

School of Law Research Newsletter No. 7, January to June 2014

New Publications

Dr Samia Bano

Bano, S and J. Pierce (2014) (eds.) Personal Narratives, Social Justice and the Law, Special Issue, *Feminist Legal Studies*, January 2014, Vol. 2, Issue 3.

2014: Introduction in (eds.) Personal Narratives, Social Justice and the Law, Special Issue, *Feminist Legal Studies*, Vol. 2, Issue 3

Professor Mashood Baderin

Edited a three volume collection on Islamic Law:

Volume 1: *Islamic Legal Theory* (Ashgate Publishing Ltd., 2014).

Volume 2: *Issues in Islamic Law* (Ashgate Publishing Ltd., 2014).

Volume 3: *Islamic Law in Practice* (Ashgate Publishing Ltd., 2014)

Dr. Gunnar Beck

'The Court of Justice, legal reasoning, and the Pringle Case - Law as the continuation of politics by other means', *European Law Review*, (2)2014, pp. 234-250

Ernest Caldwell

'Social Change and Written Law in Early Chinese Legal Thought', *Law and History Review* 32.1 (2014), p. 1-30.

'Review of Mike MacConville and Eva Pils eds., 'Comparative Perspectives on Criminal Justice in China'.', *China Quarterly* 216 (2014), pp. 1078-1080.

Professor Philippe Cullet

'Groundwater Law in India – Towards a Framework Ensuring Equitable Access and Aquifer Protection', *Journal of Environmental Law*, 26(1) (2014), pp. 55-81.

'A Meandering Jurisprudence of the Court – The Evolving Case Law Related to Water' in (eds)

Suresh, M. and Narrain, S., *The Shifting Scales of Justice: The Supreme Court in Neo-liberal India*. Orient Blackswan (2014), pp. 139-161

'The Human Right to Water in Rural India – Promises and Challenges' in (eds) Stern, S. and Straus, S., *The Human Rights Paradox – Universality and Its Discontents* University of Wisconsin Press (2014) pp. 204-223.

'In Defence of Free Water – Beyond The Delhi Experiment' *The Statesman* (2 March 2014), p. 6.

'Water as a Human Right and Economic Good: Policy Challenges for Europe' *Government Gazette* (March 2014), p. 22.

Mr Nick Foster

'Lead Us Not into Temptation": the Formulation of the Present Orthodoxy and the Deficiencies of Regulation' (2014) *SOAS Law of Islamic Finance Working Papers Series No 1*

'Making People Behave Properly in Islamic Finance: Some General Thoughts' (2014) *SOAS Law of Islamic Finance Working Papers Series No 2*

'Some Thoughts From Legal Academia On "Reappraising The Islamic Financial Industry After The Downturn: Introspective Reflections"' (2014) *SOAS Law of Islamic Finance Working Papers Series No 3*

'Islamic Financial Intermediation: Revisiting the Value Proposition - The Role of Law' (2014) *SOAS Law of Islamic Finance Working Papers Series No 4*

'Operating with a Truncated Legal System: Financial Law without Insolvency Law' (2014) *SOAS Law of Islamic Finance Working Papers Series No 5*

'Limited Liability and Islamic Law' (2014) *SOAS Law of Islamic Finance Working Papers Series No 6*

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(With Neo, D) 'Dispute Resolution and Insolvency in Islamic Finance: Problems and Solutions - Seminar 19 September 2013: Report of Proceedings' (eds) (2014) Centre for Banking & Finance Law, Faculty of Law, National University of Singapore, report number CBFL-Rep-NFDN1 / CIMEL, SOAS, University of London, *SOAS Law of Islamic Finance Working Papers Series* No 7.¹

Professor Werner Menski

'The liquidity of law as a challenge to global theorising'. *Jura Gentium*, Vol. XI: *Pluralismo Giuridico*. Anno 2014, pp. 21-44 [ISSN 1826-8269].²

'Legal simulation: Law as a navigational tool for decision-making'. Special Lecture. In *Journal of the Japan Coast Guard Academy*, 59 (1) (2014), pp. 1-22 [partly in Japanese].

'Plurality-conscious re-balancing of family law regulation in Europe'. In: Prakash Shah, Marie-Claire Foblets and Matthias Rohe (eds.) *Family, religion, and law: Cultural encounters in Europe*. Farnham: Ashgate, 2014, pp. 29-48.

'Author and subject index to IANL Vol 27 (2013). *Immigration, Asylum and Nationality Law*, 28.1 (February 2014), pp. 66-107. [ISSN 0269-5774].

David McIlroy

'The Problem of Human Rights' (2014) 19(3) *Ethics in Brief*.

Maria-Federica Moscatti

Pasolini's Italian Premonitions: Same-Sex Unions and the Law in Comparative Perspective, London (2014): Wildy, Simmonds & Son.

¹ SOAS Working Papers in the Law of Islamic Finance are available at: <http://www.soas.ac.uk/cimel/workingpapers/>.

² <http://www.juragentium.org>.

Dr. Lutz Oette

'From Calculated Cruelty to Casual Violence: The United Nations War Crimes Commission and the Prosecution of Torture and Ill-Treatment' *Criminal Law Forum* 25 (2014) 1-2, 291-321.

'Book review: Law's Fragile State: Colonial, Authoritarian and Humanitarian Legacies in Sudan by Mark Fathi Massoud', *Journal of African Law* 58 (2014)1, 175-178

Dr Yoriko Otomo

'Her Proper Name: A Revisionist Account of International Law' in *London Review of International Law* 2(1) (2014)

(with Dr Stephen Humphreys, LSE): 'Theorising International Environmental Law' as an LSE Working Paper, 9/2014

Dr Anicée Van Engeland

'Islam as Religion of Peace: an Articulated Reply to Terrorism', in (ed) Barnidge, E, *The Liberal Way of War: Legal Perspectives*, pp.

Grants, Prizes, Honours

Professor Mashood Baderin

In March 2014 Professor Baderin was invited to serve as a Member of the Foreign Office Advisory Group on Freedom of Religion and Belief advising FCO Ministers and Staff.

On 26th March 2014 Professor Baderin in his role as UN Independent Expert for the Sudan was invited to a meeting with the UK Minister for Africa, Mark Simmonds, to discuss the situation of human rights in the Sudan. The meeting was mentioned by the Minister in the House of Commons debate on 27th March in response to a question on the Sudan.

Dr. Gunnar Beck

On 13 June 2014 Dr. Beck delivered a lecture entitled *The Legal Reasoning of the Court of Justice of the EU* to the Legal Service at the Council of Ministers, EU, Brussels.+

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Dr. Beck continued to serve as a member of the academic advisory and author's panel of the ECRE/European Commission funded research project entitled 'Promoting the EU Charter of Fundamental Rights within EU national courts.'

Professor Philippe Cullet

British Council UK-India and Education Research Initiative (UKIERI): Thematic Partnerships, Climate Change and Groundwater Management: An Indian Law and Society Comparative Study (2013-2015).

Maria-Federica Moscatti

Has drafted a successful application for EU funding for, and is now co-ordinating, an EU Commission Civil Justice Programme research project entitled: Litigious Love: Same-Sex Couples and Mediation in the EU. On behalf of an Italian Association of lawyers she further secured another EU Commission grant under the Daphne Programme for a project entitled: Bleeding Love: Domestic and Dating Violence against Lesbian Women and Transgender Women.

Professor Lynn Welchman

Professor Lynn Welchman has been appointed a named advisor to the project team from Birzeit University's Institute of Community and Public Health on a research project funded by the Arab Social Sciences Council under the title "Rendering East Jerusalem Visible: A Case Study of Kufr 'Aqab." The project will run May 2014-September 2015.

Dr Anicée Van Engeland

Dr Van Engeland, Mr Nick Foster, Prof Mashood Baderin and Dr Jonathan Ercanbrack successfully led a grant application to convene workshops on the theme of "Theorising the Reconciliation between the State and the Shari'a in a Western Context, With Special Reference to the United Kingdom"

Dr Anicée Van Engeland was re-confirmed as a member on the advisory board of the Irmgard Coninx Foundation in Berlin. She was also elected as an officer for BRAIS and is the Deputy Director (Programmes) at Centre of Islamic and Middle Eastern Law, SOAS

Research-related Activities (including Knowledge Transfer and Academic Leadership)

Dr Samia Bano

Made the following conference presentations:

- May 2014, *What is Muslim Family Law in the UK?* CIMEL Conference, Theorising the Reconciliation Between the State and the Shari'a in a Western Context with Special Reference to the United Kingdom.
- March 2014: *Muslim Marriage Contract and the Experiences of British Muslim women in the UK*, Staff Research Seminar Series, SOAS Law School

Dr Gunnar Beck

In February and May 2014 respectively Dr. Beck submitted written and oral evidence entitled *The pro-Union legal argumentation of the Court of Justice of the EU* to the House of Commons All Party Parliamentary Group on European Reform. The Parliamentary Group's Final Report based on its *Inquiry into Democratic Accountability, Scrutiny and a new EU architecture for the 21st Century* will be published during the summer of 2014.

Dr. Beck published several research-based international press articles and commentaries on judicial reasoning, EU law & politics and the euro crisis. These were:

'Mario Draghi beugt Recht, wie es ihm passt', *Focus* (5 June 2014).

'Draghis Wille geschehe', *Süddeutsche Zeitung* (2 June 2014).

'Warnung vor Draghis neuer Geldschwemme', *Handelsblatt* (22 May 2014)

'Richter entziehen sich ihrer Euro-Verantwortung', *Handelsblatt* (10 February 2014)

In June and July 2014 Dr Beck gave a series of interviews hosted in connection with the film project *Wer rettet wen? – Wie wir die Risiken des Finanzmarktes tragen* produced by Kernfilm GmbH, in which Dr. Beck assesses the legality

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of the euro rescue, of the legal framework for the EU banking union and the ECB's monetary policy during the financial and euro crises. The documentary film will be launched in the spring of 2015.

On 7 April 2014 Dr. Beck gave a TV interview to the Franco-German TV channel ARTE's EU affairs programme *Vox Populi* on the subject of the European Central Bank, the EU Court of Justice and the De-democratisation of Europe. The programme was broadcast on 25 May 2014.

On 9, 10 and 11 April Dr. Beck gave three lectures entitled *Die Rechtsstaatlichkeit in der Europäischen Union – Fortsetzung der Politik mit anderen Mitteln* for the Verein für transparente Politik and the Alternative für Deutschland in Kassel, Alsfeld and Frankfurt/Main, Hessen, Germany.

Ernest Caldwell

In early 2014,
 -elected Vice-President of the International Society for Chinese Law & History
 -nominated to the Executive Council of the British Association for Chinese Studies
 -nominated to the post of Vice-President of the European Society for Comparative Legal History
 -invited to present papers and participate in workshops at Chinese University of Hong Kong; Oxford (2x); UCL; LSE; Heidelberg; Yale University; University of Chicago
 -invited to join the *Cambridge Comparative History of Law* project, and will contribute to four chapters in the initial two volumes of the project.

Professor Philippe Cullet

Consultation on Structure and Curriculum of Masters in Water Policy and Governance, Tata Institute of Social Sciences (TISS), Mumbai, 28 Feb-1 March 2014, SOAS-TISS Knowledge Economy Partnerships

Mr Nick Foster

Besides instituting the SOAS Law of Islamic Finance Working Papers Series, Nick Foster (together with Maria Federica Moscati) organised the Journal of Comparative Law

Workshop, 'Interdisciplinary Study and Comparative Law', University of Notre Dame in London.

Dr M F Makeen

- Academy of European Law, Conference on European Copyright Law 2014: *Applying EU Copyright Concepts to the Media*, Trier, Germany, 15-16 May 2014, title of presentation: "CJEU: The EU Communication to the Public Right and New Technologies".
- Academy of European Law, Conference on European Copyright Law 2014: *Applying EU Copyright Concepts to the Media*, Trier, Germany, 15-16 May 2014, title of presentation: "Could Linking and Framing Revive our Interest to Harmonise Moral Rights at EU Level?"

David McIlroy

- Participated in a Round Table discussion on Grudem and Asmer, *The Poverty of Nations*, European Leadership Forum, Wisła, Poland, May 2014
- Delivered the following research paper: 'The Rights and Wrongs of Human Rights', Theos Conference: God and Government, London, 15 March 2014.
- Chaired a 'Financial Misselling Conference', MBL Seminars, The Savoy Hotel, London, 30 January 2014 and delivered a paper on 'The Implications of the Latest Cases'
- Panellist, Radio 4 programme, 'Beyond Belief: Christianity and the Law', broadcast 27 January 2014.

Maria-Federica Moscati

co-organised two workshops:

- at SOAS (with Nick Foster and Professor emer. Michael Palmer): Comparative Legal Studies and Interdisciplinary Studies.
- London (with Robert Rains): Workshop on the Hague Convention on International Child Abduction, London 21-22 July 2014.

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Emilia Onyema

spoke on the panel "The use on integrated sub-regional rules: the OHADA example" at the Africa Arbitration Roundtable organised by the International Centre for Arbitration & Mediation, Abuja, Nigeria, from 26-27 May 2014.

Dr Yoriko Otomo

On 20 January Dr Otomo was interviewed for a documentary film, 'Going to the Dogs', on the role of the state in regulating human-animal relations. The film was directed by the award-winning Penny Woolcock, and was broadcast on Channel 4 on 12 June 2014.

Dr Otomo also delivered the following **research** papers:

7 May 2014 at Leicester University for a staff seminar, entitled 'Writing International Law History'

13 June 2014 at Keele University for the workshop 'Theorising and Historising International Environmental Law', entitled 'Theorising International Environmental Law'

20 June 2014 at SOAS, for the symposium 'Timely Measures', entitled 'Life, Labour and Law: A Reflection on the Regulation of Breastfeeding'

Dr Carol Tan

Dr Tan was invited to participate in a meeting of European directors of Asian studies centres organized by "GIS Asie" (Network of French **research** institutions on Asia) in Paris, January 2014.

In April 2014 she was a Visiting Fellow at the Centre for Comparative and Public Law, University of Hong Kong.

During this period Dr Tan was also a guest commentator at a class on Law and Cinema, Shantou University Law School.

Dr Tan's **research** on Indonesian migrant workers who sue their employers has featured on Hong Kong Helpers Campaign, an internet campaign and web resource for domestic workers, the press and campaigners (May 2013).

Dr Anicée Van Engeland

gave the following talks:

"Meeting the Challenge of Developing a Gender-Inclusive Methodology in Islamic law", Harvard Law School, Institute for Global Law and Policy, 02-03 June 2014

"Discussion of Michael Schmitt's approach to HIL", Targeted Killing: Clearing the 'Fog of Law'", Tuesday 29 April, 2014, University of Exeter, Network for Religion in Public Life/Exeter Research Programme on International Law and Military Operations

'An Argument in Favour of Transnational Refugee Law: An Analysis of the Case of Afghan Refugees', International Law Association British Branch Spring Conference 2014, *Foundations and Futures of International Law*, 23-24 May 2014, The Dickson Poon School of Law, King's College London.

"Meeting the Challenge of Developing a Gender-Inclusive Methodology in Islamic law", International Conference on Dialogue for Peace, International Studies Journal and United Nations Information Center, Tehran, 16 May 2014

"Challenges for Islamic law in the 21st century: Shii Islamic Law at a crossroads", British Association of Islamic Studies, Edinburgh, 10-11 April 2014

"The tensions between Shari'a and international law through the lens of CEDAW", Shari'a responsibility: conditions and conflicts, Al Mahdi Institute, Birmingham, 03-05 April 2014.

"Monopolizing God: the politics of religion and citizens rights today", Weidenfeld scholarship and leadership programme, Oxford University, Corpus Christi, 11 March 2014

"Women's rights in Iran after the Green Movement", SOAS, 08 March 2014

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In addition, Dr Van Engeland

- trained the Armed Forces Chaplains at Amport House on 10 June 2014 on the distinction between civilians and combatants;
- advised pro bono the “Non-Triggerman” project on death penalty commissioned by Reprieve and Professor Sandra Babcock. The outcome of this project will be the publication of a handbook with ACLU and the Bar Human Rights Committee.
- was interviewed on the increase of divorce in Iran by the Middle East Eye on 22 April 2014³;
- was interviewed on Afghan women’s expectations with regard to the presidential elections⁴;
- was interviewed by NBC Universal on the aftermath of the Happy video in Iran⁵
- was interviewed by ARISE TV Live on the Iranian perspective on the Iraqi situation (16 June 2014).

Dr Anicée Van Engeland was also interviewed by the FT, the Independent, the Global Legal Post and the BBC on the introduction of Islamic criminal law in Brunei .

Professor Lynn Welchman

Professor Welchman was a key note speaker at the 3-day meeting of the Reproductive Health Working Group – Middle East and Turkey, which took place in Musqat, Oman in January

³ <http://www.middleeasteye.net/news/divorce-rates-rise-iran-population-growth-falls>

⁴ Opinion Internationale: http://www.opinion-internationale.com/2014/04/04/les-femmes-afghanes-entre-espoir-et-lucidite-a-lheure-de-lelection-preidentielle_24220.html

⁵ <http://www.nbcnews.com/news/world/happy-video-response-highlights-power-struggles-iran-n112111>.

2014. She spoke on the title “Stories the Law tells about the Family: recent trends in Muslim family law reform in Arab States” (with a focus on reproductive health issues).

She also was a contributor at a 2-day workshop at York University’s Centre for Applied Human Rights in June, on “Security Management Practices and Civil Society Networks for Protection of Human Rights Defenders”.

Dr Sanzhu Zhu

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- was invited as one of four distinguished speakers to the 2014 Warwick China Summit, “A Chinese Dream”, Warwick University, 9 February 2014. He delivered a speech entitled “A Legal Dream: might China become a just society”;
- served as member of the Advisory Board of city law firm Linklaters' Law & Business School, where a delivered a presentation: “The State of Development of PRC Law and its Potential as a Legal System to Govern International Cross-border Transactions”.
- served as a member of the editorial board of the Chinese Journal of Comparative Law, Oxford University Press, to which he contributed a manuscript review: “Rethinking China’s Legal Reform of Corporate Governance: A Perspective of Path Dependence”.
- Member of steering and advisory committee, 3rd East Asian Law & Society Conference, 22-23 March, 2013, Shanghai
- Member of the Advisory Board of law firm Linklaters' Law & Business School, 2013.

In addition Dr Zhu has acted as a manuscript reviewer for OUP.

Mr Visha Vora

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In January 2014 Mr Vora was selected to join the Ministry of Justice's Working Party on Muslim Marriages.

Research Centre Activities

CIMEL

4 February 2014: CIMEL in collaboration with the Institute of Arab and Islamic Studies of the University of Exeter, hosted one of the leading experts in Islamic Law, Professor Wael Hallaq, from Columbia University, in a public lecture at SOAS titled "Regarding Liberty, Freedom, Representation and the Rule of Law: How Would the Sharia Fare?"

Several members of the CIMEL applied successfully for the SOAS Cross-Disciplinary Funding to convene workshops at SOAS on the theme of "Theorising the Reconciliation between the State and the Shari'a in a Western Context, With Special Reference To The United Kingdom"

20-21 May 2014 CIMEL Workshop 1 "Theorising the Reconciliation between the State and the Shari'a in a Western Context, With Special Reference To The United Kingdom"

12 June 2014 CIMEL Workshop 2 "Theorising the Reconciliation between the State and the Shari'a in a Western Context, With Special Reference To The United Kingdom"

Law, Environment and Development Centre (LEDC)

24-25 January 2014, **Workshop on Groundwater and Climate change: Comparative and International Law and Policy Dimensions – Lessons for India.**

Speakers, presentations and schedule available at <http://www.soas.ac.uk/ledc/events/groundwaterworkshop2014>

19 May 2014, **Workshop on Mining, Law and Equity: Challenges and Opportunities**, sponsored by the School of Law. Speakers, presentations and schedule available at <http://www.soas.ac.uk/ledc/events/mining-law-and-equity-workshop-2014/>

2013-2014 **Seventh Public Evening Seminar Series** (January-May events):

20 May 2014: Dr Edgar Whitley (LSE), Helen Wallace (GeneWatch), Dr Usha Ramanathan (Independent Law Researcher, Delhi), Surveillance, Databasing and Threats to Privacy

5 March 2014: Mr Vijay Ganapathy (Leigh Day), Litigating for Asbestos Justice - "Dust: the Great Asbestos Trial"

19 February 2014: Prof. Philippe Cullet and Mr Sujith Koonan (SOAS), Litigating for the Right to Water - Protest Against Coca Cola in Plachimada, Kerala

29 January 2014: Ms Prathibha Sivasubramanian (Lawyer, Delhi), Litigating For Access To Medicines in India

28 January 2014: Prof. Srikrishna Deva Rao (National Law University Delhi), Litigating for Justice - 'All Rise for Your Honour'

22 January 2014: MJ Mace (SOAS), Litigating For Climate Change - Climate Change and Recent Developments in Emissions Trading

Gunnar Beck, London - 12 August 2014