

SLSA 2011

University of Sussex



Socio-Legal Studies Association Conference 12-14 April 2011

Welcome to the 21st Socio-Legal Studies Association Annual Conference. We are very excited to be hosting the annual SLSA conference here at the University of Sussex. This year we have a fantastic range of papers, and themes, given by over 250 delegates from a truly international field. We are honoured to be able to present our plenary session by Justice Edwin Cameron, from South Africa, which will take place on Wednesday 13 April to be followed later in the evening, by our drinks reception in the scenic Brighton Museum.

We hope that you find the programme of events stimulating, and have the opportunity to enjoy our campus facilities and all the best that Brighton's seafront location has to offer.

The SLSA conference organizing committee



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Programme Schedule



Tuesday 12 April

- 10.00 - 17.00 Registration
- 12.00 - 14.00 Lunch
- 13.00 - 14.30 Session 1
- 14.30 - 16.00 Session 2
- 16.00 - 16.30 Break
- 16.30 - 18.00 Socio-Legal Studies: Past, Present and Future
- 18.30 - 19.30 Drinks Reception at the University of Sussex

Wednesday 13 April

- 8.30 - 13.00 Registration
- 9.30 - 11.00 Session 3
- 11.00 - 11.30 Break
- 11.30 - 13.00 Session 4
- 13.00 - 14.00 Lunch and SLSA AGM
- 14.00 - 15.30 Session 5 Plenary: Justice Edwin Cameron
- 15.30 - 16.00 Break
- 16.00 - 17.30 Session 6
- 18.30 - 20.00 Drinks Reception at the Brighton Museum

Thursday 14 April

- 9.30 - 11.00 Session 7
- 11.00 - 11.30 Break
- 11.30 - 13.00 Session 8
- 13.00 Departure Packed Lunch

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Justice, Due Process and the Place of Law
Linda Mulcahy

Legal Architecture addresses how the environment in which the trial takes place can be seen as a physical expression of our relationship with ideals of justice; as it approaches the history of courthouse design as a reflection of the troubled history of notions of due process.

December 2010: 208pp
Hb: 978-0-415-57539-3: ~~£75.00~~ £60.00



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New Environmental Foundations
Edited by Andreas Philippopoulos-Mihalopoulos

This book contains a series of theoretical and applied perspectives on the connection between law and ecology, which together offer a radical and socially responsive foundation for environmental law.

Series: *Law, Justice and Ecology*
March 2011: 244pp
Hb: 978-0-415-58713-6: ~~£75.00~~ £60.00



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General Editor: Nigel Duncan

Assessment special issue of *The Law Teacher*

With a guest editorial from Alison Bone, the special issue includes articles covering the central issues in assessment, such as:

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- assessment of PhDs in law
- quality in assessment
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Justice Edwin Cameron, Judge of Appeal in the Supreme Court of Appeal, South Africa

Edwin Cameron was born in Pretoria in 1953. After training in Latin and Classical Studies, he obtained a BA in Jurisprudence and the BCL from Oxford University, and then his LLB from the University of South Africa.

Cameron practised at the Johannesburg Bar from 1983 to 1994. From 1986 he was a human rights lawyer based at the University of the Witwatersrand's Centre for Applied Legal Studies (CALS), where he was awarded a personal professorship in law. His practice included labour and employment law; defence of ANC fighters charged with treason; conscientious and religious objection; land tenure and forced removals; and gay and lesbian equality. From 1988 he advised the National Union of Mineworkers on AIDS/HIV, and helped draft and negotiate the industry's first comprehensive AIDS agreement with the Chamber of Mines. While at CALS, he drafted the Charter of Rights on AIDS and HIV, co-founded the AIDS Consortium (a national affiliation of non-governmental organizations working in AIDS), which he chaired for its first three years, and founded and was the first director of the AIDS Law Project. He oversaw the gay and lesbian movement's submissions to the Kempton Park negotiating process. This, with other work, helped secure the express inclusion of sexual orientation in the South African Constitution. In September 1994, he was awarded silk (senior counsel status). President Mandela appointed him an acting judge and later a judge of the High Court. In 1999/2000 he served for a year as an Acting Justice at the Constitutional Court. In 2000 he was appointed a Judge of Appeal in the Supreme Court of Appeal.

Cameron has written scholarly articles on the judiciary, conscription, labour and employment law, the law of trusts, AIDS and HIV, the legal rights of gays and lesbians and the legal computation of time. Apart from his memoir, *Witness to AIDS* (2005), he has also written books on the law of trusts, labour law and gay and lesbian lives in South Africa. His awards and community work are outstanding, and we are delighted to welcome him to our conference as our Plenary Speaker.

Justice Edwin Cameron is a leading civil rights lawyer, campaigner and holds honorary degrees from Kings College, London, and the University of the Witwatersrand



Tuesday 12 April 13.00 - 14.30 Session 1

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Administrative Justice	<p>Trevor Buck <i>Administrative Justice Theory</i></p> <p>Brian Thompson <i>The Future of Tribunals</i></p> <p>Richard Kirkham <i>Measuring the impact of the ombudsman</i></p>	101
Conflict & Security Law	<p>Anna Marie Brennan <i>Common Article 3 to the Geneva Conventions and Transnational Armed Groups: Exploring the Threshold of Armed Conflict</i></p> <p>Siobhan Wills <i>Categorisation of Conflicts</i></p> <p>Ron Dudai. <i>Truth and Reparations from Armed Groups? Non-State Armed Groups and Extending Transitional Justice Beyond the State</i></p>	102
Family Law and Policy Anne Barlow	<p>Anne Barlow <i>Families New and Old: Parenthood, Assisted Reproduction and the Comic Cinematic Portrayal of Family Life and the Law in Britain</i></p> <p>Caroline Jones <i>Public policy, birth certificates and donor-conception: Making their mark?</i></p> <p>Mark Abe Keisuke <i>Equitable Estoppel in Family Law: Intent and Reliance as Determinants of Parenthood</i></p> <p>Rebecca Probert <i>Carry on up the aisle</i></p>	103
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Human Rights and International Criminal Justice Transitional Justice Panel Sponsored by Intersentia	<p>Rodolfo Torregrosa <i>The Socials Representations of "the justice and peace Law" in the Colombian Press'</i></p> <p>Louise Mallinder and Catherine O'Rourke <i>Compiling Categorising and Interpreting Transitional Justice Data: Exploring the Role of Database Research'</i></p> <p>Cheryl Lawther <i>Unionism and the Fearful Past: Unpicking the Opposition to Truth Recovery'</i></p> <p>José Atilés-Osoria <i>Reflections on Transitional Justice; For the Return of the Politics and Searching for Other Epistemologies</i></p>	106

Tuesday 12 April 13.00 - 14.30 Session 1

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Mental Health & Mental Incapacity	<p>John Horne <i>Is the Mental Health Tribunal really a Safeguard?"</i></p> <p>Kris Gledhill <i>The Overriding Objective in the Tribunal Procedure Rules</i></p> <p>Kathryn Mackay <i>Rights and 'wrongs': How are professionals and tribunals supporting or limiting legal and procedural rights under the Mental Health (Care and Treatment) (Scotland) Act 2003?</i></p>	107
Labour Law Michael Jefferson	<p>Toni Schofield <i>Advancing a dynamic sociological understanding of prosecution and deterrence in OHS: An Australian case study of employers</i></p> <p>Michael Doherty <i>Build it and they will come – The Posted Workers Directive, transient labour and trade unions</i></p> <p>Martin E. Risak & Ian McAndrew <i>Mediation of employment rights cases: The New Zealand experience</i></p>	109
Gender Sexuality and the Law Chris Ashford	<p>Sarah Cooper <i>Marriage, Family, Discrimination & Contradiction: The European Court of Human Rights and the Rights of Sexual Minorities</i></p> <p>Maria Moscati <i>Same sex marriage/Italian constitutional court</i></p> <p>Christopher Hutton <i>Objectification and transgender jurisprudence: the dictionary as quasi-statute</i></p> <p>Georgios Perakis <i>Aggression, Sexuality and the Harm of sexual violence: The case of male victims in conflict</i></p>	110
Sentencing and Punishment Gavin Dingwall	<p>Max Lowenstein <i>How best to punish theft offenders: Comparing English judicial perceptions towards their sentencing aims</i></p> <p>Isla Masson <i>The Impact of Female Short-Term Imprisonment on Children</i></p> <p>Jane Donoghue, <i>Specialist and Problem Solving Courts: Breaking the Judicial Mould</i></p>	111
Criminal Law and Criminal Justice	<p>John Jupp <i>The Interim criminal Procedure Code 2004. An appropriate legal transplant for the reform of Afghanistan's criminal law framework?</i></p> <p>Renaud Colson & Stewart Field <i>Transnational discourses of reform in criminal justice: a bilateral comparison</i></p> <p>Ricardo Montana <i>Adversarialism in Italy: using the concept of legal culture to understand resistance to legal modifications</i></p>	112

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Socio-legal Approaches to International Economic Law: Text, Context, Subtext	<p>Sally Wheeler <i>Responsibility for the world to come</i></p> <p>Ionannis Glinavos <i>The bonus culture revisited: legal and ethical dimensions of economic regulation</i></p> <p>Deval Desai <i>A qui l'homme sauvage?: Discours and discourse on agreements between mining corporations and indigenous</i></p> <p>Honor McAdam <i>Making the private public: Reflections on the viscosity of private/public classifications and the consequences for a sociology of international economic law</i></p>	114
European Union Law Emerging policies: criminal law and healthcare Sponsored by OUP	<p>Tamara Hervey and Anniek de Ruijter <i>Healthcare and the Lisbon Agenda</i></p> <p>Estella Baker <i>Visions of the future: EU penal policy in the post-Lisbon era</i></p> <p>Edward Mowlam <i>Extraordinary Extradition: A Study of the European Arrest Warrant</i></p>	201
Medical Law	<p>Janine Mulcahy <i>The role of legal and social judgements in accessing reproductive treatment: the welfare of the child</i></p> <p>Jo Milner <i>The Human Rights Act and Assisted Suicide: Towards a fairer death?</i></p> <p>Ruth Stirton <i>A Sterile Cause of Action? Project Prevention and the Law of Tort in England and Wales</i></p>	202
Challenging ownership: meanings space, time and identity 'The Tenancy for Life' Dave Cowan	<p>Caroline Hunter <i>The tenancy for life – history, myths and reality</i></p> <p>Helen Carr <i>Re-conceptualising the tenancy for life</i></p> <p>Lucy Barnes <i>Individualising the 'Big Society': We are all in this (for ourselves) Together?</i></p>	203

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Family Law and Policy: Liz Trinder	<p>Liz Trinder <i>Family Law and Policy Retrospective</i></p> <p>Mavis Maclean <i>Family Law in Hard Times: the Perfect Storm</i></p> <p>Robert Dingwall <i>'Melancholy, long, withdrawing roar': The abdication of state concern for civil and family justice</i></p> <p>Christine Piper <i>Plus ça change plus c'est la même chose – or is it?</i></p>	103
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Human Rights and International Criminal Law International Criminal Court and Africa	<p>Sherif Elgebeily, <i>The UN Security Council referral of the situation in the Sudan to the International Criminal Court – ultra vires or misapplication?</i></p> <p>Aldo Zammit Borda <i>Decision-making Patterns at the First Trial of International Criminal Courts: A Case-Study of the ICC (Prosecutor v Lubanga)</i></p> <p>Yassin M'Boge <i>The Role of the International Criminal Court in Africa: A Worthy Investment?</i></p> <p>Matthew Garod <i>Prosecution of War Crimes and Crimes Against Humanity</i></p>	106
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<p>Criminal Law and Criminal Justice</p>	<p>Mark Brunger <i>Chasing the democratic panacea: From Northern Ireland's policing partnerships to England's elected police Commissioners</i></p> <p>Mwenda Kalemia <i>An ethnic neighborhood and its usual suspects; Policing, race and ethnicity among young people in the Southside of Glasgow</i></p> <p>David McArdle and Niall Hamilton Smith <i>Banning Orders, Scots Law and the Juridical Field</i></p> <p>Kevin Brown <i>Specialist Anti-Social Behaviour Practitioners: A New Criminal Justice Profession?</i></p>	<p>112</p>
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Sports Law	<p>Tom Serby <i>Adjudication of disciplinary hearings in sport and the role of the Court of Arbitration for Sport: lessons from the International Cricket Council's investigation into spot-fixing by Pakistan players</i></p> <p>Andre Naidoo <i>The regulation of ambush marketing</i></p> <p>Nassima Marref <i>The implications of the Club Licensing and Financial Fair Play regulation on the training and retention of players</i></p>	206
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<p>Race, Religion and Human Rights</p>	<p>Rosa Freedman <i>Innovative Mechanisms of the UN Human Rights Council</i></p> <p>Anne Neylon <i>Integration and naturalisation in the Refugee Convention 1951</i></p> <p>Sumaira Shaikh TBC</p>	210
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<p>Auditors, advocates, and experts -- monitoring, negotiating, and (re)creating rights Defining Subjects/Objects of Rights Heath Cabot</p>	<p>Heath Cabot <i>The "Whole Image" of the Case: The Problem of Client Eligibility at an Athenian NGO</i></p> <p>Gemma John <i>Do I have to use it?: Exploring the 'right' entailed in access information legislation in Scotland</i></p> <p>Lori Allen: Discussion</p>	213
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Tuesday 12 April 16.30-18.00 Special Plenary

Lecture Theatre A

The Past, Present and Future of Socio-Legal Studies:

Celebrating 21 years of the SLSA

Chair Dave Cowan

As the twenty-first birthday of the SLSA approaches, we have invited a number of keynote speakers to reflect on the history of law and society scholarship in the UK, the directions it has taken since the Association was first established, and the new directions it might take in the years to come. Following on from the recent SLSA one-day conference on what constitutes the 'socio' in socio-legal studies, the session will explore the changing boundaries of socio-legal studies, and its interface with the humanities and with empirical, doctrinal and critical scholarship. It will also consider shifts in thinking about institutional support for socio-legal studies and where the future might lead in this regard.

Stream/Chair	Speakers	Room
Banking and Finance Law	<p>Tomasic and Folarin Akinbami <i>Shareholder Activism and Litigation against UK Banks: the Limits of Company Law</i></p> <p>Saptarshi Ghosh <i>Examining the Role and Scope of the Bank Regulator in a Post-Financial Crisis World</i></p> <p>Thomas-Gabriel Rüdiger and Cindy Krebs <i>Gamecrime and Metacrime. Relevant criminal conduct in connection with virtual worlds</i></p>	101
Conflict and Security Law	<p>Brenda Daly <i>Engaging NGOs in Aceh - Analysis of the EU's Effectiveness as a Mediator</i></p> <p>José Atilés-Osoria <i>The Law and its Repressive Ways: An Analysis of the Use of Law as an Instrument of Repression in the Students Strikes at the University of Puerto Rico in the Years 2010 and 2011</i></p> <p>Phil Harris <i>Article 1F(b) of the Refugee Convention 1951 : Is the classification of actions as 'political' or 'non-political' itself a political decision?</i></p>	102
Family Law and Policy Rebecca Probert	<p>Rebecca Probert <i>Pre-nuptial developments</i></p> <p>Jo Miles <i>Marital obligation after Radmacher and the Law Commission</i></p> <p>Sharon Thompson <i>Prenuptial agreements and the meaning of 'fairness' since Radmacher v Granatino</i></p> <p>Anne Barlow <i>Pre-Nuptial Agreements and the Reconstruction of Fairness</i></p>	103
	<p>Internet Café sponsored by Sweet and Maxwell-Thompson Reuters</p> <p>Post- graduate hub and discussion area</p>	104
European Union Law Sponsored by OUP	<p>Richard Peter Craven <i>A Qualitative Investigation into Public Sector Compliance with EU Procurement Regulation</i></p> <p>Eleanor Aspey <i>Labour Considerations in Utilities Procurement: The Impact of the EU Legal Regime</i></p> <p>Marios Costa <i>European Agencies' Accountability Revisited</i></p>	106

Stream/Chair	Speakers	Room
Mental Health & Mental Incapacity	<p>Eilionóir Flynn <i>Combining Mental Health and Mental Capacity Law: A Capacity-Based Approach to Mental Health Treatment?</i></p> <p>Catrina Denvir <i>Determining the mental health cost of debt: the interaction between debt and mental illness</i></p> <p>Nicola Glover-Thomas <i>The swing of the legal pendulum: Mental Health Decision-Making in the Age of Risk</i></p>	107
<p>Systems, Complexity and Autopoiesis: Critical Perspectives and Applications</p> <p>Tom Webb</p>	<p>Cedric Gilson <i>Illuminating the legal dilemmas of assisted dying. The clarity afforded by orthodox systems theory</i></p> <p>Stephen Riley <i>Human Dignity and the Problem of Transcendence</i></p> <p>Annika Newnham <i>Autopoietic theory and the current (mis)use of shared residence orders</i></p>	109
<p>Gender Sexuality and the Law</p> <p>Chris Ashford</p>	<p>Antu Sorainen <i>Sexual criminal law, EU policy and the politics of the paedophile</i></p> <p>Brian Simpson <i>Planning spaces for children's sexuality</i></p> <p>Elisabetta Bertolino <i>Beginnings</i></p> <p>Rosie Harding <i>Regulating Sexuality: Legal consciousness in lesbian and gay lives (2010 SLSA Book Prize winner)</i></p>	110
<p>Human Rights and International Criminal Law</p> <p>Sponsored by Intersentia</p>	<p>Jean-Pierre Gauci <i>Human Rights for Trafficked Persons: Priority or Mere Rhetoric</i></p> <p>Rabiu Sani Shatsari, <i>The Criminal Prosecution of Human Traffickers in Nigeria</i></p> <p>Jackie Jones <i>EU efforts on human trafficking: the new draft directive and future direction</i></p> <p>Ronagh McQuigg <i>Domestic Violence and the Use of Human Rights Law Mechanisms</i></p>	111
<p>Criminal Law and Criminal Justice</p> <p>Linda Mulcahy</p>	<p>Mary Vogel <i>Historical Origins of the "Juristocracy" in Common Law</i></p> <p>Eva Marchan <i>No harm done? Considering the potential consequences of the enhanced governmental control over English and Welsh criminal trial judges</i></p> <p>Imogen Jones <i>Still Just Rhetoric? Judicial Discretion and Due Process</i></p>	112

Wednesday 13 April 9.30 -11.00 Session 3

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<p>Indigenous Rights and Minority Rights</p> <p>Issues in Indigenous Knowledge, Heritage and Bioprospecting</p>	<p>John Kleba <i>The Nagoya Protocol, International Justice and Legal Pluralism</i></p> <p>Al Hanisham Mohd Khalid <i>Prospering Traditional Knowledge Through Complementary Medicine in Law: Prospect and Challenges in Malaysia</i></p> <p>Valentina Vadi <i>When Cultures Collide: Foreign Direct Investment, Natural resources and Indigenous Heritage in International Investment Law</i></p>	113
<p>CRIMINALISING COMMERCE?</p> <p>HOLDING A MIRROR TO SOCIETY: LEARNING LESSONS FROM ATTEMPTS TO CRIMINALISE THE HARMS OF THE POWERFUL: PART II</p> <p>Fiona Haines</p>	<p>Laureen Snider <i>Regulation and Resistance: The Technological Arms Race</i></p> <p>Nicholas Dorn <i>A Dream Come True for Some: Financial Services, Crisis, Capture, Consolidation</i></p> <p>Joe McGrath <i>Confronting the Continuing Failure to Prosecute Respectable Wrongdoers in Ireland</i></p> <p>Siobhan McConnell <i>Criminalising Commerce – the impact of the Bribery Act 2010 on corporate hospitality</i></p> <p>Ursula Kern <i>Criminalising annual accounts – A way to transparency and trust?</i></p>	114
<p>European Law</p> <p>EU citizenship sponsored by OUP</p>	<p>Stine Jørgensen <i>The Free Movement of students</i></p> <p>Jessica Guth <i>Re-thinking 'real link': Doctoral Mobility, Citizenship and EU Law</i></p> <p>Chiara Berneri <i>EU Citizenship and Family Reunion</i></p>	201
<p>Constitutionalism and Governance</p> <p>Regulation and Local Knowledge</p>	<p>Bal Sokhi-Bulley <i>Big Society or Big Government? Cameron's Governmentality Agenda</i></p> <p>Elizabeth Fortin <i>Experiments in global governance: regulating biofuels production</i></p> <p>Tola Amodu <i>Regulatory Chaos? Obstacles to steering local activity in the context of food safety regulation</i></p>	202
<p>Challenging ownership: meanings space, time and identity</p> <p>Public / private / state rights in property</p> <p>Sarah Blandy</p>	<p>Penny English TBC</p> <p>Francis Moore <i>Evaluating the statutory authority defence – exploring the justifications for state-endorsed infringements on private property rights</i></p> <p>Antonia Layard <i>Shopping in the public realm: a law of place</i> (2010 SLSA Article Prize Winner)</p>	203

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Intersectionality	<p>Claire Murray <i>Feminist theories of rights – boundaries in mental health law</i></p> <p>Claire Grant <i>Law & Oppression</i></p> <p>M. Isabel Garrido Gómez <i>Intersectionality and Transnationalism of Law</i></p>	205
<p>Sentencing and Punishment</p> <p>Gavin Dingwall</p>	<p>Ayodele Atsenuwa <i>Doing Justice: Plea Bargaining and Sentencing in Lagos State</i></p> <p>Anicée (Anisseh) Van Engeland-Nourai <i>Huddud Punishments in Islam: End-game for the conciliation between universal human rights and Islamic Law?</i></p> <p>Mercy Emetejife Onoriode <i>The effect of the Amnesty granted militants in the Niger Delta: who pays the price?</i></p>	206
<p>Socio-legal Approaches to International Economic Law: Text, Context, Subtext</p> <p>Roger Cotterrell</p>	<p>Amanda Perry-Kessaris <i>What does it mean to take a socio-legal approach to law and development?</i></p> <p>Sabine Frerichs <i>Rethinking law, economy, and society in the global age</i></p> <p>Celine Tan <i>Navigating new landscapes: The contribution of socio-legal scholarship in mapping the plurality of international economic law and locating power in international economic relations</i></p> <p>Stephen Humphreys <i>The rule of international economic law?</i></p>	208
Legal Education	<p>Fernando de Castro Fontainha <i>The Strategic Dimension of Legal Teaching: The Debriefing of a Role-play Activity to Prepare an Oral Exam</i></p> <p>Rebecca Badejogbin <i>The Emerging Paradigm of Clinical Legal Education in Nigeria: The Nigerian Law School as a Case Study</i></p> <p>Umme Wara <i>A Multi-disciplinary Approach in Legal Education: Prospects and Effects</i></p>	212

Wednesday 13 April 9.30 -11.00 Session 3

Stream/Chair	Speakers	Room
<p>Auditors, Advocates, and Experts: Monitoring, Negotiating, and (Re)Creating Rights:</p> <p>Rights and Governance</p> <p>Andrea Ballestero</p>	<p>Elif Babul <i>"Smells Like Translation:" Pedagogies of Human Rights and the Management of the Foreign in Turkey</i></p> <p>Robert James <i>What do 'Virocrats' and 'mini-Doctors' think about rights?</i></p> <p>Jeff Katcherian <i>Tolerating cultural rights, purifying experience: The limits of policy and the myth of legal pluralism in the EU</i></p> <p>Tobias Kelly <i>The Shame of Torture</i></p>	213

Wednesday 13 April 11.30 – 13.00 Session 4

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<p>Banking and Finance Law</p>	<p>Ilias Kapsis <i>Reform of financial regulatory and supervisory architecture in EU: will it help to prevent future financial crises?</i></p> <p>Alastair Hudson <i>Creating the law of finance: the interaction of substantive law and financial regulation</i></p> <p>Tomasic and Folarin Akinbami <i>Regulating Innovation in Finance: Financial Engineering and its effects on the Resilience of the Financial system</i></p>	101
<p>Constitutionalism and Governance</p> <p>Centralising Power</p>	<p>Jamie Grace <i>Learning from Papal Infallibility to Redefine and Harness Parliamentary Sovereignty</i></p> <p>David Marrani <i>The King is Dead, Long live the President! The Real Nature of the Fifth French Republic</i></p> <p>Christos Boukalas <i>Law, Politics, and the State: a Strategic-Relational Approach to Law</i></p> <p>Chris Hanretty <i>When and Why are Constitutions Specific?</i></p>	102
<p>Family Law and Policy</p> <p>Jo Miles</p>	<p>Jo Miles <i>Money Property and couple relationships: Matters of Life and Death</i></p> <p>Gillian Douglas <i>Attitudes to inheritance law</i></p> <p>Daniel Monk <i>Reading Gay Wills: Before/beyond equality</i></p> <p>Robert George <i>Life is untidier than that -Jones v Kernot</i></p> <p>Fae Garland <i>Financial Provision on Relationship Breakdown in New Zealand and Australia: An Empirical Comparison of the Homemaker's Experience.</i></p>	103

Stream/Chair	Speakers	Room
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<p>Systems, Complexity and Autopoiesis: Critical Perspectives and Applications Andreas Philippopoulos-Mihalopoulos</p>	<p>Richard Nobles & David Schiff <i>Legal pluralism and systems theory: a dialogue with Brian Tamanaha</i></p> <p>Jen Hendry <i>A Lack of Harmony? Comparative Law in light of Europeanisation – Some Internal Tensions</i></p> <p>Tom Webb <i>Complexity and Autopoietic Theory – What Relation? A Public Law Perspective</i></p>	106
<p>Mental Health & Mental Incapacity</p>	<p>Jennifer Brown <i>Divergence and Convergence: Power to detain the mentally ill under the European Convention on Human Rights in England and Ireland</i></p> <p>Nell Munro <i>Promoting the human rights of people with mental disorders in the criminal justice system: defining an agenda</i></p> <p>Sieglinde Pommer <i>Global Mental Health: Reevaluating Rights and Standards from a Comparative Legal Perspective</i></p>	107
<p>Labour Law Michael Jefferson</p>	<p>Deborah Magill <i>Equality in the workplace: Strategies for change</i></p> <p>Rhoda Asikia Ige & Kemi Adekile <i>The women question in the workplace – Beyond the law</i></p>	109
<p>Gender Sexuality and the Law</p>	<p>Helen Baillot, Sharon Cowan & Vanessa Munro <i>Cultures of Disbelief? Exploring Decision-Makers' Responses to Narratives of Sexual Violence in the Context of Women's Claims for Asylum in the UK</i></p> <p>Claire McCann <i>Controlling Women's Bodies through Law: Accessing Abortion in Northern Ireland</i></p> <p>Esra Demir Gürsel <i>The ECtHR's approval of public interests on the regulation of women's bodies</i></p>	110
<p>Lawyers and Legal Professions Andy Boon</p>	<p>Hilary Sommerlad <i>Restructuring and the Solicitors' labour market in England and Wales: a new professional precariate?</i></p> <p>Andrew Agapiou <i>Scots Lawyers and ADR : A survey of attitudes and experiences</i></p> <p>Angela Melville & K Laing <i>Closing the gate: family lawyers as gatekeepers to resolving non-legal issues</i></p>	111

Wednesday 13 April 11.30 – 13.00 Session 4

Stream/Chair	Speakers	Room
Criminal Law and Criminal Justice	<p>Neil Cobb <i>Crown Prosecution Service Hate Crime Scrutiny Panels: An Empirical Study</i></p> <p>Gethin Rees “[W]ell nurse you’re not very good because she’s actually got a tattoo on her back”: <i>Experience, profession and relevance in forensic medical examinations of sexual assault survivors</i></p> <p>Sarah Cooper <i>Using Developments in Law and Science to Re-examine Evidential Issues in Post-Conviction Claims of Innocence in the United States</i></p>	112
Minority Rights Issues in Indigenous Rights Protection	<p>Aliza Organick <i>‘Losing Sight of the Counter Narrative: The Unintended Consequences of the Passage of the Tribal Law and Order Act’</i></p> <p>Sarah Sargent <i>‘Theorising Rights in the New Millennium: Indigenous Children and</i></p> <p>Claire Gammage <i>‘The Protection of Indigenous Rights and Non-State Actors: The Case of Loliondo’,</i></p>	113
Criminalising Commerce CARTEL CRIMINALISATION: PART I Caron Beaton-Wells	<p>Christopher Harding <i>A Theoretical Framework for the Assessment of Cartel Criminalisation</i></p> <p>Debra Wilson <i>Cartel Criminalisation: A New Zealand Perspective</i></p> <p>Bruce Wardhaugh <i>A Normative Approach to the Criminalization of Cartel Activity</i></p> <p>Angus McCulloch <i>Cartels: A ‘Moral Space’ within Economic Regulation?</i></p>	114
European Union Law Sponsored by OUP	<p>Maria Fletcher <i>Overlap and Friction between EU free movement rules and UK immigration law</i></p> <p>Julia Bradshaw <i>Does the Citizenship of Al-Andalus hold lessons for modern day European Union Citizenship?</i></p> <p>Richard Ball <i>Legitimacy of EU Law</i></p>	201
Challenging Ownership: Meanings, Space, Time and Identity Individual / collective rights in property Sue Bright	<p>Alison Clarke <i>Common Law and Norwegian approaches to conflicting land use rights: the individual versus the collective</i></p> <p>Roger Thomas and Rachel Campbell <i>Ownership and easements in Hellenistic and English law: TBC</i></p> <p>Dwijen Rangnekar <i>The Exclusion of Clubs: GIs and the dilemmas of collective action</i></p>	203

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Law and Literature Julia J.A. Shaw	David Gurnham, <i>How All Right Are the Kids Really? Sexuality and Donor Insemination in Law and Film</i> James Roffee, <i>Conflating Reasons: Sexual Rhetoric, Discourse Analysis and Setting the Boundaries</i> Honni van Rijswijk, Penny Crofts <i>Negotiating the Relationship between Law and Violence: The vampire as a figure of ambivalent justice</i>	205
Socio-legal Approaches to International Economic Law: Text, Context, Subtext Amanda Perry-Kessaris	Diamond Ashiagbor <i>Unravelling the embedded liberal bargain: Labour law in the context of EU market integration</i> Clair Gammage <i>A reflectivist constructivist approach to regionalism: Challenging the international legal framework</i> Cecilia Flores Elizondo <i>Reflexive international economic law: A journey to the internal dynamic of law in a social context</i>	208
Legal Education	Anthony Bradney <i>Austerity Politics, Neo-Liberalism and English University Law Schools</i> Chioma Agomo & Rhoda Asikia Ige, <i>Teaching Gender Studies in an African University: Prospects and Challenges</i> Kris Gledhill <i>The Teaching of Criminal Law: Are We Stuck in a Timewarp?</i>	212
Auditors, Advocates, and Experts: Monitoring, Negotiating, and (Re) Creating Rights Mediating, Monitoring, and Governing Rights	Jane Cowan, <i>Who's talking? and why do they talk like that? Reviewing a state's human rights performance at the UN Human Rights Council Universal Periodic Review</i> Miia Halme-Tuomisaari, <i>'The State is One'</i> Elizabeth Craig: Discussion	213
Sentencing and Punishment Gavin Dingwall	Alex Newbury <i>Key Barriers to Restorative Outcomes in the English Youth Justice System – Lessons from Research</i> Stewart Field <i>The concept of legal cultures and comparative youth justice research</i>	214

Wednesday 13 April 15.00-16.30 Plenary

Lecture Theatre A

Justice Edwin Cameron,

Member of the Constitutional Court of South Africa

Diversity as a Constitutional Value

Chair Simon Fanshawe,

Chair of Council University of Sussex

Justice Cameron will be speaking on Diversity as a constitutional value.

Further details and abstract to follow.

Wednesday 13 April 16.00 – 17.30 Session 6

Stream/Chair	Speakers	Room
Banking and Finance Law	<p>Annet Wanyana Oguttu <i>The role of tax havens in the global financial crisis: a critique of international initiatives and measures to curtail resultant fiscal challenges in South Africa</i></p> <p>Mpakwana Annastacia Mthembu <i>Bank-Customer Relationship in the Age of Internet</i></p> <p>Bode Ayorinde <i>A Critical Analysis of Legal Control of Banking Capitalisation in Nigeria</i></p>	101
Constitutionalism and Governance	<p>Mary E. Vogel <i>Historical Origins of the 'Juristocracy' in Common Law</i></p>	102
Courts and Governance	<p>Yoshiaki Haraguchi <i>The Changing Role of the Japanese Supreme Court: Towards the Active Exercise of Judicial Review</i></p> <p>Nadia Bernaz <i>Delivering Justice in the Caribbean: A Human Rights-based Assessment of the Caribbean Court of Justice</i></p>	
Family Law and Policy	<p>Jane Fortin <i>The ups and downs of a research project on children's contact arrangements</i></p>	103
Rosemary Hunter	<p>Helen Rhoades <i>Working with separated families in a shared care policy environment – A cautionary tale</i></p> <p>Liz Trinder <i>Reframing narratives: the shift from welfare to rights and equality discourses in policy-making on post-separation parenting</i></p>	
	<p>Internet Café sponsored by Sweet and Maxwell-Thompson Reuters</p> <p>Post- graduate hub and discussion area</p>	104
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Mental Health & Mental Incapacity	<p>Amanda Keeling <i>Challenges in Determining Deprivations of Liberty for Adults Who Lack Capacity</i></p> <p>Anna Bagnoli <i>Applications for Deprivation of Liberty Safeguards authorisations: practitioners' decisions and the everyday practice of form-filling</i></p> <p>Lucy Series <i>Autonomy, incapacity and institutional care</i></p>	107

Wednesday 13 April 16.00 – 17.30 Session 6

Stream/Chair	Speakers	Room
Labour Law Michael Jefferson	Sam Middlemiss <i>Legal impact on employers where there is a sham element in contracts with their workers</i> Liz Oliver <i>'I get grants, I employ people for three years, I look after them as well as I can'</i>	109
Gender Sexuality and the Law	Marian Dougan and Mark Walters <i>Gender: A Rightfully Excluded Hate Crime Category?</i> Andy Harvey <i>Regulating Homophobic Hate Speech: Back to Basics about Language and Politics?</i> Joy Dillon <i>An analysis of the bureaucratic challenges of prosecuting contemporary sexual harassment offences</i>	110
Lawyers and Legal Professions Andy Boon	Rae Wood S Anleu & K Mack <i>Time and Gender Inequality in the Judiciary</i> Pedro Geraldo <i>Practical Solutions: Praxeological Analysis of Judgments in Civil Hearings</i> Michael Blackwell <i>Old Boys' Networks, Family Connections and the English Legal Profession</i>	111
		112
Indigenous Rights and Human Rights Minority Rights Issues	Mohammed Nayyeri <i>Minority Rights: The Case of Baha'is of Iran</i> Hadeel Hussein <i>The Palestinian Arab Minority of Israel National University of Ireland</i> Darren O'Donovan <i>Legislating for Cultural Rights: Lessons Learned from the Irish Housing (Traveller Accommodation) Act 1998</i>	113

Stream/Chair	Speakers	Room
<p>Criminalising Commerce</p> <p>PANEL 4: CARTEL CRIMINALISATION PART II</p> <p>David Round</p>	<p>Caron Beaton-Wells and David Round <i>Cartel Criminalisation and the Competition Authority: Public Value, Authorising Environment, Operational Capability</i></p> <p>Stephen Wilks <i>The Criminal Cartel Offence and proposals for reform of UK competition enforcement</i></p> <p>Andreas Stephan <i>Reconciling Criminal with Administrative Enforcement</i></p> <p>William Kovacic <i>Criminal Enforcement Norms in Competition Policy: Insights from US experience</i></p>	<p>114</p>
<p>Systems, Complexity and Autopoiesis: Critical Perspectives and Applications</p> <p>Tom Webb</p>	<p>Andreas Philippopoulos-Mihalopoulos <i>Critical Autopoiesis</i></p> <p>Carlos Herrera-Martin <i>The Mexican Kelo: the "Pascual Boing" Case</i></p> <p>Neil Lyons <i>"I've overseen the assimilation of countless millions. You were no different." Autopoiesis: Evolution, Assimilation, and Causation of Normative Closure</i></p>	<p>201</p>
<p>Challenging Ownership: Meanings, Space, Time and Identity</p> <p>Property rights in the home</p> <p>Penny English</p>	<p>Sarah Blandy <i>Property in common</i></p> <p>Alice Christudason <i>The legal framework for Collective Sales and its implications for ageing-in-place and the community</i></p> <p>Sue Bright and Nick Hopkins <i>Evaluating legal models of affordable home ownership in England</i></p>	<p>203</p>
	<p>Cloakroom</p>	<p>204</p>
<p>Law and Literature</p> <p>Julia J.A. Shaw</p>	<p>Scott Veitch <i>Binding obligations: Images of the legal bond</i></p> <p>Michel Quilter <i>Bankruptcy as a literary device in Shakespeare's plays</i></p> <p>Christopher Rogers, Mrs Clare Sandford-Couch, Dr Sarah Mercer <i>Law, literature and art in the trial of Oscar Wilde</i></p>	<p>205</p>
<p>Socio-legal Approaches to International Economic Law: Text, Context, Subtext</p> <p>Diamond Ashiagbor</p>	<p>Roger Cotterrell <i>Transnational economic networks and legal theory</i></p> <p>Emilie Cloatre <i>Actor-Network Theory, materials and regulations: exploring the socio-technical networks of global intellectual property and access to health in Africa</i></p> <p>Clare Williams <i>Beyond the New Economic Sociology: the role of embedded networks in post-neoliberal economic culture</i></p>	<p>208</p>

Stream/Chair	Speakers	Room
<p>Banking and Finance Law</p>	<p>Adilah Abd Razak <i>Consumer Credit Card Agreement and Mandatory Disclosure: How Disclosure Affect Consumer's Decision to take Credit Card</i></p> <p>Gauri Sinha <i>Banks and Money Laundering: The Bond that Law Needs to Break</i></p> <p>M Sigwadi <i>Pension Funds and Corporate Governance: Can Pension Funds in South Africa maximise their power as shareholders to push for corporate governance at companies in which they invest?</i></p>	<p>101</p>
<p>Human Rights and International Criminal Law</p> <p>Sponsored by Intersentia</p>	<p>Georgios Perakis <i>Aggression, Security and the Harm of Sexual Violence</i></p> <p>Styliani Margariti <i>Balancing the powers of the ICC and the Security Council in determining individual and state responsibility for the crime of aggression: can the ICC try individuals for the crime of aggression in the absence of any finding of an act of aggression by the Security Council?</i></p> <p>Amrita Mukherjee, <i>Torture and democracy: international human rights monitoring in India</i></p> <p>Marco Odello <i>UN Peacekeeping</i></p>	<p>102</p>
<p>Family Law and Policy</p> <p>Liz Trinder</p>	<p>Leanne Smith <i>What is family law for?</i></p> <p>Aisling Parkes <i>The Right of the Child to Participate in Family Law Proceedings</i></p> <p>Morteza Shahbazinia <i>Child Protection and Recent Changes in Iran's Legislation With Emphasis on Child Custody and Marriage</i></p>	<p>103</p>
	<p>Internet Café sponsored by Sweet and Maxwell-Thompson Reuters</p> <p>Post- graduate hub and discussion area</p>	<p>104</p>
<p>Mental Health & Mental Incapacity</p>	<p>Rosie Harding <i>Caring about Capacity: A socio-legal analysis of dementia care</i></p> <p>Caroline Johnson <i>Best interests in healthcare decision-making – tick box or real engagement?</i></p> <p>Margaret Hall <i>Contextualised capacity? Mental Capacity and the equitable doctrines of relational autonomy</i></p>	<p>107</p>

Stream/Chair	Speakers	Room
<p>Challenging Ownership: Meanings, Space, Time and Identity</p> <p>Housing dreams - housing realities</p>	<p>Helen Carr <i>Introducing Spa Green and Dolphin Square</i></p> <p>Caroline Hunter TBC</p>	109
<p>Gender, Sexuality and the Law</p> <p>Chris Ashford</p>	<p>Catherine O'Rourke <i>Addressing a Web of Gender-based Harms against Women in Transitional Justice</i></p> <p>Annal Carline <i>The 'Frames of Trafficking': Critical perspectives on the construction of, and responses to, trafficking for sexual exploitation.</i></p> <p>Katie Cruz <i>On the Complexities of Feminisms, and Feminist Engagement with the State: Governance Feminism, Radical Feminism and Sex Work in the UK.</i></p>	110
<p>Lawyers and Legal Professions</p>	<p>S Cammiss <i>"It is not my intention to be a killjoy..." Objecting to a Licensing Application: The Complainers</i></p> <p>C Westaby <i>Changing expectations: The performance of emotional labour by immigration solicitors in their exchanges with UKBA Case Owners</i></p> <p>A Melville and F Stephen <i>"Victims of medical accidents require highly specialised legal advice..." But how does specialisation really effect medical malpractice claiming?</i></p> <p>A Morris, R. Moorhead R. Cahill, J. van Der Schalk <i>Understanding Perceptions of Claiming – A Pilot Study</i></p>	111
<p>Criminal Law and Criminal Justice</p>	<p>Jo Bridgeman and Heather Keating <i>Intensive caring responsibilities and crimes of compassion?</i></p> <p>Samantha Pegg <i>Legal etymology - The cases of Fanny Adams and Sarah Payne</i></p> <p>Mark Monaghan <i>Ecstasy and Agony: Evidence-Based Drug Policy and Legislation?</i></p>	112
<p>Constitutionalism and Governance</p> <p>Confronting the Human Rights Act, Contemporary Themes and Perspectives</p>	<p>Nicolas Kang-Riou <i>Confronting the Human Rights Act?</i></p> <p>Susan Millns <i>Feminism and the Human Rights Act</i></p> <p>Jo Milner (discussant)</p>	113

Thursday 14 April 9.30 – 11.00 Session 7

<p>Criminalising Commerce</p> <p>PANEL 5: THE CONSEQUENCES OF CRIMINALISATION: CRIMINOLOGIES OF CORPORATE MISCONDUCT</p> <p>Christine Parker</p> <p>Vibeke Lehmann Nielsen</p>	<p>Janette Nankivell <i>Researching illegal activity by business</i></p> <p>Christine Parker and Janette Nankivell <i>Does the punishment fit the crime? The attempt to criminalise cartel activity</i></p> <p>Judith Van Erp <i>Administrative sanction publicity: an alternative for the criminalization of business conduct?</i></p> <p>Richard Hyde (Not) <i>Enforcing Following Outbreaks of Food-borne Illness: It's About the Evidence</i></p>	114
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Thursday 14 April 11.30 – 13.00 Session 8

Stream/Convener	Speakers	Room
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SOCIO-LEGAL STUDIES ASSOCIATION • CONFERENCE 2012

The Department of Law at Robert Gordon University are delighted to announce that we will be hosting the Socio-Legal Studies Association Conference in 2012. Based in Aberdeen, the Department is situated in a purpose-built campus on the banks of the River Dee with modern facilities throughout.

The conference organisers are Sarah Christie (s.christie@rgu.ac.uk) and Margaret Downie (m.downie@rgu.ac.uk) and the conference will run from Tuesday 3rd to Thursday 5th April 2012.

We look forward to welcoming you next year!



Thanks to:

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