

Warwick | Law School

ANNUAL
RESEARCH
REPORT

(July 2011- June 2012)

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1. Introduction

At this time of year, as we spend our days giving feedback to students on practice answers, dashing to exam halls over campus to check exam papers, and marking piles of scripts that (hopefully) tell us how much our students have learned over the past months, it is good to take a moment to celebrate the other key dimension of our work. This year's research report reveals a busy and productive year for the law school in terms of its research and publications. Indeed, the main challenge has been keeping the report to a manageable length, a testimony to just how many different activities individuals are engaged in.

Last year we reported the setting up of a number of 'clusters' and the descriptions of their activities over the last twelve months (pp 7-16 below) show how many are proving successful in uniting colleagues with similar interests. Many, indeed, are members of more than one cluster, and for a full range of any individual's activities it will be necessary to look across all sections of the report, from the activities of clusters and the organising of conferences and workshops (pp 17-19) to the supervision of research students (pp 23-26) and the lists of publications and working papers (pp 27-33).

The new clusters have not displaced other aspects of our research culture: indeed, attendance at the research seminars has been particularly strong this year. Any latecomers know that it is standing room only by 1pm! Thanks go to John Snape for organising such an excellent programme, which has given an opportunity to many members of the Law School to present their work and gain valuable feedback, as well as bringing in a number of interesting outside speakers.

With so much going on, it seems invidious to single out any particular achievements, but it is worth highlighting that a number of colleagues have produced significant new monographs in the past twelve months, including **Kimberley Brownlee** (*Conscience and Conviction*), **John Snape** (*The Political Economy of Corporation Tax*), **Ann Stewart** (*Gender, Law and Justice in a Global Market*), **Victor Tadros** (*The Ends of Harm*) and **Celine Tan** (*Governance through Development*). **Hugh Beale** and his co-authors produced a second edition of the leading text *The Law of Security and Title-based Finance*, and many other colleagues have been working on monographs that will be published in the coming months.

Colleagues also continue to engage with policy-makers and other non-academic audiences, since having an impact outside the academy has been fundamental to the work that many of us do, long before it became a specific element of assessment.

Over the year the LRI has supported a number of workshops organised by members of the Law School both at Warwick and elsewhere, as well as providing funds for colleagues to attend a wide range of conferences all over the world. And at the time of writing we are all looking forward to our own conference, 'Not Just Law', organised by **Victor Tadros** and providing an opportunity for us all to share ideas and perhaps learn of some unexpected interests among colleagues. Alan Norrie will be delivering the keynote. I look forward to reporting on its success in next year's report!

Rebecca Probert
Director of Research

2. Research Centres and Clusters

The Centre for Human Rights in Practice (CHIP)

The CHIP's two co-directors (**Andrew Williams** and **James Harrison**) lead the Centre's current activities, and a number of other members of the department and faculty are also engaged in the Centre's work. We would particularly highlight the following significant achievements of the Centre over the last year in terms of its applied research:

I. Human Rights Impact Assessments (HRIAs)

Our research expertise in this area has enabled the Centre to undertake applied research and to assist UN actors, civil society organisations, government officials and other bodies in undertaking human rights impact assessments. Achievements this year include:

a) Assessing the equality and human rights impact of spending cuts on the rights of women in Coventry (2011-present): Work continues to be undertaken with Coventry Women's Voices (an umbrella organisation representing over 70 organisations and individuals in Coventry) to assess the impact of the public sector spending cuts on the human rights of women in Coventry. A first report, published in May 2011, generating widespread coverage in the media, has been downloaded more than 9,000 times from the CHIP website and was described by MPs in Parliamentary debates as 'excellent research', 'a first class piece of work' which 'will increasingly be seen as a landmark'. It is available on the Centre's website. We are currently working on a second report, to be published in July 2012, which will examine

the impact of the spending cuts on *older* women in Coventry. Coventry Women's Voices have applied for funding for a third report from Barrow Cadbury which will focus on the impact of the spending cuts on *black and minority ethnic* women in Coventry. The project will be undertaken in collaboration with Coventry Black and Minority Ethnic Partnership, and The CHIP will provide expert advice and guidance.

b) Scottish Human Rights Commission (SHRC) (2010-present): The CHIP has continued to work closely with SHRC on the development of a new model of Equality and Human Rights Impact Assessment to be piloted by public authorities in Scotland. James Harrison and Mary-Ann Stephenson drafted a set of principles for conducting future human rights impact assessments in Scotland, which were accepted as principles that would form the basis of the studies. We expect the studies to take place in 2012-13 and hope to be working closely with SHRC on these.

c) Equality and Human Rights Impact Assessment of Ethiopia's Trade Agreements (2012): The CHIP is undertaking a joint project with Mekelle University Centre for Human Rights to identify the human rights and equality impacts of trade agreements in Ethiopia. The study involves a scoping study on the human rights impact of Ethiopian accession to the WTO and the Economic Partnership Agreement between African Caribbean and Pacific countries and the European Union. The final report of the project will be launched in September 2012.

d) PhD investigating cuts to Legal Advice Services: In April 2012, The CHIP was

awarded funding for an ESRC-Funded Collaborative PhD, together with the Law Centres Federation, which will examine the impact of the imminent cuts to legal advice services, particularly on the most vulnerable and disadvantaged. This PhD will build upon the Centre's approaches and methodologies in its previous equality and human rights impact assessment work.

Centre Co-Director **James Harrison** has also provided a range of other expert advice. This has included acting as an advisor on a Human Rights Impact Assessment (HRIA) of the implementation of plant variety protection laws in line with UPOV91 in various developing countries, and on a HRIA of the EU-India free trade agreement for an NGO coalition (2011-12).

Links to further information on the above as well as all reports and academic publications can be found at:

<http://www2.warwick.ac.uk/fac/soc/law/c/hrp/projects/humanrightsimpactassessments/>

II. Human Rights Trade and Investment

James Harrison was commissioned by the Office of the High Commission for Human Rights (OHCHR) to produce an in-depth report on human rights, trade and investment. The 70,000 word report, which was accepted by OHCHR for publication in May 2012, aims to raise awareness on the human rights considerations and implications of trade and investment agreements.

III. EU Fundamental Rights

The Centre has continued to provide expertise in this field based on its research in this area. This year's achievements include a follow-up project on the Fundamental Rights Agency (FRA) info-base portal and the fulfilment of a contract for the EU Fundamental Rights Agency on

providing a complete review of the application of the EU Charter of Fundamental Rights in (a) EU legislation (b) European Court of Justice case law (c) Member States' constitutions. The data produced has been used to complete the web store of public information on all aspects of the Charter. **Andrew Williams** was the invited key speaker for conferences in Lisbon, Oxford, The Hague and Finland during 2010/2011 on subject of fundamental rights.

IV. The Writing Wrongs Colloquium: The Politics, Art and Ethics of Writing about Injustice

As a result of the Writing Wrongs Colloquium held in May 2011, which brought together professionals who are writing about wrongs from intersecting disciplines, it is planned to establish a permanent nucleus at Warwick where students, teachers, writers, and general activists and practitioners can develop, publish, exchange and share their creative work against wrongs. A new LLM module has also been developed on the theme of 'writing wrongs' in collaboration with the English Department, and Andrew Williams has a new book, *A Very British Killing*, being published in October 2012 which is a direct result of this writing on wrongs project.

V. Other Research and Related Work

International Criminal Law

Building on Andrew William's Iraq War project publications, we have been increasing our involvement with practice in the field of International Criminal Law. We are developing links with international criminal law practitioners, in particular, assisting with internships with the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for former Yugoslavia (ICTY). We have also held a number of well attended seminars

with leading figures in the international criminal law field.

VI. Other Achievements

The CHIP is increasingly becoming a 'hub' for human rights work – both in the department, with other departments (e.g. The Centre for Rights Equality and Diversity and The Centre for Gender and Women Studies) and external actors (e.g. the EU Fundamental Rights Agency, the Scottish Human Rights Commission, the UN Office of the High Commission for Human Rights (OHCHR) etc.)

The Centre is providing invaluable work experience and internships for a huge range of students including in the last 12 months, approximately:

- 15 summer internships arranged in the USA on the death penalty project;
- 30 students engaged in Warwick on the on-going death penalty research support programme;
- 20 volunteers working with the asylum and immigration team at Coventry Law Centre (with a number of other agencies in Coventry asking for volunteers if we had capacity to organise placements);
- 6 students engaged on the OHCHR research project;
- 3 students engaged on the Coventry Women's Voices Project;
- 1 student internship at the International Criminal Tribunal for the Former Yugoslavia (with possibilities of further internships in Cambodia and Rwanda and The Hague if we had capacity to organise them);

The Centre also has 6 current or recently finished PhD students, has recently applied successfully for a collaborative DTC PhD with the Law Centres Federation and has had enquiries from several other PhD students based on the Centre's reputation.

Centre for Criminal Justice

The Criminal Justice Centre includes **Jackie Hodgson, Roger Leng, Solange Mouthaan, Alan Norrie, Bill O'Brian, Victor Tadros** and Kimberley Wade from the Department of Psychology, together with postgraduate research students **Musa Usman Abubakar, Yu Mou, Laurene Soubise, Hugh Williams** and **Deborah Wright**.

In the last year it has hosted several conference and training events, a second visit from Professor Kent Roach (Toronto) and has brought faculty and postgraduate research students together in a session planned for the Law School conference this coming summer. In addition to publications (listed separately in this report) its members have been successful in obtaining research funding, have been invited to give public lectures, and to speak at a range of symposia and conferences within the UK and internationally.

In January 2012 **Victor Tadros** organized a one-day workshop entitled 'Criminalization: Process and Punishment' (see p. 19). Professor Kent Roach visited the Law School again in May 2012. A number of events took place during his visit. He delivered a very successful public lecture 'A Comparative Examination of Miscarriages of Justice'. A one day conference also took place at Warwick, examining the Criminal Cases Review Commission and its alternatives (see p. 19).

Members of the Criminal Justice Centre have been active in presenting papers and disseminating research. **Victor Tadros** participated in two symposia on his book *The Ends of Harm: the Moral Foundations of Criminal Law*. The first was held in Hebrew University Jerusalem in November 2011. The other speakers were Kimberley Brownlee, Liat Levanon and Re'em Segev.

Papers will be published, with a response by Victor Tadros, in the *Jerusalem Review of Legal Studies*. The second was at the Rutgers University Institute for Law and Philosophy. Papers were given by Larry Alexander, Vera Bergelson, Mitch Berman, Michelle Madden Dempsey, Antony Duff, Kim Ferzan, Adil Haque, Jeff McMahan, Alec Walen and Leo Zaibert. The papers will be published, with a response by Victor Tadros, in *Law and Philosophy*. A further special issue of *Criminal Law and Philosophy* will be published on the book, with papers by Daniel Farrell, Kasper Lippert-Rasmussen, and Suzanne Uniacke. Victor Tadros gave a public lecture on *The Ends of Harm* at Göttingen University in May 2012, and a symposium on the book will take place at Oxford University in June 2012 with James Edwards, Cecile Fabre and Malcolm Thorburn.

Victor Tadros also gave a number of papers during the year, including at the annual conference of the Ethics, Law and Armed Conflict centre, University of Oxford in September 2011, at MANCEPT, University of Manchester in October 2011, at Uppsala University in January 2012, at the Fraying the Golden Thread conference at the University of Aberdeen in February 2012, at the Department of Philosophy, Rutgers University in March 2012, at the University of Bologna at Ravenna on preventive detention in May 2012, at a conference on Cecile Fabre's *Cosmopolitan War* at Manchester University in May 2012 and at a conference on the philosophy of criminal law in honour of Antony Duff, at Stirling University in May 2012.

Alan Norrie presented a paper in March 2011 at the Cambridge Socio-Legal Group seminar on intoxication, 'Intoxication and the Pleasures of Legal Form.' At the 14th Annual Conference of the International Association for Critical Realism in Oslo, in

September 2011, he gave a plenary talk entitled 'If Realism is Inexorable, Why is Interdisciplinarity So Hard? The Case of Law and Psychiatry', as well as the Cheryl Frank Memorial Lecture 'The Scene and the Crime: Can Critical Realists Talk About Good and Evil?' At a conference in honour of Glanville Williams at King's College London in December ('Form and Substance in the General Part: Glanville Williams's Contribution'). Most recently, he presented a paper 'Ethics and History: Can Critical Lawyers Talk of Good and Evil?' at a Workshop on Criminal Law and History at the University of Minnesota Law School, Minneapolis, in April 2012.

Jackie Hodgson gave a number of research papers over the year, including a presentation on 'The Right to a Lawyer at the Police Station: Recent Developments in France and Europe' (in French) to the Paris Bar, Paris, June 2011 and presentation on 'Police Station Advice: Promoting Best Practice' to practitioners at Faculty of Advocates, Edinburgh in July 2011. This was a joint initiative with the organisation Justice, designed to raise awareness of the importance of legal advice at the police station and of training for this role. She also presented a paper at the IAS early career event 'Exploring Criminal Justice through Film', at Warwick. Together with Kent Roach, she presented a paper on the CCRC and notions of innocence at the Criminal Justice Centre one day conference in Warwick in May 2012.

Research Clusters

Comparative Law and Culture Cluster

The presence of a critical mass of faculty members working in the area of comparative law and culture, including **Shaheen Ali, Hugh Beale, Julio Faundez, Jackie Hodgson, Graham Moffat, Istvan**

Pogany, Dwijen Rangnekar, Ralf Rogowski, Dalvinder Singh, Ann Stewart, Lorraine Talbot and Gary Watt, has enabled a vibrant community of research students who are active members of this research cluster. In the year under report, membership of this cluster thus expanded to include an increasing number of doctoral candidates researching a wide range of comparative law perspectives, including **Musa Abubakar** (Islamic criminal justice); **Rajnaara Akhtar** (Dispute resolution among British Muslims); **Ahmad Al-Khamees** (Comparative perspectives on securing compliance in the finance industry in Saudi Arabia and the UK); **Fatima Al-Matar** (Comparative perspectives on tax in Kuwait); **Stephanie Lehnert** (Comparative perspectives on implementation of the EU Race Directive); **Zahra Maranlou** (legal citizenship building and comparative perspectives on access to justice in Iran); and **Timothy Dodsworth** (German laws and good faith).

The group met in term 2 to share on-going research and some of the challenges in comparative legal scholarship. The high level of interest and enthusiasm of the research students and attendance in equal numbers to academics was encouraging. The group decided to hold a roundtable discussion at the Law School Conference in July on 'Legal Transplants in a Globalised World: Challenges of Comparative Law and Culture' where members would speak to a particular element of comparative law research.

Members of the group have completed a number of publications and presented at conferences, seminars and workshops at national and international events, and the following highlights only a few that are of particular relevance to the theme of the cluster. **Shaheen Ali** organized an international workshop at the Lichtenberg-

Kolleg, Göttingen University, Germany, entitled: 'Political Affiliations and Identities in Law and Society' (see p. 18 below) which attracted many eminent speakers from home and abroad and presented a paper on 'Exploring the Many Faces of Legal Pluralism and Transnational Regulatory Norms in Pakistan Through a Gender Lens.' On 10 February 2012 she presented a keynote address at the United Nations week at the LSE, entitled: 'Special Procedures Mechanisms and Human Rights Protection; Challenges and Prospects. Some Reflections on the United Nations Working Group on Arbitrary Detention', and on 18 May 2012 she was the invited speaker at the Higher Education Academy (HEA) Islamic Studies network national event in London, where she presented a paper on 'A critical Analysis of British Shari'a Councils and their Implications for Muslim Women's Rights.'

In September 2011, **Jackie Hodgson** spoke on 'Secret Investigation Methods in England and Wales' at the German Comparative Law Conference, in Trier, Germany. More recently, in May 2012 she gave a paper 'Legitimacy and the State Response to Terrorism' at the British Academy funded Cambridge University conference on Legitimacy and Criminal Justice. This paper considered both France and the UK. She has continued her collaboration with the universities of North Carolina and of Ravenna for the annual comparative criminal justice conference, chairing part of this year's conference on the theme of 'Preventive Detention'.

Lorraine Talbot has continued to work on comparative corporate governance, with a recent article in the *NILQ* comparing approaches to stewardship and shareholder empowerment in the UK and the US. Her forthcoming book, *Progressive Corporate Governance for the 21st Century*, to be published by Routledge later this year,

engages in a comparative analysis of corporate governance approaches in Europe, the US and ex-command economies.

In February 2012 **Gary Watt** taught the law of trusts on the *Certificat de Common Law et de Droit Comparé* at the University of Paris Descartes; the course convenor is planning to adapt Gary's seminars into a chapter in a book on the subject.

Dwijen Rangnekar was guest editor for a special issue of *Environment and Planning A: Theme issue, New Borders of Consumption*, 43(9) (with John Wilkinson). He also attended a number of conferences and presented papers at the following events: 'What's wrong with farmers' rights?', *Tent City University* at the Occupy LondonSX, November 2011 and 'Making clubs exclusive: A research project for Geographical Indications', SLSA Annual Conference, University of Leicester, April 2012. In June 2011 he gave an invited lecture on 'The Global Law of Geographical Indications', at the World Intellectual Property Organisation Academy, CEIPI, University of Strasbourg.

Contract, business and commercial cluster

The cluster has met several times during the year to discuss each other's work and to make plans for the forthcoming conference on research. Members of the cluster include **Hugh Beale, Janice Dean, Kathryn McMahon, Bill O'Brian, Ralf Rogowski, Dalvinder Singh, John Snape, Lorraine Talbot** and **Charlotte Woodhead**. There are three postgraduate student members of the cluster. **Liviu Damsa** continues to develop his research on post-communist transformations of property, economic transformations, and post-communist company law. **Timothy Dodsworth** has an interest in contract law, particularly from a

comparative point of view. His focus is currently on the approach of the German legal system to pre-contractual liability. **Sherharyar Hamid** is working on the regulatory framework for Islamic financial institutions.

In the past year **Hugh Beale**, whose research interests are in contract (including European contract law) and commercial law, has produced new editions of practitioner works on contract law and on security and title-based finance. He is currently involved as a member of the European Commission's Expert Group in the Commission's project to create a Common European Sales Law. **Janice Dean** is examining the role of the European Union in shaping corporate governance. **Kathryn McMahon** has been researching and publishing in the areas of European Union, comparative and international competition law and economic regulation. **Ralf Rogowski** is currently working on contractual issues in relation to new forms of employment. **Dalvinder Singh** has researched, written and presented on a variety of matters namely the structure of regulation and supervision, risk-based system of supervision, legal accountability of regulators, corporate governance, enforcement sanctions, deposit insurance and the use of external auditors. **John Snape** has an interest in the taxation of corporate finance, and his book, *The Political Economy of Corporation Tax*, was published in December 2011. Part of **Charlotte Woodhead's** current research focuses on parallels between remedies available in contract and tort and the remedial recommendations of the Spoliation Advisory Panel (which links with her membership of the Law and Humanities cluster.)

Gender and the Law cluster

The Gender and the Law cluster have held a number of research seminars over the year to develop their collective interest in 'crisis' and the challenges for feminist approaches to law. **Winnie Chan, Solange Mouthaan** and **Ann Stewart** all contributed papers for these sessions but all members of the group (including **Shaheen Ali, Jane Bryan, Rebecca Probert, Helen Toner** and **Agnes Meroka**) contributed their particular area of expertise to the discussions.

In addition, members of the cluster have been involved in presenting papers on law and gender at conferences across the world. In December 2011 **Shaheen Ali** was the main speaker at a Fellows' Colloquium organized at the Lichtenberg-Kolleg, Göttingen University, where she spoke on 'Performance, performativity and the politics of women's rights: re-visiting the travaux préparatoires to CEDAW and Muslim state practice in international human rights law'. In January 2012 she was the main speaker at the Centre for Contemporary Pakistan, SOAS, on the theme of 'Domesticating the Convention on the Elimination of all Forms of Discrimination against women (CEDAW) in state, government and society: A case study of Pakistan's implementation of CEDAW'.

Fana Hagos Berhane, a PhD student in the Ethiopia project, attended a colloquium on 'Strengthening Protection of Reproductive and Sexual Health in the Sub-Saharan Region through Human Rights' at University of Free State, South Africa in 2011. Her paper, 'Women's Sexual Rights and Poverty: Framing the Linkage under the African Human Right System', discussed how violation of women's sexual rights as enshrined under African human rights instruments can be the cause and consequence of poverty.

Agnes Meroka, one of our research students, attended the Postgraduate and Early Careers Network of Scholars (PECANS) conference on 'Interrogating (In) equality' held at the Centre for Feminist Legal Studies, University of British Columbia in July 2011. Her paper, 'Sexual Minorities and the 2010 Constitution of Kenya' looked at how intersections of nationality, citizenship and sexuality impact upon the struggle for the rights of sexual minorities in post-colonial states. She also attended the 'Marginal Cartographies Conference' at the University of Warwick in April 2012, where she presented ideas from her thesis titled 'A Feminist Critique of Land and Politics in Kenya.'

Ann Stewart was invited to give the Tove Stang Dahl inaugural memorial lecture on 'Who do we care about? Reflections on gender, law and justice' at the University of Norway in March 2012. In April 2012 she presented a plenary paper on 'Global Gender Justice' at the International conference on Rights and Citizenship at the University of Coimbra Portugal and a paper on 'Gender Justice in a Global Market' at the SLSA. As part of her work on body work and care she presented a paper at 29th International Labour Process Conference, Leeds in April 2011 and at the New Challenges in European Family Law conference at the European University Institute, Florence, Italy in July 2011.

Solange Mouthaan presented her paper on 'Victim Participation at the ICC for Victims of Gender-based Crimes: A Conflict of Interest?' at the Conference on Women on War and at War in Aberystwyth in May 2012. She also contributed a paper to the Warwick Law Students' review Conference on Gender-based crimes and International Criminal Law in March 2012.

Governance and Regulation Cluster

The Governance and Regulation Cluster incorporates all Warwick scholars with interests in regulatory theory, governance theory and its application in different contexts, from banking and business to legal education, including **Janice Dean, John McEldowney, Kathryn McMahon, Ralf Rogowski, Dalvinder Singh, Lorraine Talbot** and **Julian Webb**. Their research considers regulation and governance in both a national and international context. Research students involved in the Governance and Regulation cluster include **Sheharyar Hamid, Stephanie Lehnert, Ulf Thoene** and **Nathan Tuimising**.

This year the Governance and Regulation cluster has had one meeting and two seminars in conjunction with the Contract, business and commercial cluster as many colleagues are in both clusters. In addition to this there has been some collaboration between cluster members. For example, **John McEldowney** and **Lorraine Talbot** helped conceive a symposium in association with the Law Commission on law reform and regulation. **Dalvinder Singh** helped organise a small conference with the postgraduate students who study governance and regulation on the ICGFR and IEL LLM (for details of both see p. 17 below). On the whole though cluster members have been very busy with their own individual projects and research; where this work directly reflects the purpose of the cluster they have been stated below. Direct collaboration has been a rarity. However, there is a growing sense of having some intellectual connection with other members which has facilitated more informal interaction around individual work and may in the future lead to more collaboration.

Work which directly reflects the purpose of the cluster includes **John McEldowney's** current examination of the coalition government's decision to undertake a 'bonfire of the regulators' in the Public Bodies Bill 2010 which raises issues about regulation and governance in the different sectors of public and private life. **Ralf Rogowski**, whose research focuses on the regulation of employment in the European Union and its member states, has been working with Robert Salais and Noel Whiteside on a book to be published later this year by Elgar, entitled *Transforming European Employment Policy: Labour Market Transitions and the Promotion of Capability*. **Lorraine Talbot**, whose work is concerned with the theories of the corporation, corporate law in context and the politics of corporate governance, has spent much of this year writing a monograph on contextual corporate governance. Her current concern is with the international and national initiatives around increasing shareholder involvement in governance of companies and the problems this will cause. **Julian Webb** is currently leading a multi-institutional research team in developing an evidence-base and recommendations for the Legal Education and Training Review in England and Wales (see further p. 20 below).

Members of the cluster have also delivered papers in the area of governance and regulation. In March 2012 **John McEldowney** spoke on 'Legitimacy and the Constitution: An Ongoing Debate' at the Ministry of Justice's conference on 'Mediation Regulation and Reform in the Light of the Government's Response to Norgrove', and on 'Debt limits in constitutional law: The debt brake: A UK perspective' at a conference on 'Legal Challenges Arising out of the Global Financial Crisis: Bail-outs, the Euro and regulation' at the University of Oxford's

Institute of European and Comparative Law. In May 2012 he delivered a paper on 'The Global Financial Crisis and the Constitution: The Constitution and the Financial Crisis in the UK Historical and Contemporary Lessons' at the Centre for European Constitutional Law (CEL) in Athens as part of a conference on 'The Global Financial Crisis and the Constitution'.

Dalvinder Singh was an invited discussant, at the IADI Research Conference, held at the Bank for International Settlements, 8-9 June 2011, in Basel, Switzerland. With JR LaBrosse, he spoke on 'Crisis Management Recent Experience and Effective Practices', at the OECD symposium on financial crisis management and the use of government guarantees, held in Paris 3-4 October 2011. In May 2012 he gave papers on 'UK Financial Regulatory Reforms' at the Chinese University of Hong Kong, School of Law, and at the Institute of Advanced Legal Studies, University of London.

Nathan Tuimising passed his viva (Thesis: *'Private Equity in Kenya - An Analysis of Emerging Legal and Institutional Issues'*) and is now in Kenya, delivering a consultancy for the Office of Prime Minister on strengthening the role of non-state actors in regional economic integration and multilateral trade arrangements. The context is the historical dominance of these processes by the public sector, a long history of active suppression of the civil society in Africa generally, and a still developing private sector. The consultancy aims to establish a National Dialogue Mechanism to introduce greater coherence in the manner in which all stakeholders, and especially NSAs, engage in those programmes. It also aims to generate policy options that will inform a Sessional Paper on the subject, and model approaches to non-state actor coordination around network building, co-mobilisation of

resources and the sharing of competencies. Nathan has also conducted research seminars at Kenyatta University School of Law.

Sheharyar Hamid started his LLM in international corporate governance and financial regulation in Oct 2009 but was upgraded before the finish of his LLM to the recently introduced 1+2 Program for PhD candidates who are able to show significant progress during their LLM's at Warwick. His topic for the PHD is 'The Efficacy of corporate Governance theories in determining the regulatory framework for Islamic financial institutions', the thesis looks at how the Islamic financial instruments being used by different Islamic financial institutions fall within the doctrinal and theoretical basis of the stakeholder theory because of the jurisprudential underpinning of the Islamic financial theory which emphasises the furtherance of economic and social welfare for the whole of society. As a contrast the practices of Islamic financial institutions have moved further away from the stakeholder theory and have moved nearer the shareholder theory which means a move towards a more profit maximisation approach which is in complete contrast to the theoretical basis of Islamic financial jurisprudence. He has completed one part of the PhD which was used as the chapter in May 2011 for his Upgrade. The chapter consisted of the literature review of the corporate governance theories and laid the basis of why stakeholder theories fit in well with the Islamic financial theory. In March 2012 he left for Pakistan for his field work which consisted of conducting interviews with officials at the State bank of Pakistan and other Governmental and private banks which are engaged in the Islamic financial industry.

International Development Law and Human Rights (IDLHR)

The IDLHR cluster comprises **Sammy Adelman, Upendra Baxi, Shaheen Sardar Ali, Julio Faundez, Octavio Ferraz, James Harrison, Graham Moffatt, George Meszaros, Jayan Nayar, Abdul Paliwala, Dwijen Rangnekar, Boaventura de Sousa Santos, Ann Stewart** and **Celine Tan**. In addition, a large proportion of Warwick based PhD students and nearly all Ethiopian students are involved in research in this cluster. This year has been a very successful year in terms of submissions by our students with 9 relevant submissions. We have also been involved in discussions on an Erasmus joint PhD programme on Law in Development.

There are a number of collaborative activities in which members of the cluster are involved. **Graham Moffat, Abdul Paliwala** and **Ann Stewart** are involved in the group exploring the establishment of a Warwick African Educational Centre. The Centre for Human Rights in Practice also constitutes an important cluster activity (see p. 4 for its report). A number of members of the group, including **Jayan Nayar** and **Ann Stewart**, have given seminars on their research this year. In addition, the group has also been involved in organising law school seminars. A seminar and a workshop have been organised as part of group activity. John Harrington led the seminar based on a joint paper with Ambreena Manji on 'Satire, Hypocrisy and the Politics of Corruption in Kenya.' A further seminar workshop is being organised in June in which Sol Picciotto and a panel mainly composed of group members will be discussing Picciotto's book on 'Regulating Global Capitalism.'

Currently two issues of *Law Social Justice and Global Development* are being prepared,

one of research by our Ethiopian PhD and LLM students and one by Warwick-based research students. A paper has been prepared to transfer the running of the journal to research students.

The IDLHR Group members are also key participants in the University's Global Priorities Programme. In particular, **James Harrison, Sharifah Sekalala** and **Celine Tan** are co-ordinating two of the groups on *Crisis Conflict and Change in Global Governance* and *Beyond the State in Global Governance*. **Abdul Paliwala** and **Zijin Li** are members of the University's new China Research Group, and Abdul Paliwala gave a seminar on 'Confucius in Legal Education' and Zijin on 'Discrimination for HIV patients in China.'

Outside the university, **Celine Tan** organised a SLSA Conference Workshop, in which a number of Warwick colleagues participated. It turned out to be a very valuable exercise and provides scope for Warwick leadership in this area. **Shaheen Ali** has been involved in organising workshops (see p. 18), and **Sammy Adelman** and **Abdul Paliwala** have been involved in organising a colloquium in Pretoria with a number of African scholars on African Land Grabs. The seminar was successful and edited an book is being prepared. **Abdul Paliwala** has also been involved in two celebrations of historical significance. The first involved the 50th Anniversary of the founding of the University of Dar es Salaam. The significance to Warwick of the Dar Law Faculty could be seen in the fact that 5 of the 6 honoured 'founders' included William Twining, Patrick McAuslan, Yash Ghai, Sol Picciotto and Abdul Paliwala, all of us having taught in Dar before arriving at Warwick. A subsequent celebration of Patrick McAuslan's 50 years in legal education also had a strong Warwick feel.

International Law Cluster

The International law cluster comprises those working in the field of public international law, international criminal law, international humanitarian law, international economic law, international human rights as well as those whose work has an international dimension. As well as **Julio Faundez** (international economic law); **James Harrison** (international human rights law, international economic law and international environmental law); **Solange Mouthaan** (the protection of individuals under international law); **Alan Neal** (European, international and comparative employment law); **Bill O'Brian** (private international law); **Jayan Nayar** (the coloniality of 'international law'); **Istvan Pogany** (international human rights law; minority rights; use of force; and the sociology of international law); **David Salter** (international, comparative and national taxation); **Lydia Scholz** (international and European energy law); **Celine Tan** (international economic law and regulation); **Jill Wakefield** (international marine environmental law); and **Andrew Williams** (international criminal law) there are also a number of research students with an interest in international law, including **Pedro E Lima Florencio**, **Yazan Haddadin**, **Rao Hashim**, **Michanne Haynes-Prempeh**, **Rumana Islam**, **Emma Poutney**, **Sharifah Sekalala**, **Jaroslav Sirjajev** and **Hugh Williams**.

Celine Tan's research centres on exploring aspects of international economic law and regulation with a focus on international development financing law, policy and governance. She is also interested in the intersections between law and development, gender, human rights and the environment. Celine has published on issues relating to the law and governance of the international financial architecture,

sovereign debt, climate change and sustainable development, the role of international financial institutions and human rights.

James Harrison particularly focuses upon analysing the human rights and environmental impacts of economic laws and regulations. He is also interested in the way that international legal norms and standards are used by non-governmental organisations. **Solange Mouthaan's** current research focuses on gender-based crimes in armed conflict.

Istvan Pogany is currently working on a study of the Hungarian government's escalating breach of international human rights norms. This will also explore the difficulties of achieving a successful transition to constitutionalism in the post-communist states of Central and Eastern Europe.

Jayan Nayar's interest centres around the coloniality of 'international law' (not merely in the materiality of its historical past but also in its theoretical foundations, past and present) and the decolonial struggles against its ordering rationalities and desires. He is concerned to interrogate the constructions of Humanity and Civilisation (Development), Sovereignty and Order, Security and Insurgency, for example, as the many ways by which the theory and practice of international law serves as an institution of global ordering. Fundamentally, this is a concern with the realities and the possibilities of resistance to globalised normality from the perspective of rightlessness.

Law and Humanities

This year has seen a number of publications in the field of Law and Humanities and a number of papers presented by invitation.

Members of the Law and Humanities group, which comprises **Kimberley Brownlee, Jane Bryan, Rebecca Probert, Paul Raffield, Lorraine Talbot, Gary Watt** and **Charlotte Woodhead**, have also contributed to the university's *Celebrating Dickens* project and to 'This is Tomorrow'. The journal *Law and Humanities* (Hart) publishes two issues annually under the editorship of **Paul Raffield** and **Gary Watt** and is currently in its sixth issue.

Paul Raffield delivered his inaugural lecture on the theme of 'Law and the Equivocal Image: Sacred and Profane in Royal Portraiture', and gave a paper on 'The Trials of Shakespeare: Courtroom Drama and the Early Modern Legal System' at the 'Iconography of Justice' conference, organized by the Warburg Institute and the IALS. **Gary Watt** delivered papers on 'Having Gods, Being Greek and Getting Better' (King's College, London and the department of philosophy University of Hannover); 'The Colour Code of Law' (University of Helsinki) 'Honoré Daumier and the Moving Image of Law' (University of Rome III).

Rebecca Probert provided behind-the-scenes advice on aspects of marriage law to the BBC1 series *Who Do You Think You Are?* and appeared on the BBC4 series *Harlots, Heroines and Housewives* discussing seventeenth-century marriage law.

Charlotte Woodhead convened the Art, Culture and Heritage stream at the Socio-Legal Studies Association's Annual Conference in April 2012 and also delivered a paper on 'Nazi Era claims for cultural objects and their place within Cultural Property/Cultural Heritage law'. She also gave papers on 'Defining the impossible: the concept of morality in the decisions of the Spoliation Advisory Panel' at the Society of Legal Scholars' Annual Conference in

September 2011 and 'Assessing the moral strength of Holocaust art restitution claims' at the Association for Research into Crimes Against Art Annual Conference in Italy.

Legal Theory Cluster

Warwick has always valued and encouraged the diversity of theoretical orientations of colleagues. This is evidenced by the development of research and teaching programmes through the Centre of Ethics, Law and Public Affairs, through the IDLHR programme, and through the Social Theory Centre. To further support and foster greater conversations, the School is actively involved in developing its programme of research seminars and public talks.

Interest in the historical and international dimensions of law, both as it is theoretically constructed and politically worked is a particular feature and strength of the School. **Shaheen Ali's** interest in legal theory is from a comparative perspective, seeking to explore engagements, interactions and inspiration (historical and contemporary) between fiqh (Islamic jurisprudence), usul-ul-fiqh (principles/theories of Islamic jurisprudence), and (broadly defined) 'western' legal theory. **Jayan Nayar** approaches legal theory from a critical position of human rightslessness and struggle. His interests include decolonial perspectives on theory and the politics of theory as an encounter between global coloniality and resistance imaginations. **Abdul Paliwala** is interested in theories of law and governance, including governance of cyberspace, of global governance and the relevance of ancient theories of law and justice including Confucian, Islamic and Hindu ones to contemporary issues. **Ann Stewart's** work takes a feminist approach to legal theory, in particular in relation to global perspectives on gender justice and care. She has

completed a book on gender, law and justice in a global context. **Sam Adelman** is concerned with the theory as sovereignty and human rights, particularly as it impinges on development and the environmental protection. **Dwijen Rangnekar's** work interrogates the theoretical foundations of intellectual property rights and the commodification, of local knowledges and cultural practices.

In the field of criminal law, **Alan Norrie** is interested in critical approaches to law and in particular how these relate to dialectical theory, social theory of law and criminal law. **Victor Tadros** works on moral and political philosophy. His recent focus has been on the philosophy of punishment and on criminalization, as well as on just war theory. He has recently completed a book entitled *The Ends of Harm: The Moral Foundations of Criminal Law*.

Europe, as a social and regulatory space, is another focus of theoretical interrogation at Warwick. **Ralf Rogowski's** research applies sociological system theory to the study of law and he has for many years participated in developing the theory of reflexive law. He was a key figure in creating the concept of reflexive labour law and is currently engaged in applying reflexive law in analyses of the law of the European Union.

For a number of years **Andrew Williams** has been writing on the theory of EU law which is reflected in his latest book *The*

Ethos of Europe: Values, Law and Justice in the EU. His parallel interest is in human rights theory and how human rights relate to suffering.

An exciting innovatory approach to legal theory being developed in the School is in the field of Law and Humanities. **Paul Raffield** is engaged in research in the fields of Law and Literature and early modern English legal history. He has published extensively on the subjects of Shakespeare and the law; the emergence of constitutionalism in early modern England; and the influence of the Elizabethan and Jacobean legal profession over the development of the English state. **John Snape's** interests include the European Enlightenment roots of contemporary regulatory and taxation law, within the overall context of public law. Recent work is on Montesquieu and the English way of taxation, and on John Locke and Adam Smith. **Gary Watt** seeks to critique and appreciate law by the cultural lights of the arts and humanities.

The moral and regulatory theories of economic relations are another field of interest, illustrated by the work of **Bill O'Brian** and **Lorraine Talbot**.

3. Conferences and Workshops

A Financial Crisis of Two Halves: Banking and Sovereign Debt

University of Warwick, 29 June 2011

A one-day conference was organised by the class of 2010-11 of the International Economic Law and International Corporate Governance LLM Programmes in association with the *Journal of Banking Regulation*, and co-sponsored by the OECD. The conference, titled 'A Financial Crisis of Two Halves: Banking and Sovereign Debt', tried to explore some of the linkages between the banking crisis and the sovereign debt crisis, such as whether or not the banking crisis was a catalyst for the sovereign debt crisis or the result of a separate set of economic and market events.

The invited speakers included academics from the Lauterpacht Centre for International Law, University of Cambridge, the Centre of Commercial Law Studies, Queen Mary, University of London, PriceWaterhouseCoopers LLP and Freshfields Bruckhaus Deringer LLP. The papers presented at the conference are to be published in a special issue of the *Journal of Banking Regulation* in 2013.

Police Station Advice: Promoting Best Practice

Edinburgh, July 2011

Jackie Hodgson presented 'Police Station Advice: Promoting Best Practice' to practitioners at the Faculty of Advocates, Edinburgh, in July 2011. Following a recent reform allowing lawyers into the police station to advise clients, this initiative was organised together with Justice, designed to raise awareness of the importance of legal advice at the police station and of training for this role. This builds on her earlier work

on custodial legal advice and the right to silence published in her study for the *Royal Commission on Criminal Justice* (1993), which resulted in the development of an accreditation programme for police station legal advisers.

Law Reform and Regulation

University of Warwick, 13-14 September 2011

Lorraine Talbot organised this conference in association with the Law Commission on the topic of law reform and regulation. There were representatives from the Law Commission for England and Wales, the Scottish Law Commission, Northern Ireland Law Commission and the Irish Law Reform Commission. **John McEldowney** and J. Cave presented a paper on 'Cost Sharing and Co-regulation in Animal Health and Welfare.'

The symposium provided an opportunity for discussion and analysis of the current state of regulation in the UK in the context of law reform in general and encouraged dialogue between the law reform and academic participants.

Symposium on financial crisis management and the use of government guarantees

Paris, 3-4 October 2011

Dalvinder Singh co-organised this two-day symposium with the OECD's Division for Financial Market Affairs. The other organisers were Raymond LaBrosse and Rodrigo Olivares-Caminal, SOAS.

The event focused on bank failure resolution and crisis management, in particular, the use of guarantees and the spill-overs between the credit qualities of

sovereigns and banking systems. Policymakers and academics engaged in open dialogue on these issues and discussed policy solutions.

Part of the OECD's 50th anniversary celebrations, the Symposium took place back-to-back with the October meetings of the OECD's Committee on Financial Markets. The presentations from the event are available at:

http://www.oecd.org/document/23/0,3746,en_2649_34849_49155159_1_1_1_1,00.html

Political Affiliations and Identities in Law and Society

Göttingen University, 1-2 November 2011

This workshop was organised by **Shaheen Ali** with the support and collaboration of Christine Langenfeld and Irene Schneider (Göttingen University, Germany). This important international workshop attracted many eminent speakers and was well received by academics and students alike.

The workshop discussed the question of affiliation of migrants in different European and Islamic countries from legal, sociological and ethnological perspectives. The various ways different states and legal systems deal with 'the others', with immigrants and the way these 'others' adapt themselves to this situation socially as well as legally will be the focus of our discussion.

Special attention was paid to the question of how the identity of these immigrants is shaped by laws, legal and social discourses in the host countries. The following questions were also addressed during the workshop: To what extent do international human rights conventions influence the legal status of the immigrants in certain states? Which different legal and customary

norms do these immigrants bring to the host countries? Does this lead to a situation of legal pluralism? How are affiliations and identities shaped by social discourses and state policies?

It is planned to publish the papers from this workshop.

Commemoration of the 20th Anniversary of the Working Group on Arbitrary Detention

Arab World Institute, Paris 14 November 2011

As Vice-Chair of the United Nations Working Group on Arbitrary Detention, **Shaheen Ali** (along with other members and the secretariat of the WGAD) organized, participated in and hosted the 20th anniversary commemorative event of the Group.

This successful day-long event was attended by representatives of Member States, national human rights institutions, international organisations, NGOs and civil society representatives (including former detainees and their families) and contributed to the interactive dialogue.

Shaheen Ali also chaired the afternoon session of the event. A database consisting of the Working Group's Opinions was officially launched during the commemorative event and is now accessible through the website: www.unwgadatabase.org.

A detailed programme of the event is available at:

<http://www.ohchr.org/Documents/Issues/Detention/ProgrammeWGAD.pdf>

**Research Training event for
Procedural rights of suspects in
police detention in the EU: Empirical
investigation and promoting best
practices**

***University of Warwick, 22-24 November
2011***

Jackie Hodgson held this 3-day workshop for training for fieldworkers and project supervisors. Over the duration of the 3 days, the workshop covered the whole process from Literature review to research instruments, fieldwork skills, research ethics (including those relating to data retention) and the organisation of data analysis. There were also 2 external speakers present, both of whom have recently conducted related empirical fieldwork.

Fifty Years in Family Law

***13 December 2011, 24 March and 20 April
2012***

Rebecca Probert and Chris Barton co-organised a workshop at the House of Lords to bring together the prospective contributors to an edited collection in honour of Stephen Cretney. Those attending included two members of the Supreme Court (Lady Hale and Lord Wilson), a member of the House of Lords (Ruth Deech), a Law Commissioner (Elizabeth Cooke), leading academics in the field of family law, and two recent Warwick graduates, Joanna Harwood and Penny Lewis, who are now working as research assistants at the Law Commission and who contributed an illuminating chapter on the history, genesis and current role of the research assistant. The book, *Fifty Years in*

Family Law: for Stephen Cretney, was published by Intersentia in March 2012. A number of contributors, including Rebecca Probert, Mavis Maclean, Gillian Douglas, Sonia Harris-Short, Christine Piper and Lord Wilson, delivered papers based on their chapters at the 16th Annual Family Law Conference on 24th March 2012. The book was officially launched at All Souls College Oxford, on 20th April, with the reception being preceded by a 'Question-time' panel session involving Lady Hale, Baroness Deech, Baroness Butler-Sloss and Professor Sanford Katz, and an invited audience of academics and practitioners.

**Criminalization, Process and
Punishment Workshop**

University of Warwick, 12 January 2012

This workshop on Punishment and Criminalization was organised as part of **Victor Tadros'** Criminalization project, which was funded by the AHRC. Papers were given by Malcolm Thorburn, James Edwards, Patrick Tomlin and Victor Tadros.

**The Criminal Cases Review Commission
and its Alternatives**

University of Warwick, 25 May 2012

In May 2012, **Jackie Hodgson** organised a one day conference examining the Criminal Cases Review Commission and its Alternatives. This included Warwick speakers (Jackie Hodgson, Bill O'Brian), Prof Kent Roach from the University of Toronto, Stephanie Roberts from the University of Westminster and Steve Heaton from UEA. Invited participants included colleagues at Oxford, CCRC staff and practising lawyers.

4. Externally Funded Projects

Andrew Williams was awarded three further grants from the European Union Agency for Fundamental Rights in the total sum of €110,000 in January 2012.

Jackie Hodgson is currently in the second year of an empirical study exploring the rights of suspects in police custody in England and Wales, Scotland, France and the Netherlands, for which she was awarded a large EU grant of €330,000, together with the Universities of Maastricht and the West of England.

Researchers are carrying out fieldwork with police and lawyers in all four jurisdictions, investigating the existence, application and exercise of suspects' rights. As well as writing up these findings for an academic audience, the second stage of the project will be devoted to the production of best practice manuals for training criminal justice personnel. The project team includes John Long from Avon & Somerset police, Justice and the Open Society Justice Initiative.

Jackie Hodgson also co-ordinated (and delivered parts of) a three-day training event for all members of the project team, with a particular focus on preparing, carrying out and recording fieldwork. The event was also attended by several doctoral students planning to conduct empirical research.

Julian Webb is the Principal Investigator of a consortium that was awarded £271,000 to conduct a review of legal education and training. He is currently leading a multi-institutional research team in developing an evidence-base and recommendations for the Legal Education and Training Review in England and Wales, commissioned by the Solicitors Regulation Authority, Bar Standards Board and ILEX Professional Standards. The project, which began in May 2011, will end in December 2012. As part of this, Julian Webb was a discussant at the Westminster Legal Policy Forum: 'The future of the legal services market – alternative business structures and challenges for effective regulation' held in London in September 2011 and delivered an invited paper, '2020 Vision? Thinking about the role of education and training in regulating a liberalised legal services market' at the 'Regulating the Legal Profession Conference', held at University College, Dublin, in November 2011.

In April 2012 he acted as chair and discussant of a joint Legal Services Board/Warwick Law School seminar held at the University of Warwick on 'Activity-Based Authorisation: Turning process measures into outcomes', and in May 2012 delivered the keynote paper, 'The Legal Education and Training Review – findings so far and challenges ahead' at the Westminster Legal Policy Forum on 'Access to the legal profession, and reforming legal education and training – regulation, diversity and competitiveness' held in London. Further information on the project is available on the independent research team's website at <http://letr.org.uk>

5. Seminars, Public Lectures and Visitors

Inaugural Lecture

16 May 2012: Paul Raffield (School of Law, Warwick), 'Law and the Equivocal Image: Sacred and profane in royal portraiture'.

Public Lectures

14 March 2012: Celine Spector (Bordeaux), 'Montesquieu: Commerce, Liberty and Empire in *the Spirit of Laws*'.

23 May 2012: Kent Roach (Toronto), 'A Comparative Examination of Miscarriages of Justice'.

Research Seminar Series

5 October 2011: Victor Tadros (School of Law, Warwick), 'The Ends of Harm: The Moral Foundations of Criminal Law'.

7 October 2011: Carmen Jerez Delgado (University of Madrid), 'The Modernisation of the Spanish Law of obligations: The harmonisation goal'.

12 October 2011: Les Green (Oxford), 'What is Freedom for?'.

19 October 2011: Rebecca Probert (School of Law, Warwick), 'Iconoclasts and outcasts? Cohabitants and the law in the long nineteenth century'.

25 October 2011: Peter Drahos (Queen Mary), 'The Global Energy Trilemma – How do we manage it?'.

2 November 2011: Gary Fisher (Research Support Services, Warwick), 'Funding opportunities and funding council priorities'.

4 November 2011: Erica Genova (University of Bologna), 'Witness testimony in criminal trials'.

16 November 2011: Bill O'Brian (School of Law, Warwick), 'Harm, Sovereignty and Freedom'.

11 January 2012: 'REF Impact session'.

18 January 2012: Charlotte Woodhead (School of Law, Warwick), 'Return, recompense and recounting history: 21st century UK remedies for Nazi Era'.

25 January 2012: Matthew Watson (Politics & International Studies, Warwick), 'One Smith or Many? Adam Smith, Competing Historiographical Trends and the Foundations of International Political Economy'.

1 February 2012: Ann Stewart (School of Law, Warwick), 'Gender, Law & Justice in the Global Market'.

8 February 2012: John Vella (Oxford), 'The EU Commission's Proposal for a Financial Transaction Tax'.

29 February 2012: John Snape (School of Law, Warwick), 'Why Montesquieu? Some thoughts ahead of the public lecture'.

6 March 2012: Lucy Ann-Buckley (National University of Ireland, Galway), 'Sharing Principles and Marital Partnership in Irish Law'.

7 March 2012: Marco Wan (University of Hong-Kong), 'Law, Literature and Repetition in the Vizetelly Trials'.

12 March 2012: Daniel Joyner (University of Alabama), 'Iran's Nuclear Programme and International Law'.

25 April 2012: John Harrington (University of Liverpool), 'Satire, Hypocrisy and the Politics of Corruption in Kenya'.

2 May 2012: Jayan Nayar (School of Law, Warwick), 'Blinded by the Enlightenment: On the Elusive Subject of Sovereignty'.

9 May 2012: Michael Thomson (University of Keele), 'The capabilities approach and the role of public reasoning'.

16 May 2012: Peter Goodrich (Yeshiva University), 'Instances of the Fingerpost: Legal Emblems and the Visual Structures of Law'.

23 May 2012: Joanne Coysh (School of Law, Warwick), '[Re] production or [Re] Construction: A socio-historical critique of the dialectical nature of HRE discourse as a force for domination or a moment of self-creation in community settings'.

30 May 2012: Andrew Williams (School of Law, Warwick), 'European Union and Interim Global Justice'.

6 June 2012: Sarah Wilson (York), 'Lawyers, historians, criminologists and financial crime in Britain from c. 1850'.

13 June 2012: Dr Livingston Armytage (Centre for Judicial Studies), 'Reforming Justice'.

20 June 2012: Richard Percival (Law Commission), 'The law commission and Warwick or similar?'.

20 June 2012: Sol Picciotto (Lancaster University), 'Regulating Global Corporate Capitalism: Author Meets Critics'.

Postgraduate Seminar Series

5 October 2011: John Raymond LaBrosse (Honorary Visiting Fellow, Warwick), 'Deposit Insurance and the Financial Crisis'.

19 January 2012: Samarendra Das, 'A documentary about religious violence and development'.

25 January 2012: Leah Borrromeo, 'Dirty White Gold: When you bag a bargain, who pays for it?'.

2 May 2012: Richard Alexander (University of Florida), 'Cost savings as proceeds of crime in U.S. Federal Law'.

Visitors to the Law School

There have been a number of visitors to the Law School in 2011-12. **Erica Genova**, who

visited Warwick from 12 September to 7 November, is an Italian student from the University of Bologna. She was researching evidence and procedure in the adversarial criminal system, with a particular focus on cross-examination. She worked in the university, as well as interviewing barristers and carrying out some court observations. While at Warwick she collaborated with Jackie Hodgson and she also held a research seminar for both staff and postgraduate students.

Dr Lucy-Ann Buckley from National University of Ireland, Galway came to Warwick from 5 to 9 March to help further her research on the examination of the issues of need and self-sufficiency in relation to financial provision on marital breakdown. Lucy-Ann Buckley also engaged with fellow colleagues whilst at Warwick, and held a research seminar titled 'Sharing Principles and Marital Partnership in Irish Law'.

Kent Roach from the University of Toronto came to Warwick in May to work on miscarriages of justice with Jackie Hodgson, who has recently researched the work of the Criminal Cases Review Commission. He also delivered a public lecture on 23 May 2012, entitled 'A Comparative Examination of Miscarriages of Justice'.

Stephan Ebnar from the University of Hamburg came to Warwick from 14 May-4 June to carry out some field research into International taxation for his doctorate thesis on 'The protection of trade secrets within the international taxation procedure: About the question of modifying German standards of the rule of law in the context of transnational tax information exchange'.

6. Research Students

Completed PhDs

The Law School would like to extend its congratulations to all research students who obtained their PhD in the past year: **Monica Kirya** (June 2011); **Shabaz Cheema** (June 2011); **Zahra Maranlou** (October 2011); **Andrew Cornford** (November 2011); **Sharifa Sekalala** (December 2011); **Helen Kijo-Bisimba** (January 2012); **Fatima Al Matar** (January 2012); **Yazan Haddadin** (January 2012); **Rao Raza Hashim** (March 2012); **Naveed Ahmad** (March 2012); **Nathan Tuimising** (March 2012); **Aleksandra Musielak** (May 2012); and **Anna Puthuran** (May 2012).

Current students

Musa Usman Abubakar (Shaheen Ali): 'Gender Justice a Recurring Decimal in the Islamic Laws of Homicide and Bodily Hurt of Nigeria and Pakistan: A Scholastic Neo-Traditionalist Approach'.

Hawra Adu (Andrew Williams): 'Searching for Transitional Justice in Iraqi Kurdistan: Mechanism, Reform and Institutional Developments'.

Karim Khan Agha (Shaheen Ali): 'Law of Necessity'.

Rajnaara Akhtar (Shaheen Ali): 'British Muslims and the Evolution of the Practice of Islamic Personal Law with Particular Reference to Dispute Resolution'.

Ahmad Alkhamees (Dalvinder Singh): 'Securing Compliance In Islamic Finance Industry In Saudi Arabia & UK'.

Essa Al-Nassr (Lorraine Talbot): 'Corporate Governance on Government Owned Corporations: A Case Study of Qatar'.

Bayan Al Shabani (Shaheen Ali): 'The Role of religion in the crime of terrorism in the Islamic Criminal Law'.

Masha Baraza (Abdul Paliwala): 'Postmodern Legality and the Kenyan Postcolony: An Encounter with Group Conflict in North Western Kenya'.

Hashim Bata (Shaheen Ali): 'A Critical Analysis of Islamic Legal Epistemology: A Rational Examination of Hujjiyyat al-Qat' (The Authority of Epistemic Certainty) in Shi'ite Legal Theory'.

Peter Bridgeman (Dalvinder Singh and Janice Dean): 'Banking Law'.

Virgilio Cambaza (George Meszaros): 'Land Law in the Context of the Development of Minerals in Mozambique: Dynamics, Tensions and Conflicts over Land Access'.

Rujirat Chittanonda (Julio Faundez): 'The Spaghetti Bowl and its Status under Thai Law'.

Joanne Coysh (Andrew Williams and Roger Burridge): 'The Impact of Programs Using Transformative Learning in Human Rights Education'.

Liviu Titus Damsa (Istvan Pogany): 'Judicial Review through Transition waters: Contributions to a Theory of Courts in Central and Eastern Europe'.

Timothy Dodsworth (Hugh Beale): 'Comparative Study of Intern-Generational Corporate Responsibility'.

Laura Stella Enonchong (Andrew Williams): 'The Role of State and Non-State Institutions in the Promotion and Protection of Human Rights: The Cameroonian Experience'.

Zekiye Ersoy (Victor Tadros): 'Criminalisation of Offensive Behaviour'.

Pedro Florencio (George Meszaros): 'The Impact of Brazilian Supreme Court

Decisions on Public Regulation of the Oil Sector in Brazil’.

Sheharyar Hamid (Lorraine Talbot): ‘The Efficacy of Corporate Governance theories in defining the regulatory frame work for the Islamic Financial Institutions’.

Michanne Haynes-Prempeh (Julio Faundez): ‘Multinationalising Regionalism: Is this the way to inject a development agenda into the WTO?’.

Rami Hindieh (Charles Chatterjee and Bill O’Brian): ‘Investment Arbitration as a controversial system born following to the fast-paced embryology in investment treaties’.

Rumana Islam (James Harrison): ‘Re-conceptualising the ‘fair and equitable’ treatment in International Investment Treaties: Sustainable Development of Developing Countries in Context’.

Michael Keeler (John McEldowney).

Abby Kendrick (Octavio Ferraz): ‘A comparative study of human rights in principle and practice in Latin America’.

Chuan Chi Kuo (Abdul Paliwala): ‘Multi-Layered Regulation of Phishing Attacks – A Taiwan Case Study’.

Dorothy Kwagagala-Igaga (David Salter): ‘Corporate Taxation For a Developing Economy: A Case For Reform in Uganda’.

Mark Lafferty (Ralf Rogowski): ‘The Equality Bill: A critical and comparative study of the development of discrimination law in England and Wales and analysis of the proposed socio economic duty of public bodies’.

Stephanie Lehnert (Ralf Rogowski): ‘The European Race Directive: Law, policy and the implementation in Britain and Germany’.

Yanjie Li (Janice Dean): ‘Corporate Social Responsibility’.

Zijin Li (Istvan Pogany): ‘Discrimination Based on ‘Health Status’ in China: A Legal Analysis of Discrimination Against Persons with Certain Medical Conditions’.

Ben Livings (Alan Norrie)

Joy Malala (Dalvinder Singh)

Agnes Kemuma Mbeche Meroka (George Meszaros): ‘Ethnic Conflict and Women’s Land Rights in Kenya’.

Yu Mou (Jackie Hodgson and Roger Leng): ‘Witnesses are absent - Chinese Hearsay Centralism, The structure of the legal system and social origins’.

Aleksandra Musieluk (Andrew Williams): ‘European Union’s accession to the European Convention on Human Rights as a viable alternative to building its own system for the production of Human Rights’.

Vidyaranya Chakravarthy Namballa (Abdul Paliwala): ‘Suicides Among Indian Farmers - Law and Regulation as Instruments of Change’.

Conrad Nyamutata (Andrew Williams): ‘Coalition Governments as Products of Human Rights Violations: A Critical Study of Zimbabwe and Kenya’.

Getta Oberoi (Ann Stewart): ‘Judicial Education and Training – Concept, Mechanisms, Constraints and Prospects’.

Ofinjite Ogaji (Bill O’Brian): ‘The Viability of applying ADR in the Resolution of Oil and Gas Conflicts in the Niger Delta Area of Nigeria’.

Chukwudiebube Bede Abraham Opata (John McEldowney): ‘The Law and Policy on Pro-Competition regulation of Communications Law in Nigeria’.

Thomas Perroud (John McEldowney): ‘Comparative Aspects of Regulation in France and England: A Case Study of Compliance, Enforcement and Adjudication in Public Utilities’.

Emma Poutney (Andrew Williams)

Raza Saeed (Jayan Nayar and George Meszaros): 'Decolonization of Law: Struggles, Possibilities and the Context of Pakistan'.

Jaroslav Sirjajev (Andrew Williams): 'Israel's Contribution to the Right of Armed Self-Defense in International Law: A New Paradigm or Temporary Paradox?'

Adam Slavney (Paul Raffield): 'The Role of Moral Doubt in Shakespeare's Jurisprudence'.

Laurene Soubise (Jackie Hodgson): 'Investigating the independence of Prosecution authorities in France, England and Wales'.

Ulf Thoene (Julio Faundez): 'Social rights, social policy and enforcement of labour laws: Approaches to the informal employment sector in Latin America'.

Kenneth Uzoechi (Janice Dean): 'Corporate Personality, Insider Corporate Fraud and Abuses in Financial Institutions: A Comparative Analysis of Nigeria and UK laws'.

Hugh Williams (Andrew Williams): 'Regulation of IHL in internal conflicts, and the commission of international crimes in internal conflicts'.

Ethiopia Project

In our previous research reports it was noted that the University of Warwick had entered into an agreement in 2008 with the Justice System and Legal Research Institute of the Ethiopian Government for the Law School to undertake an innovative 5 year capacity building project to promote postgraduate legal education in Ethiopia. Almost four years after the inception of this project there are eighteen students studying for a PhD, attending Warwick for a 4-5 week residency each year. Both the Project itself

and research being undertaken by the students, most of whom are already practicing academics in Ethiopian universities, is ground-breaking. There are currently no PhD programmes in law offered in Ethiopia and most of the research being undertaken is in areas previously un-researched in an Ethiopian context (see list of topics below). In addition to the PhD programme, Warwick has also developed a specialist LLM degree programme in Law in development currently being jointly taught with Ethiopian colleagues at Mekelle University in Northern Ethiopia.

The overall capacity building objective of the Project is now to work with the Ethiopian Higher Education Strategy Centre to help develop LLM and PhD programmes in Ethiopia that meet international standards of educational and administrative excellence. The project is a practical manifestation of Warwick Law School's long-standing commitment to teaching and researching in Law in Development but it also provides the potential for further research and continuing intellectual engagement with Ethiopian colleagues. In this latter respect a special edition e-Journal Law Social Justice and Global Development (LGD) <http://www2.warwick.ac.uk/go/lgd/> will feature the work of our Ethiopian students.

PhD topics

Tadele Negisho Bayissa (Alan Neal): 'Judicial Independence & Accountability in Ethiopia'.

Mellese Damtie Dandi (Jayan Nayar): 'Loss of Biodiversity: Problems of its Legal Control in Ethiopia'.

Tsegai Berhane Ghebretikle (John McEldowney and Sammy Adelman): 'Prevention & Management of Transboundary Hazardous Wastes in Africa:

A Critical Analysis in International & Comparative (National) Perspective on nine Selected African States’.

Solomon Fikre Lemma (Sammy Adelman): ‘Why the Long Visible Hand of the Law Matter: Rethinking the Role of the Law in Human Development in Ethiopia’.

Yiheyis Mitiku Haile Mitiku (Andrew Williams): ‘Restorative Justice in Ethiopia’.

Elias Nour (Bill O’Brian and Sammy Adelman): ‘The Investment & Environment Balance in the Ethiopian Legal Regime’.

Mehari Redae (Alan Neal): ‘Economic Liberalization in Ethiopia: Its possible Impact on Basic Labour Rights; The Need to Redesign Labour Laws’.

Demelash Shiferaw Reta (Jayan Nayar): ‘National Prosecutions & Transitional Justice; The Case of Ethiopia’.

Woubishet Shiferaw (Abdul Paliwala): ‘Effective Administration of Justice in Ethiopia: Perspectives from the Judiciary’.

Fana Hagos Berhane (Ann Stewart and Jane Bryan): ‘Bioethics in Ethiopia: legal and bioethical concerns – HIV/AIDS’.

Mekdes Tadele Woldeyohannes (Janice Dean): ‘Investment, environment and CSR in an Ethiopian context’.

Yonas Tesfa Sisay (Octavio Ferraz): ‘Human Rights Approach to Poverty Reduction in Ethiopia’.

Tecle Hagos Bahta (Graham Moffat): ‘State Contract Disputes and International Arbitration’.

Solomon Engda Alemu (Sammy Adelman and Dwijen Rangnekar): ‘Hydro Electric Dams and Their Socio-Environmental Impact; The Ethiopian Context’.

Visiting Research Students

The School of Law welcomes visiting postgraduate research students to University, to engage and develop their research. We have had 5 visiting research students in 2011-12:

Daniel Ban (Hugh Beale), from the University of Pécs, visited the department from 9th January to 2nd March 2012. Daniel examined the connection points of the initial impossibility in the English law of contract, dealing in particular with the problem of common mistake, and scrutinizing both case law and the legal theory of the doctrine of mistake.

Natalya Nikolina (Rebecca Probert), from Utrecht University in the Netherlands, visited the department in February 2012 to discuss her thesis on co-parenting.

Katharina Frank (Rebecca Probert), from Justus-Liebig-University in Germany, visited the department from 1 March-30 April 2012, and was carrying out research into ‘The Recognition of Marital Contracts as an International Problem: A Comparative Study of the Contentual and Legal Limits in German and English Law’.

Kenan Ertunc (Ralf Rogowski), visited the department from Saarland University in Germany in April 2012. During his visit Kenan furthered his research into European Social Market Economy after the Treaty of Lisbon.

Hector Scaianschi (Hugh Beale and Lorraine Talbot), visited the department in May 2012 from the university de Alcala in Spain. Whilst here Hector carried out research on the issue of ‘Preparatory Agreements of Mergers between Limited Liability Companies’.

7. Publications

Ali, S. S. (2011) 'Teaching and Learning 'Islamic Law' in a Globalised World: Some Reflections and Perspectives', *Journal of Legal Education*, 61(2), 1-26.

Ali, S. S., Hellum, A. and Griffiths, A. (eds.) (2011) *From Transnational Relations to Transnational Laws: Northern European Law at the Crossroads* (Ashgate Publishing).

Ali, S. S., Hellum, A. and Griffiths, A. (2011) 'Transnational Law in the Making' in Hellum, A. **Ali, S. S.** and Griffiths, A. (eds.) *From Transnational Relations to Transnational Laws: Northern European Law at the Crossroads*, (Ashgate Publishing), 1-26.

Ali, S. S. (2011) 'Behind the Cyberspace Veil: Online Fatwas on Women's Family Rights' in Hellum, A. **Ali, S. S.** and Griffiths, A. (eds.) *From Transnational Relations to Transnational Laws: Northern European Law at the Crossroads* (Ashgate Publishing), 125-146.

Beale, H. (2011) 'The Content of the political CFR – how to prioritise', in Kleineman, J. (ed.), *A Common Frame of Reference for European Contract Law* (Stockholm, Stockholm Centre for Commercial Law) (no 14 Centrets skriftserie), 27-32.

Beale, H. (2011) 'Chitty on Contracts', *Third Supplement to the 30th ed.* (Sweet & Maxwell), (general editor and editor of chapters 5-7, 26 and part of 43).

Beale, H. (2011) 'The Common Frame of Reference and the work of the Expert Group' *Internationaler Rechtsverkehr*, 15-18.

Beale, H., Bridge, M., Gullifer, L. and Lomnicka, K (2012) *The Law of Security and Title-based Finance* (Oxford University Press), 821.

Beale, H. (2012) 'A view from England' *Moveable Transactions* (Edinburgh LR), 16, 278-282.

Brownlee, K. (2012) *Conscience and*

Conviction (Oxford University Press).

Brownlee, K. (2012) 'Social Deprivation and Criminal Justice' in Tanguay-Renaud, F. and Stribopoulos, J. (eds.) *Rethinking Criminal Law Theory: Canadian Perspectives on the Philosophy of Criminal Law* (Hart), 217-230.

Brownlee, K. (2012) 'Conscientious Objection and Civil Disobedience', *The Routledge Companion to the Philosophy of Law*, Marmor, A (ed.) (Routledge), 527-539.

Brownlee, K. (2011) 'The Offender's Part in the Dialogue' in A., Cruft, R., Kramer, M. and Reiff, M (eds.) *Crime, Punishment, & Responsibility: Festschrift for Duff* (Oxford University Press), 54-67.

Bryan, J. (2011) 'Reading Beyond the Ratio: Searching for the Subtext in the 'Enforced Caesarean' Cases' in Carpi, D. (ed.) *Bioethics and Biolaw Through Literature* (De Gruyter), 115-133.

Bryan, J. (2011) 'Book Review: Murder, Medicine and Motherhood' *Child and Family Law Quarterly*, 23(4), 541-45.

Dean, J. (2012) 'Cultural Norms and Company Laws in Europe', *International Journal of Business and Social Science*, 3(5) 281-295.

Dean, J. (2012) 'Ideal Type Organisations and Company Law in Europe', *European Business Law Review*, 23(4) 456-476.

Faundez, J. (2011) *Democratización, Desarrollo y Legalidad, Chile, 1831-1973*, Santiago Ediciones Universidad Diego Portales (translation of *Democratization, Development and Legality: Chile, 1831-1973* (Palgrave 2007)).

Faundez, J. (2011) Co-editor of Special Issue of *Hague Journal on the Rule of Law* on Security Sector Reform and the Rule of Law, 209.

Faundez, J. (2012) 'Introduction: Law and Development Lives On', *Law and Development: Critical Concepts*, (Routledge), 1-22.

Ferraz, O. (2011) 'Health Inequalities, Rights and Courts: The Social Impact of the

- 'Judicialization of Health' in Brazil, in Yamin and Gloppen (eds.), *Litigating the Right to Health: Can courts bring more justice to health systems?* (Harvard University Press).
- Ferraz, O.,** Mæstad, O. and Rakner, L. (2011) 'Assessing the impact of health rights litigation, with in Yamin and Gloppen (eds.), *Litigating the Right to Health: Can courts bring more justice to health systems?* (Harvard University Press).
- Ferraz, O.** (2011) 'Harming the Poor through Social Rights Litigation', *Texas Law Review*, 7 (89).
- Ferraz, O.** (2011) 'Muito Barulho por Nada. Análise crítica do novo Código de Ética Médica Brasileiro', *Revista de Direito Sanitário* (Journal of Health Law), 12(1), São Paulo.
- Garton, J.** (2012) 'National Anti-Vivisection Society v Inland Revenue Commissioners' in Mitchell, C. and Mitchell, P. (eds.) *Landmark Cases in Equity* (Hart), 529-555.
- Harrison, J.** (2011) 'Human Rights Measurement: Reflections on the Practice of Human Rights Impact Assessment and the Potential for Future Enhancement' *Journal for Human Rights Practice*, 3 (2), 162–187.
- Hodgson, J.** (2011) 'EU Criminal Justice: Crime Control and Due Process within a Framework of Mutual Recognition' *North Carolina Journal of International Law and Commercial Regulation*, 37, 307-320.
- Hodgson, J.** (2011) 'Safeguarding Suspects' Rights in EU Criminal Justice: A Comparative Perspective', *New Criminal Law Review*, 14(4), 611-665.
- Kuo, M.S.** (2011) 'Taming Governance with Legality? Critical Reflections upon Global Administrative Law as Small-c Global Constitutionalism'. *New York University Journal of International Law and Politics* 44, 55-102. (featured in the international law blog *Opinio Juris* with comments from Profs. Karl-Heinz Ladeur (University Hamburg and University of Bremen) and David Gartner (Arizona State University Law School)).
- Kuo, M.S.** (2011) 'Taming Governance with Legality? Critical Reflections upon Global Administrative Law as Small-c Global Constitutionalism'. TranState Working Paper No. 151. Editors: The Collaborative Research Centre of the Transformation of the State, Bremen, Germany: University of Bremen.
- Kuo, M.S.** (2012) 'Inter-Public Legality or Post-Public Legitimacy? Global Governance and the Curious Case of Global Administrative Law as a New Paradigm of Law'. Jean Monnet Working Paper 07/11. Editors: Jean Monnet Center for International and Regional Economic Law & Justice, New York, NY, USA: New York University School of Law.
- McEldowney, J.** (2012) 'Transport and Local Government: A UK Perspective', Marcou, G. and Wollman, H. (eds.) *Annuaire*, Paris: Eds Hermathon, 1-15.
- McEldowney, J.** (2012) 'Financial Regulation in the UK', Laurent Vidal and André Dellion, *Annales de la regulation* Paris, 30- 56.
- McEldowney, J.** and McEldowney, S. (2011) 'Science and Environmental Law: collaboration across the Double Helix' (2011) 1393) *Environmental Law Review*, 169-198.
- McMahon, K.** and Hay, G. A. (2012) 'The Diverging Approach to Price Squeezes in the United States and Europe' *Journal of Competition Law & Economics*, 8, 259-296.
- Mouthaan, S.** (2010) 'The Prosecution of Gender-based Crimes in the ICC: Challenges and Opportunities', *International Criminal Law Review*, 4, 775-802.
- Neal, A.** (2011) 'Towards a functioning framework for individual Labour Law rights: Challenges for China in a changing world of work', (4), *The International Journal of Comparative Labour Law and Industrial relations*, 365.
- Neal, A.** (2012) 'Obituary: Bill Wedderburn (1927-2012)', (2), *The International Journal*

of comparative Labour Law and Industrial Relations.

Norrie, A. (2011) 'Legal Form and Moral Judgement: Euthanasia and Assisted Suicide' in Duff, R.A., Farmer, L., Marshall, S.E., Renzo, M. and Tadros, V. (eds.) *The Structures of the Criminal Law*, (Oxford University Press), 134-156.

Norrie, A. (2012) 'The scene and the Crime: Can Critical realists talk about good and Evil?' *Journal of Critical Realism*, 76-93.

O'Brian, W. (2011) 'Confrontation and Ongoing Emergencies: Michigan v Bryant', *International Journal of Evidence & Proof*, 15 (4), 357-360.

O'Brian, W. (2012) 'Confrontation and Compulsory Process: US and European Approaches Compared,' *International Commentary on Evidence*, (9) 2

Pogány, I. (2011) 'Afterword: The Jews of Hungary, from Emancipation to Genocide' in Pogány, G. *When Even the Poets were Silent* (Brandram), 249-62.

Probert, R. (2011) 'Recording births: from the Reformation to the Welfare Reform Act' Ebtehaj, F., Herring, J., Johnson, M.H and Richards, M. (eds.) *Birth Rites and Rights* (Hart), 171-185.

Gilmore, S., Herring, J. and **Probert, R.** (2011) (eds.) *Landmark Cases in Family Law* (Hart).

Gilmore, S., Herring, J. and **Probert, R.** (2011) 'Introduction: A Journey through the Landmark Cases of Family Law' in Gilmore, S., Herring, J and Probert, R. (eds.) *Landmarks in Family Law* (Hart), 1-11.

Probert, R. (2011) 'The Roos case and modern family law' in Gilmore, S., Herring, J and Probert, R. (eds.) *Landmarks in Family Law* (Hart), 13-26.

Mitchell, C., Smith, C., Lewis, A., Banks, S., Cooke, E., Mitchell, P., Paley, R., **Probert, R.** and Pila J. (2011) 'English Law 1820-1914: A Review of Volumes 11-13 of the *Oxford History of the Laws of England*', 32, *Journal of Legal History*, 319-44.

Probert, R. (2011) 'Review of C. Roulston, *Narrating Marriage in Eighteenth-Century England and France*' *Journal of British Studies*, 50(3), 747-8.

Probert, R. (2012) *IEL Family and Succession Law: England and Wales 3* (Kluwer).

Probert, R. and Kingston, A. (2012) (eds.) *Tackling Domestic Violence* (Takeaway).

Probert, R. and Barton, C. (2012) (eds.) *Fifty Years in Family Law: Essays for Stephen Cretney* (Intersentia).

Probert, R. (2012) 'Safety in the home: Why don't they just leave?' in Probert, R. and Kingston, A. (eds.) *Tackling Domestic Violence* (Takeaway).

Probert, R. (2012) 'Civil Rites' in Probert, R. and Barton, C. (eds.) *Fifty Years in Family Law: Essays for Stephen Cretney* (Intersentia), 121-132.

Probert, R. (2012) 'Sir William Scott and the Law of Marriage' in Brand, P. and Getzler, J. (eds.) *Judges and Judging in the History of the Common Law and Civil Law: From Antiquity to Modern Times* (Cambridge University Press), 83-101.

Probert, R. (2012) 'Introduction' to Wood, H., Lush, D., Bishop, D., Murray, A. and Eames, J. *Cohabitation: Law, Practice and Precedents* (Jordan Publishing, 5th ed), lxxix-lxxviii.

Probert, R. (2012) 'Review of S. Lettmaier, *Broken Engagements: The Action for Breach of Promise of Marriage and the Feminine Ideal, 1800-1940*' *Journal of Legal History*, 33(1), 126-9.

Raffield, P. (2011) 'The Oneiric Imagination and the Dream of Law', *Law and Humanities*, 5(1), 241-49.

Raffield, P. (2011) 'The Elizabethan Rhetoric of Signs: Representations of *Res Publica* at the Early Modern Inns of Court', *Law, Culture and the Humanities*, 7(2), 244-63.

Raffield, P. (2012) 'Law and the Equivocal Image: Sacred and Profane in Royal Portraiture', in Carpi, D. and Stierstorfer K.

- (eds.) *Visualizing Law and Authority: Essays on Legal Aesthetics* (De Gruyter).
- Raffield, P.** (2012) 'The Dramatic Imagination and the Dream of Law', in Wan, M. (ed.) *The Legal Case: Cross Currents Between Law and the Humanities* (Routledge).
- Rangnekar, D.** (2011) '(Re) Making place: The social construction of geographical indications', *Environment and Planning – A*. (theme issue, 'New' Borders of Consumption, eds. Rangnekar and Wilkinson), 43(9), 2043-2059.
- Rangnekar, D.** and Wilkinson J. (2011) 'Introduction', *Environment and Planning A*, 43(9), 2007-2011.
- Rogowski, R.,** Salais, R. and Whiteside, N. (2011) (eds.) *Transforming European Employment Policy: Labour Market Transitions and the Promotion of Capability* (Elgar).
- Rogowski, R.,** Salais, R. and Whiteside, N. (2011) 'Introduction', in Rogowski, R., Salais, R. and Whiteside, N. (eds.) *Transforming European Employment Policy: Labour Market Transitions and the Promotion of Capability* (Elgar), 1-22.
- Rogowski, R. & Deakin, S.** (2011) 'Reflexive Labour Law, Capabilities and the Future of Social Europe' in Rogowski, R., Salais, R. and Whiteside, N. (eds.) *Transforming European Employment Policy: Labour Market Transitions and the Promotion of Capability* (Elgar), 229-54.
- Rogowski, R.,** Tänzler, D., Maras, K., Giannakopoulos, A. (2012) 'The Social Construction of Corruption: Theoretical Reflections', in Tänzler, D., Maras, K. and Giannakopoulos, A. (eds.) *The Social Construction of Corruption in Europe* (Ashgate).
- Salter, D.** (2011) 'Section 91 and Schedule 26 [Finance Act]: redundant reliefs – repeal', *British Tax Review*, 469-471
- Salter, D.** (2011) 'The Ipsos MORI review of rewritten income tax legislation – contrasting and converging viewpoints', *British Tax Review*, 622-625.
- Salter, D.** and Oats, L. (2011) 'HMRC: Engaging with Tax Agents' *British Tax Review*, 272-278.
- Singh, D.** (2012) 'Cross-Border Bank Insolvency', in Lastra, R. M. (ed.) *Journal of Banking Regulation*, 13(1), 86-88.
- Singh, D.** and LaBrosse, J.R. (2011) 'Developing a Framework for Effective Financial Crisis Management, in 'Financial Crisis Management and the use of Government Guarantees, *OECD Journal: Financial Market Trends*', 101(2), 1-30.
- Singh, D.,** LaBrosse, J.R. and Olivares-Caminal, R.-O. (2011) 'It has been 'A Hard Day's Night'', in LaBrosse, J.R., Olivares-Caminal, R.-O. and Singh, D. (eds.) *Managing Risk in the Financial System* (Elgar).
- Snape, J.** (2012) 'Montesquieu - 'The Lively President' and the English Way of Taxation' in Tiley, J. (ed.) *Studies in the History of Tax Law*, 5, (Hart), 73-90.
- Snape, J.** (2011) *The Political Economy of Corporation Tax: Theory, Values and Law Reform* (Hart).
- Stewart, A.** (2011) *Gender, Law and Justice in a Global Market* (Cambridge University Press).
- Stewart, A.,** Hoskyns, C. and Niccolai, S. (2011) 'Disability Discrimination by Association: the double yes', *Social and Legal Studies*, 20(2), 173-190.
- Stewart, A.** (2012) 'Review of Pascale Fournier, *Muslim Marriage in Western Courts: Lost in Transplantation*, *Insight Turkey*, 14(1), 200.
- Tadros, V.** (2011) *The Ends of Harm: The Moral Foundations of Criminal Law* (Oxford University Press).
- Tadros, V.** (2011) 'Harm, Sovereignty and Prohibition', *Legal Theory*, 17, 35-65.
- Tadros, V.** (2011) 'Consent to Harm', *Current Legal Problems* 64, 23-49.
- Tadros, V.** (2011) 'Outcomes and Obligations' in Cruft, R., Kramer, M. and Reiff, M. (eds.) *Crime, Punishment, and*

Responsibility: The Jurisprudence of Antony Duff (Oxford University Press).

Talbot, L.E. (2011) 'Polanyi's Embeddedness and Shareholder Stewardship: A contextual analysis of current Anglo-American perspectives on Corporate Governance', *Northern Ireland Legal Quarterly*, 64(4), 451-469.

Tan, C. (2011) *Governance through Development: Poverty Reduction Strategies, International Law and the Disciplining of Third World States* (Routledge).

Tan, C. (2011) 'The New Biopower: Poverty Reduction Strategy Papers and the Obfuscation of International Collective Responsibility', *Third World Quarterly*, 32(6), 1039-1056.

Wakefield, J. (2012) 'The changes in liability of EU institutions: Bergaderm, FIAMM and Schneider', *ERA Forum*, 12(4), 625-639.

Watt, G. (2011) 'The to be of and: reflections on the bridge', *Law and Humanities*, 5(1), 229-240.

Watt, G. (2011) 'The Case of Conjoined Twins: Medical dilemma in law and literature', in Carpi, D. (ed.) *Bioethics and Biolaw through Literature* (DeGruyter), 93-107.

Watt, G. (2011) 'Hard cases, hard times and the humanity of law' in Bate, J. (ed.) *The Public Value of The Humanities* (Bloomsbury Academic), 197-207.

Watt, G. (2012), *Equity and Trusts Directions*, 3rd Edition (Hart).

Watt, G. (2012) 'Comparative Law as Deep Appreciation', in Monateri, P.G. (ed.)

Methods of Comparative Law (Elgar), 82-103.

Webb, J. (2011) 'The Body in (E)motion: Thinking through Embodiment in Legal Education' in Maharg, P. and Maughan, C. (eds.) *Affect and Legal Education: Emotion in Learning and Teaching the Law*, (Ashgate), 211-233.

Webb, J. (2011) 'Enhancing Legal Education: The UK Experience' in Brockmann, J., Hendrik Dietrich, J. and Pilniok, A. (eds.) *Excellente Lehre im juristischen Studium* (Nomos Verlag), 27-40.

Webb, J. and Duncan, N. (2011) 'Editorial: Legal Education and the Legal Profession', *Law Teacher* (special issue), 45(3), 273-77.

Webb, J. and Maharg, P. (2012) 'Legal education and conduct of business requirements', *LETR Literature Review*, chapter 3. Available at <http://letr.org.uk/literature-review/>.

Webb, J. (2012) 'Equality, diversity and social mobility issues affecting legal education and training in the legal services sector', *LETR Discussion Paper*. Available at <http://letr.org.uk/publications/briefing-and-discussion-papers>.

Williams, A. (2011) 'Burying not Praising the European Convention on Human Rights: A Provocation' in Walker, N. and Shaw, J. (eds.) *Europe's Constitutional Mosaic* (Hart).

Williams, A. (2012) 'The European Convention on Human Rights, the EU and the UK: Confronting a Heresy', *European Journal of International Law*.

8. Warwick Working Papers (Social Science Research Network)

Of the 474 international law schools (excluding the United States) who have a working papers series with SSRN, Warwick ranks 38. Over the last 12 months 19 new papers have been added to our series (making a total of 76 papers). Over the same period 6,049 papers have been downloaded from our site. The average download for all papers over the last twelve months is 33. This relatively low average probably reflects the diversity of interests in the department. There is no doubt that some subjects appeal more to students (the principal users of SSRN) and some very fine pieces are more or less overlooked. Nonetheless, the primary reason for the high profile of some colleagues is their particular approach to SSRN. Colleagues that regularly use SSRN to air new work, and who have made it part of their communication with the academic world for many years, do well. **Jackie Hodgson** has had her papers downloaded 2,289 times since she began using it. Similarly, **Ming-Sung Kuo** has 1,849 downloads. Other colleagues who have passed the 1000 download mark are **Julio Faundez**, **James Harrison** and **Lorraine Talbot**. Over the last twelve months alone, **Julio Faundez**, **James Harrison**, **Jackie Hodgson**, **Ming-Sung Kuo**, **Lorraine Talbot**, **Kathryn McMahon**, **Rebecca Probert** and **Dalvinder Singh** have had their papers downloaded more than 300 times. Many colleagues have featured in the top 10 downloads for a particular ejournal.

The Warwick Working Paper series will include papers and contributions from the forthcoming conference. A special Islamic Law edition is currently under preparation with Shaheen's support.

The list of working papers published over the past twelve months (most recent first) is as follows:

Stewart, A. 'Gender, Justice and Law in a Global Market' (May 31, 2012). *Warwick School of Law Research Paper No. 2012/13*. <http://ssrn.com/abstract=2071049>

Kuo, M. S. 'From Administrative Law to Administrative Legitimation? The Spatiality of Law and Transnational Administrative Law in Comparative Perspective' (May 22, 2012); *Warwick School of Law Research Paper No. 2012/12*. <http://ssrn.com/abstract=2064034>

Abubakar, M. U. 'Criminal Law and the Rights of the Child in Northern Nigeria (May 9, 2012). *Warwick School of Law Research Paper No. 2012/11*. <http://ssrn.com/abstract=2055162>

Ali, S. S. and Rehman, Javid, 'The Concept of Jihad in Islamic International Law' (May 9, 2012). *Warwick School of Law Research Paper No. 2012/10*. <http://ssrn.com/abstract=2055140> or <http://dx.doi.org/10.2139/ssrn.2055140>

Ali, S. S. 'Overlapping Discursive Terrains of Culture, Law and Women's Rights: An Exploratory Study on Legal Pluralism at Play in Pakistan' (May 9, 2012). *Warwick School of Law Research Paper No. 2012/9*. <http://ssrn.com/abstract=2055156> or <http://dx.doi.org/10.2139/ssrn.2055156>

Ali, S. S. 'Resurrecting Siyar Through Fatwas? (Re) Constructing "Islamic International Law" in a Post-(Iraq) Invasion World' (May 9, 2012). *Warwick School of Law Research Paper No. 2012/8*.

<http://ssrn.com/abstract=2055154> or
<http://dx.doi.org/10.2139/ssrn.2055154>

Kuo, M. S. 'Inter-Public Legality or Post-Public Legitimacy? Global Governance and the Curious Case of Global Administrative Law as a New Paradigm of Law' (February 29, 2012); *Warwick School of Law Research Paper No. 2012/07*.
<http://ssrn.com/abstract=2013079>

McMahon, K. and Hay, George Alan, 'The Diverging Approach to Price Squeezes in the United States and Europe' (February 28, 2012); *Warwick School of Law Research Paper No. 2012/04*.
<http://ssrn.com/abstract=2012450>

Singh, D., and LaBrosse, J.R., 'Developing a Framework for Effective Financial Crisis Management' (February 9, 2012). *Warwick School of Law Research Paper No. 2012/05*.
<http://ssrn.com/abstract=2001978> or
<http://dx.doi.org/10.2139/ssrn.2001978>

Talbot, L. E. 'Corporate Governance, Neoliberalism and Transition Economies' (February 6, 2012). *Warwick School of Law Research Paper No. 2012/03*.
<http://ssrn.com/abstract=2000126> or
<http://dx.doi.org/10.2139/ssrn.2000126>

Hodgson, J. S. 'EU Criminal Justice: The Challenge of Due Process Rights within a Framework of Mutual Recognition' (January 30, 2012); *Warwick School of Law Research Paper No. 2012/02*.
<http://ssrn.com/abstract=1995523>

Probert, R. 'A Banbury Story: Cohabitation and Marriage Among the Victorian Poor in Notorious Neithrop' (January 16, 2012). *Warwick School of Law Research Paper No. 2012/01*.
<http://ssrn.com/abstract=1986019>

Kuo, M. S. 'W(h)ither the Idea of Publicness? Besieged Democratic Legitimacy Under the Extraconstitutional

Hybrid Regulation Across the Taiwan Strait' (November 10, 2011); *Warwick School of Law Research Paper No. 2011-13*.
<http://ssrn.com/abstract=1957391>

Faundez, J. 'Law and Development Lives On' (October 27, 2011). *Warwick School of Law Research Paper No. 2011/12*.
<http://ssrn.com/abstract=1950125> or
<http://dx.doi.org/10.2139/ssrn.1950125>

Tadros, V. 'Duty and Liability' (October 25, 2011). *Warwick School of Law Research Paper No. 2011-10*.
<http://ssrn.com/abstract=1949030> or
<http://dx.doi.org/10.2139/ssrn.1949030>

Tan, C. Life, 'Debt and Human Rights: Contextualising the International Regime for Sovereign Debt Relief' (October 25, 2011). *Warwick School of Law Research Paper No. 2011-09*.
<http://ssrn.com/abstract=1949026> or
<http://dx.doi.org/10.2139/ssrn.1949026>

Hodgson, J. 'Safeguarding Suspects' Rights in Europe: A Comparative Perspective' (October 24, 2011); *Warwick School of Law Research Paper No. 2011-11*.
<http://ssrn.com/abstract=1948481>

Probert, R. 'From Fornicators to Family: Cohabitants and the Law, 1600-2010' (June 22, 2011). *Warwick School of Law Research Paper No. 2011-08*.
<http://ssrn.com/abstract=1869932> or
<http://dx.doi.org/10.2139/ssrn.1869932>

Harrison, J. and Stephenson, Mary-Ann, 'Assessing the Impact of the Public Spending Cuts: Taking Human Rights and Equality Seriously' (June 21, 2011);
<http://ssrn.com/abstract=1868903>