Contents

Welcome to the SLSA Annual Conference 2009

From the Chair of SLSA Executive Committee

On behalf of the SLSA, welcome to the 2009 Annual Conference. We are very pleased that De Montfort University is hosting this event. The conference programme demonstrates the health and strength of socio-legal studies in the UK. The Annual Conference offers opportunities to gain ideas, support and inspiration from others working in similar areas. Several long standing and hard working members of the SLSA Exec are standing down this year and I would like to thank them for their contribution – Fiona Beveridge, Robert Dingwall, Alison Dunn, Bettina Lange, and Ann Marie Farrell. A former member of the SLSA Exec, Alan Paterson, was awarded the OBE in the New Year Honours list for services to law and legal education. It is appropriate for us to offer our congratulations. The social events taking place over the next few days offer a chance to renew acquaintances in the socio-legal community and to establish new contacts and friendships. I hope you enjoy them and that you have a successful conference

Thank you to those who have organised the conference and to those of you who are contributing to what, I am sure, will be a successful and enjoyable event.

Sally Wheeler

Professor Sally Wheeler
Director of Institute of Governance
Queens University Belfast

Welcome from the Dean of Business and Law

Dear Colleagues

As Dean of the Faculty of Business and Law, I am delighted to welcome the Socio-Legal Studies Association (SLSA) to De Montfort University, Leicester.

The Faculty of Business and Law comprises Leicester De Montfort Law School and Leicester Business School. It has over 6,000 students and is the largest of De Montfort University's five faculties. The Law School incorporates a Department of Law and a Department of Professional Legal Studies and offers an extensive portfolio of undergraduate, postgraduate and professional legal studies. The Law School is committed to achieving high quality in both its teaching and research and I was pleased to note its achievement in the recent Research Assessment Exercise with 65% of its submission ranked as internationally recognised or above.

The School of Law is currently housed in the Elfed Thomas and Crown buildings while the Business School is located in Bosworth House and Bede Island. I am particularly pleased that the whole Faculty will be moving into an exciting new building, located in a prime city centre site behind the 'Magazine' (an early 15th century stone three storey rectangular gatehouse). Considerable efforts are being made to deliver the building for use in the Autumn term 2009. I am confident that this move, in addition to upgrading our existing learning and teaching facilities, will further strengthen the Faculty's research capacity and enhance collaboration of scholars across the different parts of the Faculty. A key strength of socio-legal research is its interdisciplinarity and therefore I am particularly delighted that De Montfort Law School is hosting the SLSA conference this year.

I am confident that you will have an excellent time in the University and City over the next few days and I would like to take this opportunity of wishing you a stimulating and enjoyable conference.

Professor David Wilson
Dean of Business and Law

Welcome from the Head of Leicester De Montfort Law School

Dear Colleagues

As Head of Leicester De Montfort Law School, I am very pleased to welcome the Socio-Legal Studies Association (SLSA) to De Montfort University, Leicester.

The School of Law comprises a Department of Law that delivers the academic programmes at undergraduate and postgraduate level and a Department of Professional Legal Studies that delivers the Legal Practice Course and Graduate Diploma in Law. We value both our teaching and research. The School was one of a few modern university law schools that achieved grade 4 in the Research Assessment Exercise (RAE) in 2001. Given the 'mixed economy' of our Law School which contains some colleagues who are primarily focussed on teaching and other colleagues whose primary focus is research, we were very pleased to have 65 per cent of our submission for RAE 2008 rated as 'international recognised' or 'internationally excellent'. We have a growing number of colleagues who take a socio-legal approach in their research efforts and the opportunities for interdisciplinarity within the Faculty of Business and Law and with other Faculties in the University are being actively explored. The School of Law has a number of existing areas of research strengths; e.g. medical law, criminal justice, administrative justice, mental health law, commercial law, international human rights, consumer law and sports law. We have also been increasingly interested in reaching out to the wider community, including the wider research communities and networks in the UK and abroad. Hosting this conference is therefore a great opportunity to forge those connections at every level.

We do therefore hope that you not only enjoy the substantive content of papers in the academic sessions of the conference but also benefit from the networking environment that this Conference offers which is often so important in building research collaborations and careers. Finally, we very much hope that you enjoy experiencing the City of Leicester itself.

Sheree Peaple
Head of Leicester De Montfort Law School

Acknowledgements

Leicester De Montfort Law School
I am delighted to be able to put on record my thanks, as chair of the conference organising committee, to all my colleagues at Leicester De Montfort Law School, for the enthusiastic support they have given for the SLSA's annual conference in 2009. The conference organisation has affected a number of colleagues in different ways in the School of Law, but I must extend my heartfelt thanks to a few particular individuals who have made a major contribution.

No conference can run well without considerable, sustained and at times, intense, administrative support. We were very fortunate to have Katie Scott at the administrative helm of our conference organisation. Latterly, Katie was further supported by Janet Sharman. Equally, Gavin Dingwall and Vanessa Bettinson provided the detailed attention required for the stream organisation of the parallel sessions. André Naidoo and Alwyn Jones provided invaluable support in organising a very successful sponsorship effort in spite of the 'credit crunch'. We were also greatly assisted by Fiona Middleton and Nicola Warrington who helped deliver the registration and accommodation booking system. Help was also given by Jonathan Merritt to organise the student helpers at the conference and Jo Derry provided much needed technical backup.

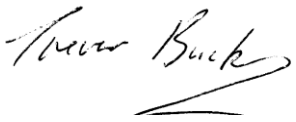
In short, this was a team effort. I am extremely grateful for all the contributions made by my colleagues in organising this year's conference.

Sponsors
I am also extremely grateful for the support for this year's conference given by the following:

Administrative Justice and Tribunals Council, Ashgate Publishing Ltd, Cambridge University Press, De Montfort University, Department of Law, Edward Elgar Publishing Ltd, Hart Publishing, Pearsons, Routledge Taylor & Francis, Sweet & Maxwell, UK Centre for Legal Education, Willan Publishing and Westlaw.

Finally, we would like to acknowledge the sponsors of this year's SLSA postgraduate bursary awards which totalled £2,500:

Journal of Law and Society	(£1,000)
Wiley-Blackwell	£1,000)
Social and Legal Studies	(£500)



Trevor Buck
Professor of Socio-Legal Studies, Leicester De Montfort Law School
Chair of Conference Organising Committee, 2009

Advertisements

Registration & General Information

Please find included in your delegate bag:

Abstract Book
Postcard/map,
Bottle of Water (sponsored by Westlaw)
Various publisher and journal advertising materials

If you require any further information during the conference, please do not hesitate to contact the Conference Registration Desk or ask one of the student volunteers.

Venue
The conference will be held jointly in the Queens Building and in the Bede Island (BI) Graduate Business Building. Lunch will take place in room QB0.12 of the Queens Building.

Registration
The Registration Desk is situated just inside the Queens Building on your right hand side. We have designated QB0.7 as the cloakroom for your belongings. Please ask at reception. Please wear your delegate badge at all times whilst at the conference.

Catering
Refreshment will be taken in room QB0.12. This room has a limited capacity so please feel free to take your tea or coffee and move into the Queens Building concourse where there are comfortable seats. The reception dinner on Tuesday will be held at a local restaurant called *Las Iguanas* on Belvoir Street. Refer to your postcard/map for directions. *Las Iguanas* is approximately 10 minutes walk from the Queens Building. The dinner is part of your registration package unless you have registered for one day only. The conference dinner (dress code smart casual) will be held at the *Walkers Stadium*, home to Leicester City Football Club. This location is also indicated on your map.

Conference Accommodation (Residential Packages Only)
You can check into your accommodation after 2pm and rooms must be vacated by 10am on the morning of departure.

Internet Access
There is Wi-Fi access in the Queens Building across the ground floor.

Lift
There is a lift just inside the entrance of the Queens Building near the stairs.

Internet Cafe
The Internet Cafe is sponsored by Westlaw and is located on the third floor of the Queens building which overlooks the concourse. Here delegates will have the use of 25 computers. The login is '**cseguest**' and the password is '**towers**'. **The code to access the Internet cafe is 6952**. Should you require any help then please ask one of our student helpers. This is a student area and **we cannot offer any printing facilities** in this room. If you need to print a limited number of documents, then please see a member of staff on the registration desk.

Conference Programme – Overview

Tuesday 7th April 2009	
10.30am – 12.00pm	**Leicester Tour** Colin Crosby will commence the tour from Leicester Town Hall and escort you back to the Queens Building for 12pm.
11.30am – 18.00pm	Registration
12.30pm – 13.30pm	Lunch
13.30pm – 15.00pm	**Session 1**
15.00pm – 15.30pm	Tea and Coffee
15.30pm - 17.00pm	**Session 2**
19.00pm	Reception Dinner at **Las Iguanas** Belvoir Street
Wednesday 8th April 2009	
09.00am – 10.30am	**Session 3**
10.30am – 11.00am	Tea and Coffee
11.00am – 12.30pm	**Session 4**
12.30pm – 14.00pm	Lunch
12.45pm – 13.30pm	SLSA Annual General Meeting QB1.12
14.00pm - 15.30pm	**Session 5**
15.30pm - 16.00pm	Tea and Coffee
16.00pm – 17.30pm	**Session 6**
19.30pm – 20.00pm	**Drinks reception** to be held at Walkers Stadium, Keith Weller Lounge
20.00pm - 00.00am	**Conference Dinner** at Walkers Stadium in the Keith Weller Lounge
Thursday 9th April 2009	
09.30am – 11.00am	**Session 7**
11.00am - 11.30am	Tea and Coffee
11.30am – 13.00pm	**Session 8**
13.00pm	Lunch and End of Conference

Streams and Panels

The streams and keyword panels to be held throughout the conference are listed below.

SLSA Annual General Meeting

The SLSA AGM will take place in Queens Building 1.12 on Wednesday, 8th April. 12.45pm – 13.30pm. The meeting is open to all SLSA members.

Subject Streams and Panels

(AJ)	**Administrative Justice**	Mary Seneviratne
(CSL)	**Conflict and Security Law**	Brenda Daly/Noelle Higgins
(CJ)	**Criminal Justice**	Daniele Alge
(EnvL)	**Environmental Law**	Brian Jack
(EurL)	**European Law**	Naomi Salmon
(FL)	**Family Law**	Anne Barlow
(GSL)	**Gender, Sexuality and Law**	Chris Ashford
(HL)	**Humanitarian Law**	Eadaoin O'Brien/Tara Smith
(HR)	**Human Rights**	Niamh Hayes
(IR)	**Indigenous Rights**	Sarah Sargent
(ITLC)	**Information Technology, Law and Cyberspace**	Mark O'Brien
(IP)	**Intellectual Property**	Jasem Tarawneh
(LabL)	**Labour Law**	Nicole Busby/Grace James
(LLP)	**Lawyers and Legal Professions**	Andy Boon/John Flood
(LLit)	**Law and Literature**	Julia Shaw
(LE)	**Legal Education**	Tony Bradney
(ML)	**Medical Law and Ethics**	Glenys Williams/David Price
(MH)	**Mental Health and Mental Capacity**	Peter Bartlett/Nell Munro
(RS)	**Regulating Sex**	Teela Sanders/Jane Scoular
(SP)	**Sentencing and Punishment**	Karen Harrison/Gavin Dingwall
(SO)	**Sexual Offences and Offending**	Phil Rumney
(SLT)	**Socio-Legal Theory and Method**	Reza Banakar
(SL)	**Sports Law**	Ben Livings

Keyword related streams and panels

- Ethical Policy
- Governance
- Identity
- Participation
- Perception(s)
- Security
- Space
- Vulnerability

Parallel Session Summary

Tuesday 7th April 2009

QB = Queens Building **BI** = Bede Island Building

Parallel Session 1 1.30-3.00pm

No	Session	Room
1.1	**Family Law** **Chair tba** Katherine Wright Collaborative Law: The Dispute Resolution Method of Choice for the 'Good' Family Lawyer? Mavis Maclean Family Judging Liz Trinder Talking Children into Being? The Discursive and Rhetorical Framing of Children in In-court Conciliation	QB0.10
1.2	**Criminal Justice** **Chair Yvonne Daly** Oriola Sallavaci The Impact of DNA Evidence on Criminal Trials Yvonne Daly Remedial Action for Pre-Trial Improprieties. Investigation, Rights and Exclusionary Rules	QB0.09
1.3	**Gender, Sexuality and Law** **Chair Chris Ashford** Julia Shaw Legitimating the Disorderly Woman Suchet Kumar Law of Rape in India: Dilemma of the Court in Awarding Statutory Minimum Punishment Joao Paulo Queiroz, Gender Stereotyping in TV Ads	QB1.10
1.4	**Labour Law** **Chair Grace James** Families and the Workplace Nicole Busby The Employment Rights of Carers: Imagining a Right to Care Eugenia Caracciolo di Torella The Flexible Parent (Mother)	QB0.11

	Michelle Weldon-Johns UK Work-Family Legislation: A Swedish or an American Approach Towards the Work-Family Conflict?	
1.5	**Medical Law** **Chair David Price** Jennifer Edwards The Moral Step Back Glenys Williams The DPP's Discretion: R (on the Application of Purdy v DPP) Alex Mullock Should Necessity be the Midwife to Voluntary Euthanasia?	**BI0.12**
1.6	**Indigenous Rights** **Chair Sarah Sargent** Jessica Carlisle Uncertainty and Serendipity in Ethnography: Judicial References to Article 305 in a Damascus Shari'a Court Mauro Barelli The Value of the UN Declaration on the Rights of Indigenous Peoples and the Effectiveness of the Indigenous Rights Regime Sarah Sargent Brazil as a Country of Origin in Inter-country Adoption: An Account of Cultural Trauma, National Identity and International Relations	**QB0.17**
1.7	**Humanitarian Law** **Chair Eadaoin O'Brien** Majbritt Lyck Dedication, Indifference or Opposition: An Analysis of the United Nations Security Council's Support of the International Criminal Court's Quest for Justice in Darfur Victor Tsilonis Thomas Lubanga Dyilo: The Chronicle of a Case Foretold Christopher Ryan Searching for the Elusive 'Disciplined Limits' to the Tense Relationship between the Progressive Development of International Criminal Law and *Nullum Crimen Sine Lege*	**QB0.14**
1.8	**Lawyers and Legal Professions** **Chair John Flood** Bryan Clark The Lawyer Mediator in Scotland	**QB0.15**

	Edward Cohen Connecting (and Disconnecting?) Law and Power: Legal Expertise and Legal Pluralism in the Global Political Economy Richard Earle Encouraging Mediation in the EC	
1.9	**Keyword Security/Vulnerability** **Chair tba** Lisa Whitehouse Power and Vulnerability Within the Mortgage Repossession Process 1995-2008 **Keyword Vulnerability** Helen Baker Meeting the Needs of Teenage Boys Made Homeless as a Result of Domestic Violence **Keyword Vulnerability** Barry Wilkinson The Language of Statute and its Influence Upon Child Protection	**BI0.17**
1.10	**Sports Law** **Chair André Naidoo** Ben Livings Should a Sportsperson Understand the Criminal Law of Physical Violence? Andy Gray Child Protection in Sport: Sports Governing Bodies as Prosecutor of Last Resort? John O'Leary & Simon Boyes All's Fair in Love and the War on Anti-Doping: The Strange Case of Dwain Chambers	**BI0.19**

Parallel Session 2 3.30-5.00pm

No	Session	Room
2.1	**Family Law** **Chair tba** Helen Stalford Child Participation in Cross-National Family Proceedings: An EU Perspective Thérèse Callus A Pilot Study to Investigate Whether Non Biological Lesbian Co-Parents Maintain their Parenting Role after Relationship Breakdown with the Biological Parent	**QB0.10**

2.2	**Criminal Justice** **Chair Daniele Alge** Mary Vogel Plea Bargaining in Global Context: Interplay with Democratic Politics Daniele Alge The Relationship Between Cracked Trials and Plea Bargains: An Empirical Analysis Regina Rauxloh Plea Bargaining in International Criminal Law	**QB0.09**
2.3	**Gender, Sexuality and Law** **Chair Chris Ashford** Catherine Bamugemereire Corruption and Human Rights in Africa; Shouldn't We Be Talking About How Women can Contribute to the End of a Corrupt Era? Let the Dialogue Commence Anna Carline Criminal Justice, Pornography and Prostitution: Radical Feminists in the House of Commons? Marian Duggan Exploring the Researcher/Researched Boundaries in LGBT Lives Femi Rufus Tinuola Issues in Same Sex Marriage: Legal Considerations in Nigeria	**QB1.10**
2.4	**Labour Law** **Chair Grace James** Equality and Employment Carolyn Penfold No special treatment: Women and Labour Law in Australia Olivia Smith Protection Against Discrimination on the Grounds of Family Status: What Does it Add? Jessica Guth The Equality Duty and Academic Careers: Never the Twain Shall Meet	**QB0.11**

2.5	**Medical Law** **Chair Patty Healey** Danielle Griffiths & Amel Alghrani Impact of the Criminal Process on Healthcare Practice: New Zealand's Experience Annette Morris Asbestos Wars and the Battle over Pleural Plaques Anne-Marie Farrell Managing Risk and the Politics of Regulating Human Material	**BI0.12**
2.6	**Indigenous Rights** **Chair Sarah Sargent** Aliza Organick Listening to the Indigenous Voice Sarah Sargent Cultural Trauma, National Identity and Social Exclusion in Guatemalan Inter-country Adoption	**QB0.17**
2.7	**Humanitarian Law** **Chair Susan Megy** Alexis Bushnell Private Security Contractors, Civilian Protection and International Humanitarian Law Tara Smith The Environmental Consequences of Armed Conflict: Looking at Gaza and Beyond Eadaoin O'Brien Investigating Franco Era Crimes: the Search for Peace, Truth and Justice in Spain	**QB0.14**
2.8	**European Law** **Chair tba** Yuri Borgmann-Prebil Regulating the Market: Community Law and the Protection of Key Stakeholder Interests Jo Hunt Decentralisation and Difference in EU Law Marios Costa Do Articles 230 and 234 of the European Community Treaty Provide a Complete System of Remedies? Naomi Salmon Nanotechnology, Food Safety and EU Law: States of Ignorance, Precaution and the Negotiation of "Acceptable Risk"	**QB0.16**
2.9	**Sports Law** **Chair Ben Livings** Laura Donnellan The Regulation of Animal Cruelty in Sport	**BI0.19**

	Kris Lines To What Extent is Technological Doping the Most Pervasive Threat to the Integrity of Sporting Competitions? Andre Naidoo The Regulation of Ticket Touting	
2.10	**Keywords: Space** **Chair Alwyn Jones** Andrew Green The Territories of Criminal Justice Jessie Hohmann Physical Space and the Role of Human Rights in Social Inclusion: The Right to Housing in Mumbai	**QB0.13**
2.11	**Information Law, Technology and Cyberspace** **Chair tba** Mark O'Brien Still Raving: Travelling Peoples, Policing and Technology Chris Ashford Researching Online Sex Environments	**BI0.18**
2.12	**Lawyers and Legal Professions** **Chair John Flood** Justine Rogers The Price of Pupillage: The Nature and Limits of Ritual Ordeal at the Bar David Barnhizer Children of a Lesser God: Lawyers, Economics and the Systemic Corruption of the Legal Profession Andy Boon, Sylvie Bacquet, Lisa Webley, & Avis Whyte, Making Legal Aid Solicitors? The Training Contract Grants Scheme	**QB0.15**

Wednesday 8th April 2009

Parallel Session 3 9.00-10.30am

No	Session	Room
3.1	**Family Law** **Chair tba** Jo Miles Cohabitation Law in Scotland: What's Going on? A Paper Examining Early Developments Under the Family Law (Scotland) Act 2006 and Questions for Empirical Research Anne Barlow & Janet Smithson Contrasts Between Legal Assumptions about Cohabitation, and Cohabitants' Talk about their Practices. Is the Cohabitation Bill the Way Forward? Fran Wasoff & Debbie Hedrick Diversity of Socio-Legal Research Evidence in the Civil Law Reform Policy Process: the Case of the Family Law (Scotland) Act 2006	QB0.10
3.2	**Criminal Justice** **Chair Adam Robertson** Genevieve Lennon The History of Stop and Search Jonathan Merritt Policing the Hood: Realities and Myths about Community Policing in Canada and the UK Adam Robertson What the Police say about Themselves: Initial Reflections from a Study with Serving Officers	QB0.09
3.3	**Regulating Sex** **Chair Mary Whowell** Megan Rivers-Moore La Puta Buena: Regulating Sex Tourism in the Age of Neo-Liberalism Prabha Kotiswaran Regulating Sex Work: What a Legal Realist Approach Might Offer Lisa Caviglia Prostitution In Nepal And North-Eastern India: Discourses Around Gender, Self-Perception and Sexuality	QB0.15
3.4	**Gender, Sexuality and Law** **Chair Sean Hennelly** Susan Paterson Opening our Eyes to Women's Experience of Homophobic Violence	QB1.10

	Maria Federica Moscati Trajectory of Reform: Catholicism, the State and the Civil Society in the Developments of LGBT Rights Marjolein van den Brink & Marije Graven Trans-forming Law	
3.5	**Labour Law** **Chair Michael Doherty** Regulating Labour Law Salha Al Shaibani The Changing Nature of Employment Relationships and its Challenge for Health and Safety Law Aristea Koukiadaki The Establishment and Operation of Information and Consultation Arrangements in a Capability-Based Framework: An Empirical Study	**QB0.11**
3.6	**Medical Law** **Chair Glenys Williams** Julie McCandless & Sally Sheldon Re-Conceiving the Parenthood Provisions in the HFEA 2008: A policy perspective Marleen Eijkholt Procreative Autonomy and the New Human Fertilisation and Embryology Act 2008: Finally a Conception? Jo Samanta Lasting Powers of Attorney for Healthcare Decisions: Will it Make a Difference?	**BI0.12**
3.7	**Socio-Legal Theory** **Chair Reza Banakar** Richard Nobles Why Do Judges Talk The Way They Do: A Systems Theory Analysis Omar Madhloom Debating the Merits of Functionalism in Socio-Legal Research	**QB0.13**
3.8	**Humanitarian Law** **Chair Tara Smith** Rethinking International Humanitarian Law – Part 1 Tamás Hoffmann The Strange Notion of Internationalization of Internal Armed Conflicts Andrea Breslin Enforcement of IHL and Alternatives to the ICC Susan Megy Reframing the Debate: from Humanitarian Intervention to the Responsibility to Protect	**QB0.14**

3.9	**Information Technology and Cyberspace** **Chair Mark O'Brien** Margaret Devaney Online Gambling and International Regulation: An Outside Bet Brian Simpson Controlling Fantasy in Cyberspace: Cartoons, Imagination and Child Pornography	**BI0.19**
3.10	**Human Rights** **Chair** Charlotte Walsh Drugs & Human Rights: Private Palliatives, Sacramental Freedoms & Cognitive Liberty Frankie McCarthy Confiscating the Proceeds of Crime: Justice or Theft? Bill Bowring Trumping Human Rights? The Law and Politics of Terrorist Lists	**BI0.18**
3.11	**European Law** **Chair Naomi Salmon** Cian Murphy Beyond the Rule of Law: EU Asset-Freezing Sanctions and Actuarial Justice Samantha Currie The Cross-Border Posting of Workers and Increasing Tensions in the European Labour Market Jules Bradshaw National vs. Supranational Citizenship: A One-Sided Battle? Martinico Giuseppe The Reform Treaty between European Constitution and European Evolution	**QB0.16**

Parallel Session 4 11.00-12.30pm

No	Session	Room
4.1	**Family Law** **Chair tba** Chung-Yang Chen The Re-conceptualisation of the Value of Non-Financial Contribution to Marriage Relationship in Taiwan Louise Crowley Asset Distribution on Divorce: What Irish Lawmakers Can Glean from the Experiences of Other Jurisdictions	QB0.10
4.2	**Criminal Justice and Mental Capacity Joint Session** **Chair Tracey Elliott** Candida Saunders Criminal Justice Decision-Making in Sex Offences: Evidential Sufficiency and the Mentally Disordered Complainant Tracey Elliott Capacity, Sex and the Mentally Disordered Louise Kennefick The Blame Game: Criminal Responsibility Theory and the Mentally Disordered Offender in Ireland	QB0.09
4.3	**Regulating Sex** **Chair Teela Sanders** Nicoletta Policek Policing the Truth: Sex Workers as Police Informants Billie Lister "I Think This Situation is Going to get Worse and Worse": New Legislation, New Working Strategies.....What Does the Future Hold for Scotland's Street Based Sex Workers?	QB0.15
4.4	**Gender, Sexuality and Law** **Chair Chris Ashford** Daniel Monk Queerying Homophobic Bullying: Memories, Identities and Strategies Brian Simpson Sexualising the Child: the Strange Case of Bill Henson, his 'Absolutely Revolting' Images and the Law of Childhood Innocence' Sue Farran Pacific Perspectives: Fa'afafine and Fakaleiti in Samoa and Tonga: People Between Worlds	QB1.10
4.5	**Labour Law** **Chair Nicole Busby** Labour Law in 21st Century Michael Doherty	QB0.11

	Labour and the Law…Uneasy Bedfellows Still David Mangan The Role of Government as Employer and Legislator: The Labour Relations Framework at the Start of the 21st Century Richard Moorhead An American Explosion? Contingency Fees: Access to Justice Compensation Culture and Employment Tribunals	
4.6	**Medical Law** **Chair Jo Samanta** Patty Healey Ethical and Legal Implications of the Learning Curve Peter Gooderham Contributory Negligence in the Clinical Setting Jamie Grace Healthy, Wealthy and Wise: NHS Data Management	**BI0.12**
4.7	**Socio-Legal Theory** **Chair Reza Banakar** Stephen Riley Human Dignity in Comparative Perspective Catherine O'Rourke Research Feminist Engagement With Law in Periods of Heightened Political Change	**QB0.13**
4.8	**Conflict & Security Law** **Chair Brenda Daly** Sarah Bolger Fatal Footprints – An Analysis of the Cluster Munitions Convention 2008 Noelle Higgins Engagement with Actors in Times of Conflict Emma McClean The Responsibility to Protect: A 'Just' Intervention?	**QB0.16**
4.9	**Human Rights** **Chair tba** Yvonne McDermott Rights for the Exonerated: A Lacuna in International Law Shannonbrooke Murphy The Elephant in the Room - The Right to Resist in International Human Rights Law Omer Direk Small Arms and State Complicity	**BI0.18**

4.10	**Sentencing & Punishment** **Chair Gavin Dingwall** Karen Harrison The Development of Dangerousness in Penological Discourse Yvette Tinsley Review of Maximum Penalties: Issues, Problems and Pitfalls	**BI0.17**
4.11	**Humanitarian Law** **Chair Eadaoin O'Brien & Tara Smith** Rethinking International Humanitarian Law – Part 2 Lema Uyar Applicability of the Law of Occupation to UN Post-Conflict Administrations Susan Power Contemporary Challenges to the Applicability of the Law of Belligerent Occupation	**QB0.14**
4.12	**Administrative Justice** **Chair Mary Seneviratne** Alexander De Becker Comparing the Incomparable: Some Aspects of Judicial Review in the United Kingdom and in Some Continental Countries (Belgium, the Netherlands and France) Alex Marsh Administrative Law and the Regulation of Public Bodies	**BI0.19**

Parallel Session 5 2-3.30pm

No	Session	Room
5.1	**Family Law** **Chair tba** Elena Moore Profile of Parent and Children's Contact Arrangements in Ireland Annika Newnham Shared Residence Orders, the Paramountcy Principle and Law's Gendered Understandings of Parents' Responsibilities	**QB0.10**
5.2	**Criminal Justice** **Chair Richard Glover** Richard Glover Can Dishonesty Be Salvaged? Richard Hyde The Concept of Regulatory Crime: A Socio-Legal Analysis James Roffee Getting it Right: A Principled Approach to Enacting Criminal Offences	**QB0.09**

5.3	**Administrative Justice** **Chair Mary Seneviratne** Michael Adler Similarities and Differences Amongst Tribunals Morag McDermont Administrative Justice, Choice and the Contracted-Out State	**QB0.11**
5.4	**Sentencing and Punishment** **Chair Karen Harrison** Anthea Hucklesby Tackling the Drugs/Crime Link Through the Remand Process: Some Findings from the Restriction on Bail Pilots Christine Piper & Sue Easton Fines and Equitable Impact: an English Impossibility?	**BI0.17**
5.5	**Regulating Sex** **Chair Jane Scoular** Phil Hubbard Consuming Sex: Socio-Legal Shifts in the Space and Place of Sex Shops Rachela Colosi The Changing Room Teela Sanders & Barb Brents The Mainstreaming of the Sex Industry: Economic Inclusion and Social Ambivalence	**QB0.15**
5.6	**Gender, Sexuality and Law** **Chair Chris Ashford** Anna-Maria Konsta Gender and Legal Acculturation in European and Greek Social Law: the Case of Migrant Women in the Thessaloniki Area Sean Hennelly Public Sex and the Law: the Current Situation and Media Coverage Chris Ashford Revisiting the Silent Community: Public Sex Environments in New York City and the Information Society	**QB1.10**
5.7	**Mental Health** **Chair Peter Bartlett** Ronnie Mackay A New Diminished Responsibility Plea Leon McRae The Responsible Clinician and the Provision of Treatment in Regional Secure Units: A Changing of the Guard?	**BI0.12**

	Nicola Wright The Nature and Meaning of Engagement in Assertive Outreach Services	
5.8	**Legal Education** **Chair Tony Bradney** Shamini Ragavan Skills Acquired in a Peer Mentoring Scheme and their Transferability at the Workplace Richard Glancey Why do I have to Study Jurisprudence? Philip Roberts Career Development in the LLB	**QB1.12**
5.9	**Conflict and Security Law** **Chair Noelle Higgins** Catherine O'Rourke The Boundaries of Transition: Exploring the Feminist Political Project in Transitional Justice Brenda Daly Conflict Resolution: The Role of the International Peace Mediator	**QB0.14**
5.10	**Human Rights** **Chair tba** Joseph Powderly Statelessness as a Catalyst for Crimes Against Humanity: The "Rohingya" of North Rakhine State, Myanmar Niamh Hayes Migrant Workers in the United Arab Emirates and the Limitations of the International Human Rights System Emma McClean & Sofia Cavandoli Zimbabwe: A Decade of Broken Promises	**BI0.18**

Parallel Session 6 4-5.30pm

No	Session	Room
6.1	**Criminal Justice** **Chair Vanessa Munro** Louise Ellison & Vanessa Munro Exploring Deliberation Dynamics in (mock) Rape Juries Max Lowenstein Theft: A Critical Comparative Analysis of Judicial Discretion at the Custody Threshold in England and Denmark	**QB0.09**

6.2	**Administrative Justice** **Chair Morag McDermont** Keith Vincent & Richard Percival The Law Commission Administrative Redress: the Law Commission's Proposed Ombudsmen Reforms Responses and Comments by Brian Thomson (Liverpool) and Mary Seneviratne (Nottingham Trent)	**QB0.11**
6.3	**Sentencing and Punishment** **Chair tba** Gavin Dingwall Beyond the Big Two: Sentencing Policy and 'Minority' Parties in the United Kingdom Emer Meehan Youth Justice - The Sentencing of Young Offenders Sylvia Ngane Should the State Bear the Responsibility of Imposing Sanctions on its Citizens Who as Witnesses Commit Crimes before the ICC?	**BI0.17**
6.4	**Regulating Sex** **Chair Teela Sanders** Mary Whowell Male Erotic Labour: Practices of Non-Regulation in England and Wales Jane Scoular Commercial Sexual Exploitation and Feminism's Will to Empower: Exploring Neo-liberal Technologies of Social Inclusion Anna Carline Ethics and the Regulation of Sex Work: A Butlerian Ethical Reading of Radical Feminism and Reform Proposals	**QB0.15**
6.5	**Gender, Sexuality and Law** **Susan Potter** **FILM/DVD:** An Ordinary Person Does the Law Make it Impossible to Murder a Homosexual? DOCNZ Film Festival Awards 2009 - Winner	**QB1.10**
6.6	**Mental Health** **Chair Phil Bielby** Catriona Moloney Paternalism Versus Autonomy: Where is the Balance? Jean McHale Mental Health and the Care Quality Commission: Brave New World of Regulatory Scrutiny or Retrograde Step?	**BI0.12**

	Elaine Regan Transfer from Hospital to Care Home for Incapable Elderly Adults: Family and Patient Experiences of the Determination of Best Interests	
6.7	**Legal Education** **Chair Fiona Cownie** Richard Ingleby and Mona Chung Cross-Cultural Issues in the Supervision of a Chinese Socio-Legal PhD Student Jessica Guth Why Would You Bother? International Mobility of UK Law Students	**QB1.12**
6.8	**Conflict and Security Law** **Chair Brenda Daly** Kieran O'Reilly The Use of Force, War of National Liberation and Self Determination in the South Ossetian Conflict Hendun Abd Rahman Shah Safety and Security in the Straits of Malacca	**QB0.14**
6.9	**Intellectual Property** **Chair Ron Healy** Smita Kheria Role of Artistic Motivation for Copyright Policy Nan Zhang How to Reach the Cross-Over Point of Maskus Curve in the Chinese Intellectual Property Law Enforcement? Relive the Ancient Culture! Ambereen K. Shaffle Increasing Public University Innovation Capacity	**QB0.17**
6.10	**Human Rights** **Chair tba** Dina Imam Supaat Chartering the Course for the Protection of Refugee Children Rights: the Malaysian Experience Natewinde Sawadogo Laws, Lawyers, and Human Rights in Contemporary Africa: Facts and Methodological Issues from Three Case Studies on Access to Legal Services in Burkina Faso Elodie Tranchez Tyrannicide and Right to Life in International Law: Interpretations and Values Competing	**BI0.18**

Thursday 9th April 2009

Parallel Session 7 9.30-11.00am

No	Session	Room
7.1	**Family Law** **Chair tba** Samia Bano Tackling 'Crimes of Honour': Evaluating the Social and Legal Responses to Combating Forced Marriages in Britain Rhoda Ige Kalabari Marriage System and the Rights of Women in the Family Caroline Hunter Parent Abuse: Some Initial Thoughts on a Hidden Problem	QB0.10
7.2	**Criminal Justice** **Chair Maria Pasculli** Nick Johnson Study of the Impact of the Means Test for Criminal Legal Aid in the Magistrates' Court. Pilot Study Summer 2008. Jac Armstrong Restorative Justice: Managing Victims' Expectations? Maria Pasculli Universal Jurisdiction Between Unity and Fragmentation of International Criminal Justice	QB0.09
7.3	**Mental Health** **Chair Lindsey Brown** John Horne The Mental Health Tribunal – Truly a Safeguard? Nell Munro Legal Discreditation of Mad people - A Systems Theory Approach Mat Kinton Community Treatment Orders - The Story So Far	BI0.12
7.4	**Human Rights** **Chair tba** Alison Mawhinney Religious Oath-taking and Freedom of Religion: the Role of International Human Rights Law Peter Munce Unionists as "Court Sceptics": An Exploration of Elite Level Unionist Responses to Recent Proposals for a Northern Ireland Bill of Rights	BI0.18

	Aisling Parkes Children's Parliaments and the Right of the Child to be Heard Under International Law	
7.5	**Law & Literature** **Chair Catrin Fflur Huws** Dawn Watkins Illusions and Identities in The Rape of the Lock Michael Quilter Writers and Their Personal Crusades: Defoe's Fight for Bankruptcy Discharge Anna-Maria Konsta Some Thoughts on American Legal Culture: the Legal "Abject" in Arthur Miller's "The Crucible" and in William Gaddis' "A Frolic of His Own" Chalen Westaby An Alternative to Traditional International Law Approaches to the Development of Customary International Law: Understanding the Interpretive Community	**QB0.16**
7.6	**Sexual Offences** **Chair Phil Rumney** Nadia Wager Researching Histories of Childhood Sexual Abuse: Is it OK to Ask THAT Question? Gethin Rees The Morphology is a Witness Which Doesn't Lie: Forensic Medical Examiners Justifications for Providing a Neutral Report in Sexual Assault Cases	**QB0.15**
7.7	**Legal Education** **Chair Tony Bradney** Annie Rochette Values in Legal Education Anna Zimdars Access to the Legal Bar in England and Wales - Preliminary Findings	**QB1.12**
7.8	**Intellectual Property** **Chair Jasem Tarawneh** Susan Corbett Creative Common Licences: Symptom or Cause? Ron Healy 300 Years of Copyright: Have We Gone Full Circle On the Use of Technology to Address Limitations in Distributing Public Performance Broadcast Royalties?	**BI0.17**
7.9	**Keyword: Identity** **Chair Gavin Dingwall** Nicole Busby & Calum Macleod Constructing a Crofting Identity for the 21st Century	**QB0.11**

	Derek Kirton Street Level Bureaucracy in a Cinderella Service: Data Protection and Access to Care Files Jenny Rivera An Equal Protection Standard for National Origin Sub-Classifications: The Context That Matters	
7.10	**Keyword: Governance** **Chair tba** Mary Seneviratne & Adrian Walters Regulation of Insolvency Practitioners: Time for a Re-think? Mamman Lawan The Use and Abuse of Powers of Impeachment in Nigeria	**QB0.13**

Parallel Session 8 11.30-1.00pm

No	Session	Room
8.1	**Family Law** **Chair tba** Sylvie Langlaude Article 13 UN Convention on the Rights of the Child: A Forgotten Right? Jane Fortin Do All Children Have a Right to Knowledge of their Origins? Julie Doughty Media Access to the Family Courts: What Happened to Children's Rights?	**QB0.10**
8.2	**Criminal Justice** **Chair Glenys Williams** Barry Mitchell Rethinking, Not Abolishing Provocation Glenys Williams Drug Dealers and the Duty of Care in Gross Negligence Manslaughter: R v Townsend & Evans (2008) Jhuma Sen Why Do We Kill People to Tell People That Killing is Bad? Time to Hang Capital Punishment	**QB0.09**
8.3	**Mental Health** **Chair Nell Munro** Phil Bielby Revisiting Ulysses Arrangements in Psychiatric Treatment Lindsey Brown The Use of Mental Health Records for Research Peter Bartlett Human Rights without Resources: Thinking about Africa	**BI0.12**

8.4	**Environmental Law** **Chair Brian Jack** Jin Liu The Role of the ICAO (International Civil Aviation Organization) in Regulating Aircraft Engine Emissions to Abate Climate Change Antonia Layard Governing Territorial Cohesion, Spatial Planning and Environmental Protection Operationalising Principles and Practice David Marrani French Charter for the Environment and Risk Society: Rewriting the Case Law of the French Administrative Courts under the Pressure of Environmental Consideration	**QB0.17**
8.5	**Human Rights** **Chair tba** Ronagh McQuigg The European Court of Human Rights and Domestic Violence Andreas Dimopoulos The UNCRPD and the ECHR; The Need for a Disability Protocol? Manilee Bagheritari & Elise Wohlbold Human Rights in the 21st Century: Challenges and Conflicts	**BI0.18**
8.6	**Law & Literature** **Chair Michael Quilter** Catrin Fflur Huws English Law and Literature in English and Welsh – Some Questions on Methodology Soyoung Lee Law, Literature, and the Possibilities of Polyphonic Justice Anne Quéma The Civil Partnership Act as a Mimetic Narrative of Social Reproduction	**QB0.16**
8.7	**Sexual Offences** **Chair Phil Rumney** Phil Rumney & Natalie Hanley Male Rape: Constructing Consent through Social Attitudes Sinead Ring Victim Impact: The Incorporation of Victim Experiences in Historic Childhood Sexual Abuse Prosecutions Lydia Buckley Criminalising Child Sexual Abuse in Ireland: Does the Criminal Law (Sexual Offences) Act 2006 Provide Adequate Protection for our Children?	**QB0.15**

8.8	**Intellectual Property** **Chair Susan Corbett** Sujitha Subramanian Commission Guidelines on Article 82 and its Impact on Intellectual Property Rights Maria Karagianni Provisions on Miracles: Who Owns What When the Legal System Fails to Answer Questions of Property?	**BI0.17**
8.9	**Keyword: Participation** **Chair Jonathan Merritt** Nicholas Kang-Riou Human Rights Expertise, Values, Intervention and Truth John Stanton Accountability and Participation: The Achievement of Sustainable Development Richard Ingleby & Mona Chung Cross-Cultural Assumptions about Perception and Identity in Western Socio-Legal Frameworks	**QB0.13**
8.10	**Keyword: Vulnerability** **Chair Vanessa Bettinson** Elisabetta Bertolino Between Vengeance and Forgiveness: Human Rights and the Impossible Rosemary Hunter Enforcing Equality: The Need for Legal Representation Derek Morgan Pleading Poverty: Rediscovering Welfare Law?	**QB0.11**

Papers by Subject Stream and Keyword Stream

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Administrative Justice	**Mary Senevaratne/ Notts Trent**					
Similarities and Differencies Amongst Tribunals			Michael Adler	Edinburgh	michael.adler@ed.ac.uk	QB0.11
Administrative Law and the Regulation of Public Bodies			Alex Marsh	Bristol	alex.marsh@bristol.ac.uk	BI0.19
Comparing the Incomparable: Some Aspects of Judicial Review in the United Kingdom and in some Continental Countries (Belgium, the Netherlands and France)			Alexander De Becker	Vrije University, Brussels, Belgium	alexander.de.becker@vub.ac.be	BI0.19
Administrative Redress: the Law Commission's Proposed Ombudsmen Reforms. Responses and Comments by Brian Thompson (Liverpool) and Mary Seneviratne (Notts Trent)			Keith Vincent & Richard Percival	Law Commission	public@lawcommission.gsi.gov.uk	QB0.11
Administrative Justice, Choice and the Contracted-Out State			Morag McDermont	Bristol	morag.mcdermont@bris.ac.uk	QB0.11
Conflict & Security	**Brenda Daly & Noelle Higgins/ Dublin City University**					
Fatal Footprints – An Analysis of the Cluster Munitions Convention 2008			Sarah Bolger	DCU	sarahbolger3@gmail.com	QB0.16
The Boundaries of Transition: Exploring the Feminist Political Project in Transitional Justice			Catherine O'Rourke	Ulster	catherineforourke@gmail.com	QB0.14
The Responsibility to Protect: A 'Just' Intervention?			Emma McClean	Westminster	e.mcclean@wmin.ac.uk	QB0.16
Engagement with Actors in Times of Conflict			Noelle Higgins	DCU	noelle.higgins@dcu.ie	QB0.16
Keywords: Conflict Mediation, Conflict Resolution and International Peace Mediator		Conflict Resolution:The Role of the International Peace Mediator	Brenda Daly	DCU	brenda.daly@dcu.ie	QB0.14
The Use of Force, War of National Liberation and Self Determination in the South Ossetian Conflict			Kieran O'Reilly	DCU	kieran.oreilly9@gmail.dcu	QB0.14
Safety and Security in the Straits of Malacca			Hendun Abd Rahman Shah	Birmingham	hendun78@yahoo.co.uk	QB0.14
Criminal Justice	**Daniele Alge/Surrey**					
Drug Dealers and the Duty of Care in Gross Negligence Manslaughter: *R v Townsend & Evans* (2008)			Glenys Williams	Aberystywyth	gnws@aber.ac.uk	QB0.09
Universal Jurisdiction Between Unity and Fragmentation of International Criminal Justice			Maria Pasculli	Universita degli studi di Bari Facolta di Giurisprudenza	m.pasculli@lex.uniba.it	QB0.09

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Why Do We Kill People to Tell People that Killing is Bad? Time to Hang Capital Punishment			Jhuma Sen	Indian Inst. Of Human Rights/Amnesty International India	sen.jhuma@gmail.com	QB0.09
Can Dishonesty be Salvaged?			Richard Glover	Wolverhampton	r.glover@wlv.ac.uk	QB0.09
Exploring Deliveration Dynamics in (Mock) Rape Juries			Louise Ellison & Vanessa Munro	Nottingham	vaness.munro@nottingham.ac.uk	QB0.09
Remedial Action for Pre-Trial Improprieties: Investigation, Rights and Exlcusionary Rules			Yvonne Daly	DCU	yvonne.daly@dcu.ie	QB0.09
The Concept of Regulatory Crime: A Socio-Legal Analysis			Richard Hyde	Nottingham	llxrh4@nottingham.ac.uk	QB0.09
Policing the Hood: Realities and Myths about Community Policing in Canada and the UK			Jonathan Merritt	DMU	jmerritt@dmu.ac.uk	QB0.09
What the Police Say about Themselves: Initial Reflections from a Study with Serving Officers			Adam Robertson	Sunderland	adam.robertson@sunderland.ac.uk	QB0.09
Rethinking, Not Abolishing Provocation			Barry Mitchell	Coventry	b.mitchell@coventry.ac.uk	QB0.09
The Relationship Between Cracked Trials and Plea Bargains: an Empirical Analysis			Daniele Alge	Surrey	d.alge@surrey.ac.uk	QB0.09
Study of the Impact of Introduction of the Means Test for Criminal Legal Aid in the Magistrates' Court. Pilot Study Summer 2008.			Nick Johnson	Nottingham	nicholas.johnson@ntu.ac.uk	QB0.09
The History of Stop and Search			Genevieve Lennon	Leeds	law5gl@leeds.ac.uk	QB0.09
The Blame Game: Criminal Responsibility Theory and the Mentally Disordered Offender in Ireland			Louise Kennefick	UCC	louise.kennefick@hotmail.com	QB0.09
The Impact of DNA Evidence on Criminal Trials			Oriola Sallavaci	Middlesex	o.sallavaci@mdx.ac.uk	QB0.09
Restorative Justice: Managing Victims Expectations?			Jac Armstrong	Chester	jac.armstrong@chester.ac.uk	QB0.09
Plea Bargaining in International Criminal Law			Regina Rauxloh	Surrey	R.rauxloh@surrey.ac.uk	QB0.09
Criminal Justice Decision-Making in Sex Offences: Evidential Sufficiency and the Mentally Disordered Complainant			Candida Saunders	Nottingham	candida.saunders@nottingham.ac.uk	QB0.09
Plea Bargaining in Global Context: Interplay with Democratic Politics			Mary Vogel	Kings College London	mary.vogel@kcl.ac.uk	QB0.09
Theft: a Critical Comparative Analysis of Judicial Discretion at the Custody Threshold in England and Denmark			Max Lowenstein	Southampton Solent	max.lowenstein@solent.ac.uk	QB0.09
Capacity, Sex and the Mentally Disordered			Tracey Elliott	Queen Mary University	t.a.elliott@qmul.ac.uk	QB0.09

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Getting It Right: a Principled Approach to Enacting Criminal Offences			James Roffee	DMU	jroffee@dmu.ac.uk	QB0.09
Environmental Law	**Brian Jack/Queens Belfast**					
The Role of the ICAO (International Civil Aviation Organization) in Regulating Aircraft Engine Emissions to Abate Climate Change			Jin Liu	UCL	jin.liu@ucl.ac.uk	QB0.17
Governing Territorial Cohesion, Spatial Planning and Environmental Protection Operationalising Principles and Practice			Antonia Layard	Cardiff	layarda@cf.ac.uk	QB0.17
French Charter for the Environment and Risk Society: Rewriting the Case Law of the French Administrative Courts Under the Pressure of Environmental Consideration			David Marrani	Essex	dmarrani@essex.ac.uk	QB0.17
European Law	**Naomi Salmon/Aberystwyth**					
The Reform Treaty Between European Constitution and European Evolution			Martinico Giuseppe	Sant'Anna School of Advanced Studies, Pisa	martinico@sssup.it	QB0.16
Beyond the Rule of Law: EU Asset-Freezing Sanctions and Actuarial Justice			Cian Murphy	Kings College London	cian.murphy@kcl.ac.uk	QB0.16
Do Articles 230 and 234 of the European Community Treaty Provide a Complete System of Remedies?			Marios Costa	Essex	mcostav@essex.ac.uk	QB0.16
National vs. Supranational Citizenship: a One-Sided Battle?			Jules Bradshaw	Manchester	jules_ellie@yahoo.co.uk	QB0.16
Nanotechnology, Food Safety and EU Law: States of Ignorance, Precaution and the Negotiation of "Acceptable Risk"			Naomi Salmon	Aberystwyth	njs@aber.ac.uk	QB0.16
Regulating the Market: Community Law and the Protection of Key Stakeholder Interests			Yuri Borgmann-Prebil	Sussex	Y.A.Borgmann-Prebil@sussex.ac.uk	QB0.16
Decentralisation and Difference in EU Law			Jo Hunt	Cardiff	huntj@cf.ac.uk	QB0.16
The Cross-Border Posting of Workers and Increasing Tensions in the European Labour Market			Samantha Currie	Liverpool	samantha.currie@liv.ac.uk	QB0.16
Family Law	**Anne Barlow/Exeter**					
Talking Children Into Being? The Discursive and Rhetorical Framing of Children in In-court Conciliation			Liz Trinder	Newcastle	Liz.trinder@ncl.ac.uk	QB0.10
Kalabari Marriage System and the Rights of Women in the Family			Rhoda Ige	Keele	asikiaige@yahoo.co.uk	QB0.10
Shared Residence Orders, the Paramountcy Principle and Law's Gendered Understandings of Parents' Responsibilities			Annika Newnham	Sussex	a.b.newnham@sussex.ac.uk	QB0.10
Parent Abuse: Some Initial Thoughts on a Hidden Problem			Caroline Hunter	York	cmh516@york.ac.uk	QB0.10

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Tackling Crimes of Honour: Evaluating the Social and Legal Responses to Combating Forced Marriages in Britain			Samia Bano	Reading	s.bano@reading.ac.uk	QB0.10
Media Access to the Family Courts: What Happened to Children's Rights?			Julie Doughty	Cardiff	doughtyj@cf.ac.uk	QB0.10
Family Judging			Mavis Maclean	Oxford	mavis.maclean@socres.ox.ac.uk	QB0.10
Article 13 UNCRC: a Forgotten Right?			Sylvie Langlaude	QUB	s.langlaude@qub.ac.uk	QB0.10
Asset Distribution on Divorce: What Irish Lawmakers can Glean from the Experiences of Other Jurisdictions			Louise Crowley	UCC	l.crowley@ucc.ie	QB0.10
Collaborative Law: The Dispute Resolution Method of Choice for the Good Family Lawyer?			Katherine Wright	Sheffield Hallam	k.m.wright@shu.ac.uk	QB0.10
The Reconceptualisation of the Value of Non Financial Contribution to Marriage Relationship in Taiwan			Chung Yang Chen	Exeter	cc310@ex.ac.uk	QB0.10
Child Participation in Cross-National Family Proceedings: An EU Perspective			Helen Stalford	Liverpool	stalford@liverpool.ac.uk	QB0.10
Cohabitation Law in Scotland: What's Going On? A Paper Examining Early Developments Under the Family Law (Scotland) Act 2006 and Questions for Empirical Research			Jo Miles	Cambridge	jkm33@cam.ac.uk	QB0.10
Diversity of Socio-Legal Research Evidence in the Civil Law Reform Policy Process: The Case of the Family Law (Scotland) Act 2006			Fran Wasoff & Debbie Headrick	Edinburgh	Fran.Wasoff@ed.ac.uk	QB0.10
A Pilot Study to Investigate Whether Non Biological Lesbian Co-Parents Maintain Their Parenting Role after Relationship Breakdown with the Biological Parent			Thérèse Callus	Reading	m.t.callus@reading.ac.uk	QB0.10
Do All Children Really Have a Right to Knowledge of Their Origins?			Jane Fortin	Sussex	jane.fortin@sussex.ac.uk	QB0.10
Contrasts between legal assumptions about cohabitation, and cohabitants' talk about their practices. Is the Cohabitation Bill the way forward?			Anne Barlow, Janet Smithson	Exeter	a.e.barlow@ex.ac.uk	QB0.10
Children and Contact in the Private Family Law Setting: An Examination of Domestic and International Law			Elaine O'Callaghan,	UCC	elaineocallaghan@hotmail.com	QB0.10
Profile of Parent and Children's Contact Arrangements in Ireland			Elena Moore	Trinity College, Dublin	mooreel@tcd.ie	QB0.10
Gender, Sexuality and Law	**Chris Ashford/ Sunderland**					
Exploring the Researcher/Researched Boundaries in LGBT Lives			Marian Duggan	QUB	mduggan06@qub.ac.uk	QB1.10
Transforming Law			Marjolein van den Brink, Marije Graven	Utrecht	mvandenbrink@law.uu.nl	QB1.10

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Criminal Justice, Pornography and Prostitution: Radical Feminists in the House of Commons			Anna Carline	Liverpool John Moores	a.carline@ljmu.ac.uk	QB1.10
Sexualising the Child: the Strange Case of Bill Henson, His 'Absolutely Revolting' Images and the Law of Childhood Innocence			Brian Simpson	University of New England, New South Wales	brian.simpson@une.edu.au	QB1.10
Issues in Same Sex Marriage: Legal Considerations in Nigeria			Femi Rufus Tinuola	Kogi State University, Nigeria	adufem2000@yahoo.com	QB1.10
Public Sex and the Law: the Current Situation and Media Coverage			Sean Hennelly	Nottingham	sean.m.hennelly@googlemail.com	QB1.10
Legitimising the Disorderly Woman			Julia Shaw	DMU	jshaw@dmu.ac.uk	QB1.10
Pacific Perspectives: *Fa'afafine* and *Fakaleiti* in Samoa and Tonga: People Between Worlds			Sue Farran	Dundee	sue.farran@dundee.ac.uk	QB1.10
Queerying Homophobic Bullying: Memories, Identities and Strategies			Daniel Monk	Birkbeck	D.Monk@bbk.ac.uk	QB1.10
Gender and Legal Acculturation in European and Greek Social Law: the Case of Migrant Women in the Thessaloniki Area			Anna Maria Konsta	The American College of Thessaloniki	konsta@act.edu	QB1.10
Gender Stereotyping in TV Ads			Queiroz, Joao Paulo	Faculda de Belas-Artes da Universidade de Lisboa	habitante_9@hotmail.com	QB1.10
Opening our Eyes to Women's Experience of Homophobic Violence			Susan Paterson	Metropolitan Police Service, attached to Birkbeck School of Law	s.paterson@bbk.ac.uk	QB1.10
Trajectory of Reform: Catholicism, the State and the Civil Society in the Developments of LGBT Rights			Maria Moscati	School of Oriental & Asian Studies, London	174224@soas.ac.uk	QB1.10
Revisiting the Silent Community: Public Sex Environments in New York City and the Information Society			Chris Ashford	Sunderland	chris.ashford@sunderland.ac.uk	QB1.10
An Ordinary Person Does the Law Make it Impossible to Murder a Homosexual?			Susan Potter	The University of Auckland	See http://www.docnz.org.nz/2009/ak/film/ordinary-person	QB1.10
Law of Rape in India: Dilemma of the Court in Awarding Statutory Minimum Punishment			Suchet Kumar	Rayat College of Law, Ropar, Punjab, India	suchet7@gmail.com	QB1.10
Humanitarian Law	**Eadaoin O'Brien/ Tara Smith-NUI**					
Investigating Franco Era Crimes: the Search for Peace, Truth and Justice in Spain			Eadaoin O' Brien	NUI	eadaoin_o_brien@yahoo.co.uk	QB0.14
Dedication, Indifference or Opposition?			Majbritt Lyck	University of Bradford	dr.lyck@yahoo.dk	QB0.14
Thomas Lubanga Dyilo: the Chronicle of a Case Foretold			Victor Tsilonis	Aristotle University of Thessaloniki Greece	tsilonisvictor@hotmail.com	QB0.14

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Reframing the Debate: from Humanitarian Intervention to the Responsibility to Protect			Susan Megy	NUI	s.megy1@nuigalway.ie	QB0.14
Private Security Contractors, Civilian Protection and International Humanitarian Law			Alexis Bushnell	NUI	a.bushnell1@nuigalway.ie	QB0.14
Searching for the Elusive "Disciplined Limits" to the Tense Relationship Between the Progressive Development of International Criminal Law and *Nullum Crimen Sine Lege*			Christopher Ryan	NUI	christophryan@gmail.com	QB0.14
Applicability of the Law of Occupation to UN Post Conflict			Lema Uyar	Oxford	lema.uyar@law.ox.ac.uk	QB0.14
Contemporary Challenges to the Applicability of the Law of Belligerent Occupation			Susan Power	Trinity College, Dublin	srpower@tcd.ie	QB0.14
The Environmental Consequences of Armed Conflict: Looking at Gaza and Beyond			Tara Smith	NUI	smithtar@gmail.com	QB0.14
Enforcement of IHL and Alternatives to the ICC			Andrea Breslin	NUI	andreabreslin@gmail.com	QB0.14
The Strange Notion of Internationalization of Internal Armed Conflicts			Támas Hoffmann	The University of Pannonia Hungary	htamaslaw@gmail.com	QB0.14
Human Rights	**Niamh Hayes/NUI**					
Drugs & Human Rights: Private Palliatives, Sacramental Freedoms & Cognitive Liberty			Charlotte Walsh	Leicester	charlotte.walsh@leicester.ac.uk	BI0.18
Laws, Lawyers, and Human Rights in Contemporary Africa			Natewinde Sawadogo	Nottingham	lbxns@nottingham.ac.uk	BI0.18
Chartering the Course for the Protection of Refugee Children's Rights: the Malaysian Experience			Dina Supaat	Birmingham	dxs788@bham.ac.uk	BI0.18
The UNCRPD and the ECHR: The Need for a Disability Protocol?			Andreas Dimopoulos		andre.dimeau@gmail.com	BI0.18
The European Court of Human Rights and Domestic Violence			Ronagh McQuigg	QUB	rmcquigg01@qub.ac.uk	BI0.18
Children's Parliaments and the Right of the Child to be Heard Under International Law			Aisling Parkes	UCC	a.parkes@ucc.ie	BI0.18
Migrant Workers in the United Arab Emirates and the Limitations of the International Human Rights System			Niamh Hayes	NUI	Niamh1@gmail.com	BI0.18
Rights for the Exonerated: A Lacuna in International Law?			Yvonne McDermott	NUI	yvonne.mcdermott@gmail.com	BI0.18
Statelessness as a Catalyst for Crimes Against Humanity: the "Rohingya" of North Rakhine State, Myanmar			Joseph Powderly	NUI	joe.powderly@gmail.com	BI0.18
The Elephant in the Room - The Right to Resist in International Human Rights Law			Shannonbrooke Murphy	NUI	shannonbrookemurphy@yahoo.com	BI0.18

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Zimbabwe: a Decade of Broken Promises			Emma McClean & Cavandoli, Sofia	Westminster & Aberystwyth	sfc@aber.ac.uk	BI0.18
Religious Oath-Taking and Freedom of Religion: The Role of International Human Rights Law			Alison Mawhinney	QUB	a.mawhinney@qub.ac.uk	BI0.18
Unionists as "Court Sceptics": An Exploration of Elite Level Unionist Responses to Recent Proposals for a Northern Ireland Bill of Rights			Peter Munce	Ulster	munce-p@email.ulster.ac.uk)	BI0.18
Confiscating the Proceeds of Crime: Justice or Theft?			Frankie McCarthy	Glasgow	f.mccarthy@law.gla.ac.uk	BI0.18
Small Arms and State Complicity			Omer Direk	Kings College London	omer.direk@kcl.ac.uk	BI0.18
Tyrannicide and Right to Life in International Law: Interpretations and Values Competing			Elodie Tranchez	Universitie Paul Cezanne Aix en Provence	elodietranchez@yahoo.fr	BI0.18
Human Rights in the 21st Century: Challenges and Conflicts			Manilee Bagheritari & Elise Wohlbold	NUI	manilee@pinedafoudnation.org	BI0.18
Trumping Human Rights? The Law and Politics of Terrorist lists			Bill Bowring	Birkbeck	b.bowring@bbk.ac.uk	BI0.18
Indigenous Rights	**Sarah Sargent/DMU**					
Uncertainty and Serendipity in Ethnography: Judicial References to Article 305 in a Damascus Shari'a Court			Jessica Carlisle	Radboud University, Nijmegen,	occanecca@yahoo.co.uk	QB0.17
The Value of the UN Declaration on the Rights of Indigenous Peoples and the Effectiveness of the Indigenous Rights Regime			Mauro Barelli	Cardiff	barellim@cardiff.ac.uk	QB0.17
Brazil as a Country of Origin in Intercountry Adoption: An Account of Cultural Trauma, National Identity and International Relations			Sarah Sargent	DMU	sjsargent@aol.com	QB0.17
Cultural Trauma, National Identity and Social Exclusion in Guatemalan Intercountry Adoption			Sarah Sargent	DMU	sjsargent@aol.com	QB0.17
Listening to the Indigenous Voice			Aliza Organick	Washburn University School of Law Kansas	aliza.organick@washburn.edu	QB0.17
Information Technology, Law and Cyberspace	**Mark O'Brien/UWE**					
Online Gambling and International Regulation: An Outside Bet			Margaret Devaney	Law Reform Commission of Ireland	mdevaney@lawreform.ie	BI0.19

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Controlling Fantasy in Cyberspace: Cartoons, Imagination and Child Pornography			Brian Simpson	University of New England, New South Wales	brian.simpson@une.edu.au	BI0.19
Still Raving: Travelling Peoples, Policing and Technology			Mark O'Brien	UWE	Mark O'Brien [Mark.O'Brien@uwe.ac.uk]	BI0.18
Researching Online Sex Environments			Chris Ashford	Sunderland	chris.ashford@sunderland.ac.uk	BI0.18
Intellectual Property	**Jasem Taraneh/Manchester**					
Creative Common Licences: Symptom or Cause?			Susan Corbett	Victoria University, Wellington NZ	susan.corbett@vuw.ac.nz	BI0.17
Role of Artistic Motivation for Copyright Policy			Smita Kheria	Edinburgh	smita.kheria@ed.ac.uk	QB0.17
How to Reach the Cross-Over Point of Maskus Curve in the Chinese Intellectual Property Law Enforcement? Relive the Ancient Culture!			Nan Zhang	Queen Mary College	n.zhang@qmul.ac.uk	QB0.17
300 Years of Copyright: Have We Gone Full Circle on the Use of Technology to Address Limitations in Distributing Public Performance Broadcast Royalties?			Ron Healy	NUI	rhealy@cs.nuim.ie	BI0.17
Commission Guidelines on Article 82 and its impact on Intellectual Property Rights			Sujitha Subramanian	Aberystwyth	uss@aber.ac.uk	BI0.17
Provisions on Miracles: Who Owns What When the Legal System Fails to Answer Questions of Property?			Maria Karagianni	Piet Zwart Institute, The Netherlands	marakaragianni@yahoo.gr	BI0.17
Increasing Public University Innovation Capacity			Ambereen Shaffle	American University in Cairo	ambereenk@gmail.com	QB0.17
Labour Law	**Nicole Busby & Grace James-Stirling & Reading**					
The Equality Duty and Academic Careers: Never the Twain Shall Meet			Jessica Guth	Bradford	j.guth@bradford.ac.uk	QB0.11
The Changing Nature of Employment Relationships and its Challenge for Health and Safety Law			Salha Al Shaibani	Glamorgan	salha2003@hotmail.com	QB0.11
No Special Treatment: Women and Labour Law in Australia			Carolyn Penfold	New South Wales, Australia	c.penfold@unsw.edu.au	QB0.11
The Flexible Parent (Mother)			Eugenia Caracciolo di Torella	Leicester	ecdt1@le.ac.uk	QB0.11
Protection Against Discrimination on the Grounds of Family Status: What Does it Add?			Olivia Smith	DCU	olivia.smith@dcu.ie	QB0.11
Labour and the Law...Uneasy Bedfellows Still			Michael Doherty	DCU	michael.doherty@dcu.ie	QB0.11
The Employment Rights of Carers: Imagining a Right to Care			Nicole Busby	Stirling	n.e.busby@stirling.ac.uk	QB0.11

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
The Establishment and Operation of Information and Consultation Arrangements in a Capability-Based Framework: An Empirical Study			Aristea Koukiadaki	Cambridge	ak545@cam.ac.uk	QB0.11
The Role of Government as Employer and Legislator: The Labour Relations Framework at the Start of the 21st Century			David Mangan	LSE	d.mangan@lse.ac.uk	QB0.11
UK Work-Family legislation; A Swedish or an American Approach Towards the Work-Family Conflict?			Michelle Weldon-Johns	University of Abertay Dundee	m.weldon-johns@abertay.ac.uk	QB0.11
An American Explosion? Contingency Fees: Access to Justice Compensation Culture and Employment Tribunals			Richard Moorhead	Cardiff	moorheadr@cardiff.ac.uk	QB0.11
Lawyers and Legal Professions	**Andy Boon & John Flood/Westminster**					
The Lawyer Mediator in Scotland			Bryan Clark	Strathclyde	bryan.clark@strath.ac.uk	QB0.15
Connecting (and Disconnecting?) Law and Power: Legal Expertise and Legal Pluralism in the Global Political Economy			Edward Cohen	Westminster	cohenes@westminster.edu	QB0.15
Making Legal Aid Solicitors? The Training Contract Grants Scheme			Andy Boon, Sylvie Bacquet, Lisa Webley, Avis Whyte	Westminster	a.boon@wmin.ac.uk	QB0.15
The Price of Pupillage: the Nature and Limits of Ritual Ordeal at the Bar			Justine Rogers	Oxford	justine.rogers@wolfson.ox.ac.uk	QB0.15
Children of a Lesser God: Lawyers, Economics and the Systemic Corruption of the Legal Profession			David Barnhizer	Westminster	D.Barnhizer1@westminster.ac.uk	QB0.15
Encouraging Mediation in the EC			Richard Earle	Westminster	r.earle@westminster.ac.uk	QB0.15
Law and Literature	**Julia Shaw / DMU**					
English Law and Literature in Welsh and English: Some Questions on Methodology			Catrin Fflur Huws	Aberystywyth	trh@aber.ac.uk	QB0.16
Writers and Their Personal Crusades: Defoe's Fight for Bankruptcy Discharge			Michael Quilter	Macquarie University, Sydney	michael.quilter@law.mq.edu.au	QB0.16
The Civil Partnership Act as a mimetic Narrative of Social Reproduction			Anne Quéma	Acadia University, Nova Scotia, Canada	aquema@acadiau.ca	QB0.16
Illusions and Identities in The Rape of the Lock			Dawn Watkins	Leicester	dew3@le.ac.uk	QB0.16
An Alternative to Traditional International Law Approaches to the Development of Customary International Law: Understanding the Interpretive Community			Chalen Westaby	Sheffield Hallam	c.westaby@shu.ac.uk	QB0.16
Law, Literature, and the Possibilities of Polyphonic Justice			Soyoung Lee		lee72@fas.harvard.edu	QB0.16

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Some Thoughts on American Legal Culture: the Legal "Abject" in Arthur Miller's "The Crucible" and in William Gaddis "A Frolic of His Own"			Anna Maria Konsta	The American College of Thessaloniki	konsta@act.edu	QB0.16
Legal Education	**Tony Bradney/Keele**					
Cross-Cultural Issues in the Supervision of a Chinese Socio-Legal PhD Student			Richard Ingleby * Mona Chung	Deakin University, Victoria, Australia	richardingleby@vicbar.com.au	QB1.12
Access to the Legal Bar in England and Wales: Preliminary Findings			Anna Zimdars	Manchester	anna.zimdars@manchester.ac.uk	QB1.12
Why Would You Bother? International Mobility of UK Law Students			Jessica Guth	Bradford	j.guth@bradford.ac.uk	QB1.12
Career Development in the LLB			Philip Roberts	BPP	philiproberts@bppls.com	QB1.12
Why Do I Have to Study Jurisprudence?			Richard Glancey	Northumbria	richard.glancey@unn.ac.uk	QB1.12
Values in Legal Education			Annie Rochette	Quebec	rochette.annie@uqam.ca	QB1.12
Skills Acquired in a Peer Mentoring Scheme and Their Transferability at the Workplace			Shamini Ragavan	Newcastle	shamini.ragavan@ncl.ac.uk	QB1.12
Medical Law and Ethics	**Glenys Williams/David Price**		**Aberystwyth and DMU**			
Healthy, Wealthy & Wise: NHS Data-Management Values in Context			Jamie Grace	Derby	j.grace@derby.ac.uk	BI0.12
The Director of Public Prosecution's Discretion R (on the Application of Purdy v DPP)			Glenys Williams	Aberystwyth	gnws@aber.ac.uk	BI0.12
Should Necessity be the Midwife to Voluntary Euthanasia?			Alexandra Mullock	Manchester	alex.mullock@hotmail.co.uk	BI0.12
Contributory Negligence in the Clinical Setting			Peter Gooderham	Cardiff	gooderhamep@cardiff.ac.uk	BI0.12
Ethical and Legal Implications of the Learning Curve			Patty Healey	DMU	phealey@dmu.ac.uk	BI0.12
Lasting Powers of Attorney for Healthcare Decisions: Will it Make a Difference?			Jo Samanta	DMU	jsamanta@dmu.ac.uk	BI0.12
The Moral Step Back			Jennifer Edwards	Aberystwyth	jje07@aber.ac.uk	BI0.12
Re-Conceiving the Parenthood Provisions in the HFE Act			Julie McCandless and Sally Sheldon	Oxford Brookes	jmccandless@brookes.ac.uk	BI0.12
Procreative Autonomy and the New Human Fertilisation and Embryology Act 2008: Finally a Conception?			Marleen Eijkholt	Manchester	marleen.eijkholt@manchester.ac.uk	BI0.12

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Impact of the Criminal Process on Healthcare Practice: New Zealand's Experience			Danielle Griffiths & Amel Alghrani	Manchester	danielle.griffiths@manchester.ac.uk	BI0.12
Asbestos Wars and the Battle over Pleural Plaques			Annette Morris	Cardiff	morrisa7@cardiff.ac.uk	BI0.12
Managing Risk and the Politics of Regulating Human Material			Ann-Marie Farrell	Manchester	a.m.farrell@manchester.ac.uk	BI0.12
Mental Health and Mental Capacity	**Peter Bartlett, Nell Munro - Nottingham**					
Revisiting Ulysses: Arrangements in Psychiatric Treatment			Phil Bielby	Hull	p.bielby@hull.ac.uk	BI0.12
The Use of Mental Health Records for Research			Lindsey Brown	Oxford	lindsey.brown@ethox.ox.ac.uk	BI0.12
Mental Health and the Care Quality Commission: Brave New World of Regulatory Scrutiny or Retrograde Step?			Jean McHale	Leicester	jvm5@le.ac.uk	BI0.12
A New Diminished Responsibility Plea			Ronnie Mackay	DMU	rdm@dmu.ac.uk	BI0.12
The Nature and Meaning of Engagement in Assertive Outreach Services			Nicola Wright	Birmingham	n.wright.1@bham.ac.uk	BI0.12
Paternalism Versus Autonomy: Where is the Balance?			Catriona Moloney	Law Reform Commission of Ireland	cmoloney@lawreform.ie	BI0.12
Legal Discreditation of Mad People: A Systems Theory Approach			Nell Munro	Nottingham	nell.munro@nottingham.ac.uk	BI0.12
Human Rights Without Resources: Thinking About Africa			Peter Bartlett	Nottingham	peter.bartlett@nottingham.ac.uk	BI0.12
Transfer From Hospital to Care Home for Incapable Elderly Adults: Family and Patient Experiences of the Determination of Best Interests			Elaine Regan	Nottingham	elaine.regan@nottingham.ac.uk	BI0.12
Community Treatment Orders: The Story so Far			Mat Kinton	University of Central Lancashire	mat.kinton@mhac.org.uk	BI0.12
The Responsible Clinician and the Provision of Treatment in Regional Secure Units: A Changing of the Guard?			Leon McCrae	Nottingham	llxlm10@nottingham.ac.uk	BI0.12
The Mental Health Tribunal – Truly a Safeguard?			John Horne	Northumbria	john.horne@northumbria.ac.uk	BI0.12
Regulating Sex	**Teela Sanders, Jane Scoular - Leeds and Strathclyde**					
La Puta Buena: Regulating Sex Tourism in the Age of Neo-Liberalism			Megan Rivers-Moore	Cambridge	mr413@cam.ac.uk	QB0.15
The Mainstreaming of the Sex Industry: Economic Inclusion and Social Ambivalence			Barb Brents & Teela Sanders	Nevada and Leeds	t.l.m.sanders@leeds.ac.uk	QB0.15
Male Erotic Labour: Practices of Non-Regulation in England and Wales			Mary Whowell	Loughborough	m.e.whowell@lboro.ac.uk	QB0.15
Prostitution in Nepal and North-Eastern India: Discourses Around Gender, Self-Perception and Sexuality			Lisa Caviglia	Heidelberg	caviglialisa@hotmail.com	QB0.15

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Consuming Sex: Socio-Legal Shifts in the Space and Place of Sex Shops			Phillip Hubbard	Loughborough	p.j.hubbard@lboro.ac.uk	QB0.15
"I Think This Situation is Going to Get Worse and Worse": New Legislation, New Working Strategies … What Does the Future Hold for Scotland's Street-Based Sex Workers?			Billie Lister	Stirling	billie.lister@stir.ac.uk	QB0.15
Policing the Truth: Sex Workers as Informants			Nicoletta Policek	Lincoln	npolicek@lincoln.ac.uk	QB0.15
Commercial Sexual Exploitation and Feminism's Will to Empower: Exploring Neoliberal Technologies of Social Inclusion			Jane Scoular	Strathclyde	jscoular@strath.ac.uk	QB0.15
Ethics and the Regulation of Sex Work: A Butlerian Ethical Reading of Radical Feminism and Reform Proposals			Anna Carline	Liverpool John Moores	a.carline@ljmu.ac.uk	QB0.15
The Changing Room			Rachela Colosi	Teeside	r.colosi@tees.ac.uk	QB0.15
Regulating Sex Work: What a Legal Realist Approach Might Offer			Prabha Kotiswaran	SOAS, University of London	pk5@soas.ac.uk	QB0.15
Sexual Offences and Offending	**Phil Rumney / UWE**					
The Morphology is a Witness Which Doesn't Lie: Forensic Medical Examiners Justifications for Providing a Neutral Report in Sexual Assault Cases			Gethin Rees	Edinburgh	g.rees-3@sms.ed.ac.uk	QB0.15
Criminalising Child Sexual Abuse in Ireland: Does the Criminal Law (Sexual Offences) Act 2006 Provide Adequate Protection for our Children?			Lydia Buckley	UCC	lydiafhbuckley@gmail.com	QB0.15
Victim Impact: The Incorporation of Victim Experiences in Historic Childhood Sexual Abuse Prosecutions			Sinead Ring	UCC	sineadmaryring@yahoo.ie	QB0.15
Male Rape: Constructing Consent Through Social Attitudes			Phil Rumney & Natalie Hanley	UWE	phil.rumney@uwe.ac.uk	QB0.15
Researching Histories of Childhood Sexual Abuse: Is it Okay to Ask THAT Question?			Nadia Wager	Bucks New University	nadia.wager@bucks.ac.uk	QB0.15
Socio-Legal Theory	**Reza Banakar / Westminster**					
Human Dignity in Comparative Perspective			Stephen Riley	Sheffield Hallam	s.riley@shu.ac.uk	QB0.13
Research Feminist Engagement with Law in Periods of Heightened Political Change			Catherine O'Rourke	Ulster	catherineforourke@gmail.com	QB0.13
Why Do Judges Talk The Way They Do: A Systems Theory Analysis			Richard Nobles	Queen Mary University	r.nobles@qmul.ac.uk	QB0.13
Debating the Merits of Functionalism in Socio-Legal Research			Omar Madhloom	DMU	madhloom@dmu.ac.uk	QB0.13
Sports Law	**Ben Livings /Sunderland**					
The Regulation of Animal Cruelty in Sport			Laura Donnellan	Limerick	laura.donnellan@ul.ie	BI0.19
Child Protection in Sport: Sports Governing Bodies as Prosecutor of Last Resort?			Andy Gray	DMU	agray01@dmu.ac.uk	BI0.19
To What Extent is Technological Doping the Most Pervasive Threat to the Integrity of Sporting Competitions?			Kris Lines	Staffordshire	k.m.lines@staffs.ac.uk	BI0.19
The Regulation of Ticket Touting			André Naidoo	DMU	anaidoo@dmu.ac.uk	BI0.19

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Should a Sportsperson Understand the Criminal Law of Physical Violence?			Ben Livings	Sunderland	ben.livings@sunderland.ac.uk	BI0.19
All's Fair in Love on the War of Anti-Doping: the Strange Case of Dwain Chambers			John O'Leary & Simon Boyes	Anglia	John.OLeary@anglia.ac.uk	BI0.19
Sentencing and Punishment	**Karen Harrison/Gavin Dingwall-UWE and DMU**					
The Development of Dangerousness in Penological Discourse			Karen Harrison	UWE	karen.harrison@uwe.ac.uk	BI0.17
Should the State Bear the Responsibility of Imposing Sanctions On Its Citizens Who As Witnesses Commit Crimes Before The ICC?			Sylvia Ngane	Leeds	ntuvia77@yahoo.fr	BI0.17
Fines and Equitable Impact: An English Impossibility?			Christine Piper & Sue Easton	Brunel	christine.piper@brunel.ac.uk	BI0.17
Beyond the Big Two: Sentencing Policy and 'Minority' Parties in the United Kingdom			Gavin Dingwall	DMU	gdingwall@dmu.ac.uk	BI0.17
Reviews of Maximum Penalties: Issues, Problems and Pitfalls			Yvette Tinsley	Victoria University of Wellington	yvette.tinsley@vuw.ac.nz	BI0.17
Youth Justice: The Sentencing of Young Offenders			Emer Meehan	UCC	emer2483@gmail.com	BI0.17
Tackling the Drugs/Crime Link Through the Remand Process: Some Findings From The Restriction on Bail Pilots			Anthea Hucklesby	Leeds	a.l.hucklesby@leeds.ac.uk	BI0.17
Keywords						
Governance						
The Regulation of Insolvency Practitioners: Time for a Re-Think?			Mary Seneviratne & Adrian Walters	mary.seneviratne@ntu.ac.uk	adrian.walters@ntu.ac.uk	QB0.13
The Use and Abuse of Powers of Impeachment in Nigeria			Mamman Lawan	Warwick	M.A.Lawan@warwick.ac.uk	QB0.13
Identity						
An Equal Protection Standard for National Origin Sub-classifications: the Context That Matters			Jenny Rivera	CUNY School of Law, New York	rivera@gmail.law.cuny.edu	QB0.11
Street Level Bureaucracy in a Cinderellla Service: Data Protection and Access to Care Files			Derek Kirton	Kent	d.kirton@kent.ac.uk	QB0.11
Constructing a Crofting Identity for the 21st Century			Nicole Busby & Calum Macleod	Stirling	n.e.busby@stirling.ac.uk	QB0.11
Participation						
Cross-Cultural Assumptions about Perception and Identity in Western Socio-Legal Frameworks			Richard Ingleby & Mona Chung	North China University of Technology, Victoria, Australia	richardingleby@vicbar.com.au	QB0.13
Human Rights Expertise, Values, Intervention and Truth			Nicolas Kang-Riou	Salford	n.kang-riou@salford.ac.uk	QB0.13
Accountability and Participation: The Achievement of Sustainable Development			John Stanton	Kingston	j.stanton@kingston.ac.uk	QB0.13

Stream	Stream Organiser/s	Papers	Author	University	Email	Bld & Rm No
Space						
The Territories of Criminal Justice			Andrew Green	INNOCENT	andrew@fitting-up.org.uk	QB0.13
Physical Space and the Role of Human Rights in Social Inclusion: The Right to Housing in Mumbai			Jessie Hohmann	Cambridge	jessie.hohmann@gmail.com	QB0.13
Vulnerability						
Meeting the Needs of Teenage Boys Made Homeless as a Result of Domestic Violence			Helen Baker	Liverpool	hebaker@liv.ac.uk	BI0.17
Between Vengeance and Forgiveness: Human Rights and the Impossible			Elisabetta Bertolino	Birkbeck	elisabettaro@hotmail.com	QB0.11
Enforcing Equality: The Need for Legal Representation			Rosemary Hunter	Kent	r.c.hunter@kent.ac.uk	QB0.11
Pleading Poverty: Rediscovering Welfare Law?			Derek Morgan	Sheffield	derek.morgan@sheffield.ac.uk	QB0.11
Security/Vulnerability						
Power and Vulnerability within the Mortgage Repossession Process 1995-2008			Lisa Whitehouse	Hull	l.a.whitehouse@hull.ac.uk	BI0.17

Papers by Author (alphabetical by surname)

Author	Papers	University	Email	Rm no	page no
Adler, Michael	Similarities and Differences Amongst Tribunals	Edinburgh	michael.adler@ed.ac.uk	QB0.11	61
Agapiou, Andrew	The Development of Whistle Blowing Protection Provisions in Relation to Professional Employees of the Construction Industry	Strathclyde	andrew.agapiou@strath.ac.uk	QB0.11	61
Al Shaibani, Salha	The Changing Nature of Employment Relationships and its Challenge for Health and Safety Law	Glamorgan	salha2003@hotmail.com	QB0.11	62
Alge, Daniele	The Relationship Between Cracked Trials and Plea Bargains: An Empirical Analysis	Surrey	d.alge@surrey.ac.uk	QB0.09	62
Armstrong, Jac	Restorative Justice: Managing Victims Expectations?	Chester	jac.armstrong@chester.ac.uk	QB0.09	62
Ashford, Chris	Revisiting the Silent Community: Public Sex Environments in New York City and the Information Society	Sunderland	chris.ashford@sunderland.ac.uk	QB1.10	62
Ashford, Chris	Researching Online Sex Environments	Sunderland	chris.ashford@sunderland.ac.uk	BI0.18	63
Bagheritari, Manilee & Wohlbold,Elise	Human Rights in the 21st Century: Challenges and Conflicts	NUI	manilee@pinedafoudnation.org	BI0.18	63
Baker, Helen	Meeting the Needs of Teenage Boys Made Homeless as a Result of Domestic Violence	Liverpool	hebaker@liv.ac.uk	BI0.17	64
Bamugemereire, Catherine	Corruption and Human Rights in Africa: Shouldn't We Be Talking About How Women Can Contribute To The End Of A Corrupt Era? Let The Dialogue Commence.	Surrey	C.Bamugemereire@surrey.ac.uk	QB1.10	64
Bano, Samia	Tackling Crimes of Honour: Evaluating the Social and Legal Responses to Combating Forced Marriages in Britain	Reading	s.bano@reading.ac.uk	QB0.10	64
Barelli, Mauro	The Value of the UN Declaration on the Rights of Indigenous Peoples and the Effectiveness of the Indigenous Rights Regime	Cardiff	barellim@cardiff.ac.uk	QB0.17	65
Barlow, Anne & Smithson, Janet	Contrasts between legal assumptions about cohabitation, and cohabitants' talk about their practices. Is the Cohabitation Bill the way forward?	Exeter	a.e.barlow@ex.ac.uk	QB0.10	65
Barnhizer, David	Children of a Lesser God: Lawyers, Economics and the Systemic Corruption of the Legal Profession	Westminster	d.barnhizer1@westminster.ac.uk	QB0.15	65
Bartlett, Peter	Human Rights without Resources: Thinking about Africa	Nottingham	peter.bartlett@nottingham.ac.uk	BI0.12	66
Bertolino, Elisabetta	Between Vengence and Forgiveness: Human Rights and the Impossible	Birkbeck	elisabettaro@hotmail.com	QB0.11	66
Bielby, Phil	Revisiting Ulysses: Arrangements in Psychiatric Treatment	Hull	p.bielby@hull.ac.uk	BI0.12	67

Author	Papers	University	Email	Rm no	page no
Bolger, Sarah	Fatal Footprints: An Analysis of the Cluster Munitions Convention 2008	DCU	sarahbolger3@gmail.com	QB0.16	67
Boon, Andy; Bacquet, Sylvie; Webley,Lisa; Whyte, Avis;	Making Legal Aid Solicitors? The Training Contract Grants Scheme	Westminster	a.boon@wmin.ac.uk	QB0.15	68
Borgmann-Prebil, Yuri	Regulating the Market: Community Law and the Protection of Key Stakeholder Interests	Sussex	Y.A.Borgmann-Prebil@sussex.ac.uk	QB0.16	68
Bowring, Bill	Trumping Human Rights? The Law and Politics of Terrorist lists	Birkbeck	b.bowring@bbk.ac.uk	BI0.18	68
Boyes, Simon & O'Leary, John	All's Fair in Love on the War of Anti-Doping: the Strange Case of Dwain Chambers	Anglia	John.OLeary@anglia.ac.uk	BI0.19	69
Bradshaw, Jules	National vs. Supranational Citizenship: a One-sided Battle?	Manchester	jules_ellie@yahoo.co.uk	QB0.16	69
Brents, Barb & Sanders, Teela	The Mainstreaming of the Sex Industry: Economic Inclusion and Social Ambivalence	Nevada and Leeds	t.l.m.sanders@leeds.ac.uk	QB0.15	70
Breslin, Andrea	Enforcement of IHL and Alternatives to the ICC	NUI	Andrea Breslin [andreabreslin@gmail.com]	QB0.14	70
Brown, Lindsey	The Use of Mental Health Records for Research	Oxford	lindsey.brown@ethox.ox.ac.uk	BI0.12	71
Buckley, Lydia	Criminalising Child Sexual Abuse in Ireland: Does the Criminal Law (Sexual Offences) Act 2006 Provide Adequate Protection for our Children?	UCC	lydiafhbuckley@gmail.com	QB0.15	71
Busby, Nicole	The Employment Rights of Carers: Imagining a Right to Care	Stirling	n.e.busby@stirling.ac.uk	QB0.11	71
Busby, Nicole, & Macleod, Calum	Constructing a Crofting Identity for the 21st Century	Stirling	n.e.busby@stirling.ac.uk	QB0.11	72
Bushnell, Alexis	Private Security Contractors, Civilian Protection and International Humanitarian Law	NUI	a.bushnell1@nuigalway.ie	QB0.14	72
Callus, Thérèse	A Pilot Study to Investigate Whether Non Biological Lesbian Co-parents Maintain their Parenting Role after Relationship Breakdown with the Bilogical Parent	Reading	m.t.callus@reading.ac.uk	QB0.10	72
Caracciolo di Torella,Eugenia	The Flexible Parent (Mother)	Leicester	ecdt1@le.ac.uk	QB0.11	73
Carline, Anna	Criminal Justice, Pornography and Prostitution: Radical Feminists in the House of Commons	Liverpool John Moores	a.carline@ljmu.ac.uk	QB1.10	73
Carline, Anna	Ethics and the Regulation of Sex Work: A Butlerian Ethical Reading of Radical Feminism and Reform Proposals	Liverpool John Moores	a.carline@ljmu.ac.uk	QB0.15	74
Carlisle, Jessica	Uncertainty and Serendipity in Ethnography: Judicial References to Article 305 in a Damascus *Shari'a* Court	Radboud University, Nijmegen	occanecca@yahoo.co.uk	QB0.17	74

Author	Papers	University	Email	Rm no	page no
Caviglia, Lisa	Prostitution in Nepal and North-Eastern India: Discourses around Gender, Self-perception and Sexuality	Heidelberg	caviglialisa@hotmail.com	QB0.15	75
Chen, Chung Yang	The Re-Conceptualisation of the Value of Non Financial Contribution to Marriage Relationship in Taiwan	Exeter	cc310@ex.ac.uk	QB0.10	75
Clark, Bryan	The Lawyer Mediator in Scotland	Strathclyde	bryan.clark@strath.ac.uk	QB0.15	76
Cohen, Edward	Connecting (and Disconnecting?) Law and Power: Legal Expertise and Legal Pluralism in the Global Political Economy	Westminster	cohenes@westminster.edu	QB0.15	76
Colosi, Rachela	The Changing Room	Teeside	r.colosi@tees.ac.uk	QB0.15	77
Corbett, Susan	Creative Common Licences: Symptom or Cause?	Victoria University, Wellington NZ	susan.corbett@vuw.ac.nz	BI0.17	77
Costa, Marios	Do Articles 230 and 234 of the European Community Treaty Provide a Complete System of Remedies?	Essex	mcostav@essex.ac.uk	QB0.16	78
Crowley, Louise	Asset Distribution on Divorce: What Irish Lawmakers Can Glean from the Experiences of Other Jurisdictions	UCC	l.crowley@ucc.ie	QB0.10	78
Currie, Samantha	The Cross Border Posting of Workers and Increasing Tensions in the European Labour Market	Liverpool	samantha.currie@liv.ac.uk	QB0.16	78
Daly, Brenda	Conflict Resolution: the Role of the International Peace Mediator	DCU	brenda.daly@dcu.ie	QB0.14	79
Daly, Yvonne	Remedial Action for Pre-Trial Improprieties: Investigation, Rights and Exclusionary Rules	DCU	yvonne.daly@dcu.ie	QB0.09	80
De Becker, Alexander	Comparing the Incomparable: Judicial Review in the United Kingdom and in Three Continental Systems: France, Belgium and the Netherlands: Converging and Diverging Tendencies	Vrije University, Brussels, Belgium	alexander.de.becker@vub.ac.be	BI0.19	80
Devaney, Margaret	Online Gambling and international Regulation: An Outside Bet	Law Reform Commission of Ireland	mdevaney@lawreform.ie	BI0.19	81
Dimopoulos, Andreas	The UNCRPD and the ECHR: the Need for a Disability Protocol?		andre.dimeau@gmail.com	BI0.18	81
Dingwall, Gavin	Beyond the Big Two: Sentencing Policy and 'Minority' Parties in the United Kingdom	DMU	gdingwall@dmu.ac.uk	BI0.17	82
Direk, Omer	Small Arms and State Complicity	KCL	omer.direk@kcl.ac.uk	BI0.18	82
Doherty, Michael	Labour and the Law...Uneasy Bedfellows Still	DCU	michael.doherty@dcu.ie	QB0.11	82
Donnellan, Laura	The Regulation of Animal Cruelty in Sport	Limerick	laura.donnellan@ul.ie	BI0.19	83
Doughty, Julie	Media Access to the Family Courts: What Happened to Children's Rights?	Cardiff	doughtyj@cf.ac.uk	QB0.10	83
Duggan, Marian	Exploring the Researcher/Researched Boundaries	QUB	mduggan06@qub.ac.uk	QB1.10	83

Author	Papers	University	Email	Rm no	page no
	in LGBT Lives				
Earle, Richard	Encouraging Mediation in the EC	Westminster	r.earle@westminster.ac.uk	QB0.15	84
Edwards, Jennifer	The Moral Step Back	Aberystywyth	jje07@aber.ac.uk	BI0.12	84
Eijkholt, Marleen	Procreative Autonomy and the New Human Fertilisation and Embryology Act 2008: Finally a Conception?	Manchester	marleen.eijkholt@manchester.ac.uk	BI0.12	85
Elliott, Tracey	Capacity, Sex and the Mentally Disordered	Queen Mary University	t.a.elliott@qmul.ac.uk	QB0.09	85
Ellison, Louise/Munro, Vanessa	Exploring Deliveration Dynamics in (Mock) Rape Juries	Nottingham	vaness.munro@nottingham.ac.uk	QB0.09	85
Farran, Sue	Pacific Perspectives: *Fa'afafine* and *Fakaleiti* in Samoa and Tonga: People Between Worlds	Dundee	sue.farran@dundee.ac.uk	QB1.10	86
Farrell, Ann Marie	Managing Risk and the Politics of Regulating Human Material	Manchester	a.m.farrell@manchester.ac.uk	BI0.12	86
Fortin, Jane	Do All Children Really Have a Right to Knowledge of their Origins?	Sussex	jane.fortin@sussex.ac.uk	QB0.10	87
Giuseppe, Martinico	The Reform Treaty between European Constitution and European Evolution	Sant'Anna School of Advanced Studies, Pisa	martinico@sssup.it	QB0.16	87
Glancey, Richard	Why do I Have to Study Jurisprudence?	Northumbria	richard.glancey@unn.ac.uk	QB1.12	88
Glover, Richard	Can Dishonesty be Salvaged?	Wolverhampton	r.glover@wlv.ac.uk	QB0.09	88
Gooderham, Peter	Contributory Negligence in the Clinical Setting	Cardiff	gooderhamep@cardiff.ac.uk	BI0.12	88
Grace, Jamie	Healthy, Wealthy & Wise: NHS Data-management Values in Context	Derby	j.grace@derby.ac.uk	BI0.12	89
Gray, Andy	Child Protection in Sport: Sports Governing Bodies as Prosecutor of Last Resort?	DMU	agray01@dmu.ac.uk	BI0.19	89
Green, Andrew	The Territories of Criminal Justice	Innocent	andrew@fitting-up.org.uk	QB0.13	90
Griffiths, Danielle; Alghrani, Amel	Impact of the Criminal Process on Healthcare Practice	Manchester	danielle.griffiths@manchester.ac.uk	BI0.12	90
Guth, Jessica	The Equality Duty and Academic Careers: Never the Twain Shall Meet	Bradford	j.guth@bradford.ac.uk	QB0.11	91
Guth, Jessica	Why Would You Bother? International Mobility of UK Law Students	Bradford	j.guth@bradford.ac.uk	QB1.12	91
Harrison, Karen	The Development of Dangerousness in Penological Discourse	UWE	karen.harrison@uwe.ac.uk	BI0.17	91
Hayes, Niamh	Migrant Workers in the United Arab Emirates and the Limitations of the International Human Rights System	NUI	niamh1@gmail.com	BI0.18	91
Healey, Patty	Ethical and Legal Implications of the Learning Curve	DMU	phealey@dmu.ac.uk	BI0.12	92

Author	Papers	University	Email	Rm no	page no
Healy, Ron	300 years of copyright: have we gone full circle on the use of technology to address limitations in distributing public performance broadcast royalties?	NUI	rhealy@cs.nuim.ie	BI0.17	92
Hennelly, Sean	Public Sex and the Law: the Current Situation and Media Coverage	Nottingham	sean.m.hennelly@googlemail.com	QB1.10	93
Higgins, Noelle	Engagement with Actors in Times of Conflict	DCU	noelle.higgins@dcu.ie	QB0.16	93
Hoffmann, Támas	The Strange Notion of Internationalization of Internal Armed Conflicts	The University of Pannonia Hungary	htamaslaw@gmail.com	QB0.14	94
Hohmann, Jessie	Physical Space and the Role of Human Rights in Social Inclusion: The Right to Housing in Mumbai	Cambridge	jessie.hohmann@gmail.com	QB0.13	94
Horne, John	The Mental Health Tribunal-Truly a Safeguard?	Northumbria	john.horne@northumbria.ac.uk	BI0.12	95
Hubbard, Philip	Consuming Sex: Socio-Legal Shifts in the Space and Place of Sex Shops	Loughborough	p.j.hubbard@lboro.ac.uk	QB0.15	95
Hucklesby, Anthea	Tackling the Drugs/Crime Link through the Remand Process: Some Findings from the Restriction on Bail Pilots	Leeds	a.l.hucklesby@leeds.ac.uk	BI0.17	95
Hunt, Jo	Decentralisation and Difference in EU Law	Cardiff	huntj@ef.ac.uk	QB0.16	96
Hunter, Caroline	Parent Abuse: Some Initial Thoughts on a Hidden Problem	York	cmh516@york.ac.uk	QB0.10	96
Hunter, Rosemary	Enforcing Equality: the Need for Legal Representation	Kent	r.c.hunter@kent.ac.uk	QB0.11	97
Huws, Catrin Fflur	English Law and Literature in Welsh and English: Some Questions on Methodology	Aberystwyth	trh@aber.ac.uk	QB0.16	97
Hyde, Richard	The concept of regulatory crime: a Socio-Legal Analysis	Nottingham	llxrh4@nottingham.ac.uk	QB0.09	97
Ige, Rhoda	Kalabari Marriage System and the Rights of Women in the Family	Keele	asikiaige@yahoo.co.uk	QB0.10	98
Ingleby, Richard & Chung, Mona	Cross-Cultural Assumptions about Perception and Identity in Western Socio-Legal Frameworks	North China University of Technology, Victoria, Australia	richardingleby@vicbar.com.au	QB0.13	98
Ingleby, Richard & Chung, Mona	Cross-Cultural Issues in the Supervision of a Chinese Socio-Legal PhD Student	Deakin University, Victoria, Australia	richardingleby@vicbar.com.au	QB1.12	99
Johnson, Nick	Study of the Impact of Introduction of the Means Test for Criminal Legal Aid in the Magistrates' Court. Pilot Study Summer 2008.	Nottingham	nicholas.johnson@ntu.ac.uk	QB0.09	99
Kang-Riou, Nicholas	Human Rights Expertise, Values, Intervention and Truth	Salford	n.kang-riou@salford.ac.uk	QB0.13	99

Author	Papers	University	Email	Rm no	page no
Karagianni, Maria	Provisions on Miracles: Who Owns What When the Legal System Fails to Answer Questions of Property?	Piet Zwart Institute, The Netherlands	marakaragianni@yahoo.gr	BI0.17	100
Kennefick, Louise	The Blame Game: Criminal Responsibility Theory and the Mentally Disordered Offender in Ireland	UCC	louise.kennefick@hotmail.com	QB0.09	100
Kheria, Smita	Role of Artistic Motivation for Copyright Policy	Edinburgh	smita.kheria@ed.ac.uk	QB0.17	101
Kinton, Mat	Community Treatment Orders: the Story so Far	University of Central Lancashire	mat.kinton@mhac.org.uk	BI0.12	101
Kirton, Derek	Street Level Bureaucracy in a Cinderalla Serivce: Data Protection and Access to Care Files	Kent	d.kirton@kent.ac.uk	QB0.11	102
Konsta, Anna Maria	Gender and Legal Acculturation in European and Greek Social Law: the Case of Migrant Women in the Thessaloniki Area	The American College of Thessaloniki	konsta@act.edu	QB1.10	102
Konsta, Anna Maria	Some Thoughts on American Legal Culture: the Legal "Abject" in Arthur Miller's "The Crucible" and in William Gaddis "A Frolic of His Own"	The American College of Thessaloniki	konsta@act.edu	QB0.16	103
Kotiswaran, Prabha	Regulating Sex Work: What a Legal Realist Approach Might Offer	University of London	pk5@soas.ac.uk	QB0.15	103
Koukiadai, Aristea	The Establishment and Operation of Information and Consultation Arrangements in a Capability-Based Framework: An Empirical Study	Cambridge	ak545@cam.ac.uk	QB0.11	103
Kumar, Suchet	Law of Rape in India: Dilemma of the Court in Awarding Statutory Minimum Punishment	Rayat College of Law, Ropar, Punjab, India	suchet7@gmail.com	QB1.10	103
Langlaude, Sylvie	Article 13 UNCRC: a Forgotten Right?	QUB	s.langlaude@qub.ac.uk	QB0.10	104
Lawan, Mamman	The Use and Abuse of Powers of Impeachment in Nigeria	Warwick	M.A.Lawan@warwick.ac.uk	QB0.13	104
Layard, Antonia	Governing Territorial Cohesion, Spatial Planning and Environmental Protection Operationalising Principles and Practice	Cardiff	layarda@cf.ac.uk	QB0.17	105
Lee, Soyoung	Law, Literature, and the Possibilities of Polyphonic Justice	Harvard, USA	lee72@fas.harvard.edu	QB0.16	105
Lennon, Genevieve	The History of Stop and Search	Leeds	law5gl@leeds.ac.uk	QB0.09	106
Lines, Kris	To What Extent is Technological Doping the Most Pervasive Threat to the Integrity of Sporting Competitions?	Staffordshire	k.m.lines@staffs.ac.uk	BI0.19	106
Lister, Billie	"I Think This Situation is Going to Get Worse and Worse": New Legislation, New Working Strategies … What Does the Future Hold for Scotland's Street- based Sex Workers?	Stirling	billie.lister@stir.ac.uk	QB0.15	107

Author	Papers	University	Email	Rm no	page no
Liu, Jin	The Role of the ICAO (International Civil Aviation Organization) in Regulating Aircraft Engine Emissions to Abate Climate Change	UCL	jin.liu@ucl.ac.uk	QB0.17	107
Livings, Ben	Should a sportsperson understand the criminal law of physical violence?	Sunderland	ben.livings@sunderland.ac.uk	BI0.19	108
Lowenstein, Max	Theft: a Critical Comparative Analysis of Judicial Discretion at the Custody Threshold in England and Denmark	Southampton Solent	max.lowenstein@solent.ac.uk	QB0.09	108
Lyck, Majbritt	Dedication, Indifference or Opposition?	University of Bradford	dr.lyck@yahoo.dk	QB0.14	109
Mackay, Ronnie	A New Diminished Responsibility Plea	DMU	rdm@dmu.ac.uk	BI0.12	109
Maclean, Mavis	Family Judging	Oxford	mavis.maclean@socres.ox.ac.uk	QB0.10	109
Madhloom, Omar	Debating the Merits of Functionalism in Socio-legal Research	DMU	madhloom@dmu.ac.uk	QB0.13	109
Mangan, David	The Role of Government as Employer and Legislator: the Labour Relations Framework at the Start of the 21st Century	LSE	d.mangan@lse.ac.uk	QB0.11	110
Marrani, David	French Charter for the Environment and Risk Society: Rewriting the Case Law of the French Administrative Courts Under the Pressure of Environmental Consideration	Essex	dmarrani@essex.ac.uk	QB0.17	110
Marsh, Alex	Administrative Law and the Regulation of Public Bodies	Bristol	alex.marsh@bristol.ac.uk	BI0.19	110
Mawhinney, Alison	Religious Oath-taking and Freedom of Religion: the Role of International Human Rights Law	QUB	a.mawhinney@qub.ac.uk	BI0.18	111
McCandless, Julie/Sheldon, Sally	Re-Conceiving the Parenthood Provisions in the HFE Act	Oxford Brookes	jmccandless@brookes.ac.uk	BI0.12	111
McCarthy, Frankie	Confiscating the proceeds of crime: justice or theft?	Glasgow	f.mccarthy@law.gla.ac.uk	BI0.18	111
McClean, Emma	The Responsibility to Protect: A 'Just' Intervention?	Westminster	e.mcclean@wmin.ac.uk	QB0.16	112
McClean, Emma and Cavandoli, Sofia	Zimbabwe: A Decade of Broken Promises	Westminster, Aberystwyth	sfc@aber.ac.uk, e.mcclean@wmin.ac.uk	BI0.18	112
McCrae, Leon	The Responsible Clinician and the Provision of Treatment in Regional Secure Units: a Changing of the Guard?	Nottingham	llxlm10@nottingham.ac.uk	BI0.12	113
McDermont, Morag	Administrative Justice, Choice and the Contracted-out State	Bristol	morag.mcdermont@bris.ac.uk	QB0.11	113
McDermott, Yvonne	Rights for the Exonerated: A Lacuna in International Law	NUI	yvonne.mcdermott@gmail.com	BI0.18	114
McHale, Jean	Mental Health and the Care Quality Commission: Brave New World of Regulatory Scrutiny or Retrograde Step?	Leicester	jvm5@le.ac.uk	BI0.12	114
McQuigg, Ronagh	The European Court of Human Rights and Domestic Violence	QUB	rmcquigg01@qub.ac.uk	BI0.18	114

Author	Papers	University	Email	Rm no	page no
Meehan, Emer	Youth Justice: the Sentencing of Young Offenders	UCC	emer2483@gmail.com	BI0.17	115
Megy, Susan	Reframing the Debate: from Humanitarian Intervention to the Responsibility to Protect	NUI	s.megy1@nuigalway.ie	QB0.14	115
Merritt, Jonathan	Policing the Hood: Realities and Myths about Community Policing in Canada and the UK	DMU	jmerritt@dmu.ac.uk	QB0.09	115
Miles, Jo	Cohabitation Law in Scotland: What's Going On? A Paper Examining Early Developments Under the Family Law (Scotland) Act 2006 and Questions for Empirical Research	Cambridge	jkm33@cam.ac.uk	QB0.10	116
Mitchell, Barry	Rethinking, not Abolishing Provocation	Coventry	b.mitchell@coventry.ac.uk	QB0.09	116
Moloney, Catriona	Paternalism vs. Autonomy: Where is the Balance?	Law Reform Commission of Ireland	cmoloney@lawreform.ie	BI0.12	116
Monk, Daniel	Queerying Homophobic Bullying: Memories, Identities and Strategies	Birkbeck	d.monk@bbk.ac.uk	QB1.10	117
Moore, Elena	Profile of Parent and Children's Contact Arrangements in Ireland	Trinity College, Dublin	Elena Moore [mooreel@tcd.ie]	QB0.10	117
Moorhead, Richard	An American Explosion?	Cardiff	moorheadr@cardiff.ac.uk	QB0.11	118
Morgan, Derek	Pleading Poverty: Rediscovering Welfare Law?	Sheffield	derek.morgan@sheffield.ac.uk	QB0.11	118
Morris, Annette	Asbestos Wars and the Battle over Pleural Plaques	Cardiff	morrisa7@cardiff.ac.uk	BI0.12	118
Moscati, Maria	Trajectory of Reform: Catholicism, the State and the Civil Society in the Developments of LGBT Rights	School of Oriental & Asian Studies, London	174224@soas.ac.uk	QB1.10	119
Mullock, Alexandra	Should Necessity be the Midwife to Voluntary Euthanasia?	Manchester	alex.mullock@hotmail.co.uk	BI0.12	119
Munce, Peter	Unionists as "Court Sceptics": An Exploration of Elite Level Unionist Responses to Recent Proposals for a Northern Ireland Bill of Rights	Ulster	munce-p@email.ulster.ac.uk	BI0.18	120
Munro, Nell	Legal Discreditation of Mad People: a Systems Theory Approach	Nottingham	nell.munro@nottingham.ac.uk	BI0.12	121
Murphy, Cian	Beyond the Rule of Law: EU Asset-Freezing Sanctions and Actuarial Justice	Kings College London	cian.murphy@kcl.ac.uk	QB0.16	121
Murphy, Shannonbrooke	The Elephant in the Room - The Right to Resist in International Human Rights Law	NUI	shannonbrookemurphy@yahoo.com	BI0.18	122
Naidoo, André	The Regulation of Ticket Touting	DMU	anaidoo@dmu.ac.uk	BI0.19	122
Newnham, Annika	Shared Residence Orders, the Paramountcy Principle and Law's Gendered Understandings of Parents' Responsibilities	Sussex	a.b.newnham@sussex.ac.uk	QB0.10	122

Author	Papers	University	Email	Rm no	page no
Ngane, Sylvia	Should the State Bear the Responsibility of Imposing Sanctions on its Citizens who as Witnesses Commit Crimes before the ICC?	Leeds	ntuvia77@yahoo.fr	BI0.17	123
Nobles, Richard	Why do Judges Talk the Way They Do: A Systems Theory Analysis	Queen Mary University	r.nobles@qmul.ac.uk	QB0.13	123
O'Brien, Eadaoin	Investigating Franco Era Crimes: the Search for Peace, Truth and Justice in Spain	NUI	eadaoin_o_brien@yahoo.co.uk	QB0.14	124
O'Brien, Mark	Still Raving: Travelling Peoples, Policing and Technology	UWE	mark.O'Brien@uwe.ac.uk	BI0.18	124
O'Reilly, Kieran	The Use of Force, War of National Liberation and Self Determination in the South Ossetian Conflict	DCU	kieran.oreilly9@gmail.dcu	QB0.14	124
Organick, Aliza	Listening to the Indigenous Voice	Washburn University School of Law Kansas	aliza.organick@washburn.edu	QB0.17	124
O'Rourke, Catherine	The Boundaries of Transition: Exploring the Feminist Political Project in Transitional Justice	Ulster	catherineforourke@gmail.com	QB0.14	124
O'Rourke, Catherine	Research Feminist Engagement with Law in Periods of Heightened Political Change	Ulster	catherineforourke@gmail.com	QB0.13	125
Parkes, Aisling	Children's Parliaments and the Right of the Child to be Heard under International Law	UCC	a.parkes@ucc.ie	BI0.18	125
Pasculli, Maria	Universal Jurisdiction between Unity and Fragmentation of International Criminal Justice	Universita degli studi di Bari Facolta di Giurisprudenza	m.pasculli@lex.uniba.it	QB0.09	126
Paterson, Susan	Opening our Eyes to Women's Experience of Homophobic Violence	Metropolitan Police Service, attached to Birkbeck School of Law	s.paterson@bbk.ac.uk	QB1.10	126
Penfold, Carolyn	No Special Treatment: Women and Labour Law in Australia	New South Wales, Australia	c.penfold@unsw.edu.au	QB0.11	127
Piper, Christine & Easton, Sue	Fines and Equitable Impact: an English Impossibility?	Brunel	christine.piper@brunel.ac.uk	BI0.17	127
Policek, Nicolletta	Policing the Truth: Sex Workers as Informants	Lincoln	npolicek@lincoln.ac.uk	QB0.15	128
Potter, Susan	An Ordinary Person Does the Law Make it Impossible to Murder a Homosexual?	The University of Auckland	See http://www.docnz.org.nz/2009/ak/film/ordinary-person	QB1.10	128
Powderly, Joseph	Statelessness as a Catalyst for Crimes Against Humanity: the "Rohingya" of North Rakhine State, Myanmar	NUI	joe.powderly@gmail.com	BI0.18	128

Author	Papers	University	Email	Rm no	page no
Power, Susan	Contemporary Challenges to the Applicability of the Law of Belligerent Occupation	Trinity College, Dublin	srpower@tcd.ie	QB0.14	129
Queiroz, Joao Paulo	Gender Stereotyping in TV Ads	Faculda de de Belas-Artes da Universidade de Lisboa	habitante_9@hotmail.com	QB1.10	129
Quéma, Anne	The Civil Partnership Act as a Mimetic Narrative of Social Reproduction	Acadia University, Nova Scotia, Canada	aquema@acadiau.ca	QB0.16	129
Quilter, Michael	Writers and Their Personal Crusades: Defoe's Fight for Bankruptcy Discharge	Macquarie University, Sydney	michael.quilter@law.mq.edu.au	QB0.16	130
Ragavan, Shamini	Skills Acquired in a Peer Mentoring Scheme and their Transferability at the Workplace	Newcastle	shamini.ragavan@ncl.ac.uk	QB1.12	130
Rauxloh, Regina	Plea Bargaining in International Criminal Law	Surrey	R.rauxloh@surrey.ac.uk	QB0.09	131
Rees, Gethin	The Morphology is a Witness which Doesn't Lie: Forensic Medical Examiners Justifications for Providing a Neutral Report in Sexual Assault Cases	Edinburgh	g.rees-3@sms.ed.ac.uk	QB0.15	131
Regan, Elaine	Transfer from Hospital to Care Home for Incapable Elderly Adults: Family and Patient Experiences of the Determination of Best Interests	Nottingham	elaine.regan@nottingham.ac.uk	BI0.12	132
Riley, Stephen	Human Dignity in Comparative Perspective	Sheffield Hallam	s.riley@shu.ac.uk	QB0.13	132
Ring, Sinead	Victim Impact: The Incorporation of Victim Experiences in Historic Childhood Sexual Abuse Prosecutions	UCC	sineadmaryring@yahoo.ie	QB0.15	132
Rivera, Jenny	An Equal Protection Standard for National Origin Subclassifications: the Context that Matters	CUNY School of Law, New York	rivera@gmail.law.cuny.edu	QB0.11	133
Rivers-Moore, Megan	La Puta Buena: Regulating Sex Tourism in the Age of Neoliberalism	Cambridge	mr413@cam.ac.uk	QB0.15	133
Roberts, Philip	Career Development in the LLB	BPP	philiproberts@bppls.com	QB1.12	134
Robertson, Adam	What the Police Say about Themselves: Initial Reflections from a Study with Service Officers	Sunderland	adam.robertson@sunderland.ac.uk	QB0.09	134
Rochette, Annie	Values in Legal Education	Quebec	rochette.annie@ugam.ca	QB1.12	135
Roffee, James	Getting it Right: a Principled Approach to Enacting Criminal Offences	DMU	jroffee@dmu.ac.uk	QB0.09	135
Rogers, Justine	The Price of Pupillage: the Nature and Limits of Ritual Ordeal at the Bar	Oxford	justine.rogers@wolfson.ox.ac.uk	QB0.15	135
Rumney, Phil & Hanley, Natalie	Male Rape: Constructing Consent through Social Attitudes	UWE	phil.rumney@uwe.ac.uk	QB0.15	136

Author	Papers	University	Email	Rm no	page no
Ryan, Christopher	Searching for the Elusive "Disciplined Limits" to the Tense Relationship between the Progressive Development of International Criminal Law and *Nullum Crimen Sine Lege*	NUI	christophryan@gmail.com	QB0.14	136
Sallavaci, Oriola	The Impact of DNA Evidence on Criminal Trials	Middlesex	o.sallavaci@mdx.ac.uk	QB0.09	137
Salmon, Naomi	Nanotechnology, Food Safety and EU Law: States of Ignorance, Precaution and the Negotiation of "Acceptable Risk"	Aberystwyth	njs@aber.ac.uk	QB0.16	137
Samanta, Jo	Lasting Powers of Attorney for Healthcare Decisions: Will it Make a Difference?"	DMU	jsamanta@dmu.ac.uk	BI0.12	137
Sargent, Sarah	Brazil as a Country of Origin in Intercountry Adoption: an Account of Cultural Trauma, National Identity and International Relations	DMU	sjsargent@aol.com	QB0.17	138
Sargent, Sarah	Cultural Trauma, National identity and social Exclusion in Guatemalan Intercountry Adoption	DMU	sjsargent@aol.com	QB0.17	138
Saunders, Candida	Criminal Justice Decision-making in Sex Offences: Evidential Sufficiency and the Mentally Disordered Complainant	Nottingham	candida.saunders@nottingham.ac.uk	QB0.09	139
Sawadogo, Natewinde	Laws, Lawyers, and Human Rights in Contemporary Africa	Nottingham	lbxns@nottingham.ac.uk	BI0.18	139
Scoular, Jane	Commercial Sexual Exploitation and Feminism's Will to Empower: Exploring Neoliberal Technologies of Social Inclusion	Strathclyde	jscoular@strath.ac.uk	QB0.15	139
Sen, Jhuma	Why Do We Kill People to Tell People That Killing is Bad? Time to Hang Capital Punishment	Indian Inst. Of Human Rights/Amnesty International India	sen.jhuma@gmail.com	QB0.09	140
Seniviratne, Mary & Walters, Adrian	The Regulation of Insolvency Practitioners: Time for a Re-think?	mary.seneviratne@ntu.ac.uk	adrian.walters@ntu.ac.uk	QB0.13	140
Shaffle, Ambereen	Increasing Public University Innovation Capacity	American University in Cairo	ambereenk@gmail.com	QB0.17	140
Shah, Hendun Abd Rahman	Safety and Security in the Straits of Malacca	Birmingham	hendun78@yahoo.co.uk	QB0.14	141
Shaw, Julia	Legitimising the Disorderly Woman	DMU	jshaw@dmu.ac.uk	QB1.10	141
Simpson, Brian	Sexualising the Child: the Strange Case of Bill Henson, his 'Absolutely Revolting' Images and the Law of Childhood Innocence	University of New England, New South Wales	brian.simpson@une.edu.au	QB1.10	142
Simpson, Brian	Controlling Fantasy in Cyberspace: Cartoons, Imagination and Child Pornography	University of New England, New South Wales	brian.simpson@une.edu.au	BI0.19	142

Author	Papers	University	Email	Rm no	page no
Smith, Olivia	Protection Against Discrimination on the Grounds of Family Status: What Does it Add?	DCU	olivia.smith@dcu.ie	QB0.11	143
Smith, Tara	The Environmental Consequences of Armed Conflict: Looking at Gaza and Beyond.	NUI	smithtar@gmail.com	QB0.14	143
Stalford, Helen	Child Participation in Cross-National Family Proceedings: an EU Perspective	Liverpool	stalford@liverpool.ac.uk	QB0.10	143
Stanton, John	Accountability and Participation: the Achievement of Sustainable Development	Kingston	j.stanton@kingston.ac.uk	QB0.13	144
Subramanian, Sujitha	Commission Guidelines on Article 82 and its Impact on Intellectual Property Rights	Aberystwyth	uss@aber.ac.uk	BI0.17	144
Supaat, Dina	Chartering the Course for the Protection of Refugee Children's Rights: the Malaysian Experience	Birmingham	dxs788@bham.ac.uk	BI0.18	144
Tinsley, Yvette	Reviews of Maximum Penalties: Issues, Problems and Pitfalls	Victoria University of Wellington	yvette.tinsley@vuw.ac.nz	BI0.17	145
Tinuola, Femi Rufus	Issues in Same Sex Marriage: Legal Considerations in Nigeria	Kogi State University, Nigeria	adufem2000@yahoo.com	QB1.10	145
Tranchez, Elodie	Tyrannicide and the Right to Life in International Law: Interpretations and Values Competing	Universitie Paul Cezanne Aix en Provence	elodietranchez@yahoo.fr	BI0.18	146
Trinder, Liz	Talking Children into Being? The Discursive and Rhetorical Framing of Children in In-court Conciliation,	Newcastle	Liz.trinder@ncl.ac.uk	QB0.10	146
Tsilonis, Victor	Thomas Lubanga Dyilo: The Chronicle of a Case Foretold	Aristotle University of Thessaloniki, Greece	tsilonisvictor@hotmail.com	QB0.14	146
Uyar, Lema	Applicability of the Law of Occupation to UN Post Conflict	Oxford	lema.uyar@law.ox.ac.uk	QB0.14	147
van den Brink, Marjolein & Graven, Marije	Transforming Law	Utrecht	mvandenbrink@law.uu.nl	QB1.10	147
Vincent, Keith/Percival, Richard	Administrative Redress: the Law Commission's Proposed Ombudsmen Reforms: Responses and Comments by Brian Thompson (Liverpool) and Mary Seneviratne (Notts Trent)	Law Commission	public@lawcommission.gsi.gov.uk	QB0.11	148
Vogel, Mary	Plea Bargaining in Global Context: Interplay with Democratic Politics	KCL	mary.vogel@kcl.ac.uk	QB0.09	148
Wager, Nadia	Researching Histories of Childhood Sexual Abuse: Is it Okay to Ask THAT Question?	Bucks New University	nadia.wager@bucks.ac.uk	QB0.15	148
Walsh, Charlotte	Drugs & Human Rights: Private Palliatives, Sacramental Freedoms & Cognitive Liberty	Leicester	charlotte.walsh@leicester.ac.uk	BI0.18	149

Author	Papers	University	Email	Rm no	page no
Wasoff, Fran & Headrick, Debbie	Diversity of Socio-Legal Research Evidence in the Civil Law Reform Policy Process: the Case of the Family Law (Scotland) Act 2006	Edinburgh	Fran.Wasoff@ed.ac.uk	QB0.10	149
Watkins, Dawn	Illusions and Identities in The Rape of the Lock	Leicester	dew3@le.ac.uk	QB0.16	149
Weldon-Johns, Michelle	UK Work-Family Legislation: a Swedish or an American Approach Towards the Work-Family Conflict?	University of Abertay Dundee	m.weldon-johns@abertay.ac.uk	QB0.11	150
Westaby, Chalen	An Alternative to Traditional International Law Approaches to the Development of Customary International Law: Understanding the Interpretive Community	Sheffield Hallam	c.westaby@shu.ac.uk	QB0.16	150
Whitehouse, Lisa	Power and Vulnerability Within the Mortgage Repossession Process 1995-2008	Hull	l.a.whitehouse@hull.ac.uk	BI0.17	151
Whowell, Mary	Male Erotic Labour: Practices of Non-regulation in England and Wales	Loughborough	m.e.whowell@lboro.ac.uk	QB0.15	151
Wilkinson, Barry	The Language of Statute and its Influence upon Child Protection	Leicester	bw49@leicester.ac.uk	BI0.17	152
Williams, Glenys	Drug Dealers and the Duty of Care in Gross Negligence Manslaughter: *R v Townsend & Evans* (2008)	Aberystywyth	gnws@aber.ac.uk	QB0.09	153
Williams, Glenys	The Director of Public Prosecution's Discretion R (on the Application of Purdy v DPP)	Aberystywyth	gnws@aber.ac.uk	BI0.12	153
Wright, Katherine	Collaborative Law: the Dispute Resolution Method of Choice for the 'Good' Family Lawyer?	Sheffield Hallam	k.m.wright@shu.ac.uk	QB0.10	154
Wright, Nicola	The Nature and Meaning of Engagement in Assertive Outreach Services	Birmingham	n.wright.1@bham.ac.uk	BI0.12	154
Zhang, Nan	How to Reach the Cross-Over Point of Maskus Curve in the Chinese Intellectual Property Law Enforcement? Relive the Ancient culture!	Queen Mary College	n.zhang@qmul.ac.uk	QB0.17	155
Zimdars, Anna	Access to the Legal Bar in England and Wales: Preliminary Findings	Manchester	anna.zimdars@manchester.ac.uk	QB1.12	155

Participating Universities

Countries						
Australia	**Belgium**	**Canada**	**Eire**	**France**	**Egypt**	**Germany**
Macquarie University, Sydney	Vrige University Brussels	Acadia University, Nova Scotia, Canada	Dublin City University	Universitie Paul Cezanne Aix en Provence	The American College in Cairo	University of Heidelberg
North China University of Technology, Victoria, Australia		Quebec University	Limerick			
Deakin University, Victoria, Australia			NUI			
New South Wales, Australia			Trinity College Dublin			
			Law Reform Commission of Ireland			
Greece	**India**	**Ireland**	**Italy**	**Netherlands**	**New Zealand**	**Nigeria**
Aristotle University of Thessaloniki	Indian Inst. Of HR/Amnesty International	Queens University Belfast	Universita Degli Studi di Bari Facolta di Giurisprudenza	Utrecht	Victoria University, Wellington, New Zealand	Kogi State University
The American College of Thessaloniki	Rayat College of Law, Ropar, Punjab, India	Ulster City University	Sant'Anna School of Advanced Studies Pisa	The University of Debreccen and Center for Law and Ethics in Biomedicine, Central European University	University of Auckland	
				Piet Zwart Institute, The Netherlands		
				Radboud University, Nijmegen		
Portugal	**Scotland**	**USA**	**Wales**	**Hungary**		
Faculda de de Belas-Artes da Universidade de Lisboa	University of Abertay, Dundee	CUNY School of Law, New York	Aberystwyth	The University of Pannonia		
	Dundee	Nevada	Cardiff			
	Strathclyde	Harvard	Glamorgan			
	Edinburgh	Washburn University School of Law, Kansas				
	Glasgow					
	Stirling	Victor Pineda Foundation, California				

Countries						
England						
Anglia Ruskin	Birkbeck College, London	Birmingham	BPP	Bradford	Bristol	Brunel
Bucks New University	Cambridge	Cardiff	Central Lancashire	Chester	Coventry	Derby
Essex	Exeter	Hull	Keele	Kent	Kingston	Kings College London
Law Commission	Leeds	Leicester De Montfort Law School	Leicester	Lincoln	Liverpool	Liverpool John Moores
LSE	Loughborough	Manchester	Middlesex	Newcastle	Northumbria	Nottingham
Oxford Brookes	Oxford	Queen Mary University London	Reading	Salford	School of Oriental & Asian Studies, London	Sheffield
Sheffield Hallam	Southampton Solent	Staffordshire	Sunderland	Surrey	Sussex	Teeside
UCL	UWE	Warwick	Westminster	Wolverhampton	York	

Abstract Details (alphabetical by surname)

Adler, Michael * QB0.11 AJ 5.3
Similarities and Differences Amongst Tribunals

This paper is based on the results of a recently completed study of the experiences of applicants/claimants in five tribunals: criminal injury appeal panels (UK), employment tribunals (UK), social security tribunals (UK), special educational needs and disability tribunals (England) and additional support needs tribunals (Scotland). The study involved a telephone survey of 870 appellants/claimants, observation of 64 tribunal hearings, and post-hearing interviews with appellants/claimants, tribunal chairmen and members, and the Presidents and Chief Executives of the five tribunals. The research attempted to:

1) compare the experiences of three groups of appellants/claimants, namely who handled their appeal without any help with those who obtain pre-hearing advice but were not represented at the hearing and those who were represented;

2) establish how each of the three groups of appellants/claimants prepared for their appeal, what their expectations are and how their experience of appealing matched their expectations;

3) identify the effects of socio-economic and other variables on how applicants/claimants handled their appeal.

Previous papers have demonstrated that the success rates are much higher, and that the 'premiums' associated with representation in those tribunals that were included in this study are much lower than they were in the recent past. They also showed that, among those who represented themselves, those who obtained advice before their hearing did much better than those who did not. These findings were explained in terms of the active, interventionist and enabling approach that most tribunals now adopt and that, in terms of the ways in which they resolve disputes, tribunals have become more like ombudsmen and less like courts. In this paper, an attempt will be made to analyse the similarities and differences among the tribunals included in this study and the extent to which those findings that apply to tribunals as a whole and whether some tribunals are more like ombudsmen while others are more like courts.

Agapiou, Andrew * QB0.11
The Development of Whistle Blowing Protection Provisions in Common Law Countries in Relation to Professional Employees of the Construction Industry

Cancelled Abstract

Alge, Daniele * QB0.09 CJ 2.2
The Relationship Between Cracked Trials and Plea Bargains: An Empirical Analysis

This paper draws on the findings of an empirical study to examine the relationship between cracked trials (in particular those which occur as a result of a late guilty plea), and plea bargaining. It is argued that the way in which official data on cracked trials are collected and presented mask both the extent of the 'problem' of the cracked trial, and the underlying causes of cracked trials. A closer examination of the statistics suggests that it is not in fact the 'feckless or uncooperative defendant' who causes trials to crack at a late stage in an attempt to play the system, and that other factors must be considered. The paper argues that in upholding the increasingly fragile fiction that plea bargaining has no role in the Crown Courts of England and Wales, and thus failing to consider its role in the generation of late guilty pleas, criminal justice policies pursued in an attempt to reduce cracked trials are flawed and hypocritical.

Al Shaibani, Salha * QB0.11 LabL 3.5
The Changing Nature of Employment Relationships and its Challenge for Health and Safety Law

The purpose of the research is to examine the legislative response to the changing nature of the employment relationships in the context of health and safety. The approach of the research is mainly conducted through library doctrinal research. This covers legislation, soft law and common law. The aim of the library research is to examine the current legal position in the UK. Moreover, some secondary analysis of statistical and other research data have been considered. This is to examine the correlation between some forms of non-standard work arrangements and poor health. It also intended to conduct some empirical research including interview with key individual and organisations.

Armstrong, Jac * QB0.09 CJ 7.2
Restorative Justice: Managing Victims Expectations?

The use of Restorative Justice (RJ) initiatives, including Victim Offender Mediation, has increased within the Criminal Justice System in England and Wales. This increased use has been mirrored by a proliferation in theory and research concerning Restorative Justice. However, not withstanding both the increased popularity and practice of Restorative Justice, significant gaps in extant knowledge still remain. There is a lack of in-depth and detailed analysis of the evidenced impact that participation in Restorative Justice has upon victims. Past research has focussed primarily upon somewhat superficial satisfaction levels of participants. The resulting limitations in extant knowledge are particularly acute when addressing the existence and importance of the link between expectations of participants and their subsequent experiences of the process.

This paper outlines current and ongoing research, exploring both the expectations and experiences of victim participants in the aforementioned Victim Offender Mediation initiatives. The high levels of victim satisfaction reported by RJ initiatives will be explored and a potential causal link between the management of participant expectations and the subsequent levels of their reported satisfaction will be discussed.

Ashford, Chris * QB1.10 GSL 5.6
Revisiting the Silent Community: Public Sex Environments in New York City and the Information Society

Edward William Delph's 1978 text *The Silent Community: Public Homosexual Encounters* was part of a series of pioneering sociological studies of public sex published in the late 1960s and 1970s. Delph, along with Humphreys and others were pioneers who despite their controversial methods allowed us to understand the operation of public sex for the first time. This article returns to the 'silent community' described in

Delph's text thirty years later in what has been termed the 'information age'. The article seeks to return to the erotic oases, bathhouses, bars and 'pig parlours' described through an examination of discussion boards, websites and fora that support and promote public sex environments in New York City.

Ashford , Chris * BI0.18 ITLC 2.11
Researching Online Sex Environments

Both the act and the commission of the act of sex have been transformed by technology. This has in turn led to emerging research that seeks to consider online research methods and methodologies that take account of the new medium. This paper will seek to consider the application of queer theory to researching two online sex groups; those who engage in public sex and sex workers. It will explore how the virtual spaces are constituted along with an exploration of the ethical and practical issues that are involved in surveying these groups.

Bagheritari, Manilee & Wohlbold, Elise * BI0.18 HR 8.5
Human Rights in the 21st Century: Challenges and Conflicts

The Convention on the Elimination of All Forms of Discrimination against Women[1] (CEDAW, 1979) is the most important and the only legally binding UN instrument dedicated to women's rights. The Convention has been adopted by 185 UN member states and has come to force since September 1981. However, one of the main areas in which the convention has failed to fully address is Violence against Women.[2] This is specifically dangerous for women with disabilities. Given their marginalized place in most situations they are often at greater risk. Moreover, CEDAW does not explicitly mention or address women with disabilities. Similar to violence against women, to address this shortcoming, the UN Committee that interprets and monitors CEDAW adopted a General Recommendation, requiring governments to provide information on women with disability in their periodic reports to the Committee.[3] Although the General Recommendation has identified disability as an issue within CEDAW, the application of CEDAW for disabled women has largely been *ad hoc*.

The UN most recent convention that to a certain extend addresses this pitfall is the Rights of Persons with Disability[4] (CRPD, 2007). This instrument includes women through-out the document and dedicates one article solely to women (article 6).[5] As a result, the aim of this paper is to examine the lack of analysis and approach taken by CEDAW and the role the Women's Convention continues to play for women with disability in the face of the new UN Convention for Persons with Disability. Moreover, this paper aims to address if CEDAW is at present outdated or insufficient for women with disability or whether the CRDPD simply gives rise to a potential clash of rights already established by CEDAW?

The method of research here will be primarily two folded; firstly an in-depth gender analyses and comparative work on the concerned UN conventions will be conducted; and secondly the study of various women's organizations and/ or disability rights organization for the purpose of identifying the particular ways that these conventions have been used by women's rights advocates and practitioners.

Finally, this research is part of larger project on Gender and Disability designed and directed by Manilee Bagheritari at the Victor Pineda Foundation.

[1] *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, G.A. Res. 34/180, U.N. Doc. A/RES/34/180 (1980). (CEDAW, also referred to as the Women's Convention)

[2] Yakin Ertürk, Report of the Special Rapporteur on Indicators on Violence against Women and State response, UN HCHR, 2008, A/HRC/7/6. See also; Radhika Coomaraswamy, Report of the Special Rapporteur on violence against women,its causes and consequences, UN ESCOR, 2003, E/CN.4/2003/75.

[3] United Nations, Division for the Advancement of Women, "General Recommendations 18" (12 January 2009), online: Division for the Advancement of Women <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>.

[4] *Convention on the Rights of Persons with Disability*, 13 December 20 06, G.A. Res. 61/106, U.N. Doc. A/RES/61/106(2006).
[5] Supra note 4 at Article 6 Women with disabilities
1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Baker, Helen * BI0.17 KW 1.9
Meeting the Needs of Teenage Boys Made Homeless as a Result of Domestic Violence
Keywords: Vulnerability, Perception(s), Governance

Despite the issue of domestic violence gaining the attention of both law and social policy makers over recent years, the needs of children and young people as a group are still relatively neglected. Although the experiences and needs of children and young people in relation to domestic violence have been the subject of a burgeoning literature, comparatively scant attention has been paid to one particular group; that of teenage boys. This article discusses the challenges of meeting the needs of teenage boys who become homeless as a result of domestic violence. In particular it focuses upon the issue of refuge service provision for this group and the impact of age limitation policies upon teenage boys which many refuges still operate. It considers the reasons for these policies, which it is argued, may include particular problematic constructions of masculinity which serve to further isolate this often forgotten domestic violence service user group.

Bamugemereire , Catherine * QB1.10 GSL 2.3
Corruption and Human Rights in Africa; Shouldn't We Be Talking About How Women Can Contribute to the End of a Corrupt Era? Let the Dialogue Commence

This paper explores the close correlation between corruption and gender and inquiries whether corruption is in fact a gendered and gender-based problem and proposes that a more inclusive approach to governance which empowers women would lead to a more equitable distribution of resources, of power and inevitably less corruption. Corruption exasperates the abuse of human rights where it is practiced in sectors which bear directly on the health and well being of communities. Africa: No region of the world is poorer, more heavily in debt, or more besieged by civil wars, refugees, famine, preventable deadly diseases, and state repression. The paper notes that the correlation of gender and corruption and respect for human rights in Africa has not been fully exploited. Kofi Annan once said corruption affects the most vulnerable hardest.

Although women in Africa are not numerically a minority they are one of the most vulnerable groups in the African society. Women in Africa suffer gender-based discrimination the way other groups would suffer racial, ethnic, and religious or age based bias. A clear and uncontroverted example is the excessive violence suffered by women the Democratic Republic of Congo (DRC) in form of rape and murder. The paper points at reduction of gender parity as essential and makes the point that although tackling the problem of corruption in Africa may not inevitably lead to greater respect for rights of women, involving women directly in the fight against corruption would lead to greater success in its elimination in all sectors since women are both beneficiaries and victims in the fight against corruption.

Bano, Samia * QB0.10 FL 7.1
Tackling Crimes of Honour: Evaluating the Social and Legal Responses to Combating Forced Marriages in Britain

In this article I explore some of the moral, legal and sociological questions that arise from one type of honour crime in Britain- forced marriage. Focusing on the civil law remedies available under the new Forced Marriage (Civil Protection) Act 2007 the article considers

how the law in England and Wales deals with tackling forced marriages. In particular it questions what benefits this new piece of legislation may have for women who may be subject to such practices and questions how this new Act deals with perpetrators of forced marriage? It also discusses the limitations of the Act and examines community concerns in introducing this piece of legislation as a mechanism to tackle forced marriage and questions why plans for a specific criminal offence of forced marriage have been abandoned by the state? The article also considers why crimes of honour and forced marriage have become emblematic of the problematic nature of one religion- Islam- and its treatment of women? In doing so it considers some of the challenges that the issue of forced marriage poses to secular/liberal notions of law, human rights and gender equality

Barelli, Mauro * QB0.17 IR 1.6
The Value of the UN Declaration on the Rights of Indigenous Peoples and the Effectiveness of the Indigenous Rights Regime

The emergence of indigenous people's rights constitutes one of the most significant developments in the recent history of international human rights. Equally importantly, the international achievements of indigenous peoples indicate that justice and human values can increasingly and prominently feature at the core of international law. This said, the fact remains that the actual value of the newly established regime of indigenous rights will fundamentally depend on its degree of effectiveness. Accordingly, this paper aims to assess the potential impact of the most significant instrument of this regime, that is, the 2007 United Nations Declaration on the Rights of Indigenous Peoples (Declaration). It argues that, despite its non-legally binding nature, the Declaration has important legal effects and generates reasonable expectations of conforming behaviour.

Barlow, Anne & Smithson, Janet * QB0.10 FL 3.1
Contrasts Between Legal Assumptions About Cohabitation, and Cohabitants Talk About Their Practices. Is the Cohabitation Bill the Way Forward?

This paper will highlight the need for understanding the emotional and psychological expectations of marriage and cohabitation in deciding how to regulate couples. In particular, the importance of a family identity appears to be of more salience in women's choices about marriage, cohabitation and non-marital name-change, than the legal and financial implications.

Drawing on a study of cohabiting couples' attitudes and behaviours in England and Wales (as part of the British Social Attitudes survey) and a qualitative interview study of 50 current and former cohabitants, the paper goes on to consider the reasons for legal inactivity (two thirds of the interview sample had not made a will or any legal document relating to cohabitation). In particular, it will consider the phenomenon of this being due to an optimism bias (there was a recurring theme in the interviews of not taking action before you need to). There were also instances of participants exhibiting a pessimism bias, being unwilling to marry as most marriages in their experience ended in divorce. The widespread reluctance to marry for 'legal rational' reasons and a prevailing view of marriage as a social symbol rather than a legal device will be considered alongside the separation of the emotional or social commitment, from the legal or financial actions within the minds of some couples. In this analysis we consider cohabiting couples in this sample as belonging to four main categories Romantics, Idealogues, Pragmatics and Uneven couples. The different financial and legal implications for each are explored.

Barnhizer, David * QB0.15 LLP 2.12
Children of a Lesser God: Lawyers, Economics and the Systemic Corruption of the Legal Profession

This presentation will build on the combination of more than thirty years spent attempting to teach professional ethics and skills, a significant body of research, and a series of diverse cases over the past ten years in which the presenter has been involved as counsel, client representative or professional expert relating to legal ethics and the

behaviour of the legal profession generally and lawyers specifically. The conclusions that will be offered include not only the nearly complete failure of the formal system of ethical regulation of lawyers in America, but the existence of a barely subterranean set of professional ethics predicated on the continually more intense and corrupting demands of individual and institutional economics on how lawyers practice. This will include analysis of specific cases including bankruptcy, breach of fiduciary duty by members of a company's board of directors, delay by lawyers in negotiating a rational settlement on behalf of their clients in a case where the delay ended up costing their clients nearly $1,000,000 more than an early settlement would have required, and the filing of criminal charges in a formerly dismissed case in which the individual against whom the charges were filed criticized the prosecutor in a letter to the editor one week prior to the refiling.

Bartlett, Peter * BI0.12 MH 8.3
Human Rights Without Resources: Thinking About Africa

Advanced forms of mental health law have tended to develop in countries with high levels of economic development. The standards upon which human rights lawyers in these countries tend to insist presuppose societies that are rich both in economic resources (e.g., necessary for providing appropriate review processes complete with legal representation, and for providing suitable treatment regimes) and in human resources (e.g. including sufficient psychiatrists to assess the mental state and treatment needs of people with mental health difficulties). Such conditions do not apply for poorer developing countries, and the unintended effect of these assumptions has been to leave such countries outside the scope of mental health law reform.

This paper addresses how to design mental health legislation in the context of such minimal resources, and how to best ensure that such legislation meets relevant international human rights and other relevant standards. By drawing examples from recent African legislation and draft legislation, it argues that a remarkable amount in human rights terms can be attained even in the absence of significant resources

Bertolino, Elisabetta * QB0.11 KW 8.10
Between Vengeance and Forgiveness: Human Rights and the Impossible
Keywords: Identity, Vulnerability

Sexual violence is a widespread specific type of violence directed mostly towards women. Many women in their lives experience sexual violence within their families, in the street and during war time as sexual harassment, child sexual abuse and rape. Feminism has fought sexual violence in different ways. It has opposed and empowered female subjectivity to the standard masculine subjectivity and has provided valid critiques of subjectivity itself. I argue, in this paper, that human unhealthy and ill motivated behaviour, such as sexual violence, is caused by singularities or groups living in a fantasy subjectivity position, as isolated from the community in which they live. It is because one sees oneself as isolated and invulnerable that one enacts violence or sexual violence. Surviving sexual violence is essentially being able to get on with one's own life, overcoming an identity as victim and its wounded attachments that paralyse one's life. If after being injured, one chooses to be a vindictive victim, one remains within split subjectivity, a logic of separation from the community of exposed singularities, one that is similar to the masculine subject of violence.

Given this premise, when one has suffered sexual violence, one can choose revenge or forgiveness. The forgiveness I talk about is pure forgiveness, in the sense of giving away a mask which is not part of who one is. I am talking about a feminist approach that is oriented towards the personal growth of the survivor; a liberating dimension that goes beyond legal retaliation and that might, in turn, have positive effects on the neurotic and patriarchal structure of the constructed masculine subjectivity.

Forgiving is not forgetting, condoning sexual injuries or being a weak feminine subjectivity. Rather, it is a path towards changing the unchangeable. The paper reflects on feminism as non violent and does this in relation to the ontology and subjectivity

behind human rights, as the main legal mechanism offered to women to fight sexual violence.

Bielby, Phil * BI0.12 MH 8.3
Revisiting Ulysses: Arrangements in Psychiatric Treatment

A “Ulysses arrangement” (or contract) is a means by which competent patients suffering from episodic mental disorder can make advance decisions about their future treatment, intended to bindingly apply at a later time should they change their mind (see, e.g., Dresser, 1982). Recent years have seen a renewed interest in the ethics of justifying and implementing Ulysses arrangements (Spellecy, 2003; van Willigenburg and Delaere, 2005; Davis, 2008; Gremmen, 2008). As Radden (1994: 797) notes, the ethical controversies surrounding honouring a Ulysses arrangement are most pronounced in cases where the patient’s disordered “later self” to whom the arrangement is intended to apply is nonetheless still competent. This controversy is reflected in conflicting accounts of whether Ulysses arrangements should be honoured with patients who retain decisional competence and seek to revoke them at the time they are intended to apply (e.g., Feinberg, 1986; Radden, 1996; Davis, ibid).

In this paper, I consider two of the underlying ethical issues behind this controversy, namely, how to understand decisional competence properly in such contexts and the role of psychiatric health care professionals in offering support to the patient in the creation and implementation of such arrangements. I then connect these issues to legal questions surrounding the possibilities for regulation of Ulysses arrangements, examining some models of psychiatric advance directives from different jurisdictions. I conclude that a careful, limited use of Ulysses arrangements in psychiatric treatment is justified, and suggest some possible ways in which the regulative response could be sufficiently sensitive to the contingencies these arrangements involve.

References:

Davis, J. K. (2008). “How to Justify Enforcing a Ulysses Contract When Ulysses is Competent to Refuse”. Kennedy Institute of Ethics Journal, vol. 18(1), pp. 87-106.

Dresser, R. S. (1982).”Ulysses and the Psychiatrists: A Legal and Policy Analysis of the Voluntary Commitment Contract”. Harvard Civil Rights-Civil Liberties Law Review, vol. 16, pp. 777-854.

Feinberg, J. (1986). Harm to Self: The Moral Limits of the Criminal Law, volume three. Oxford University Press, New York.

Gremmen, I. (2008). “Ulysses arrangements in psychiatry: from normative ethics to empirical research, and back”. In: G. Widdershoven, J. McMillan, T. Hope and L. van der Scheer (eds.). Empirical Ethics in Psychiatry. Oxford University Press, Oxford, pp. 171-185.

Radden, J. (1994). “Second Thoughts: Revoking Decisions Over One’s Own Future”. Philosophy and Phenomenological Research, vol. 54(4), pp. 787-801.

Radden, J. (1996). Divided Minds and Successive Selves: Ethical Issues in Disorders of Identity and Personality. MIT Press, Cambridge, Mass.

Spellecy, R. (2003). “Reviving Ulysses Contracts”. Kennedy Institute of Ethics Journal, vol. 13(4), pp. 373-392.

van Willigenburg, T. and Delaere, P. J. J. (2005). “Protecting Autonomy as Authenticity Using Ulysses Contracts”. Journal of Medicine and Philosophy, vol. 30, pp. 395-409.

Bolger, Sarah * QB0.16 CSL 4.8
Fatal Footprints – An Analysis of the Cluster Munitions Convention 2008

Cluster munitions have a long and consistent history of causing excessive harm to civilians, both during a conflict and for decades after the conflict has ended. This was highlighted in a 2006 report which established that civilians comprise 98% of all cluster munitions casualties. This presentation explores international attempts made to ban cluster munitions as a weapon of war, focusing ultimately on the Oslo Process, which began in February 2007. The Oslo Process, conducted outside the remit of the UN, set itself a tight deadline by stating that it would conclude an effective treaty banning the use,

production, stockpiling and transfer of cluster munitions by the end of 2008. This bold statement led to a fear that such a treaty would be weak in nature due to the short time frame for negotiations. However, the Oslo Process kept its promise that the Convention on Cluster Munitions was adopted in Dublin in May 2008 and will be signed in Oslo in December 2008. This presentation assesses how well the Process stood up to extreme pressure exerted by key users and producers of cluster munitions that did not want a strong, workable treaty with effective provisions. It explores the power of the Convention to create a strong legal norm that has the potential to influence the behaviour of all states - even those not party to the Convention.

Boon, Andrew; **LLP 2.12**
Bacquet, Sylvie; Webley, Lisa & Whyte, Avis * QB0.15
Making Legal Aid Solicitors? The Training Contract Grants Scheme

This study was commissioned by the Legal Services Commission (LSC), the body responsible for legal aid in England and Wales. It sought to evaluate the operation of the Training Contracts Grant Scheme, which supports the recruitment of trainee solicitors into legal aid careers with law firms and not-for-profit organisations in England and Wales. It aims to engender commitment to legal aid work in the long term, rather than simply providing training in the sector. The Scheme was set up five years ago in response to concerns that the pool of legal aid solicitors may be diminishing and aging, as few young solicitors were entering and remaining within the sector. The study employed qualitative and quantitative methods, including telephone interviews and a series of surveys of participating firms and trainees and former trainees.

Borgmann-Prebil, Yuri * QB0.16 **EurL 2.8**
Regulating the Market: Community Law and the Protection of Key Stakeholder Interests

The judgements in *Viking* and *Laval* have already led to considerable, largely highly critical, academic commentary. One strand of the critique argues that the judgements mean that strike action runs counter to Articles 43 and 49 EC and that this belies the finding that collective action constitutes a fundamental right of Community law. This contribution, in contrast, explores the potential merit of bringing industrial action within the remit of the single market. Theoretically the paper is informed by Alexy's Theory of Constitutional Rights, (A Theory of Constitutional Rights (Oxford: OUP, 2002)). In the light of Alexy's theory both the free movement provisions of the Treaty and the derogation grounds, including those expressly provided for in the Treaty as well as the rule of reason, are construed as principles which in turn are understood as optimisation requirements. In particular, the paper will develop the following arguments:
i) Alexy's theory lends itself to explicate that and why the quality of the right to strike constitutes an argument for, rather than against, bringing it within the scope of Articles 43 and 49EC. This is a virtue because it necessitates a debate on whether the right to strike or the market imperative should prevail within EC law.
ii) It will be shown that Alexy's theorization of horizontal effect of constitutional rights strongly supports the European Court of Justices finding that Articles 43 and 49 EC do take effect between, and may be invoked and relied upon by, private parties.
iii) Finally, it is submitted that the real question is one of balancing of countervailing interests and that, read in the light of Alexy's theory, Articles 43 and 49 EC have to be pitched against the countervailing interests pursued by industrial action. The paper concludes by arguing that the Court erred in the exercise of the balancing, but not in finding that the industrial action may constitute a restriction of Articles 43 and 49 EC.

Bowring, Bill * BI0.18 **HR 3.10**
Trumping Human Rights? The Law and Politics of Terrorist Lists

The designation of a person or an organisation as "terrorist" opens up a chasm in the rule of law, a space defined by the absence of the procedural rights which are not only fundamental human rights in themselves, but crucially provide the best protection against torture and other forms of arbitrary state conduct. This paper engages with a number of

issues arising from international and national responses to what is described as the “war on terror”. The failure of the international community to work out an acceptable definition of “terrorism” is closely linked to the construction of the “terrorist” as an outlaw, a person outside the rule of law. I outline the UN and EU law with regard to the drawing up of “terrorist lists”, and follow with the safeguards which the Council of Europe, and these bodies themselves, have endeavoured to put in place. For example, there is case-law of the European Court of Justice and the European Court of Human Rights indicating that a person or group so designated loses these elementary rights, and I conclude this section with the recent decision of the House of Lords in Al-Jedda. I describe three case studies of the effect on groups and individuals of placement on “terrorist lists”, and the very mixed results of legal action taken on their behalf. There have more recently been decisions which appear to show signs of a retreat from this hard line, in particular the astonishing about-turn in relation to the Peoples Mujaheddin of Iran (PMOI), and the Kadi decision. But my conclusion is far from optimistic.

Boyes, Simon & O’Leary, John * BI0.19 SL 1.10
All’s Fair in Love and the War on Anti-Doping: The Strange Case of Dwain Chambers

This paper seeks, thought the example of Dwain Chambers, to examine some of the practical issues surrounding anti doping in sport. Chambers was banned for two years in 2005 following a positive test for THG, an anabolic steroid. Unlike many other athletes in his position however Chambers served his ban and returned to competition. It would appear that Chambers could do no more to assist his rehabilitation; he was contrite and co-operative, yet his return to top level athletics after contemplating a switch to other sports, has been met with resistance. This paper examines the nature of this resistance and the effectiveness of anti-doping regulation. In particular the paper considers the implications of the High Court case in which Chambers sought to overturn the lifetime ban imposed upon him by the British Olympic Association in relation to selection for the Great Britain team at the Olympic Games. In particular, the paper comments on the restraint of trade aspects of the Olympic ban, the approach adopted by the High Court in relation to interim injunctive relief and the omission of any discussion of the failure, by Chambers to proceed by way of arbitration. Further, the paper seeks to comment on legal position relating Chambers’ seeming ‘blacklisting’ by major athletics meetings and to question the equity of his treatment.

Bradshaw, Jules * QB0.16 EurL 3.11
National vs. Supranational Citizenship: A One-Sided Battle?

Traditionally, citizenship is vested in the nation state and extended to a limited section of people. Ideally, it pertains to a clearly defined geographical area. In the modern world economic prosperity has enabled greater freedom of movement and cross-border travel, consequently stretching our conception of citizenship. A supranational entity, the EU, has also challenged these conceptions by creating a supranational citizenship, complete with its own set of rights.

The purpose of this paper is to outline what citizenship is and what it entails, as well as briefly explaining why it is important that there are TWO conceptions of citizenship. After discussing the relative qualities and areas of interaction of the two forms of citizenship I will assess whether they stifle each other's development. I then intend to address whether the Supranational entity lives up to our expectations of a modern citizenship in terms of exclusion and inclusion before a discussion of possible future developments and an assessment of whether national and Supranational citizenship are at odds at all.

Brents, Barb & Sanders, Teela * QB0.15 RS 5.5
The Mainstreaming of the Sex Industry: Economic Inclusion and Social Ambivalence

This paper will address two questions: how have sexual businesses accomplished the move toward acceptability in non-sex industry commercial networks; and what has been the effect of this on the supply of and demand for sexual consumption/labour? Relying on a comparative study of sexual commerce in two cities, Las Vegas, Nevada and Leeds, U.K, the authors will first examine the economics of the industry, the regulation of sexuality through licensing processes, working conditions, the rights of the independent contractors and efforts of sex industry businesses to network and become more acceptable in the two locations. The paper will then discuss the effects of these efforts on the supply of and demand for sexual consumption/labour. What this work is beginning to show is that the increasing respectability accompanying economic mainstreaming has provided more legitimate work opportunities for women, who represent the majority of the workforce, but that the regulation beyond enabling premises is poor and does not protect workers positions or conditions. The authors, therefore, suggest that the economic mainstreaming of sexual commerce translates imperfectly into social or cultural mainstreaming. As the sex industry has relied on and profited from its transgressive status, the demand for sexual commerce is in many ways based on its marginalized and stigmatized status. For sex workers, at the level of subjective identity, they are ostracised, live in fear of the whore stigma and cannot really go about sex work as a regular job without significant negative social impacts, including criminalization. The control and regulation of sexuality and gender is highly implicated in these practices.

Breslin, Andrea * QB0.14 HL 3.8
Enforcement of IHL and Alternatives to the ICC

Making States 'Willing and Able': Sanctioning Violations of IHL in the Domestic Sphere and Alternatives to the ICC

The paper will explore the domestic sanctions available for violations of international humanitarian law, including national prosecutions and other non-judicial mechanisms. The paper will discuss the findings and recommendations of the recent report from the Aegis trust on the enforcement of international criminal law, focusing on those sections dealing with domestic enforcement issues. There will also be a review of the European Union's guidelines on the compliance of member states with IHL. The International Criminal Court can only be successful as a court of last resort, and thus emphasis must shift from an exclusive focus on continued criticism of the early activities of the Court to ensuring that states are willing and able to prosecute, or otherwise impose sanctions on those responsible for violations of humanitarian law at the national level. There is a clear need to increase domestic prosecutions of violations of humanitarian law, and there are many motivations for doing so, for example they can be more cost effective, where the setting up of international institutions with the capacity to deal with enforcement may no longer be feasible in the current economic climate. National institutions can be in the best position to decide which sanction, or tool of transitional justice is preferable, i.e. if there is no strong demand for prosecution coming from within the state, then other options may need to be considered first, such as truth telling mechanisms, or reparations. The victims of the violations and civil society in general are also in a better position to engage with the processes involving sanctions at the domestic level.

The paper will also look at the other side of transitional justice – capacity building, which is often necessary for effective national prosecutions, and essential for the long term enforcement of IHL. Capacity building, if undertaken in good faith and effectively, can ensure that states are 'willing and able' to prosecute violations of IHL where necessary. The financial and logistical support of international agencies and institutions will continue to be necessary to aid states to ensure respect for IHL in line with their obligations under international law.

Brown, Lindsey * BI0.12 MH 8.3
The Use of Mental Health Records for Research

Use of medical records for research can sometimes involve a tension between public benefit and individual consent. Research involving the use of mental health records is important in contributing to the evidence base to ensure that patients receive the best possible care. Research may be impeded if there is uncertainty as to how to deal with ethical concerns; or by a regulatory approach to ethical issues developed in a different context; or by problems with recruitment due to researchers' lack of knowledge of participants' likely concerns. The ethical standards that govern such research should be informed by an understanding of the views and concerns of the relevant stakeholders, including mental health service users, health professionals, and researchers. In this paper we report an interview study with members of these groups. We found that there was disagreement over the appropriate boundaries and safeguards when using mental health records for research. The ethical arguments that arose revolved around consent; privacy; the need to protect vulnerable people; the stigmatising nature of mental health; confidentiality; and the risk that trust in doctor-patient relationships could be damaged by research. We discuss how ethical analysis can help to resolve some of these dilemmas and tensions.

Buckley, Lydia * QB0.15 SO 8.7
Criminalising Child Sexual Abuse in Ireland: Does the Criminal Law (Sexual Offences) Act 2006 Provide Adequate Protection for our Children?

Child sexual abuse is a crucial issue in modern Ireland; the Sexual Abuse and Violence in Ireland (SAVI) Report showed that 27% of Irish children, more than one in four, have experienced sexual abuse. The exposure of child abuse scandals, from the case of Father Brendan Smyth and other instances of clerical abuse to the uncovering of widespread abuse by the Commission to Inquire into Child Abuse, have made child sexual abuse one of the most topical and mediated issues of our time.

During the last decade, several legislative provisions have been introduced to protect children from sexual abuse. The most recent of these Acts has been the Criminal Law (Sexual Offences) Act 2006. The aim of this paper is to give a summary of the Criminal Law (Sexual Offences) Act 2006, and to discuss whether this Act is an adequate tool in combating the sexual abuse of children. Central to this discussion will be an analysis of the new offence of defilement of a child and an examination of the elements of that offence, including a look at what activities fall out-side the remit of the offence. The defence of honest mistake will also be considered. I will then propose a number of reforms which I think would increase the protection afforded to Irish children by the 2006 Act.

Busby, Nicole * QB0.11 LabL 1.4
The Employment Rights of Carers: Imagining a Right to Care

This paper seeks to address some of the many issues associated with the reconciliation of paid employment and the provision of care for dependants, be they children, elders, or those who, due to illness or disability, are reliant on others for aspects of their personal care. The starting point is a consideration of the philosophical nature of the care relationship in which the question of responsibility will be explored with a view to establishing a suitable legal framework within which the needs of carers, dependants and the wider society can be adequately met. The UK's current legal regime will be assessed to identify whether the requisite demands are currently being addressed. A proposal for the legal recognition of carer status is presented. Establishment of the scope and nature of such a right would engender reformulation of the regulatory approach, moving the emphasis away from the employment rights of those who care and focusing instead on supportive measures intended to strengthen the caring rights of those who engage in paid work. This apparently subtle reframing of the work/care dilemma requires a significant cultural shift within workplaces which, it is argued, is nevertheless in tune with

the current move towards the recognition of diversity and the reconfiguration of working arrangements.

Busby, Nicole & Macleod, Calum * QB0.11 KW 7.9
Keyword: Identity Constructing a Crofting Identity for the 21st Century

The term 'crofter' has had a particular significance in Scots Law since the Crofters Act of 1886 when security of tenure was granted to those who live and work on small-holdings within regions classified as 'crofting counties'. This right, supplemented by additional legislation over the intervening years, derived from the need to protect vulnerable individuals from the practices of unscrupulous landowners which resulted in the clearances of the Highlands and Islands during the 19th century. Despite this unique framework of legal protection, crofting's pivotal role as a mechanism for economic, social and cultural cohesion within the communities in which it is practised has eroded over decades. This is due to a complex mix of factors linked to demographic trends, prevailing economic conditions within rural communities and the vagaries of the broader public policy environment in which crofting (as a function) is situated. This decline is arguably also due to the property rights which crofting law has conferred upon individual crofters in terms of security of tenure, the right to buy crofts and the right to sell decrofted land on the open market and what many observers view as inconsistent and ineffective regulation of crofting law. Such a regulatory approach potentially places the interests of the individual crofter above those of the wider crofting community. It also raises important questions regarding the nature of identity and participation within crofting communities and the future role of crofting law and policy in contributing to the sustainability of crofting communities in the 21st century. This paper provides a discussion of preliminary findings from an empirical study in relation to these issues of identity, participation and regulation in contemporary crofting communities.

Bushnell, Alexis * QB0.14 HL 2.7
Private Security Contractors Civilian Protection and International Humanitarian Law

Various firms in the private military/security sector are beginning to offer their services in civilian protection and disarmament, demobilization and reintegration (DDR) during humanitarian crises. It has been suggested by a number of those working in the private industry that the United Nations lacks the expertise and resources to effectively carry out particular aspects of peace support operations, and claim private firms may do a more efficient job in this area. If private security contractors were granted contracts to guard civilian areas, refugee camps, and work on DDR, how would humanitarian law govern this work? What would be a realistic relation between contractors on the ground and IHL? This paper will explore the various issues of private contractors, their potential to protect civilians and how this would relate to humanitarian law.

Callus, Thérèse * QB0.10 FL 2.1
A Pilot Study to Investigate Whether Non Biological Lesbian Co-Parents Maintain Their Parenting Role After Relationship Breakdown with the Biological Parent

The number of same-sex couples who parent together is increasing and there is more social and legal awareness of the recognition of various family structures. However, despite some legal reform - for example, in the recognition of adoption for same-sex couples and more recently, in the recognition of 'the other female parent' where a lesbian couple access licensed assisted conception treatment – the legal status of parent remains rooted in the model of two parents of the opposite sex. If the law is to engage in reform of how parental status is to be attributed and what it is to reflect, it is suggested that the reality of these families should be investigated further. As part of an enquiry into how the law might recognise a parent, this paper presents a small-scale project which seeks to identify how non-biological lesbian co-parents exercise their parental role and whether, and if so to what extent, that role continues even after the relationship with the biological mother may have broken down.

This is a work-in-progress paper which will (i) examine the relevance of the proposed study in the light of recent reforms on parental status; and (ii) raise the methodological difficulties in accessing an effectively 'hidden population'.

Caracciolo di Torella, Eugenia * QB0.11 LabL 1.4
The Flexible Parent (Mother)

The Government reckons that it needs to win over a key voter, a hard working, capable individual who is invariably exhausted and who craves much more than money or status "the precious commodity of time. Step forward do-it-all woman" (The Times T2, 3 February 2005).

Flexible working arrangements have long been used by parents as a tool to meet their family responsibilities. The UK Government has expressly introduced flexibility in its family friendly legislation package.

The Employment Law Act 2002 granted parents of children under six or disabled children under eighteen the right to ask their employers to introduce flexibility in their working hours. In April 2004 plans were announced to extend such provisions to adult carers and the Work and Family Act 2006 gave the Secretary of State the power to introduce such regulations. In November 2008 the Prime Minister announced plans to include parents of older children in the relevant legislation.

The aim of this paper is to investigate the role of flexibility in the context of the overall discussion of family friendly legal developments, and to compare the UK and EU positions. It argues that, at the moment, despite the efforts of the Government, flexibility is more in tune with the demands of business rather than parents (and more generally carers) needs. Furthermore, it is highly gendered and as such reinforces gender (pay) segregation in the labour market and more generally gender stereotypes. Unless reworked to take into consideration the essence of the family friendly dilemma, it will remain an empty victory.

Carline, Anna * QB1.10 GSL 2.3
Criminal Justice, Pornography and Prostitution: Radical Feminists in the House of Commons?

The Criminal Justice and Immigration Act 2008 has recently criminalised the possession of extreme pornography. Additionally the initial bill also contained reforms aiming to increase the regulation and criminalisation of prostitution. These latter proposals were, however, eventually abandoned. This paper will provide a critical analysis of the relevant House of Commons debates in order to examine the discourses which were drawn upon during the reform process.

It will be argued that, ostensibly, a radical feminist perspective was adopted in order to justify the increased criminalisation and regulation of pornography and prostitution. From a radical feminist perspective, prostitution and pornography amount to violence against women and are a product of a patriarchal culture which subordinates and objectifies women. However, it will be argued that the debates clearly demonstrate that the radical feminist perspective is as a smoke screen in order to push an undebated moral agenda which is illiberal and conformist. In order to support this latter argument, the paper will engage in a close reading of the debates which draws upon queer theory perspectives. This methodology will also be used in order to demonstrate that the morality discourse prevalent in the debates problematically silences and 'others' non-conformative expressions of female sexuality and that this silencing and othering occurs in order to promote and perpetuate socially appropriate scripts of female sexuality.

Carline, Anna * QB0.15 RS 6.4
Ethics and the Regulation of Sex Work: A Butlerian Ethical Reading of Radical Feminism and Reform Proposals

This paper aims to provide a critical analysis of recent official discourses with regards to the regulation of sex work. More specifically the paper will examine the discourses contained in the Home Office Publication Tackling Demand for Prostitution: A Review and the relevant parliamentary debates with regards to the reforms presented in the Criminal Justice and Immigration Bill (now Act). Whilst the latter reforms were eventually abandoned, the parliamentary debates provide valuable insights into the contemporary perspectives and discourses which shape the regulation of sex work. The paper will examine the extent to which a radical feminist discourse is prevalent in the official discourses. However, it will be argued that the radical feminist perspective is used in a manner which leads to the othering of sex workers as it unethically disregards their vulnerability as human beings.

In order to critically reflect upon the radical feminist perspectives and the reform proposals, the paper will draw upon the work of Judith Butler. Butler's work will be used in order to develop a theoretical framework which emphasises the importance of responding ethically to the other. Butler's approach to ethics, as contained in Giving an Account of Oneself and Precarious Life: The Power of Mourning and Violence, stresses the importance of our fundamental vulnerability as human beings. Butler argues that this fundamental vulnerability, and the extent to which we are all given over to the other from the start, is the basis of our responsibility to act ethically to each other. It will be argued that whilst the vulnerability of sex workers is ostensibly the justification for increased regulation and criminalisation, it is used to promote a moralistic agenda; a moralistic agenda which problematically and conversely increases the vulnerability of sex workers. Consequently the proposals promote an unethical response to sex work. In conclusion it will be argued that an ethical response requires one to effectively recognise the vulnerability of sex workers as human beings.

Carlisle, Jessica * QB0.17 IR 1.6

Uncertainty and Serendipity in Ethnography: Judicial References to Article 305 in a Damascus *Shari'a* Court

Conducting ethnographic fieldwork in a courtroom facilitates clearer understanding of judicial practice through observation of daily routines, the progress of individual cases, and interactions between court personnel, litigants, lawyers and witnesses. Some aspects of the situated practice of judging may nevertheless elude a final analysis of the court's work. In 2005/6 I carried out ten months observation in a Damascus Muslim family (or *shari'a*) court during which I had access to both public and *in camera* court hearings, private meetings between the judge and lawyers or litigants, arbitration sessions related to applications for judicial divorce and court files. Despite this degree of access, I can only hypothesize about references to Article 305 of Syria's Muslim personal status law No. 59 (1953) in rulings issued by the court's judge.

Article 305, in common with other provisions in codified Muslim family law across the MENA region, empowers the family court judge to consult Hanafi *fiqh* when faced with a legal issue not addressed by the state legal rules. During my fieldwork, I found that although the judge in *shari'a* Court One frequently cited Article 305 in his ruling, he did not explicitly document its contribution to the legal conclusion of cases. Rather Article 305 was listed amongst several substantive and procedural rules in case rulings that were consequently justified largely in reference to state drafted legal provisions and established evidence.

My paper suggests that Article 305 may have three functions in habitual court practice and its subsequent judicial rulings: as validation of procedural practices that deviate from the civil code of procedure, to legitimate the court's authority and as a reference point for judicial invocation of principles and standards. However, I note that these conclusions are deductive since I was unsuccessful in directly discussing the issue with the judge. I examine my difficulties in pursuing this question, in favour of preserving an established dynamic between myself and court personnel whose professional lives I was intruding into. This was not the result of signals from the judge, lawyers or administrative staff,

but of my own reluctance to disrupt the working day by repeatedly raising an issue and a tendency to become complacent about some aspects of the court's work.

Caviglia, Lisa * QB0.15 RS 3.3
Prostitution in Nepal and North-Eastern India: Discourses Around Gender, Self-Perception and Sexuality

For decades social and medical sciences have treated women and men involved in prostitution, defined as the exchange of sexual activity for profit, as a "risk group", characterised by "deviant" behaviours threatening the population, while the opinion of the actors involved remains mostly ignored. This is especially true for Nepal and North-Eastern India, where tightly bound cultural traditions, political tensions and international development programmes shaped a transcultural meaning of prostitution excluding the women and men (mostly transgender) concerned. Providing a clearer picture of the difference between the actor's self-perception and the imaginary of prostitution may provide information on multilayered social, political and cultural interferences influencing the understanding of prostitution, revealing asymmetrical shifts in concepts and traditions under political and social tensions. The theoretical framework employed will draw upon Appadurai's "escapes", "deeply perspectival" constructs resulting from historical, political and linguistic environments, where individual actors embody and play important roles (Appadurai, 1990). Fieldwork will be conducted in either or both Nepal and North-eastern-India, where prostitution has been traditionally addressed in relation to female trafficking. Recently Nepal's internal movement has risen, fuelled by economic hardship, increased foreign presence and the Maoist conflict. The capital Kathmandu constituted the epicentre on these trajectories and it is here that prostitution flourished along with "transaction venues" such as "dance bars", "cabin restaurants" and "massage parlours". Another seemingly concealed phenomenon seems to occur in Darjeeling, West Bengal's hill station, where stories about "flying sex girls" are not uncommon. The matter however seems not to enter official discourse, still focusing on trafficking. My attempt is to draw an ethnography placing women and men's narratives and lives at the centre, evaluating their position within dominating local discourses and those deriving from the international arena. How does their self-perception compare to what is said about them?

Chen, Chung Yan, * QB0.10 FL 4.1
The Re-conceptualisation of the Value of Non-Financial Contribution to Marriage Relationship in Taiwan

This paper (based on my PhD research) will explore the different approaches taken in Taiwan and England to the valuation of domestic contributions within marriage and consider the implications both for women and legal policy in this area of family law. The core theme of the wider study is – 'How can or should the value of non financial contribution be reconceptualised in a modern marriage?'

In the early 21st century, the value of the homemakers non financial contribution to marriage relationship was given legal recognition by the Taiwanese Civil Code. However, many studies have argued that on one hand the homemakers' financial provision during marriage mainly comes from the breadwinner's maintenance. On the other hand the homemakers entitlement to a half share of the marriage property is just a contingent right. Therefore, if the breadwinner chooses to be financially mean to the other spouse, the homemaker would suffer the disadvantage from choosing homemaking or child-caring. At around the same point in time, in England and Wales, the courts also gave increased recognition of non financial contributions to marriage at the point of divorce in *White v White* and *Lambert v Lambert* in big money cases. However, under English law, the homemaker also substantially depends on the breadwinner's maintenance and is typically the weaker party economically.

This paper will first consider whether in principle the Taiwanese experience could provide an example to England and Wales for law reform. Second, it will consider the methodological approach to be taken in a small qualitative study designed to explore the working of the Taiwanese Civil Code in theory and practice through interviews with

practitioners, policy makers and researchers on the following issues: the pre marriage stage (pre-nuptial agreement), during marriage (reciprocal maintenance and special allowance for homemaker) and the dissolution of marriage (division of property).

Clark, Bryan * QB0.15 LLP 1.8
The Lawyer-Mediator in Scotland

This paper focuses upon the historical and current interaction of Scottish lawyers with mediation and examines the future prospects for lawyer involvement in mediation in Scotland. By casting an eye over developments in other jurisdictions where mediation is better developed, this work analyses a number of key and at times, overlapping policy issues relative to the relationship between lawyers and mediation, including: lawyer ignorance of, and resistance to mediation; the lawyer as “gatekeeper” to mediation; the potential for a lawyer “milking” of mediation; and the appropriateness of lawyers acting within the mediation process. In a time when Scotland is undergoing a civil justice review, which may arguably result in a greater emphasis placed upon the deployment of mediation within the civil justice system, a discussion of such issues is particularly timely. The paper argues that although lawyers and many other professionals currently populate the mediation field in Scotland at present, the legal profession are likely to be very prominent players in any future development of the process, because of the potential increasing institutionalisation of mediation, inter-lawyer referral and the general development of niche roles by savvy legal professionals. While it is recognised that lawyers should not necessarily be seen as the natural inheritors of the mediator's crown, equally it is suggested that in some cases, particularly given some mediation participants' preferences with regard to the role of the mediator, lawyer-mediators may be better suited to take up the role than others.

Cohen, Edward * QB0.15 LLP 1.8
Connecting (and Disconnecting?) Law and Power: Legal Expertise and Legal Pluralism in the Global Political Economy

Over the past two decades, the development of international economic law has been characterized by a paradox. A proliferation of sites of law-making and enforcement, and the construction of new regimes of legal regulation of commerce, has introduced a fundamental pluralism of competitive legal projects. At the same time, however, broadly neo-liberal norms and logics have attained a hegemonic position in most of these projects. In this paper, I attempt to provide an explanation of this paradox, which focuses on the interaction between legal expertise and political economic power as central to the control of the sites of legal production in the global system. I explore this interaction in the context of the regimes of international commercial arbitration, from the purely private realm to the context of investor-state dispute resolution. The interactions between expertise and power, I argue, present substantial challenges to any project that envisions the rule of (international) law as a vehicle for the control of political economic power.

Coleman, Nathaniel * QB1.10 tba
The Political Power of Sexual Preference

Cancelled Abstract

Colosi, Rachela * QB0.15 **RS 5.5**
The Changing Room

The lap-dancing club setting in the UK remains unexplored territory until now; in light of this a recent ethnographic study was conducted in a chain-operated lap-dancing club in the North of England, named “Starlets”, exploring the relationships between dancers and the culture in which they engage. As well as making sub-cultural sense of the relationships between these workers, this research has provided valuable field data on the way in which various spaces in the lap-dancing club are used by the dancers, and the meanings these women attach to their setting. The changing room, a place primarily intended for dancers to prepare themselves physically for their work, was found to derive further significance for the dancers based at “Starlets” and the relationships they formed with one another. As the only area in the club intended for the dancers, these women are automatically given ownership of this space. It is for this reason that the changing room transforms into the “home quarters” for the dancers; in this sense it is a place in which they can relax, away from the customers and managers, and where they may find solace with one another. It is in this space dancers are therefore able to freely engage with various emotional rituals, such as: airing personal concerns about work and home; readily offering support to one another; as well as various social rituals such as: drinking alcohol and taking drugs. These rituals are an important feature of the subculture with which dancers at “Starlets” were found to engage in. This paper will endeavour to explore the setting of the changing room, addressing ways in which it is utilised and the significance placed upon it by the dancers. In relation to this, specific examples of how dancers use this space to engage in both emotional and social rituals will be discussed; therefore emphasising how spaces such as the changing room play a significant role in the development of bonds between dancers and hence in the maintenance of their sub-cultural membership.

Corbett, Susan * BI0.17 **IP 7.8**
Creative Common Licences: Symptom or Cause?

Digital technology presents ongoing challenges to the traditional copyright model. This paper discusses and critiques one response to these challenges: Creative Commons (CC) licences.

Although there are many positive features of CC licences, certain aspects have attracted criticism. In New Zealand, for instance, the establishment of CC Aotearoa New Zealand is described in the New Zealand National Digital Content Strategy (NDCS) Document as: ‘a means of ensuring that the rights associated with individual pieces of content can be identified easily by creators and users’. We have the opportunity to promote the Creative Commons and increase understanding of New Zealand’s intellectual and cultural property law for digital content creators.

Paradoxically, however, the NDCS Document also warns that there is some evidence that the effectiveness of [CC] licences is limited by creators’ and users’ understanding of copyright law. The ambivalence of policy-makers towards CC licences revealed in these statements is not unique to New Zealand, but is reflected in international debate and critique.

One side of that debate describes CC licences as a response to the challenge of distributing copyright creative material on the Internet which overcome the barriers imposed by the traditional copyright model with its complex legal concepts and requirement for permission for even the most common and non-controversial of uses. An opposing criticism is that CC licences confuse notions of the public domain and commons and that, in so doing, actually contribute to the decline of the public domain. The paper examines these and other related arguments, and concludes that until community norms and expectations in relation to digital creative works align more with the current legal environment for those works provided by copyright law, any attempt to reconceptualise that legal environment by working within its constraints is unlikely to be

successful. In other words, the perceived failures of CC licences may be a symptom of a broader problem - the failure of the copyright system itself to engage with the community.

Costa, Marios * QB0.16 EurL 2.8
Do Articles 230 and 234 of the European Community Treaty Provide a Complete System of Remedies?

In the light of the Court's of Justice restrictive jurisprudence on the rules on standing of private parties seeking judicial review, and the consequential channelling of private parties through the path of national courts, this paper seeks to examine the appropriateness of the preliminary reference procedure as an alternative route for private parties seeking to challenge the validity of Community measures. A detailed comparison of direct and indirect challenge reveals that the inadequacies of Art. 234 EC procedure are usually overstated. Although, the position of private parties seeking to challenge Community measures is better than the one usually presented to be, there are still some gaps in judicial protection of private parties. In this context, the Court of Justice cannot claim that the Treaty guarantees to private parties judicial review of Community acts by establishing a complete system of remedies. Had the Treaty of Lisbon been entered into force, some of the gaps in judicial protection of private parties would have been filled.

Crowley, Louise * QB0.10 FL 4.1
Asset Distribution on Divorce: What Irish Lawmakers Can Glean from the Experiences of Other Jurisdictions

Following the successful divorce referendum in 1995 the Irish government enacted legislation affording the judiciary very far-reaching powers in determining what financial and property orders should be made on ordering a decree of divorce. This approach represented an attempt to convince the conservative Irish public that it would prove impossible for the needs of dependent spouses to be avoided by absconding spouses seeking to avoid their responsibilities. However under Irish divorce law judicial discretion is exercised within a policy vacuum. In allocating the arduous task of determining the nebulous concepts of fairness and justice to the courts, the Irish legislature has eschewed many socially divisive policy questions and has failed to provide the judiciary with much needed policy objectives. The consequence of this is uncertainty amongst judges and inconsistency in their decisions.

The aim of this paper is to provide a brief overview of the shortcomings of the Irish divorce regime and in advocating the need for change, consider aspects of the property division regimes of other jurisdictions, namely Scotland, California and New Zealand. These jurisdictions are considered given their quite distinctive approaches to certain key issues, including the curbing of judicial discretion and the rejection of lifelong inter spousal maintenance obligations. Perhaps most importantly their identification of stated legislative purposes and principles has proven effective in implementing social policy aims whilst controlling judicial powers. This objective driven approach to lawmaking might ultimately serve as a template for reform for Irish lawmakers.

Currie, Samantha * QB0.16 EurL 3.11
The Cross-Border Posting of Workers and Increasing Tensions in the European Labour Market

The recent eastern enlargements of the European Union clearly brought to the fore tensions relating to the extension of free movement rights to the new Union citizens. The transitional arrangements in the Accession Treaties, attempting to allay the concerns of the older Member States, focussed primarily on the free movement of workers and left intact the application of the provisions on freedom of establishment and the provision of cross-border services. Whereas much of the ensuing academic literature has followed the lead of the Accession Treaties in focussing on the free movement of workers within the context of enlargement, the aim of this paper is to consider another aspect of mobility that can induce similar concerns to that of uncontrolled labour migration, particularly in

the context of an expanding Union: the cross-border posting of workers. The temporary posting of a workforce as part of a trans-national provision of services can be particularly contentious in the current economic climate within which national workers, aware of the increasing instability of the labour market, can be particularly sensitive to suggestions that contracts for work are being granted to undertakings based in other Member States. Such concerns are particularly acute in relation to those Member States with seemingly less rigorous employment standards and lower rates of national pay.

This paper will analyse the posting of workers against this backdrop of economic insecurity and within the context of EU enlargement. In particular it will seek to assess whether the pre-accession fears of social dumping appear to have materialised to any extent and will consider the effectiveness of Directive 96/71 [1996] OJ L18/1 on the posting of workers in protecting against the lowering of national employment standards. It will also seek to bring together the discussion on the free movement of workers with that on the provision of services by examining the relationship between transitional restrictions on labour mobility and the posting of workers. The paper will draw upon case law of the European Court of Justice and policy documents of the European Commission. Finally, the paper will detail plans for a proposed empirical study to develop the work further.

Daly, Brenda * QB0.14 CSL 5.9
Conflict Resolution: the Role of the International Peace Mediator

In the post-Cold war era, there has been an emergence of the use of mediation in peace negotiations as a means of resolving armed conflicts and international crises. The International Crisis Behaviour project states that mediation was employed in 131 of the 447 crises which occurred around the world between 1918 and 2005. As a consequence of this ever-increasing utilisation of mediation to resolve conflict on the international stage, a discrete profession of international peace mediators has come into existence.

The international peace mediator has a pivotal role in the conflict resolution process, and the style of mediation adopted used will significantly influence the role that the mediator has in the process. There are three distinct types of mediation style. The classic mediation style, facilitative mediation, is a voluntary, consensual process that involves an independent third party (the mediator) assisting the disputing parties to reach a mutually acceptable settlement. Evaluative mediation has been identified by Folger and Bush as the “problem-solving approach” whereby the mediator actively directs parties towards settlement. Transformative mediation, however, focuses on empowerment and personal responsibility, with the idea that such mediation transforms both individuals and society. Each of the mediation styles listed above will affect the methods deployed by the mediator, and the particular approach of the mediator towards reaching a resolution.

The purpose of this paper is to consider the role of the international peace mediator in the conflict resolution process. Given that the deployment of mediation is a new technique in the conflict resolution process, this paper considers whether international peace mediators adhere to the classic, facilitative, style of mediation or whether other mediation styles, such as evaluative or transformation mediation, have been adopted. The paper will then provide discussion and analysis of the particular, and necessary, skills and characteristics of an effective international peace mediator.

Daly, Yvonne * QB0.09 CJ 1.2
Remedial Action for Pre-Trial Improprieties: Investigation, Rights and Exclusionary Rules

Suspects in the pre-trial period of the criminal justice process hold certain rights which must be respected by those investigating the commission of criminal offences. Where there has been a breach of suspect rights in the evidence-gathering pre-trial period, a later court may be called upon to consider the fairness or otherwise of admitting the evidence thus obtained and relying upon it in coming to a decision in the case.

Different jurisdictions have adopted differing rules in relation to improperly obtained evidence and the rationales for those rules vary between jurisdictions. In England and Wales, even with the introduction of s.78 of the Police and Criminal Evidence Act, 1984, the traditional rule generally favours the inclusion of all evidence. In Canada, improperly obtained evidence will be excluded at trial if reliance thereon would be likely to bring the administration of justice into disrepute. In the United States, the traditional rule is that improperly obtained evidence will only be excluded if such exclusion would have a deterrent effect, although this has recently been further restricted.

In Ireland, there is a dichotomy in the rules of exclusion whereby evidence obtained in breach of mere legal rights need not necessarily be excluded, but may be so excluded at the discretion of the trial judge, while evidence obtained in breach of constitutionally protected rights must be excluded, unless there are extraordinary excusing circumstances to justify its admission.

There has recently been a call for change in relation to the strict exclusionary rule on unconstitutionally obtained evidence in Ireland, with suggestions that the rule ought to be altered to allow for a balancing test in individual cases taking into account the benefits of exclusion, the costs of such exclusion and the rights of all parties, including victims.

In a comparative context, with particular regard to recent developments in the United States, this paper will examine the rationale for exclusion of evidence in Ireland, the basis of the current reformist debate and the potential need for change in this area of criminal procedure.

De Becker, Alexander * BI0.19 AJ 4.12
Comparing the Incomparable: Judicial Review in the United Kingdom and in Three Continental Systems: France, Belgium and the Netherlands: Converging and Diverging Tendencies

The concept of judicial review was historically differently conceived in the United Kingdom and in the continental law systems. It is still considered to be a fundamentally different concept in both legal worlds.

This is mainly due to the fact that continental legal systems are considered to know a fundamental difference between public law and private law, as a inheritance of the Roman Law tradition. The United Kingdom centralises the role of the concept of the Rule of Law, rather than drawing a sharp distinction between public and private law. The original “Diceyian” approach of the British legal system rejected the French “administrative” model and preferred a united legal system, where the central role was played by the Rule of Law.

However, the concept of judicial review is definitely linked to the elaboration of a certain autonomy of public law. The concept of judicial review is linked to the control by the judiciary power on the executive power. It includes the possibility to quash or annul decisions of governmental bodies or even larger of public bodies as long as they consider issues of public law.

This article tends to compare the terminological aspects of the above quoted description. The concept “public body” differs in each researched EU-Member State. It has each time to be explained within the framework of current administrative law in each of the researched EU-Member States. The framework of the different public law systems needs therefore to be clearly outlined within the scope of this article.

Judicial review in the United Kingdom

Judicial review was mainly developed as a consequence of the growing tasks of the governing bodies after the first industrial revolution and certainly after development of

the welfare state in the twentieth century.[1] The *Beveridge* Report included the major reform and the major evolution towards a full welfare state.

[1] H. BARNETT, *Constitutional and administrative law,* London, Cavendish, 2003, 839.

Devaney, Margaret * BI0.19 ITLC 3.9
Online Gambling and International Regulation: An Outside Bet

Up until quite recently the area of gambling and gambling regulation did not often feature in mainstream socio-legal debate. However, the advent of online gambling changed this. The question of whether gambling should be regulated at international level and of what form such regulation should take has become the focus of attention, especially within the European Union.

This paper will first consider the reasons why the growth of online gambling has lead to increased calls for regulation. These reasons include the socio-economic impact of online gambling and differing cultural attitudes towards the activity. The paper will then move on to consider the factors which hinder regulation of gambling at an international level, particularly focusing on regulation at EU level. These obstacles include (a) the wide divergence in approach to gambling regulation in different jurisdictions and the lack of consensus as to the risks of online gambling (b) the status of gambling as an activity of questionable morality (c) the borderless nature of the internet and the "lowest common denominator" regulation problem (d) the lack of gambling tax harmonization within the EU and (e) the development of new forms of gambling such as betting exchanges and spread betting and the new regulatory challenges which these activities give rise to. After assessing these obstacles, the paper will then briefly assess some of the regulatory options available to the EU along with the desirability of such regulation.

Dimopoulos, Andreas * BI0.18 HR 8.5
The UNCRPD and the ECHR: the Need for a Disability Protocol?

The first major UN human rights instrument in many years has been the adoption of the Convention on the Rights of Persons with Disabilities by the GA in December 2006. The Convention espouses the social model of disability and formulates human rights in a disability specific way.

In contrast to these changes in international human rights law, the ECtHR has interpreted the ECHR in a very hesitant manner with regards to disabled applicants, showing its general reluctance to take cognisance of the special problems that persons with disability face: social exclusion, inadequate provision of social care, interference with private and family life, access to court and fair trial. This attitude of the ECtHR is noticeable even in those judgments where a violation of an ECHR right is found: the reasoning focuses on issues other than the applicant's disability. It is only in cases involving the right to liberty that the ECtHR ventures to stress the vulnerability of the applicants.

This case law shows that the human rights protection afforded to persons with disability under the ECHR is very limited. Three reasons may be identified for this significant failure of the ECtHR. Firstly, the judges of the ECtHR may have low disability awareness. Secondly, the right arguments may have not been presented to the ECtHR, as the case law predates the UN Convention. Thirdly, the ECtHR is an international court, which feels it must respect the states' margin of appreciation, since disability may be considered as a national social policy issue.

A way forward would be to update the ECHR in a disability-specific way, bringing it in line with the UNCRPD in a new Protocol, based on the social model of disability. The Protocol should be applicable to any applicant claiming to have the status of a victim with disability. Having been satisfied of this status, the ECtHR should afford a heightened human rights protection to the applicant: e.g. a standard for claimable affirmative actions, prohibition of non-consensual sterilisations etc.

Dingwall, Gavin * BI0.17 SP 6.3
Beyond the Big Two: Sentencing Policy and 'Minority' Parties in the United Kingdom

Accounts of post-war penal policy have concentrated almost exclusively on the policies of the Conservative and Labour parties. This is hardly surprising as these parties have alternated between government and official opposition in this period. In recent years though, the political landscape has become more complex: following devolution, the Scottish parliament has responsibility for criminal justice; Northern Ireland, Scotland and Wales have all had experience of coalition government; and there is a realistic possibility of a hung parliament after the next general election. All of these factors suggest that a broader analysis of contemporary penal politics is required. After considering the policies of a number of 'minority' parties, this paper will assess the extent to which they represent an alternative to the sentencing policies adopted by the two main parties.

Direk, Omer * BI0.18 HR 4.9
Small Arms and State Complicity

Small arms have been a common tool in human right violations, and are now believed to be the real weapon of mass destruction. Many cases have revealed that the weapons of this kind have been transferred to the violators. As yet, there has not been an adequate controlling system at international level. However, there still have been a number of attempts to examine the legality of this issue, such as invoking the rules of the International Human Rights and Humanitarian Laws. Among these, one worth being focused. Namely, this is the state complicity of the countries in which the arms are manufactured and then exported to the violator actors under the ILC Articles on State Responsibility.

In this regard, the proposed study is aimed at understanding the participation of the home state in terms of international complicity. To do this, it initially seeks to find out how such states take a part in these complicated cases where private enterprises have involved as well. Following this is a broad focus placed upon the concept of complicity and its discussion in the context of the small arm transfers.

Doherty, Michael * QB0.11 LabL 4.5
Labour and the Law…Uneasy Bedfellows Still

Recent decisions of the European Court of Justice in a series of cases (*Laval, Viking, Rűffert* and *Luxembourg*) have sparked much comment across Europe about the relationship between law and contemporary employment relations, and, in particular, the role of trade unions and industrial action.

The strong legal regulation of the employment relationship that features in many European countries (seen, for example, in the statutory works council model) has traditionally been alien to the Anglo-Saxon world, where a reliance on what Kahn-Freund referred to as 'that indispensable figment of the legal mind, the contract of employment' has predominated. In terms of collective employment law, the Anglo 'voluntarist' model, premised on the avoidance of statutory regulation in favour of joint regulation by labour and capital has predominated. Over the last 25 years or so, however, the voluntarist model has come under challenge due to an explosive growth of legislation concerned with *individual* employment rights (much, but by no means all, driven by EU membership), and increasing legal intervention in the *collective* employment relationship.

This paper assesses the implications of this 'drift to the law'; the sense that the law -and, worse, lawyers- are becoming more and more involved in areas that had traditionally been the preserve of trade unions and employer representative bodies. In particular, the paper questions the increasing reliance of certain union movements, in the face of declining union density, on legal regulation over more traditional trade union action.

Donnellan, Laura * BI0.19 SL 2.9
The Regulation of Animal Cruelty in Sport

This presentation will examine the regulation of animal cruelty from the perspective of the law, sport and animal welfare statutes. Parallels can be drawn between the use of animals in sport and the legality of boxing. Some view hunting as socially unacceptable. It can be seen to encourage violence against the animals. A similar argument could be raised in regard to boxing. The aim of boxing is to hurt ones opponent more than he himself is hurt. There have been calls to ban boxing on the grounds of public policy. The House of Lords in *R v Brown* reviewed the issue of consent in sport and held that consent does not extend to cases involving actual bodily harm that is either intentionally or recklessly caused unless the case falls within exempted categories that includes lawful sports and games. In blood sports, for example, hunting, the aim is to terrorise and kill the fox. Using boxing as an analogy, the intentional infliction of harm on the fox encourages what is called a “cult of violence” and this arguably has a greater potential to harm society than the private sexual acts of the men in *Brown*. Do blood sports encourage violence against other humans and if so, is there a social interest in prohibiting such sports? As with boxing, the argument is that the banning of animal sports will only drive the sport underground and cause more suffering for the animals concerned.

Doughty, Julie * QB0.10 FL 8.1
Media Access to the Family Courts: What Happened to Children’s Rights?

In December 2008 the Minister of Justice announced that the law would be changed to allow the press and broadcasting media access to family proceedings at all levels of court. In 2007 the Department for Constitutional Affairs had decided against this course of action, following a series of consultations. It was stated that this conclusion had been reached largely because children and young people were opposed to the media attending.

This paper will examine the reasons for the change of policy and the implications for children, families and practitioners. The current law will be explained in the context of concepts of openness, transparency, privacy and secrecy. The consultation process, recent cases, and a comparison with other jurisdictions will be considered. These will show how children’s rights to privacy, protection and express their views have been marginalised in the current debate. It is concluded that it is unlikely that the media will attend family hearings, but that the impact of this rule change on justice for children has not been properly assessed.

Duggan, Marian * QB1.10 GSL 2.3
Exploring the Researcher/Researched Boundaries in LGBT Lives

Lesbian and gay lives inform seemingly 'academic' and complex literature and theory, which is then often criticised on the basis of intellectual inaccessibility. Whilst undertaking research with lesbians and gay men in Northern Ireland, it became increasingly obvious to me that many of my research participants had, either for their own degrees or of their own volition, read many of the theoretical and philosophical sources which were the bedrock of my PhD. This proved interesting with regards to the traditional “subject-object" distinction: were my participants' self reported realities constructed and understood on the basis of the theoretical literature? Many were also gay rights activists or employed in the LGBT voluntary sector. Trust and the compatibility of political perspective between the researcher and the research subjects are often mentioned in methodological analyses. However, the sophistication of the participants' perspectives in this case added an extra dimension to this area of the research. The possibility that the participants' life histories were edited for the benefit of political expediency is not easily dismissed.

Drawing on a recent research project, this paper examines the methodological implication of the blurring of the boundaries between researcher and research participant, the subject and the object, the theory and the practice.

Earle, Richard * QB0.15 LLP 1.8
Encouraging Mediation in the EC

This paper focuses on the EC Mediation Directive, the aim of which is to encourage increased use of good quality mediation within the EC, and the function of which is to delegate to Member States the necessary tasks. The Courts of Member States are assigned the task of encouraging the use of mediation in the context of intra-Community civil and commercial litigation; and the Governments of Member States are assigned the task of encouraging the availability of good quality mediators within the EC. The Directive identifies a number of factors which are intended to encourage the take-up of mediation. The first point of enquiry concerns the nature and effect of the Directive; and the second point of enquiry concerns the possible responses of the UK Government to the Directive. As to the Government's tasks, at one end of the spectrum of possibilities, the Government might bring forth a Mediation Bill which, if passed, would stand alongside the Arbitration Act 1996. At the other end of the spectrum, the Government might delegate its tasks to an institution, such as the Civil Mediation Council in England & Wales. The third point of enquiry concerns the freedom of movement of mediators, and the freedom of movement of parties seeking mediation, including whether the UK Government will seek to link education and training of mediators to EC laws on European qualifications and the recognition of national qualifications. The fourth point of enquiry is whether the English Courts will suggest mediation to the parties in cases in which jurisdiction under the Judgments Regulation has not been determined.

Edwards, Jennifer * BI0.12 ML 1.5
The Moral Step Back

There are numerous arguments, moral and otherwise, used to justify the distinction between active and passive euthanasia; between killing and letting die. Some, like Lord Browne-Wilkinson in the case of Airedale NHS Trust v. Bland 1 All ER 82, rely on the distinction between acts and omissions. Others rely on that between intention and foresight, and the resultant doctrine of double effect.

The efficacy and workability of these distinctions has been mooted and mooted again in academic journals, and through case law in recent years. Notably, James Rachel's claims that the act/omission distinction, in relation to active and passive euthanasia is conflated, as the outcome of both forms is the same.

This paper is based on what the speaker terms "The moral step back". The concept refers to the way in which doctors who perform euthanasia, or assist in suicide, distance themselves morally from the results of their "actions". Harris terms this idea "The argument from self-deception" and describes its underlying ethos: "the idea that they (doctors) are only "letting nature take its course" allows them to distance themselves from the death" and fit their part in events more comfortably into their conception of the medical role.

The aim of this paper is twofold:

(i) to ground the discussion by exploring the idea of "killing" and discussing whether it is ever "permissible" to kill.

(ii) to draw out the concept of the "moral step back", evaluate it in relation to the act/omission distinction and ultimately refute it.

Eijkholt, Marleen * BI0.12 ML 3.6
Procreative Autonomy and the New Human Fertilisation and Embryology Act 2008: Finally a Conception?

The new Human Fertilisation and Embryology Act 2008 gives rise to questions about the principle of procreative autonomy: how do the provisions of the new Act stand in relation to this principle? Has the Act changed its interpretation?

On the one hand, the HFE Act 2008 seems to allow the creation of "saviour siblings", expand treatment services, and endorse the direction taken in the Hashmi case. According to Sheldon, this case, which was ruled under the 1990 HFE Act, implied a "recognition to the procreative autonomy": it would affirm the procreative autonomy of those "who make use of treatment services, locating such services firmly within the range of techniques available to help those who wish to control their fertility and make planned decisions about reproduction". On the other hand, the new 2008 Act seems to have taken a step back. It restricts the use of specific embryos and excludes certain individuals from donating their gametes. There are strong indications that this would rule out the selection of an embryo with a hearing deficiency, and, similarly, makes it unlikely that wanna-be parents could propose a donor conveying conditions such as dwarfism or gigantism. Consequently, deaf parents, for example, who desire to beget a deaf child like themselves, seem to be limited in their procreative decision-making, and similarly, gigantic parents do not seem to have a choice for a child that can function on their level. So should we conclude that the Act determines that we are not allowed to choose for smallness under the principle of procreative autonomy, but opting a blood group and blue eyes is okay?

This paper concentrates on the following questions: How do the new provisions relate to the principle of procreative autonomy? Do its provisions endorse the principle, or should the 2008 Act be seen as restricting the principle, by sketching its outlines? What do the Act's limitations mean for the principle of procreative autonomy: could we now say that the principle finally is provided with concrete content?

Elliott, Tracey * QB0.09 CJ & MC 4.2
Capacity, Sex and the Mentally Disordered

This paper examines the civil and criminal law in relation to the issue of the test for capacity to consent to sexual relations, focusing in particular upon the recent civil cases of *X City Council v. MB, NB and MAB* [2006] EWHC 168 (Fam); In the Matter of *MM (an Adult)* [2007] EWHC 2003 (Fam), and the recent criminal appeal of *R v. C (Mental Disorder: Sexual Activity)* [2008] EWCA Crim 1155. In formulating a satisfactory test for capacity to consent to sexual relations, the law is faced with a difficult balancing exercise: the vulnerable need to be protected from exploitation and abuse, yet adequate respect must still be paid to the right of mentally disordered adults to enjoy a private life, including a private sexual life. In this paper it is suggested that, whilst Munby J. in *X City Council v. MB, NB and MAB* formulated an appropriate and workable response to this balancing exercise, the same cannot be said of the Court of Appeal's approach in R v. C to the issue capacity to consent to sexual activity and the interpretation of the phrase "unable to refuse" in s.30(2) of the Sexual Offences Act 2003.

Ellison, Louise & Munro, Vanessa * QB0.09 CJ 6.1
Exploring Deliberation Dynamics in (Mock) Rape Juries

Reforms under the Sexual Offences Act 2003 notwithstanding, the jury continues to play a pivotal role in determining criminal liability in rape trials. Research with "real" juries is prohibited, and previous simulation studies often lack verisimilitude - either by relying on minimalist stimuli, neglecting the appropriate legal tests, or omitting any collective discursive component. Without trivialising the complexities involved in extrapolating from the experimental to the "real" trial context, this paper outlines the findings of a mock jury study in which members of the public were asked to deliberate towards a unanimous verdict, having observed an abbreviated rape trial reconstruction, which was enacted in real-time by actors and barristers, with instruction provided in line with the JSB Specimen Direction. It will reflect on the structural processes (including the presence of a foreperson, inter-personal dynamics, and the deployment of various persuasive

strategies) that framed the tone and direction of collective discussion. In so doing, it generates further insight into what may go on behind the closed doors of the jury room in rape cases, and sheds light on the ways in which differently composed juries faced with the same stimulus may not only reach divergent verdicts but may embark upon radically different routes to reach the same destination.

Farran, Sue * QB1.10 GSL 4.4
Pacific Perspectives: *Fa'afafine* and *Fakaleiti* in Samoa and Tonga: People Between Worlds

The law is full of labels which serve to define the concept, person or principle under consideration. These labels have their uses but can also create straight-jackets, stereotypes and false understandings. In particular this may be problematic when applied in different social and cultural environments. This paper considers some of the challenges posed by groups of people in the Pacific countries of Samoa and Tonga. A variety of labels may be used to describe such people: transgender; gender-liminal; transvestite; gay, but one label that encompasses them all is that they are legally-liminal – beyond the pale of the law. In these countries homosexuality is illegal, there is no Gender Recognition Act, no protection against discrimination on the grounds of sexual orientation, no Civil Partnership Act. They are also countries which are strongly Christian, patriarchal, and very traditional: Tonga has a feudal social structure and a monarch, while in Samoa, life is governed by the *fa'Samoa* – the customary way.

In their own countries they are called *fa'afafine* in Samoa ('effeminate man or youth') and *fakalieti* in Tonga (literally 'like a lady'). Originally associated with traditional taboos, they have a place in customary society, but are also influenced by the more global contemporary social picture. In particular gender developments in New Zealand are important because of the large number of Polynesians living there, the frequent exchange of visits, the practice of remittances and the close ties of extended family members. In many respects therefore, they find themselves between two worlds: gender enlightened and gender-repressed.

Farrell, Ann-Marie * BI0.12 ML 2.5
Managing Risk and the Politics of Regulating Human Material

This paper examines the politics of EU risk governance in relation to human material. It is argued that the political context has informed the way in which risks in relation to various types of human material have come to be defined as policy problems at EU level. In turn, this has influenced the design and/or persistence of institutional arrangements to manage such problems. It is further argued that this political context has resulted in a significant level of disconnection in risk governance in the area. This has happened in two ways. First, there has been a growing level of disconnection between institutional and stakeholder demands for a more expansive approach to risk governance in the area and the narrowly-circumscribed competence under Article 152(4)(a) EC, which permits the adoption of risk regulation regimes that set minimum standards of quality and safety in relation to blood, tissue/cells and organs. Second, it has led to the development of institutional arrangements that promote a bifurcated approach to risk governance, specifically in relation to blood and tissues/cells. Although a hybrid of traditional and new governance mechanisms have been employed to address this problem of disconnection, this has nevertheless added a further layer to already complex institutional arrangements for risk governance in the area. It is suggested that a more integrated approach to EU risk governance in relation to human material is needed. Implementing such an approach would contribute to greater clarity, transparency and accountability in decision-making processes, and this could enhance public trust in what is a politically-sensitive area of governance at EU level.

Fortin, Jane * QB0.10 FL 8.1
Do All Children Really Have a Right to Knowledge of Their Origins?

The relative ease with which it is now possible to establish the identity of a person's forebears is obviously one of the factors driving the developing view that everyone has an in-built need to know the "truth" of their origins. It is undoubtedly provoking a dislike of secrecy being allowed to mask the true situation. The lessons gained from adoption research are also compelling. It appears that information about children's origins gives adopted children the ability to place themselves in a social context. Furthermore, concealment and secrecy contribute to children's sense of bewilderment if told later that they have been brought up in the incorrect belief that their present carers are their birth parents.

Other groups of children could make similar claims. Children born with the assistance of donor conception have already gained the right to discover the identity of their fathers: a reform which has gone some way towards fulfilling the aims of the knowledge of origins "lobby". But since few parents using donor conception tell their children the circumstances of their conception, the lobbyists now want further reforms ensuring that donor-conceived children have the method of their conception indicated on their birth certificates.

This paper will argue that the lessons from the adoption research are not necessarily applicable to other groups of children and that further reforms are unnecessary. Human rights law goes some way towards supporting the notion that all children have a right to know the identity of their parents but makes it clear that such a right is not an absolute one. The paper will urge that the arguments favouring further reform are being driven by false assumptions about the importance of the biological link between parent and child. It would also pander to a society entranced with the idea of tracing their forbears. More dangerously, providing all children with the right to know their origins would play into the hands of an authoritarian government, allowing it to justify significant invasions of individual privacy.

Giuseppe, Martinico * QB0.16 EurL 3.11
The Reform Treaty Between European Constitution and European Evolution

The debate on the EU constitutionalization is at a crossroad: if constitutionalization is conceived as a constructivist design which is characterized by a written document and led by a precise and linear political will, we are forced to conclude for the irremediable constitutional failure of the EU. On the other hand, when constitutionalization is conceived as a spontaneous process sprung from the activity of cultural forces, the latest judicial trend can be regarded as the strongest attempt to ensure the coherence of the EU constitution compos. The subject of this paper consists of a reflection on the current phase of the EU integration. This works provides a view on this matter which is less pessimistic than that usually given by the literature.

This paper is divided into two parts: in the first part, by adopting the constructivist approach to constitutionalization, I am going to describe the feeling of fragmentation which would characterize the EU after the national referenda. In the second part - after changing the perspective - I am going to show how the ECJ has reacted to the centrifugal judicial forces which would threaten the interpretive monopoly of the master of treaties. As we will see, the change of the perspective (from that viewpoint of the political sources of law to that of the cultural sources of law) implies a different evaluation of the current phase of EU integration and this factor allows us to overcome (partially at least) the sense of disappointment which seems to characterize the main literature currently.

Glancey, Richard * QB1.12 LE 5.8
Why do I Have to Study Jurisprudence?

Students have often complained about having to study Jurisprudence, complaining that the subject is too vague and is a pointless exercise for them.

This paper is by a very recently appointed lecturer in Jurisprudence who studied the same course which he is now teaching upon. He is able to bring the student perspective

of studying Jurisprudence to the teaching team. His view from the other side of the fence allows him to relate to the student experience with the hope of being able to enhance the teaching of the subject.

His paper will begin by discussing the student perspective of studying Jurisprudence from his own experience and that of his fellow students, as well as from feedback obtained from subsequent students via questionnaires. The paper will then move to his perspective of teaching Jurisprudence and how it differs from studying it. Following that, his paper will consider some different ways of teaching Jurisprudence with his newly perceived view of the advantages and disadvantages of some approaches. Finally, the paper will comment upon the challenges of getting students to embrace the subject and will conclude by asserting the teaching of Jurisprudence is a positive component enabling the enrichment of the student experience. Comments from the audience and an opportunity for discussion will be welcomed.

Glover, Richard * QB0.09 **CJ 5.2**
Can Dishonesty be Salvaged?

This paper is prompted by the grounding of the MSC Napoli in 2007 and the scenes of plunder that followed containers being cast onto Branscombe Beach. The inter-relationship of maritime law, environmental law and criminal law is complex but this paper will put these issues to one side and focus on the problem posed for the police by the ambiguous nature of dishonesty in the law of theft. There were very mixed views as to whether what happened was morally right, with even some public figures such as Baroness Mary Warnock, suggesting that they would have been on the beach had they been in the vicinity. Others were less gung-ho, particularly when the belongings of a private individual, being shipped to South Africa, were intercepted by the people on the beach. This paper will suggest that the incident highlights the need for greater certainty in the definition of dishonesty.

Gooderham, Peter * BI0.12 **ML 4.6**
Contributory Negligence in the Clinical Setting

Contributory negligence is a partial defence which is familiar to tort lawyers, but is extremely rarely used in the clinical setting in England & Wales. It is, however, used more frequently in jurisdictions in Canada and the United States of America. It may be that this will stimulate its increased use in England & Wales; Canadian precedents were cited in *Pidgeon v Doncaster HA* [2002] Lloyd's Rep. Med. 130, one of very few cases in which a claimant in a clinical negligence case was found to have been contributarily negligent.

One justification for the use of contributory negligence in these jurisdictions is that it is a corollary of the increased recognition of patient autonomy. That is to say that if patients enjoy increasing control over their own treatment, and greater influence over clinical decision-making, then they carry greater responsibility if they have contributed to harm arising from clinical negligence.

There are, of course, resource issues to consider as well. I have argued elsewhere that the National Health Service (NHS) has been developing special status as a defendant, with the effect of reducing its liability.[1] This can be seen in judicial decisions such as wrongful conception cases.[2] It can also be perceived in s.100 of the Courts Act 2003 and the NHS Redress Act 2006.

The NHS Constitution was published on 21 January 2009 and in addition to rights, states patient responsibilities.[3] These might conceivably translate into grounds for arguing contributory negligence.

The Home Office has shown a willingness to argue contributory negligence, arguably quite outrageously.[4] It is argued that for various reasons, the NHS Litigation Authority might be expected to do the same.

[1] Gooderham P, Special treatment?, New Law Journal, 157 (2007) 694-695
[2] *McFarlane v Tayside Health Board* [2000] 2 A.C. 59; [1999] 3 W.L.R. 1301; [1999] 4 All E.R. 961; *Rees v Darlington Memorial Hospital NHS Trust* [2003] UKHL 52; [2004] 1 AC 309; [2003] 3 WLR 1091; [2003] 4 All ER 987 ...
[3] NHS Constitution for England, Department of Health, 2009. Available at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_093419 Accessed 23 January 2009.
[4] *Ryan St. George v Home Office* [2007] EWHC 2774 (QB) and on appeal, [2008] EWCA Civ 1068.

Grace, Jamie * BI0.12 ML 4.6
Healthy, Wealthy & Wise: NHS Data-Management Values in Context

The NHS is constantly challenged to stretch its resources as effectively as possible. Initiatives such as NHS Direct "allowing 'service users' to access basic medical advice quickly and inexpensively" are steps forward; but the NHS itself is under scrutiny from public and media pressure fuelled by freedom-of-information values and a corresponding legal framework under the Freedom of Information Act 2000.

The NHS is taking steps to respond to ever-growing public and political pressure to improve its service delivery and patient care, and is doing so by thinking smart: NHS information technology systems are being improved on a widespread basis, and the almost unimaginable amount of personal data the NHS controls "and generates" on patients and families is being marshalled to provide NHS researchers and research affiliates with all-new levels of complexity in the raw data available to them.

It may be that a bifurcated approach to information security management and patient data manipulation would be the most moral or ethical and low-risk for patients cared for by the NHS; and offer the least culpability for NHS managers should problems arise with the security of the research projects and processes that will make up the "Connecting For Health" agenda.

The NHS, it will be argued, is the foremost organisation of its type in Europe planning and strategy for 'joined-up', information technology-driven research: and has a responsibility to promote best-practice techniques and values across countries subject to European data-protection law.

Gray, Andy * BI0.19 SL 1.10
Child Protection in Sport: Sports Governing Bodies as Prosecutor of Last Resort?

Many sporting organisations are only too familiar with the situation where an initial referral having been made to the police authorities an investigation is embarked upon which subsequently (for a variety of reasons) may forestall.

By way of example:-

Swimming Coach, Mr Tarquin Benyon is made the subject of police investigation for alleged indecent assault of a girl aged 15. Upon notification to British Swimming he is made the subject of a Temporary Suspension. He remains suspended for 6 months during the police investigation. CPS determines there is insufficient evidence to proceed. British Swimming are advised.

The reason for failure (or indeed discontinuation) of the case may have been the evidential hurdle against which cases fall to be considered under the English criminal law, i.e., proof beyond any reasonable doubt.

In these circumstances the matter may well be referred back to the sporting governing body, not least due to the fact that the governing bodies own internal disciplinary process will commonly operate against the English civil law standard of proof, i.e., "balance of probabilities", a lower burden proposed upon the "prosecuting body". Does this then mean that there will be a need to replicate the criminal charges before a governing body

domestic tribunal? If this is to be the case then indeed the governing body is acting as "prosecutor of last resort" and this may be an invidious position in which it finds itself.

This paper will seek to identify the problem areas and put forward an alternative case management model.

Green, Andrew * QB0.13 **KW 2.10**
The Territories of Criminal Justice
Keyword: Space

Policing defines the territories which are under the control or direct influence of criminal justice and those which are beyond its control, unknown, and presumptively chaotic. From the latter, it selects the territory which it seeks to control and make knowable, assisted by recent laws in the UK. The boundary between the controlled and the chaotic, the known and the unknown, does not mark a progressive advance on the part of policing but rather is subject to constant redefinition of where the boundary lies and re-colonisation of what is beyond it, but which on occasion might appear to be already within it. The territory of interest to policing may be actual, marked on a map, or perhaps metaphorical, such as the hidden territory of a mind, but is always treated in the same way, as a space already filled, and metaphor and reality blur and become indistinguishable. The outcome of the definition of terra incognita which is of interest to policing has, however, clear effects, including the production of knowledge of individuals and communities and the placing of territory, individuals or groups of people outside the known and orderly space inhabited by police and the rest of government.

Griffiths, Danielle & Alghrani, Amel * BI0.12 **ML 2.5**
Impact of the Criminal Process on Healthcare Practice

In the United Kingdom there has been a recent and substantial increase in the rate of prosecutions of doctors for manslaughter. A similar marked increase occurred in New Zealand in the last decade of the Twentieth century.

Up until the Crime Amendments Act 1997 was passed, the New Zealand criminal law could be used to punish health care professionals who had caused death or bodily harm by "ordinary" negligence (s155 crimes act 1961): negligence which did not cause death but caused actual bodily harm could also amount to a criminal offence (s190 Crimes Act 1961). Such legislation in New Zealand resulted in a large number of criminal prosecutions of negligent health care professionals compared with other Commonwealth jurisdictions. Additionally, New Zealand differs from most other countries in that it operates a no fault compensation scheme, which means doctors are largely protected from civil claims for damages that arise directly or indirectly from their own negligence.

This paper will use the experience of New Zealand in order to explore the possible implications of the criminal law becoming a major actor in the regulation of aberrant professional conduct in the United Kingdom. Based on empirical and doctrinal research conducted in New Zealand in early 2009:

1. We will look at how the use of the criminal process has impacted the health care profession, how effective was criminal recourse, and did / does the criminal prosecution of health care professionals result in better healthcare and patient safety? We will also examine why did patients who, with a no fault system, have accessible civil remedies, still seek criminal redress?

2. The research is being conducted as part of an AHRC funded project, "The Impact of the Criminal Process on Health Care Ethics and Practice", led by Professor Margot Brazier at The University of Manchester. Interviews are being conducted with a wide range of relevant parties in New Zealand including Prof Peter Skegg, Alan Merry and Ron Patterson.

Guth, Jessica * QB1.12 **LE 6.7**

Why Would You Bother? International Mobility of UK Law Students'

This paper considers international mobility of law students from the UK. It is based on a pilot study conducted in 2008 which was funded by the SLSA small grants scheme. As well as giving an insight into the motivations for and barriers to the international mobility of law students, it also maps out the questions in need of further examination. In particular it considers the importance of 'mobility channels' (Williams et al 2003) and 'mobility socialisation' (Ferro 2006) as facilitators of student mobility in law.

Guth, Jessica * QB0.11 LabL 2.4
The Equality Duty and Academic Careers: Never the Twain Shall Meet

The Equality Act 2006 introduced a new section 76A into the Sex Discrimination Act which imposes a general and positive duty on Public Authorities to promote equality. They must have regard to the need to eliminate discrimination and harassment and should produce equality schemes and action plans to help them achieve equality in all aspects of their work. This paper reports on one aspect of a recently completed pilot project considering the progression of Women in Higher Education. It examines how far the equality duty extends and what obligations it places on public institutions. It then takes a detailed look at the implementation of policies at the University of Bradford and asks whether an equality duty in law can make a difference to the real lives of academics working in public institutions.

Harrison, Karen * BI0.17 SP 4.10
The Development of Dangerousness in Penological Discourse

The term "dangerous offender" is one which is banded around by the media, the public and politicians alike and is used so much in modern society that it has encouraged and perhaps even instigated yet another moral panic. Whilst the term would thus appear to be in common parlance, even within academic circles, this paper looks at what the terms "danger", "dangerous" and "dangerousness" actually means in penological terms. Tracing the historical use of the terms, including the recognition of "dangerous classes" rather than "dangerous offenders" it assesses whether definition should be limited to sexual and violent offenders, as current sentencing policy would suggest; or whether it should include other groups of "risky" offenders. Conversely how useful is it to focus on "dangerous offenders" or would the idea of "dangerous classes" of offenders be more useful? Finally, and cautiously, it questions whether we should be using these terms at all; asking whether labelling someone as dangerous and another as presumably safe instead creates an unrealistic and, more importantly, precarious dichotomy.

Hayes, Niamh * BI0.18 HR 5.10
Migrant Workers in the United Arab Emirates and the Limitations of the International Human Rights System

Migrant workers make up 80% of the population of the United Arab Emirates and 95% of its workforce. A significant majority of this migrant worker population, particularly those from South Asian countries, is forced to survive in appalling conditions and endure widespread and systematic violations of their human rights as well as wholesale denial of basic labour rights. The UAE frequently operates the kafala system of employment where workers are tied to a single employer. It is commonplace for employers to confiscate the passports of their employees, who are then effectively trapped in debt bondage, a condition which has in some cases been likened to a form of modern-day slavery. Workers are routinely forced to live in cramped, overpopulated, unsafe and unsanitary living conditions, are denied or underpaid their wage entitlements, are required to work exhausting hours in hot weather and unsafe working conditions and suffer from serious mental health problems brought about by their conditions of life. The UAE's labour laws are weighted almost entirely in favour of the employer and deny collective bargaining, freedom of association, the right to strike and the right to form trade unions.

This paper will examine the difficulties involved in seeking redress for violations of migrant workers' rights by the UAE. The domestic legal system offers very little accountability and most efforts to address this issue internally have been piecemeal, cosmetic and temporary, normally in response to negative international attention. Several human rights organisations have produced reports highlighting human rights abuses by the UAE, but attempts to provide for any meaningful progress on the issue through the United Nations human rights system or International Labour Organisation have been frustratingly ineffective. This paper will examine the limitations of the current international human rights system, its lack of enforcement and the ease with which promises can be made as a result of international scrutiny but not delivered on.

Healey, Patty * BI0.12 ML 4.6
Ethical and Legal Implications of the Learning Curve

Demand for less invasive surgical intervention has increased in recent years resulting in surgeons occasionally being pressurised into adopting new techniques before evidence of safety and efficacy has been established. Unlike pharmaceutical research, most innovative surgical procedures enter surgical practice without regulatory oversight. This anomaly was recently highlighted in the "Bristol Report" resulting in a recommendation that unproven therapies or surgical techniques be subjected to ethical overview or independent oversight.

When a novel technique is introduced, the surgeon will find himself/herself gaining proficiency and experience on suitable patients. Hence the surgeon embarks on a "learning curve". A learning curve can be defined as a graphic representation showing the relationship between experience with a procedure and outcome. Studies demonstrate that learning curves generally "flatten out" as experience increases, resulting in fewer complications and less of a need to convert to the standard procedure.

In addition to lack of regulatory oversight, it is this learning curve that gives rise to many ethical and legal dilemmas. This paper considers the ethical issues relating to a surgeon's candour and clinical equipoise, the legal standard of care in a negligence action and the ethical and legal implications regarding risk disclosure during informed consent. The paper concludes by considering a more patient centred approach where new and innovative therapies are being considered in order to ensure good medical practice and avoid litigation for allegations of negligence or breach of human rights.

Healy, Ron * BI0.17 IP 7.8
Three Hundred Years of Copyright: Have We Gone Full Circle on the Use of Technology to Address Limitations in Distributing Public Performance Broadcast Royalties?

Copyright is ancient in computer science terms, being born in the Statute of Anne (1710) in Britain, but it is a valid area of active computer science research. The Statute was introduced to prevent authors being exploited by publishers copying their works and doing so "to their very great detriment and too often to the Ruin of them and their Families". In this case the works in question were books but Copyright now extends to much more.

Digital Rights Management (DRM) technologies in digital audio and video have received much attention in recent years, with various efforts made to protect content. Some were technically successful but not well received by end-users. Others were not particularly successful, falling to the efforts of hackers and others, whose sole purpose is to promote the idea that there is no such thing as perfect protection that cannot be broken. Still, much research effort in the field of Computer Science is devoted to pursuing such protection. Digital fingerprinting, digital watermarking and various combinations of the two have been proposed

One area of research that has received comparatively little research attention is that of the collation and distribution of public performance royalties. One reason for this is

because public performance royalties do not cause any financial losses to the Music Industry as does illegal copying. Indeed, the opposite is true. It is apparent that not only do incorrect royalty distributions drastically affect musicians and performers; they do so in such a way as to create the reverse effect for which the concept of Copyright was invented and evolved into an economy worth more than €5Bn in Europe alone. Instead of providing accurate payments to those whose works were used, today's royalty distribution systems penalise developing and unrepresented artists while over-compensating well-established artists, publishers and copyright owners.

The purpose of this paper is to discuss the design and implementation of a blind-detection digital audio watermarking system that will enable automatic accurate and transparent monitoring of public performance of both digital and analogue transmissions using modern computer technology in order to generate accurate royalty distributions to authors.

Hennelly, Sean * QB1.10 GSL 5.6
Public Sex and the Law: The Current Situation and Media Coverage

Recently, there has been a lot of media coverage and controversy surrounding sexual acts carried out in public spaces, and different perspectives and opinions have been voiced. This is an area however that has seen a complete lack of reform, which is startling in comparison with other areas that have seen reform in the last ten years. This paper will examine the current state of the law relating to men-who-have-sex-with-men in public spaces, and it will also explore different media responses to the ever contended subject.
The paper will explore in particular 'cottaging', and the policing of it. It will also explore the overall media responses and coverage to this phenomenon both online and otherwise.

Higgins, Noelle * QB0.16 CSL 4.8
Engagement with Actors in Times of Conflict

Engagement with Non-State Actors in Times of Conflict International law is state-centric. It is made by states to regulate the behaviour of states. However, non-state actors are becoming increasingly more active in the international arena, including in the field of conflict and security law. While in theory some non-state actors can be somewhat regulated under international humanitarian law, in practice this very rarely happens. Non-state actors are generally treated as criminals and operate outside the rubric of international law. It is argued that the current paradigm of international law is of detriment to the international community. Engagement with non-state actors in the form of dialogue, discussion and the application of international law norms to such actors, could not but help to ameliorate conflict situations for combatants and civilians alike. Many non-state actor groups have been vocal in demanding a level of recognition under international humanitarian law. One recent and very important progression in this field has been the initiative of Geneva Call. This organisation has recognised the need for the expansion of the field of application of international humanitarian norms to include non-state actors. This has culminated in the formation of a Deed of Commitment to the Ottawa Treaty on Landmines, whereby non-state actors can sign and abide by the terms of the treaty. So far, 35 armed groups have signed the Deed and abided by their commitment to international humanitarian law. This paper will set out the means and benefits of engaging with non-state actors in times of conflict.

Hoffmann, Tamás * QB0.14 HL 3.8
The Strange Notion of Internationalization of Internal Armed Conflicts

There is a widely shared recognition among international lawyers of the idea that outside intervention into a non-international armed conflict will transform the entire conflict into a single international armed conflict. This theory, which has been reaffirmed in the jurisprudence of the ICTY, is originated in the area of "proxy wars" when it was argued that any internal conflict which involves outside interference is in reality an international

armed conflict.

My proposed paper will attempt to demonstrate the fallacy of this doctrinal approach and argue that it is hardly reconcilable with the post Second World War regulation of the law of international armed conflicts, which is based upon the actual existence of an armed conflict between two states.

The presently prevailing doctrine suffers from internal inconsistencies and it has difficulties in justifying why the legal regulation should treat numerous and often simultaneous armed conflicts as a single unit, even if some conflicts are evidently internal in nature thus contradicting the raison d'être of this theory, i.e., its perceived proximity to reality. Such an approach is hardly ever accepted in state practice and even the ICTY jurisprudence introduces the notion of parallel application of the law of international and non-international armed conflicts, which is difficult to square with this concept.

The conclusion of the paper therefore suggests that a thorough perusal of existing state practice (e.g. the 1999 Kosovo intervention or the 2006 Hezbollah-Israeli conflict) and a coherent doctrinal approach necessitates the conclusion that the doctrine of internationalization should be replaced with the notion of parallel application of humanitarian law. Even if such an approach results in a "confusing web of norms", this doctrine is the only one which is both grounded in doctrine and state practice and reflects the reality of the complexity of contemporary conflicts.

Hohmann, Jessie * QB0.13 KW 2.10
Physical Space and the Role of Human Rights in Social Inclusion: The Right to Housing in Mumbai
Keywords: Identity, Participation, Space

Social struggles over and around the right to housing have a long history in Mumbai. India's unique housing rights jurisprudence stresses the role of the right to housing in human dignity, human flourishing, and, ultimately in the creation of the citizen. However, the right to housing remains contested and struggles to control this right, which play out at grassroots, "civil society" and judicial levels, reflect attempts to manage and re-imagine the physical manifestation of Indian society.

This paper considers the role of the right to housing in competing visions of social transformation in Mumbai. On the one hand, the right is invoked to fulfil a vision of economic and social inclusion for the poor, informal settlers, and rural migrants who seek to participate fully in the economic and social opportunities presented in India's cities. On the other, the right is a tool of social design for a "world class" city, in which the physical organisation of space serves the interests of the aspirant middle classes.

The paper illustrates that struggles to "control" the right to housing play a role in the physical manifestation of the social order. Significant consequences for the exclusion of people from meaningful social participation follow, such that the right to housing is involved at the deepest level in fundamental questions of citizenship.

Horne, John * BI0.12 MH 7.3
The Mental Health Tribunal: Truly a Safeguard?

For many years the Mental Health Review Tribunal (as was – since the coming into effect of much of the *Tribunals, Courts and Enforcement Act 2007*, the shortened title of Mental Health Tribunal is more appropriate) has been seen as a major safeguard for the patient detained under mental health legislation. The existence and practice of the Tribunal is widely acknowledged to satisfy the requirements of Article 5(4) *European Convention on Human Rights*, namely by acting as 'the court' which decides the lawfulness of detention speedily and orders release if the detention is unlawful.

What I would like to explore in this short presentation is the extent to which the Tribunal truly *is* a safeguard. Drawing on my knowledge and experience both as an academic working in the mental health law field and as a part-time Tribunal Judge, I will consider issues of concern around

- Process e.g., *application rights; tribunal composition; non-disclosure of reports; the medical member's role;*
- Statutory criteria to be applied *e.g. 'nature or degree'; the 'availability of appropriate treatment' test;*
- Duties and powers *e.g., the absence of any powers to enforce after-care or vary conditions of a community treatment order.*

I am keen to learn from those present (e.g., legal theorists or social scientists) how any observations I make might, fit in with theories which assist us in our understanding of how judicial processes actually work in practice.

Hubbard, Philip * QB0.15 RS 5.5
Consuming Sex: Socio-Legal Shifts in the Space and Place of Sex Shops

The production, circulation and consumption of pornographic and erotic materials such as magazines, DVDs, sex toys. fetish-wear and lingerie has always been subject to forms of regulation because of the perceived potential of such items to corrupt and deprave "the innocent". As such, while the state and law has rarely sought to repress such materials entirely, a stock response has been to reduce the visibility of, and access to, such materials through a variety of judicial and legislative measures. Yet the outcomes of such interventions have rarely been predictable or clear-cut, something we explore in this paper with reference to the changing regulation of sex shops in Britain and France from the 1970s onwards. Noting the difficulties the state and law has in legally-defining such spaces of sex consumption, this paper traces the ways that diverse and diffuse forms of control have combined to limit the overall number and visibility of sex shops, as well as shaping their design, management and marketing. Noting tendencies in both Britain and France towards more gentrified and "designer" stores, as well as the increasing mainstreaming of sex consumption, this paper argues that regulation has hence been complicit in a process of neo-liberalisation that has favoured corporate sex shops without this ever having been an explicit aim of those who have instigated laws and policies designed to regulate spaces of sex commerce.

Hucklesby, Anthea * BI0.17 SP 5.4
Tackling the Drugs/Crime Link Through the Remand Process: Some Findings from the Restriction on Bail Pilots

One of the major policy initiatives within criminal justice in the last decade has been the growth of measures to tackle drug-related offending mainly through the Drug Interventions Programme. The introduction of Restriction on Bail (RoB) was part of this initiative and was aimed at plugging the gap in the provision of drug interventions in the criminal justice process between the police station (arrest referral schemes) and sentencing. RoB empowers the courts to require defendants to attend drugs assessment and treatment as a condition of court bail. The initiative is part of "tough choices" agenda whereby defendants have the "option" to undergo drug assessment and treatment or be

remanded in custody. It is particularly controversial because of the unconvicted status of defendants and the element of coercion it involves.

This paper draws on the findings of an evaluation of the Restriction on Bail initiative. It discusses some of the findings of the research particularly in relation to compliance and its main aims of channelling drug-using defendants into treatment and reducing offending on bail. It then goes on to explore variations between pilot sites in the operation of RoB focusing on the influence that the different cultures and working practices of health and criminal justice sectors had on the provision of RoB, its outcomes and the experiences of defendants. The broader implications of the findings for the provision of drug treatment within the criminal justice process will be explored.

Hunt, Jo * QB0.16 EurL 2.8
Decentralisation and Difference in EU Law

However beneficial devolution may be from the perspective of subsidiarity and democratic accountability, it must not come at the cost of (de facto) endangering the …effet utile of community law'. (Opinion of AG Sharpston, Case C-212/06 *Government of French Community and Walloon Government v Flemish Government,* para 118).

In very many States of the European Union, law making powers are held by regional, sub-national bodies, bodies which are involved in the processes of implementing the Member States' EU law obligations. Nothing in the EU legal order would appear to present any fundamental difficulties with the handing over of the task of implementing EU law to sub-national administrations in those States which are constituted along devolved or otherwise decentralised lines. Furthermore, it is not uncommon for EU legislative measures to explicitly envisage that implementation will be undertaken at a regional level –this is particularly so in the case of environmental law, and agricultural law, where the geographical scope of an implementing measure may have particular significance for its practical operation. However, such differentiated regional responses may create their own tensions under EU law, tensions alluded to in AG Sharpston's opinion (above), and which arise from *inter alia* the perspective of fair competition, the demands of the internal market, and the principle of equality. This paper reviews a selection of recent cases drawn from a range of policy areas in which the European Court of Justice has been called upon to determine the legality of decentralised, devolved policy responses, and suggests that these cases can be seen to be developing a firmer notion of a 'Europe of the Regions' than has previously been reflected in EU law.

Hunter, Caroline * QB0.10 FL 7.1
Parent Abuse: Some Initial Thoughts on a Hidden Problem

In recent years a number of government initiatives have highlighted the continuing importance of developing effective action to deal with the enduring problems of domestic and sexual violence. There has however, been a failure to acknowledge the associated problem of 'parent abuse' i.e. the physical abuse of parents (most frequently mothers) by children who are aged under 18. Empirical evidence from studies carried out in the USA, Canada and Australasia suggests that whilst this form of family violence has a high rate of occurrence and is increasingly prevalent 'parent abuse' remains one of the most under-researched form of family violence. Within the UK the authors have not been able to locate any literature on 'parent abuse' although their recent work into Family Support Projects serves to illustrate that there is indeed a similar problem in the UK. The paper draws on this work and what is known form the international literature to outline the nature of the problem of 'parent abuse'. While considering the potential legal responses in the UK, the paper asks the question whether the legal models adopted for domestic violence and/or anti-social behaviour are appropriate in this case.

Hunter, Rosemary & Gaze, Beth * QB0.11 KW 8.10
Enforcing Equality: The Need for Legal Representation
Keyword: Vulnerability

Various UK studies have tracked the relationship between legal representation and success for claimants in tribunals, including those making claims of employment discrimination. In Australia in 2000, decision making in federal discrimination cases was moved from a relatively informal tribunal (the Human Rights and Equal Opportunity Commission) to the mainstream federal courts. One of the arguments made in support of the change was that lawyers would be more willing to take on winnable cases on a conditional fee basis under a regime in which the successful party could be awarded costs.

We undertook an empirical study to determine the effects of the change of hearing regimes, including parties' perceived needs for legal representation, their actual levels of representation, and the relationship between representation and success rates under the old and new regimes. We also examined the availability of legal aid and other forms of free legal advice and assistance for discrimination complainants. The study reinforced both the need of discrimination complainants for legal representation, and the difficulties they experienced in obtaining sufficiently expert representation with extremely limited resources. The results question the legitimacy of the federal system of equalities' enforcement in Australia and point to the urgent need for more effective measures to enable vulnerable complainants to pursue legal remedies for discrimination.

Huws, Catrin Fflur * QB0.16 LLit 8.6
English Law and Literature in Welsh and English: Some Questions on Methodology

Law. Language. Literature. The contribution of these three disciplines to one's self identity and how one is perceived by others represents a key theme of Law and Literature research. However, an additional dimension is added where literature and the law have different cultural origins, and are written in different languages. The study of law and literature is often justified on the grounds that it allows us to see where and how each discipline's perspective is incomplete. The study of law and bilingual literature may show this with even greater clarity because it becomes possible to study the impact of language, culture and law as factors influencing behaviour, perception and identity. The research question is an interesting one, but combining the research methodologies of the lawyer and social scientist, with those of the literary critic versed in the Arts raises some important questions concerning sampling methods, ensuring validity, and ensuring that the interpretation of the texts is not influenced by the researcher's own situated perspective of her own culture.

Hyde, Richard * QB0.09 CJ 5.2
The Concept of "Regulatory Crime": a Socio-Legal Analysis

Regulatory Crime is a term that is often used in legal discourse to denote a group of criminal offences that share certain similarities, or to refer to a particular offence within that group. However, it is a notoriously elusive and difficult concept.

This paper seeks to begin a critical engagement with the differing concepts adopted by academic lawyers and legal professionals in England and Wales in an attempt to shed light on the different concepts that are adopted. We examine the different but linked use of the Regulatory Crime concept by these groups, in an attempt to discern both the sometimes similar, and sometimes different, tendencies that constitute the Regulatory Crime concept used within these groups and the factors that influence particular conceptualisations.

Part I considers academic perceptions of "Regulatory Crime" and illustrates where these conflict with each other, and where they conflict with the received idea of what constitutes a regulatory crime. Part II draws on a qualitative analysis of the websites of

practitioners to illuminate the concepts of “Regulatory Crime” adopted by solicitors and barristers. We observe that within these two branches of the legal professional contrasting conceptions are used, and we consider why this is the case. We also note that the term is used differently by practicing and academic lawyers. In Part III, we note that different groups use the Regulatory Crime concept in different ways, and end with the conclusion that the question of a single Regulatory Crime concept does not have an easy answer, and perhaps is intractable

Ige, Rhoda * QB0.10 FL 7.1
Kalabari Marriage System and the Rights of Women in the Family

In Africa, and perhaps a great part of the third world, certain issues are more critical than others. Some of the most critical issues relate to the role in the family, including maintenance, custody, divorce, succession and inheritance. In most parts of Africa because of the superimposition of the colonial masters upon the existing customary laws and rules of common usage of the various people of the colonised states, several types of family law exist. Each of the system has its own view of the role of women in the family.

Previous researches and studies on African Marriage System are based on particular groups, and the results are often presented as applicable to all groups in Africa, the emphasis of the research have been on Polygamy and Bride Price, the interpretation given to the practice of polygamy and bride price remain ethnocentric and racist.

In this paper, I argue that contrary to the prevailing literature on African Marriage System, the Kalabari Marriage System offers a unique Marriage System in which women have role and status within the family.

The paper will proceed in the following manner. The first section of the paper introduces the subject. The second section considers the kalabari's of Nigeria. The third section examines the Kalabari Marriage System and explores the distinct forms of marriage. The fourth section discusses the notion of rights vis-a-vis Kalabari Marriage System. The first section underlies the significance of women's rights in Kalabari Marriage System. The conclusion that emerges from this analysis is a good understanding of Kalabari Marriage System and the concept of women's rights in the family.

Ingleby, Richard & Chung, Mona * QB0.13 KW 8.9
Cross-Cultural Assumptions about Perception and Identity in Western Socio-Legal Frameworks
Keywords: Identity, Perceptions

Socio-legal analysis has relied heavily on Mnookin and Kornhauser's "bargaining in the shadow of the law" and Galanter's "litigotiation" concepts. These concepts provide a framework for examining the relationship between formal legal rules and other normative sources in out-of-court activity. In this paper we explore the extent to which these frameworks' Western assumptions about individualism, conflict and the rule of law would require adaptation if they were to be used to examine such phenomena in Chinese culture or in Australian-Chinese negotiations. In particular, we focus on the "difference" between:

i) China and Confucian culture; and
ii) Western society in terms of the Confucian principles relating to hierarchy, harmony, collectivism and face. These principles have fundamental implications for Chinese perceptions of appropriate dispute resolution behaviour. Western researchers who omit consideration of these perceptions and neglect the defining characteristics of Chinese identity will emerge with flawed projects.

Ingleby, Richard & Chung, Mona * QB1.12 LE 6.7
Cross-Cultural Issues in the Supervision of a Chinese Socio-Legal PhD Student

The purpose of this co-authored paper is to explain how culturally specific features of Chinese students impact on the processes by which they commence their socio-legal research degrees by research candidature. The presentation by the co-authors of the paper will include a simulation of the first meeting between the candidate and the supervisor. This simulation will show how specific features of Chinese culture and the Chinese education system create a massive culture shock when Chinese research students are exposed to Anglo-Australian academic culture.

We will explain how the underlying principles of Chinese culture impact on the candidate's expectations in relation to:

- the role of the supervisor;
- the requirement of original contribution;
- expectations in feedback on written work and communication more generally .

We will then propose strategies for reducing the impact of culture shock and improving the experience of the candidature and the performance from each party to the relationship in terms of timely completions and reduced attrition. These strategies derive from the authors' experience in relation to doctoral research management and cross-cultural communication.

Johnson, Nicholas * QB0.09 CJ 7.2
Study of the Impact of Introduction of the Means Test for Criminal Legal Aid in the Magistrates Court. Pilot Study Summer 2008.

The means test for criminal legal aid in magistrates courts was reintroduced in October 2006. The government Regulatory Impact Assessment suggested that the reintroduction would save around £35 million. The reintroduction was greeted with concern by criminal practitioners who suggested that many defendants, especially the self-employed or those who could not easily prove their income, would be sent to prison by magistrates without representation. Following an approach by the local law society, these concerns led us to set up a brief pilot study with assistance from a Nottingham Trent University (NTU) fund which paid for undergraduate researchers (NTU's 'SPUR' scheme).

The aims of the study were to discover:
a) whether anecdotal evidence that defendants were being imprisoned without representation was supported by research;
b) whether there was any indication that the lack of representation had any other impact on the sentence imposed by the court;
c) whether the introduction of the means test resulted in a higher number of defendants electing Crown Court trial and the impact that this might have on any savings identified;
d) whether other features of the system could be changed to ensure that funds were properly targeted to ensure access to justice and uphold rights to a fair trial.

This paper aims to set out the initial results of this research. It will consider how accurate cost saving assumptions made by the government when implementing the scheme were and consider whether these changes have in fact had an adverse impact on the administration of justice. It will also consider, based on the initial findings of this pilot study, whether the current criminal legal aid is properly targeted and whether specific changes to the system could improve access to justice.

The paper will also briefly consider the research model which generated this study and suggest ways in which this could be followed in future.

Kang-Riou, Nicholas * QB0.13 KW 8.9
Human Rights Expertise, Values, Intervention and Truth
Keywords: Participation, Perception(s)

Since 2006, I have been invited to participate in a series of human rights training in

Indonesia through the Ministry of Justice, the French Embassy in Jakarta and the International Institute of Human Rights (NGO based in Strasbourg-France).
I felt quite privileged to be able to participate in such trainings, to gain the sense of doing something instead of just being a university teacher.

However, participating in such programs has not eased the number of interrogations I had over their usefulness and consequences. The main interrogation stemmed from the (old) issue of universalism v cultural relativism. Of course, as a critical lawyer I could not assume to be able to come and dictate my (Western) vision of what their society should be or how it should change in order to implement my understanding of what a society respecting human rights is. But evidently, going back to an all encompassing cultural relativism tends to render expertise meaningless. If human rights are uniquely local, then there is no real purpose of sending international resource persons trained in human rights law to foreign destinations except for maybe for anthropological purposes. In this paper, I will try to trace a tenuous route where I could build on my (very short) experience to make sense of human rights expertise and where a politics of truth inspired by Alain Badiou's philosophy could be invoked. I will try to map out what kind of participation is possible when one is external to a local situation and to what extent differences of perceptions have to be accounted for in the human rights language.

Karagianni, Maria * BI0.17 IP 8.8
Provisions on Miracles: Who Owns What When the Legal System Fails to Answer Questions of Property?

This paper investigates some of the problematic aspects of the law that concerns copyright of Intellectual Property in collaborative platforms and the false tendency to think of it as an analogy to physical property. I draw a line between access to online network information and dance notation systems under the scope of how recordings and digital data have become a property in the hands of private companies and institutions. With regard to several modifications of the Copyright Act in these fields, mostly in the United States and to a less degree in Europe, I will try to expose social and political structures of power distribution that those legal regulations permit. My points of reference are, first the reappropriation of traditional legal order that defines state sovereignty penetrating copyright policies in digital material exchange and production. Second the reappropriation of media recordings and notation systems as a means to capture in spatial-temporal artistic practices. How do governments and the law handle decentralized approaches to authorship, production and consumption in networks where the roles of authorship are dissolved in a continuous exchange of ideas and contributions between their members?

To answer this question, I will be analyzing two legal regulations, one part of the Digital Millennium Copyright Act of United States about copyright infringement on the Internet, and the other about copyright in choreography, as two case studies to reflect on the legal treatment of information circulated and produced in these fields.

My theoretical framework will be the political concepts of governance emergency powers and the public sovereignty in the manner they have been analyzed by Carl Schmitt in his book Political Theology.

I will conclude by making a comparison between notation systems and software as tools that should be accessible to all in order to provide equal opportunities for creative and decentralized cultural production.

Kennefick, Louise * QB0.09 CJ & MC 4.2
The Blame Game: Criminal Responsibility Theory and the Mentally Disordered Offender in Ireland

My paper analyses the defences of insanity and diminished responsibility in Ireland under the Criminal Law (Insanity) Act 2006, in the context of the notion of fair blame attribution.

It is a long held belief that it is futile or immoral to punish those suffering from a mental disorder who have committed a crime, for a variety of reasons. Yet, the courts deal with, and often convict, such offenders on a regular basis. This reality does not, however, lessen the palpable reluctance on the part of society generally, to punish those who are deemed not morally responsible for their crimes. The conviction and punishment of the mentally disordered offender thus exacerbates the significance of moral blameworthiness within the criminal justice system.

My paper will discuss the recent theoretical trend (as promulgated in one sense or another by scholars such as Antony Duff, Alan Norrie and John Gardner) towards a more holistic, relational mode of criminal responsibility. A school of thought which thus places blame between an individual and his or her community, with a view to illuminating the individualistic limitations which the current traditional Kantian approach can generate, particularly for the mentally disordered offender.

Having so located the conceptual core of this paper, I will examine the recent changes to the law in Ireland relating to the mentally disordered offender. In particular, I will investigate the significance of moral blameworthiness within the criminal justice system as it applies to the mentally disordered offender. Furthermore, I will examine the role played by the psychiatric profession in allotting blame, and its impact on the experience and fate of those with a mental disorder who are caught up in the criminal justice system.

I will conclude by considering the possibility (and likelihood) of a more relational approach to law as it relates to the mentally disordered offender, and suggesting some ways in which this could be achieved.

Kheria, Smita * QB0.17 IP 6.9
Role of Artistic Motivation for Copyright Policy

Copyright protection has been justified on different grounds but monetary incentive based theories have played an important role in copyright policy in the Anglo American jurisdictions. From the Statute of Anne to the recent Gowers Review of Intellectual Property in the UK the incentive-analysis has only strengthened its grip as a justification. For legal purposes, the main criticism for such utilitarian argument is whether such incentive is necessary at all. This paper will explore this criticism through the application of the incentive analysis, so far as it bites at the point of creation, both in an analogue context and in the digital environment.

In this respect the key sub-questions - does copyright protection in fact create an incentive for production and whether creative production would continue without such incentive, will be analyzed. An additional important question, whether copyright protection can provide an incentive will be posed and the role of artistic motivation on such issue which has been largely under recognized will be explored. This analysis will be done using existing literature from law, economics and sociology and findings from an empirical study conducted with artists working in the digital environment.

Kinton, Mat * BI0.12 MH 7.3
Community Treatment Orders: The Story So Far

This paper will provide data on Supervised Community Treatment (SCT) cases recorded by the Mental Health Act Commission during the initial months of the use of the new Community Treatment Order (CTO), including a look at the characteristics of patients referred for second opinions to authorise treatment. It will go on to discuss some of the ways in which clinicians are already testing the boundaries of SCT and its coercive power. There will be a particular focus on requirements for residence in hospital-type accommodation, and the use of SCT with patients who are refusing consent to treatment.

Kirton, Derek & Goddard, Jim * QB0.11 KW 7.9
Keyword: Identity
Street-Level Bureaucracy in a "Cinderella" Service: Data Protection and Access to Care Files

This paper focuses on policy implementation in a small, marginalized area of welfare provision, namely adults growing up in care (hereafter, post care adults) gaining access to their care records. The work arises from research mapping UK service provision in this area, via questionnaires and interviews with key actors in local authorities and voluntary organisations. The study was prompted by widespread but largely anecdotal evidence that practices and service provision for those seeking to access their care records varied enormously. This in turn appeared to reflect their marginalised position (once they pass the age to be classified as care leavers) vis-à-vis adopted adults.

Like those adopted, post care adults may seek access to records for a variety of reasons: curiosity, information on birth family, reasons for being in care, help tracing birth relatives, experiences during care including in some cases abusive ones. All can be seen as potentially vital in terms of identity needs. However, whereas for adopted adults, there is a well-established legal framework and duties on agencies to provide services, there are no parallels for post care adults, whose requests fall within the general ambit of the Data Protection Act (DPA) 1998.

For post care adults, accessing care records sits uneasily within two intersecting fields of policy and practice - namely data protection and child welfare giving rise to a number of important tensions. These include the "ownership" of files and their content, potential contradictions between rights to information and (paternalistic) welfare considerations, and whether the handling of requests is regarded as essentially an administrative or a social work task. The DPA framework gives rise to a number of significant areas for the exercise of "street-level bureaucracy" in addition to Lipsky's concerns with management of work processes and principles. Some of these relate to judgements regarding the handling of third party data and when information may be withheld due to risk of "serious harm".

In this presentation, we discuss the findings, their wider contexts and implications for legal reform and policy change.

Konsta, Anna-Maria * QB1.10 GSL 5.6
Gender and Legal Acculturation in European and Greek Social Law: the Case of Migrant Women in the Thessaloniki Area

This paper deals with the dislocated and uprooted female legal subject, who shares time, space and bonds of affection with the country of origin and the country of destination. Special focus will be given to the process of legal acculturation of migrant women in the Thessaloniki area, and to issues related to multiple belonging and multiple discrimination in a Greek and a European Union legal context. New trans-national forms of female subjectivity emerge in Europe today, which are regulated by both public (immigration law) and private law (family and labour law). Greek and European legal regulation prove to be insufficient to cope with the needs of the trans-cultural female legal subject. Greek public authorities are in constant violation of international and European non-discrimination and human rights law. National and EU citizenship rights, if interpreted in a narrow sense, do not apply to migrant women. Stripped of emotion, law promotes a sort of male domination which is also apparent in the case of migrant women in the Thessaloniki area. While undergoing this process of legal acculturation, the trans-cultural female legal subject finds herself outside space and time of the others, and creates her own unique continuum. In this context, a psychoanalytic approach to law becomes relevant.

Konsta, Anna-Maria * QB0.16 LLit 7.5
Some thoughts on American Legal Culture: the Legal "Abject" in Arthur Miller's "The Crucible" and in William Gaddis' "A Frolic of His Own"

This paper critically discusses how some elements of American legal culture can transform legal subjects into abjects. The concept of abject, which originated in the works of Kristeva, exists in between the concept of a subject and the concept of an object. Abjection describes the state of often marginalized groups, such as convicts, the poor, the aged or the disabled.

The analysis is based on two well known American literary works: "The Crucible" by Arthur Miller and "A Frolic of His Own" by William Gaddis.

Kotiswaran, Prabha * QB0.15 RS 3.3
Regulating Sex Work: What a Legal Realist Approach Might Offer

My paper will consider the distributional consequences of the proposed amendment to the Indian anti-sex criminal law, the Immoral Traffic Prevention Act, 1986 on two Indian sex markets - one being a red light area in a metropolitan Indian city and the other a highly dispersed sex market in a smaller Indian town.

Koukiadaki, Aristea * QB0.11 LabL 3.5
The Establishment and Operation of Information and Consultation Arrangements in a Capability-Based Framework: An Empirical Study

Drawing on an evaluative framework inspired by the capability approach, the paper assesses the pattern of change in employee representation in Britain, as influenced by the implementation of Directive 2002/14/EC establishing a general framework for informing and consulting employees. Whilst the introduction of the UK Regulations drove to some extent the spread of voluntary arrangements, there is limited evidence that it has promoted so far an effective framework for the development of deliberative procedures between management and labour with the aim of advancing 'capability for voice'. This is attributed to the institutional design of the legislation and the limited degree to which extra-legal 'conversion factors' in the British industrial relations system are available.

Kumar, Suchet * QB1.10 GSL 1.3
Law of Rape in India: Dilemma of the Court in Awarding Statutory Minimum Punishment

In India, section 375 of Indian Penal Code (IPC) lays down the definition of rape and section 376 IPC contains the provision regarding punishment for the offence of rape. In this section two punishments have been provided for two categories of rape. For ordinary category the punishment provided is life imprisonment; however the minimum punishment for this category is seven years of imprisonment. For the special category of rape namely custodial, rape of a minor, rape of a pregnant women and gang rape the minimum punishment prescribed is minimum ten years of imprisonment.

It has been noticed that in more than twenty cases decided by the apex court in last preceding three years or so the offender was convicted by the trial court and was awarded seven to ten years of imprisonment depending upon the gravity of the situation and in these cases the trial court took about five to seven years in deciding the case. However in all these cases the first appellate court namely the high court while setting aside the judgment of the trial court passed a order of acquittal in all these cases and the high court again took seven to eight years in deciding the first appeal. Aggrieved with the order of the acquittal of the first appellate court the state government files a second appeal before the Supreme Court surprisingly in all these cases the Supreme Court while setting aside the decision of the high court restored the decision of the trial court and convicted the offenders. And in all these cases a minimum punishment of seven to ten years was awarded by the court but the dilemma for awarding the minimum punishment was before the court. This was for the reason that the crime was committed

more than fifteen years back when the offender was in his twenties. During the trial period of fifteen years or so when the case was pending in the trial court, high court and the Supreme Court the accused got married and had children. If the offender is to be sent for seven to ten years to a jail serious question arises as to the future of the family of the offender who are innocents and have nothing to do with the crime and criminal. Quite possibly the offender may be the only one who is earning bread and butter for the family. In absence of the earning member of the family his wife and children become destitute and may adopt illegal means of earning.

Under the light of above background the present paper attempts to make a socio-legal study of problem of rape in India. The major objectives would to focus on the judicial lacunae of the Indian courts while punishing the offender. What are the reasons of such legal fallacies? Is it the product of social structure and environment or is the judicial system which is to make responsible for increase in magnitude of the major sexual deviance. The facts and arguments would be supported by looking into some landmark judgments of courts in India.

Langlaude, Sylvie * QB0.10 FL 8.1
Article 13 UN Convention on the Rights of the Child (UNCRC): A Forgotten Right?

The child has the right to freedom of expression under Article 13 UNCRC. However it is not always clear what that implies and what the basis for such a right is. Article 13 has been interpreted by the Committee on the Rights of the Child since the first Summary Records and Concluding Observations published in 1992. It emerges that there is fairly little on Article 13 in the Committee analysis: the right must be recognised in law but the Committee does not give much information on what this means in practice, especially concerning the freedom to seek, receive and impart information.

Noticeably, the Committee gives a lot of information on the child's right to be heard under Article 12. In particular, it emphasises the participation rights of the child and the freedom of the child to express himself. The driving force of the analysis seems to be that the child must be able to express himself in order to grow as an autonomous being able to participate in a democratic society.

However, one could wonder whether the Committee's analysis is well-developed. In particular, the Committee appears to be mixing up the two rights and goes back and forth between expression and participation, to the extent that it is not sure whether there is anything left under freedom of expression. It is also not clear to what extent the child has a right to freedom of expression that is actionable against the state, the family or even society, which makes it hard to define sets of duties. One needs to look at whether Article 13 truly is the forgotten right of the UNCRC and, if so, whether it needs raising from the dead, or whether freedom of expression can be encompassed under Article 12 and participation.

Lawan, Mamman * QB0.13 KW 7.10
The Use and Abuse of Powers of Impeachment in Nigeria
Keyword: Governance

There are two main reasons why the powers of impeachment provided under the Nigerian Constitution are useful. One is in order to provide a 'special' law for a class of public officers who enjoy the privilege of constitutional immunity against civil or criminal proceedings while they remain in office. In this way, the constitutional principle of equality of all citizens before the law is satisfied. The other reason has to do with the provision of a mechanism for checking the abuse of office or breach of the Constitution such as corruption. With the prevalence of corruption in Nigeria especially among the immune officers, the powers of impeachment are most desirable. This article however shows that the powers have been abused. It argues that though the circumstances warrant the exercise of

such powers, in several cases at the state level where the powers were invoked constitutional provisions have been flagrantly trampled upon. Nigeria being a federal state, impeachment at the state level is ultra vires the powers of the federal government. Yet there is evidence of its interference apparently for political reasons.

Layard, Antonia * QB0.17 EnvL 8.4
Governing Territorial Cohesion, Spatial Planning & Environmental Protection Operationalising Principles & Practice

The concept of territorial cohesion is now firmly on the European Union agenda. It is included in the 2004 Draft Constitution and the 2007 Lisbon Treaty, the 2006 Regulations and Strategic Guidelines for Structural Funds as well as an abundance of policy documents and inter-governmental statements. Its origins are two-fold: emanating from the policy trajectory of European spatial planning policy (particularly following the 1999 European Spatial Development Perspective) and developing as an off-shoot from cohesion policy, adding a third territorial pillar to existing social and economic programmes. Despite this entrenchment, however, the Commission in their 2008 Green Paper on Territorial Cohesion have asked consultees for their opinions on how to define the concept, suggesting a remarkable lack of agreement. This may account both for the idea's relative popularity as well as the (current) limited progress on implementation.

This paper seeks to examine the environmental implications of the concept of territorial cohesion, considering whether new governance methods hold particular scope for operationalising the principle, either at the programme level or when implementing specific projects on transport, infrastructure or energy. It assesses whether notions of place-based management, the practice of environmental impact assessment or the expertise networks embodied in pollution rules can concretize the otherwise rather amorphous concept of territorial cohesion and whether environmental regulation in general can learn from spatial plannings use of visions, indicators and maps in the absence of its legal base. Planning theory has at times overseen a dialectic between communication and technical tools, a bifurcation that has parallels in the implementation of environmental practice, particularly in concepts of environmental justice. Territorial cohesion, with its emphasis on distribution, may be amenable to this in practice.

Lee, Soyoung * QB0.16 LLit 8.6
Law, Literature and the Possibilities of Polyphonic Justice

Human right issues are basically related to notions of isolation, emotional wounds, trauma and recovery, which cannot be fully expressed in rational, masculine dominated language of the Father. Literary works help grasping polyphonic justice, unseen and unheard in legal linguistic structure. The primary role that literature may play in human right issues is to disclose the brutal scenery of discrimination. Literary narrative has got prevailing power in appealing to civil society through forms of reportage. For instance, numerous literary texts that deals with the human right issues of colonial or postcolonial societies tend to use feminine body as political metaphor. In particular, scenery of our own little sister, so tender and innocent, being raped by strangers while father is absent or had abandoned the family, summons up rage against the invasion by the foreign intruders. Hence the stereotyped imageries of raped sisters, or sisters being forced into prostitution, had widely been exposed in the literary works related to radical political movements, especially in East Asian societies. However, such emotional appeals may easily lead to fixed stereotypes of particular social class or groups. For example, the namely younger sister fantasy may stimulate artificial binary opposition between Madonna and whore. It may result in dubbing up female narratives into two over-generalized categories.

While function of disclosure could be dealt broadly as political side-effects of literature the unearthing of yet-to-be-discovered subject issues in human right is more unique

contribution of law and literature to human right discourse. The right to Sadomasochism may be a good example. Through literary texts we discover the political dichotomy, that although we are somehow accustomed to the structural sadomasochism in nation state unit, that between nation and its people, when it takes form of sexual sadomasochism between individuals, we tend to perceive it as normal and educational.

Through examples of literary works I will unearth that the real threat to civil society would rather be the structural sadomasochism than the sexual, for it could easily be manipulated as political rhetoric for totalitarianism or populism.

Lennon, Genevieve * QB0.09 CJ 3.2
The History of Stop and Search

Stop and search is a major contemporary issue, which is currently under review as part of the Home Office's on-going review of PACE. Its potentially detrimental impact on community relations was highlighted during the Brixton riots and by the Stephen Lawrence Inquiry. Previous studies have located it within the context of police powers, race relations and discrimination, but have not examined its socio-historical context in depth. This is an essential area to fully understand the current powers of stop and search. This paper analyses the history of stop and search, within non-counter-terrorist legislation, from its origins in the Statue of Labourers 1349 through to its contemporary manifestations. The legal development of the powers are charted within their social, political and historical contexts. The statutory focus is on the Vagrancy statutes, up to the "sus" law, concluding with section 1, Police and Criminal Evidence 1984 (PACE) and section 60, Criminal Justice and Public Order Act 1994. The paper examines the extent and usage of the stop and search powers, their evolution and the nominal reasons behind them. In addition the motivations as determined from their patterns of usage, where applicable, and their impact upon the targeted communities are assessed. This paper demonstrates how the power to stop and search was used over centuries as a tool of social control and/or dispersal over the "other", whether "vagrants", "strangers" or "suspects". By examining the factors which allowed and/or justified the use of stop and search, conclusions can be reached regarding its future. Abolition appears unfeasible. Alternatives include greater regulation and/or more focused use. The limitations and potential of these approaches are discussed. This paper augments the previous literature relating to stop and search by providing a socio-legal analysis of its history.

Lines, Kris * BI0.19 SL 2.9
To What Extent is Technological Doping the Most Pervasive Threat to the Integrity of Sporting Competitions?

While the World Anti-Doping Agency (WADA) has secured universal agreement for a worldwide cross-sport Anti-Doping Programme (including a List of Prohibited Substances & Methods), there is a comparative dearth of resources that have investigated the legality of Human Enhancement Technologies (HETs) unconnected with chemical doping. This is important because as technology and science has developed, so they have impacted on the sporting integrity of an activity. Indeed, just as traditional doping has been found to be contrary to the spirit of sport, so it must be questioned how the use of some modern technology can be reconciled with this proposition. Currently the WADA Code requires that if a method alone or in combination with other substances or methods, has the potential to enhance or enhances sporting performance represents an actual or potential health risk to the athlete or violates the spirit of sport it can be prohibited, yet there is no clear guidance as to what extent scientific innovation has to enhance performance in order to cross this line.

The debate currently raging in swimming over whether swimsuits constitute a device that may aid speed, buoyancy or endurance exemplifies this debate. For example, in the Summer Olympics held last year in Beijing, 90% of the medallists wore the NASA-designed LZR Racer launched by Speedo last year. Out of a total of 32 events (16 men's and 16 women's), 21 events had world records broken a total of 25 times, and 66

Olympic records were set! Yet FINA (the International Federation for Swimming) have publicly stated that the LZR Racer and similar swimsuits are perfectly legal.

This paper will investigate the extent to which the problem of Human Enhancement Technology is science fact rather than science fiction, it will then look at what challenges exist in regulating the influence of HETs, before finally recommending what role the law can play in this area.

Lister, Billie * QB0.15 RS 4.3
"I Think this Situation is Going to get Worse and Worse". New Legislation, New Working Strategies … What Does the Future Hold for Scotland's Street Based Sex Workers?

On the 15th October, 2007, a new Bill became active in Scotland. The title of this Bill is The Prostitution (Public Places) (Scotland) Bill 2007 and for the first time, brought Scottish legislation in line with that of England and Wales by applying criminal sanctions to those found to be buying sexual services, as well as continuing to criminalise those who sell sexual services from what is deemed a public location.

In April 2008, I conducted fieldwork with street based sex workers, a police liaison officer and support workers in Aberdeen in order to gain some insight into how women's working practises may have altered as a result of the legislation. Using the services of a Gatekeeper, I was able to conduct semi structured interviews with women whilst they took a break from work. The interviews meant I was able to hear from the voices who were most affected by the change in the law.

The research found that working practises employed by Scotland's street based sex workers have altered considerably since the legislation became enforced by the Police. Tactics employed by buyers have also altered. Unfortunately the punitive angle of the legislation offers little scope for the protection of women, and the research suggests that they are now at greater risk of assault, non payment and/or other undesirable acts. Whilst there appears to be lip service paid to concern for the welfare of women by politicians, very little provisions appear to be available for women who would like to seek employment of training in a sector of the market other than sex work. Lack of options often result in women improvising in order to be able to continue to generate an income by sex working.

Liu, Jin * QB0.17 EnvL 8.4
The Role of the ICAO (International Civil Aviation Organization) in Regulating Aircraft Engine Emissions to Abate Climate Change

This paper reviews and critiques the "non-discrimination principle" in regulating aircraft engine emissions in the age of climate change. It will examine the legality and obstacles of using this principle under the relevant international legal regimes. It includes two legal regimes, which are the international climate change regime (mainly the United Nations Framework Convention on Climate Change and the Kyoto Protocol) and the public international air law regime (mainly the Chicago Convention on International Civil Aviation, the relevant documents, and a series of International Civil Aviation Organisation's documents). Neither of them is likely to be effective in combating aircraft engine emissions, but they all recognized that increasing emissions from aircraft engines need to be tackled. The international character of aviation industry and climate change crisis requires a global solution to fight aircraft engine emissions. En road to design a new regulation, this paper focuses on promoting universal participation in the new system and argues that countries should be treated equally under the "non-discrimination principle" from the Chicago Convention, rather than the "common but differentiated responsibility principle" from the Kyoto Protocol. At the end of the paper, it discusses three challenges on the "non-discrimination principle" from the characters of the international air transport industry. Such challenges may worth more considerations in the proposed regulation.

Livings, Ben * BI0.19 SL 1.10
Should a Sportsperson Understand the Criminal Law of Physical Violence?

The American legal theorist Lon Fuller argued that a legal system must, to some degree, fulfil eight criteria: (1) achieve rules, so that every issue is not decided on an ad hoc basis; (2) publicize or make available rules people are expected to observe; (3) avoid retrospective legislation; (4) make rules understandable; (5) not enact contradictory rules; (6) not require conduct incapable of performance; (7) not change rules so frequently that people are unable to orient their conduct by them; (8) attain congruence between announced rules and administered rules.

Fuller argued that a complete failure in any of these aspects would result in something we would not call a legal system. The legal regime governing criminal liability attaching to sportspersons for violence resulting in injury to a fellow participant is in a state of some confusion; this paper argues that this is true to the point where it transgresses Fuller's paradigm in almost every regard.

Lowenstein, Max * QB0.09 CJ 6.1
Theft: A Critical Comparative Analysis of Judicial Discretion at the Custody Threshold in England and Denmark

This socio-legal research specifically compares judicial attitudes towards their discretion in England and Denmark. The influence of various sentencing approach guidance sources from executive led, judiciary led and legislative sentencing policy examine the sentencing process. Then both societal influences on judges and their influence upon society are explored. The resulting judicial societal relationship uncovered incorporates political and media commentary, economic efficiency policy and local justice concerns. In addition, internal unseen self perceptions are analysed ranging from educational background, life experiences, self confidence and morale. The offence category of theft, the custody threshold and jurisdiction selection of England and Denmark are all used to help focus the research. During 2008 /2009 this research critically analysed and compared the current health of judicial regulation in English and Danish lower courts which deal with the majority of theft offenders. This was based upon historical critical discussion of both jurisdictions development of judicial discretion and approaches to theft sentencing. It also encompassed critical comparative analysis of socio-legal research conducted in both countries on judicial discretion within sentencing practice. Qualitative interviews of 12 District Court judges (half lay, half legally qualified) in 3 rural and 3 urban areas within Denmark were conducted. This was compared with 6 legally qualified District Judges and 6 lay Magistrates in 3 rural and 3 urban areas within England. This representative sample helped reveal both professional and lay sentencer background variations as well as wider regional variations in judicial discretion across England and Denmark. Interviews were in depth following a research guide and lasted on average 1.5 hours. A multiple analysis then followed to interpret both the spontaneous and prompted judicial responses. The research prompts included some deliberately controversial leading statements to test reactions and provoke deep judicial self analysis. The following themes were expanded upon:

1) Source guidance impact shifts;
2) Internal Court room relationships;
3) External Court room relationships;
4) Unseen judicial influences;
5) Future judicial positive predictions and fears.

Lyck, Majbritt * QB0.14 HL 1.7
Dedication, Indifference or Opposition? An Analysis of the United Nations Security Council's Support of the International Criminal Court's Quest for Justice in Darfur

Though the Prosecutor of the International Criminal Court (ICC) has initiated cases against the President of the Sudan and three rebel commanders and issued two international arrest warrants against a militia leader and the former Minister of State for the Interior, the suspects of the recent mass atrocities committed in Darfur are still at large. So far Sudan has refused to hand over the suspects and since the ICC does not have an international police force that can carry out the arrests, the court depends on support from other international organisations to either carry out the arrests or convince the Sudanese authorities to detain the suspects. This article focuses on the role of the UNSC that referred the situation in Darfur to the ICC and thereby granted the court its jurisdiction, in securing the arrest of the individuals that the Prosecutor of the ICC wants to put on trial. This article examines the response of the UNSC to the cases the Prosecutor has already raised and to the arrest warrants that have been issued. It also discusses the UNSC's possible responses to the arrest warrants that are likely to be issued against the President of the Sudan and the Sudanese authorities' persistent refusal to hand over the suspects.

Mackay, Ronnie * BI0.12 MH 5.7
A New Diminshed Responsibility Plea

This paper will trace the law reform process which has given rise to a newly proposed diminished responsibility plea contained in the Coroners and Justice Bill currently being debated in Parliament. It will appraise the current plea and examine the reasons put forward for reform both by the Law Commission and the Ministry of Justice.
The new plea is both complex and controversial. It is a major departure from the provision contained in section 2 of the 1957 Homicide Act. The drafting of this new plea will be critiqued and its likely impact examined.

Maclean, Mavis * QB0.10 FL 1.1
Family Judging

Following on from our work at OXFLAP on family solicitors and the family bar, (see Family Lawyers; the divorce work of family solicitors Hart 2000 and Family Law Advocacy Hart 2009) we are now beginning a study of the work of family judges. In the context of concerns about transparency, resource pressures on family courts, and continuing debates about ADR, we thought it might be helpful to observe the work done by the family judges and the skills employed. This paper presents preliminary observations.

Madhloom, Omar * QB0.13 SLT 3.7
Debating the Merits of Functionalism in Socio-Legal Research

Using the author's current research into sexual offences as a case study, this paper will address the merits of applying functionalism in socio-legal research. Functionalism, in its broadest sense, encompasses two distinct currents. The first is the 'functionalist method' which has been described by Michele Graziadei (2003: 100) as, 'one of the best-known working tools in comparative legal studies'. The second understanding of 'functionalism' is that 'law responds to society's needs' (ibid: 100). In this paper, it will be argued that functionalism can also be used to build theoretical models. This will be achieved by applying 'functional equivalence'. Functionalism has been criticised, by academics, for being too rule-centred and 'obscures the larger picture, which the notion of legal culture evokes' (Graziadei, 2003: 112). However, it will be contended that it is precisely because functionalism is rule-centred which make it a useful tool for model building. In this paper I seek to provide a critical self reflection on the use of this approach in my research.

Mangan, David * QB0.11 LabL 4.5
The Role of Government as Employer and Legislator: The Labour Relations Framework at the start of the 21st Century

As manager of public education, government is charged with appropriately steering the system through contemporary challenges whilst simultaneously improving the quality of the service. Labour relations constitute the vehicle for much of the government's endeavours and so an agenda to improve the quality of education delivery necessarily involves engagement (whether it is a decision to do so or otherwise) of the employees who provide this service. It is a subtle, yet essential proposition. The management of public services necessitates engagement with a mix of labour skills in order to effect an evolving goal. Consequently, labour (its use and cost) stands out as the central means by which these goals may be achieved. The purpose of the present exploration is to begin a dialogue towards establishing a general framework in which government as both employer and legislator acts within the context of public sector education.

Marrani, David * QB0.17 EnvL 8.4
French Charter for the Environment and Risk Society: Re-Writing the Case Law of the French Administrative Courts Under the Pressure of Environmental Consideration

In this paper I wish to discuss the contribution of the Risk Society to the evolution of the jurisprudence of the French highest administrative court *Conseil d'Etat*. The story I wish to tell is not only about the effects of a 4 year old declaration of rights on a 210 year old institution, but also about how environmental issues are reshaping the legal order, in the most conservative parts of it.

The 2004 Charter for the Environment of was integrated in the Fifth Republic Constitution in 2005. It became the legal basis of many changes and cases. The most recent of which are certainly the important recognition of its value by the public law courts. In June 2008, the French constitutional council, *Conseil constitutionnel*, in the landmark decision on the constitutionality of the statute on GMOs (loi sur les organismes tiquement modifies) reaffirmed the constitutional value of every rights and duties defined in the Charter. Later last year, the *Conseil d'Etat*, followed the trend and for the first time quashed a government regulation on the grounds that it did not respect the Charter.

I link this evolution with the concept of the Risk Society and the discourse associated to fear that developed around it. For instance, while constitutional control based on the Charter is classical, judicial review on the grounds of the Constitution is exceptional. The 2008 *Conseil d'Etat* ruling is therefore a major step. The Risk Society happens to be associated to fear because the increase of technology and its use makes the sciences cease to inspire confidence. Western European societies hold the individual as important and his desire to be and to feel safe, hence insecurity is the major factor that impacts on the cult of happiness and makes space for the rule of fear. Fear inducted by the Risk Society affects the operation of the *Conseil d'Etat* in such a way that it will, for environmental reasons, go against the taboo of touching the Constitution.

Marsh, Alex * BI0.19 AJ 4.12
Administrative Law and the Regulation of Public Bodies

The role of the legal system, particularly judicial review, in influencing the behaviour of public bodies continues to attract considerable theoretical, empirical and policy attention. Our understanding of how to locate legal imperatives within the regulatory landscape has moved forward significantly following ground-breaking contributions by Professors Halliday and Sunkin, in particular. This paper seeks to continue this productive conversation by approaching the topic from a slightly different perspective. It has two objectives. First, it reflects on recent developments in thinking on the organisation and management of public bodies, which looks beyond the rhetoric of the New Public Management, and argues that these developments point to the need for further refinement in our theoretical understanding of the impact of administrative law. Second,

the paper notes that a rigorous conception of power is absent from much theorising in this field. It argues that integrating power at the heart of the analysis offers the potential for significant theoretical advance.

Mawhinney, Alison * BI0.18 HR 7.4
Religious Oath-Taking and Freedom of Religion: The Role of International Human Rights Law

The notion of the forum internum is used by UN human rights treaties and the European Convention on Human Rights when dealing with issues arising under the right to freedom of religion. The forum internum can be understood as the inner or internal belief-world of an individual, that is, "the sphere of personal beliefs and religious creeds". It is this area that is protected without qualification by the right to freedom of thought, conscience and religion. This paper looks at how far the concept of the forum internum is applied to the question of oath-taking and whether this aspect of the forum internum is protected in the approach taken by the European Court of Human Rights and the UN Human Rights Committee to the question of mandatory religious oath-taking for certain public office-holders. In particular, it considers whether underdeveloped legal reasoning in this area as well as weak enforcement mechanisms have allowed some states to continue to insist on religious oath-taking as a prerequisite for the taking up of positions of significant public power.

McCandless, Julie & Sheldon, Sally * BI0.12 ML 3.6
Re-Conceiving the Parenthood Provisions in the Human Fertilisation and Embryology Act 2008: A Policy Perspective

Reproductive technologies offer to present a number of challenges to traditional ideas of parenthood and kinship. In this paper, we seek critically to analyse the parenthood provisions of the Human Fertilisation and Embryology Act 2008 Act, assessing both the innovations introduced in that statute and what was retained from the 1990 Act. While the 2008 Act has been attacked as dangerous and radical, as offering a 'lego-kit model of family life' and a 'magical mystery tour' in how legal fatherhood is determined, we elucidate what the new legislation also owes to deep-rooted, rather traditional assumptions about what a family 'looks like'. We are particularly interested to track how far law's adherence to the 'sexual family' model can be maintained in a context where this appears to be becoming unmoored from its traditional underpinnings in the heterosexual couple. In this light, we track some of the tensions created in these legal principles by attempts to stretch this model to accommodate family forms which fall out with its previous boundaries. Further, we wish also to assess what fell beyond the limits of these discussions, to question what was simply unthinkable to the legislature, what possibilities were not discussed in this process and *why* they were not discussed?

The 2008 Act introduces a number of changes relevant to parenthood. Here we consider just two: the removal of the statutory requirement for clinics to consider the 'need for a father' when making an assessment of the likely welfare of a child to be born following use of a regulated procedure; and the reworking of the 'status provisions' regulating who should be recognised as the legal parent(s) of children conceived using technologies regulated by the statute. In seeking to understand the impetus for the 2008 Act, we draw on the extensive documentation produced in the reform process which proceeded it and an ongoing programme of interviews with a number of key actors who were most closely involved in that process.

McCarthy, Frankie * BI0.18 HR 3.10
Confiscating the Proceeds of Crime: Justice or Theft?

As Dick Tracy was so fond of reminding his nefarious opponents, "crime does not pay." The UK Parliament has sought to uphold that maxim, not through the hail of gunfire that Tracy may have favoured, but rather through the Proceeds of Crime Act 2002.

The Act seeks to provide a deterrent to crime by allowing for confiscation of profits made through a variety of offences, including the trafficking of illegal drugs. Where a conviction is made, the prosecution may investigate the financial history of the criminal and seek authority from the Court to seize funds generated by unlawful activity.

The operation of these provisions is not without controversy, and has raised questions in particular with regard to Article 1 of the First Protocol to the European Convention on Human Rights (P1-1), as incorporated into domestic legislation through the Human Rights Act 1998. P1-1 enshrines the right to peaceful enjoyment of possessions. The right is not absolute, but allows for interference when state action pursues a legitimate aim in the public interest, provided the result is not disproportionate.

Courts north and south of the border are so far satisfied that the proceeds of crime legislation is compliant with the requirements of P1-1, not only in respect of the rights of the criminal, but also as regards the rights of his spouse and family, who may equally be affected by a confiscation order. However, it is not clear that their conclusions accord with existing European Court of Human Rights jurisprudence on the subject of confiscation, and issues surrounding the nature of the interference and the proportionality test may not have been explored to the fullest extent.

Dick Tracy would no doubt conclude that the end justifies the means, but is the same conclusion tenable in a legislative landscape informed by the Human Rights Act? Or is there a way to uphold P1-1 whilst ensuring, as Tracy would have wanted, that there is no profit in crime?

McClean, Emma * QB0.16 **CSL 4.8**
The Responsibility to Protect: A 'Just' Intervention?

The responsibility to protect has been propelled onto the international stage in recent times having been endorsed by the United Nations (UN) General Assembly, the Security Council (SC), the International Court of Justice and the Secretary-General, Ban Ki Moon, as a framework by which to respond to genocide, ethnic cleansing, war crimes and crimes against humanity. Nonetheless it is the blue-ribbon commissions, such as the International Commission on Intervention and State Sovereignty (2001) and the High-Level Panel on Threats, Challenges and Change (2004), which set down guidelines for military intervention for human protection purposes which invoke the spectre of just war theory. For instance the High-Level Panel enumerates, seriousness of threat, proper purpose, last resort, proportional means, balance of consequences as criteria for military intervention in the face of genocide, ethnic cleansing and 'serious violations of humanitarian law which sovereign Governments have proved powerless or unwilling to prevent' (para. 203). This paper places the responsibility to protect, in particular the guidelines for military intervention, within the frame of just war theory in order to examine two facets of the responsibility to protect - the role of the Security Council and the conduct of the intervening forces, that is, UN peacekeeping forces. This latter aspect receives little attention in the academic commentary, an oversight which is rendered more acute given the recent allegations of serious sexual abuse by UN peacekeepers in, for example, DRC. As such the paper aims to explore the role of international law, especially international human rights law and international humanitarian law, in giving voice to the rule of law in SC deliberations and in regulating the conduct of UN peacekeepers under the responsibility to protect rubric.

McClean, Emma & Cavandoli, Sofia * BI0.18 **HR 5.10**
Zimbabwe: A Decade of Broken Promises

When Morgan Tsvangirai abandoned his presidential campaign in June 2008, citing the impossibility of free and fair elections in the face of intimidation of the people by the ruling Zanu-PF party, the African Union (AU) called for dialogue and reiterated the commitment, found in Article 1 of the Constitutive Act of the AU, to promote democratic principles and institutions, popular participation and good governance. The subsequent power-sharing deal between President Mugabe and Morgan Tsvangirai in September

2008, concluded under the auspices of the AU, has since floundered underscoring the observation that a genuine democracy is rare in Africa (Naldi: 2008, 23). The imperative of the AU brokering a resolution is heightened in light of spiralling inflation, food shortages, a cholera epidemic and allegations of massive human rights violations. This paper explores the prospects for democracy in Zimbabwe by assessing parliamentary and presidential elections in the last decade within a human rights framework that draws on the commitments of the AU to democratic values and human rights, buttressed by the guarantee in Article 13 of the African Charter of Human and People's Rights to political participation. Central to this analysis is the relationship between democracy and human rights which is presented as self-evident in UN democratisation policy, the AU Constitutive Act and other AU documents and practice, along with academic commentary.

By assessing the Zimbabwean elections within a human rights framework this paper argues that the nexus between democracy and human rights is under-developed in UN and AU policy and practice. Indeed such an analysis challenges the comfortable contemporary assumption that democracy and human rights are mutually reinforcing and interlinked (Donnelly: 1999, 608) and suggests the relationship is more nuanced than presently understood. The assessment is organised around three themes: the meaning of democracy, with reference to the emphasis by the AU on free and fair elections as an indicator of genuine democracy; the link between democracy and human rights; and, the role of the AU in promoting democracy and human rights with specific reference to the strategies employed by the AU with respect to Zimbabwe.

McCrae, Leon * BI0.12 MH 5.7
The Responsible Clinician and the Provision of Treatment in Regional Secure Units: a Changing of the Guard?

Despite the multi-disciplinary nature of care teams who provide treatment to service users in regional secure units, the role of responsible clinician remains a psychiatric prerogative. In terms of deference to psychiatry, socio-political thought would cede to the explanatory potential of binary theories of power which presuppose asymmetric properties in all expressions of discourse-related power. A Foucauldian perspective would, instead, view accepted discourse in society as constitutive of certain historical "disconuities", particular to that epoch. For psy-discourse, the governing disconuities determining its authentication belong to the Victorian era. Given that societal conditions are subject to change, the relevance and obligations placed on discourses depends on its continuing relevance to modern life.

One amendment to the current Mental Health Act 1983 is that professions extraneous to psychiatry, such as nursing and psychology, may, on meeting certain conditions, become the responsible clinician charged with overseeing the service users care. Competing claims as to priority in the provision of treatment by such professions prior to the introduction of the 2007 Act suggest that this is certainly possible and feasible. In a protectionist era of mental healthcare, however, it does not necessarily follow that the psychiatrist will be deemed substitutional in society.

McDermont, Morag * QB0.11 AJ 5.3
Administrative Justice, Choice and the Contracted-Out State

The paper seeks to explore what happens to administrative justice when the delivery of public services becomes the domain of private and voluntary sector organisations surrounded by a framework and rhetoric of "consumer choice". It argues that the problem goes way beyond the blurring of lines of accountability that public-private partnerships and contracting out produce. It is the very logic of privatised delivery and consumer choice that clash with the logic of administrative justice. This can leave service users and, even more problematically, those who are excluded from being service users at sea without many of the procedural "lifelines" to justice that have been established from the inception of the welfare state. The paper examines this clash of logics within the context of nomination arrangements between local authorities and housing associations to house

those in housing need, a problem that is further complicated by the introduction of choice-based lettings schemes.

McDermott, Yvonne * BI0.18 HR 4.9
Rights for the Exonerated: A Lacuna in International Law

With advances in science, particularly in the realms of DNA evidence, the number of previously-convicted prisoners being later released on the grounds of newly-proven innocence has greatly increased. Their freedom raises a penumbra of problems for these victims of injustice, including financial difficulties, psychological issues in coming to terms with their experience and problems with reintegration into society. However, it is submitted that international human rights law provides no protections or rights for the exonerated, as it is based on the presumption that fair trial guarantees are sufficient to cover the possibility of miscarriages of justice happening in the first place. Moreover, when victims of such injustices seek to claim compensation, domestic law has been shown in the past to be insufficient for their action. Thus, it will be illustrated that an international convention on the rights of exonerated persons is necessary.

McHale, Jean * BI0.12 MH 6.6
Mental Health and the Care Quality Commission: Brave New World of Regulatory Scrutiny or Retrograde Step?

Health and Social Care Act 2008 establishes a new health care regulator for England and Wales, the Care Quality Commission. This new body will replace the existing general health and social care regulators with the Healthcare Commission and Commission for Social Care Inspection and will also replace the Mental Health Act Commission. Government proposals for reforming the Mental Health Act Commission and incorporating it within a new general regulatory body stretch back several years and were subject from the outset to some notable criticism. This paper explores the implications of the establishment of the Care Quality Commission for mental health care. It examines the background to the reform, the powers of the new Commission in general and their specific remit in relation to mental health. The paper questions whether the creation of this new regulatory body will lead to more effective scrutiny or whether ultimately in practice it will result in diminished safeguards for patients with mental disorder.

McQuigg, Ronagh * BI0.18 HR 8.5
The European Court of Human Rights and Domestic Violence

The European Court of Human Rights has on many occasions placed positive duties on states to intervene in situations where the human rights of an individual are being breached by another private entity. Without doubt the Court has produced a more comprehensive and advanced jurisprudence in this sphere than has any other human rights enforcement body in the world. Cases such as *Osman v United Kingdom* ((1998) 29 EHRR 245) illustrate the dynamic approach that the Court has taken in this area. Governments have been repeatedly reminded that not only must they refrain from violating human rights standards, but they also have duties to take positive steps to ensure that the rights of individuals are protected effectively. However, until recently the Court's jurisprudence has overlooked the challenging subject of the violence suffered in the home by thousands of women across Europe. Domestic violence is certainly an issue which has been underdeveloped within the human rights system. This paper will examine the ways in which domestic violence constitutes a violation of the European Convention on Human Rights, in particular articles 2, 3 and 8. It will then consider the question of what potential the case law of the European Court has to contribute towards the movement to combat domestic violence. It will be argued that, although positive obligations have clearly been placed on states to ensure that their criminal justice systems are of a sufficient standard in dealing with domestic violence, the Court may be somewhat more reluctant to place duties on states in relation to other vital issues surrounding violence against women in the home, such as the provision of social support measures to victims.

Meehan, Emer * BI0.17 SP 6.3
Youth Justice: the Sentencing of Young Offenders

Youth justice and in particular, the sentencing of young offenders, is still in its infancy in Ireland. The seminal legislative measure, The Children Act 2001, was only fully implemented in March 2007 and many provisions remain under resourced and unused. Moreover, the Act provides very little guidance for the judiciary and so the practice of sentencing in the Courts is ad hoc and inconsistent.

Significantly, the Children Act 2001, as amended, introduces at section 96 general principles which the court should have regard to when sentencing young people under the age of 18 years. These include reference to the age and maturity of the young person, family and education circumstances and the best interests of the child. However, the Act does not expand on these principles and leaves their implementation to the discretion of the judge. In addition, there is a serious dearth of research in the area, and so the operation and effectiveness of the provisions remains to be seen.

As well as presenting an overview of the youth justice system in Ireland as it relates to sentencing, this paper will also introduce results from ongoing empirical research into the perspectives of those involved in the sentencing process. Vitally, this will include young offenders themselves. This research is looking at the sentencing process through the opinions of those involved in, and affected by, the system and in particular, will present the views of the young offenders on fairness and consistency in the courts and well as their understanding of the sentencing process.

Megy, Susan * QB0.14 HL 3.8
Reframing the Debate: From Humanitarian Intervention to the Responsibility to Protect

Under the rubric of the Responsibility to Protect (R2P) norm and when human lives are at stake, there is indeed a dire need for more concrete, effective and timely military responses. As world policymakers embrace the idea of our collective 'responsibility to protect,' this research focuses on the concrete gaps and opportunities and how military missions and multinational organizations can better prepare for such complex civilian protection operations. This presentation will briefly identify the challenges of modern day peacekeeping missions burdened with the intricate task of protecting civilians, using MONUC and UNAMID as examples. I will argue that improved training, doctrine and capacity building must be a priority if aspirations are to rise above the rhetoric and translate into effective action on the ground.

Merritt, Jonathan * QB0.09 CJ 3.2
Policing the Hood: Realities and Myths about Community Policing in Canada and the UK

This paper explores the progress of the Wider Police Family Research Project founded in 2006 with SLSA funding to consider the impact of the changes brought in by the Police Reform Act 2002. This project particularly focuses on the use of such as the Community Support Officer (CSO) in community policing. The material for this paper is in part drawn from an analytical study considering, in this context, the fitness for purpose of PACE 1984 and which is contained a forthcoming article in 'Policing: An International Journal of Strategies and Management'. The remainder is an initial consideration of data from research in Toronto, Canada and elite interviews carried out with officers in three UK forces. Policing on the cheap, plastic police and fake feds are some of the kinder terms applied to what Jason-Lloyd refers to as quasi-police. The national press tend to feature them as a feint by government and as blundering wannabes. The reality is much more complex and mirrored in other jurisdictions. The CSO, Dutch BOA (Special Investigator) and US mall cop are a product of the same wider workforce modernization which produced the teaching assistant and nurse practitioner etc.

Some quasi-police recruits are attracted to exploring a police career but equally the motivation can be a desire to be a bridge builder between members of the community and also with a police force increasingly polarized from its public according to Scarman and later, Crawford. The evidence so far suggests that the communities CSOs serve value the reassuring presence and police officers who work with them value their professionalism and highly developed people skills. What is less clear is that they are properly valued by their organizations and that their role is adequately ring-fenced against becoming merely a kind of assistant constable. A recent review suggests the CSO is thriving and the concept has been exported to Canada as the Alberta Peace Officer. A greater sense of what they are and what they can do needs to be embedded in the minds of policy makers and public alike, something the Alberta Provincial Government appears to have grasped rather better than our own.

Miles, Jo * QB0.10 **FL 3.1**
Cohabitation Law in Scotland: What's Going On?

A paper examining early developments under the Family Law (Scotland) Act 2006 and questions for empirical research.

Mitchell, Barry * QB0.09 **CJ 8.2**
Rethinking, Not Abolishing, Provocation

The Coroners and Justice Bill would abolish the current plea of provocation and replace it with two much narrower pleas, namely (1) fear of serious violence, and (2) something said or done which caused a justifiable sense of being seriously wronged. This paper will argue that such legislation is based on an ill-conceived political desire to get rid of what is inaccurately perceived as a gender-biased plea which produces undeserved reductions in liability. One of the government's aims is to reduce the scope and impact of the existing law; whereas this paper suggests it should be trying to achieve just the opposite.

It will be argued that the true rationale behind an acceptable plea of provocation lies in the mental disturbance it causes which prevents the defendant from thinking in a normal rational manner; it disturbs his judgment and perception. The physical manifestation of the reaction to the provocation is much less significant. Thus, the Law Commission (2004 and 2006) was right to reject the loss of self-control requirement, and the Ministry of Justice (2008) and the Bill are misguided in retaining it. Moreover, given the true rationale, some good reason is needed to justify the restriction on the nature of the provocation to words or human conduct.

In redefining the law thus the gravity of the provocation needed to produce the necessary disturbed thinking will be influenced by the defendant's general state of mind and what was happening in his life at the time. The presence of stress or other problems may well mean that the provocation need not be especially serious for it to significantly distort the mental processes. It is therefore quite likely that some sort of expert guidance may be necessary to assist the court.

The paper will also argue that the concept of a person "with a normal degree of tolerance and self-restraint" (clause 41(1) (c) in the Bill) is misguided and meaningless, and that in consequence a more subjectivised version of an objective test is more appropriate.

Moloney, Catriona * BI0.12 **MH 6.6**
Paternalism versus Autonomy: Where is the Balance?

The purpose of this paper is to examine how the law on capacity can achieve an appropriate balance between the traditional paternalistic protection given to vulnerable adults and the philosophical shift in policy towards an emphasis on autonomy, capacity and empowerment. This paper discusses the core issue in this debate: how to regulate in this area to ensure adequate protection for the vulnerable, while also providing sufficient freedom for them to practice the right to self-determination. Consequently, this implicates

achieving a compromise between restricting personal rights, such as autonomy, liberty and dignity, and at the same time respecting these very rights. To facilitate a discussion of the latter issues the following will be examined in this paper:

1. There will be a consideration of the current law on capacity and consent and how it affects people with mental health problems.

2. The paper will concentrate on the innovative shift from the medical model towards a social human rights perspective for people with mental disabilities. The paper will discuss the International Bill of Human Rights, the United Nations Convention on the Rights of Persons with Disabilities, principles of the WHO and the Mental Illness Principles as set out by the United Nations General Assembly. The paper will also focus on how the European Convention on Human Rights is interpreted by the European Court of Human Rights to provide protection for or to promote the human rights of mentally disabled people.

3. The paper will examine the development of a human rights approach in Australia, Canada and the United Kingdom.

4. Finally, the paper will look at Ireland's efforts to comply with international human rights obligations. Therefore, there will be an analysis of the Irish attempt to achieve a balance between protecting the best interests of the vulnerable and complying with the philosophical shift towards emphasising autonomy, capacity and empowerment.

Monk, Daniel * QB1.10 GSL 4.4
Queerying Homophobic Bullying: Memories, Identities and Strategies

Homophobic bullying has attracted much attention in recent years. A high profile issue for LGBT and children's rights campaigners it has also been the subject of extensive academic research, policy initiatives and case law. This paper explores this literature to question how memory and identities are utilised in strategies designed to tackle homophobic bullying.

In particular it identifies and critiques the centrality of two dominant images of victimhood within the literature: the 'brutalised innocent child' and the 'tragic homosexual'. It also questions the use of memory in the empirical research based on interviews with adult gays and lesbians looking back to their childhoods and examines how these construct a collective past. The aim of the paper is not to reject endeavours to tackle homophobic bullying but to question the conditions of possibility that enable it to become a legitimate speakable harm.

Moore, Elena * QB0.10 FL 5.1
Profile of Parent and Children's Contact Arrangements in Ireland

This paper will provide a descriptive profile of the types of cases observed in a study of parent-child contact agreements and arrangements based on attending and observing family law circuit cases. The aim of this paper is to present the kind of post separation/divorce child- parent- contact arrangements that are made in the process of legal separation and divorce in Ireland. To date the dearth of socio-legal research on divorce in Ireland can be explained by the long- standing "in camera" rule which prohibited researcher access to family law Courts. However, reform to Section 40(3) of the Civil Liability and Courts Act 2004 notably the introduction of S. I. No. 337 of 2005, permitted researchers to apply to the Minister for Justice for access to the family law courts. The Principal Investigator in this study initially sought access to court files however permission to access files was refused by the Courts Service. It was suggested that the research team could seek access to attend the court hearings and observe the rulings in divorce and separation cases over a five month period. This research strategy while very time consuming has afforded the researchers an excellent insight into the workings of family law courts. The data and profiles that will be presented in this paper were collected from the applications made at the family law courts in Ireland over a five

month period. The applications sought within these cases range from divorce or separation to sole custody and barring orders etc. It is hoped that the paper will present an insight into parent-child contact agreements and arrangements post separation.

Moorhead, Richard * QB0.11 LabL 4.5
An American Explosion? Contingency Fees: Access to Justice, Compensation Culture and Employment Tribunals

The use of contingency fees in employment tribunals is one, controversial element, to allegations of a "claims explosion" in employment tribunals. This paper will critique such claims empirically discussing original empirical findings on two new studies conducted by the author (with Rebecca Cumming) on the use of contingency fees in employment tribunal cases. The first is an extensive survey of practitioners: examining the extent of their use of contingency fees, and the issues that they raise. The second study, supported by the Nuffield Foundation, examines claimant perceptions for the fee arrangements they use to bring employment cases be they contingency fee clients; trade union members; backed by insurance or paying privately.

Morgan, Derek * QB0.11 KW 8.10
Pleading Poverty: Rediscovering Welfare Law?
Keyword: Vulnerability

It seems to me that we have given up on people. Not what they look like, how they think, where they come from and how we dispose of ourselves. But on the lives they lead. We have forgotten who we are living with. We have forgotten poverty, as if in a fit of absence of mind. This is part of the new politics of anxiety, the legal conditions that construct it, the political decisions that condition it and construct it, the personal costs of neglecting our neighbours, oppressing strangers, abandoning a commitment to provide sanctuary in law.

We are coming to know more about the internal organs of corporate enterprises than the living conditions of people. We understand better the body politic and the politics of the body, but not the people who populate both. In our search to explicate and understand the normal chaos of family law, of medical law, of love, we have forgotten the normal chaos of ordinary life. Literally. People have become our strangers at the gates, and for the most part, we have responded by slamming them firmly, bolting them and congregating in our huddled churches.

Why?

Alastair Campbell, in his Tuohy lectures of 1994 articulated a vision of modern postindustrial society that attempted to see health "as best understood as an aspect of human freedom" and the essence of good health care as "a liberation, a setting free". Campbell argued from his explicitly theological position, but insists, "that we listen first and foremost to the voices of those who suffer". The reason for this is simple, and in my view compelling:

"unless we confront these issues of freedom, oppression and liberation, we will be focusing our attention on secondary issues while refusing to confront or even acknowledge the primary issue that of the uses and abuses of power in health care delivery and in the very definition of health itself."

Here, for health I want to try to substitute wealth and examine the implications of Campbell's thesis.

Morris, Annette * BI0.12 ML 2.5
Asbestos Wars and the Battle over Pleural Plaques

How should the law respond to the medical condition of pleural plaques? Should sufferers receive tort compensation in cases of negligent exposure to asbestos or should

a no-fault compensation scheme be established? These issues, which form the latest battleground in the asbestos wars, were the subject of a Government consultation paper in 2008, the results of which are eagerly awaited. Pleural plaques (scars on the lung) are usually asymptomatic and have been described as a benign disease. They indicate that an individual has been exposed to asbestos and those affected naturally become anxious that they will go on to develop an asbestos-related disease, such as mesothelioma. In 2007, the House of Lords controversially ended the 20-year practice of allowing the 'worried well' to claim modest tort compensation on the basis that there is no 'actionable damage'. Pleural plaques, it said, do not constitute physical damage and the resulting anxiety does not usually amount to a psychiatric injury. Where it does, there are foreseeability problems. It is estimated that between 200,000 1.25 million people could be diagnosed with pleural plaques in the future. The legacy of asbestos is an emotive topic and the issue of pleural plaques has attracted fierce lobbying from trade unions and the insurance industry alike. The Scottish Parliament is introducing legislation to reverse the House of Lords decision, but the Ministry of Justice seems reluctant to follow suit in relation to England and Wales. It seems keen to focus its efforts on educating the public about the nature of the condition instead. This paper examines the medical, legal, political and financial aspects of the battle over pleural plaques.

Moscati, Maria Federica * QB1.10 GSL 3.4
Trajectory of Reform: Catholicism, the State and the Civil Society in the Developments of LGBT Rights

This paper examines variations in LGBT identities, addressing the question by asking why and how do Italy and Spain give different legal recognition to LGBT identities?

Italy and Spain present important similarities in legal, social and historical contexts. Both legal cultures have legal frameworks decriminalizing homosexuality. Nevertheless, they have approached same-sex unions in quite different ways. Spain has introduced same-sex marriage. Italy has dragged its feet, so that legal recognition remains fiercely contested and unrealized.

In the case of Spain, the paper examines the legislative process and the law on same-sex marriage and its consequences. For Italy, the article focuses on the legislative proposals and on the jurisprudence which surrounds the controversy over formal legal recognition of same-sex unions.

A range of social and historical contextualizing factors is drawn to explain the contrasting approaches, and especially the manner in which these factors have influenced legal recognition. In this way, the paper explains why and how Spain went from the decriminalization of homosexuality to the legal reforms recognizing same-sex unions, while Italy has proceeded at a more snail-like pace.

In addition, the article investigates in both legal cultures the effects of the law on trans-sexualism, as this is a further important aspect of legal dimensions of LGBT identity.

Overall, it is argued that it is in the area of same-sex unions that some of the most significant changes have taken place in family law over the past decade in a number of jurisdictions.

I should my paper like to be considered for publication in the proposed special edition of Liverpool Law Review.

Mullock, Alexandra * BI0.12 ML 1.5
Should Necessity be the Midwife to Voluntary Euthanasia?

My paper explores the common law development of the defence of necessity in the context of medical cases. I consider how despite the general reluctance of English courts to allow the defence of necessity to establish itself, recent developments within

the context of medical dilemmas have prompted a debate over the applicability of necessity as a defence to euthanasia. Consequently, I discuss the development of the defence at common law, both generally and within the medical context. In particular, considering the implications of the court's decision in the Conjoined Twins case, *Re A*, and the subsequent academic debate regarding the ethics of this case.

I also consider the utilization of the necessity defence in the Netherlands, discussing how the concept of necessity provided the very foundation upon which the subsequent legalisation of assisted dying was established. Finally, I construct a hypothetical case in order to explore the idea that necessity might be seen as an extension of the doctrine of double effect in circumstances where a doctor goes beyond what would be generally be regarded as accepted practice in palliative care.

The Director of Public Prosecution's discretion: *R (on the Application of Purdy v DPP)*

Section 2(1) Suicide Act 1961 makes it an offence to aid, abet, counsel to procure the suicide of another, however, under s2(4), "proceedings shall [not] be instituted "except by or with the consent of the Director of Public Prosecutions" (DPP).

There are around 148 statutes which require the DPP, Attorney-General (or Secretary of State's) consent, but in the context of assisting suicide, the consent provision was included in order to ensure consistency and to prevent inappropriate (private) prosecutions in a sensitive are which is likely to raise public concern (Mansfield & Peay).

The consent provision has recently been questioned in the case of *R (on the Application of Purdy) v DPP* where Debbie Purdy argued, in the High Court, "that there was a duty on the DPP to publish a specific policy outlining the circumstances in which a prosecution under s2(1) would or would not be appropriate." The application was dismissed, but an appeal will be heard on the 2nd February 2009.

This is not, however, the first time the provisions of the section have been challenged; in *R (on the Application of Pretty) v DPP* (2001), Diane Pretty questioned the DPP's decision not to guarantee that he would not prosecute Mr Pretty in the future for aiding Mrs Pretty's suicide. This application was also unsuccessful.

It will be argued here that:
(i) The DPP should maintain his position by not issuing guidelines on his prosecution policy in s2(1) cases.
(ii) Section 2(1) makes it perfectly clear what constitutes an offence under that section.
(iii) As such, much as we feel sympathy for the applicants, it can be suggested that these cases are not strictly necessary, and are being used by euthanasia supporters to publicise euthanasia issues.

(iv) In light of the DPP's publication of his decision not to prosecute the parents of Daniel James (who travelled to Switzerland to be assisted in his suicide) on the 9th December 2008, it is likely that the Court of Appeal will dismiss Debbie Purdy's appeal.

Munce, Peter * BI0.18 HR 7.4

Unionists as "Court Sceptics": An Exploration of Elite Level Unionist Responses to Recent Proposals for a Northern Ireland Bill of Rights

Within the normative framework of political constitutionalism there is a rich strand of thought (Allan, 1996, 2003 & 2004, Bellamy 2007, Griffith 1979, Tomkins 2001 and Waldron 2001 & 2006), which argues against the incorporation of Bills of Rights into the legal and constitutional system of the body politic on the basis that documents, which enshrine rights in a higher form of constitutional law are by their very nature undemocratic because they involve the transfer of power over social policy and other political matters from elected legislatures to an unelected judiciary.

The Northern Ireland Bill of Rights Forum (2008) and the Northern Ireland Human Rights Commission (2009) have recently published proposals for a Bill of Rights in Northern Ireland. In the debates that have followed, elite level unionist responses have begun to articulate scepticism about such proposals on the basis that Bills of Rights limit "the right of the citizen to participate in the democratic governance of their community" (Waldron, 2001).

This paper will begin by exploring the normative framework of political constitutionalism within the context of debates over the efficacy of constitutional Bills of Rights. It will then consider how elite level unionist responses to proposals for a Northern Ireland Bill of Rights can be analysed within this framework exploring whether the term "court sceptic" (Hiebert, 2006) is an appropriate way of conceptualising unionist responses. It will conclude by offering some further observations on the term "court sceptic".

Munro, Nell * BI0.12 MH 7.3
Legal Discreditation of Mad People: a Systems Theory Approach

The concept of stigma typically refers to those social processes which lead to an individual being discredited as a participant within a social group. These processes are, however, heavily contested. This paper will ask if the social systems theory of Niklas Luhmann can offer new insights into the social function performed by stigma. Luhmann's theory of social systems defines communications, rather than people, as the fundamental units which make up society. This redescription of society enabled Luhmann to embark upon a highly ambitious project of theory building, which calls into question much of what has been assumed to be self-evident about the functions and operations of social systems.

This paper argues that stigmatising assumptions about the likely credibility of people with mental health needs attenuate communication processes and consequently promote social exclusion. Our understanding of the processes which lead to the discreditation of people with mental health needs can be further enhanced by a recognition of the distinction between localised systems of meaning generated within interaction systems such as families and workplaces, and more abstract meaning generated within social systems such as law and the economy. Within the former a generalised distinction between esteem and disdain is observed. Within the latter a distinction is observed between whether an attempt at communication should be accredited or discredited. Thus stigma can be broken down into two processes, both of which adversely affect the welfare of stigmatised people, but which operate in completely different ways.

This distinctions esteem/disdain and accreditation/discreditation will be illustrated with a case study of responses to testimony by people with mental health needs within the legal system. It will argue that within interaction systems, such as a Mental Health Review Tribunal hearing, people with mental health needs may encounter esteem, and even accreditation. But this esteem is not reflected in the decisions reached by the MHRT panel which frequently discredit the patient's testimony about her experience and level of insight.

Murphy, Cian * QB0.16 EurL 3.11
Beyond the Rule of Law: EU Asset-Freezing Sanctions and Actuarial Justice

The practice of freezing the assets of those suspected of terrorism has been a cornerstone of EU counter-terrorism since September 11, 2001. Based on lists drawn up by Member States and the United Nations Security Council, the EU has placed hundreds of individuals in a state best described as financial Guantanamo. In their recent judgments on both domestic and international lists, the Courts of Justice of the European Union have questioned the legality of these actions. This paper offers an overview of the sanction's history and the ECJ and CFI judgments and critically analyses the measures in light of the criminological concept of actuarial justice developed by Feeley & Simon in the early 1990s. The paper concludes that the sanctions represent a dangerous and

pre-emptive approach that challenges human rights and the rule of law.

Murphy, Shannonbrooke * BI0.18 HR 4.9
The Elephant in the Room: The Right to Resist in International Human Rights Law

Explicit legal recognition of a 'right to resist' has been considered urgent at various points in the history of the development of the human rights movement from the 18th through the 20th centuries. In the 21st century, however, this idea has not only fallen into disfavour, it has all but disappeared from international human rights law discourse – superseded by other human rights priorities, by the predominance of a human rights paradigm strongly averse to violence in all its forms, and an increasing concern with human rights violations by non-State actors. But is the 'right to resist' truly obsolete? Against a backdrop of the international community's ongoing failure to prevent genocide, crimes against humanity or other massive (and lesser) human rights violations, arguably the 'right to resist' has become international human rights law's 'elephant in the room'.

The proposed presentation will examine the status of the 'right to resist' and whether norm clarification or development is warranted. It will survey the origins of the right to resist and its position in positive law, including the explicit and implicit doctrines that have emerged from the various branches of international human rights treaty and customary law, and identify the *lacunae* in the law.

Based on the preceding analysis, the presentation will argue that the right to resist deserves a firmer place in international human rights law and in contemporary human rights discourse. While a very limited right to resist does exist in international human rights law at present – primarily, although not exclusively, the result of an accretion of implicit doctrine from the various branches of the law – it is far too narrow in scope, as it does virtually nothing to assist the majority of people whose States commit grave or massive human rights violations, crimes against humanity or genocide, much less those facing systematic and serious violations of 'lesser' human rights (non-*jus cogens* or peremptory norms), tyranny or other dictatorship. Therefore, the debate on strengthening the right to resist as a secondary right and self-help form of effective remedy should be reopened among human rights advocates.

Naidoo, André * BI0.19 SL 2.9
The Regulation of Ticket Touting

The secondary market in tickets for events has gained a great deal of momentum in recent years. New technology has enhanced the level of market access for sellers and consequently, it has enhanced the negative effects of that market. Whilst the market itself can be beneficial from a social and economic perspective, there is far too much scope for consumers to be exposed to the exploitative and exclusionary effects that can result. In addition, from an events management perspective, the secondary market often serves to compromise the social and commercial objectives of the events. In February 2009, the Department for Culture, Media and Sport (DCMS) commenced a consultation with a view finding a suitable direction for the potential regulation of the secondary market. This paper addresses the issues raised by the recent consultation and explores the extent to which the secondary market can be regulated by the existing legal tools in the UK. Finally, the way forward is considered in the context of the legislative solutions that could serve to protect the legitimate interests of all parties concerned.

Newnham, Annika * QB0.10 FL 5.1
Shared Residence Orders, the Paramountcy Principle and Law's Gendered Understandings of Parents' Responsibilities

Until comparatively recently shared residence (SR) was generally thought not to be in children's best interests. It was said to confuse children, and consequently such orders were only made in exceptional circumstances, and at the determined request of both parents. In contrast, it has been said in Re D [2000] and subsequent cases that shared residence orders can benefit children *inter alia* by improving parental co-operation and

ensuring both parents continued involvement. This changing application of the welfare test under Section 1 of the Children Act 1989 to shared residence could be taken to suggest that a presumption in favour of SR is developing.

This paper seeks to argue against such a presumption. It examines the understandings of family which underpin the law regulating disputes between parents over children; to identify the motivations behind changing attitudes to shared residence. It argues that English law as a current construction of parenthood as permanent is grounded in the traditional liberal public/private dichotomy and the patriarchal nuclear family ideal. This, combined with the emphasis on party-negotiated compromise and conciliatory behaviour now influenced by post-liberal thinking, leads to particular understandings of how parents ought to behave. These expectations are expressed through child welfare discourse and the paramountcy principle, translated into rigid binary categories of good and bad post-separation parenting.

Not withstanding the gender-neutral language of the legislation, the normative expectations law places on parents are highly gendered. Law constructs caring as an unseen and unrewarded outpouring of love within the unregulated private sphere; it therefore tends to concentrate on the regulation of rights rather than caring responsibilities. Moreover, law's construction of motherhood as natural and private leads it to concentrate on fathers' rights. It is argued that this is not only to encourage fathers, but also to secure a male influence over mother-headed families and contain wider social anxieties by recreating nuclear families in a hierarchical, bi-nuclear mould. Such a use of shared residence is unlikely to achieve its implicit goals, and moreover stands in direct conflict with the insistence in s1 of the Children Act 1989 that the child's best interests are paramount.

Ngane, Sylvia * BI0.17 SP 6.3

Should the State Bear the Responsibility of Imposing Sanctions on its Citizens Who as Witnesses Commit Crimes Before the ICC?

Witnesses have been an important source of evidence and have made major contributions in the development of international law. Most especially, international criminal tribunals have made significant use of witness evidence in proceedings before them. The evidence given by these witnesses shaped most of the brilliant judgements taken by these tribunals. This paper focuses on the responsibility of States to impose sanctions on witnesses for offences against the International Criminal Court's (ICC) administration of justice. It considers the reasons why States are justified in imposing sanctions on witnesses rather than the ICC. The ICC Statute provides for sanctions against the Court's administration of justice. State Parties are required to extend their criminal laws penalizing offences against the Court's administration of justice committed on its territory or by one of its nationals.

In this paper, I argue that the ICC was created by States and every witness before this Court is the subject of a State. As a citizen, the State can accurately determine what that witness deserves for violations before the ICC. The State has been elected by the people, citizens of the State have consented in any laws or legislation passed and ratified by the State. Therefore, witnesses who come before the Court are bound by the Rome Statute and should be punished by their States for crimes against the Court. As subjects of the State they are systemic to the legal system, they provide the facts in cases before the ICC which assist the judges in dispensing justice and contributes in developing the law. States have the prescriptive act of penalizing the conduct of witnesses, thus, they have the legal duty to impose criminal sanctions.

Nobles, Richard * QB0.13 SLT 3.7

Why Do Judges Talk The Way They Do: A Systems Theory Analysis

This paper uses Niklas Luhmann's system theory, in particular his application of the concept of redundancy, to explore judicial communications. This concept is explained, and then applied to two issues that have been central to Jurisprudential theory: the

nature of judicial commitment to the legal system; and the general failure of judges to admit, as they make law, that this is what they are doing.

O'Brien, Eadaoin * QB0.14 HL 2.7
Investigating Franco Era Crimes: the Search for Peace, Truth and Justice in Spain
No abstract received

O'Brien, Mark * BI0.18 ITLC 2.11
Still Raving: Travelling Peoples, Policing and Technology

The arrest of 537 travelling people in still-controversial circumstances at the notorious Battle of the Beanfield in 1985 frequently is cited as a signal example of the consequences of failures in intelligence-led public order policing. This paper seeks to explore what has changed since this time, with a focus upon the impact of technology, and how new uses of information technology can be utilised to shed light on some of the important issues at play in such public order 'flashpoint' situations.

O'Reilly, Kieran * QB0.14 CSL 6.8
The Use of Force, War of National Liberation and Self Determination in the South Ossetian Conflict

The recent conflict in South Ossetian, involving both Georgian and Russian armed forces, has attracted much international attention. The *jus ad bellum* of this particular conflict has been commented on by leaders of both States. Georgian President Mikhail Saakashvili stated that that Russian actions in Georgia were a clear intrusion on another country's territory while Russian President Dmitri Medvedev stated that Russian forces had been obliged to take action and intervene in South Ossetia in order to prevent genocide in the region, and that he was taking into account the free expression of free will of the South Ossetian population, thus claiming that Russia had a legitimate *jus ad bellum*. This paper will first look at the circumstances surrounding the South Ossetian conflict, and then examine the *jus ad bellum* regarding wars of national liberation and aggression. The concept of intervention to protect nationals abroad will also be discussed. These legal paradigms will then be applied to the events of August 2008 in the region of South Ossetia to analyse the legality of the use of force in this conflict.

Organick, Aliza * QB0.17 IR 2.6
Listening to the Indigenous Voice

In the United States, there are currently 560 federally recognized tribes. These tribes are considered sovereign nations within the borders of the United States. The current policy of the American federal government is to not only recognise tribal nations as sovereign, but also to encourage and to support the principles of tribal self determination. The goal of tribal self determination encompasses within it the right of each tribe to make decisions that are in the best interest of the tribe and tribal people including matters of political, cultural, and tribal self governance, economic development, the health and welfare of tribal people, and to support the basic human rights of tribal members. The international community has long recognized that indigenous peoples have these rights.

In light of the Declaration of the Rights of Indigenous Peoples which was finally adopted by the UN General Assembly in September 2007, this paper will explore whether and how native nations are using this instrument to strengthen those principles of self-determination and to consider ways they might be more proactive in doing so.

O'Rourke, Catherine * QB0.14 CSL 5.9
The Boundaries of Transition: Exploring the Feminist Political Project in Transitional Justice

Over the past decade, the field of transitional justice has grown exponentially, and increasingly includes efforts to establish the rule of law in transitional societies within its scope of enquiry. To date, however, feminist interventions into the theory and practice of

transitional justice have focused on the criminalization of wartime rape. Sustained feminist analysis of the broader understanding of transitional justice and the rule of law has therefore yet to emerge, and substantial lacunaes are now evident in feminist analysis of transitional justice. In particular, there is increasing concern that the focus on the legal treatment of crimes of sexual violence has unduly narrowed the terrain for feminist engagement with transitional justice, and has worryingly worked to essentialize women's experience of violent conflict as victims of sexual violence.

This paper will draw on legal doctrinal and field research on transitional justice and the rule of law conducted by the author in Chile, Northern Ireland, and Colombia, in order to explore the gender implications of more recent trends in transitional justice. In particular, the paper examines state-led initiatives to deliver truth, justice, reparations, and the rule of law for their impact on violence against women and reproductive rights in the cases under examination.

O'Rourke, Catherine * QB0.13 SLT 4.7
Research Feminist Engagement with Law in Periods of Heightened Political Change

Over the past decade, the field of transitional justice has grown exponentially, and increasingly includes efforts to establish the rule of law in transitional societies within its scope of enquiry. To date, however, feminist interventions into the theory and practice of transitional justice have focused on the criminalization of wartime rape. Sustained feminist analysis of the broader understanding of transitional justice and the rule of law has therefore yet to emerge, and substantial lacunas are now evident in feminist analysis of transitional justice. In particular, there is increasing concern that the focus on the legal treatment of crimes of sexual violence has unduly narrowed the terrain for feminist engagement with transitional justice, and has worryingly worked to essentialize women's experience of violent conflict as victims of sexual violence.

This paper will draw on legal doctrinal and field research on transitional justice and the rule of law conducted by the author in Chile, Northern Ireland, and Colombia, in order to explore the gender implications of more recent trends in transitional justice. In particular, the paper examines state-led initiatives to deliver truth, justice, reparations, and the rule of law for their impact on violence against women and reproductive rights in the cases under examination.

Parkes, Aisling * BI0.18 HR 7.4
Children's Parliaments and the Right of the Child to be Heard under International Law

Article 12 of the UN Convention on the Rights of the Child 1989 (CRC) recognises the right of all children to be heard in all matters affecting them with due weight being afforded their views in accordance with their age and maturity. Thus, children should be provided with the opportunity to be heard in all areas of their lives including in the local community and at national and international levels. However, the question arises as to whether or not it is realistic to think that children can have a meaningful input into decisions made beyond the realms of the family and school? Of what possible value could children's views be to decision makers at local and national level?

Over the past couple of decades, States parties all over the world have demonstrated that Children's Parliaments can serve as an effective mechanism through which children can express views at community and national level in accordance with Article 12 of the CRC. However, the operation of these Children's Parliaments varies greatly between States Parties and while they may facilitate children expressing themselves, the question remains as to whether these mechanisms effectively integrate the views of children into the decision-making process or are they more tokenistic in nature, thus not being compliant with international legal obligations.

This paper will explore the theory behind the establishment of Children's Parliaments as they have developed over recent years. Following a review of the main characteristics of selected Children's Parliaments currently in existence, it will identify what the author considers to be the essential characteristics of an Article 12 - complaint Children's Parliament. Finally, it will be argued that not only should States Parties be required to put a Children's Parliament in place but the UN Committee on the Rights of the Child should provide structured guidelines which set out these essential characteristics so that States Parties adhere to their international legal obligations by ensuring true child participation at local and domestic level.

Pasculli, Maria * QB0.09 CJ 7.2
Universal Jurisdiction Between Unity and Fragmentation of International Criminal Justice

1. Towards the research of legal frameworks:

1.1 Universal Jurisdiction (UJ) as a form of *jus cogens* (does the nature of crime depend on the jurisdictional principle?)

1.2.U.J. as an obligation *erga omnes* (should the international obligations be assumed by the States?)

1.3 U.J.as a conventional treaty form.

2. The absolute relevance of law unity: a plea for an uniform application of U.J.

2.1. The evenness on identifying the crimes. The possible concepts of universal offences.

2.2. The evenness on defining the crimes. The recognised elements of universal delicts. The potential exclusion of common crimes.

2.3. The evenness on applying all criminal offences against international law.

2.4 U.J as an internal law (what is the legal foundation, if the principle is recognised in/by the domestic law? A legal regulation? A judicial decision? An international convention?)

3. The real incidence of fragmentation of law on U.J.

3.1. U.J. and concurrent criminal jurisdiction: a false alarm.

3.2. U.J. and international criminal tribunals: a possible true overlapping.

Paterson, Susan * QB1.10 GSL 3.4
Opening Our Eyes to Women's Experience of Homophobic Violence

Research looking at women's experience of homophobic violence is still very limited. However research from a Home Office funded project entitled, 'Understanding and Responding Hate Crime' shows there is significant differential rate between men and women reporting homophobic violence to the police - the ratio is 7 men to 1 women[1]. Although, both national and local survey based research on the LGBT community would indicate that women and men's victimisation rates are far more equal. This paper therefore will explore both the nature and dynamics of homophobically motivated violence and gender bias experienced by women. During the last two decades the term 'Hate Crime' has emerged as term to describe the type of violence carried out because of the perpetrators hostility towards to the social group which the victim is perceived to belong to. Therefore, it vital that research should be carried out to understand the situational dynamics, extent and nature of these forms of violence towards women and

to establish if the types of violence are different to the types of violence that others experience. This research aims to establish the usefulness of using a multi-methodological approach to reveal how the combination of gender and sexuality leads to both discrimination but an invisibility within the criminal justice system. The research environment will draw on both police and non police reporting information and will aim to make comparisons from this in order to further understand the type of violence experienced.

[1]Crime and Prevention, New Approaches, Weisser Ring, 2003, Grounded Crime Prevention: Responding and Understanding Hate Crime, p123-152– Crime and Prevention, New Approaches

Penfold, Carolyn * QB0.11 LabL 2.4
No Special Treatment: Women and Labour Law in Australia

Australian labour law and labour relations have been in a state of flux for nearly 20 years, as national governments of each persuasion have tried to encourage reliance on the marketplace rather than on regulation. In 2005 the pendulum swung to the far right, with the Liberal Government's "Workchoices" legislation attacking worker protections and severely constraining union activities. As a result, in 2007, the Labour Party swept to power in a campaign focused almost exclusively on labour issues, backed by a huge union campaign. The Labour government has now introduced legislation seeking to restore the balance between the rights and responsibilities of bosses and workers. Some of the legislation has taken effect, some will not commence until 2010.

This paper looks at the effects which the changes have had, and are likely to have, on women workers in Australia. Firstly it will outline the broad changes occurring in recent years. Secondly, it will examine issues specific to women such as maternity leave, and other issues likely to have particular relevance for women, such as parental and carers leave, rights to request flexible work, discrimination, unfair dismissal, and enforcement issues. Thirdly, rather than focusing only on the rights women will have, the paper looks also at the rights and protections they have lost and may lose as a result of the new legislative regime. Finally the paper evaluates the legislative changes in Australia so far as they are relevant to women, and makes suggestions for future change.

Piper, Christine & Easton, Sue * BI0.17 SP 5.4
Fines and Equitable Impact: An English Impossibility?

There has never been a consensus on the part of judges and sentencing scholars on whether the impact of a punishment on a particular offender should be a factor in the sentencing decision. However, in relation to financial penalties "where disparate impact and consequent inequity is easier to identify" there have been attempts to introduce sentencing law and guidance, notably unit or day fines, whereby the offenders financial resources are a major factor in the calculation of the amount of the fine. However, recent research suggests that there are currently limits to the capacity of judges and magistrates to take financial impact into account. In line with research on custodial decision making, it would appear that a desire to ensure that serious offending is visibly fully punished and denounced (partly because of concerns over the perceived punitiveness of the public) takes precedence over a desire to ensure equitable impact.

This paper considers these findings in the context of the development and utility of more constraining guidelines as well as of the increasing use of pre-court summary justice. It argues that the crucial obstacles to reform are based on long-standing ideas about the relationship between money and punishment, ideas which have been confirmed rather than undermined by developments in the use of penalty notices for disorder and fines for a variety of regulatory offences.

Policek, Nicoletta * QB0.15 RS 4.3
Policing the Truth: Sex Workers as Police Informants

Individuals affiliate with many different networks in order to provide separate purposes in their lives and to guarantee their own survival (Hymes, 1964; Goodwin, 1990; Hudson, 1996; Tabouret-Kelly, 1997). In the case of outdoor sex workers, this paper argues that knowledge made up mainly by gossip and rumour about drugs dealings - serves to define their survival on the street. The possibility for survival, intended here as permission to work without fear of being stopped, arrested and /or removed to a different location by the police, is linked to sex workers ability to translate gossip and rumour into what they believe to be useful information that can be exchanged in order to negotiate their space on the street. This survival tactic helps women to temporarily dissolve the dichotomy between the powerful (the police) and the powerless (outdoor sex workers) as women involved in the sex industry have always had a difficult relationship with the police; one that is based on a very precarious power balance (Edwards, 1993; Sharpe, 1998; Policek, 2002; Saunders, 2005). This exchange of information clearly does not guarantee immunity from physical and verbal abuse by clients, passers by and local residents (Sagar, 2005), nor this is a legally binding contract. The survival technique described here is simply about negotiating the right to work as outdoor sex workers. From interviews with women involved in the outdoor sex industry in Edinburgh, conducted over a period of ten years, it emerged that generating and exchanging information, mainly in relation to drugs dealings ,is often a powerful tool that sex workers employ in order to guarantee their own survival on the street. Their decision about how much or how little to tell the police is crucial to setting boundaries between themselves and the police. Furthermore, these boundaries are critical to the creation of sex workers' shared identity as police informants, especially after the closure of the Non-Harassment Zone in Edinburgh, as women now need to be able to negotiate their own space on the street in a much more competitive manner.

Potter, Susan * QB1.10 GSL 6.5
FILM/DVD: An Ordinary Person. Does the Law Make it Impossible to Murder a Homosexual? DOCNZ Film Festival Awards 2009 - Winner

Powderly, Joseph * BI0.18 HR 5.10
Statelessness as a Catalyst for Crimes Against Humanity: The "Rohingya" of North Rakhine State, Myanmar

The recent sustained media attention on the "Muslim Boat People" of North Rakhine State, Myanmar has most notably arisen from allegations that Thai border authorities were responsible for the towing out to sea of engineless rafts on which several hundred "Rohingya" (also referred to as Muslims of North Rakhine State) were effectively left to die. Perhaps unsurprisingly, the resulting attention has focused on the responses, or lack thereof, of the Governments of Thailand, Bangladesh, India, Malaysia, and Indonesia to this attempted influx of refugees, instead of questioning in any meaningful way the root causes of the situation of the Rohingya.

This paper seeks to reformulate the debate surrounding the Rohingya back to the humanitarian/human rights conditions on the ground which constitutes the fundamental triggers for exodus. This paper will provide a brief overview of the current situation in North Rakhine State (based on recent field investigations), examine the manner in which the State Peace and Development Council (SPDC) has used the denial of citizenship as a catalyst in the widespread and systematic persecution of the Rohingya population and will address the question of whether the policies pursued (both implicitly and explicitly) by the SPDC with respect to the Rohingya satisfy the requirements of crimes against humanity as enumerated in Article 7 of the Rome Statute of the International Criminal Court. It will critique the historical responses of the international community to the situation of the Rohingya, and ponder possible future strategies for the effective resolution of the issue.

Power, Susan * QB0.14 HL 4.11
Contemporary Challenges to the Applicability of the Law of Belligerent Occupation

Article 42 of the Hague Regulations describes the legal criteria for establishing de facto military occupation of foreign territory; outlining territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised. Although two tests of 'actual' and 'potential' control were developed to determine belligerent occupation, it had become accepted in international practice that the broader test of 'potential control' was more suited to contemporary hostilities. The ICJ ruling in Case Concerning Armed Activities on the Territory of the Congo (2005) reversed this position favouring the traditional test of 'actual' control, creating a wave of uncertainty over the application of the tests. After the disengagement of Israel from the Gaza Strip in 2005, Israel, under the narrower 'actual' control test, could no longer be considered a belligerent occupant there. However recently UNSC resolution 1860 (2009) outlined that "the Gaza Strip constitutes an integral part of the territory occupied in 1967".

This paper seeks to address the tensions that have surfaced in the application of occupation law by highlighting the diverse results produced from the application of the tests of 'actual' and 'potential' control to hostilities. Furthermore the paper will assess the trend of intra state agreements and UNSC resolution pronouncements on the status of occupied territory and the tenuous relationship of these with de facto military occupation.

Queiroz, Joao Paulo * QB1.10 GSL 1.3
Gender Stereotyping in TV Ads

This analysis sampled 24hour x 4 seasons. 772 ads resulted, populated with 1559 characters. The coding panel tabulated result were confirmation of some of the hypothesis and also new findings related, for example, to animated versus real character, product type versus character, or latent ideal family composed of male grandfather, mother, and son.

Quéma, Anne * QB0.16 LLit 8.6
The Civil Partnership Act as a Mimetic Narrative of Social Reproduction

Jerome Bruner and Robin West - among others - have argued that case-law presents its own narrative structure and rhetoric. Bruner has stated that a "legal story is a story told before a court of law" (37). Melanie Williams views the study of literature as a means of gaining insights 'not easily realized in legal scholarship" (11). Drawing on my article published in the *International Journal of Law in Context*, I consider the narratives of law from a different angle by focusing on the production of statutory texts in the domain of English family law. Although I am aware of the fact that law cannot be reduced to statutory language, I argue that legal statutes contribute to the creation of a social narrative that derives from and contributes to the social context within which law is formulated. In this context, I concentrate on a legal narrative that revolves around the norms of gender, marriage, and parenthood in the Marriage Act 1949, the Matrimonial Causes Act 1973, the Family Law Act 1996, the Gender Recognition Act 2004, the Civil Partnership Act 2004, and the Human Fertilization and Embryology Act 2008. I suggest that the narrative emerging from these statutes reveals recurring contradictions stemming from the attempt to maintain a clear-cut distinction between the categories of man and woman. On the one hand, legal statutes dissociate marriage from civil partnership. On the other, a comparative analysis indicates that this dissociation is undermined by the transposition of principles and terms of heterosexual family law to the Civil Partnership Act 2004. The narrative emerging from my selective analysis is one in which the resistance to the amalgamation of same-sex union with marriage is steadfastly eroded, while same-sex rights and duties are formulated in terms that have been historically used to entrench a heterosexual view of the social and natural world. In particular, I will show that gender identities and practices are legitimated through the linguistic process of mimesis in same-sex legislation. The mimetic character of this

statutory language speaks to a social narrative of legitimacy anchored in a logic of equivalence to the heterosexual imaginary.

Quilter, Michael * QB0.16 LLit 7.5
Writers and Their Personal Crusades: Defoe's Fight for Bankruptcy Discharge

Great writing sometimes arises out of great events and sometimes out of the small and personal struggles endured by all. Occasionally the impact of the law provides the spark and in the case of novelist Daniel Defoe this is clearly so. Defoe was a bankrupt, journalist, novelist, businessman and spy. His bankruptcy in 1692 was instrumental in his literary career and drove him to campaign for the introduction of bankruptcy discharge – not a widely accepted concept in the late 17th century where London's prisons were full of debtors and those that weren't locked up were in hiding in the many 'sanctuaries' that housed the failures and the rogues. In 'Of Bankrupts' in An Essay Upon Projects (1697) Defoe argued for the recognition of honest bankrupts and for the introduction of a full and free discharge. Yet even as Defoe's reputation grew he continued to be hounded by his creditors and his attempts to resurrect his business standing were continually thwarted by the fact of his bankruptcy. In March 1706 he mounted an intensive campaign for discharge in his influential periodical Review of the State of the English Nation. Shortly thereafter discharge became part of the English law of bankruptcy for the first time. Several factors would have been relevant to the parliamentary committee set up to consider the discharge provision and Defoe's stance was surely one of them. Ironically, due to a combination of circumstances he could not take the benefit of the newly inserted provision. Defoe's crusade for change to the bankruptcy law, together with his personal struggle to clear his name, took its toll. However fortunately for posterity it didn't dull his pen.

Ragavan, Shamini * QB1.12 LE 5.8
Skills Acquired in a Peer Mentoring Scheme and their Transferability at the Workplace
Keywords: Diversity, Integration, Transferability, Collaboration

"Learning is enhanced when it is more like a team effort than a solo race. Good learning, like good work, is collaborative and social, not competitive and isolated. Working with others often increases involvement in learning. Sharing one's own ideas and responding to others reactions improves thinking and deepens understanding", Arthur W. Chickering & Zelda F. Gamson, "Seven Principles for Good Practice in Undergraduate Education", AAHE Bull., Mar. 1987, at 3,4 see fifth annual conference of the Institute for Law School Teaching at Gonzaga University in Spokane, Washington entitled "Seven Principles for Good Practice in Legal Education". This is documented in by Hess, G.F., in the Journal of Legal Education, (1999), 49, in particular see pp. 386-400. Also see, Finlay-Jones, J. with Ross, N., Peer Mentoring for Law Students "Improving the First Year Advocacy Experience," Law Teachers, 2006 (40) p. 23.

Newcastle Law School initiated a peer mentoring scheme in September 2008 for international students on the undergraduate course. The scheme was initiated as a pilot programme. Research conducted via focus groups has revealed its potential benefits in facilitating transition and enhancing both academic and social development of new international students (mentees) in the core curriculum. This also complements the key objective of widening participation amongst international students in maintaining retention of this cohort of students and substantially reducing attrition. The benefit to mentees is very clearly established, however, this is less formidable when assessing the benefits accruing to the mentors.

Contribution to Scholarship.

This paper assesses firstly the benefits received by the mentors when discharging their duties to the mentees. Secondly and more importantly, how these skills can now be transferred in the work environment thereby increasing employability.

Rauxloh, Regina * QB0.09 CJ 2.2
Plea Bargaining in International Criminal Law

In reaction to gross human rights violations during the conflicts in former Yugoslavia and Rwanda, the United Nations established the International Criminal Tribunal for Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR). In 2002, the international community decided to create the International Criminal Court (ICC) as a permanent court. This court, however, will only be able to gain international acceptance and legitimacy if it operates under just and fair procedures.

One of the central concerns of this new court will be the use of the practice of plea bargaining. Plea bargaining avoids a lengthy and costly criminal trial and thus enables courts to deal with a large number of cases very quickly. While it has often been argued that modern criminal justice systems cannot afford to abolish plea bargaining, academics long have criticised it for undermining the rule of law by avoiding procedural safe-guards. Thus although it is wide spread throughout many national criminal justice systems this practice is strongly criticised as an unjustified circumvention of the criminal trial. Yet after some initial resistance, this practice was introduced in both the ICTY and the ICTR. A decisive question is whether the ICC should follow the example of the ICTY and ICTR and engage in the practice of plea bargaining.

This paper will look at international criminal law and examine the use of informal negotiations in the International Criminal Tribunal for former Yugoslavia and the International Criminal Tribunal for Rwanda and the possible use in future cases of the International Criminal Court. Although it is recognised that informal case dispositions infringe on the main principles of modern Western criminal justice systems it will be argued that the very different nature of the crimes and procedures in international criminal law require some limited use of plea bargaining in international criminal tribunals.

Rees, Gethin * QB0.15 SO 7.6
The Morphology is a Witness Which Doesn't Lie: Forensic Medical Examiners' Justifications for Providing Neutral Reports in Sexual Assault Cases

Part of the Forensic Medical Examiners (FME) role when performing an examination of a rape or sexual assault complainer is actively observing and recording signs of injury (Kelly and Regan 2003), and drawing inferences from those injuries. When these three acts (observation, recording, and inferring) are combined, the FME is left with a "morphological account" of the events in question (a medical account based upon pathology). This "morphological account" is compared to the complainer's account and the FME makes another inference: are the morphological and complainer's accounts consistent? FMEs have particular difficulties resolving this question and very often provide a "Neutral Report".

At its simplest, the "Neutral Report" signifies an account that does not confirm nor deny the complainer's account; however, FME justifications for writing such a report are highly complicated and varied. On the one hand they have multiple interpretations of the word "neutral": they use the word to connote uncertainty, but also use it to express themselves as nonpartisan. On the other hand, while FME motivations for writing a neutral report may vary, there appears to be a common factor at play "namely the uncertainty surrounding the question of what can be inferred from particular injuries, or their lack. At one level FMEs provide convincing explanations for their "Neutral Reports"; however, I conclude that the report itself constitutes an act of "boundary-work" (Gieryn 1983, 1999), with FMEs attempting to ensure their own authority and credibility at the expense of corroborating the complainer's account.

Regan, Elaine; * BI0.12 MH 6.6
Bartlett, Peter; Jones, Rob; Waite, Jonathan;
Lymbery, Mark & Maddocks, Rod
Transfer from Hospital to Care Home for Incapable Elderly Adults: Family and Patient Experiences of the Determination of Best Interests

Considerable research is currently being undertaken into the nature and definition of mental capacity in a variety of segments of society. Less work has occurred on how best interest determinations are made. The Mental Capacity Act will place these decisions on a statutory footing, but an inconsistent statutory footing. This research study focuses on decisions where care home admission is proposed by Nottinghamshire Trust staff for adults lacking capacity caused by dementia. Qualitative case study methodology is employed, based on participant observation and medical and social work records (where available) followed up with interviews of the primary participant's doctor, nurse, relative, and social worker, as well as of the person with dementia.

The aim of this paper is to consider the experiences of both family members and the patient when a best interest determination of incapacitated elderly adults is required. It sets out some preliminary findings from a Nottinghamshire Healthcare Trust funded project and considers the decision-making episode in light of the Mental Capacity Act. Through interviews with patients and their family members we explore their experiences of the process. We investigate if the needs and wishes of a person who lacks capacity are at the centre of the decision-making process and if adults are empowered to make their own decisions and how their best interests are determined. Finally, we discuss the mental capacity act in operation and the link between the legal aspects and clinical practice.

Riley, Stephen * QB0.13 SLT 4.7
Human Dignity in Comparative Perspective

The aim of this paper to discern what is asserted by "human dignity" and on what grounds it is asserted. This enquiry, and the epistemological/ontological division within it, is intended to intervene in and partially clarify two contemporary debates - one jurisprudential, one historical - about the function and nature of dignity. Human dignity is variously held to assert the status, autonomy, personhood, or rights-holding status of individuals. These assertions draw upon different historical discourses of dignity: the humanist reification of elevation, the enlightenment's universalisation of autonomy, the revolutionary era's democratisation of recognition. Concentrating particularly on post-war jurisprudence, and through a comparative case study of dignity within detention standards, we can chart a general division between, first, universal (though minimal) claims about status, and, second, more particularised (but substantial) claims about personality and personhood. This distinguishes what dignity attributes to the individual, and, differently, on what basis it does this.

Ring, Sinead * QB0.15 SO 8.7
Victim Impact: The Incorporation of Victim Experiences in Historic Childhood Sexual Abuse Prosecutions

This paper critiques the Irish courts use of the notion of 'victim' in prosecutions for historic childhood sexual abuse, from a due process perspective.

Since the mid-1990s Ireland has experienced a surge in the number of childhood sexual abuse prosecutions, most of which involve abuse that is alleged to have occurred many years ago. These cases feature lapses of time so great that in any other kind of prosecution, the trial would not proceed. The Irish courts have employed the flexibility of the common law to move from an attitude of complete disbelief of complainants in sexual abuse cases, towards a recognition of the cultural and personal barriers to reporting. The courts have demonstrated a clear willingness to recognise victim inhibition to report, and in doing so have vindicated the victim and the community's interests in having this

'hidden crime' prosecuted. Using a textual analysis of the decisions of the superior courts, the paper explores how victims experiences have become central to every stage of these prosecutions, from pre-trial applications for prohibition by defendants, through to trial and sentencing stages. In this context the paper raises some concerns regarding the impact of the courts understanding of the notion of a 'victim' of childhood sexual abuse on the assessment as to the risk of an unfair trial, and also on the trial judge's formulation of jury directions to alert the jury to the risks of injustice inherent in delayed prosecutions. The paper concludes with a consideration of the arguments in favour of the reintroduction of the corroboration requirement in historic prosecutions for childhood sexual abuse.

Rivera, Jenny * QB0.11 KW 7.9
An Equal Protection Standard for National Origin Sub-classifications: The Context That Matters
Keyword: Identity

The United States Supreme Court has stated, "context matters when reviewing race-based governmental action under the Equal Protection Clause". Judicial review of race-based classifications has been dominated by the context of the United States history of race-based oppression and consideration of the effects of institutional racism. This Article explores the need for consideration of other factors in cases involving national origin-based classifications.

While courts have appropriately focused on race specific themes and experiences when the central feature of the classification is race, courts have not uniformly applied a national origin 'context' when the central feature is instead national origin. National origin classifications, such as 'Latino', often consist of members of various national origin subclasses. Thus, some courts have considered the historical and current discrimination against members of national origin subclasses as part of their equal protection analysis. However, courts rely on race-based approaches to evaluating this history and do not uniformly assess subclass experiences.

This Article argues that context that is specific to and conscious of the experience and legal position of national origin matters just as much as racial themes and context in race-based legislation. It analyzes equal protection challenges in several federal cases involving Latino classifications and presents a new approach to equal protection doctrine and discourse in which Latino national origin sub-classifications are contextualized and recognized as legally relevant and operative. The context that matters in national origin classification cases depends on factors associated with country of origin sub-classifications, as well as the homogeneous classification of all persons of Latin American and Latino Caribbean descent as Latin.

Rivers-Moore, Megan * QB0.15 RS 3.3
La Puta Buena: Regulating Sex Tourism in the Age of Neo-Liberalism

This paper explores the recent history of state regulation of the sex industry in Costa Rica. I argue that state regulation is best understood as depending on a continuous binary construction of prostitutes that contrasts pobrecitas (poor things), in need of saving and controlling, with descaradas (shameless women), who are beyond the control of the state. I suggest that the changes in emphasis around this discursive representation are connected to shifting state practices and to the broader political economic context that shapes the state's regulation of the sex trade. The current climate is best described as one of permissive ambivalence, permissive because the state has taken a largely hands off approach to the regulation of prostitution in recent years, and ambivalence, because state discourses continue to represent sex workers in contradictory ways. Overall, I argue that we need to situate the sex tourism trade in relation to changes in the Costa Rican state's ability to regulate prostitution in the specific context of neo-liberal structural adjustment and increasing dependence on tourism. This paper provides a detailed look at Costa Rican state discourses and practices around prostitution in the late twentieth century and their links to the broader context of the

country's political economy in the twenty-first century.

Roberts, Philip * QB1.12 LE 5.8
Career Development in the LLB

This paper presents an argument for the inclusion of a career development module in the LLB curriculum. The context for this is the development of a new law degree programme. In 2007 BPP Law School was granted degree awarding powers, and it was intended that its undergraduate law degree should reach out to working and "non-traditional" students.

Part of the approach to designing the new degree involved a benchmarking exercise, which consisted of research (from publicly available information) into the content and structure of undergraduate LLB programmes at the approximately ninety providers offering the degree in England and Wales. The findings indicated, among other things, that there has been an increase in the provision of professional skills courses for undergraduates, often in the first or second years of the degree, and predominantly at law schools in the post-1992 group of universities. The design process for BPP's undergraduate law degree also drew upon the proposed reform of legal services (as provided for by the Legal Services Act 2007), and took into account more theoretical considerations arising from academic commentary on legal education and the function of law schools.

The resulting career development module combines skills-based elements (involving oral and written presentation as well as client simulation) with opportunities for students to reflect on and understand the nature of legal business, the possibilities for organisational change and the implications for their roles as intending lawyers. The aim is to provide candidates with knowledge, skills and confidence to prepare for a professional career. It is suggested that such a course would be particularly attractive to the constituency of students at which the new programme is aimed.

Robertson, Adam * QB0.09 CJ 3.2
What the Police Say about Themselves: Initial Reflections from a Study with Serving Officers

My research concerns the doctrine of policing by consent but from the inside point of view of an ex-police officer. To obtain a wide spectrum of views across the police continuum I have carried out interviews with four survey populations (with 10 subjects per population). They are serving Chief Constables, serving Senior/Middle ranking officers, serving Student Officers recently confirmed in post including two HPDS (High Profile Development Scheme) officers and retired officers from my peer group. I have the permission of Prof. Robert Reiner to utilise some of his questions posed in his 1992 book Chief Constables; Bobbies, Bosses or Bureaucrats. This will enable a comparison over time with his original data and will facilitate an in-depth examination of changes in the profile of Chief Officers, having due regard to the political, demographic and sociological changes since publication in 1992. As the study is now quite old I have developed some new questions which examine socio-legal aspects as well as perceptions of control, consent and accountability, across the survey populations.

Three major themes are emerging from the interviews. It is apparent that there are individual theories and concepts of consent, dependent on the context in which the interviewee is speaking. Secondly, I have become aware of the way interview subjects provide their responses and explanations of their actions can differ quite markedly dependent upon the audience they are addressing. This phenomenon was identified by C. Wright-Mills in the early 1940s which he termed 'Vocabularies of Motive'. I can argue that there are two safeguards against the 'vocabularies of motive' notion in that what we are hearing is convenient, situation-specific rhetoric.

Rochette, Annie * QB1.12 LE 7.7
Values in Legal Education

Whether legal education's purpose is to educate lawyers or citizens, as individual law teachers, we hope to transmit certain values to our students about the role of law in society and the responsibilities that come with the privileged status of lawyers in our society. Through the presentation of the results of an empirical qualitative study of Canadian legal education, this paper will explore the views of Canadian legal academics on the values they hope to communicate through their teaching and the ways (i.e., teaching methods) in which they purport to achieve that goal.

Roffee, James * QB0.09 CJ 5.2
Getting it Right: A Principled Approach to Enacting Criminal Offences

Since 'New Labour' came to power in May 199, over 3600 new criminal offences have been enacted.[1] The Attorney General's Office spokesperson, said it had no idea how many criminal offences exist stating 'there are thousands and thousands'.[2] If the Attorney General's Office has no idea of how many crimes there are, how can an individual keep up to date with Whitehall's legislative barrage?
Duff suggested 'state punishment is a practice that claims to be structured by certain definite aims and values,'[3] if this is the case, then citizens need to know what they are. Morals have often been cited as a necessary part of the criminal law.[4] Many principles including 'autonomy' 'welfare' and 'last resort' have been used in attempt to explain the structure of the criminal law. These principles are however value laden and inevitably collapse back into the moral opinion that they have often sought to avoid. If the law is to include morals then it should explicitly do so and open itself to attack in this regard. Knee-jerk or unprincipled criminalisation is equally as pernicious. The murder of Jane Longhurst, led to her mother, campaigning with the MP for Reading West, Martin Salter 'successfully' leading to the enactment of the Section 63 Criminal Justice and Immigration Act 2008 banning possession of extreme pornography.

Perhaps it is time to return to 'harm.' 'Harm' from J.S. Mill's harm principle, should be reformulated and required as a necessary but not necessarily sufficient element for criminalisation. To identify harm would undoubtedly be a restraint on criminalisation while the 'harm' is investigated and then thoroughly debated.

By knowing to ask the question 'what harm am I causing?' the citizen will have a prima facie warning of potential criminality of their actions and at the same time providing a restraint on enacting criminal legislation.

[1] Independent, Sept. 4, 2008 and online http://www.independent.co.uk/news/uk/home-news/more-than-3600-new-offences-under-labour-918053.html accessed 20/01/2009.
[2] Independent, Aug. 16, 2006 and online http://www.independent.co.uk/news/uk/politics/blairs-frenzied-law-making--a-new-offence-for-every-day-spent-in-office-412072.html accessed 20/01/2009.
[3] Duff R.A., Garland D., 'Introduction: Thinking About Punishment,' in Duff R.A., Garland D., (eds), A Reader On Punishment, (Oxford: Oxford University Press, 1994), 1.
[4] Devlin P.A.D., 'The Enforcement of Morals,' (London: Oxford University Press, 1965).

Rogers, Justine * QB0.15 LLP 2.12
The Price of Pupillage: The Nature and Limits of Ritual Ordeal at the Bar

One of the established modes of understanding professional socialisation is as a form of ritual ordeal. Ritual ordeal operates by creating and recreating the subordinate and ambiguous nature of the recruits' position in order to test their competence and trustworthiness, and generate group loyalty and cohesion. In this paper, I draw on my ethnographic study of pupillage to demonstrate the ways in which the initiation ordeal framework serves to explain several facets of how the Bar selects and socialises its new members. I also demonstrate its limitations. I illustrate how the sources and content of certain aspects of the initiation ordeal of pupils are structural and subject to contextual pressures and wider priorities. I show how the traditional approach tends to underplay

both the science of professional knowledge and the extent to which the process of becoming a new professional is an active and productive one for pupils. Finally, I argue that a supplementary way of perceiving the process of becoming a barrister is one in which the ordeal aspects, broadly defined, are weighed up by pupils against the rewards (both immediate and prospective, symbolic and material).

Rumney, Phil & Hanley, Natalie * QB0.15 SO 8.7
Male Rape: Constructing Consent through Social Attitudes

In the last two decades there has been a significant growth in the research that examines the dynamics, impact and prevalence of adult male rape and sexual assault. More recently, there has been a growth in research that has examined the experience of male victims within the criminal justice system. This research has challenged many societal myths regarding adult male sexual victimization and has also highlighted the extent to which misunderstandings regarding male rape influence the attitudes of criminal justice professionals and the wider community.

This paper draws on findings from a research project which seeks to examine student attitudes to male rape by means of focus group discussions. The purpose of this research is to discover the factors that students take into account when making judgments regarding the guilt or innocence of a defendant featured in various scenarios involving an allegation of male rape. Each scenario contains factual variables involving delayed reporting, lack of physical resistance and involuntary physical responses during the alleged rape. The paper will discuss the findings from the first part of this study which highlights student expectations regarding victim behaviour, along with notions of blame and responsibility.

Ryan, Christopher * QB0.14 HL 1.7
Searching for the Elusive "Disciplined Limits" to the Tense Relationship Between the Progressive Development of International Criminal Law and *Nullum Crimen Sine Lege*

Using as a case study the decision of the Special Court for Sierra Leone ("SCSL") in *Prosecutor v. Sam Hinga Norman* concerning the international criminality of the recruitment and use of child soldiers, this paper raises and discusses some new questions to assist in establishing the "disciplined limits" to the tense relationship between the progressive development of international criminal law and the international human right of an accused to be free from retrospective criminal prohibition, embodied in the legal maxim *nullum crimen sine lege*.

The first question is, in assessing foreseeability of criminal punishment, what standard of review should be applied to the hypothetical lawyer advising the accused at the material time. This paper submits that a standard of perfection, as arguably applied by the SCSL in *Prosecutor v. Norman*, neither reflects generally accepted professional disciplinary standards nor the realities of the practice of law.

The second question is the extent to which ex post facto legal authority may be relied on by a court to establish foreseeability without violating the requirement in international human rights law that criminal law be accessible to the accused at the material time. This paper critiques such reliance in *Prosecutor v. Norman* and the legal authority for and against.

Finally, given that Norman was enlisted by the British Army in 1954 at the age of fourteen and that the recruitment and use of child soldiers were permitted with parental consent by the domestic law of Sierra Leone at the material time, there may be a reasonable possibility that Norman did not appreciate the "manifest criminality" of these acts. This possibility raises the questions of the standard of proof required to establish foreseeability and the relationship between nullum crimen sine lege and the defence of mistake of law.

Sallavaci, Oriola * QB0.09 CJ 1.2
The Impact of DNA Evidence on Criminal Trials

The purpose of this paper is to introduce this author's research in progress exploring the use of forensic DNA analysis as evidence for purposes of criminal trial with a view of identifying how the increasing use of scientific evidence is challenging the principles and values, features and procedures of the criminal trial. It questions how far the reality where complex scientific evidence is increasingly being used to aid fact-finding conforms to the theory of what the criminal trial is or ought to be.

This research explores the main aspects of the evidentiary use of DNA. Reviewing the admissibility issues of the improperly obtained/retained DNA it questions where the criminal trial truly begins and considers the implications of investigative improprieties for the legitimacy of trial. Addressing the use of DNA from the perspective of the rules for the admissibility of scientific evidence at court it proposes inter alia that the current position of the English law is not satisfactory and that stricter standards for the admissibility of scientific evidence, especially novel forms of scientific evidence need be established. Further it reviews the presentation and interpretation of DNA considering its impact on the languages of the trial and on the role of the jury emphasising the need for balance between education and deference in the reception of the scientific evidence. It reviews the ability of DNA evidence to secure conviction beyond reasonable doubt and investigates whether there is need for changes in the evidentiary rules concerning corroboration. Finally it explores the post-conviction use of the DNA evidence and discusses how it challenges the ability of criminal trial to bring finality to the proceedings.

Salmon, Naomi * QB0.16 EurL 2.8
Nanotechnology, Food Safety and EU Law: States of Ignorance, Precaution and the Negotiation of "Acceptable Risk"

Focusing on the interests of the end-consumer, and using the emergent nano-food sector as the primary reference point, this paper considers the efficacy of Community food safety law. Looking behind the public relations patter that peppers both industry and institutional commentaries, I consider the particular challenges presented by food related applications of new technologies specifically nanotechnology. The aim of the analysis is to distinguish the rhetoric of ostensibly precautionary food safety law from the reality of market-led regulation in order to evaluate the consumer protective value of economic precaution in the uncertain world of contemporary food risks. Introducing the concept of ethical precaution, the paper will conclude with a brief comment on the need for a more holistic and consumer-centric approach to the assessment and management of (uncertain) technological risks.

Samanta, Jo * BI0.12 ML 3.6
Lasting Powers of Attorney for Healthcare Decisions: Will it Make a Difference?

This paper will examine the statutory provisions that govern welfare attorneys and will argue that whilst these represent a welcome addition to the law, they are unlikely to effect any real change. I will argue that the legislative constraints and limitations on the welfare attorney are at variance with the spirit of autonomous choice particularly since decisions must be made in the best interests of the donor, as opposed to a substituted judgement approach.

Potential problems that may arise in the practical application of an attorney's powers at the interface of clinical care will be looked at. For example, in emergencies, healthcare decisions will almost invariably be made in favour of life-sustaining treatment. This may be because of the influence of professional ethics and also fear of legal and regulatory repercussions. If an attorney is not consulted, there is potential for civil liability, especially if the attorney should later challenge a decision on the basis that she has power to make a proxy decision on behalf of the person. Healthcare professionals who decide not to proceed with treatment that favours life preservation might be exposed to disciplinary action through their regulatory body.

Disagreement between a healthcare professional and welfare attorney can be envisaged in the context of consent to treatment. The attorney might state that the donor would have refused heroic measures and that further efforts should not be made. A doctor might be inclined to proceed on the basis of the medical best interests of the person. Such advice emanating from a respected professional within an institutional setting might operate to persuade the attorney against her better judgement. Other untested areas lie in the areas of negligence and requests for treatment.

Although patient autonomy is a dominant value in healthcare law it does not always occupy a position of supremacy and lies within the broader framework that encompasses societal values. The shift from a paternalistic stance towards a model that allows proxy decision-making is advancement in English law. Doubts remain, however, as to the real effectiveness of the attorney's powers.

Sargent, Sarah * QB0.17 IR 1.6
Brazil as a Country of Origin in Inter-Country Adoption: An Account of Cultural Trauma, National Identity and International Relations

This paper provides an account of Brazil's participation in inter-country adoption as a sending country. For many years in the 1990s Brazil sent large numbers of children to other countries for adoption. Then, abruptly, and unexpectedly, the numbers of children being sent declined, and have remained low. This paper argues that the decline in the number of children being sent in inter-country adoption correlates with the implementation of an aggressive government programme of affirmaty action, directly and deliberately addressing for the first time the lingering effects of slavery in Brazil. Building from PhD thesis research, this paper argues that when a state addresses the effects of cultural trauma, it also unwittingly begins a process that reverses the dynamics that propelled the sending of children in inter-country adoption. The paper argues that the reasons and processes by which a state sends children in inter-country adoption, and conversely, reduces or stops sending children, are linked to issues and processes of cultural trauma, state identity, issues of international prestige and international relations. It uses the case study of Brazil to demonstrate the complex processes and dynamics involved in a state's choice to send or not send children in intercountry adoption.

Sargent, Sarah * QB0.17 IR 2.6
Cultural Trauma, National identity and Social Exclusion in Guatemalan Intercountry Adoption

This paper considers the place of Indigenous people within the social construct of their state, and ramifications for rights recognition in the state legal system. This is done through an examination of intercountry adoption in Guatemala, and inter-related themes of cultural trauma and national identity, and definition of what it means to be identified as 'Indigenous' and the ramifications of who makes that determination. Guatemala's intercountry adoption operations have been in the international spotlight due to allegations of corruption and child-trafficking. The majority of children sent from Guatemala are of Mayan heritage; a population which continues to be marginalised in the aftermath of a long-running civil war—where the deliberate targeting of Mayans was labelled as genocide. Recent Guatemalan legal intercountry adoption reforms and shifts in legal positioning are considered against the backdrop of these themes and the aftermath of the violence in Guatemala. Conclusions are drawn on how these are evocative of the larger problems faced by Indigenous peoples in a recognition of their rights and their identity, with cautions and lessons for the future.

Saunders, Candida * QB0.09 CJ & MC 4.2
Criminal Justice Decision Making in Sex Offences: Evidential Sufficiency and the Mentally Disordered Complainant

This paper was triggered by the unanticipated and counter-intuitive findings from a qualitative research study into prosecutorial decision-making in a sample of male rape cases. The prevalence of mental disorder among complainants was unexpectedly high, as was the rate of success in bringing their offenders to justice. Criminal justice statistics relating to sexual activity with a person with a mental disorder also indicate a relatively high conviction rate in comparison with other sex offence categories. Unless we are prepared to accept that mentally disordered complainants are perceived by fact-finders as *more* reliable and credible than the unimpaired complainant in most sex cases, then there must be some other factor explaining the comparative success in terms of securing convictions. An exploratory analysis of relevant cases from the male rape sample and the first trickle of section 30-41 of the Sexual Offences Act (SOA) 2003 cases in the law reports suggests that there are two possible explanatory factors. Firstly, successful prosecutions tend not to rely solely on the evidence of the mentally disordered complainant. Secondly, and specifically in relation to section 30 SOA 2003 offences, the requirement that a complainant's mental disorder impede choice appears to be interpreted very generously in practice.

Sawadogo, Natewinde * BI0.18 HR 6.10
Laws, Lawyers, and Human Rights in Contemporary Africa: Facts and Methodological Issues from Three Case Studies on Access to Legal Services in Burkina Faso

There is a little concern about the role of the legal profession in the promotion of human rights in contemporary Africa. Most of the time, the specific questions that would have been asked about this role are shadowed by general questions about the implications of the nature of African States. The status of the legal profession in the ecology of legal services in contemporary Africa deserves however more attention. This paper analyses such ecology and discusses its implications on human rights promotion. It suggests that the legal profession, like many other occupations, is developing. The weak integration of the social order results in the persistence of competing indigenous juridical institutions. This weak institutional basis of the legal profession makes lawyers vulnerable to political and clients contingencies. In subsequent research professional malpractices and the mechanisms of their management will be addressed. This paper is particularly concerned with the implications of the social context on the development of the monopoly of the legal professions in Burkina Faso through three case studies on access to legal services in the country. A first section is devoted to a review of the literature on professionalisation. Then, the social environment of the legal occupation in Burkina, based on the three case studies, is described. The last section evaluates the challenges that such a specific social context arises for anyone who wants to understand the current status of the legal professions and its role in promoting human rights in contemporary Africa.

Scoular, Jane * QB0.15 RS 6.4
Commercial Sexual Exploitation and Feminism's Will to Empower: Exploring Neo-liberal Technologies of Social Inclusion

This paper considers the relationship between radical feminist and state efforts to combat commercial sexual exploitation and neo-liberal techniques of power, closely examining the ways in which certain strands of feminist activism has been co-opted into techniques of late modern discipline. Looking at the increasing appeal to criminal sanctions in the context of anti-trafficking measures and crackdowns on clients and the simultaneous promotion of welfare and therapeutic interventions designed to assist 'victims' of commercial sex to exit, the author explores the ways in which radical feminist efforts to eliminate prostitution (sometimes inadvertently) supports forms of neo-liberal governance by failing to tackle structural inequalities and relations of production that create and sustain the unequal the conditions of contemporary sex work. The paper

concludes by briefly considering alternative strategies, in particular the promise and paradoxes of sex workers rights.

Sen, Jhuma * QB0.09 CJ 8.2
Why Do We Kill People to Tell People that Killing People Is Bad: Time to Hang Capital Punishment?

The paper seeks to highlight the tragic presence of capital punishment in a large number of countries despite the worldwide trend of 'phasing out' of death penalty. It then questions the logic of persistence of capital punishment in such countries. It traces the history of capital punishment in three varied contexts, namely the origin and growth of it, the contemporary phase of 'phasing out' and the politics of using capital punishment in the rehabilitation-retribution debate.

Seneviratne, Mary & Walters, Adrian * QB0.13 KW 7.10
The Regulation of Insolvency Practitioners: Time for a Re-Think?
Keyword: Governance

This paper evaluates the governance framework for the insolvency practitioner profession, drawing on research conducted in 2007 and 2008, which was funded by the Insolvency Practices Council. It outlines the existing regulatory framework, contained in Part XIII of the Insolvency Act 1986, which was based on the recommendations of the Cork Committee. The governance framework is essentially self-regulation within a statutory framework. Twenty years on, this framework is increasingly being seen as out of line with other professions, particularly in relation to the complaints and disciplinary systems operated by the insolvency practitioners' regulatory bodies. In view of the increase in consumer engagement with the insolvency system, and the prevailing economic climate, there is a case for reviewing the framework, in the interests of maintaining and promoting public confidence.

Shaffle, Ambereen * QB0.17 IP 6.9
Increasing Public University Innovation Capacity

Individuals, organizations and companies in developing economies can leverage new scientific and technological knowledge to produce a critical resource: commercially viable innovations that can become profitable intellectual property (IP). Innovation occurs when knowledge and technology produce IP, a combination that in turn produces entrepreneurship. To the extent that innovation and entrepreneurship are vital to growing an economy's health and wealth, it is worth exploring barriers to innovation and entrepreneurship. One possible barrier is the IP development process in universities that takes place in technology transfer offices (TTO's). There is growing criticism among innovation advocates that university TTO's are biased toward big-hit technologies with high short-term rewards, thereby replicating private firms instead of innovation.

An alternative to the university "TTO-bottleneck" is open-knowledge platforms—virtual labs where ideas are public goods. Open labs offset the slow or inequitable results of TTO's by fostering collaborations among nonprofits, universities and researchers to facilitate a virtuous cycle of innovation and commercialization. Drawing upon open-source concepts, virtual labs serve as a more efficient model of information exchange. These platforms function like virtual laboratories, generating relationships and resources necessary for resource-disadvantaged institutions and individuals to develop and protect their nascent IP. Like virtual universities, these labs capture Paul Romer's New Growth theory that incorporates technology, innovation, and knowledge (and labour and capital) as inputs to global economic growth. Romer envisions an endogenous economy where knowledge is a unique entity that is a non-rival, partly excludable, infinitely reusable and low-cost good that produces high return. Similarly, participants of virtual labs produce knowledge for private gain, but share information in an environment that propagates ideas in a non-rival way. Open labs are currently seeking a balance between promoting innovative ideas among educators and researchers while protecting these ideas.

This paper explores whether open, virtual labs can promote greater equity among faculty and researchers at smaller public universities, as well as between public and private universities. It addresses whether web-based platforms allow researchers to leverage ideas and resources into new technological and scientific innovations. It concludes that virtual labs not only will contribute to an open-access culture in the new knowledge economy, but also will lead to more equitable results and productive competition among researchers and universities.

Shah, Hendun Abd Rahman * QB0.14 CSL 6.8
Safety and Security in the Straits of Malacca

The strategic location of the Straits of Malacca, as a shortest route which connects the Pacific and Indian Ocean has boosted its significance as an international waterway. The issue of safety of navigation and national and international security has become an inherent concerns of the users as well as the littoral states since prior to the conclusion of the United Nations Convention on the Law of the Sea (UNCLOS). The development of the law and policy of the sea at state level are influenced by the potential threat of piracy, armed robbery, maritime terrorism and the reaction of international towards them. Although UNCLOS has been regarded as the constitution of the sea, its comprehensiveness to cater the growing and contemporary problem of safety and security at sea is still doubted. This paper discusses over the issue of safety and security at sea in the Straits of Malacca with special reference to the Malaysian position.

Shaw, Julia * QB1.10 GSL 1.3
Legitimating the Disorderly Woman

Then she came to the pillar of the bed, which was at Holofernes' head, and took down his fauchion from thence, and approached to his bed, and took hold of the hair of his head, and said, "Strengthen me, O Lord God of Israel, this day". And she smote twice upon his neck with all her might, and she took away his head from him. And tumbled his body down from the bed, and pulled down the canopy from the pillars; and anon after she went forth, and gave Holofernes' head to her maid.

The Book of Judith 13:6-9

The stories of Judith and Salome, daughter of Herodias, gave latter renaissance women two disparate role models. Judith, heroine of the disputed Biblical 'Book of Judith', saved her city and her citizens by first seducing and then beheading a sleeping tyrant. Salome, on the other hand, performed a dance for her stepfather/uncle requesting as a reward, on behalf of her mother, the head of a prophet because John the Baptist had condemned their marriage as incestuous and illegal under Jewish Law. From the 16th to the 19th century women aspired to be Judith, the decapitator of tyrants, sacrificing her virtue in both senses for a noble cause. However, from the 20th century the pampered and provocative enchantress Salome became the preferred role model; whilst Judith, contrary to legend, was portrayed as "a lustful predator and anorexic tigress who had taken a man's head and had stomped on it maliciously with her dainty foot". Perhaps this shift towards a misogynistic re-imagining of the Judith story was influenced by the fact that Judith, emancipated from her gendered straitjacket, assumed a distinctly masculine role in raging against her oppressors and in doing so disturbed the status quo. Although Salome is often portrayed as the all-powerful *la belle dame sans merci*, she is really only a pawn in her mother's quest for revenge; it is Judith who is the authentic 'sexual warrior', the dangerous and disorderly woman, violently opposing the passive role advocated for women.

This paper examines the modern-day representation of women, as law continues to seek to legitimise new forms of control by men over the bodies and behaviour of women.

Simpson, Brian * QB1.10 GSL 4.4
Sexualising the Child: The Strange Case of Bill Henson, his 'Absolutely Revolting' Images and the Law of Childhood Innocence

In May 2008 police seized images about to be exhibited in Sydney by photographer Bill Henson, an internationally acclaimed artist known for taking photographs of naked pubescent children, as a means of confronting the transition from child to adult. Police had received complaints from a child protection advocate that his work constituted child pornography when an image promoting the exhibition appeared on the internet. Most art galleries in Australia (including the National Gallery) were also subsequently 'raided' by police looking for further works by Henson.

Inevitably these events gave rise to a national discussion about the limits of artistic freedom, the line between pornography and art, censorship, parental responsibility, child pornography and child protection. For that reason the seizing of Henson's work can be constructed and debated at a number of levels.

This paper seeks to critique the manner in which the law was used in the debate over his work to construct a view of childhood based on innocence and incompetence, thus requiring parents to decide how a child's sexuality is to be expressed, a position that will have greater impact on the female child and control of her body. It is *Gillick* revisited. Henson's work might be seen to confront the sexual ambiguity of the older child, but the discomfort this created within the community was evident in the manner in which most approached the issue through claims that the law needed to protect 'childhood innocence' as if its meaning was self evident and not in itself both legally and sexually ambiguous. This was also reflected in a contemporaneous Senate Inquiry into the sexualisation of children in the media which began to mesh with the debate on Henson's work.

In spite of the legal ambiguity of the child in the context of sexuality, it is somewhat remarkable that a solution was looked for within the law. The importance of parental consent has now been entrenched in protocols for artists working with children. The law of childhood innocence seems to require that a child remains always a child. This paper explores alternative legal discourses about the sexually 'innocent' child.

Simpson, Brian * BI0.19 ITLC 3.9
Controlling Fantasy in Cyberspace: Cartoons, Imagination and Child Pornography

This paper will compare two recent court decisions which involved the prosecution of child pornography offences where the subject matter was cartoons. The first case is McEwen v Simmons [2008] NSWSC 1292 which was decided in the New South Wales Supreme Court in December, 2008. This case dealt with the offence of possession of child pornography where the material depicted the child characters from 'The Simpsons' engaged in sexual acts. The second case is *United States v Whorley* (US Court of Appeals, Fourth Circuit) which was also decided in December 2008. In that case the offence was 'knowingly' receiving on a computer 20 obscene Japanese anime cartoons.

In both cases the courts entered into a discussion of the consequences of 'real' versus 'imaginary' children being depicted in the context of pornography. Apart from various technical arguments surrounding the specific wording of the offences in each jurisdiction this required an examination of the possible justifications for the criminalisation of possession or receipt of such images. Such justifications include the view that such material 'can fuel the demand for material that does involve the abuse of [actual] children'.(McEwen v Simmons, para.26) Yet this is not a straightforward proposition. In *McEwen v Simmons* it was also acknowledged that to treat imaginary depictions of children in pornography as being as harmful as that which depicted real children 'would trivialise pornography that utilised real children and make far too culpable the possession of representations that did not.' (para. 5).

A dissenting judgment in *United States v Whorley* similarly questioned the harm involved in email fantasies that did not involve real children. The paper will argue that the dissenting judgment in *Whorley* is significant for its exploration of the regulation and control of fantasy, the implications of which go far beyond the control of child pornography. At this point the paper will connect this discussion to the writings of Žižek (The Plague of Fantasies (London, Verso, 1997)) which consider the boundaries between what is 'real' and what is 'virtual' in cyberspace, and ask whether the legal distinction between 'real' and 'imaginary' is a valid one.

Smith, Olivia * QB0.11 LabL 2.4
Protection Against Discrimination on the Grounds of Family Status: What Does it Add?

The purpose of this paper is to explore the prohibition of discrimination on the grounds of family status in Ireland's expanded employment equality legislation. The paper undertakes a review of the tribunal decisions over the past ten years in order to explore the basis of claims argued under the family status ground.

It considers two main issues. First, whether the inclusion of the family status ground can offset the difficulties with indirect sex discrimination by providing clearer legal redress for inequalities endured by workers with caring obligations. Second, as a related point, it considers the nature of the protection offered by the family status ground against the backdrop of competing arguments over equal treatment and accommodation principles.

Smith, Tara * QB0.14 HL 2.7
The Environmental Consequences of Armed Conflict: Looking at Gaza and Beyond

In early 2009, world media coverage was dominated by the enormous human tragedies that resulted from the conflict between Israel and Hamas in the Gaza Strip. While the most striking aspect of the conflict was certainly the loss and harm caused to civilian life, in such a densely populated region there are also inevitable and serious environmental consequences that simply don't make the headlines.

This is nothing new. The environmental consequences of armed conflict have always been placed at the very bottom of the list of considerations and concerns in both pre-conflict preparations and post-conflict reparations. There is no better example of this than in the case of the burning of the oil wells in the Persian Gulf during the Iraqi retreat from Kuwait in 1991.

This paper seeks to determine the environmental consequences of the recent conflict in Gaza with a view to determining the challenges that may arise in future conflicts of this nature. Whether these environmental consequences result from direct, indirect or extrinsic harm (as a result of weapons used and targets chosen) it must be noted that such damage can exacerbate existing difficulties and can ecologically destabilise entire regions (thereby increasing the cost of damage to human life) if adequate consideration is not given to these issues in a timely manner.

This paper will conclude by suggesting some ways in which the environmental damage in Gaza may redressed under existing mechanisms and how perpetrators may be held accountable under existing legal frameworks.

Stalford, Helen * QB0.10 FL 2.1
Child Participation in Cross-National Family Proceedings: an EU Perspective

The EU has been actively engaging in the formulation and implementation of family law for almost a decade now. What began in the late 1990s as relatively inauspicious, mutually negotiated intergovernmental agreements quickly developed into uniformly applicable law binding all of the Member States.

The aim of this paper is to consider the extent to which these measures capture and accommodate the interests and needs of children. Drawing on recent case law, a particular point of discussion will be the extent to which this body of law reinforces Member States' obligations to consult with children in family law proceedings. In the process, the paper considers whether the EU is an appropriate and effective level at which to promote children's rights.

Stanton, John * QB0.13 KW 8.9
Accountability and Participation: the Achievement of Sustainable Development
Keywords: Governance; Participation

This paper seeks to argue the importance of accountability and public participation in the process of localised decision-making, with a particular focus on the achievement of sustainable development in Britain's deprived communities. It draws on various theories of accountability, which define the principle and highlight its various constituent elements. It also considers the principle alongside other important notions of good governance, such as responsibility, control and responsiveness. The argument, in respect of these points, is that accountability, though a somewhat complex idea, is a settled and complete principle, which is of the utmost importance in any democratic system. Further, far from being a principle with many differing faces, the numerous elements alluded to above, exist together to make one complete notion of governance that can be applied in all manner of ways to governing bodies exercising a degree of leadership over local people.

The paper briefly considers the relationship between accountability and the democratic idea of public participation, seeking to show the importance of citizen involvement in a decision-making process. It then finishes by briefly identifying the way in which these theories of accountability and participation can be applied to the numerous bodies that work towards the successful achievement of sustainable development in Britain's communities.

Subramanian, Sujitha * BI0.17 IP 8.8
Commission Guidelines on Article 82 and its Impact on Intellectual Property Rights

In December 2008, the European Commission published its Guidelines on its enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings. Article 82 is a crucial component of competition policy which prohibits the abuse of dominant position in the market place. The Commission Guidelines focus on those types of conduct which can be most harmful to consumers such that they are deprived of innovation leading to lower prices, better quality and a wide choice of new or improved goods and services. Whilst the possession of IP right in itself is not considered to confer dominance on undertakings, refusal to license IP rights can be held to be abusive under certain circumstances. The short-term conflict between competition policy and IP law is demonstrated in the much debated Microsoft case which led to the Commission publishing the Discussion Paper on Application of Article 82 to Exclusionary Abuses. Following public debate, the Commission published the Guidelines in December 2008. The paper examines the Microsoft ruling and its influence on the Guidelines. It critically examines the Discussion Paper and the Commission Guidelines and its effect on IP rights in Europe. The paper argues that the Commission Guidelines may be an indication that the lack of an IP institution equivalent to DG Competition has had the consequence of competition law being able to chip away some of the classical privileges of IP rights granted by national laws in Europe.

Supaat, Dina * BI0.18 HR 6.10
Chartering the Course for the Protection of Refugee Children's Rights: the Malaysian Experience

Malaysia has been a place of refuge for refugee of Southeast Asian countries since the boat people era in 1970s, but there were not many changes to the refugee situation. The legal framework of protection for refugees were said to be incomplete and inadequate.

Despite ratifying the United Nations Convention On The Rights Of A Child (UNCRC), refugee children in Malaysia continue to struggle and failed to claim their basic rights to education and freedom. This paper seeks to analyze whether by fully implementing the provisions of UNCRC, the rights of refugee children in Malaysia can be effectively protected without having to become a member state to the 1951 Convention Relating to the Status of Refugees and its protocol. This study also looks into the treatment of various groups of refugee children. In addition it will assess any improvements made to the law and practice relating to the protection of human rights of refugee children for the past three decades.

Tinsley, Yvette * BI0.17 SP 4.10
Review of Maximum Penalties: Issues, Problems and Pitfalls

As part of a 2006 report prepared by the New Zealand Law Commission, Sentencing Guidelines and Parole Reform, it was recommended that a review of maximum penalties be undertaken. Many statutory maxima exist largely as a matter of historical accident and have not been changed for some considerable time. In New Zealand maximum sentences often do not accord with the relative seriousness of offences as indicated by sentencing practice. This paper will briefly outline the reasons for the recommended review and will then raise issues and questions regarding an effective and defendable review of statutory maxima, illustrating some of the problems and pitfalls inherent in such reviews.

The review of maximum penalties, currently underway, has employed a novel multi-stage method to determine offence seriousness and recommend new maximum penalties. A quantitative tool was established in order to determine the level of harm caused to one or more pre-defined interests by the worst class of case of an offence. Five interests capable of being injured by an offence were identified: physical integrity, material support and amenity, privacy and freedom from humiliation or offensive behaviour, governmental interest, and collective welfare. This paper will address questions arising in maximum penalty reviews including: how can we compare the interests and weigh their relative importance? How can the impact of researchers' subjective views regarding offence seriousness be reduced? What relative weighting should be given to actual harms caused, to culpability and to harms risked? and What role should the community play in determining ranking of offence seriousness and penalty provisions?

Tinuola, Femi Rufus * QB1.10 GSL 2.3
Issues in Same Sex Marriage: Legal Considerations in Nigeria

The Bill in support of Same Sex Relationship (SSR) sponsored for passage into Law in 2007 was rejected by the two national legislative houses in Nigeria. The then Minister of Justice organised media campaign using cultural and religion factors against SSR. In May, 2008, a national daily newspaper reported a traditional ruler who was disposed by an Emirate Council for engaging in SSR. This raised a lot of concerns and debates on the sexual rights of the gays' community. This paper examines gays' experiences of SSR, coping strategies and their latest regrouping strategies to ensuring legalization of SSR by the Legislative Houses in Nigeria. This study was conducted in Kano, Nigeria where gays are popularly called *Dandando*. About 108 gays were selected on purposive random sampling and were subjected to sessions of In-depth Interviews. They responded to a Semi-structured Interview Guide (SIG) which contains both open and close ended questions on SSR and efforts towards its legalization in Nigeria.

Findings show that members of the Gay community operate clandestinely in an environment that is not socially, cultural and legally conducive for SSR, majority expressed high level of sexual pleasure with same sex, raised concerns for negative public impression on SSR and the need for the re-grouping of the Gays with the support of stake holders in sexual rights to sponsor another bill on SSR to the National Assembly for passage into law.

Tranchez, Elodie * BI0.18 HR 6.10
Tyrannicide and Right to Life in International Law: Interpretations and Values Competing

Tyrannicide and the right to life: two notions that are still raising a real moral and ethic conflict. The conflict opposing the two notions is as old as the world. For years it had been a subject of questioning for exegetes of biblical texts, Greek, Roman and medieval thinkers, philosophers, jurists. The question now also concerns international society. Who could actually forget this pictures of the dictator, the tyrant Saddam Hussein hanging dead. What could we think of the question of tyrannicide in international law in the beginning of this new century? In a sense, tyrannicide could claim to a sort of glorification in an international society, which, contrary to its affirmations, is not so indifferent to the personalities, sometimes cruel, of head of States. Nevertheless, tyrannicide could also be considered as a shameful infamy daring attacking the holy and non derogatable right to life. The questions about this subject have to be raised in very simple terms: how can we interpret the right to life? Can we take a tyrant's life by virtue of the principle of the right to life? Does not the principle imply the duty to protect it by all means? Does not it imply its own derogation? Couldn't we affirm no right to life for enemies of right to life? The principle, interpreted and confronted to the question of tyrannicide, is surrounded by the most complicated conflict: the conflict intern to the principle itself.

Trinder, Liz; Firth, Alan & Jenks, Christopher * QB0.10 FL 1.1
Talking Children Into Being? The Discursive and Rhetorical Framing of Children in In-Court Conciliation

The rights, needs and welfare of children of separated or divorced parents are of central importance in law, and are "at least in theory" of critical concern in court decision-making processes. In contested contact cases, in particular, contact is conceived as the right of the child rather than of adults, and the decision-making process is framed by s1 of the Children Act 1989 that the child's welfare should be the paramount consideration. However, relatively little is known of how such rights and needs are framed, described and dealt with in social interaction in actual "real-life" settings where parents and legal professionals meet in order to decide upon the parameters of subsequent child contact. The question is of particular interest in private law proceedings where, as in in-court conciliation, typically children have little if any direct involvement in the process. In these cases how are children's needs, rights and interests invoked in their absence? Based on micro-analyses of 15 hours of audio-recordings of in-court mediation sessions, we describe the talk-based processes through which children's needs, rights and welfare are socially and discursively constructed. We examine in detail the different ways in which children are invoked as generic categories, as institutional subjects and as individual rights bearers. Our analysis focuses, in particular, on the openings of the conciliation meetings and how the institutional framing of the session by CAFCASS officers invokes children. We conclude the paper by discussing the implications of our analyses for the involvement of children in private law proceedings.

The study is supported by the UK Economic and Social Research Council (RES-000-22-2646).

Tsilonis, Victor * QB0.14 HL 1.7
Thomas Lubanga Dyilo: The Chronicle of a Case Foretold

The eagerly awaited first trial of the International Criminal Court, the case of Thomas Lubanga Dyilo, eventually commenced on 26 January 2009 at 3:33pm in closed session. However, because the element of surprise has become one of the cases core characteristics one cannot feel any certainty on the trials subsequent development.

On 13 June 2008 the Trial Chamber decided to stay the prosecution of the accused because (1) the non-disclosure of exculpatory evidence in the possession of the Office of the Prosecutor was considered as a fundamental aspect of the accused's right to a fair

trial, (2) the prosecution had incorrectly used Article 54(3)(e) when entering into agreements with information-providers (most notably United Nations, with the consequence that a significant body of exculpatory evidence to be illegally withheld from the accused and (3) the Chamber had been prevented from exercising properly its jurisdiction. Nonetheless, the prosecution filed another submission with the Trial Chamber on 14 October 2008 providing the Court with all relevant undisclosed documents received from information providers thus far, following the information providers' consent to afford the Court complete and unfettered access to all related documents.

Consequently, on 21 October 2008 the Appeals Chamber, notwithstanding the dissenting opinion of the Cypriot Judge Georghios M. Pikis, ruled that the Impugned Decision was erroneous because the Trial Chamber, when ordering the unconditional release of Mr. Lubanga Dyilo, failed to take the conditional character of the stay it had imposed properly into account and also the matter should be remanded to the Trial Chamber for a fresh determination on the release of the accused in accordance with its judgment on this appeal taking into account all relevant factual developments at the time of the new determination. A little later, on 18 November 2008 the Trial Chamber lifted the stay of proceedings, ordered the prosecution to disclose all the items of evidence to the defence and scheduled the trials commencement in January 2009.

Hence, the paper will purport to analyse: (a) the issue of non-disclosure of documents which originally led to the stay of the trial, (b) the latest decisions Appeals Chamber and Trial Chamber, regarding the trials commencement and (c) interesting developments from the ongoing trial.

Uyar, Lema * QB0.14 HL 4.11
Applicability of the Law of Occupation to UN Post Conflict Administrations

This paper explores the analogy between the UN administration of post conflict territories and the occupation of a territory by a state. The UN has never relied on the law of occupation during the administration of territories shattered by conflict. It was the application of human rights law, rather than the law of armed conflict, that stood as the foremost principle of the international administrations. Focusing on the two case studies: East Timor and Kosovo, this paper aims to demonstrate that the law of occupation can be relevant for the post conflict administrations. Its relevance is worth considering since the law of occupation can be used as an efficient and effective legal framework on temporary governance of a territory. Further, the law of occupation does not have to be applied to the exclusion of human rights law. It is increasingly demonstrated in international jurisprudence by various bodies that these two bodies of law can be jointly applicable in the very same conflict.

However, the applicability of the law of occupation is not without problems for the UN. There are two main issues of concern. Firstly, the conservationist principles of the law of occupation are contrary to the UN's transformative agenda. Secondly, there are practical problems for the UN forces to apply the law of occupation as the Organization is not a Party to Geneva Conventions. Despite the fact that many provisions of the Conventions are addressed to Powers rather than State Parties, the Conventions are drafted on the assumption that it is only states that can be occupiers.

This paper argues that the law of occupation is flexible enough to accommodate the transformative purpose of UN administrations. It further aims to suggest solutions regarding the practical concerns on the applicability of the law of occupation to UN post conflict administrations.

van den Brink, Marjolein & Graven, Marije * QB1.10 GSL 3.4
Trans-forming Law

Every European country has included sex-equality provisions in its legal system, imposed at least in part by EC-directives and the European Convention on Human

Rights. And yet, sex still is an important ground for discrimination and remains a major organising principle, also in law. Case-law regarding trans people is particularly telling in this respect. Sex changes are increasingly accepted and regulated. However, law is less useful for trans people who wish for something different. This was illustrated by the case of K who asked the Dutch High Court (2007) to cross out the entry 'male' under the heading 'sex' in K's birth certificate, without replacing it by the only other option available in Dutch law, i.e. female. The High Court refused. According to the Court the Dutch legislator had deemed clarity about people's sex essential for the proper functioning of society.

In our paper we will provide an overview of the law regarding trans people as it stands in Europe. We intend to show that law and legal practice are best understood as extending (human) rights protection to people who currently may not, but in the end will perfectly fit within the dichotomous conception of sex. Those who do not fit remain outside the scope of the extended protection. This is to be deplored, not only because it leaves many trans people unprotected, but also because this approach reinforces and enhances the role of sex as an organisational principle, which arguably is bad for everybody, including trans people, women (and others in female positions) and homosexuals (and other non- or not-exclusive heterosexuals). Moreover, it is to be expected that this attempt to fit new sexes and sexualities within the existing binary legal framework, will result in a curious, practically unworkable legal concoction. Family law systems in, for instance, the Netherlands and the UK are a case in point. Ongoing efforts to reconcile the many new reproductive technologies with the biology-based fiction underlying those systems, have resulted in strange, incomprehensible provisions regarding parenthood, leaving it to the courts to solve things out. As an alternative and more effective solution we propose the abolition of sex as a legally relevant category.

Vincent, Keith & Percival, Richard * QB0.11 AJ 6.2
Administrative Redress: the Law Commission's Proposed Ombudsmen Reforms: Responses and Comments by Brian Thompson (Liverpool) and Mary Seneviratne (Notts Trent)

Vogel, Mary * QB0.09 CJ 2.2
Plea Bargaining in Global Context: Interplay with Democratic Politics

Recent years have seen a rapid expansion of plea bargaining around the globe. Nations newly engaged in the process include: France, England, China, Nigeria, South Africa and Chile to name just a few. In other countries, such as Korea, its acceptance is being newly contemplated. One distinctive feature of the practice of plea negotiation is the increase in discretion that it introduces to a case. This paper reflects on these developments in light of arguments that greater latitude for legal discretion opens the way for politicisation of the courts.

Wager, Nadia * QB0.15 SO 7.6
Researching Histories of Childhood Sexual Abuse: Is it Okay to Ask THAT Question?

This talk has been inspired by the attitudes and reactions of departmental colleagues and those sitting on the various Ethics Committees I have attended and sat on over the past few years. It has been noted that there is a degree of reluctance on the part of some academics to condone or support research conducted with victims of interpersonal assaults, particularly when these are of a sexual nature. The problem seems to be further compounded when the intention is to study adult victims of childhood sexual assault. There is reticence not only in terms of exploring the mechanisms of abuse that may be construed as victim-blaming or adhering to notions of victim-precipitation, but also of merely asking participants to disclose whether or not they have a history of abuse. A number of questions have been raised, such as: how do you know they are telling the truth, will they be encouraged to report their abuse to the police and seek prosecution of the offender, will the process of research participation stimulate further traumatisation, etc.? These issues will be discussed in terms of the historical context of

the medico-legal discourse surrounding child sexual abuse and empirical literature examining the effects of participating in research investigating individual's experience of trauma and victimisation. The implications of both asking and not asking about histories of abuse will be explored in relation to policy and practice for victims, as will the potential for the researcher to experience vicarious traumatisation. Finally, the session will conclude with the suggestions for ethical research methods and for future areas of study that might enable practitioners, ethics committees and researchers to make more empirically-informed decisions.

Walsh, Charlotte * BI0.18 HR 3.10
Drugs & Human Rights: Private Palliatives, Sacramental Freedoms & Cognitive Liberty

This paper reviews the impact of ten years of domestic incorporation of the European Convention on Human Rights on the evolution of the United Kingdom's primary piece of prohibitive drugs legislation, the Misuse of Drugs Act 1971. The significant cases where traditional interpretation of this Act has been challenged in the courts using the Convention are discussed. Structured thematically, this paper looks at the interplay between drug prohibition and human rights in addressing complex issues, such as our right to self-medicate, to practice our religion(s) freely, and to explore our own consciousness. The intention is to expose the untapped potential of the ECHR as a tool with which to fundamentally challenge the (discriminatory) drug policy of the United Kingdom.

Wasoff, Fran & Headrick, Debbie * QB0.10 FL 3.1
Diversity of Socio-Legal Research Evidence in Civil Law Reform Policy Process: the Case of the Family Law (Scotland) Act 2006

In the current policy climate, evidence and research must inform policy making across public services, although it is widely recognised that this can be difficult. In the policy process surrounding civil law, this is especially so for socio-legal research evidence, both for reasons that apply elsewhere but also for reasons intrinsic to itself. The paper will outline some of the challenges of incorporating research evidence in the civil law reform policy process. Against that backdrop, it will tell a success story of the role of socio-legal research in the policy process around family law reform culminating in the passage of the Family Law (Scotland) Act 2006. It aims to identify which factors led to the positive and prominent use of research at all stages of that process and the characteristics of the research that seemed to be most policy useful.

The 2006 Act seeks to update family law to bring it closer into line with law reform in other comparable jurisdictions and give greater legal recognition to new practices in personal and family life in Scotland. Its provisions concern the law regulating financial provision on the end of a cohabitation, parental responsibilities and rights for unmarried fathers, reducing separation periods for divorce and strengthening remedies against domestic abuse. Viewing the process of family law reform through a social policy lens, the paper considers how key figures in the policy process sought to inform it with research-based evidence that was sensitive to the political and policy contexts. It traces the diverse range of research inputs that were used including primary commissioned research, research reviews and research consultancy, how research was made accessible, framed in policy-useful terms and actively disseminated. It also considers how relationships between the policy and research communities influenced the take-up of research. The paper concludes with some reflections about the impact of research on developing evidence-based policies and on the outcomes of family law reform processes.

Watkins, Dawn * QB0.16 LLit 7.5
Illusions and Identities in The Rape of the Lock

This paper considers the mock-heroic epic poem The Rape of the Lock by Alexander Pope (1688-1744). Both the title of the poem and its opening lines reveal its inherent

contradictions:

What dire offence from am'rous causes springs,
What mighty contests rise from trivial things.

'Rape' is the term that Pope adopts to describe the cutting off of a lock of hair from Arabella Fermor, a member of a prominent Catholic family. It is a serious yet exaggerated term to describe that which Pope goes on to refer to as a 'trivial thing'. This paper will consider both the legal definition of 'rape' as understood at that time and the extent to which the incident itself might have been termed 'an offence' either in law or in society.

It is commonly reported that the poem represents an attempt by Pope to end a family feud ('the mighty contest') that resulted from the indiscretion. Yet this paper argues that this may be an illusion. Indeed this paper will examine the notion that the incident itself may never have occurred. In any event, the extent to which Pope satirises the characters within the poem calls such a motive into question and casts significant doubt upon Pope's capacity as a peacemaker.

Pope was a Catholic who lived and wrote at a time when anti-Catholic laws prevailed, as were the subjects of his poem. Alongside his subjects, the extent to which Pope's own identity is both revealed and hidden within the work will be considered. The paper concludes by summarising the 'illusions and identities' that emerge when the poem is considered alone and within its legal, political and historical context.

Weldon-Johns, Michelle * QB0.11 LabL 1.4
UK Work-Family Legislation: A Swedish or an American Approach Towards the Work-Family Conflict?

Work-family legislation in the UK has changed radically in the last ten years. Employment rights are no longer afforded solely to working mothers and in some instances extend well beyond early childcare. This development of work-family rights arguably displays characteristics often attributed with the Swedish package and model of work-family rights. Such characteristics include: increased rights for both working mothers and fathers, with increased possibilities for the sharing of leave; rights that can be utilised over a longer period of time, extending beyond early childcare; and a variety of work-family rights covering a range of child caring commitments. Despite these similarities, the UK also arguably shares characteristics with US work-family legislation, most notably the extended concept of the family adopted within both packages of work-family rights. This paper will critically examine UK work-family legislation in the context of these comparative work-family packages and with reference to three different underpinning work-family ideologies. These are: the maternity to motherhood ideology, which focuses on working mothers and early childcare responsibilities; the extended motherhood ideology, which encompasses gender-neutral rights and equality aims but remains inherently gendered; and the family ideology, which is characterised by gender-neutral rights coupled with dual responsibility for family care commitments.

Westaby, Chalen * QB0.16 LLit 7.5
An Alternative to Traditional International Law Approaches to the Development of Customary International Law: Understanding the Interpretive Community

This paper advances international legal scholarship by transcending traditional international law approaches to the development of customary international law. These types of approaches tend to view the state as a unitary corporate entity. Instead, the State needs to be understood as an interpretive community of many voices, with each individual using the materials of their culture to make sense of their lived experiences. By engaging in a methodology which incorporates this type of analysis, it is possible to unravel often confusing and complex narratives to provide a more thorough assessment of the development of customary international law. The approach advocated in this

paper draws on diplomatic history and cultural analysis writing as a way of exploring the complexities of the interconnectedness between socio-cultural and political contexts.

Whitehouse, Lisa * BI0.17 KW 1.9
Power and Vulnerability within the Mortgage Repossession Process 1995-2008
Keyword: Vulnerability

In December 2008, the Council of Mortgage Lenders published figures predicting a significant rise in the number of homes likely to be taken into possession in 2009, rising from 45,000 in 2008 to 75,000 in 2009. Given that repossessions peaked at 75,500 during the housing crisis of the early 1990s, it would seem that the Government's earlier reassurances regarding the avoidance of a similar housing crisis were unfounded. To what extent, however, are the causes of and responses to this exponential rise in the number of repossessions comparable to the crisis of the early 1990s? In seeking (if only in part) to answer this question, this paper offers a longitudinal analysis of the legal process of repossession based upon qualitative data obtained during empirical surveys, conducted in 1995 and 2008, involving district judges, lenders, regulators and consumer organisations.

While caution must be exercised in seeking to make claims based upon data gathered from different respondents during different periods, the ability to compare data obtained in both 1995 and 2008 offers a unique opportunity to assess the impact of changes made to the legal process of repossession since the early 1990s and, in particular, to question: the extent to which *Cheltenham and Gloucester Building Society v Norgan* [1996]. All ER 449 has influenced conceptions of the reasonable period under s.36 Administration of Justice Act 1970; the extent to which the introduction of the FSA as regulator and the Mortgage Conduct of Business Rules have altered the approach adopted by lenders; and the potential impact of the recently implemented pre-action protocol.

While it would seem that significant differences exist between the two periods, particularly in terms of the causes of borrower indebtedness and the Government's response to it, the findings of this research indicate that the protection afforded to the borrower by the legal process of repossession remains much the same as it did in the early 1990s. The significance of this is substantial and it will be argued that, without reform, the legal process of repossession may well hinder other well-intentioned moves to assist borrowers in arrears.

Whowell, Mary * QB0.15 RS 6.4
Male Erotic Labour: Practices of Non-Regulation in England and Wales
Keywords: Male Sex Work, Policy, Policing, Non-Regulation, Invisibility

Although sex work policy in England and Wales claims gender neutrality, local and national prostitution strategies primarily focus on female street-based sex workers. Men who sell sex are generally absent or inadequately considered in such policies, and proposed measures to regulate commercial sex markets are rarely considered in terms of male working practice. Drawing on the National Prostitution Strategy for England and Wales (Home Office, 2006), this paper will explore the ways in which sex work policy is infused by a feminized understanding of sex work, whilst male identities are neglected or assumed deviant. The gendering of policy has resulted in the non-regulation of men working in the sex industry and the emergence self regulation by erotic labourers. Informed by social understandings of masculinity, the spatial importance of the (in) visibility of male sexual commerce, and punctuated by notions of acceptable sexualities, this paper will explore the subsequent effects of non-regulatory practices through the local policy context of Manchester, UK. Non-regulation of sex workers on the basis of performed gender identities is a pressing issue, and demands urgent attention within academic and policy contexts.

Wilkinson, Barry * BI0.17 KW 1.9
The Language of Statute and its Influence Upon Child Protection

The guidance given to families, social workers, members of the legal profession and the judiciary, concerning child protection measures, emanates from the Children Act 1989. The provision of family services is generated upon the identification of a *child in need* (s.17), whereas a child protection order, granted under Parts IV and V of the Act, will necessarily be based upon the presence of *significant harm*, or its future risk (ss.31, 38, 43, 44 and 46) . The definition of these concepts is, therefore, crucial to a proper implementation of policy under the Act.

Yet, a comprehensive definition, in either case, is sorely lacking. The consequence is uncertainty. At ss.17(10) and 17(11) Children Act 1989, a description is given of the *child in need* which involves one who is unlikely to achieve or maintain a reasonable standard of health or development, or one who is likely to suffer an impairment of health or development, alternatively, that he, or she, is disabled. The terms "health"; "development" and "disabled" are very briefly expanded upon but the overall attempt at definition is both superficial and unsatisfactory. How can a child protection social worker look at a child, or indeed the wider family, where there is suspicion, or disconcertion, about the way in which the family lives and arrive at a judgement about the need for services, or what those services might be, in the absence of statutory guidance? In *R(A) v Lambeth LBC (2004)* 1 All ER 97 the House of Lords stressed the need for discretion to be exercised in a manner which was *consistent with the language of statute* The use of discretion, in the absence of sufficient statutory guidance, is a potentially dangerous departure. The recent case of *Baby P* highlights the problem. The child was already known to social services and was regularly visited, over the course of several months, by social workers. Throughout that time, social services appears to have debated whether the family was entitled to a provision of services under the Act and whether the case indicated the issue of care proceedings, for the child's protection. Despite a recommendation to issue proceedings, that notion was vetoed by representatives of the legal department based upon inadequate evidence of *significant harm*. The provision of services also appears to have been withheld for similar reasons. Without proper insight into issues of maintaining, or preventing the impairment of, the child's health, or development, how could an appropriate judgement be arrived at, even ignoring issues of local authority politics and budgeting?

The application of discretion is also an issue of importance, where remedies are sought under Parts IV and V Children Act 1989. In care proceedings, for example, the threshold criteria must be made out, on an objective basis (*Humberside CC v B 1993* 1 FLR 257 per Booth J. at p.261), before the court is able to move to the 'disposal' phase, when the welfare test is subjectively applied by the judge. Whether *significant harm*, or its future risk, is identified, will largely depend upon the availability of a sound definition of the concept. Ss.31(9) and31(10) offer a slender exposition of 'harm' and 'significant' respectively but those sub-sections bare the same, relatively shallow, relationship to s.31, which subsections 17(10) and 17(11) bare to s.17 and they fail to a similar extent. In effect, therefore, the judge is left to determine threshold issues, drawing on his own earlier experience – *'I know it when I see it'* (Hoyano L. and Keenan C; *Child Abuse: law and policy across boundaries'* 2007 O.U.P. p.64). Discretion at the 'threshold phase', followed by a further exercise of discretion at 'disposal', defeats the approach to evidence which was first envisaged by the legislature. A double dose of discretion, in the same pair of judicial hands, can only add to uncertainty and is damaging to the users of the Act, who are in need of predictability of outcome.

This paper seeks to call attention to the problems created by an over-reliance upon judicial discretion and to argue possible solutions, based upon either an improved statutory definition of the concepts of *a child in need* and *significant harm,* or a modified evidential test, in matters of child protection (eschewing particularly, *significant harm*).

Williams, Glenys * BI0.12 ML 1.5
The Director of Public Prosecution's Discretion R (on the Application of Purdy v DPP)

Section 2 (1) Suicide Act 1961 makes it an offence to aid, abet, counsel to procure the suicide of another, however, under s2 (4), "proceedings shall [not] be instituted except by or with the consent of the Director of Public Prosecutions" (DPP).

There are around 148 statutes which require the DPP, Attorney-General (or Secretary of State's) consent, but in the context of assisting suicide, the consent provision was included in order to ensure consistency and to prevent inappropriate (private) prosecutions in a sensitive are which is likely to raise public concern (Mansfield & Peay).

The consent provision has recently been questioned in the case of R (on the Application of Purdy) v DPP where Debbie Purdy argued, in the High Court, "that there was a duty on the DPP to publish a specific policy outlining the circumstances in which a prosecution under s 2 (1) would or would not be appropriate." The application was dismissed, but an appeal will be heard on the 2nd February 2009.

This is not, however, the first time the provisions of the section have been challenged; in R (on the Application of Pretty) v DPP (2001), Diane Pretty questioned the DPP's decision not to guarantee that he would not prosecute Mr Pretty in the future for aiding Mrs Pretty's suicide. This application was also unsuccessful.

It will be argued here that:
(i) The DPP should maintain his position by not issuing guidelines on his prosecution policy in s2 (1) cases.
(ii) Section 2 (1) makes it perfectly clear what constitutes an offence under that section.
(iii) As such, much as we feel sympathy for the applicants, it can be suggested that these cases are not strictly necessary, and are being used by euthanasia supporters to publicise euthanasia issues.
(iv) In light of the DPP's publication of his decision not to prosecute the parents of Daniel James (who travelled to Switzerland to be assisted in his suicide) on the 9th December 2008, it is likely that the Court of Appeal will dismiss Debbie Purdy's appeal.

Williams, Glenys * QB0.09 CJ 8.2
Drug Dealers and the Duty of Care in Gross Negligence Manslaughter: *R v Townsend & Evans* (2008)

According to Adomako (1995), in order to prove gross negligence manslaughter, it must be shown that the defendant owed the victim a duty of care; the defendant breached that duty; the breach of duty caused the death; and the breach was grossly negligent, i.e., negligent enough to be considered criminal.

A charge of gross negligence manslaughter (as opposed to constructive manslaughter) can and has been made where a drug dealer has supplied a customer with drugs, but has subsequently failed to help or call for help when the customer has fallen ill (and died) after ingesting the drugs i.e. the charge results from an omission on the dealer's part and not from the original drug supply to the customer.

Ascribing liability to dealers in such cases is problematic, as demonstrated in Khan (1998), and Sinclair (1998). In Khan, it was held that it "it may be correct to hold that a duty does arise [but it] would undoubtedly enlarge the class of persons to whom such a duty may be owed." In Sinclair, it was said that a "close friend" who was like a "brother" to the deceased, could have been found to have owed a duty, if the jury had been properly directed.

In the (Crown Court) case of *R v Townsend & Evans* (2008), these were used as authority for holding that a step-sister (Gemma Evans), who, it was argued by the prosecution, acted as an intermediary in obtaining drugs for her sibling, owed her a duty on that basis. It is, however, clear that the authorities say no such thing. Gemma Evans was nonetheless convicted. Her Counsel was given leave to appeal on this (and other) ground(s) but on the 25th November, the Court of Appeal declined to hear the appeal, in recognition of the conflicting authorities that need to be reconciled.

This paper will debate the issues involved in imposing liability on dealers, but ultimately, will be guided by the decision of a five member Court of Appeal hearing thereon to be heard early in the New Year.

Wright, Katherine * QB0.10 FL 1.1
Collaborative Law: The Dispute Resolution Method of Choice for the 'Good' Family Lawyer?

Family law has long been associated with a conciliatory approach to resolving family disputes. More recently this approach has been further refined with the adoption of collaborative law. This method of resolving disputes takes the pro-settlement approach adopted by good family lawyers a stage further as participants are required to sign a disqualification agreement which prohibits them from proceeding to court with that particular lawyer.

This paper will discuss the early findings from an ongoing research project examining the process of collaborative law. It will consider the motives, ideals and expectations of a sample of collaborative law practitioners, including how their role within collaborative law differs from that in the more traditional negotiation method of resolving disputes. Finally, the paper will close by reflecting on what the findings indicate as to whether collaborative law is indeed the way forward and whether it is, or should be, the dispute method of choice for the good family lawyer.

Wright, Nicola * BI0.12 MH 5.7
The Nature and Meaning of Engagement in Assertive Outreach Services

Central to the recovery and social inclusion of mental health service users is meaningful engagement with helpful services. Assertive Outreach (AO) teams have been established nationwide to promote recovery and social inclusion in a service user group who have typically disengaged from traditional service provision. Numerous well designed quantitative studies have indicated that whilst engagement appears central to the recovery process, many researchers, by their own admission, struggle to define the meaning of engagement. Whilst it is regarded as important, few people understand what it is or how it is achieved in clinical practice. Often the operational definition of engagement is compliance with the treatment regime and this is reflected in recent legislative changes, for example the introduction of Community Treatment Orders (CTO). Whilst compliance with the prescribed treatment programme provides measurable service indicators, meaningful engagement from both a professional and service user perspective involves more intangible components related to building positive relationships. It is suggested, therefore, that the nature of engagement is little understood and the addition of well designed qualitative studies are needed to explore engagement from both the perspective of service users and those who care for them. Drawing from the tradition of phenomenology and utilising Gadamer's Philosophical Hermeneutics the present study investigates, through qualitative observations and semi-structured interviews, the nature and meaning of engagement as it is understood by mental health professionals and service users in AO. The findings from the study demonstrate that engagement can be explained as a Fusion of Horizons which involves both AO practitioners and service users in four processes. These are contact, dialogue, transformation and understanding.

Zhang, Nan * QB0.17 IP 6.9
How to Reach the Cross-Over Point of Maskus Curve in the Chinese Intellectual Property Law Enforcement? Relive the Ancient Culture!

Today, China has built up a complete IP law system after her thirty years legislative development and legal reform. A voice from the international IP community is that the implementation and the enforcement of the IP laws would not be very easy. Here we shall analyze this issue by Maskus Curve. Maskus observed the pattern of the transaction of a country from an IP appropriator to an IP protector in its economy development. The pattern is supported by the U. S policy during the Industrial Revolution, Japanese policies in the 1950s and 1960s and Korean policy in the 1980s:

During the earlier stages of the industrial development circle, for structural and cost reasons, the national interest lies in borrowing and imitating foreign technology. At a certain cross-over point, there are enough local innovators seeking to protect their investments in technology that the country interest in protection begins to outweigh its interest in appropriation and industrial policy shift.

Meanwhile, Fredrick Abbott predicted that given the pace of Chinese industrialization and investment in education and research, the cross-over point in Maskus Curve may come by 2015 that China will be turned into a IP protector country.

2015 is only six years ahead from present. We may bring forward several questions: in such a short time, by which effective approach, China will improve the criteria from an IP appropriator to an IP protector Since the general public and IP community are familiar their own culture, is it possible for us to relive the ancient wisdom into modern Chinese IP enforcement? The readers will find out the answers in this SLSA Conference presentation.

Zimdars, Anna * QB1.12 LE 7.7
Access to the Legal Bar in England and Wales: Preliminary Findings

The paper looks at the application data for those wishing to join the English legal profession as barristers. A recent British government review has identified the need for action regarding the make-up of the legal profession and the Bar Council of England and Wales has observed that the profession currently suffers from at least a perceived exclusivity. At the same time, actual data availability on transitions into the legal profession are unsatisfactory for understanding the causes of unequal participation rates and possible barriers to career entry and progression. This paper seeks to take first steps towards rectifying this data shortage. Specifically, data is used from the 2009 class of aspiring barristers that is, those who applied for a place on the Bar Vocational Course during 2008. The paper will look at whether gender, ethnicity, social class and the type of degree awarding university affect the chances of gaining admission to the Bar.

Vocational Course. Future stages of the project will follow these students through their course and look at whether any social background factors are related to the chances of gaining pupillage (legal apprenticeship) and tenancy, that is, permission to practice. It is hoped that attendees of the session at the SLSA will might provide input in shaping future stages of this research project.

end