

Introductory Note

The Leeds Journal of Law & Criminology presents its first volume showcasing articles written and peer-reviewed by students at the University of Leeds, School of Law. Our journal provides students and early career academics the opportunity to participate in academic discourse. We aim for students to reconsider their academic writing beyond the scope of a module assignment and deadline, but as having worth in contributing to collective knowledge and ideas for improving law and society.

Foremost, this journal is dedicated to the students, staff and alumni of the School of Law. Opening participation to all provides an opportunity for the cross-fertilisation of ideas between undergraduates and postgraduates and between the law and criminology disciplines. This inaugural edition includes a wide breadth of subjects, testament to the diversity of students, courses and academic interests in the School of Law.

Common themes emerge through a close reading of the articles. In the first article, Pearl praises Article 12 of the UN Convention on the Rights of Persons with Disabilities (CRPD) for providing disabled people a fundamental right to legal capacity and equality with others. Since Article 12 remains far from full implementation, Pearl calls for State Parties to interpret the law progressively and strengthen the movement towards adopting supported decision-making models. By contrast Yap's paper concerns people who categorically lack legal capacity – infants. His medical law article analyses how substituted decision-making for infants often constitutes a difficult moral and legal choice to side with the views of doctors, over parents. Rather than privileging either side, Yap

concludes that conflicting interests should be judged fairly by a reformed best interest test, whether decisions are made in or out of court.

The international law perspective of Pearl is furthered in the articles by Rylatt and Garner. Rylatt investigates the case law leading to the precarious legitimacy of the International Court of Justice (ICJ), situated between states' sovereignty and Security Council negotiations and resolutions. Advocating for increased ICJ legitimacy, Rylatt suggests effective negative – perhaps pecuniary – consequences should flow from states' failure to comply with ICJ judgements and provisional measures. Only by improving enforcement will the Court regain legitimacy in international law. Garner's article shows how the advantage of *Sharia* law's legitimacy has caused Islamic finance to flourish, most notably in the principles of *Sharia* Arbitrage and *Sharia* compliance. He illustrates how in practice Islamic financial laws operate in a manner similar to their Western counterparts. Garner's comparator of English contract law becomes the focus of Dorfman's article. From a socio-legal and jurisprudential perspective, Dorfman critiques the traditional contract law failure to recognise explicit principles of fairness and objectivity. These final three articles illustrate how the dominant beliefs upholding the legitimacy of legal structures often fail to adequately describe the function of these structures in practice, whether concerning the ICJ, Islamic finance or English contract law.

On behalf of the Executive Committee and Editorial Board, I would like to thank the School of Law staff for their consistent support in establishing this journal. We would like to give special thanks to Adam Baker for joining our team as Academic Staff Advisor, supporting the recruitment of the next Executive Committee and opening the 2013-14 call for submissions.

We hope you enjoy the first volume of the Leeds Journal of Law & Criminology and that you are inspired to write for the forthcoming second issue.

Rosalee S Dorfman
Editor-in-Chief