



# *In*Corporate

incorporate: to form into one mass:  
to combine with: to include, contain  
as a part: to unite: to become part  
of another body: formation of a  
legal or political body.

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## Welcome



Dear Colleagues, alumni, students and potential applicants,

It gives me considerable pleasure to introduce the most recent version of Incorporate, which aims to provide a brief insight into the work of the department and news from former students. This year has been an incredibly busy one for the School of Law in which we underwent an audit on the quality of our teaching and administrative support, reported to the Higher Education Council on our research activity over the last seven years and worked towards a common award structure within the College so that our degrees are weighted and organised in the same way across the College. It is a sign of the commitment and quality of staff in the school that in addition to having to jump through so many bureaucratic hurdles we have also managed to launch a new Masters programme in the field of Criminal Justice. Colleagues have also been active in attending and presenting at conferences on every continent as well as being instrumental in organising a range of interesting workshops and conferences on our home turf. Some of the articles in this edition will give you a flavour of this activity.

It is with some sadness that I report that I will be stepping down as Head of School this August as my term of three years has come to an end. You will be pleased to know that my successor, voted in unanimously by the whole Department, is Patricia Tuitt who will bring all the wisdom and gravitas to the role that I have lacked.

For my part, I look forward to returning to focus on my teaching and research and to having more time to meet with you all and hear your news.

All the best,

A handwritten signature in black ink that reads "Linda Mulcahy". The signature is written in a cursive style and is underlined with two horizontal lines.

**Professor Linda Mulcahy**  
**Head of School**

## Staff News

### Congratualtions to...

We are delighted to announce that three members of staff received recognition to their achievements in the college's annual round of promotions. Patrick Hanafin has been promoted to Professor, Marinos Diamantides to Reader and Piyel Haldar to Senior Lecturer.

### Wedding celebrations

Congratulations to Professor Patrick Hanafin and Julia Chryssostalis who got married in Athens last September. Julia, as some of you might remember, taught on the European Law course several years ago and now teaches in the Department of Academic Legal Studies at Westminster University. Our School Administrator, Victoria Goodyear, who joined the Law School in 2002, also tied the knot with fiancé Andrew Hunt in her hometown of Chelmsford last November. Congratulations to both couples!

### Law School babies

Another year and so another baby was born to the School Law. Congratulations to Dr Adam Gearey, Reader and Director of the LLM in Law and Political Justice and his wife Mary who had baby Arthur Patrick David Gearey at Bedford General Hospital in August 2007. Named after his grandfather as well as the famous song 'King Arthur' by Super Furry Animals, this smiley star signed 'Leo' with his mane of blond hair is already, according to his proud father "cutting his first tooth and has learnt the fine art of making monkey noises".

### Best dressed Law School!

#### **Victoria Hunt, School Administrator**

When you work in academia, black tie events are not a regular occurrence. So it was with great excitement that members of the Law School, accompanied by the Master of the College and colleagues from External Relations, put on their glad rags, toasted each other with champagne, and attended the Times Higher Awards 2007, held at the Grosvenor House Hotel. The happy reason for this was that the Law School had been shortlisted for an award in the category of Widening Participation Initiative of the Year. The prestigious awards are organised by *THES* magazine and are backed by important organisations in the higher education sector, such as the Higher Education Funding Council for England and the Quality Assurance Agency. Nominations are received from most Higher Education institutions in the UK, so it was a considerable achievement for the Law School to be shortlisted.

The Law School's nomination focused on the excellent work of the School's Academic Support Officer, Pat Costall, and the admin team of Sue Baines, Carly Cooper and Leila Dajani, in supporting students experiencing difficulties and identifying those at risk of withdrawing from their programme of study. As you will all know from experience our admin team regularly go beyond the call of duty in encouraging students who are having difficulties. More recently Pat has begun to offer tailored support to vulnerable law students through



From the left: Sue Baines, Leila Dajani, Carly Cooper and Pat Costall

individual tutorials, Saturday skills workshops and drop-in counselling sessions. The admin team are proactive in referring students considered at risk to Pat for help and advice.

This support network is particularly important at Birkbeck, given the non-traditional backgrounds of many of our students and the demands of studying part-time. Since Pat was appointed we have seen a clear improvement in our retention rate, which is now one of the highest in the College. Pat was Birkbeck's first

academic support officer, and the scheme has now been rolled out to other Schools as a result of it being seen as 'best practice'.

Sadly on the night we didn't win the award, but a good time was had by all, and we like to think we might have picked up a prize for our sartorial efforts, had one been on offer!

## Undergraduate News: Birkbeck and the Magic Circle

**Linda Mulcahy, Head of School**

As some of you will know from last year's newsletter the school of law developed close links with Lovells a City law firm. Last June, shortly after the exams, 20 of our highly performing students who were interested in a career in the city were selected to attend an open day, which Lovells organised just for our students.

During the course of the day Birkbeck delegates got a chance to meet other mature students who had succeeded at the firm as well as listening to presentations on how to impress when applying to a 'magic circle' firm and details of some of the cases with which Lovells has been involved in recent years. As always I was impressed and very proud at the way our students presented themselves as independent minded people with business acumen and a lot of lived experience about the way the world really worked. As a result of the open day 11 of the group applied for a training contract, five were offered places and three accepted them.

Colleagues at Lovell's have since informed me that this was a very high 'conversion' rate for an open day and that they would like to repeat the exercise this year. Based on this experience we are now exploring the possibility of establishing similar partnerships with a small number of other firms.

In order to ensure that all students can benefit from the experience students who went to the open day have put accounts of their experience on the careers section of our website and presented to other students at a specially organised careers event. You can also read an article by one of our students on page 14, who attended the open day.

If you are interested in this news story or would be interested in coming back to give advice to our undergraduates about careers then please get in touch with me at [l.mulcahy@bbk.ac.uk](mailto:l.mulcahy@bbk.ac.uk)

## Rootin' Tootin' Mootin'



An expert witness takes the stand!

### Philip King, Barrister and Part-time Tutor

Now in our third year of the annual Mooting Programme at Birkbeck, our students continue to participate with enthusiasm, talent, and great determination.

Clare Dowse and I undertook mooting training sessions in the autumn term and we were pleased to see many new faces as well as students who had previously participated. Once again we were pleasantly surprised at the talent and natural ability of Birkbeck's students. In addition it was heartening to see those we have trained before who had made real strides in order to harness their potential.

Using demonstration methods in training is often nerve wracking for us as tutors, even though we have been Birkbeck Students, undergraduate mooters and Barristers in our time. We do our best to show students better ways of dealing with the "style" of mooting and advocacy as well as how to argue substantive legal points

in front of a moot judge.

As always the Mooting Programme could not take place without the hard work and perennial good nature of Pat Costall. Pat takes any potential problem and deals with it with customary calmness and grace. This year the "team" has been enhanced by Professor Bill Bowring. Along with many of his faculty colleagues, Bill has long been a supporter of mooting at Birkbeck, and this support has now progressed to his formal involvement.

As far as practical mooting and competitions are concerned the year started with a really interesting and fun Mock Trial concerning the imposition of an Anti-Social Behaviour Order. A controversial area of law, it provoked some great performances, not least from those who volunteered as actors. We would like to offer special thanks to Sean for being "Camera Man" and to Paola Kovacz for her bravura performance as Ivana, the subject of the order. Well done to all.

This year Birkbeck's law students have been doing the College proud, yet

again, at external competitions. Adam Elliott and Susan Alyamani represented Birkbeck in New York for the second year running at the PACE Law School International Moot Court.

With a growing number of external mooting competitions, this year we chose to enter a single national competition, namely the English Speaking Union Moot run through Essex Court Chambers. Brian Barron (Third Year LLB) has been taking the role of lead Counsel, ably assisted by Myles Gardiner (First Year LLB) in the first round against Kings College, London. Having won through, Brian was paired with Susan Alyamani (LLB Final Year) to win against Keble College, Oxford in the second round, with Anglia Ruskin conceding the third round. Brian and Susan are now down to the final eight teams and are due to meet either the London School of Economics or the University of Hertfordshire in an away match.

The final four teams will then compete in the semi-finals, which are due to be held at Essex Court in the Temple, with finals to be held later in the day at the Royal Courts of Justice. Our Mooters would really appreciate the support of fellow students at the rounds.

The message from all those who have participated in Mooting this year, and in previous years, is for students to come along and have a go. It is great fun as well as being legal analysis in a different form and medium from the usual. For those students who want to have a go and get their feet wet without the anxiety of an external mooting competition then come along on 6–7 June to the College. Confirmation of the date, time and room will be posted on the mooting page of the website. Sick of exams and essays? Mooting provides the ideal antidote. See you there!



Key witness struggles with skilful cross-examination!

## Alumni News: Small history of the Law School

Not all of you will be aware that Birkbeck began teaching Law in 1873. Some of this teaching appears to have been for sub-degree professional qualifications but Birkbeck also taught the University of London LLB syllabus. In those days there were only two members of staff teaching Law; by the same token the numbers of students proceeding to the LLB examinations were few and it appears that a student graduated with the University of London LLB from Birkbeck about once every three, four or five years. One of these was Sidney Webb (later Lord Passfield) who graduated with Honours in the Third class in 1886, and later went on to found the London School of Economics.

Teaching in Law continued up to 1938 by which time the Faculty of Laws, established at the time Birkbeck became a College of the University in 1920, had grown to house a department with six academic staff, making it one of the largest in the College at that time, equalled in staff numbers only by Chemistry and Mathematics. How times change! College histories state somewhat cryptically that 'Law and Music were given up to others' in 1938. It appears that the teaching of Law and the academic staff transferred elsewhere within the University in 1938 and the Birkbeck Faculty of Laws closed.

Our present School of Law was established in 1992 with three posts, which were funded by donations from outside bodies. It now has 22 academic staff, five administrators and one academic support officer.

## Birkbeck: some observations

**Paul Rand (LLB 1997)**

It has been said that the purpose of a university education is to enable you to entertain three things: an idea, a friend and yourself.

When you tell people that you took your LLB at Birkbeck they can predict the usual subjects, but Birkbeck shows that Contract contains more than Consideration or that Crime means not just Mens Rea. The result is that people are often surprised by your account of what you actually studied. It was typical of Birkbeck, though perhaps not of other institutions and particularly not in the mid-nineties, to have an Evidence syllabus that incorporating Richard Strauss's "4 last songs" or Mozart's Requiem, (the connection in fact being with what are called Dying Declarations). The recommended reading for Contract included what was a truly eclectic (even idiosyncratic) range of sources, from the Yearbooks to the *Yale Law Review*. And the way the syllabus was arranged (to say nothing of the way it was delivered by Peter Goodrich) reflected what was at least at that time not the usual fare. It meant being exposed to what was happening in Law Schools in other parts of the world such as the USA. Later we had the Trusts and Equity course delivered by a visiting academic from Australia. I sometimes think I should contact the compilers of O.E.D. recommending that the word "Birkbeck" be included as an adjective meaning "From an unexpected angle; with a novel approach".

Along the same lines it should not be any wonder that the Law Department (and how that has grown since my day!) recently have put on a seminar on "law and film", involving a discussion of the film "12 Angry Men". I remember going to a series of lunchtime seminars on Law and Literature. After that I saw Michael Henchard and Tess in a very different light from my days doing English Literature A-level.

The same people you tell about your Birkbeck LLB recognise what it implies on a practical level, too, perhaps as compared to a "normal" undergraduate college full of mostly school-leavers. For three or four years you go along in the Evenings, after a day's toil in home or workplace, in my case facing the vagaries of the Northern line to Goodge Street station. Also, I believe because of the preponderance of "mature students", people you got talking to had had a chance to lead interesting lives to tell you about. I am still in regular contact with somebody I met who wasn't even doing a full BA, but, like many others, was taking one of their other kinds of courses purely out of interest, having already had a long and varied career.

I have to pay tribute, as a student with a visual impairment, to the open-mindedness of the staff I met when applying for a place. These were the days before a Disability Discrimination Act was in place to ensure minimum standards. Considerations such as how I would access the material, to say nothing of those cramped, old houses on Gower Street, met with an entirely positive response.

As for entertaining myself, Birkbeck gave me what might be called habits of inquiry that have lasted, whether in subsequent study or reading for curiosity. The advantage of a Birkbeck-style approach is that it does more than simply giving you what you need to know about in order to pass your law degree. To give just one example: A little while ago I saw an article in the journal of *Social & Legal Studies* where the writer analysed, from a feminist point of view, the law relating to Undue Influence in mortgages of the family home. Had it not been for the lectures we had from Nicola Lacey, and her introduction to feminist literature, I doubt I would have bothered with such a piece, nor imagined such an approach to what might be thought a very black-letter area of the law. Then again, I am sure it can easily be appreciated how points from our course on Law and Medical Ethics can give a perspective on stories in the news about developments in medicine, such as patient autonomy and forensic science.

Hell is not other people, as the man said, other people is Birkbeck. Its location in Central London, and the way in which it organises its courses, both mean that you can generally find time to fit in other activities with friends or socialising with fellow students. Did I hear recently that a local pizza place gave a prize to the Law department? Having studied there you never seem to be far from someone who knows either the place or else a member of staff. On a bus in Bristol last year I got chatting to a law lecturer who was familiar with Matthew and his “swans reflecting elephants”.

Anyhow, the place must be getting something right. Melvyn Bragg frequently has someone from Birkbeck on his Thursday Morning programmes, and that can't be just because they are a short taxi ride from Broadcasting House.

In the terms of my opening comment I have no hesitation in saying that Birkbeck ticks all the right boxes, as well as teaching you how to think outside the box.

*Editor's Note: Paul is right in thinking that Pizza Paradiso on Store Street has for many years devoted a prize to the student who contributes the most to the social life of the school. Pizza Paradiso opened the same year as the Law School and we have watched each other grow with interest.*

## From Birkbeck to the city



**Ryan Spence (LLB Law 2007)**

When I first moved to London seeking fortune and fame in the music business, I often saw advertisements on the Bakerloo line for Birkbeck, never thinking that one day I'd be here writing as a Birkbeck alumnus. Seeing those ads day in day out for over three years must have had some sort of subliminal effect on me as soon after leaving the 'bright lights' of the music industry, I found myself at an open evening taking a serious interest in the LLB after being reassured that by no means would I be too old to practice once I graduated!

Attending the first lecture one cold dark night in October, four years seemed a lifetime away and as I look

back, I knew so little then about the rigours of what I was about to endure, probably a good thing in retrospect! Not only was there the writing of essays and the revising for exams to become reacquainted with (never a strong point of mine), but also the legal profession itself with its unique language, application process and sheer competition for training contracts and pupillages.

There were many times when the immense quantity of information and volume of work to contend with made me question whether I would even return the following year. Whilst being under no illusions that the course would be a challenging one, it is extremely difficult to convey just how demanding it truly is. Trudging to lectures on those cold winter nights, writing and researching essays until the early hours, knowing you have to get up for work the next day. What kept me going was that I loved learning about the law, and found myself growing each year in confidence and knowledge.

Whilst I always had the intention to practice law, the question of barrister or solicitor was a somewhat more difficult decision to make. My interest in law had largely grown from my time in the music business and I was therefore certain I wanted to be a media lawyer (or so I thought). As a solicitor I would have frequent client contact whereas at the Bar I could express the performer within by displaying the adversarial prowess all great legal dramas are made of, both attractive prospects.

The horror stories of the Bar initially led me to apply for training contracts at media law firms, an exercise that rewarded me with a stunning return rate of six rejections from seven applications (one firm – who shall remain nameless – obviously didn't believe I warranted a reply). Unperturbed, I was prepared to apply the following year when a chance conversation persuaded me to give the Bar a try. After successfully obtaining a place on the BVC but failing to secure any mini pupillages to gain legal experience, or a scholarship to pay for it, I chose to defer the place for a year while I seriously considered whether I wished to undertake the serious debt that self-funding of the BVC would land me in for years to come.

However, there was to be another twist in the tale when after attending an open day for Birkbeck students at international law firm Lovells, I decided to apply for a training contract. As I am sure many would agree there is only so much that can be gleaned about a firm from external research and as a result, the choice is largely based on an unquantifiable gut instinct. This is even more so as a part-time student without the time to apply for and attend numerous vacation schemes. Needless to say I felt that instinct and took the high-risk strategy of rejecting the BVC place, applying for the LPC, and submitting only one training contract application, to Lovells.

Being invited to an assessment day was as exciting as receiving my degree result but meant that my planned return to a semblance of social life after four years studying was put on hold while I researched and prepared

for the task ahead. Cultivating a Starbucks addiction, every weekend was spent reading the papers and scouring the internet while drinking copious amounts of triple shot mochas, ensuring I knew the intricacies of the firm and every business story that could possibly be relevant. Even on holiday, days prior to the interview I read the English broadsheets daily, just in case I missed a breaking story.

Thankfully, the hard work and excess caffeine paid off as an hour and half after leaving the assessment day I was called and offered a training contract. The one thing I did realise as I took the call in an East London bar was that throughout my whole preparation, the one thing I hadn't prepared was what I would say. Whether I'd accept or not was never in any doubt, but I do wish I'd planned something more refined to say to the partner who called me than 'Wow!' I had visions of him checking at the other end that he really had called the right person!

I am now a few weeks away from completing the LPC at the University of Westminster before doing some well deserved travelling for six months, returning to start my training contract in February 2009. I thoroughly enjoyed my time at Birkbeck and feel I have left with so much more than a degree. However, I have not completely left behind the act of braving the elements for the university as I can still be found on windswept football pitches across London scoring goals for the football team in all weathers!

## Judges: a close-up view

**By Josonia Palaitis, Artist**

On approaching Cumberland Lodge in September 2007 I confess some apprehension ahead of speaking to law students about portrait painting. My travels had brought me far from home and Sydney's art scene and I was not sure what to expect. I was soon at ease when I saw the familiar face of Les Moran, Professor of Law, Birkbeck, University of London whom I had met six months earlier in Australia. By his invitation I was at the Law School Residential Seminar to speak about my experience of painting judicial portraits.

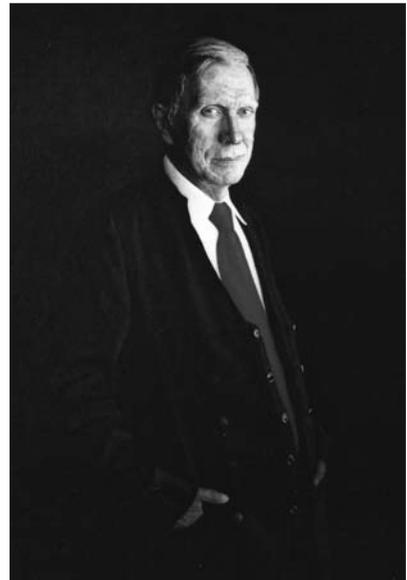
Professor Moran had come to my art studio in Sydney to conduct an interview relating to research he was doing as a visiting fellow in the Faculty of Law, University of Sydney on the

judiciary in Australia. There he saw two of my recently painted portraits of Australian judges and on these the interview mainly focussed. They were of Justice Michael Kirby, High Court of Australia completed in 2006 and Chief Justice James Spigelman, Supreme Court of New South Wales painted in 2007. The interview was an inspiring and thought provoking experience enabling me to articulate the tangible and conceptual dimensions of my work. This provided an underpinning for the seminar, which we co-presented in conversational style, Professor Moran ensuring a cohesive flow as I discussed and showed images of my portrait paintings.

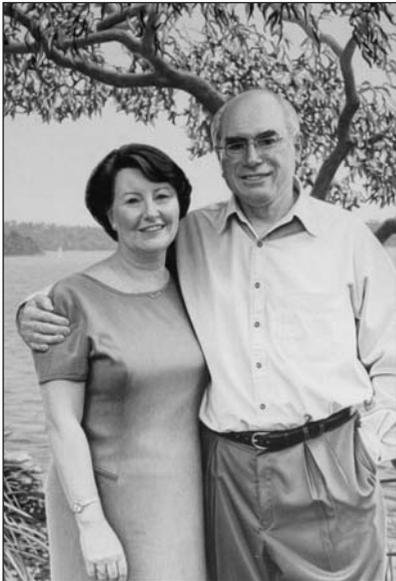
The audience saw my double portrait of Australian Prime Minister John Howard and his wife Janette



James Spigelman, Chief Justice of New South Wales, 2007



Justice Michael Kirby, 2006



Australian Prime Minister John Howard and Janette Howard, 2000

commissioned by the National Portrait Gallery, Canberra; some official portraits showing the robes of office of a Cardinal, university Vice-Chancellor and President of a medical association; and some informal portraits of an Australian cartoon artist, musician, and Aboriginal leader. I showed a prize-winning portrait of my ageing, now late father who had been an artist all his life as well as the two judicial portraits mentioned and an earlier portrait of Michael Kirby. All are painted about life-size in oils and show my meticulous style of realism.

I explained the painting process, which involves working from photographic reference. In particular I spoke of the importance of having one on one meeting, known as 'sittings',

preferably in the subject's environment to make study drawings, take photographs and through observation and communication develop a sensibility for the individuality of character. People in the public eye present a particular challenge in that I must avoid letting external information impact on this first-hand understanding of the person. We had talked about this in the interview and it was pertinent at the seminar when I compared the experience of painting the two judges.

Justice Michael Kirby is well known in Australia. He is a prolific speechmaker and is admired for offering an alternate voice on a range of issues of public interest. On many social and humanitarian concerns he has significantly progressed public debate. In the press he often reported as the dissenting judge and he has spoken openly about his long-standing homosexual relationship.

We first met in 1983 when Michael Kirby was the foundation Chairman of the Law Reform Commission of Australia. Having agreed to be my subject for the Archibald Prize, Australia's most prestigious annual portrait painting competition, he invited me to his chambers in Sydney where I made sketches and took photographs as he attended to his correspondence. The room seemed large and of mysterious low light with a wall-to-wall library, altogether unfamiliar and rather intimidating to a young artist. I remember hearing a request to please avoid conversation. The resulting portrait on a very large canvas is dominated by an enormous bookcase behind a lone figure sitting



Fig 1: Hanging Judge by The Hon Justice Michael Kirby AC CMG

with pen in hand at the desk. Though not selected as finalists for the competition Michael and I kept in touch and occasionally crossed paths.

In the years that followed I took an interest in Kirby's career and his increasingly prominent public profile at home and abroad. In 2005 we decided to have another attempt at the Archibald Prize. For this portrait, with the benefit of maturity and experience, we succeeded in engendering a warm and positive rapport. My subject was forthcoming, talkative, and interested in the portrait project. The depiction shows a strong highlight upon the face with the figure blending into a dark background. The concept for it was referenced from a judicial portrait by early 19th century Spanish artist Goya, one of Justice Kirby's favourite paintings in the Rijksmuseum, Amsterdam.

Success came with this portrait. It was hung in the 2006 Archibald Prize exhibition (see fig 1), acquired jointly by the NSW Bar Association and the Law Society of NSW then officially donated to the Supreme Court of NSW. At an informal ceremony in the President's Court, Sydney, where the portrait now hangs for posterity, Justice Kirby spoke of his time in this courtroom as President of the Court of Appeal of New South Wales between 1984 and 1996 (see fig 2).

My experience with Chief Justice James Spigelman was characterized by friendly restraint. Since he is not as well known as Kirby, I needed to research his background and his judicial role before meeting him for the first time. Our sittings at his Chambers in Sydney were accommodating and agreeable though I encountered difficulty encouraging conversation.



Fig 2: On the Presentation of a Portrait by Josophia Palaitis by The Hon Justice Michael Kirby AC CMG

For this portrait I knew I would need to invoke my deeper instincts of character judgement. My decision to depict the subject in the ceremonial scarlet robes and full bottom wig was inspired by the tradition of judicial portraits I had seen hanging in the Banco Court in Sydney and about which Professor Moran has written.\*

To observe the context of this unique attire I attended several formal occasions at which my subject and other judges were robed up. Seen *en masse* it was difficult to focus on each face, which tended to recede within the wig and be overwhelmed by the distractingly intense colour of the fur-trimmed gown. Here I saw individuality undermined and here I saw the challenge of my portrait! Personality versus Authority I determined to depict the face, usually a portrait's unambiguous focus, to be at least on equal terms with the strong, spectacular outfit. It was a case of how to balance, integrate and resolve this conflict of pictorial interest. The time I spent in the studio painting this judicial portrait was enlivened by a continual play-off between painting the man and painting the tradition for which he stood.

As I departed Cumberland Lodge I reflected upon the perception of judges. Professor Moran's writing has thrown light on how the media and the arts can shape the public's perception. From questions arising at the seminar I gained greater understanding of the perception held by students and practitioners of the law. I trust that in sharing the unusual experience as a portrait painter of

judges I may have added to the enquiry.

**The portraits mentioned can be viewed at the artist's website: [www.jpstudio.com.au](http://www.jpstudio.com.au)**

**\*British Legal History Conference 07 Paper**

Judicial portraits in the age of mechanical reproduction:  
www images version by Leslie Moran,  
Professor of Law, School of Law,  
Birkbeck, University of London.

## Postgraduate News: Observing resistance and Law in Heiligendamm 2007

**Lucy Finchett-Maddock,  
PhD student**

From 6–8 June 2007, the heads of state of the eight most powerful countries in the world met in Heiligendamm, an old seaside resort in Northern Germany, for the annual 'G8 Summit.' So too did Elena Loizidou and Lucy Finchett-Maddock; Senior Lecturer and PhD student of the Law School, respectively. Alongside thousands of other protestors, they descended upon the unsuspecting German countryside for three days of actions and protests, in the face of authority.

And so why, pray, were Elena and I involved in all of this?! With the kind help of the Law School, the pair of us went on our expedition to the anti-G8 mobilisations in order to research working instances of law and resistance, particularly of the radical, anarchist and generally anti-authoritarian leaning. Attending these demonstrations was to gain a first-hand experience of phenomena at the centre of our research interests. Elena and I both went along with the intent of conducting participant observation, something that could combine our research needs alongside a genuine activist commitment to the causes that were being highlighted during the time we were there.

The most common question that arose from friends and colleagues upon our return was, of course, what was all the protesting about? With such a disparate representation of the disillusioned and incensed at the meetings and the campsites we stayed at, it could very well prove difficult to

pinpoint. However, the main objective of the 'Block G8' (who had been organising the blockades for up to two years), was to block and bring to a halt the undemocratic political and economic decision-making that takes place each year at the 'official' G8 Summit. The blockading of the past decade or so has taken impetus from the 'Battle of Seattle' in 1999 when the WTO meeting was held in a strangle-hold by over 40,000 protestors. There were certainly thousands of protestors surrounding the perimeter fence of Heiligendamm 2007, as well as the thousands of others staying at various decentralised campsites in and around the area. So if there were ever such an image of resistance banging on the doors of authority – the fence of the law – then this kind of radical movement would be it, hence Elena's and my own wish to be present. Looking at the self-organised network relations and tactics of the groups were critical to our research interests.



It is difficult to re-capture those moments of amazing, mass events like the anti-G8 – and luckily, I wrote up a quick diary upon our return home, or else this account may be slightly more sparse! Perhaps what struck Elena and I the most over the few days, was the police presence or should I say omnipotence. I had never seen the use of water canons before or even experienced the threat of them. So too for the manner in which the riot police prepared for charging as they altered the positioning of their shields - apparently a well-known tactic of provocation. Obviously, the symbolism of law and resistance is striking, and indeed the manner in which the two feed off one another.

Perhaps our most incredible encounter was with the ‘Black Block’. This is more like a tactic than a group, and every protest has their contingent, their roots being in the Italian ‘Autonomia’ of the late 60s and early 70s. Having just crossed fields and forests on the main march on the second day, we soon discovered we were in the company of some Black Blockers, but it was only when agents of the law presented themselves that we realised who we were with. As I describe in my diary: *“Out came a black flag, some black shades were donned and hoodies appeared hooked onto the back of the boys’ heads – we were behind some of the Black Block tacticians. The presence of the police had triggered at once a solidarity of anti-authoritarianism, twinned with a concealment of the boys’ unique identities. Symbolism diced the thick air. To the right, there were some loose boulders, of which the boys (I say boys, because they were ranging from*

*around 16 upwards) in front began to roll them swiftly into the road, creating a mini-blockade, along with logs and sticks that had been picked up from the forest. What happened was like a stoppage of time, slamming momentum into the back of momentum. The dynamism of law and resistance was at play.”* The evidence of authority was heavy, counting what we thought were eight army helicopters used as a dispersal tactic for the crowds (and it worked!).



We came away from our days in Germany with a plethora of research ideas. The organisation of the supposedly ‘leaderless mob’ was incredible – at every gathering, within minutes there was bottled water, a mobile kitchen, a sound system and



toilets! A very happy resistance. And to make us smile even more, the tactics we learnt about were extremely interesting – including a ‘Naked Block’ and the use of humour by the ‘Clandestine Rebel Clown Army.’

Perhaps most poignant was our role as academics in the face of the practical people – the activists. It was something we both felt as divisive, and something that perhaps should be explored within further Birkbeck fieldwork. In the meantime, we had a wonderful time and would like to thank the Law School for making our research possible.

### Work in Progress Group:

The Work in Progress Group is an informal meeting of current and past postgraduate students and faculty members, who gather to listen to postgraduate students present material that they are currently working on. It has come a long way since it was first established three years ago, with the main aim of the group is to discuss and critique new ideas in a friendly, supportive, yet (constructively) critical environment in which postgraduate students can learn from their peers and members of faculty. Last term we had a number of fascinating presentations planned, which addressed topics such as: the jurisprudential legacy of Jacques Derrida; Giorgio Agamben and resistance in Australian immigration detention; anarchism; and, the jurisprudence of the spectacle.

For further information about the Work In Progress Group please go to: [www.bbk.ac.uk/law/current/postgraduate/mphil\\_phd/readinggroup/wipg](http://www.bbk.ac.uk/law/current/postgraduate/mphil_phd/readinggroup/wipg)

### Congratulations to...

the following Postgraduates students for being awarded their PhDs:

#### **Dr Donatella Alessandrini**

Her thesis topic was *Developing Countries and the Multilateral Trade Regime: The Failure and Promise of the WTO's Development Mission*. Her examiners were Professor Peter Drahos (QMUL) and Professor Anthony Anghie (University of Utah). She is now a lecturer in law at the University of Kent.

#### **Dr Stephen (Rudi) Moffitt**

His thesis topic was *Copyright from a Paradigmatic Perspective: Toward a Framework for Analysing Change*. His examiners were Professor Johanna Gibson (QMUL) and Professor Hector MacQueen (University of Edinburgh).

#### **Dr Olakunle Olatawura**

His thesis topic was *The Creation and Impact of Property Rights in International Sport: A Benevolent and Functional Analysis*. His examiners were Professor Graeme Dinwoodie (QMUL) and Dr Antonio Buti (University of Western Australia).

#### **Dr Ahmed Ali Alkhezaimy**

His thesis topic was *The rule of law debate in Arab countries: the case of the UAE constitution beyond the polarity either modernity or Islam*. His examiners were John Strawson (UEL) and Ian Edge (SOAS).

And to the following Postgraduate students for getting their first established academic posts:

**Richard Joyce**, Lecturer in Law, University of Reading

**Illan Wall**, Lecturer in Law, Oxford-Brooks University

**Matt Stone**, Lecturer in Law, London Metropolitan University

**Ben Golder**, Lecturer in Law, University of New South Wales

Well done to all of them!

## Julien Mezey Prize

One of our former PhD students Dr Brenna Bhandar has been announced as the winner of the 2008 Julien Mezey Prize, awarded annually by the US based Association for Law, Culture and the Humanities. This annual prize is awarded to the dissertation that most promises to enrich and advance interdisciplinary scholarship at the intersection of law, culture and the humanities. The award was presented to Dr Bhandar at the Association's annual meeting in San Francisco, 28–29 March 2008, hosted by San Francisco State University and the University of California, Berkeley. The Association for the Study of Law, Culture and the Humanities is an organization of scholars engaged in interdisciplinary, humanistically oriented legal scholarship. The Association brings together a wide range of people engaged in scholarship on legal history, legal theory and jurisprudence, law and cultural studies, law and literature, law and the performing arts, and legal hermeneutics.

Dr Brenna Bhandar joined Kent Law School in 2007 and teaches on the undergraduate modules of Property Law and Critical Introduction to Law.

## Research News: The British Academy sponsors school research on Islamic and secular identities

**Dr Marinos Diamantides Reader in  
Law and LLB Director**

In 2006–7 we organised three workshops under the title ‘Law, Islam and cultural identity: towards a culture of moderation’ funded by the British Academy. Our concern was with recent debates about the nature of secular and sacred law, where Islamic law has received particular attention. The first aim was to break down the crude opposition of a ‘pre-modern Islam’ and post-modern politics.

The second aim was to focus on the different ways in which law and culture are used to create the ways in which people identify themselves as Muslims. Contrary to a great deal of media presentation Muslim identity is not fixed – but takes different historical forms. Participants examined those historical moments when Islam opens itself up to different cultural forms – whether in the Ottoman Empire in Egypt in the nineteenth century or in the schools of Luton today. We want to show how Islam is a dynamic and multifaceted religion, rather than the monolithic abstraction that forces itself onto the headlines. The workshops took place in London (at Birkbeck), Cairo, Egypt (hosted by the American University of Cairo) and Izmir, Turkey (hosted by Dokuz Eylul University) and they brought together lawyers, activists and scholars based in Britain, Egypt, Lebanon, Turkey, Pakistan and Israel.

The last workshop was held in Turkey in substitution for an event originally scheduled to take place in Lebanon in the Summer 2006 which was cancelled due to the Israeli bombardments. We

are currently editing some of the papers for publication as an edited collection by Routledge/Cavendish.

What did we find out? First that the assumption of a ‘purely secular’ global West that is ‘exceptional’ compared to a purely ‘traditional Islam’ is misleading. The Islamic jurisprudence or fiqh which today’s Islamists claim as sacred is nothing if not the result of the interaction between Greek philosophy, Roman Law and Islamic theology. The transformation from myth to positive law seems to be a feature of all monotheistic religions even if Islamic law was historically the subject of an ‘aborted positivisation’ which gave rise to a highly rational but not centralised legal system. The coincidence of political and sacred authority in a single ‘sovereign’ then has only been achieved in Christian states. Thus understood ‘Islamic law’ could be said to operate today contrary to popular opinion not as not the fearsome complete ‘other’ of Western legal systems but as their dissimilar, anxiety producing, counterpart. Turning to ‘Western’ law we found that the assumption that modern positive law necessarily differs from religious law on account of its ‘instrumentalism’ is unfounded: law advances irrespectively of normative principles and pragmatic targets in a blind, ‘trial and error’ manner.

Turning to Common Law an analysis of recent Islamic veil cases in English courts suggests that the anxiety surrounding them points to what remains veiled in English jurisprudence; the covered face is the figure of one law coming up against

another; of secular and divine authorities challenging one another. The staged opposition in fact obscures the similarity that exists between the common law's construction of human rights and arguments about religious law.

Second, historian participants debunked the fundamentalist myth of a purely religious and monolithic Islamic law. For example, archival work shows that in the 17th–18th centuries reveals that contrary to common knowledge, the administration of justice in the Ottoman Empire allowed their subjects to apply to a variety of courts and pursue different litigation strategies according to the needs of their individual cases. Moreover the 19th century legal reforms in Egypt and the 1917 Ottoman family law also show that secular law and religious law have been brought together in order to redefine notions of identity and belonging. Contrary to traditional historiography of 19th-century legal reform in the Middle East: modernity is not to be understood as the effect of European influence.

Third, in relation with contemporary Islamic identity politics what is at stake is not a conflict between secular and religious laws but managing the ever-present possibility of opening both forms of law to different constructions of identity. In Britain, for example, new forms of Islamic identity can be related to the struggles of Islamic feminists to redefine both the institutions and the theology of their faith that involve conflicting interpretations of human rights, and their relevance to their identity as Muslims and women. Globally too new spaces are

developing for Muslim identity between politics and religion. Importantly, Muslim identity has the possibility of being expressed through attachment to non-religious signifiers (such as opposition to the war in Iraq, questioning of anti-Terrorists laws, suspicion of the politics). None of these positions are conditional on being a Muslim or a believer as they are assumed on account of sentiments about family, suffering, ethics and history, which are relatively autonomous from religious adherence and political Islam. Empirical research on morality and entrepreneurship in post-Soviet central Asian states compliments this thesis by mapping how individual entrepreneurs' identity needs are met by selectively borrowing from scientific positivism, nomadic traditional morality and Sufi teaching.

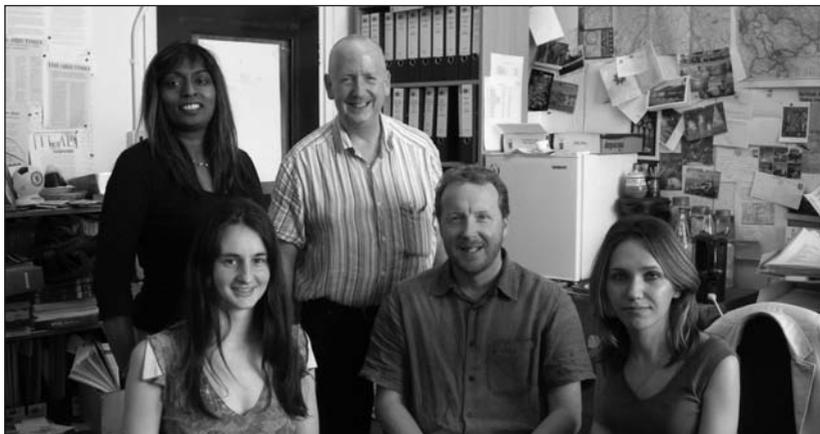
Fourth, the persistence and political abuse of the myth of a sharp division between secular and religious laws call for activists to adopt new tactics and scholars new methodological tools. Activist and lawyer participants from Egypt, Lebanon and Pakistan offered concrete examples of the abusive exploitation of the myth of opposition between secular and divine laws by modern Muslim-majority states both 'secular' and 'Islamic'. For example Egyptian courts bowing to political pressure to 'outdo' Islamists in their religiosity changed their prior decision and declare that Bahatism 'is not a 'religion according to Islam' even as they could not find authoritative sources for this. In changing their position they of course inadvertently exemplify the centrality of interpretation in all things Islamic.

**Dr Adam Gearey, Reader in Law**

Cairo cacacaccacopphy of voices slept  
 in the bucket seat economy class  
 carriage class cheap seats whatever  
 they are called essentially cheap seats  
 worried about the visa but you can get  
 it when you land which I did taxi  
 ringroad all cities are the same  
 restless eternal traffic horns exhaust  
 dust flats and the october war museum  
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 thought they lost but the sign says  
 they won strange victory but history is  
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 cannot think otherwise from hotel  
 window cairo looks like dublin and the  
 highcourt is some kind of vegas casino  
 american university's shaded rooms  
 lawns and fountains discussion and a  
 white cat who slips between the legs  
 of wicker chairs of discussants in the  
 shaded quad marinos speaks good  
 arabic and speaks in mobile in italian  
 then back to arabic house in desert  
 tunis plans cars and meetings and as  
 we drive through the mad city talks of  
 family links and I watch lovers meeting  
 on the bridge over the Nile whose  
 water takes six months to reach here  
 from source in uganda past endless  
 shops selling shoes and crumbling  
 stuccoed building where no doubt  
 colonial europeans used to close long  
 wooden shutters against heat and sit  
 in servanted rooms watching shadows  
 of afternoon sunlight play on white  
 plastered walls and then later at party  
 meet philys student of kennedys in  
 harvard what are you doing here  
 talking in the bathroom conversations  
 in english and arabic and fine library of  
 foucault apple pipe tobacco speaking  
 with driver in broken english wallet  
 pictures of family and talk of shariah

with activists and lawyers and stories  
 then nearly missed the flight home  
 because old terminal one is not new  
 terminal one in cairo nothing changes  
 everything changes all the time.

## Birkbeck theory and human rights practice



At the EHRAC office - from the left: Tina Devadasan, Project Manager; Bill Bowring; Kirsty Stuart, Publicity and Funding; Prof Phil Leach; Oksana Popova, Administrator.

### **Professor Bill Bowring, Professor of Law**

Birkbeck Law School is celebrated worldwide for its radical critique of law, especially human rights. It's scholars are at the cutting edge of theoretical inquiry into law and justice. Over the past two years Birkbeck has also undertaken an even closer engagement with the world of human rights practice.

In terms of teaching, this means the participation, in the Spring Term, of scholar activists from the Redress Trust (reparation for torture survivors), and the Children's Legal Centre, in teaching a course on Human Rights to third and fourth year undergraduates.

The LLM in Human Rights now has an optional course entitled "Human Rights in Britain (Clinical Course)", run in conjunction with the AIRE Centre (Advice on Individual Rights in Europe

and Liberty (the National Council for Civil Liberties). Students worked on a "live" case against the UK. This concerned a European Court of Human Rights case involving the right of parents to claim damages when their children are wrongfully removed. Students were involved in drafting Applications and Government Observations, as well as a critical essay questioning the efficacy of mechanisms such as the ECHR. Finally a new course in International Minority Rights for the LLM is taught with the Minority Rights Group, an international NGO providing advocacy for minority and indigenous groups.

Birkbeck Law School has also developed a close association with the European Human Rights Advocacy Centre (EHRAC), which I founded in 2002 with a grant of £1 million from the European Commission. EHRAC is now celebrating its fifth birthday, assisting applicants in more than 200

applications to the European Court of Human Rights at Strasbourg. The project employs five staff in London, nine in Russia, and one in Georgia. The London office of EHRAC could not survive without its dedicated interns, including Birkbeck students,

In 2005 we won the first six Chechen cases against Russia. The applicants include mothers whose children were killed when the Russian Air Force bombed a civilian convoy of 1,000 vehicles seeking to flee from Grozny, on a “green route” which Russian commanders had said would be safe. The other cases concerned massacres of civilians. The applicants are not interested in money: what they want from the Court, and received, is the most authoritative validation of their truth, of what befell them.

We also won the first environmental cases against Russia, for a family suffering serious illness through the fact that they were housed in the “danger zone” around a giant steel plant. I had the privilege of appearing before the Chamber of the European Court of Human Rights in both those cases. EHRAC has now helped to win more than 25 cases at Strasbourg and I am currently assisting applicants in cases involving Tatars, detained at Guantanamo, freedom of religion, so-called “suicide” in prison and victims of police ill-treatment.

These activities reflect a growing interest in the Law School in exploring the interlace between theory and practice. Discussions of legal and political strategies and how these can be used to deal with abuses are

receiving an increasing amount of attention in our courses. I am presently active in a number of organisations, and can advise students and alumni who have similar interests. So please get in touch with me if you want to hear more.

Involvements with such organisations is not always a delight! In November 2005 I was on my way to observe, on behalf of BHRC, the trial in Nizhny Novgorod of a leading human rights activist, Stas Dimitrievsky. I had already travelled there in June to meet him and his government persecutors. I was held for six hours by the FSB (former KGB) before being deported, with my multi-entry visa cancelled. The border guards refused to give reasons. After sending interrogatory letters from my home address to the FSB and nine other Russian government departments, most replied within the month allowed by Russian law. One letter gave me reasons on the basis of which I was able to start judicial review proceedings in Russia, with the help of a brilliant lawyer. The court where the airport is situated accepted jurisdiction, and I got an excellent female judge, who started demanding evidence from the FSB, to support the reasons they had given. After two adjournments I was able to return to Russia, with a new visa.

In November 2007 I was ordered to leave Russia once more – but for quite different reasons. I was training senior judges in Astrakhan, in southern Russia on the Caspian Sea, on the invitation of the Russian Supreme Court, for an EU project. All EU experts were given “tourist visas” – which I

thought was wrong. On the Thursday and Friday I trained judges, and was due to do so again the following Monday and Tuesday. Also on Friday I met the local Human Rights Ombudsman, Major General of police (retired) Saltygov and his staff. They gave me their mobile phone numbers.

At 8am on the Saturday morning hammering on my hotel room door waked me. I opened, to find five heavies in leather jackets, and a glamorous blonde woman in a fur coat. She turned out to be the interpreter. The heavies were from the Federal Migration Service (FMS) and ordered me to come with them, after handing them my passport. Luckily, I was able to call the Ombudsman – and his staff arrived within minutes at the FMS office. They demanded the names of the heavies who arrested me, insisted

on seeing their boss, and said they would not leave until I did. It turned out that the FMS had been tipped off by the local FSB. I was treated very correctly, and was told that having the wrong visa was not my fault. I was fined the minimum of 2,000 roubles (£40) and told to leave Russia on the Monday. No other action was taken.

After my return home General Saltygov called me on my mobile to check that everything was OK. At the same time, the FSB tried to plant a story in the leading Moscow daily paper “Kommersant”, alleging I had been thrown out for trying to stir up rebellion against Putin! Luckily the journalist had my mobile number, and I gave him the true story, which then appeared on the front page with my picture. It is never dull being a professor at Birkbeck!



At a hearing at the Court of Human Rights, Strasbourg 2005 – from the left Prof Phil Leach, Director of EHRAC; Kirill Koroteev, EHRAC lawyer; Dokka Itslaev, Vice-Chair on EHRAC, a Chechen lawyer; Bill Bowling.

## Birkbeck professor investigates cultural dimensions of Brazilian dance

### Professor Fiona Macmillan

In December 2007 I spent a week in São Paulo as part of a delegation, which was seeking to make links with Brazilian colleagues working in the creative industries. The trip, which was focussed around the Brazil–United Kingdom Workshop on Innovation and Investment in the Creative Industries, was organised and funded by the Arts and Humanities Research Council (AHRC) and the Foreign Office.

Colleagues at the AHRC put together a multidisciplinary group from the UK, which included professors of Cultural Studies, Dance, Drama, Design, Film, Information Technology, Music, and Theatre Studies. Luckily the AHRC also realises that cultural policy is intimately related to intellectual property law, so it also made room for my colleague Dr Charlotte Waelde from the University of Edinburgh and myself.

The Workshop was a vibrant intellectual encounter between cultures and disciplines, which seemed to draw energy from the extensive programme of social and cultural events that were its accompaniment. These included a reception at São Paulo's newly opened Museum of the Written Word, which is spectacularly housed in a regenerated railway station, and a visit to the Vila Maria Samba School. As I discovered, a Samba School is more than just a samba school, it's also an inspiring social project offering medical care, counselling and facilities for all sorts of cultural activities other than samba.

During my visit there were a number of very interesting discussions on the role of intellectual property law in the

creative industries. These discussions have led to the establishment of an interdisciplinary research project, which will focus on the impact of intellectual property in the non-text based creative sectors of music and dance. Already, the mix of disciplinary positions within this research project is generating contentious and stimulating debate. At least, however, there is no debate about the fact that, amongst academics, intellectual property specialists are the best samba dancers.

## Recent staff publications

**Patrick Hanafin**

*Conceiving Life: Reproductive Politics and the Law in Contemporary Italy*  
Ashgate, 2007

This volume examines the evolution of reproductive law in Italy from the ‘far west’ of the 1980s and 90s through to one of the most potentially restrictive systems in Europe. The book employs an array of sociological, philosophical and legal material in order to discover why such a repressive piece of legislation has been produced at the end of a period of substantial change in the dynamic of gender relations in Italy. The book also discusses Italian policy within the wider European policy framework.

**Piyel Haldar**

*Law, Orientalism and Postcolonialism: The Jurisdiction of the Lotus-Eaters*  
Routledge, 2007

Focusing on the ‘problem’ of pleasure *Law, Orientalism and Postcolonialism* uncovers the organizing principles by which the legal subject was colonized. That occidental law was complicit in colonial expansion is obvious. What remains to be addressed, however, is the manner in which law and legal discourse sought to colonize individual subjects as subjects of law. It was through the permission of pleasure that modern Western subjects were refined and domesticated. Legally sanctioned outlets for private and social enjoyment instilled and continue to instil within the individual tight self-control over behaviour. There are, however, states of behaviour considered to be repugnant to, and in excess of, modern codes of civility.

Drawing on a broad range of literature (including classical jurisprudence, eighteenth century Orientalist scholarship, early travel literature, and nineteenth century debates surrounding the rule of law), yet concentrating on the experience of British India, the argument here is that such excesses were deemed to be an Oriental phenomenon. Through the encounter with the Orient and with the fantasy of its excess, Piyel Haldar concludes, the relationship between the subject and the law was transformed, and must therefore be re-assessed.

**Michelle Everson and Julia Eisner**

*The Making of a European Constitution: Judges and Law Beyond Constitutive Power*  
Routledge, 2007

An original and innovative recasting of constitutionalism, written by acknowledged experts in the field, this empirically grounded and theoretically informed volume addresses the strategies and philosophies that judges and lawyers bring to bear when creating European constitutional jurisprudence; investigating and promoting the sustainability of a theory or praxis of ‘procedural’ constitutionalism.

Building upon European and American critical legal scholarship, Michelle Everson and Julia Eisner argue that constitutional adjudication has never been the neutral matter of a mere judicial ‘identification’ of the values, norms and procedures that each society seeks to concretise in its own body of constitutional law. Instead, a

'mythology' of comprehensive national constitutional settlement has obscured the primary legal constitutional conundrum that is created by the requirement that a judiciary must always adapt its constitutional jurisprudence to the evolving values that are to be found within any society; but must always, also, maintain the integrity and autonomy of the law itself.

European judges and lawyers, having been denied recourse to all forms of constitutional mythology, provide us with an alternative model of constitutionalism; one that does not require a founding myth of constitutional settlement, and one which both secures the autonomy of law, as well as ensures dialogue between law and society. This occurs, however, not through grand theories of 'constitutional adjudication' but, as *The Making of a European Constitution* documents, rather through a practical process.

### Bill Bowring

*The Degradation of the International Legal Order: The Rehabilitation of Law and the Possibility of Politics*  
Routledge, 2007

"Extraordinarily erudite and rigorous, this is a virtuoso critical defence of international law and human rights, from attacks from the right, cynicism from the left, and, perhaps most damaging of all, from their so-called friends, those cheerleaders who relentlessly cite them as justification for imperial projects." – China Mieville, author of *Between Equal Rights: A Marxist Theory of International Law* (Brill, 2005)

"Generosity of spirit, intellectual curiosity and political conviction shine through this book. Bill Bowring opens up current debates on our political orientation to international law and uncovers the equivocal role of international law in contemporary capitalism. This is a fine work of engagement as well as scholarship." – Robert Fine, Professor of Sociology at Warwick.

Providing the basis for critical engagement with the pessimism of the contemporary age, *The Degradation of the International Legal Order?* argues passionately for a rehabilitation of the honour of historic events and processes, and of their role in generating legal concepts.

Drawing primarily from the Marxian tradition, but also engaging with a range of contemporary work in critical theory and critical legal and human rights scholarship, this book analyses historical and recent international events and processes in order to challenge their orthodox interpretation. What is thus proposed is a new evaluation of international legal principles and human rights norms, the revolutionary content of which, it is argued, turns them from mere rhetoric into powerful weapons of struggle. Accessibly written but theoretically sophisticated, this original and timely book is intended for critical teachers and students of international law, human rights and international relations, as well as legal and political activists.

### Marinos Diamantides (ed)

*Levinas, Law, Politics*

Routledge, 2007

Emmanuel Levinas' re-formulation of subjectivity, responsibility and the good has radically influenced post-structuralist thought. Political and legal theory, however, have only marginally profited from his moral philosophy. Levinas' theme of the one's infinite responsibility for the other has often been romanticized by some advocates of multiculturalism and natural justice. In this volume, political theorists, philosophers and legal scholars critically engage with this idealization of Levinas' ethics.

The authors show that this crucial formulation of the idea of 'the other in me' does not offer a quick cure for today's nationalist, racist and religious divides. Nor does his notion of anarchic responsibility provide immediate relief for the agony of dealing with matters of life or death. The rebelliousness of Levinas' thought is rediscovered here and used to challenge preconceptions of social, legal and individual responsibility.

### Fiona Macmillan (ed)

*New Directions in Copyright Law,*

*Volume 6*

Edward Elgar, 2007

Published in association with the AHRC Research Council, this is the final volume in this series, which has considered copyright from a range of disciplinary perspectives including law, politics, economics, cultural studies and social theory, in an effort to forge a truly coherent and meaningful

agenda for the future of copyright.

The volume is structured around the six themes of the AHRC Network on New Directions in Copyright Law, which are:

- (1) the theoretical framework of copyright law;
- (2) globalisation, convergence and divergence;
- (3) developments in rights neighbouring on copyright;
- (4) protection of traditional knowledge and culture;
- (5) copyright and the new technologies;
- (6) copyright, corporate power and human rights.

The contributors to the volume are Andrew Christie, Graeme Dinwoodie, Ian Eagles, Michael Handler, Paul Heald, Eva Hemmungs Wirten, Emily Hudson, Andrew Kenyon, Louise Longdin, Fiona Macmillan, Neil Netanel, Helle Porsdam, Robynne Quiggin, Andreas Rahmatian, Joseph Savirimuthu, Stina Teilmann, and Kim Treiger.

## No Longer With Us



Sharland Hewett-Emmett LLB (Birkbeck 1936)

### Sharland Hewett-Emmett

(LLB Birkbeck 1936) died peacefully in hospital on January 31 2008, aged 97, after a short illness and a very fulfilling life. Son of William Thomas and Mary, he is survived by Edith Mary, his loving wife of 67 years. Father of David and the late Elizabeth, he is also survived by his brother Tony, nephews Toby and Matthew, and niece Judy. He spent his entire working life (1926–1972) in the Town Clerk’s Department, Lewisham Borough Council, obtaining a law degree in 1936 (part-time, from Birkbeck College, London) and serving from 1943–1945 in the Royal Signals. He was Assistant Town Clerk when he retired. His funeral was held at Eastbourne Crematorium on 21 February 2008.



Ichiko Shirasun Flynn LLB (Birkbeck 2003)

### Ichiko Shirasun Flynn

(LLB, Birkbeck 2003) was one of the most remarkable students we had the good fortune to meet in the Law School. Her father, a renowned Japanese poet and political activist, was persecuted by the Japanese authorities for his anti-nationalist activities and had to go underground during WWII. He inspired in Ichiko a deep and long-lasting commitment to the human rights of the oppressed. This sense of dissent and struggle moved Ichiko throughout her life.

Ichiko moved to England in the late Seventies and worked for many years at the BBC. Her experience of persecution and opposition to authoritarianism led her to legal study and Birkbeck. Birkbeck was a mainstay of Ichiko’s life in the last period of her life, when she enjoyed all aspects of Birkbeck Law from sub-degree to postgraduate level. She joined the Legal Method course in 1999 and the LLB in 2000 graduating in 2003.

Having become one of the most prominent and loved students at Birkbeck, she then joined the newly established MRes degree graduating in 2004. Her aspiration to become a lawyer was getting closer. In 2005 she was admitted to the Bar finals which she had to abandon because of illness.

What struck everyone who came across Ichiko, was her kindness, serenity and elegance coupled with huge encyclopaedic knowledge (she was a great expert in French literature and opera) and a strong sense of morality and anger against injustice. I recall her essay on torture for human rights and her presentation about the Pinochet case for an MRes class. Referring to her personal and family experiences in Japan and comparing them with the Chilean dictatorship and the war against terror, she moved the class to tears. Ichiko had the ability to construct a few elegant and creative sentences, which made you see the world in a different way.

It is the tradition in my courses to conduct the last class before Christmas with the help of some food and drinks. Ichiko brought homemade sushi for the last human rights class. They went in five minutes leaving the scotch eggs and crisps untouched. People complained that they had not tasted the great delicacies. 'Don't worry', was her reply, 'I will bring some more tomorrow'. Generosity of spirit, immense erudition and fervour against injustice were Ichiko's characteristics. We were fortunate to have met such a wonderful person.

**Professor Costas Douzinas**

## Past and Forthcoming Events

### 24th Critical Legal Conference 'Walls'

**Dr Elena Loizidou,  
Senior Lecturer in Law**

Last September the School of Law hosted the 24th Critical Legal Conference. The conference, themed 'Walls', was inspired by the current political, social, legal and economic divisions that plague our contemporary world. It drew together a large international group of 280 scholars and students from Australia, South Africa, India, Nepal, Denmark, Sweden, Portugal, Italy, Spain, US and the UK to present and discuss their work around that theme. The conference programme was diverse, and included plenary addresses, keynote addresses, book launches and a video artist production.

Professors' Emiliios Christodoulidis (School of Law, Glasgow University) , Elizabeth Povinelli (Anthropology Department, Columbia University), and Karin Van Marle (Department of Legal History, University of Pretoria) gave the open plenary lectures which were sponsored by the journal of *Social Legal Studies*. These were followed by a Keynote address by the internationally acclaimed philosopher Slavoj Zizek (Birkbeck Institute of Humanities), which was sponsored by the journal *Law and Critique*. Enrique Dussel (UNAM Mexico, UAM Lztapalala), Walter Mignolo (Faculty of Literature, Duke University) and William Rasch (Department of Germanic Studies, Indiana University) also gave plenary lectures sponsored by the School of Law, Birkbeck College. The launch of Professor Costas Douzinas book of *Human Rights and Empire* was generously sponsored by the publisher

Routledge-Cavendish. The conference ended with a video production 'Freedomism: An account of a meeting in Seven Acts' by the Dutch artist Nicoline Van Harskamp, in which members of the School of Law along with postgraduate students actively and enthusiastically participated.

If we can go by congratulatory correspondence that the Critical Legal Conference collective (Elena Loizidou, Illan Wall, Victoria Hunt, Ben Golder, Victoria Ridler and Oscar Guardiola Rivera) recalled "Walls" was a great success. The number of participants, the level of sponsorship, and rigorous discussions, debates and partying that took place all attested to this. Despite the theme or, perhaps because of it, we found ways, sometimes confrontational ones, in which to re-think and re-imagine concepts, structures and ideas that block the possibility of a just world. A conference might be regarded by many as a pale motivator for transformation, but the way of hosting a conference or the way of participating in it, can be transformatory.

I am writing this three days after the physical barrier in Nicosia's focal Ledra's streets has been lifted (3rd April 2008) and the movement of Cypriots from the Turkish and Greek Communities in this arterial street of Cyprus capital took place after 45 years. This of course is not a final solution for the two communities but it signals the beginning to an end to the 'walls' that have divided them, an end that is anticipated and desired by all those that are now walking along Ledra's street. We hope that the Critical Legal Conference 2008 that

will be hosted by the School of Law at Glasgow University on the 4–6 September will continue the flow of energy and conversation that last years Critical Legal Conference activated.

## ADB Associate Secretary visits Birkbeck

In September 2007, the School of Law hosted a visit by Suresh Nanwani, Associate Secretary of The Asian Development Bank's Compliance Review Panel. Suresh is an expert on the development of dispute resolution mechanisms in the context of international law and development institutions. During the course of his visit to the School he gave two presentations. The first was a seminar held on 17 September for NGOs, Law School staff and alumni entitled "ADB Accountability Mechanism and Cases Handled by the Compliance Review Panel: Fixing Problem Projects".

He was also a guest speaker at the 2007 Cumberland Lodge Residential Seminar with its theme on "Judges and Judging". His presentation entitled "Beyond Adjudication: Dispute Resolution at Multilateral Development Banks & ADB Accountability Mechanism" provided an overview of the ADB accountability mechanism and offered a case study of a claim under a highway project in Sri Lanka that went through the Accountability Mechanism process.

## '12 Angry Men' cinema event

With the opening of the new Birkbeck College Cinema on Gordon Square, the Law School held it's first 'Cinema Evening' event for Alumni last January. The classic film '12 Angry Men' was shown which was followed by a staff-led discussion and a prize giving ceremony, where awards were presented to both current and graduated students. The evening ended in true Law School style, with a traditional cheese and wine reception!



Law School Summer Party 2007

### Law School Summer Party

In June, the Law School hosted its 2007 Law School Summer Party for all staff, Alumni, PhD and newly graduated students. The good weather, food, wine and Caribbean music band ensured everyone had a good time.

Please join and help us celebrate the end of yet another year at the Law School on Saturday 21 June 2008, 3–7pm Malet Street Gardens. Families are also welcome.

**If you would like to attend then please contact Leila Dajani on 020 7631 6504 or email her on [l.dajani@law.bbk.ac.uk](mailto:l.dajani@law.bbk.ac.uk).**

### Judicial master class: on human rights and judging

Justice Edwin Cameron, a visiting Judge in the Law School at Birkbeck, together with Lady Justice Arden of the Court of Appeal, will talk about the impact of human rights legislation upon judicial decision-making in England and South Africa at 6.30pm on Thursday 26 June, room B18, Malet Street, Birkbeck, University of London.

Justice Cameron has a long and distinguished career as a human rights lawyer. While he was Professor of Law at the University of Witwatersrand Centre for Applied Legal Studies he co-drafted the Charter of Rights on AIDS and HIV, co-founded the AIDS Consortium and founded and was the first director of the AIDS Law Project. He was also appointed to the High Court in 1995 and is now appointed to South Africa's Supreme Court of Appeal. This workshop is the first event he will be hosting in his role as Visiting Judge in the Law School.

### Visit by Michael Kirby

The Law School is delighted to invite you to attend a seminar by The Honourable Justice Michael Kirby titled 'Sexuality Law Reform – a failure of the Commonwealth of Nations' at 5.30pm on Thursday 17th July, room B18, Malet Street, Birkbeck, University of London.

Justice Kirby was appointed to Australia's Supreme Court, the High Court of Australia in February 1996 and is due to retire from that post in 2009. He is regarded as the inheritor and keeper of the Australian High Court's "progressive tradition" and his judgments are regarded as liberal in their approach as well as exhibiting compassion and thoughtfulness. He is well known for his dissenting judicial opinions and received Australia's highest civil honour when he was made a Companion of the Order of Australia in 1991 and in the same year was awarded the Human Rights Medal.

### Cumberland Lodge

Our annual residential weekend at Cumberland Lodge, Windsor Great Park, will take place between Friday 19 and Sunday 21 September 2008. The theme this year will be 'Birkbeck Theory and Human Rights Practice'. Invites will be sent out in June. For further information please email Sue Baines at [s.baines@bk.ac.uk](mailto:s.baines@bk.ac.uk)

## 'Working with a black empowerment law firm in South Africa: reflections of a London lawyer'

In September Clare McConnell, Partner of Pinsent Masons LLP (part of PMLG – an international group of Law firms) will talk about her experiences of advising the provincial government of Gauteng (South Africa) on its negotiation of Gautrain – the largest railway under construction in the world joining Pretoria and Johannesburg). She will talk about what it was like to be part of a team of international lawyers working with a black empowerment law firm and will reflect upon how the international lawyers went about transferring their skills to local lawyers and the issues it raised. Please visit the Law School website for a confirmed date and time for this event.

## De Cataldo film event

We are delighted to announce that Dr Giancarlo De Cataldo will be speaking at an event at the Law School at the beginning of the next academic year. Dr De Cataldo is an Appeals Court judge in Rome and a well-known writer of crime fiction. He is the author of the novel *Romanzo Criminale* and a co-screenwriter of Michele Placido's internationally acclaimed film of the same name, which will be screened on the day and followed by a discussion.

**Please note that places for all events will be limited. For further information about upcoming events please either contact Leila Dajani at [l.dajani@law.bbk.ac.uk](mailto:l.dajani@law.bbk.ac.uk) or visit [www.bbk.ac.uk/law/alumni/events](http://www.bbk.ac.uk/law/alumni/events)**

# Get Involved!

## Update your details

- Have your details changed?
- Can you contribute to the Birkbeck Law Alumni Association?
- Would you like to tell your fellow graduates about your life after Birkbeck?

Please fill in this form and return to the Alumni Relations Office so we can keep you updated of happenings both in the School of Law and across the College.

### About you

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_

Tel Home \_\_\_\_\_ Tel Work \_\_\_\_\_

Email \_\_\_\_\_ Date of Birth \_\_\_\_\_

### About your studies

Course studied \_\_\_\_\_ Award \_\_\_\_\_

Year \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

### About your current employment

Employer \_\_\_\_\_ Position \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Did your course at Birkbeck enhance your employment prospects?

Yes  No

Comments \_\_\_\_\_

\_\_\_\_\_

# Contribute to *InCorporate*

## I would be interested in:

- Joining the alumni law committee
- Networking Events
- Contributing articles to future editions of the newsletter
- Mooting Competitions
- Mentoring current undergraduates
- Contributing an undergraduate/alumni prize
- Attending lectures/talks by high profile speakers
- Representing Birkbeck in the Media/Publicity
- Contributing to the Birkbeck Alumni Fund
- Including Birkbeck in my Will

Would you like to tell your fellow graduates about your career post Birkbeck? You could be giving some great advice! Please give some brief details and we will be in contact for the next issue.

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Please include your photograph if possible.

Any other comments about the newsletter and what you would like to see featured in future issues. All feedback is hugely appreciated and helps focus the newsletter in the right direction.

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## Please return to:

Alumni Relations Office, External Relations, Birkbeck, University of London,  
Malet Street, Bloomsbury, London, WC1E 7HX  
Email: [alumni@bbk.ac.uk](mailto:alumni@bbk.ac.uk)

## Contact us

If you have any questions, comments, queries or suggestions about the Birkbeck School of Law please don't hesitate to contact the School Office.

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