU's highly discretionary asylum legislation mean that the EU's asylum regime appears increasingly restrictive and lacking in integrity in its acceptance of a situation of no equivalence of protection across Member States despite the persistence of the EU's long-standing 'one chance of asylum' rule.

Naomi Creutzfeldt	**Dispute behaviour in public and private sectors in Europe: the role of ombudsmen**	**2A**

Abstract: Civil justice systems in Europe vary considerably. Each jurisdiction has its own approach of defining how people can legitimately resolve disputes. This sets both challenges and opportunities for access to justice for citizens. The concept of access to justice has a number of nuances, however, on a principal level should ensure effective access to an independent dispute resolution mechanism. In practice however, there are concrete obstacles to accessing justice through national court systems; such as restrictive time limits, high legal costs, complex and long legal procedures. What about other, complimentary, pathways to redress? One alternative that offers independent dispute resolution is ombudsmen.

The institution of ombudsmen has become increasingly popular over recent decades to the point where it is now a highly significant and permanent feature of the legal systems in many parts of the world. There are public sector ombudsmen and private sector ombudsmen. The institution of ombudsman is an under researched area (particularly in the private sector) and thus provides a fruitful ground for an empirical socio-legal study.

What role do ombudsmen play in a legal system? Are they used? Are they independent and effective? What role does national legal culture play in disputing behaviour?

Nataliya Hitsevich	**Article 5 (3) of the Brussels I Regulation and its applicability in the case of intellectual property rights infringement on the Internet**	**2M**

Abstract: Article 5(3) of the Brussels I Regulation provides that a person domiciled in a Member State may be sued in another Member State in matters relating to tort, delict or quasi-delict, in the courts for the place where the harmful events occurred or may occur. For a number of years art. 5 (3) of the Brussels I Regulation has been at the centre of the debate regarding the intellectual property rights infringement over the Internet. Nothing has been done to adapt the provisions relating to non-internet cases of infringement of intellectual property rights to the context of the Internet. The author's findings indicate that in the case of intellectual property rights infringement on the Internet, the plaintiff has the option to

sue either: - in the Member State of the event giving rise to the damage; - in the Member State where the damage occurred. However, it must be admitted that whilst infringement over the Internet has some similarity to multi-State defamation by means of newspapers, the position is not entirely analogous due to the cross-border nature of the Internet. A simple example which may appropriately illustrate its contentious nature is a defamatory statement published on a website accessible in different Member States, and available in different languages. Therefore, we need to answer the question: how these traditional jurisdictional rules apply in the case of intellectual property rights infringement over the Internet? Should these traditional jurisdictional rules be modified? These questions will be discussed in detail. Indeed, suing at the place of intellectual property rights infringement is usually regarded as the most effective way to obtain the judicial protection of intellectual property rights as this place is the most closest to the factual elements of the dispute and to the evidence.

Natasa Mavronicola	**Article 3 of the ECHR and Strasbourg's penological exploits**	**1D**

Abstract: This paper aims to introduce perspectives from penology (and criminology more broadly) into the analysis of Strasbourg doctrine on Article 3 of the European Convention on Human Rights (ECHR), which provides that '[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment' (emphasis added). It is hoped that it forms a step towards embedding a commitment to penological input in the interpretation of inhuman and degrading punishment by the European Court of Human Rights (ECtHR) and by the judicial and enforcement bodies applying the ECHR; and, at the same time, towards enhancing penological engagement with the work and reasoning of the ECtHR.

Article 3 ECHR is an absolute right (Mavronicola, 'What is an "absolute right"? Deciphering Absoluteness in the Context of Article 3 of the European Convention on Human Rights' (2012) 12(4) Human Rights Law Review 723-758). This means that it can never be justifiably infringed or derogated from, and renders the interpretation of its terms central to determining the legality of State action. Thus, the interepretation of 'inhuman punishment' and 'degrading punishment' by the ECtHR and other bodies applying the ECHR is crucial to the legality of the penal policies of States subject to the ECHR. Whilst academic commentary on the substantive contours of inhuman and degrading punishment has remained largely silent (frequently 'punishment' is subsumed within 'treatment'), the ECtHR has taken momentous steps in elaborating the meaning of these terms and cementing their contemporary significance in the realm of sentencing, punishment and incarceration. This progression culminated in the case of Vinter v UK (App Nos 66069/09, 130/10 and 3896/10, Judgment of 9 July 2013), in which the Grand Chamber of the ECtHR found that the imposition of sentences of life imprisonment without parole on the applicants amounted to a breach of Article 3 ECHR, suggesting that the absence of a prospect of release eliminated the penological ideal of rehabilitation in relation to these prisoners, contrary to the value of dignity underlying Article 3 ECHR. In doing so, it rejected the UK government's arguments in favour of purely retributive sentences of life imprisonment.

This paper unpacks the penological and wider criminological perspectives informing or underlying the judgments leading up to and including Vinter, and examines the penological and wider criminological implications of the ECtHR's stance on Article 3's applicability in these contexts. Finally, it calls for greater criminological and penological engagement with, and within, Strasbourg. In doing so, it seeks more broadly to bridge a discursive gap between human rights doctrine and penological and criminological research.

Neil Allen	**Restricting movement or depriving liberty? The Supreme Court has spoken**	**8B**

Abstract: The unenviable task of resolving this issue has maddened those seeking some judicial litmus test to distinguish the "deprived" from the "restricted". Cracks in the domestic and European jurisprudence were fully exposed in the appeals involving Cheshire West and Surrey Councils. And this paper will consider the reasoning and implications of the Supreme Court's decision.

Ngozi Okoye	**The Central Bank of Nigeria (CBN) competency framework for the nigerian banking industry: a case of "near" adequacy?**	**5B**

Abstract: The Central Bank of Nigeria (CBN) issued the competency framework for the Nigerian banking industry in November 2012. In the framework policy document, it is stated that the recent global financial crisis evidenced the inadequacy of skills and executive capacity in the banking industry which manifested in issues such as poor understanding of banking operations and regulations, unethical conduct and unprofessional practices, poor risk management and ineffective corporate governance. Reasons provided for these inadequacies include the lack of training, certification, accreditation and competency standard for the industry. The policy initiative is, therefore, aimed at developing a competency standard, recognising the need for banks to accord priority to the continuous enhancement of human capital. In this paper, the aim is to discuss the CBN competency framework, analysing and evaluating its prospects at solving the problems of incompetency in the human capital of banks and determining whether the framework addresses all that it should in that regard. Upon an analysis, it becomes evident that the framework omits the issue of personality, a critical aspect of individuality which impacts on the overall ability to attain effectiveness in any of the roles it considers. The paper presents a highlight of the core initiatives of the framework and how they serve to achieve its objectives. The issue of personality and its impact on the ability of an individual to perform effectively is also discussed. In conclusion, it is argued that the framework has indeed provided a standard as regards knowledge, skills and experience as it relates to officers working in the Nigerian banking industry. However, in relation to overall competency and ensuring that effectiveness is achieved, the CBN framework has not taken cognisance of personality issues and is therefore limited in its adequacy as regards defining and providing for minimum standards of competence.

Nicholas Grier	**The success and failure of enlightened shareholder value as seen in s.172(1) of the Companies Act 2006**	**6B**

Abstract: This talk analyses the effectiveness of s.172(1) of the Companies Act, 2006. This was introduced in order to improve directorial decision-making in companies, in particular requiring company directors to have regard to the interests of various stakeholders. This approach was designed to promote "enlightened shareholder value". While having regard to stakeholders' interests is not in itself a bad idea, the manner in which this requirement was drafted proved unsatisfactory, in particular its lack of enforceability. The many financial scandals starting from around 2008 indicated that mere lip-service had been paid to the requirement. Ironically, directors are now having to do what the Parliamentarians hoped s.172(1) would achieve, mainly because of the reputational hazard for those companies if they continued in their previous ways, but not because of s.172(1) itself. It is suggested that s.172(1) is cumbersome and toothless, and that any review of company law should use the proposed simpler wording to be found in the forthcoming Irish Companies Bill.

Nick O'Brien	**The ombudsman and 'constitutional morality': an anglo-indian conversation**	**2A**

Abstract: The imminent implementation in the UK of the EU ADR Directive and the increasing blurring of the boundary between 'public' and 'private' services both locally and nationally serves to promote 'consumerism' as the informing ethos of ombudsman practice and to encourage a narrow interpretation of the ombudsman function as efficient 'dispute resolution'.

Such an approach stands, at least in part, in contrast to the broader aspiration to 'humanise the state bureaucracy' which informed the creation of the UK Parliamentary Ombudsman in 1967 and, more recently, to the identification of the ombudsman institution in 'transitional' political environments as a fundamental component of an emerging democratic political system.

In an attempt to provide a broader comparative context for the consideration of the tension between 'democratic' and 'consumerist' interpretations of the ombudsman remit, this paper will explore various aspects of the recent debate about the role of the ombudsman in India and will seek more generally to make connections in that Indian context between the ombudsman, extra-judicial decision-making, social rights entitlement and the 'democratic spirit' of the 'founders' of the Republic of India.

In particular, the paper will consider the concept of 'constitutional morality' as used by B.R. Ambedkar (Das 2010) when introducing the Indian Constitution, and its legacy as a potential focal point for the revival of a more progressive and humane understanding of the role of ombudsman

than anything associated with the much shallower creed of consumerism or with the identification of the ombudsman's role as agent of anti-corruption (Druze 2005; Mehta 2010; Beteille 2012; Nussbaum 2013).
There will also be brief comparison with the implications of Gandhi's quite different critique of the state for the construction of the ombudsman role (Mantena 2012).
This theoretical discussion will be used to interpret recent debates about the role of the ombudsman both in regional and national politics in India, in particular in association with the elimination of 'corruption' on the one hand and of 'red tape' on the other (Adler 2013).
The assessment of possibilities for the ombudsman in India will also be considered in the context of the wider Indian experience of 'people's courts' (Lok Adalat), the development of the civil courts to address social rights issues, and other 'access to justice' initiatives (Fredman 2008; Galanter and Krishnan 2004; Khilnani, Raghavan and Thiruvengadam 2012).
The paper will conclude by seeking to apply this Indian experience to the UK context and in particular to the preoccupations of the UK ombudsman community.
The hypothesis to be tested in this way is that aspects of the Indian experience and debate offer a welcome corrective to the tendency in the UK to respond to political and social pressure by narrowing the ombudsman ethos and function by way of defensive resort to populist consumer demand and market-driven 'efficiencies'.
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Nicola Monaghan	Distinguishing legitimate juror misconduct from frivolous allegations – protecting Lord Judge's legacy	2F

Abstract: Throughout his tenure as the Lord Chief Justice, Lord Judge devoted time to drawing attention to the problem of juror misconduct. After some high profile cases, the Law Commission published an expedited report on jury misconduct, and in response to this the Government has introduced four new offences in the Criminal Justice and Courts Bill 2014. Jury misconduct poses a significant threat to the integrity of the criminal justice system and to public confidence; consequently, such allegations must continue to be treated seriously by the system. However, the problem of frivolous allegations of jury misconduct was also recently highlighted by Lord Thomas CJ in the case of Baybasin, Molloy and McMullen v R [2013] EWCA Crim 2357. This presents a delicate balancing act for the courts and the criminal justice system needs to be able to distinguish between legitimate causes for concern and unsubstantiated allegations. This paper questions the extent to which the criminal justice system can rely upon the collective duty of the jury to safeguard against jury misconduct and considers Lord Thomas' rebuttable presumption of finality where a complaint is first raised after the verdict has been delivered. This paper also considers the existing mechanisms within the criminal justice process to filter out unsubstantiated allegations before they reach the courts. Finally, this paper explores the four offences of jury misconduct in the Criminal Justice and Courts Bill 2014 and urges the protection of Lord Judge's legacy.

Nina Holvast	Judicial assistants/law clerks: merely assistants or professionals working alongside the judge? A study on first instance courts in the Netherlands	5M

Abstract: Virtually all judicial systems accommodate some sort of subordinate judicial staff member to assist judges in their work. However, except for law clerks at the US Supreme Court, little is known about their role in and potential influence on the judicial decision-making process. Their role is often considered to be an assisting one, while, in reality, the content of their tasks is far-reaching. This is particularly true for the Netherlands, where judicial assistants commonly write judgment-drafts and have an active role in deliberation. Recently, New Public Management principles seem to have found their way into the organisation of several European judiciaries. This has altered the professional and independent position of the judge and has also changed the position of the judicial assistant. This raises the question of what the current role of judicial assistants is in judicial decision-making. Are they assistants of the judge or are they professionals in their own right, working alongside the judge? This question will be answered with regard to Dutch courts. I will elaborate on the policy of Dutch courts regarding this subject, but I will also shed light on the role they play in practise. For this last element I will make use of the data collected during an eight month period of fieldwork at two Dutch courts.

Nora Honkala	"She, of course holds no political opinions"- Gendering of Politics and Asylum Adjudication	1I

Abstract: FB was 16-years old when she refused to become a 'sowei' like her mother and marry the local chief in Sierra Leone. In her asylum appeal, the judge dismissed outright consideration of her asylum claim on the merits of a "political opinion" ground. He could not comprehend how her resistance to becoming a 'sowei' who performs FGM, her resistance to particular gender roles and her refusal to be forced into marriage evidenced her political agency. In cases like hers, adjudicators are using a gendered interpretation of what counts as "political" opinion. It is this narrow legal interpretation that invalidates women's claims. This paper draws from my examination of women's asylum appeals cases involving a forced marriage element from 2004 till today. The paper argues that adjudicators' interpretation and application of international refugee law is premised on gendered assumptions about the applicant, her claim and ultimately about the law. By evidencing a problematic gendering of politics, the adjudicators are narrowing the possibilities for women's asylum claims, leaving many to argue their claims through the more nebulous membership of a social group ground. The paper concludes by calling for a serious engagement with feminist critiques to challenge the limited understanding of what counts as "political" that has serious discriminatory consequences on asylum seeker women's claims.

Nuno Ferreira	The Public / Private Divide and the Horizontal Effect of Fundamental Rights in European Private Law: An Analysis of Sexuality-Related Case-Law	7H

Abstract: The paper discusses several cases involving fundamental rights and sexuality in different European jurisdictions, and contextualises these claims within the debate around the horizontal effect of fundamental rights. The paper argues that these claims, in particular, and the horizontal effect of human rights, in general, clearly call into question the traditional divide between public/private law and public/private spheres. These divides, already questioned in different fields and from different perspectives, are thus arguably reaching the end of their lives.

Nwudego Chinwuba	Modern and technological validation of the african concept of woman to woman marriage: are there lessons to be learnt?	4G

Abstract: Woman to woman marriage in Africa, practiced in some parts of Kenya, South Africa and Nigeria has witnessed some ethnological enquiries as to its nature and objectives in modern literature culminating in Ifi Amadiume's exposition and subsequent critiques. What has not been discussed is the theoretical underpinnings of the concept, not surprising, as most parts of Africa thrived on folklore and oral traditions. In

Nigeria, the hierarchies of court have dismissed the concept not only as redolent of a primordial past but as promoting promiscuity amongst women. In this research the author queries the theoretical underpinnings of the concept and compares this with the underpinnings of scientific advancements in human reproduction and surrogacy. The research finding is that the concept of woman to woman marriage is a well founded cultural precursor to the current scientific advancements in human reproduction and the increasing acceptance of surrogacy. The research also finds that there are serious lessons to be learnt from this on the need for understanding and tolerance of the customs and cultures of others as well as the quality of openness that makes room for replacement of these customs and cultures with better alternatives or options.

Olivia Woolley	**The UK's Offshore Wind Programme and Ecological Protection: is the UK's legal regime for offshore development capable of preventing harm to marine ecosystems?**	**8E**

Abstract: Successive UK Governments have promoted a massive programme of offshore wind farm construction in waters subject to the UK's jurisdiction. Future Offshore, the policy document of 2002 that initiated the push for offshore generation, recognised that this could have a significant impact on the functioning of marine ecosystems. It advises both that the programme should be pursued "in a way which protects ecological processes and ecosystems", and that this would be achieved by putting in place a robust strategic planning framework.

The paper will consider two questions that this policy commitment raises. Firstly, are the measures that UK Governments have employed to date to govern offshore wind farm development sufficient to prevent this from causing ecological harm? I will argue that they are not with combinations of high level strategic environmental assessments and controls on individual projects offering little prospect that risks of negative impacts on ecosystems will be detected or, where they are identified, avoided. Secondly, will the new approaches to governing sea uses that are being ushered in under the Marine and Coastal Access Act 2009 and in order to implement the EU's Marine Strategy Framework Directive establish the robust framework that was promised in 2002? I will say that they are an improvement on prior arrangements, but that there are also concerns over the effectiveness of these laws for preventing offshore wind development from impairing ecosystem functionality.

The paper will conclude with some thoughts on the form that a legal framework which is capable of delivering on the commitment made in Future Offshore should take. I will suggest that the assessment of the likely effects of plans and projects cannot be relied upon exclusively to produce an ecologically sustainable outcome because of profound uncertainty over how the cumulative impacts of human activities affect the functioning and resilience of ecosystems. As the ecological consequences of choices made in policy-making cannot be managed away at lower levels of decision-making, consideration of them should be introduced to policy-making itself as a formal part of the process by which options that society relies on to meet its energy needs are chosen.

Paul Van Aerschot	**The Relationship between the Social Benefit System and Immigration in Finland and Sweden**	**4A**

Abstract: The social benefit system plays an important role in the shaping and implementation of immigration policies. It is indispensable for providing immigrants in need with basic means of subsistence and for facilitating their settlement in the receiving country. The social rights of immigrants and non-immigrants can be categorized according to different criteria based, for example, on nationality, EU citizenship, the individual's work record, earlier social security contributions, family relations, need, age, and so on. Many of these criteria are related to value judgements, to conceptions of the deserving citizen. Immigrants, especially those from outside the EU (third country nationals), are partly classified differently in this context, as their entitlements depend in some cases on their immigration status. They may be temporary or permanent residents, asylum seekers or undocumented immigrants. They may also receive benefits specially designed for them.

The paper deals with the way in which immigrants' social benefits are included in the social benefit system in Finland and Sweden. Special attention will be paid to the principle of equality, direct and indirect discrimination and the tension between human rights obligations and national sovereignty.

Pedro Fortes	**A brave new post-colonial world in legal education: a postcard from the global south**	**4E**

Abstract: This paper will discuss contemporary legal education from a post-colonial perspective based on a few recent initiatives from the global south. First, I will suggest that there is still a hegemonic cultural dominance in global legal education from legal materials produced in the centre and reproduced in the global peripheries. In this scenario, ideology from north Atlantic legal orders flow into the global south, where they are internalised and incorporated into classroom practices, academic discourse, and pedagogical methods (eg, socratic method; economic analysis of law; case study). Second, I will evaluate positive (pragmatism; innovation; competitiveness) and negative (arguments of authority; mimicry; asymmetries of power) impacts of these influences in legal education, by discussing my own experience as a Law Professor and by drawing from the opinion of other important authors from the global south, who collaborated in a book that I am editing on "the globalisation of legal education" (FGV publisher, forthcoming 2014). Third, I will examine two case studies - the Global Legal Education Forum (at Harvard Law School in 2012) and the Law Schools Global League (FGV is a founding law school) - as examples of counter-hegemonic movements in the globalisation of legal education. Fourth, I will conclude my postcard from the global south with final remarks about the necessity of further decolonising legal education.

Peter Bartlett	**Principles, Capacity and Best Interests in the Court of Protection**	**7E**

Abstract: It is now more than six years since the new Court of Protection came into existence. Bedding down should now be complete, and the jurisprudence sufficiently developed that it should be possible to make an assessment of the strengths and weaknesses of the Court.

At the core of the Mental Capacity Act 2005 are the principles and provisions relating to the determination of capacity and best interests. These are meant to provide safeguards to the inappropriate use of the Act. Using descriptive statistics of the reported case law for the years 2009-2013, this paper analyses the degree to which the Court has taken those statutory provisions into account.

Petra Mahy and Ian Ramsay	**Legal Transplants and Adaptation in a Colonial Setting: Company Law in British Malaya**	**7G**

Abstract: This paper traces the development of company law during the colonial era in British Malaya, providing details on the laws of the Straits Settlements and the Federated Malay States. It also presents an account of economic development and the use of the limited liability company form in these two interlinked jurisdictions. The paper notes the lack of connection between the evolution of the company law in Malaya, local economic and political developments and the actual local use of the law. We situate this material within three current debates about the nature of colonial company law; whether the law is more a product of the 'transplant effect' than of legal family, whether the dispersal of company law to the colonies was as straightforward as is often assumed, and whether the law is best characterised as 'imperialism'.

Phil Rumney	**Debating Rape**	**3L**

Abstract: In October 2013, the Department of Law at the London School of Economics and Political Science (LSE) hosted the inaugural debate in its 'Debating Law' series. The debate, entitled Is Rape Different? attracted much discussion, as well as criticism primarily because of comments made during the debate by two participants which it has been argued 'appeal to existing rape myths in society' and were not based on evidence. The hosting of the debate was criticised by the editors of the feminists@law online journal who sought signatories for a statement that condemned the hosting of Is Rape Different? and criticised the LSE for giving a platform to what they referred to as 'dangerous and unsupported' views on rape. In another response, it was argued that the debate 'resurrected' and gave 'credibility' to 'long discredited myths and assumptions about rape and about women's sexuality'. Further, the use of social media by the LSE to publicise the debate was criticised on the basis that it 'closes down and severely limits careful, considered and evidenced-based discussion about rape and rape law'.

This paper critically examines the Is Rape Different? debate and its aftermath. It considers the notion of dangerousness in the context of ideas and specifically, rape. It places the response to Is Rape Different? within a wider context of scholarly attempts to cordon off certain topics as beyond responsible discussion or debate. This paper also develops an argument based on classical free speech theory that emphasises the benefit to be derived from the expression of contested ideas and how scholars might respond to such ideas while maintaining a commitment to academic freedom and wider public engagement with scholarship.

Phil Rumney	**False allegations of rape: Learning from the past, or not learning at all?**	**6N**

TBC

Piers Gooding	**Supported Decision-Making and Mental Health Law - Questions of Praxis**	**4H**

Abstract: This paper examines the application of a supported decision-making model to the traditional substituted decision-making approach of mental health laws. The coming into force of the Convention on the Rights of Persons with Disabilities (CRPD) has generated new ideas and standards in law, policy and practice governing the provision of healthcare and disability support. One of these ideas, 'supported decision-making,' is advanced by the CRPD as the preferred response when the legal capacity of a person with a disability is potentially compromised. However, its operation in mental health law, policy and in practical support for people with psychosocial (mental health) disabilities remains unclear. Further, those seeking to apply supported decision-making to the mental health context – as a number of governments have begun to do – are confronted with the dilemma that current mental health laws violate the directive of the CRPD to end disability-based discrimination. After all, mental health law applies only to those with a psychiatric diagnosis (who are also seen to pose a risk of harm to themselves or others). Yet no government appears likely to repeal mental health law in the short (and even mid) term. What then does it mean to create a 'supported decision-making regime' in the mental health context? This paper examines examples of supported decision-making being applied both within and without the bounds of mental health law. It aims to make supported decision-making more specific and accessible, and to refine a sense of its implications in practical terms.

Putri Syaidatul Akma Mohd Adzmi	**Using Black Letter Perspective to Compare Anglo-American and Malaysian Corporate Governance**	**4B**

Abstract: The underpinning of Anglo-American corporate governance has always been about the separation of ownership from control and the consequent agency problem. Due to the separation of ownership and control, principals are not able to run the company themselves and therefore have to rely on agents to do so for them. This gives an added advantage to the agent over the principal, and may raise a number of agency problems. Problems such as the agent not acting in the best interests of the principal, abuse of power and lack of transparency could have an adverse effect on the shareholders. Thus, the corporate governance in Anglo-America has always focus on the principal-agent relationship between the shareholders and the company's management and mechanisms to direct, control, monitor and hold management accountable for their performance.

However, the law, which has as its focus agency problem of director-shareholder conflict is not design for the concentrated nature of Malaysian companies. Unlike in the Anglo-American environment, Malaysian managers operate under circumstances and constraints that are uncharacteristic of companies governed by the Anglo-American corporate governance model. Malaysia is generally described as having an insider system with concentrated ownership structure. The problems caused by the powers of controlling shareholders which enhance control rights in excess of ownership rights should be the target of corporate governance reform in Malaysia.

Thus, for comparative purposes, this paper will look at the principal-agent problem and the principal-principal conflicts from a 'black letter' perspective. It will look at the development of legal framework of corporate governance in Malaysia in its attempt to achieve that transition into outsider system. This is to establish why the mechanisms developed in Anglo-American corporate governance might not provide the solution to the principal-principal problem faced by companies in Malaysia.

Rachael Field	**Harnessing the Law Curriculum to Promote Law Student Well-Being: Lessons from an Australian National Teaching Fellowship**	**4E**

Abstract: It has now been empirically established in Australia and the US that lawyers and law students are suffering high levels of psychological distress, which begin in their first year of legal education. However, cognitive dissonance and rationalisation tendencies amongst legal academics continue to prevail and, in Australia at least, are inhibiting necessary curriculum reform action in legal education. This paper argues that law schools have an ethical obligation to better prepare students for the stresses of legal study, and to promote law student well-being. Intentional and strategic approaches to curriculum renewal and reform in law schools are critical to this endeavour. The paper discusses the findings of an Australian National Teaching Fellowship which sought to harness the law curriculum to promote law student well-being. It outlines a number of curriculum design strategies for what we teach in legal education, how we teach at law school and how we assess law students.

Rebecca Badejogbin and Vicki Lawal	**Problems Associated with Testamentary Dispositions to Women and Children among the Rukuba People in Nigeria against developments in South Africa**	**6F**

Abstract: The practice of testamentary dispositions prevalent in Nigeria is a reflection of the aftermath of legal pluralism. It is therefore an amalgam of the received English Law, local enactments, judicial interpretations and the various customary laws (and in some cases, Islamic law) applicable in the various ethnic groups that make up the polity. The same holds for South Africa, but for the inclusion of the Roman-Dutch Law and the exclusion of Islamic law. For the Rukuba people of Nigeria in particular, made up of about 131,000 and situated in the North Central geo-political zone, it is a fusion of these statutory laws and their particular customary law.

There are some attendant problems associated with the position of women and children to testamentary inheritance among the Rukuba people. First is the problem of the freedom of testamentary disposition of the testator by which he may make none or minimal dispositions to family members and dependants; second is where customary law applies to testamentary dispositions, the extent to which the applicable customary law falls short of constitutional provisions of fundamental rights despite novel Supreme Court judgments with respect to the rights of women and children to inheritance; and thirdly, the practical realities that confront these women and children who are beneficiaries under the wills. In other words, whether or to what extent these women are allowed by the community to utilise the estate bequeathed to them.

This paper will therefore discuss testamentary dispositions from a sociolegal perspective to women and children of the Rukuba people under Nigerian law against the backdrop of the position in South Africa and state that subject to the extent of the testator's estate, adequate provision must be made for the maintenance of women and children by the testator. It will take a cursory look at the various provisions of the laws that regulate testamentary dispositions to women and children among the Rukuba people; the adequacy of the dispositions permitted by the statutes and customary laws, analyse the attendant problems posed by the statutes and customary laws; investigate the realities of socio-cultural impact; and conclude by proffering solutions to the problems. The position of the Rukuba people will be analysed against the current developments and achievements in South Africa which will be critically considered.

Renginee Pillay	**Corporate Social Responsibility and Development in Context: The Case of Mauritius**	**4B**

Abstract: In recent years, Corporate Social Responsibility (CSR) has increasingly been advanced as a potential mechanism for achieving social policy objectives and furthering economic and, more importantly, sustainable development. Thus, in the developing world, the expansion of CSR is seen as one of the key mechanisms whereby corporate power might be tempered, and corporate behaviour shaped in ways which will assist in the

pursuit of sustainable developmental goals.
In this respect, scholars have emphasised the need for a critical research agenda that moves beyond 'one size fits all' approaches towards more 'contextualised' understandings of CSR. This paper locates itself firmly within this research agenda by focusing on the developing country context of Mauritius. It begins by charting the rising profile of CSR in the island, demonstrating why and how in the last few years, the Mauritian government decided to make CSR a major focus of its social policy objectives, especially in terms of poverty alleviation. This culminated in new legislation, which came into effect in 2009, requiring all profitable companies, with the exception of certain offshore and foreign companies, to commit two percent of their chargeable income to CSR projects, or more commonly known as, community development initiatives.
As such, the paper argues that the particular conception of CSR in Mauritius amounts to 'legislated corporate philanthropy'. In this context, it draws on empirical evidence gathered through fieldwork by means of semi-structured face-to-face interviews with key players in the country both before (2006) and after (2012 and 2013) the implementation of the legislation to raise questions about the potential and value that CSR, as contextually conceived, can make to sustainable development.

Richard Craven	**The Turkey-EU relationship through the lens of public procurement law**	**6C**

Abstract: The paper presents socio-legal empirical research currently being undertaken, which examines the dynamics of the Turkey-EU relationship. The research seeks to do so from an original standpoint: public procurement law. The regulation of government purchasing is inextricably linked to a country's personality. A detailed understanding of the rules in place and range of motivations, economic, social and political, that lie behind law, policy and practice in the area provides a detailed portrait of a state.
Turkish procurement legislation, introduced in 2002, was predominantly motivated by Turkey's EU candidacy and the need to bring laws into line with the EU acquis communautaire. In 2002 the Commission pinpointed procurement as a key area in which there had been progression. However, seemingly in line with the wider relationship trend, the alignment of rules has struggled to materialise, being progressively set back; for example, there has been a series of 25 of legislative amendments. The Commission and OECD are now heavily critical of the slow rate and direction of progress.
The paper's law in context approach not only provides an important insight into Turkish procurement law, which is lacking in analysis, but builds upon the wider complex and multifaceted EU-Turkey debate. In addition, in times of crisis and uncertainty the free market rules of the EU and WTO can be politically unattractive to governments (particularly in view of e.g. relative Turkish prosperity). The consideration of certain competing pressures and interests faced by Turkey contributes to an understanding of the way in which the EU and WTO can continue to progress despite a changing global climate.

Richard Hyde and Ashley Savage	**Whistleblowing, Regulators and Accountability**	**3A**

Abstract: This paper considers the relationship whistleblowing and regulators from two accountability perspectives. First, how can whistleblowing disclosures to regulators help ensure that public bodies, such as hospitals, are held accountable for their actions? Second, how can regulators be held accountable for their treatment of whistleblowers?
The report of the Whistleblowing Commission has acknowledged the importance of both these questions, but the details remain to be explored in detail. The authors first argue that by considering the relationship between whistleblowing and accountability, and argue that disclosures to regulators have greater potential to ensure accountability than disclosures to other bodies, such as the media. Second, by drawing on an empirical study of over 400 national and local regulators, the authors consider best practice and propose actions that ensure that the regulators be held accountable for the treatment of whistleblowers.

Richard Kirkham	**Evolving standards in the complaints branch**	**2A**

Abstract: It is well known that dispute resolution schemes in the complaints branch, including ombudsman schemes and complaint-handlers, operate a very different dispute resolution methodology to that typically applied in the courts and tribunals. This methodology is widely accepted, but concerns have always existed regarding the fairness of the procedural safeguards deployed in the complaints branch. This paper investigates two specific areas of procedural practice in the complaints branch: the openness of the sector in terms of the decisions that it makes and the grounds upon which they are made; and the capacity to review decisions made in the sector. The paper argues that there is evidence that, whilst further refinement could be introduced, procedural safeguards in the sector are more robust than hitherto has been understood.

Richard Moorhead	**Looking at the Ethical Consciousness of Lawyers**	**5M**

Abstract: This paper will discuss quantitative and empirical research ongoing with Rachel Cahill-O'Callaghan (Cardiff) and others which examines the ethical consciousness of lawyers and will consider the potential utility of Schwartz's values framework as a, but not the only, lens through which to observe lawyer ethicality.

Robert Cross	**How Alternative are ABS?**	**5M**

Abstract: The Legal Services Act 2007 introduced provision for new types of law firms structure, permitted by regulators since late 2011/early 2012. These provisions exercised a significant degree of concern among the profession, and continue to do some parts of the profession. The ABS model enables lawyers and non lawyers to share the management and control of a business that provides 'reserved' legal services to the public. This paper will present the findings of the first scale survey of alternative business structure (ABS) licence holders undertaken in 2013. This will consider the types of organisation that have gained an ABS licence, the areas of law they provide services in, how they deliver services, and the types of clients they provider services too. This will make some comparisons with traditional solicitors firms and seek to assess how different ABS actually are so far.

Robert Herian	**"Feel your dark way as I lead you, father": (re)imagining equity with law using Sophocles' Theban Plays**	**6L**

Abstract: Equity, so the maxim goes, follows the law. At first blush this may seem straightforward, and almost certainly since Sir Edmund Coke's reaffirmation in the 17th century of law's prominence the maxim enjoys both the force and favour of positivist dictate in the procedural domain of common law jurisdictions. Yet, unquestioned acceptance of equity's position as such at once disregards its exercise of an enduring and wider influence, whilst also betraying continued attempts to conceal those aspects, namely its inherent ethical dimension premised upon conscience, which arguably make equity a vital and necessary jurisprudence in the twenty-first century.
Using as illustrative Sophocles' Theban Plays, primarily Oedipus at Colonus, via a psychoanalytic methodology that attends to the relational desires underpinning the interplay of the two subjects equity and law, the following paper will aim to both agitate and (re)imagine the dynamic of the maxim and the relationship of equity with law more broadly. Foundational to this dynamic is how the two bodies traverse and negotiate both with one another and the landscape in which they operate and perform: a space in which they are also both ultimately called upon to act by virtue of a desire for recognition.
As part of a wider project, this paper aims to contribute to an assessment of the value and perception of equity to the legal landscape, chiefly from the point-of-view of pedagogy and a regulated legal curriculum that presently continues to recognize it as a core area of knowledge.

Rodrigo Cespedes	**Criminal and environmental justice for chilean indigenous people**	**4C**

Abstract: This paper deals with Chilean indigenous law and its evolution experimented after the ratification of the ILO Convention 169. One of the most important changes is that indigenous communities and individuals have been recognized as right-holders of international rights. That idea has

triggered a legal revolution: natives have used international provisions in criminal and environmental trials. Because in those cases indigenous custom is crucial, a multidisciplinary approach is essential in order to adjudicate with fairness. With the purpose of achieving that, the presence of anthropologists or ethnographers as expert witnesses has been fundamental.

Ronagh McQuigg	**Recent Case Law on Domestic Violence from the European Court of Human Rights: A Socio-Legal Perspective**	**1F**

Abstract: In recent years the issue of domestic violence has been addressed at regular intervals by the European Court of Human Rights in cases such as Kontrova v Slovakia, Bevacqua and S v Bulgaria, Opuz v Turkey, E.S. and Others v Slovakia, A v Croatia and Kalucza v Hungary. Whilst this consideration of domestic violence by the European Court is certainly to be welcomed, it seems nevertheless that the Court's jurisprudence in this area is somewhat incoherent. With the recent case of Valiuliene v Lithuania, the Court was provided with an ideal opportunity to clarify its approach to the issue of domestic violence. However, this paper will argue that the Court did not fully take advantage of this opportunity. The paper will examine the facts of Valiuliene and will analyse the judgment of the European Court in this case, in the context of the Court's previous case law on domestic violence. In addition, the even more recent case of Eremia and Others v the Republic of Moldova, which also involved domestic violence, will be discussed.

The paper will however be more than simply a doctrinal discussion of the case law. The case of Valiuliene v Lithuania also raises wider questions in the socio-legal sphere concerning whether human rights law, and indeed the law in general, can respond in an adequate manner to an issue such as domestic violence. In Valiuliene, it was commented that, 'the full effet utile of the European Convention on Human Rights…can only be achieved with a gender-sensitive interpretation and application of its provisions which takes in account the factual inequalities between women and men and the way they impact on women's lives.' However, to what extent is it likely that the Convention will in reality be interpreted in such a manner as to respond adequately to the issue of domestic violence? For example, the European Court's case law to date has focused on the responses of criminal justice systems to domestic violence. However, it is widely recognised that there are substantial problems with fitting the issue of domestic violence into the criminal justice system. The exclusive focus by the Court on criminal justice responses to domestic violence is therefore problematic, particularly as it has been found that frequently it is the provision of social support measures that is the response that is of most benefit to women who have suffered domestic violence. The paper will also discuss the even more fundamental question of whether the law in general can ever respond in an adequate manner to an 'unseen crime' such as domestic violence.

Rosemarie Mcilwhan and Martha Caddell	**Internships – volunteer, worker, employee or something else?**	**2B**

Abstract: Internships in the UK are a fairly recent phenomenon, the use and visibility of which has grown extensively over the last few years. With this growth has arisen the debate on whether internships should be paid and therefore their legal status (Lawton and Potter (2010)). These debates are particularly pertinent in the current climate of growing under- and unemployment, particularly in relation to graduates.

This paper considers the legal status of interns, examining the National Minimum Wage Act 1998 as well as relevant case law on this (for example Vetta v London Dream Motion Pictures (unreported)). Given that many internships are undertaken by students to gain work experience this paper considers the legal status of work experience and work placements and how this relates to the discussion on the status of internships. This paper presents a spectrum of employment and considers whether and where internships should fit within this spectrum.

This paper considers the equality and social mobility (Milburn (2009)) issues implications of the use of internships and whether internships are promoting a new elitism. In particular, it asks the question of whether the legal profession despite its obligation to act ethically and legally has overlooked this in its use of internships.

This paper draws on action research being conducted as part of the Third Sector Internships Scotland programme (www.3rdsectorintern.com), a collaborative effort involving The Open University in Scotland, Queen Margaret University and the Scottish Council for Voluntary Organisations (Caddell and McIlwhan (2011)). This paper argues that internships that the legal status of internships needs to be clarified to ensure that employers and interns are clear about the rights and duties associated with internships and that they are not just a by-word for cheap (free) labour which can be exploited.

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Vetta v London Dream Motion Pictures (unreported)

Rosemarie Mcilwhan, Liz Hardie and Francine Ryan	**Should online teaching have a place in undergraduate law curriculum?**	**3E**

Abstract: With the ongoing development and uptake of technology there is a question about how much to integrate this into legal education and how far can it assist or improve the experience both for students and academics. Whilst it would be foolhardy to ignore the use of technology entirely, the issue is to ensure that any use is appropriate.

This paper explores the use of online teaching compared to face-to-face teaching. It draws upon a pilot with level 1 law students at the Open University. These students were studying W100 Rules, Rights and Justice the first course in the Open University's LLB programme. This is an open access course (no formal qualifications are required for entry) with about half of the students studying towards the LLB and the others towards other (mainly social science or business degrees) degrees. The pilot compared tutor groups who either receiving face-to-face or synchronous online tutorials via Elluminate (online conferencing tool).

This paper critically evaluates use of technology in teaching undergraduate law, in particular in a distance learning environment. It provides comparative analysis of the use of online teaching and face-to-face teaching, considering issues such as student satisfaction, knowledge transferred, accessibility and attendance. It examines the use of synchronous online teaching supplemented by asynchronous online tools, exploring whether the delivery of online teaching requires more support outwith tutorial hours than face-to-face teaching. The paper addresses some of the barriers presented by online teaching such as lecturer and student IT skills and perceptions of online teaching, facilitating engagement, teaching legal skills and knowledge and technical access and issues.

The paper identifies the learning points for online teaching including learning design (Muilenberg and Berge, 2005), how to address the barriers to online teaching, and support for academics and students (Richardson, 2009). It argues that it is possible to effectively engage undergraduate law students through online teaching as much as through face-to-face teaching and explores options for best use of both methods. It argues that online teaching should have a place in the undergraduate law curriculum but that a blended learning model using both online teaching and face-to-face teaching may be most effective.

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Richardson, J. T. E. (2009b). Face-to-face versus online tutoring support in humanities courses in distance education. Arts and Humanities in Higher Education, Vol. 8, pp69–85.

Rosemary Auchmuty	**The Myth that Marriage Protects**	**2G**

Abstract: Socio-legal scholars frequently refer to the 'myth of the common-law marriage' among unmarried cohabiting couples interviewed over the past 20 or 30 years. The 'myth' so described, and to which scholars often ascribe the remarkable rise in cohabitation outside marriage, is the belief that, after a certain number of years, heterosexual cohabiting couples acquire the legal rights of married people. The questions asked by these researchers tend to be 'Why don't these people marry?' and 'How can the law be reformed to help these poor people [on death or separation]?' when they find they do not, in fact, have the rights of spouses. My research into civil partnership dissolution seems to show that more same-sex couples are misled by the myth of marriage than the myth of common-law marriage. This is because people rarely ask: Why do people marry? What exactly are the protections afforded to married people? Is it correct to describe marriage laws as 'protective'? This paper argues further that this belief that protection is necessary is inimical to other, more progressive social goals - as the experience of civil partners shows.

Rosie Harding	**The Rise (and Fall?) of Statutory Wills: Best interests, substituted decision making and the UN CRPD**	**2H**

Abstract: In this paper, I explore the phenomenon of 'statutory wills' under the Mental Capacity Act 2005. Statutory wills were first introduced under the Mental Health Act 1969 to avoid intestacy provisions that would result in the estate passing to the crown. Their use has been expanded in recent years by the change to regulation under the Mental Capacity Act 2005. I begin with an overview of the historical development of the statutory will, before moving on to explore the rising contemporary significance of this form of testamentary document. I argue that the development of statutory wills reflects social understandings of 'deserving' inheritance and particularly a desire for tax efficient succession planning. I interrogate the legal framework supporting the execution of statutory wills for those who have been adjudged to lack the mental capacity to enact their own will, with a specific focus on the shift enacted by the MCA and developed by the Court of Protection from the pre-MCA hypothetical substituted judgement approach to the current best interests framework. I then assess the compatibility of statutory wills with the right to equal recognition before the law under Article 12 of the UN Convention on the Rights of Persons with Disabilities (CRPD). I argue that the contemporary best interests approach to statutory wills has a number of problems, both in terms of the paradigm shift towards supported decision-making and in terms of the appropriate balance of factors in best interests decision making. I conclude by exploring three potential solutions to this problem: first, that statutory wills should be abolished in order to fit with the requirements of Article 12, CRPD; second, that statutory wills can remain but a fundamental shift in understandings of 'best interests' is required; and third, that supported decision making is not appropriate in all circumstances and statutory wills should be considered and exception.

Ruijie Du	**New Orientation, Old Predicament: the Issue of Private Property Rights in the New Context of Hong Kong's Heritage Conservation**	**3N**

Abstract: Over the past 6 years, the city of Hong Kong has been experiencing dramatic changes in the field of heritage conservation – from the debates of if historic conservation was carried out in Hong Kong at all to an entirely new set of cultural policy that has been promoting a good number of conservation and revitalization projects in Hong Kong.

Hugh Baker, a British author, used to describe that the last generation of the Hong Kong people live in a "borrowed place and in borrowed time". Since the revert of this former British colony to China in 1997, the self-awareness and the promotion of identity leads to a perceptible change in the mindset of Hong Kong people about value of historic heritage. The protest against the demolition of the old Star Ferry Pier and Queen's Pier in 2007 lighted the fuse of the transformation of cultural policy and government administration on heritage conservation. The newly formed Development Bureau in July 2007 takes over the supreme authority for heritage conservation and takes forward a series of new initiatives as announced in the chief executive's Policy Address in October 2007, including conducting Heritage Impact Assessments for new capital works projects, implementing the Revitalizing Historic Buildings Through Partnership Scheme for Government-owned historic building, providing economic incentives for conservation of privately owned historic buildings, etc.

Even though the new policies encourage the private owners to work in with conservation through different strategies, the long existing conflict between private ownership and heritage conservation still remains the biggest obstacle for historic conservation in Hong Kong and continues to cause demolition of historic buildings: According to the Antiquities and Monuments Ordinance, the existing Declaring System of Historic Monuments can only protect government owned properties while the Grading System of Historic Buildings carries no legal protection at all; The conduct of Heritage Impact Assessment reflects the double standard in handling government development projects and privately owned projects where historical buildings involved; The Revitalizing Partnership Scheme can't be implemented to private owned historic buildings; etc.

This paper will analyze the issues of private property rights in terms of heritage conservation in Hong Kong, starting with a review of the Antiquities and Monuments Ordinance – the heart of the legal framework of heritage conservation, which has been in place for nearly 40 years, and the enforcement of heritage law. It will not only illuminate existing problems involving private ownership that mentioned above with case studies but also make recommendations for achieving greater protection of private owned historic buildings in context of the current social-cultural transition in Hong Kong society.

Ruth Fletcher	**A Troubled Conscience: Reflecting on the Right to Conscientious Objection**	**1C**

Abstract: This paper reflects on my own initial response to Doogan and Wood v Greater Glasgow and Clyde Health Board [2013] CSIH 36 and begins to articulate a critical theoretical justification for recognizing the midwives' right to conscientious objection (CO), albeit in narrow terms. In my initial response to Doogan and Wood (Fletcher, 2014 forthcoming), I saw the legal problem as the Court's neglect of women's legal interests in abortion as a key factor in determining the scope of CO under s. 4 of the Abortion Act, 1967. On this view, the judgment is problematic in its ruling on the scope of CO for 2 main reasons. First the judgment limits the conception of harm restricting CO to serious threats to a woman's life or health, and second it fails adequately to consider how women's interests in harm reduction limit CO. This practical critique does not challenge the idea that the midwives have, and should have, a legal right to CO. The underpinning rationale for this position could be a version of the standard liberal account: those who have a legal duty to provide healthcare may refuse that duty when it would bring them into conflict with their core moral beliefs, but only to the extent that this can be done consistently with avoiding the neglect of women's lawful interests in abortion. Or it could rely on a more psychoanalytical version using something like Cornell's argument for the importance of 'the imaginary domain' (1995) to healthcare practitioners as well as to abortion-seeking women. Instead however, this paper draws on but distinguishes itself from these contributions by developing a justification for CO through a materialist feminist sympathy for an agent's need for critical intellectual space as she negotiates her public duties and institutional surroundings.

Sabine Hoehn	**Justice, while she winks at crimes… Legitimacy, effectiveness and the non- confirmation of charges at the ICC**	**5D**

Abstract: So justice, while she winks at crimes, stumbles on innocence sometimes (Butler 1664).

The paper analyses the significance of terminated cases for the effectiveness and legitimacy of the ICC. It examines the increasing number of charges that do not reach trial stage at the ICC – either because judges do not confirm charges at the end of the pre-Trial stage or because the prosecution dropped them before the trial commenced. It asks whether this is a sign of the effectiveness of the ICC or signalling the court's inability to see cases to the end. On the one hand the non - confirmation of charges might prove that the court's high judicial standards and procedures effectively filter out cases with insufficient evidence. On the other hand they might cast doubts on the prosecution's ability to gather enough evidence in time to construct viable cases. Additionally, dropped charges might be mistaken as proving the suspects' innocence, because verdicts tend to be perceived as statements about guilt. This has led to a tension between standards of evidence and the aim to see cases through.

The paper argues that dropped charges reveal particularly clearly the conflict between due process and the pressure to see cases through at the ICC. In a final step the paper explores under what circumstances an early termination of cases increases and when it undermines trust in the court.

Salem Alshehri	The right to trial within a reasonable time in English law in Criminal Matters	7A

Abstract: The right to trial without undue delay is fundamental for efficient dispensation of justice. The accused deserves to be held innocent until guilt is confirmed and should not suffer prejudice because of delays in trial. This view runs in consonance with the opinions and decisions of many judges and juries that have determined questions on the preservation of this right in recent times. Nonetheless, the starting and ending points of the right to expeditious trial are not clearly mapped out in English law and judges are often called upon to make determinations on the breach of this right according to the circumstances of the case. Essential to the determination of occurrence of breaches to this right are the complexity of the case, conduct of administrative authorities, conduct of the accused, prejudice suffered by the accused, and the defendant's waiver of the right. Moreover, before English judges can establish existence of breaches, they ought to find in prior if the length of delay warrants such inquiries. In circumstances where delays before trial are evidently long, the judges and jury ought to delve into the reasons given by administrative authorities to have occasioned the delays, then into whether the accused asserted this right, before they can confirm and remedy the breaches. Moreover, the remedy provided should not be as extreme as to prevent the cause of justice. Judges and jury in England ought to act cautiously, and avoid extreme measures such as permanent stay of proceedings as much as they can.

Sally Richards	Legal Consciousness in the Refugee Review Tribunal of Australia, How Government Officials Think About Law	1A

Abstract: This paper considers the legal consciousness of government decision makers through empirical enquiry in the Refugee Review Tribunal of Australia. It interrogates Marc Hertogh's categorisation of primary level government decision makers as either legalists (with a strong understanding of law and correspondingly strong support for it), loyalists (with little understanding of law but strong support for it), cynics (with strong understanding of law but little support for it) or outsiders (with little understanding of law and little support for it) in the fresh appeal level, quasi bureaucratic and Australian context. Whilst Refugee Tribunal Members are government bureaucrats, they are drawn from a variety of highly skilled legal and non -legal backgrounds performing what was described by one decision maker as the most 'intellectually demanding work [she has] ever done' following twenty five years of legal practice. Their everyday decision making, unlike typical primary level decision makers, is complex and diverse; certainly not mundane or routine as traditional conceptions of bureaucracy evoke. Through interview conversations with twenty five former Refugee Review Tribunal Members, this paper teases out the legal sensibilities of these decision makers to consider the variation of legal belief systems that characterise this unexplored substratum of contemporary bureaucracy.

Samet Caliskan	Constraining the Wrongdoing Directors from Undesirable Behaviour.	3B

Abstract: Over the years, there has been an increasing debate on how companies and their constituencies can be prevented from engaging in wrongful behaviors. The company is an artificial body which has no arms, brain, or souls and the directors and the employees are the arms and brain of company. Through the separation of control of ownership of company, they perform actions on behalf of the company. In this regard, directors may have a significant authority to manage the company in case of lack of sufficient control mechanisms imposed on them.

Therefore, the power provided to the directors should be subject to control so that it is not used undesirably. In this regard, the question of the extent to which the existing control mechanisms provide sufficient constraint on directors' conduct should be examined. For this reason, the decisions they make on behalf of the company should be subject to intensive control and monitor. The mechanism of decision control consists of 'the ratification and monitoring of decisions' , however, the question to be asked is whether the company is able to ratify or monitor the decisions of its directors. If it is, questions of what tools are provided to the company under the law to ratify or monitor the decisions of its directors and how their effectiveness in terms of encouraging compliance and deterring wrongdoing should be examined. These are the mechanisms employed ex ante. In terms of mechanisms applied ex post, the deterrent effect of equitable remedies provided to the company to bring an action against its wrongdoing directors is also in question mark.

Santiago Abel Amietta	Idioms of Participation: Language, Power and Knowledge in the Introduction of Laypersons in Criminal Trials in Argentina	5N

Abstract: Despite existing provisions for jury trials in the Federal Constitution since 1853, lay participation in criminal justice took place only recently in Argentina. Cordoba became the first province to introduce lay decision-makers, as the result of a process that began with a constitutional reform in 1987 and whose most recent landmark was the 2005 establishment of a mixed tribunal to judge the most serious murders and cases of public corruption.

Drawing on governmentality literature, this paper investigates the interaction of language, power and knowledge in the institutionalization of lay participation in Argentina. My analysis looks, first, at the legal and quasi-legal discourses deployed by various authorities claiming expertise on the process. It shows how a governmental technique (lay participation) can be put forward as a response to diverse 'social problems' and underpinned by varied, overlapping and even contradictory political logics (e.g. democratisation, institutional legitimacy, insecurity and increased punitivity). Then, I focus on the effects the deployment of these political rationalities has in the constitution of 'the juror' as a novel (legal) subject. The ways the juror identity and ethics are represented therein, I argue, offer insights into the constitutive power of law. The centrality of knowledge in the process (from devising the system to implementing it at courthouse level) raises the issue of how expert and non-expert voices are heard and silenced throughout, and of the way 'the juror' is conceived in a double situation of 'authorisation' – empowered to make decisions – and 'subjection' – due to her lack of knowledge in an ambience ruled by expertise.

This empirical analysis is based on fieldwork data produced in different Argentine locations. In line with the need to look at both the institutional discursive scale and the perspective of participants, I employed diverse methods including content analysis of documentary sources (such as judicial decisions, draft laws, media articles and NGOs' statements), observation of jury trials and other court proceedings and in-depth interviews with jurors, judicial officials, lawyers, pro-jury activists and legal reformers.

Sara Ramshaw	Improvising Child Protection Law	8A

Abstract: This conference paper introduces an 18-month AHRC-funded research project entitled 'Into the Key of Law: Transposing Musical Improvisation. The Case of Child Protection in Northern Ireland', which commences in May 2014. In collaboration with sound artist, improviser, and lecturer at Queen's University Belfast's Sonic Arts Research Centre (SARC), Dr Paul Stapleton, this project engages with improvisation as a social practice applied to the discipline of law with the aim of facilitating new kinds of intercultural and interdisciplinary conversations and fostering new, better, ways of being with one another, both as individuals and as members of diverse communities, in a multicultural and, in the case of Northern Ireland, a divided society. Contrary to common sense notions of improvisation, critical improvisational research does not equate improvisation with a reduction in formality. Instead, it emphasises that formal structures are essential for creativity to occur. This project thus explores the structures necessary for more creative decision-making, looking specifically at the area of child protection law. Child protection suits this exploration very well because of the current review of the system and the call for a reconsideration of the structures currently in place. Through discussions, interviews and workshops with key stakeholders in this area, such as judges, lawyers, social workers and charity/third sector employees, along with local and international musicians, this project endeavours to bring to light further structural changes necessary to enable quicker, more creative and just decisions in the area of child protection law. This will undoubtedly benefit not only Northern Irish children and their

families, but will potentially impact child protection law globally as well.

Sara Stendahl	Begging in the midst of EU-policy making: free movement, equal treatment, social investment, Roma integration and social rights?	4A

Abstract: While the borders of Europe have been opened to secure the free movement of EU-citizens, welfare state responses have been more hesitant. In the universal, state-centred welfare state of Sweden the return of beggars on the city streets has reinforced a trend where voluntary organizations, supported by public funding on local level, take systematic social action. It seems as if destitute, predominantly, Roma, EU-citizens from Eastern Europe made visible the limited outreach of Swedish "universalism".

While I intend to describe this development, with Roma beggars in focus and with Gothenburg as a case study, I will discuss the implications of different regulatory choices. In a situation of system perplexity, when core actors are at loss, there is momentum for new ideas and new solutions. In Gothenburg the distribution of fundamental social provisions is no longer solely the responsibility of the municipality but transfer of resources to destitute poor are made possible through charitable organisations with reference to concepts such as social economy, social innovations and social investment. The exposed situation of Roma in Europe has been recognised in several ways on EU level and it is, for instance, clear that the "Racial Equality Directive" should protect Roma against discrimination on grounds of racial or ethnic origin. In addition, following the EU framework for Roma integration, many countries have "National Roma Integration Strategies" in place. Still, do begging Roma EU migrants have access to social rights? And if not, does it matter?

Sarah Keenan	Technologies of Dispossession: The registration of land title and the production of subjects out-of-place	3K

Abstract: Under the common law, possession has traditionally been the ultimate source of land title. However since the mid-1800s this has been changing with the introduction of new legal requirements that, in order for land title to be valid, it must be recorded on a centralised land register administered by the state. That is, there has been a change from a system in which land title is rooted in possession to one in which land title is rooted in registration, this change producing 'not a system of registration of title but a system of title by registration' (Beskvar v Wall (1971) HCA per Barwick CJ). In this paper I argue that the compulsory registration of land title works as a technology of dipossession in two ways: firstly, it produces physical spaces determined by a centralised, state-controlled register at the expense of physical spaces determined by local lived practice and memory; and secondly, it produces improper subjects – subjects who are out of place and who legally belong nowhere. I further argue that this production of improper subjects is racist because their social and physical dispossession makes them vulnerable to premature death (Gilmore 2007). Specifically, the paper will examine how property law systems involving the compulsory registration of title have systematically dispossessed Indigenous people in the settler colonial contexts of Australia and Canada, producing landscapes in which pre-colonial relationships with land are wiped from legal memory. This examination resonates with critical race and legal geography work on the violence of Anglo-American property law regimes (Watson 2002, Blomley 2003), but focuses on the specific role registration plays within those regimes. It will also put forward the argument that the recent criminalisation of squatting in England and Wales under s144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which disproportionately affects homeless people and traveller communities, was enabled by the shift to a system of title by registration in those jurisdictions (finalised in 2002).

Sarah Sargent	Truth is Stranger than Fiction: Pigs in Heaven and Indian Child Welfare Act Redux	8F

Abstract: It has been 35 years since the passage of the American federal law, the Indian Child Welfare Act (ICWA). This law marked an official end to the policy of removal and assimilation of indigenous children. At the time, the law was and remains controversial—surprising in the face of the actions which had been taken as supposedly in the best interests of children—but that actually caused a great deal of harm. Forced removal and assimilation of indigenous children has been recognised as an act of genocide in the 2007 United Nations Declaration on the Rights of Indigenous Peoples. There should be little left to say about the removal of children and the Indian Child Welfare Act. But a 2013 United States Supreme Court decision made deliberate inroads into the protections offered by ICWA, raising alarm across indigenous families and communities. Not much progress towards a widespread acceptance of ICWA and the need for its protections has been made, it would seem.

The controversies and debates over ICWA featured in a novel published in 1993, Pigs in Heaven, by Barbara Kingsolver. By 1993, the legal fights over the application of the Act had grown, rather than diminished. Professor Christine Metteer critiqued these developments alongside the story about ICWA in Pigs in Heaven in a 1996 article.

This paper revisits the critique of Pigs in Heaven offered by Metteer, and in turn, the novel's critique of the Indian Child Welfare Act. It also examines the novel as a useful literary form for analysing the debates triggered by the 2013 Supreme Court ruling.

Metteer explains that Pigs in Heaven provides

a fleshed-out case history in an Indian child custody proceeding. The novel explores both legal and emotional problems as they play out in the lives of both the adoptive family and the Cherokee tribal members involved. It offers insight into many of the questions that have plagued the state courts that have tried to apply the Act and accurately reflects the spirit of the Act which many courts have forgotten or ignored in focusing exclusively on the best interests of the Indian child.

In this critique, the saying that "truth is stranger than fiction" is particularly apt. There are uncanny parallels between the story in Pigs in Heaven and that of the Supreme Court case. Both involve the Cherokee Nation, and a young girl, a white adoptive family and the child's Cherokee Nation family. But there are also striking differences.

While Pigs in Heaven provided a hopeful ending, it is a hope that has been lost, or at least well buried, with the 2013 United States Supreme Court decision. Still existent tensions about American Indian identity and culture, and lingering assimilationist views are made apparent in majority decision's opening sentences.

In this paper, the implication of the US Supreme Court decision are considered against the backdrop of the story in Pigs in Heaven and the earlier critique made by Professor Metteer.

Sarah-Sophie Flemig	Mind the Gap to Close It – The Role of Socio-Legal Research in Bridging Legal and Public Policy Scholarship on the Legislative Process	4I

Abstract: This paper is directly based on the author's doctoral thesis research on the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Act 2006, which combines quantitative and qualitative social science methodologies, such as content analysis, s systematic review, survey research and elite interviewing, with doctrinal legal analysis. The project was triggered by an empirical puzzle about the widely varying evaluation of policy change regarding charity law reform in England, Wales and Scotland, especially between legal and policy actors.

In addition to presenting how the various social science methodologies have been applied to generate primary empirical data on the legal context, the paper identifies an urgent need to "bridge the gap" between legal and social science research: having analysed the policy making processes leading to the two Acts, the author concludes that much of the alleged policy failure stems from a perception and strategy gap between policy actors and legal actors – as one interviewee put it, simply because the two groups "speak in different tongues". To illustrate this gap between the two communities during the legislative process, the paper will provide empirical illustrations based on the debate about 'public benefit' and the removal of the presumption of public benefit under the first three heads of charity defined by Lord Macnaghten in Income Tax Special Purposes Commissioners v Pemsel*.

The paper suggests that both legal and public policy scholars stand to gain from explicitly specifying technical-legal policy change and political

policy change. To conclude, the author introduces such a two-level model of the legislative process, which is then used to indicate three strategies for bridging the law-policy gap using the example of charity law.
*[1891] AC 531 (HL)

Sean Columb	Beneath the Organ Trade: A Critical Analysis of the Organ Trafficking Discourse	3G

Abstract: This paper critically examines how the organ trade fits into the human trafficking discourse. The organ trade involves diverse actors and consists of various practices, i.e. organ trafficking, transplant tourism, organ sales and organ harvesting. Nevertheless the organ trade is predominantly defined in terms of organ trafficking. Although organ trafficking is a major concern it is not representative of the phenomenon as a whole. Evidence based research indicates that the organ trade is better characterised by organ sales and transplant tourism. This paper argues that co-opting the organ trade into the 'meta- narrative' of human trafficking resists a wider critique of the phenomenon linking the emergence of a global market in organs to broader socio-economic conditions. Further it is argued that the organ trade is not a direct consequence of the global shortage of organ supplies, but is rather linked to the transfer of transplant capabilities to the global south. The rhetorical positioning of the organ trade as an object of crime control diverts critical attention away from the transplant industry and frames the phenomenon within a narrow criminal paradigm. Formulaic criminal responses follow which overlook important intersections of agency, identity, culture and politics.

Sean Farran	Towards Universal"isms": A study of values in representations of UNESCO cultural landscapes on Flickr	5L

Abstract: Photo-sharing sites are extremely popular and an increasing number of people are engaging with them as a means to express their views and share their experiences, but what position does this content hold in relation to wider social structuring, such as international conventions? This research report investigated how images of cultural landscapes posted on the photo-sharing site Flickr engage with the values and debates surrounding one of the most controversial international conventions on the protection of cultural heritage; the UNESCO Convention for the Protection of the World Cultural and Natural Heritage.
To achieve this, content analysis as developed by Bernard and Ryan (2010) was used as a starting point for analysis of the data. Descriptive statistics were used to identify occurrences in the data and provide insight into several key issues identified in the literature.
The results of this analysis suggested that representations of cultural landscapes on Flikr locate cultural landscapes as being imbued with a range of shared meanings that negate attempts at a clear linear defining of their value, yet in many respects maintain the Enlightenment ideals upon which UNESCO is founded whilst calling into question what it means to talk of "universal value".

Shea Esterling	Exploring the Limits of the Restitution of Cultural Property in the UN Declaration on the Rights of Indigenous Peoples	4M

Over the past thirty years, Indigenous Peoples have turned to international human rights law (IHRL) to help secure the return of their cultural property. Accordingly, in 2007 the General Assembly of the United Nations passed the Declaration on the Rights of Indigenous Peoples [UNDRIP] which offers at Article 11(2) that: "States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs."
Using U.N. documentation, this talk will trace Article 11 from its origins at Draft Article 12 to its present form revealing that it suffered a serious retrogression regarding the restitution of cultural property. In turn, the remainder of this presentation focuses on what underpins this retrogression at both the micro and macro-levels.
It posits that at the micro-level the retrogression of Article 11 stemmed from links between cultural property and traditional property concepts and self-determination; while at the macro-level Article 11 suffered from the specter of sovereignty.
It concludes with exploring what the future of IHRL holds for indigenous rights in general and the restitution of the cultural property in particular.

Sheryl Hamilton	Violence and Legal Personhood in Rise of the Planet of the Apes	8F

Abstract: Great apes have long been a 'problem' for human law and ethics. The Great Apes Project (GAP), founded in 1993 by Paula Cavalieri and Peter Singer, advocates that 'non-human hominids' such as gorillas, chimpanzees, orangutans and bonobos should enjoy the right to life and freedom. And while a number of jurisdictions have begun to reject scientific and industrial testing on great apes and legislate their more humane treatment (e.g. New Zealand, Switzerland, Germany, Austria, and the US), there is only one jurisdiction in the world that formally recognizes great apes as legal persons: the Spanish Balearic Islands. It would seem that, as Ngaire Naffine observes, the "non-personification of animals is doing important cultural work" (2009: 131).
The rights and personhood claims for great apes are, I suggest, a claim for their kinship with humans. Donna Haraway tells us that "[k]inship is a technology for producing the material and semiotic effect of natural relationship, of shared kind' (1997: 53). Kinship is produced by apes rights advocates through a variety of familial and familiar techniques. Apes are described on the GAP website as "our closest relatives," we "share ancestors" and we can exchange blood. Our DNA is virtually identical. An ape "thinks, develops affection, hates, suffers, learns and even transmits knowledge. … [T]hey are just like us. The only difference is that they don't speak, but they communicate through gestures, sounds and facial expressions."
Interestingly, the hurdle of speaking is at the heart of the film, Rise of the Planet of the Apes (2011). Caesar is a chimpanzee born into captivity in a lab attempting to stimulate cognitive development. The only ape to receive the experimental drug in utero, Caesar quickly performs the paradigmatic list of elements of legal and philosophical personhood – the capacity to reason, to communicate, to self-reflect, to feel emotions (Hamilton, 2009). While the 'reveal' of the film is Caesar's eventual ability to speak, I argue that it is his capacity to orchestrate social violence, rather than his sentience or communicative abilities, which ultimately transforms him into a liberal subject – from nature to culture, from object to subject of law. This analysis will lead to a reflection on the relationship between violence and the legal person.

Signa Daum Shanks	Can Shared Land Use Be a Legal Right? Views from "Aboriginals" in Canada about how it Might be Proven	4C

Abstract: In intellectual circles, in the media, and on the street, people regularly discuss issues about land disputes. Whether classified in legal, social or cultural terms, conflicting views about land can, unfortunately, can also lead to more than verbal debates. Certain individuals, organizations and countries have often used force - and even violence- to enforce their perspectives about the sovereignty of a specific area. When they attempt to justify what they do, parties often refer to events in history to support their opinions and actions.
I want to highlight a certain possibility: what happens if we decide the land's history actually reveals that more than one group shared an area? What if we also learn that historic parties, as well, were content without the dominance of one entity, as all the own groups' continuance ensured individual continuance? In other words, is it possible that historic "sovereignty" could have a certain symbiosis absent from our modern understanding of the word? How and should that shared sovereignty influence our views about this term in modern times?
I focus on how knowledge about historic land use interplays with our opinions about modern land dominance. Using one Indigenous village in Canada as a case study, I reflect about difficulties which arise when a claim of 'indigenous' attachment is also part of the debate. My argument is that constitutive tools actually exist today which can make shared land use a modern legal construct. Furthermore, it could be possible that ensuring this shared use might be necessary to justify the entire rule of law. Current political stalemates - which often have fundamental social and economic conditions at stake- lead to tensions between cultures. These tensions have a phenomenal effect upon inter-cultural relations in the future- especially upon the group considered the "minority". I hope my discussions about Canada, constitutionalism, and the historic realities of

shared land use help us better appreciate what needs to occur to mitigate modern inter-cultural strains experienced in one small community, Canada, and abroad.

Simon Barnes	Psychopaths and the insanity defence in English law: is a policy of exclusion justifiable?	5G

Abstract: A number of jurisdictions have excluded psychopaths from the scope of an insanity defence. Recently, several scholars have argued that at least some psychopaths ought to be excused from criminal responsibility via an insanity defence for at least some alleged criminal offences. Increasingly, these arguments have drawn from findings in empirical moral psychology and cognitive neuroscience that may cast doubt on the moral competence of psychopaths. In this paper, I outline some of the key philosophical arguments underlying this position, and consider the extent to which it may be supported by scientific evidence. I focus, in particular, on recent findings regarding subtypes of psychopathy, and consider how science may help clarify which psychopaths ought to be excused and which alleged criminal offences ought to be relevant. I then consider the extent to which such refinements may justify making an insanity defence available in at least some cases, focusing on relevant debates in an English legal context.

Simon Gardiner	Alternative mechanisms for engaging with 'on-field' racism in sport	5K

Abstract: The aetiology and manifestation of the phenomenon of hate speech in British sport has been subject to significant regulation through legal, sporting rules and sports related. This paper will provide a comparison between different football codes, notably English football and Australian Rules Football as to how incidents of alleged hate speech, between participants (primarily between opposing players but also involving others such as referees) in team sports at the elite level have been subject to specific engagement by the relevant sports-based disciplinary procedures. In English football, two incidents in 2011 gained significant media coverage: the first involving the Liverpool player, Luis Suarez, who was penalized with an eight-match ban; the second involving the Chelsea player, John Terry, who received a four-match ban. Terry was also prosecuted and acquitted for a racially aggravated public order criminal offence.

There will be a comparison with other football codes, notably Australian Rules Football, where a more overtly conciliatory approach has been adopted with elements of mediation between the participants concerning allegations of inter-player racism.

Punitive and conflict-based censorial approaches have a primary characteristic of sending out a clear deterrent message to other potential miscreants. However consensus-based approaches with explicit elements of conciliation are more likely to provide lasting resolution to alleged incidents.

Simon Parker & Ronan Toal	Country guidance and international protection: Law, geography and the enclosure of jurisprudential knowledge	6N

Abstract: This paper draws on a number of important recent cases in the UK and European Courts regarding the circumstances in which the rights of an individual seeking international protection might be breached if they were to be returned to their country of origin or a third transit country. A central feature of all such deliberations is the role played by what is referred to as 'country guidance'. Country guidance is an official assessment of the political, economic, social and cultural situation that obtains in national territories where there are significant levels of asylum or international protection claims to the United Kingdom. Currently such country guidance is produced and issued by the Upper Tier of the UK Immigration Appeal Tribunal (the highest immigration tribunal in the UK) and its findings as a matter of fact are not open to challenge by appellants. The effect of these guidance rules has been to assign to immigration judges and their advisors the role of infallible experts on the political geography of some of the world's most volatile and conflict ridden societies. This has potentially fatal consequences for those who, by virtue of their inability to challenge the veracity, contemporaneity and comprehensiveness of the country guidance find themselves and their families returned to circumstances in which a very real threat to their life and liberty exists. The paper concludes by identifying the emergence of a new governmentality of jurisprudential knowledge that is extending the powers of the state into domains of social scientific expertise that have remained hitherto autonomous and resistant to instrumentalisation.

Sinead Ring	In Search of the Legitimacy of the Criminal Trial	1E

Abstract: This paper seeks to develop a normative framework for evaluating the legitimacy of the criminal trial. It will argue that in late modern neoliberal democracies the trial's claim to legitimacy flows from its professed adherence to a conception of the rule of law that emphasises its moral content and the importance of individual rights. Drawing on constitutional and human rights law, as well as theories of the criminal process, the paper proposes three principles that are conceptual tools to evaluate the legitimacy of a trial and the resulting conviction or acquittal. These are: fairness, accuracy and communication. The paper will explore the content of each of these principles, arguing that they represent are a useful alternative to reductive adjudicative models such as 'balancing' the rights of the defendant and the victim, or the 'triangulation' of various interests. The paper will show how the move towards free proof is reconfiguring fact-finding, and how feminist critiques of the trial's treatment of victims are shaping how the trial communicates with the participants and the public. Particular attention will be paid to showing how fairness to the accused should be redefined as 'fairness in context'; fairness has a fundamental, moral core, but it is also inherently dynamic and evolving. It will be argued that 'fairness in context' is particularly helpful in exploring how fairness to the accused interacts with the trial's commitment to accuracy and communication.

Sjur Kristoffer Dyrkolbotn	"Small-scale hydro-power is in our blood": On private ownership of waterfalls in Norway	3K

Abstract: In Norway, the right to harness water-power is held by the owners of the riverbed. These tend to be farmers and smallholders from the local community and egalitarian ownership of waterfalls has a long history, going back to pre-industrial times. However, following World War II the State introduced regulation to assume more direct control over development of water resources, and local owners never became major stakeholders in hydro-power. This changed following liberalization of the Norwegian electricity sector, and there has recently been a surge of interest in owner-led, local, hydro-power projects. In this paper I will present this development and discuss some legal issues that have arisen, a few of which have proven highly controversial. I argue that the social context of private ownership and development needs to be considered, and I discuss the extent to which a contextual analysis can have a bearing also on the question of what level and form of protection owners are entitled to under constitutional and human rights law.

Snusu Hirvonen-Kowal	Evaluating Cultural Genocide under International Law	5C

Abstract: The question of cultural genocide has been a largely under-studied and under-recognised phenomenon in the legal field. The debate surrounding this issue have mostly focused on the definition of the concept opposed to actually debating the merit of incorporating it into our international legal system. Scholars such as Helen Fein and William Schabas completely dismiss the idea of cultural genocide such as Damien Short and Shamiran Mako. The concept of cultural genocide verses cultural diffusion is one of the major problems in regards to getting any current legislation amended or added with cultural genocide.

My paper addresses the gap which has been formed between these opposing views and specifically draws attention to several case studies in which cultural genocide has taken place. A further investigation into the current international instruments which surround this topic are necessary to see if elements of cultural genocide have been addressed and to what extent. The consequences of this investigation hopes to highlight what the repercussions the omission of cultural genocide has on world affairs and that the current lack of recognition of cultural genocide is a mistake which needs rectifying.

Sonya Fernandez	Forced marriage: A wrong for (criminal) law to right?	7F

Abstract: In 2006, the Home Office issued a consultation on the proposed criminalisation of forced marriage. The response was overwhelmingly negative and the proposal was shelved. Yet, following a second consultation last year, clause 108 of the all-encompassing Anti-Social behaviour, Crime and Policing Bill 2013-2014 will now criminalise forced marriage.

This paper contends that rather than protecting victims and potential victims, legal and political efforts accentuate and exacerbate the acute tensions arising from interactions between communities of colour and the dominant legal framework. Criminalisation is as ill thought through, reactionary and naïve today as it was in 2006. The language of rights and freedoms is once again invoked in a bid to 'save brown women from brown men'. Rather than exploring more meaningful mechanisms for tackling forced marriage, the State instead invokes the weighty hand of the criminal law to deal punitively with perpetrators. This, despite the fact that the courts struggle to deal with drawing the line between arranged and forced marriage and what constitutes coercion – a defining element in proving the offence. As the Home Office itself noted, the distinction is blurred. The courts have constantly reaffirmed the complexity of determining the point at which arranged becomes forced.

The risk then, is to render criminals those whose behaviour cannot be clearly demarcated as such. The emphasis on criminalisation fails to take account of the importance of familial and community ties at play, and in doing so, pits individualistic conceptions of decision making processes above collectivist. Moreover, norms of gender equality and assertions of the need to protect women from 'cultural' violence are once again invoked as a means of brutalising the Other and demonising 'communities' within forced marriages discourse.

Sophie Vigneron	The deaccession of human remains in France	4M

Abstract: The recent development of the law on deaccession of museum artefacts in France is connected to the restitution of the human remains of Saartje Baartman to South Africa in 2002 and of a Mokamokai to New Zealand in 2010. Both cases highlighted the law's inefficiencies to deal with the deaccession of museums' artefacts, particularly human remains. In the case of Saartje Baartman, no laws were in place to allow for her return to South Africa; then a statute voted in 2002 (which was codified in the Cultural Heritage Code), allowed museums to deaccess artefacts and created a Commission (Commission Scientifique Nationale des Collections) whose mission was to oversee this process. However, the case of the Mokamokai illustrated that this Act was inefficient as Rouen's museum curator knowingly acted in violation of the principles set in the Cultural Heritage Code. In 2010, the law was amended to facilitate deaccession by increasing the Commission's remit and requiring it to provide guidelines to facilitate this process. However, four years after the 2010 Act came into force, the Commission has not met. The situation today is that there is no code of conduct to guide museum professionals on the criteria to assess a request to return human remains. As a consequence, France does not have a fair, transparent and effective mechanism to deal with restitution requests as required by article 12 of the UN Declaration on the Rights of Indigenous People. It took eight years to return the remains of Saartjie Baartman even though a promise had been made by the President himself to return them, and it took five years to return the Mokamokai held in Rouen. It is now time for the Commission that oversees deaccession to develop a set of criteria that would take better consideration of the interests of potential claimants and strike a fair balance between the interests of museums to preserve and learn about the past and those of communities to care for their Elders.

This paper will set the history of the restitution of Saartje Baartman and the Mokamokai within the legal context of French cultural heritage law in order to explain why the law needed changing and what criteria were advanced to justify these restitutions. It will critically examine the deaccession process of human remains in France in light of parliamentary debates and of the Commission's practice (or rather lack of). Secondly, it will argue that the Commission should act upon its powers to define criteria that would facilitate rather than limit the restitution of human remains to their genealogical descents and/or communities of origin. This section will draw from international law texts and a comparative analysis of the laws in place in the United States and the United Kingdom to suggest acceptable criteria to be adopted by the French Commission to return human remains to their communities of origin.

Stephen Copp and Alison Cronin	Off-balance sheet finance and the 2008 financial crisis: the case for deterrence evaluated	3B

Abstract: The cost of the 2008 banking crisis has been estimated to have been as much as $11.9 trillion. Off-balance sheet finance has been identified as a significant contributor to this crisis. Since off-balance sheet finance would appear to involve the systematic provision of mis-information with significant social harm, the question arises as to whether or not certain forms of off-balance sheet finance could be regarded as having contravened the criminal law and whether or not they should. There is a good economic case for a strong anti-fraud rule as opposed to mandatory disclosure regime of company law. This is consistent with established thinking with respect to the deterrent role of the criminal law. An excellent example of the potential deterrent effect of the criminal law can be seen from the conviction of Lord Kylsant in 1931 for making false statements with regard to company accounts. This paper will generally adopt a historical approach by tracing the evolution of the general criminal law alongside the context-specific offences under companies, insolvency and financial services legislation and evaluate their effectiveness in redressing corporate misinformation in an accounting context. It will address the evolution of the detailed and prescriptive nature of mandatory disclosure rules in company law and their role in creating and legitimizing off-balance sheet finance. This paper will then review the theoretical literature on the economic evaluation on the criminal law and theories of deterrence. It will conclude by evaluating the case for further reform and what direction such reform might take.

Steven Cammiss	Law, Language and Power: Three interrelated themes on the construction of legal stories	4Q

Abstract: The title of this conference theme is 'Law, Language and Power' and the call asks for, 'papers which consider how language and power interact to sanction and silence people.' This paper addresses this call directly, by exploring how each of the topics in the call are implicated in the construction and reception of legal stories:

Language. The mechanics of storytelling in legal settings is a matter frequently overlooked when we think about the telling and reception of legal stories. Drawing upon micro-sociological perspectives and socio-linguistics (particularly pragmatics), I will show how a concern with 'face' (making a legal complaint is a 'face-threatening act') and the dynamics of any interaction frame how a legal claim is made.

Power. The construction and reception of stories is a context dependent activity; how we tell and interpret stories is influenced by our world-view and the setting in which storytelling takes place. Utilising approaches such as scripts and schemas, I will explore how the interpretation of legal stories is not a neutral activity; to have one's story accepted by the law one must frame one's story in the law's language. Further, it is difficult to tell one's story as the telling of a story in any legal setting takes place within a dynamic where power is already-existing. Legal stories are frequently elicited through a question and answer sequence, where the questioner controls the respondent, thereby framing the story produced.

Law. Through the exploration of a specific example (a story told in a mode of trial hearing in an English magistrates' court) I will show how stories in law have a different focus from stories in the life-world; criminal law, for instance, is concerned with matters such as actus reus, mens rea, and the lack of a defence. Stories in the life-world, however, may be concerned with wider issues, in particular those that explain behaviour or utilise broader notions in the attribution of responsibility.

My aim, in the exploration of these three topics, is to show that we need to adopt a multi-faceted approach if we are to fully understand how the law 'speaks and hears'. This is a necessary step to take before we can move on to question how the law can hear the voices of those silenced.

Steven Cammiss	Mode of Trial for Low Value Dishonesty Offences: An Unwanted Fettering of Judicial Discretion?	2E

Abstract: Just over 35 years ago, a proposal to treat low value theft cases as summary only was rejected by Parliament, but the issue has resurfaced, in amended form, in the white paper, Swift and Sure Justice. This proposal is that magistrates will lose the ability to send such cases to the Crown Court, but the defendant will retain the right to elect.

While the proposal, targeted at limiting the number of either way cases that are sent to the Crown Court, at long last recognises the reality that most either way cases are sent to the Crown Court by magistrates (rather than by elections for jury trial), it remains problematic. This paper will explore this proposal, and the problems with it, by addressing three issues.

Mode of trial reform and 'reputation'. As indicated above, the core of this idea is not new, in that it was recommended by the James Committee. The reason for its earlier rejection concerns the reputation of the defendant; a defendant with a reputation to preserve should be able to defend themselves in front of a jury of peers.

Sentencing for low value dishonesty offences. The current magistrates sentencing guidelines provide a range of circumstances where low value theft should be considered as too serious for the magistrates' court, such as theft accompanied by a serious breach of trust or theft from a dwelling if the victim is vulnerable and violence is used. If the proposal in the white paper is enacted, cases such as these could not be sent to the Crown Court by magistrates.

The 'wrongness' of theft. The above examples (and others in the guidelines) display the fundamental problem with the proposal; theft is envisaged as a simple property offence, where the harm (and wrong) is largely defined by the value of the goods taken. However, we can see in these examples, and others, that the law of theft protects wider interests and cannot be reduced to the value of the goods involved. Something more must be at stake here, in that the law of theft is concerned not only with the taking of property, but also protects against exploitation and other (wider) attacks on our interests.

Sujitha Subramanian	**Impact of the Emerging 'Network Agenda' in the Global Intellectual Property Legal Order**	**1L**

Abstract: The creation of the Anti-Counterfeiting Trade Agreement (ACTA) was identified as an indicator of the growing divide between the Global North and South pursuing the 'enforcement' and 'development' agenda respectively. Indeed, ACTA negotiating partners, mainly populated by developed states, had created a forum outside established international IP norm-making bodies, in order to avoid the distractions posed by developing countries pursuing a 'development agenda'. However, the counteracting influence of the 'development agenda' and concerns raised within and by developing countries did not play a decisive role in ACTA's political demise. Instead, ACTA collapsed from 'within'. The inability of ACTA to gain a stable platform was influenced and almost entirely scripted by civil society groups, academics, netizens and legislators within ACTA negotiating countries, despite assurances that ACTA provisions were consistent with domestic legislation. Indeed, it was this spontaneous emergence of the 'network agenda' highlighting the needs of the networking society for the right to privacy, data protection, and freedom of speech and expression that curtailed the powerful position of the IP lobbyists and derailed ACTA. This may mean that the success of future global IP legal order may now depend on discussions moving beyond the realm of bi-, pluri- and multilateral agreements based on territorial configurations to an inclusive platform that attempts to integrate colliding rationalities of different stakeholder constituencies in world society. In this regard, the nature and scope of the IP chapter in the Trans-Pacific Partnership Agreement which is similar to ACTA and is opposed by the 'network agenda' will indicate whether the debate will have to shift from Global North-South positions to one that cuts longitudinally in a manner that pits IP owners and public interests.

Surabhi Chopra	**Judicially reviewing the State's failure to prevent mass violence: what do evolving judicial remedies mean for government and for victims?**	**6A**

Abstract: This paper examines judicial responses to mass sectarian violence in India. It focuses in particular on remedial innovation by the Indian Supreme Court in response to judicial review petitions by victims of mass violence. I query whether evolving judicial remedies serve largely as a sop and a stopgap, allowing administrative inaction to persist largely undisturbed.

Episodes of mass violence targeted at religious minorities in India have claimed several hundred lives and displaced thousands from their homes. These episodes are different, in scale and scope, from a "hate crime" targeting an individual. By the same token, they are far more contained and sporadic than violence that upends State and societal institutions, and warrants national or regional transitional justice measures.

The State's record on securing accountability after episodes of mass violence has been dismal. Indian law insulates officials from criminal prosecution, so government functionaries who were complicit in violence or grossly remiss have rarely faced any consequences. In addition, neither India's central government, nor its various state governments have acknowledged liability to victims of mass violence. Monetary benefits to victims are treated as discretionary handouts.

When victims of violence have petitioned the courts, however, the higher judiciary has taken a different view. The Supreme Court and a few High Courts have held that public authorities are obliged to compensate victims of mass violence, because of the State's duty – and corresponding failure - to protect victims from such violence. The courts have read this duty into the State's obligations under the constitutional right to life and the executive's administrative obligation to preserve public order.

These decisions build upon a series of Supreme Court decisions in the 1980s where the Court held that the executive owed compensation to victims of Constitutional rights violations committed by government officials. At the time, cases such as Rudul Sah and Nilabati Behara were lauded for making government more accountable to victims of abuse. The courts' decisions on mass violence extend the duty to compensate for violating a constitutional right to include the duty to compensate for failing to prevent violation by a third, non-State, party.

I look at this evolving constitutional tort jurisprudence alongside international standards, and consider the contours of the State's liability for failure to prevent mass violence, and more generally, for failure to discharge a positive duty to protect a constitutional right. What incentives and disincentives might the courts' articulation of this duty create? How easily can victims enforce the right that corresponds to this duty? Impunity for the participants and organisers of mass violence, coupled with neglect of the victims, has been one of Independent India's most profound legal and political failures. I examine the extent to which Indian courts have contributed to a principled and practically viable legal foundation for reparations to victims of mass violence.

Surabhi Chopra	**Young adults and national security laws in India**	**3G**

Abstract: Children in trouble with the law are subject to a special regime of protection, treatment and rehabilitation under India's Juvenile Justice (Care and Protection of Children) Act, 2000. This law adopts a strongly rehabilitative approach to children who commit crimes, different from the more punitive approach embedded in ordinary criminal law. In international fora, the Indian government showcases its juvenile justice law as an example of progressive legislation, protective and respectful of India's children. However, for young adults accused of offences against national security, this special juvenile justice regime might be out of reach. Many members of violent non-State groups are in their late teens. Further, as human rights groups have documented, boys and girls on the cusp of adulthood are frequently suspected of belonging to separatist or terrorist groups where such groups are active in India. These young people are likely to be processed under India's security laws.

India has had, since Independence, a series of security laws which significantly restrict individual rights to liberty, a fair trial, freedom of expression, freedom of assembly and freedom of association. These laws set up a special, extraordinary legal regime for cases related to public order and national security. A person suspected, investigated or tried under these laws has fewer rights than he or she would under ordinary criminal law. But what happens when that person is under 18, and two "special", "extraordinary" legal regimes collide?

This paper surveys the decisions of Indian courts on minors accused of endangering public order or national security. It examines how courts have conceptualized the State's responsibility to those under 18, and balanced this against the vast preventive and punitive powers that national security laws grant the executive. The paper argues that the courts have been inconsistent in their attempts to reconcile the law on juvenile justice and the law on national security. This potentially leaves minors falling within the ambit of national security laws dangerously "underprotected". The paper draws upon comparative jurisprudence and standards and points to how the judiciary could resolve these inconsistencies to develop principles coherent with the Juvenile Justice Act.

Susan Wolf	Access to Information-a precondition for access to justice?	2L

Abstract: This paper will consider the extent to which the access to environmental information provisions of the Convention contribute towards the public participation and access to justice limbs of the Convention. The paper will examine theoretical assumptions that access to environmental information is a necessary precondition for meaningful public participation I environmental decision making and access to justice in environmental matters. The paper will examine the case law and decisions of the Information Rights Tribunal and consider the extent to which they adopt a purposive approach to interpretation of when information should be disclosed in the public interest.

Sylvie Bacquet	Religious Symbols and the Making of Modern Religious Identities	7F

Abstract: Symbols, religious or otherwise, play a large part in the life of individuals as they are closely linked to their cultural heritage and often contribute to the making of one's identity. A symbol may be a piece of jewellery such as a wedding ring, a kara bangle, a cross or a string or it may be a particular form of dress (jilbab, niqab, saari) or head cover (Jewish skullcap, Muslim hijab, Sikh turban). Alternatively, it may take the shape of statues displayed in the home or carried by an individual (crucifix, key ring, holy water, pictures). Symbols may be more or less visible, depending on their nature and on whether they are confined to the private sphere or carried into the public domain. Once in the public sphere, religious symbols are subject to a certain degree of scrutiny, often fueled by curiosity, fear and sometimes ignorance. When associated with a particular ideology, symbols can indeed send negative messages - skin heads and swastikas for instance are often associated with far right movements which promote racism and hatred. Religious symbols can be used to dissimulate terrorist plots, for example, Islamic dress can be used to disguise a suicide bomber (Haider, 2010).

State interference with such symbols therefore must be an integral part of modern democracies for the purpose of protection of citizens. However, in seeking to protect the majority, states must not encroach on fundamental human rights such as the right to freedom of religion and freedom of expression enshrined in Article 9 and 10 of the European Convention of Human Rights (ECHR). This balancing exercise is one that has caused much debate and controversy amongst judges, policy makers and legal academics. While some states like the UK have been fairly liberal in their tolerance to symbols, others like France have adopted a more radical secularist approach, banning those symbols from the public sphere (Bacquet, 2012).

This paper will present findings from an empirical study on the relationship between, the state, individuals and religious symbols. It starts from the premise that laws and policies concerning manifestation of belief are typically made at Government level and therefore remote from those for whom it matters. To date there have been few documented efforts by governments to attempt to gain an understanding of the role that these types of symbols really play in the life of some individuals (Hunter-Henin, 2012). Only with the full understanding of what symbols mean for individuals can we assess the real impact of state interference with religious symbols. Such interference may be prescribed by law as in France where for instance religious symbols are banned from state schools or upheld by the courts as in the UK where judges have often acted as 'arbiters of faith' and upheld schools' exclusions of pupils for wearing a religious symbol.

T T Arvind and Lindsay Stirton	Doctrine and strategy in appellate adjudication	6A

Abstract: Most work on the British judiciary reflects a sense of complacency, based on the assumption—found both in scholarly research and in literature on judicial reform—that the British judiciary is professional and not political, and that the type of factors considered in attitudinal studies of the US Supreme Court are therefore irrelevant to the UK's highest court. Judges in the UK are, in other words, perceived to behave as the so-called 'legal model' predicts: broadly in accordance with the principles, policies and evaluative methods that are enshrined in legal doctrine.

In this paper, we challenge this assumption. Drawing on theories of institutional change, we argue that the 'legal model' is most intelligible as a variant of the 'strategic model', where judges' differing approaches to legal doctrine represent 'institutional strategies', i.e. ways of embedding a predilection towards particular evaluative processes and outcomes within the informal institutions of the judiciary, so as to shape interactions with fellow judges and other constitutional actors. Even faithful adherence to a 'legal model' does not, therefore, undermine the validity of the insights of the strategic model in relation to the role and impact of judges' personal views.

We elaborate upon this through an empirical analysis, using Bayesian ideal point estimation, of decisions of the Law Lords on cases brought against state bodies, which estimates judges' ideological positions on the red-light / green-light scale proposed by Harlow and Rawlings. We find that (a) there are meaningful and measurable differences in judicial positions in key doctrinal controversies (b) this coexists with a very high degree of consensus as to outcomes, reflected in the fact that decisions of the Law Lords only rarely contain a dissent. Drawing on Mary Douglas's grid-group cultural theory, we posit an institutional explanation for the apparent paradox contained in these observations, namely that consensus in the UK's highest appellate court is a product of group-bounded as much as norm-bounded behaviour. Such group-bounded behaviour has the tendency to amplify rather than dampen the effect of bench-composition on the outcome of cases.

These findings highlight the importance of an aspect of the judiciary that tends to be ignored in legal and political work about adjudication - namely, the informal institutions that pervade various levels of the judiciary. We argue that a better understanding of these institutions is critical if we are to achieve a proper understanding of how the judicial branch actually functions in our constitution – and, hence, to enter into a more informed debate about its role, composition and structure.

Tânia Cristina Machado and Ana Maria Brandão	Sexual and reproductive rights in Portugal: The case of (co)adoption	2K

Abstract: In Portugal, public and political discussions about same-sex rights have been going on since the 1990s. Following a law on co-habitation, which encompasses very diverse forms of stable – not necessarily conjugal – unions, in 2010, same-sex marriage was legalised under intense dispute. The latter revolved around the adverse reactions of more conservative sectors of the Portuguese society, on one side, and claims of continued discrimination, on the other, since the law continued to exclude same-sex couples from adoption and reproductive rights. In the beginning of 2013, the Portuguese Parliament passed a bill on co-adoption, which offered one of the partners of a same-sex couple the possibility of adopting the other partner's biological or adoptive children. Once again, this has been seen by some as an additional step towards full inclusion and by others as a danger both to children and the social order. More recently, in an unexpected turn, the Parliament passed a resolution that forces the matter to be subject to public scrutiny through a referendum, therefore suspending the previously approved co-adoption bill. Paradoxically, the Portuguese juridical framework allows full adoption by single individuals irrespective of their sexual orientation. In this presentation, we draw on the contents of discussions concerning adoption and reproductive rights for same-sex couples in order to highlight the underlying presence of pervasive beliefs about the inadequacy of homo-erotic desire and practices, which explain and support their legal and social exclusion from full citizenship rights.

Tânia Cristina Machado	"They should find a man": Barriers to lesbian medically assisted motherhood in Portugal	5J

Abstract: Regarding the legal regulation of the use of assisted reproductive technologies, the Portuguese case differs from other EU Member-States by its underlying representations of masculinity/femininity and "proper" sexuality. One of the requirements to access medically assisted reproduction is to be married or to have been living in cohabitation for at least two years. Although civil partnership and same-sex marriage are legal since 2001 and 2010, respectively, lesbian couples are prevented to have a child through medical help. The law offers this form of procreation exclusively to "adequate" (heterosexual) couples with an infertility diagnosis. Although one of the partners of a lesbian couple could be infertile, it is not eligible for medically assisted procreation. Based on the discourses of clinicians and judges who were interviewed about this matter, this paper highlights how some of them share a representation of reproductive technologies as an extension of the "natural" procreative method and of lesbians as "fertile women" who "should find a man" to get pregnant. Even though some interviewees – mainly, judges – consider that lesbian couples should have access to reproductive technologies, according to others – mainly, clinicians – lesbian motherhood is unnatural, stigmatizing and impoverishing and, so, lesbians must be prevented to bear children through medical aid.

Tanya Palmer	Hard Cases in Sexual Offences Law: Using 'freedom to negotiate' as a model for distinguishing sex from sexual violation	5O

Abstract: This paper – based on a chapter of the author's forthcoming monograph "Re-Negotiating Sex and Sexual Violation in the Criminal Law" – draws on data from 21 qualitative interviews and 2 focus groups, in which respondents were asked to categorise the following four scenarios as either sex or sexual violation:

- A 14 year old willingly engaging in sex with a 27 year old
- A person engaging in sexual activity they do not enjoy, in order to please their partner
- A person engaging in sexual activity they do not enjoy, for payment
- A person engaging in sexual activity within the context of an abusive/controlling relationship

Based on an analysis of the reasons why respondents categorised these scenarios (and variations on these starting points) as sex or sexual violation, and the factors they considered relevant in making that determination, the paper argues that 'freedom to negotiate' is a more appropriate model for distinguishing sex from sexual violation than consent.

The paper concludes by looking at some of the key cases on consent, exploring how the reasoning and/or outcome may have differed under a freedom to negotiate model.

Tanya Palmer	Why Sex Matters	7H

Abstract: In her essay Unspeakable Subjects, Nicola Lacey argues that many of the key values and risks of sexual activity, including "self-expression, connection, intimacy, relationship" as well as "violation of trust, infliction of shame and humiliation, objectification and exploitation" are overlooked in both a legal framework and a body of academic literature which focuses on a narrow, individualised conception of autonomy as the primary value that should underpin laws on sexual offending.

Taking up Lacey's challenge, this paper – based on a chapter from the author's forthcoming monograph Re-Negotiating Sex and Sexual Violation in the Criminal Law – builds a richer picture of the potential normative underpinnings of sexual offences law.

It is argued that 'sex', broadly conceived, is a site at which several vital aspects of the human condition are played out, including:

- Affect – desire, pleasure and pain
- Choice – autonomy, agency and ambivalence
- Boundaries between self and others and self and world
- (In)equality
- Personhood and objectification

Tatiana Tkacukova	Ethical Issues in Proceedings with Litigants in Person	3O

Abstract: Cases with Litigants in Person (LiPs) put additional strain on everybody involved in the proceedings and change the roles of judges and even opposing counsels. While judges have to find the right balance between the requirement for impartiality and the right level of assistance to LiPs, opposing counsels have to make sure they do not use their training to obtain an unfair advantage over LiPs.

The paper presents the results of the linguistic analysis on interaction between LiPs with opposing counsels through the judge as well as interaction between LiPs with judges. It shows how judges construct their roles in the dynamic interaction and how opposing counsels can ensure that their language and pragmatic strategies meet the requirements of the Code of Conduct of the Bar Standards Board.

The linguistic analysis concentrates on the use of im/politeness strategies and honorifics by the opposing parties by looking at how opposing counsels refer to LiPs and their litigation strategies and how judges mitigate verbal conflicts between counsels and LiPs. The paper pays special attention to the way power relations are expressed and manifested through language by all the participants. The results of the linguistic analysis are put into context with ethical issues faced by opposing counsels and judges in cases with LiPs.

The talk presents interim results of the research project "Pro Se Language Use" funded under the Marie Curie Research Fellowship Programme. The materials used in the talk are based on examples of cases mostly from England and Wales, but for comparative reasons also include cases from the US and Canada.

Tatiana Tkacukova	Meeting Communication Needs of Litigants in Person in Civil Proceedings	1M

Abstract: As a result of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 that came to effect in April 2013 and introduced substantial cuts into Legal Aid, the number of litigants in person (LiPs) is predicted to increase dramatically. The applied and applicable research on access to justice and communication needs of LiPs is thus very timely. Yet not much research has been conducted on LiPs from the perspective of their language needs.

In the adversarial legal system, it is strategic use of language that is one of the key elements for constructing and re-interpreting case narratives presented by the opposing parties. LiPs come to court with varied language skills and do not always have a full understanding of pre-hearing and main hearing proceedings, which may seriously disadvantage them. To ensure that the effectiveness of communication is not impeded, it is necessary that all the parties involved fully realise the challenges and needs of LiPs and are aware of the ways they can be met.

The talk presents the results of the linguistic research project "Pro Se Language Use" funded under the Marie Curie Research Fellowship Programme. The talk illustrates language problems that LiPs experience during opening/closing speeches and witness examination, paying special attention to the cross-examination stage. It deals with the following language features: types of questions, function of questions, politeness strategies, turn-taking management, power relations and witness resistance, use of discourse markers, use of honorifics, mitigation strategies, rhetorical and lexical features. The materials used in the talk are based on examples of cases mostly from England and Wales, but for comparative reasons also include cases from the US and Canada.

The results of the linguistic research are put in context with changes proposed in the most recent report on LiPs, The Judicial Working Group on Litigants in Person: Report dated July 2013. The most important changes proposed in the Report include (1) developing a training course for the judiciary working with LiPs and (2) introducing inquisitorial elements into the adversarial proceedings of cases with LiPs. Linguistic research can help develop materials on language and communication problems LiPs experience and ensure the judiciary and court staff are aware of the

reasons behind these challenges. Linguists can also contribute to the debates on procedural changes and meeting the needs of LiPs by way of a more inquisitorial form of process by showing what communication situations are challenging for LiPs and what the alternatives are

Tatiana Tkacukova	Powerful and Powerless Communication Styles of Litigants-in-Person	4Q

Abstract: Strong language skills are key to successful litigation strategies in the adversarial legal proceedings. Litigants in person (LiPs) come to court from diverse educational, professional, cultural and social backgrounds, which is then projected to the way they present their cases. The paper deals with linguistic markers of powerful and powerless communication styles and looks at the function of markers on the micro level of utterance and the macro level of discourse. Special attention is paid to situations in which linguistic features traditionally considered as markers of powerless communication style can turn into markers of powerful style and vice versa.

The paper is based on the analysis of opening/closing speeches and witness examination conducted by LiPs from small claims cases and high profile cases tried in England and Wales, the USA and Canada. The analysis is based on single case studies, which allows for a combination of quantitative research methods and a close analysis of interaction with qualitative research methods.

The paper aims to draw attention to the research gap on litigation in person, especially communication challenges faced by litigants in person. Research into language strategies used by LiPs will help legal professionals understand how the communication styles influence the accounts presented in court.

Therese Odonnell	Greatest responsibility, lesser responsibility, no responsibility: Kony 2012 and legal concepts as tools of obfuscation	4D

Abstract: One of the very specifically atrocious behaviours which have been attributed to Joseph Kony and which is the focus of the Kony 2012 video, has been the recruitment of children into the Lord's Resistance Army, particularly as child soldiers. In this respect, Kony takes his place in the pantheon of international rogues already populated by the likes of Charles Taylor (SCSL), Thomas Lubanga (Congo/ICC) and Gen. Bosco Ntaganda (DRC/ICC) This raises serious issues as regards responsibility for war crimes and crimes against humanity perpetrated upon these children and also, responsibility for acts which these children may have perpetrated during the course of the conflict within which they have been utilised. To what extent can children be responsible for their actions, even if those constitute international crimes and atrocities, if they have been forced/coerced/starved/raped/terrorised into these brigades? Even 'volunteers' were susceptible into recruitment by rebel factions because of their need to survive.

The evident instinct and prevailing trend among international actors has been to consider such children to be victims as much as the dead and maimed 'civilians'. Their responsibility has been considered to be, in varying ways, contingent/voidable/non-criminal/excusable/non-existent. Any responsibility of a former child soldier is replaced by a "trumping responsibility" of an adult, often senior-ly placed, which can never be held by a child. That is the view that those who bear the "greatest responsibility" are held internationally criminally accountable and they are always adults. This approach found legal expression in the Statute of the Special Court for Sierra Leone and has become a common totem around which many involved in international criminal justice have arranged themselves. However, this approach bears a certain amount of examination which this paper will consider in the context of Joseph Kony and the controversy surrounding the 2012 campaigning video.

1) What is its theoretical underpinning?
2) How has it worked?
3) What has been its influence?
4) To what extent has it resulted in a notion of 'no responsibility'?

Thorsten Lauterbach	Owning jointly authored works – equal or unequal shares?	1L

Abstract: Anglo-American jurisdictions have long applied the equal shares/tenancy in common default rule to apportion ownership amongst authors of joint works. In the US, this seems to have led to a situation where authors of minor contributions struggled to convince courts that their output merits legal recognition. Judges in England have recently departed from the strict equal shares rule in disputes involving musical works. Questions arise on whether the assessment of unequal shares according to the size of actual contribution can be based on objective principles, and whether this flexibility could find application in other types of works (e.g. artistic, literary) where the identification of who contributed what may be more difficult. For example, would it be desirable to find unequal ownership shares in jointly authored photographs? In addition, following from an increasing Europeanisation of the concept of originality, which seems to potentially allow protection to ever smaller contributions (see the increasing number of disputes about alleged copyright infringement of tweets), the question arises whether an inflexible equal shares doctrine remains appropriate as part of a modern copyright law in the digital era. This paper argues that modern copyright law should recognise collaboration, particular in the form of joint authorship, rather than hang on to the genius of the sole author as fundamental principle. This would lead to a rebalancing of interests between authors/creators, owners and users of copyright works.

Tom Tooth	Arresting developments: methodological reflections on the practicalities of police practitioner research	5H

Abstract: This paper will discuss my doctoral research project, which focuses on the Special Constabulary; a national institution through which it is possible for lay individuals to volunteer to be trained and deployed as warranted police officers. My study broadly attempts to explore how this particular group of legal actors come to understand and undertake their role, and how they learn to orientate themselves to 'the law', considered as one operational resource amongst many others through which the ends of policing are achieved. Attempting to incorporate themes and insights from legal consciousness research, the study envisages exploring the acquisition of a more general form of 'policing consciousness' through which the frantic social world of the frontline is processed and ordered, isolating those socio-cultural forces of production that structure and accompany this particular course of enculturation.

The principal form of data collection for this project has come from my on-going personal experience of submitting to this programme of development as a fully participating Special Constable. I argue that the avenue of field access utilised here is more akin to the anthropological concept of 'apprenticeship' than mere participant observation, and that the methodological positioning permitted by narrative ethnography allows me the most appropriate base from which to assemble and present the eventual product of my experiences. Having adopted both covert and overt roles within the field, I intend to reflexively relay some of the ethical and empirical quandaries that immersion in this particular field has forced me to confront; including, the witnessing and partaking in forms of violence, the pragmatics of negotiating informed consent and managing identity in the field, and the strains and stresses of self-presentation (and self-reflection).

Tsachi Keren-Paz	Injuries from unforeseeable risks which advance medical knowledge – a restitution-based justification for strict liability	3F

Abstract: In this paper I examine the case for liability towards patients who were injured from risks which were unforeseeable at the time of treatment. Traditional tort principles require one of two unhappy results: Either the patient who was injured from what is deemed to be, albeit only with hindsight, suboptimal, would not be compensated, or the physician would be found liable, based on an incorrect finding that the risk was foreseeable, with the result that the physician is unjustly labelled as negligent.

I examine in the paper a third solution which will impose strict liability on the physician under a restitutionary theory: involuntarily, the patient has advanced knowledge which will prevent harm to future patients. This situation is analogous to necessitous interventions, so it is fair to compensate

the patient for the costs she incurred in providing this benefit. The argument is based on both an emerging consensus by English restitution scholars about the appropriate scope of a common law necessity doctrine, and on comparative approach of the civilian concept of negotiorum gestio and the hybrid Israeli solution to this topic.

The fact that the service was not rendered with the intention to benefit potential alternative victims is not a bar for recovery, since the intervention was both successful, ex post, and cost-justified (and hence reasonable), ex ante. Crucially, an obligation to compensate the claimant conforms to the alternative victim's hypothetical wishes and preserves his autonomy, as it reflects incontrovertible benefit.

Since the alternative victim is unidentifiable, and since imposing on him alone the financial burden to compensate the victim for her personal injury might be oppressive, an acceptable solution would be to impose the obligation on the treating physician who can spread this cost – to an extent varying with the way the health care system is funded – on potential victims who benefit from the advancement of medical knowledge, which is the necessary by-product of the claimant's injury.

The paper will examine the similarity and differences between this restitutionary rationale and two other theories justifying strict liability: fairness and ex-post negligence.

Tsachi Keren-Paz	Restitution from Bribers	2J

Abstract: While restitution from the recipient of the bribe is well established, restitution from the briber has been rather neglected in both case law and commentary. The paper focuses on a subset of such potential claims which raise special complexities: where the briber receives in return for the bribe a planning permission which he uses to operate a successful commercial business. This scenario raises several interesting questions, including:

1. What is the relevant cause of action – is it an equitable dishonest assistance claim, a common law restitution for wrong claim, or a common law restitution by subtraction claim?
2. If restitution by subtraction, how would the measure of what was subtracted from the local authority be measured and does such claim depend on revoking the permission or having it declared in an antecedent public law procedure as void or as being avoided?
3. Alternatively, could restitution in such cases exemplify the existence of a third category of 'at the expense of the claimant' which is neither subtractive (since the claimant did not suffer a loss) but is not merely based on a wrong (since the enrichment was received from the claimant granting a form of 'new property' to the defendant). If so, should the remedy be proprietary or merely personal?

If accepted, the presentation will focus mainly on questions 2 and 3, as they raise the question whether planning permissions (and more generally grants and licences) are the subject of property. While these grants do have obvious economic value to the recipient, this value is not obviously matched by an equivalent loss to the body granting them (or, albeit less clearly, by third parties). As such, their characterisation as property is contested; and this conceptual quandary translates into important doctrinal ramifications.

Ulf Thoene	Aspects of the welfare protective regime in Latin America over time	3D

Abstract: The paper traces key evolutionary steps of the welfare protective regime as well as the political bargains and power struggles that have influenced the development of social protection and labour law in Latin American countries since the late nineteenth and early twentieth century until contemporary times. The paper argues that the forces of path dependency and inertia have played a particularly crucial part in the formation of the design structure of contemporary labour and social legislation in Latin America, the development of social citizenship and the incorporation of the labour movement. Against this background particular attention will be paid to the informal employment sector as it operates in contemporary Latin America, its links to social and labour regulation as well as its effects on citizenship. What is more, informal employment is a key explanatory factor for the underfunding of social protection regimes, social exclusion and a lack of productive capacity of a country's economy. Empirical data stems from Argentinean, Brazilian, Chilean and Colombian sources.

Vanessa Richardson	The test of harm in care proceedings: A psycho-social study	8A

Abstract: This paper explores the legal test of harm in care proceedings. It draws on a case study of free association narrative interviews with four people who are adults who have now left care. It discusses the legal definition of harm in section 31 of the Children Act 1989, and argues that harm is too narrowly defined by lawyers. The paper develops a hypothesis of 'relational harm', which, it argues, is hard for the law to capture. This concept of 'relational harm'is developed from a psycho-social analysis. The 'relational harm' concept includes the relationship difficulties that are likely to endure once the child is taken into care and in young adulthood. The paper will address issues such as the narrow and separate legal tests of harm and reasonable parental care and the welfare test under section 1(3) of the 1989 Act. The aim is not to come up with a concrete solution to the problems of law in practice, although suggestions as to how the legal test of harm could be broadened out to try to encapsulate 'relational harm', are made.

Vishwas H Devaiah	Reviewing the regulation of clinical trials in India in the context of the HPV Vaccine fiasco	3F

Abstract: Clinical Trials in developing countries is primarily fraught with the danger of "exploitation" of research participants. Failure to seek adequate informed consent and lack of appropriate regulation are also identified as common problems that gives rise to unethical conduct of trials in developing countries. While, no doubt, in a number of developing countries such common traits are identified as problems that gives rise to increasing unethical conduct of trials, it can no longer be the case in a country like India. The neoliberal era, post the 1990s, has ushered in an environment where clinical trials is not only seen as essential in terms of discovering treatments for ailments but is also seen an opportunity to encourage foreign investments in the country. As a consequence, the regulation of clinical trials has received much needed attention from the state as well as the private entrepreneurs. This has resulted in the large-scale amendments of the Indian regulations and guidelines on clinical trials, which is now seen as strong and comparable to international ethical guidelines. The harmonization of the Indian guidelines, accompanied by the recognition of the need to accommodate local, cultural, social and economic factors is seen as solution to the problem of unethical conduct of clinical trials. But, regardless of all the efforts made by the Indian regulators the unethical conduct of trials in India remains to be tackled. This presentation attempts to trace out the reasons for the failure of the Indian regulation and guidelines in the context of the recent HPV vaccine trials conducted on girls between the age of 12 to 14 years that resulted in several deaths and injuries. This paper raises concerns about issues like conducting clinical trials involving children, enrolment of vulnerable population, management of serious adverse events and compensation for trial victims.

William Linton	How the law thinks about employment discrimination - the form of direct discrimination	1B

Abstract: The extent to which law can address social exclusion is limited. Even aiming to eliminate discrimination and promote equal treatment, the consequences which law can guarantee are curtailed by the reactive, individually-focused, and case-dependent configuration of the legal system. Commentators credit these faults as ensuring the failure of discrimination law to achieve any substantial measure of social transformation. Positive action, the imposition of duties on public authorities, and the mainstreaming of the equality agenda are offered as alternative more collectively-focused solutions.

I should like to propose that an analysis of legal reasoning outlined by modern systems theory may re-frame some of these issues. An application of Niklas Luhmann's theory of legal argumentation illustrates the potential for legal reasoning to meaningfully re-construct complex workplace discrimination. Tort law normative explanations for discrimination law can be refashioned into the dynamic of reducing and constructing

complexity outlined by Luhmann's theory. Through a tracing of the meaning of direct discrimination - particularly in sex discrimination cases - the extension of liability and the attendant developing notions of fault are reconceptualized as a tension between legal concepts and legal interests. While not yielding conclusions readily amenable to reform proposals this analysis introduces concepts of complexity and system differentiation to explain why certain interests resonate or others do not in the legal system. Moreover, the thesis seeks to highlight the 'immanent' elements to legal reasoning in this branch of law which are unlikely to be dislodged by legislative intervention.

William Walton	**Who will protect the ospreys? A personal reflection on the legal fight against the Aberdeen bypass**	**1K**

Abstract: In 2005, following a public consultation exercise, the Scottish Transport Minister announced the preferred route for the Aberdeen Western Peripheral Route (AWPR). As a result of this announcement an action group was formed to oppose the scheme and the author was elected as Chairman. Over the next 7 years the group fought the scheme through a public inquiry, through a complaint to the United Nations under the Aarhus Convention and through the Courts of Session in Edinburgh and the Supreme Court in London. There were major interests supporting the scheme - both local councils, the University of Aberdeen, ACSEF (a local public private partnership) and the local press to name but some. The local press and the First Minister labelled the author as the 'most hated man in Scotland'. The University of Aberdeen sought to dismiss the author (he previously taught at the University) unless he withdrew his appeal to the Supreme Court. This paper reviews the experience and considers the legal implications of the events that ensued and the decision of the Supreme Court.

Xiao Mu	**The Well-Known Trademark Protection in China**	**2M**

Abstract: China’s overwhelming economic success in the past three decades has dramatically changed itself and impressed the world. However, the remarkable economic success has not come without a cost. With the unparalleled development, China has confronted unprecedented challenges in legal region. The obsolete ‘Rule by Man’ theory has been abandoned. Instead, the advanced ‘Rule of Law’ has been advocated by Chinese Communist Party (CCP). The recent Third Plenary Session of CCP in 2013 vowed to deepen China’s Intellectual Property Reform to make the country continue to prosper in the next decade. Chinese Trademark Law has seen some profound changes over the last three decades. These changes are largely driven by a desire to conform to internationally agreed norms. This desire has required Chinese law to incorporate certain previously alien concepts, most notably protection for so called ‘Well-Known trademarks’. In 2013, Chinese Trademark Law was amended and will come into force in May 2014. One aim of the amendment is to offer more effective Well-Known trademarks protection for both foreign and native IPR holders. Despite promising signs from the new Trademark Law, challenging obstacles in terms of Well-Known trademarks continue to exist in the country’s judiciary legislation and administration. These obstacles constitute not only perennial problems such as misinterpretation of and misuse of Well-Known trademarks, but also outward issues like anti-dilution principle. This paper sets out to chart, examine and evaluate recent developments and trends in IP and Chinese Trademark Law. The evaluation is based in part on internal (Chinese) perspectives regarding IP reform and cooperation, and external views such as U.S. Special 301 Annual Report. This paper will also aim to detail contemporary law and its application in China as it relates to Well-Known trademarks, and to offer some evaluative commentary on the current state of affairs as well as predications of future developments.

Yi Huang	**The legal capacity of mentally disabled people in the context of China's Mental Health Law**	**2H**

Abstract: The past year has witnessed a lot of developments concerning the rights of mentally disabled people in China. The UN Convention on the Rights of Persons with Disabilities(CRPD), and the comments from the CRPD commission have brought a lot discussion in both academia and civil society. The Mental Health Law, as coming into force in May 2013, also attracts more public attentions to the rights of mentally disabled people. Appreciating these improvements, however, there still remains problems. Legal capacity, the crucial issue in both the CRPD and Mental Health Law, as well as the highly relevant issue of adult guardianship, have not been clearly addressed in China's context. Consequently, on one hand, a lot of cases show that under the scheme of new Mental Health Law, mentally disabled people still cannot decide their own live because of 'legally incapable', instead, most of them live under guardianship. Additionally, in the absence of due process and social support, those 'guardians' in some cases also suffered a lot pressure. On the other hand, given the social structure and cultural background, implementing Article 12 of the CRPD in China is faced with its own dilemma which should not be ignored. By theoretical analyzing and case study, it aims to discuss the problems of China's Mental Health law and the challenge of implementing Article 12 of the CRPD in China.

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